

DEMOCRACY IN ACTION

JOURNAL OF THE INSTITUTE FOR DEMOCRACY IN SOUTH AFRICA

Bravo, Borraine!

Outgoing executive director Alex Borraine looks back on his years at the helm of Idasa, years which took the organisation from Dakar to democracy in South Africa 10



Mayhem in mining

Crisis in the mining industry has set off an avalanche of cutbacks and job losses, swelling already desperate levels of unemployment in southern African. One of the dilemmas is the fate of the migrant labour system, pillar of the industry, scourge of human lives 5

Media muscle

A web of laws still veils the secrets of the apartheid government and offers its successor the same space to hide. But South Africa's new Bill of Rights gives journalists the means to push back the limits on freedom of expression 12



Unpopular justice

Are people's courts the sites of excess portrayed in the media? Or do they play a vital role in knitting together the social fabric of torn communities? NANCY SCHEPER-HUGHES and WILFRIED SCHARF delve behind the stereotypes 16



SURE WE UNDERSTAND THE MOUNTAIN'S SERENE EFFECT ON DECISION MAKING – WE'RE PLANNING TO RELOCATE IT UPCOUNTRY AS WELL.

**DEMOCRACY
IN ACTION**

EDITORIAL STAFF

Shireen Badat, Gail Jennings, Janet Levy, Moira Levy, Ronel Scheffer, Sue Valentine, Shauna Westcott.

Letters and contributions to be addressed to **Democracy in Action**, Albion Spring, 183 Main Road, Rondebosch 7700



IDASA OFFICES

NATIONAL OFFICE: Albion Spring, 183 Main Road, Rondebosch 7700 (Tel 021-6898389; Fax 021-6893261)

WESTERN CAPE: 2 Anson Road, Observatory, Cape Town 7925 (Tel 021-471280; Fax 021-473469)

JOHANNESBURG: 39 Honey Street, Berea, Johannesburg 2198 (Tel 011-4843694/7; Fax 011-4842610)

PRETORIA: 299 Duncan Street, Hatfield, Pretoria 0083 (Tel 012-3421476/7/8/9; Fax 012-433387)

DURBAN: 1219 Sangro House, 417 Smith Street, Durban 4001 (Tel 031-3048893; Fax 031-3048891)

PORT ELIZABETH: Fourth Floor, Standard House, 344 Main Street, Port Elizabeth 6001 (Tel 041-553301/3; Fax 522587)

BLOEMFONTEIN: Third Floor, Stabilitas Bld, 39 Maitland Street, Bloemfontein 9301; (Tel 051-484821/2; Fax 051-481580)

Opinions expressed in *Democracy in Action* are not necessarily those of Idasa.

ISSN 1017-0243



New chapter for Idasa and 'child of Idasa'

ON 1 AUGUST 1994, Wilmot James will take over as executive director of Idasa. He is assured of a warm welcome and will undoubtedly bring fresh and compelling projects and ideas to the ongoing work of the institute. This is not the time, nor the place, to deal in any detail with Idasa's early beginnings, its history and contribution to the resolution of conflict and the dawn of a new democracy. However, as Idasa begins a new chapter under new leadership, a few comments might not be out of place.

In 1986, when Idasa was but an idea in the minds of Van Zyl Slabbert and myself, our major focus was on negotiation politics in contrast to the politics of exclusion and repression, on the one hand, and the politics of resistance, on the other. In many ways it is acknowledged that the trip to Dakar in Senegal we organised that year to meet key representatives from the ANC was a precursor to the changes of February 1990. Announced in the watershed speech delivered to Parliament by then President FW de Klerk, these changes had been demanded not only by the liberation movements themselves, not only by internal resistance movements, but also by almost the entire international community.

In those early days, we based our approach on four major premises. Firstly, we were committed to regular and rigorous analysis so as to constantly have a realistic understanding of the socio-economic and political scenarios in South Africa. Secondly, we were committed to devising strategies in direct relation to our analysis. Thirdly, we sought never to elevate strategy to principle and therefore were able constantly to adapt and be flexible in our planning and in our projects. Fourthly, we sought not only to be democratic in our goals but also in the process of realising these goals. This meant a commitment and a readiness to consult widely with individuals, movements and communities, and also to seek consensus in the organisation itself.

Today Idasa has been largely accepted as a key force in civil society. It was not always so. We struggled with considerable suspicion within the black community as well as direct and often vicious opposition from the state. We would never have survived and grown without the moral and financial support of a few organisations in South Africa but

in particular from the international community, with Norway, Denmark and Sweden very much in the forefront.

It is a tribute to the staff of Idasa that the organisation has consistently reassessed its role against a rapidly changing environment. This has helped Idasa to move way beyond an emphasis merely on opposition to an innovative pursuit of a positive democratic culture.

For my own part, I have found the years that I have been with Idasa often frustrating but always challenging, rewarding and creative. In many ways I was able to pursue what I believed in deeply, so that the work became the vocation. I want to place on record my deep appreciation to Idasa's trustees and staff, both past and present, who have made the fledgeling, struggling institution into what it is today.

I have no doubt that Idasa, under its new leadership and in co-operation with skilled and dedicated staff, will continue to "make a difference" in the emerging democracy in South Africa.

I am leaving Idasa to start a new project entitled Justice in Transition in South Africa. This small organisation will focus on how South Africa can come to terms with its past. In particular the emphasis will be on reconciliation through facing up to and dealing with the violations of human rights during the apartheid era. In the second place, an attempt will be made to address the gap between myth and reality in the perception of the history of the traumatic years which South Africa has endured. I have no doubt that these twin tasks are essential if democracy is to grow and to develop and if peace is to endure.

The new project is very much a "child of Idasa" and it was in pursuit of my responsibilities that it became clear to me that this was a fresh challenge which needed to be faced. I am glad therefore that the relationship between Idasa and the Justice in Transition project will be very close and we may well find ourselves co-operating in the future.

Alex Boraine
Executive Director



Idasa's goals are:

- ▶ To promote the development of a democratic culture in South Africa
- ▶ To address fear, prejudice, anger and other obstacles in the transition to a non-racial democracy in South Africa
- ▶ To engage influential groups and individuals who may be outsiders to the transition process
- ▶ To provide, wherever possible, information on critical issues and to explore ways of addressing these
- ▶ To facilitate discussion of constitutional and developmental issues relevant to southern Africa
- ▶ To assist and encourage others to contribute to the attainment of these goals



ja-nee

Bad form

The more things change, the more they stay the same! Aspiring civil servants recently were appalled to discover a question on job application forms soliciting their ethnic origin.

- Perhaps they put "human race" on the dotted line.

Depressing press

As in the civil service, so in the library at Newspaper House in Cape Town. A visitor looking for photographs of schoolchildren was asked which race of child she wanted. Her protests elicited sympathy from a harassed librarian and files titled "Babies: Non-European" and "Native Education: Children".

- Any old CCB shredding machines going cheap?

Signal error

The press is having further difficulty keeping pace with events. In the same weekend newspaper that ran an interview with director-general

designate of the Department of Housing Billy Cobbett, an advertisement invited applications for the post.

- Accommodating all possibilities?

Mincing words

A magistrate who sentenced a Port Elizabeth father to five years in jail for repeated sexual assaults of his daughters described the sentence as "harsh". Harshness was required, said the magistrate, so that men learned that this type of behaviour would not be tolerated.

- Does the Bench need to get real or do rising statistics show that men are slow learners?

Foul!

Even after the dawn of the new South Africa, a disenchanted armchair sportsman has noted, there are more black players in the British rugby team than in the South African side.

- Definitely not cricket.

Sitting ducks?

The Constitution may commit the new government to non-sexism but it has yet to impact on official notices in the formerly all-but-all-male Houses of Parliament. One such announcement informs visitors to the parliamentary public gallery that the first two rows of seats are reserved for the wives of Cabinet Ministers and Members of Parliament.

- A case of husbands and lovers not knowing where they stand?

Bitter bill

If the privatisation of Telkom has had a disastrous impact on telephone bills, voter education was even worse. A small Transvaal community organisation which hosted a voter education team between February and April has requested financial assistance on the grounds that their telephone bill "soured" during this period.

Where's the action in *Democracy in Action*?

THAT'S UP to you. Be a contributor. Send us a letter, an article, an interview, suggestions about articles you'd like to read or writers you'd like to see in print.

We would also like to know what you think about articles we run and the new look of *Democracy in Action*. Thank you to those of you who have already heaped praise upon us.

DIA now reaches more than 13 000 readers nationally and internationally. Most receive their copies through the post. We try hard to keep the mailing list up to date to ensure that *DIA* reaches readers without hassle. But we are not perfect (yet). So if you experience any problems with delivery of *DIA* please let us know and PLEASE inform us if your address has changed or is changing.

Finally, we make our usual appeal to those readers who can afford to do so to make a donation to help us pay for *DIA*. Printing and postage costs escalate at a dizzying rate and every donation helps us in our mission of making *Democracy in Action* available to the many people who cannot afford to pay for it.

We look forward to hearing from you. ■



Under pressure to reform the migrant labour system which underpinned apartheid, South Africa's new government must come up with policy that balances many conflicting, sometimes heartbreaking, demands. MOIRA LEVY reports.

Shafted!

Mining rocked by economic tremors

THE migrant labour system predates apartheid – it is over 100 years old, as old as the gold mining industry itself – and it is now threatening to outlive apartheid.

A tenacious, highly sophisticated and cost-effective method of procuring and reproducing labour, the reach of this system has spread beyond its origins in the mining sector and has become deeply entrenched in the South African economy. Characterised by the location of workers, usually men, in closed institutions away from their homes and families for the duration of their labour contract, it is a system that has come to virtually symbolise apartheid. How the new government of national unity deals with this central tenet of the apartheid legacy will have far-reaching consequences not only for the process of transformation in South Africa; it will also determine the fate of development and stability in the southern African region as a whole.

The dilemma faced by the new government is the following: how does one transform a system that is inherently unjust and exploitative into one that combines the industry's development capacity and potential for job and wealth creation with a real commitment to workers' rights, dignity and humanity? Left unresolved the issue will present a real threat to local and regional stability and change.

It was this concern that brought South African and international economists and labour experts to a conference held in Cape Town at the end of June. The conference was sponsored by the International Development Research Centre in Canada. Organiser Wilmot James of the University of Cape Town emphasised that the time was ripe to confront the complex legacy of the mine migrant



labour system and that the political environment had never before been so conducive to raising policy issues aimed at constructing an alternative.

He and colleague Jonathan Crush of Queen's University, Ontario, called for a new policy that recognised as its fundamental aim the regularisation and normalisation of all mine migrancy: "South African miners should enjoy the same rights and freedoms as other workers. Foreign miners should have the same rights and opportunities as all other immigrants to the country.

"The policies of the apartheid state provided central support for the mines' labour-repressive policies. Post-apartheid policy should maximise opportunities and fairness to employees, including migrant employees, without undermining the wealth and employment-creating capacity of this sector."

The conference, entitled Transforming Mine Migrancy in the 1990s, comes after years of crisis in the industry. Speaker after speaker painted a gloomy picture of massive and escalating retrenchments, faltering mines, an overall decline in the gold price and the quality of ore mined, and totally depleted sender communities throughout the region whose thorough dependence on the South African mining industry raises a dreadful spectre of intra-regional economic collapse.

The South African mining industry has been shedding labour since the mid-1970s. This process gained momentum after 1987, particularly after the huge August 1987 miners' strike. In the last six years, the gold mining industry has lost nearly 180 000 jobs due to retrenchments and downscaling. And it has been predicted that another 150 000 jobs could go by the mid-1990s.

It has been estimated that for every migrant worker employed there are seven to 10 people dependent on his income. The consequences of retrenchments and firings are therefore dramatic, particularly in the neighbouring states.

South African migrants from the former homelands, particularly Transkei and Ciskei, have borne the brunt of layoffs and retrenchments. Statistics indicate that foreign miners from the neighbouring states continue to be preferred by the Chamber of Mines as more skilled and experienced workers. It has also been said that foreign miners' relative strength *vis-a-vis* their South African counterparts has much to do with a concern on the part of mine management to generate a multi-

'Holistic' new policy



James



Crush

THE urgent need to push for a new post-apartheid policy on migrant labour underlines a series of general principles listed by Wilmot James and Jonathan Crush at the conference on Transforming Mine Migrancy in the 1990s.

An extract from their paper includes the following principles:

- ▶ The basic policy challenge is to devise flexible policy measures to accommodate the range of migrants' accommodation preferences. Migrancy and hostel residence should not be forced upon workers as a precondition of employment, as in the past. On the other hand, a worker's desire to remain a migrant should not be grounds for exclusion from mine employment.

- ▶ Mine management has rarely been held accountable for its decisions around the employment of migrant labour; mechanisms of accountability and fostering a freer flow of information should be encouraged.

- ▶ Policy should be holistic and not urban-based. The destructive rural impact of mine migrancy must be recognised. Efforts to improve the working and living environment of miners should also impact positively on the lives of their dependants.

- ▶ New policies have to recognise: 1) The long-standing historical association of black workers from Lesotho, Mozambique, Swaziland, Botswana and Malawi with, and their major contribution to, the wealth-generating capacities of South Africa's mines; 2) the widespread dependence of individual workers, their families and kin networks as well as broader communities on mine wages earned on the Witwatersrand; 3) the disruptive individual, economic and political consequences any radical change in the present national profile of the mines' labour force would have in the areas affected. ■

cultural, and therefore intrinsically divided, work-force.

This impacts on the policy debate in that it raises the question: will the new government continue to allow the mining industry virtual autonomy to decide where its labour will come from? Given the massive unemployment within the borders of South Africa and pressure on mining houses to increase the employment of South Africans first, the government will have to decide whether a clampdown on foreign migrancy – and the massive upsurge of clandestine and uncontrolled migrancy that will result – will be worth jeopardising inter-regional relations with neighbouring governments whose economies will be devastated by such a move.

However, the new democratic government will surely find itself uncomfortable endorsing the maintenance of a system based on what Crush referred to as "long-distance old-fashioned contract migrants, treated as single men, forced to live in the compounds, unable to own property, susceptible to all the hardships of the old system".

The changing economic and, in particular, employment conditions in the mining industry have generated the phenomenon of career migrancy and what has been dubbed "inflexible migrancy". On the increase since the late 1970s, it has been characterised by miners who, although for legal purposes still migrants, make mining a career in the absence of any other employment opportunities, working continuously on the mines and returning regularly and repeatedly to the same mine – even the same job or work team – after regular annual leave periods.

This has meant that many migrants in the 1990s represent a kind of pseudo-stabilised labour force, possessing skills and experience yet lacking even the fundamental rights of mobility and freedom of choice of a fully proletarianised labour force.

Said Crush: "The freedoms, limited as they were, of the classic migrant labour system have now gone. Once a worker did have some control over where he worked, for how long and how often. Now he has none. In a sense, migrant labour has become normalised.

"Migrants, like all other industrial employees, now work continuously with fixed annual leave at the same company and job, or they are replaced by someone who will. The question is: what are the costs and implications of normalising only one part of an historically abnormal labour system?" ■

Heading south: Basotho's only option



Today, almost half of Lesotho's GNP derives from the employment of its citizens on the South African mines as against eight percent derived from the agricultural sector, which employs over 70 percent of those in the domestic work-force.

THOSE arguing that the migrant labour system can have no place in an apartheid-free South Africa will inevitably come up against one of the ironies that the system itself has engendered: if it stays, the democratic new government will effectively be endorsing one of the most iniquitous labour systems the industrial world has evolved to date; if it goes, the Mandela government will be responsible for unprecedented regional hardship, even devastation.

Nowhere is this dilemma more clearly illustrated than in the case of Lesotho. A desperately poor, landlocked state with meagre agricultural resources and little manufacturing industry, it displays an extreme dependency on the South African economy; Lesotho has been described as a tenth South African province.

Some have argued that for this reason it should be treated as a special case when policy is drawn up. Lesotho experts David Coplan of the University of Cape Town and Thoahlane Thoahlane of the University of Stellenbosch counter that "the very extremity of the situation of Lesotho's former, current and aspiring migrants delineates most clearly the dilemmas facing attempts to transform both the migrant labour system and regional economic and political relations. The achievement of economically viable and socially ameliorative solutions to the problems of Lesotho migrants would certainly augur well, if not serve as a model, for other bilateral agreements on regional labour issues."

Lesotho's history as a labour supplier for South Africa dates back to the early 19th century. Prior to independence in 1966, the colonial government paid little heed to the development of a local economy. With only 13 percent of the land potentially arable, unreliable rainfall, few natural resources and mountainous terrain that made the development of a communication infrastructure prohibitively expensive, the Basotho's only option was to seek work in the south.

Estimates of the early years of the mining industry suggest that at times half of Lesotho's adult male labour force worked in South Africa; in the first decade after independence migrants outnumbered wage employees within the kingdom by at least five to one. Today, almost half of Lesotho's Gross National Product derives from the employment of its citizens on the South African mines – as against eight percent derived from the agricultural sector, which employs over 70 percent of those in the domestic work-force. It has been argued that almost all investment for rural development comes from wages earned in South Africa.

The consequences of a drop in earnings from South Africa are therefore catastrophic. According to Coplan and Thoahlane: "Lesotho has an economy with few other 'multipliers', and mine retrench-

ments have an adverse effect that spreads from the migrant and his family through the economic well-springs of community and commercial life."

They told the conference on Transforming Mine Migrancy in the 1990s that between six and seven dependents lose their breadwinner and livelihood each time a migrant loses his job; to get an idea of the proportion of the population employed in South Africa consider the fact that for every mineworker, there are about 15 Basotho remaining in Lesotho.

It is in this context that the ongoing decline in numbers of Basotho employed on the mines must be understood. Since 1987, 14 000 Basotho have been retrenched from South African mines. In 1976, 48 percent of Basotho men in the economically vital 20-to-54-year age group were employed as mineworkers. A decade later, this figure had dropped to 38 percent and last year it was 25 percent. It has been estimated that in the year 2001, the figure may be as low as 17 percent.

Coplan and Thoahlane describe the grim consequences of this: "Lesotho's economy has an extremely limited current capacity to absorb returning mineworkers or the many aspiring migrants likely to be denied entry into the industry. Unemployment itself surged from 23 percent in 1986 to 40 percent in 1991."

They argue that the retrenched Basotho miners were targeted because of their historic relative militancy and their close association with the National Union of Mineworkers (NUM) – and that is only the start of their account of abuse of power and unjust labour practices by mine management. Their research uncovers what they describe as bribery and nepotism and a systematic attempt to escape paying the retrenchment packages and other benefits negotiated with the NUM.

"Those retrenched were given little or no warning, paid the amount outstanding since their last bi-weekly pay slip, and told to get taxis at their own expense to Lesotho where their service bonuses and provident fund payouts would be waiting for them at the offices of the recruitment agency. There they were told that they had been misinformed and that their money was back in South Africa at the mine. Those who returned to the mine were told to go back to Lesotho and wait. The ex-miners' money for transport and patience were by this means exhausted."

Coplan and Thoahlane conclude: "Large-scale retrenchment is part of a strategy to undermine the NUM, reduce militancy, avoid the consequences of collective bargaining, reduce labour costs and engage in the 'social dumping' of the costs of capital investment and restructuring into the removed environments of employment-hungry labour reserves."

Hostels o

New policy on migrant labour will have to allow for a range of accommodation options, including the much-reviled hostel system.

se'



Far left
**CONCRETE COM-
MUNE:** A migrant
dormitory with com-
munal stove in
Johannesburg in
1980.

Picture: BEN MACLENNAN

DREAM HOMES?
Pamphlets market-
ing home-ownership
schemes for miners.

THE image of grim, barrack-like, single-sex hostels has come to symbolise South Africa's migrant labour system – despite some innovations and progress in mining accommodation since the scrapping of influx control legislation and the emergence of the stable “career migrant” who

chooses to live close to the mine with his family.

The fact remains that the vast majority of black mineworkers, more than 90 percent, still live in single-sex hostels, visiting wives and family intermittently and relying on mine management for accommodation and related social services.

Policies to introduce married accommodation and home-ownership schemes on the mines have reached only a small elite group of workers; mostly these innovations remain unaffordable and suffer from lack of planning and consultation with the workers themselves or the union. The conference on Transforming Mine Migrancy

This page sponsored by INVESTEC BANK LIMITED

Hardship to change

In the 1990s heard of one such home-ownership scheme introduced by the Anglo American Corporation in 1986, which after five years had been participated in by fewer than three percent of the workforce.

Any new policy will have to take into account the fact that the migrant work-force in the industry is not a homogeneous group with uniform needs and interests.

For one thing, there has been an expansion of alternatives to hostels, with some migrants choosing to accept a live-out allowance and making their own arrangements in the townships (if there are any nearby) or squatter settlements.

Sweeping calls to scrap the hostel system are sure to run into opposition from some migrant groups. There are those who see the hostels as cheap accommodation and their only means to survive in the urban or peri-urban environment on their low wages.

Miners who have a secure rural base, for example in KwaZulu/Natal, may choose to preserve their rural home and maintain their migrant status; others from badly impoverished rural sender communities may jump at the opportunity to bring their families to settle at the workplace. Availability of medical care for dependents, schooling and other services will also impact on migrants' choices.

In addition, proximity of urban centres and townships condition the extent of responsibility held by mine management to provide accommodation, as does the longevity of the mine itself. A mine with only a few years production capacity requires very different accommodation from those with a long-term future.

Hostels have to be seen not simply as entrenched institutions of misery and social deprivation; they are also what labour consultant Kent McNamara referred to as places of "informal cultures of survival and identity".

He told the conference: "For decades, groups of migrants have been involved in life-and-death struggles in hostels, a struggle

waged at times against management and at times against other migrant groups. The hostel has become for many a resource to be fought over and controlled."

In this context inter-group hostel clashes, for years described by mine management as "faction fights" or ethnic conflicts, can be better understood as competitions over a limited resource – the hostel – and over power and security within it. McNamara uses the term "politics of the gate" to explain violence within the hostel as conflict over access to a scarce resource.

He cites as an example a violent clash between a Pondo and Basuto group on a newly established mine at Deelkraal on the West Rand. The latter, although the first group employed on the mine, found themselves becoming marginalised as recruiting stepped up and other groups, like the Pondo, came to predominate. When a Pondo *induna* placed himself at the entrance to the hostel and attempted to control entry of others, a clash ensued.

As McNamara explained, "the gate incident symbolised the changing political order in the hostel, with the Pondo *induna* moving to consolidate his group's dominant status and group 'ownership' of the mine".

The National Union of Mineworkers' (NUM) Kate Philip pointed out that the union had strongly opposed the use of ethnic categories and institutions like the *induna* system in the hostels because of their capacity to cause tension and divide the work-force.

She said the union's anti-ethnic, anti-racial policy had led to a decline in ethnic violence and a distinct decline in the incidence of "faction fights".

Philip said the NUM believed that, ironically, the historical legacy of control and exclusion associated with the mine hostels had effectively excluded the *agent provocateurs* and warlords who had brought violence and misery to hostels elsewhere on the Witwatersrand. ■

From miner to candle maker

THE National Union of Mineworkers (NUM) has levered its way out of the retrenchment crisis facing its members with an innovative micro-enterprise project that provides a real alternative to the newly unemployed – and largely unemployable – former miners.

Training and other support is provided for the thousands of retrenched miners in a range of small-scale industries, enabling them to redirect their skills in a way that also effectively generates local rural development.

Kate Philip of the NUM told the conference how it works: Notified of impending retrenchments, the union visits the affected workers with a 20-ton truck exhibiting all manner of small enterprises – from key cutting to gravestone engraving to candle making. The challenge lies in reaching the workers before they disperse – mines sometimes barely give the union notice of retrenchments, although deals are now being negotiated with management for time to at least draw up district contact group lists and possibly to supply basic training and advice on investing retrenchment packages in equipment.

So successful is this initiative that the NUM has launched a Development Centre in the Transkei which provides appropriate technology, marketing and credit services and other support. Another centre was due to be launched in Gazankulu in July, with more on the way around the country.

Said Philip: "The aim is to service these groups. We see this in terms of a rural development strategy." The scale of retrenchments in the industry required an "inclusive" strategy that could include members of the local communities. The union hopes to link up with the rural projects in the government's Reconstruction and Development Programme. ■



PROFILE

**BOSBERAAD:
With the
Dakar group.**

*Picture: RASHID
LOMBARD*



**RIGHT: In Chile
this month
discussing
truth and
reconciliation.**

WHEN Progressive Federal Party MP Alex Boraine and Leader of the Opposition Van Zyl Slabbert walked out of Parliament in February 1986, they were far from sure what the future held. What they were certain about was that they wanted to help bridge the gap between the polarised worlds of parliamentary and extra-parliamentary politics in South Africa.

Eight months later, after discussions with people across the political spectrum and across the country, they opened the first office of Idasa, then known as the Institute for a Democratic Alternative for South Africa. Situated in Port Elizabeth and staffed by three people, the fledgling institute grew over the years into a national organisation with six regional offices, 70 members of staff and headquarters now located – by strategy or by chance – across the road from President Nelson Mandela's official residence in Cape Town.

Functioning as executive director of Idasa throughout this period of growth, Boraine announced early this year that he would step down at the end of July. He looks back – and looks forward – in the interview which follows.

What is your most vivid memory of your work at Idasa?

It would have to be the Dakar initiative in 1987 (which brought together prominent South Africans and members of the then banned ANC) because of Idasa's newness and the sense of breaking new ground. The Dakar meeting challenged the status quo of the South

African political scenario and it also put Idasa on the map in terms of world coverage, largely because of the antagonistic reaction of the South African government.

But the Dakar meeting also had the effect of making people wake up to seeing another side of the then demonised ANC. I suppose Dakar set us on a path.

Thinking of vivid memories, I could also speak about encounters with the comrades in the townships of Port Elizabeth in the very early days of Idasa. We were really on trial then. I think there was a huge risk at the time that the fledgling Idasa would be crushed between the suspicions of the far left and the repressive measures taken by the state. The state did its damndest to try to close us down.

There was a suspicion from the far left that we had an agenda of our own and maybe even a sense that whites shouldn't be involved in precipitating some sort of breakthrough. Idasa had to struggle to prove its bona fides: we had to deliver and we had to consult.

Were there other, less glamorous, events that you think back on as being of particular value or importance?

I think one tends to overlook the very real, brave initiatives that were being taken inside the country at grassroots level: events which brought blacks and whites together, very often people who'd been glaring at each other across the abyss, but who then began to reach out to each other after these initial encounters. Those occasions were enormously gratifying because you saw people changing right in front

From Dakar to democracy

He is retiring from his post as executive director but Alex "Mr Idasa" Boraine remains both on the board and in the building. He took time out from setting up his "Justice in Transition" office to reflect with SUE VALENTINE.



of you – dropping their prejudices, changing attitudes, building a base from which they could move forward.

People underestimate the courage and initiative of the Idasa team in breaking new ground. Half the time we never knew if the thing would work. It was quiet, steady, bridge-building work which took place during the state of emergency when there were no bridges available. Idasa became a bridge and sometimes I suppose, like all bridges, we got walked on.

When you see the people who are now sitting in provincial government across the country, and when you look at the number of people who were at Dakar and who are now part of the new cabinet, it's interesting to see how many were part of the initial encounters and training sessions facilitated by Idasa.

Of course, nothing is possible without resources and funding?

Indeed, and we owe an incredible debt to the international community who stepped in and helped us from the start. It is perhaps a commentary on those South Africans who very rarely supported any initiatives of this kind. There are some major exceptions, but our primary sources of funding came from outside the country and without them we could never have made the contribution we did.

How did your "previous lives" – in the Methodist Church, at Anglo American and in Parliament – affect your approach to working at Idasa? Was Idasa in some ways a logical consequence or a culmination of your earlier experiences?

I think my experience in the church was a chance to see the real South Africa. I didn't just read about it, I went there and saw the devastating impact of apartheid on the lives of people. Then I moved into the marketplace of Anglo American and saw the laws which prevented reforms and change.

I visited mine hostels as a leader of the Methodist Church and then as a business executive and I was overwhelmed by the sickness in our society. That forced me into politics, actually: I thought that by confronting the key players face to face I could change something. It was very idealistic, I suppose, but who knows what seeds were sown while we were there?

But then I realised that Parliament was not the place to do it – it was too white, too restrained, too formalised. But we only thought about Idasa after we left Parliament. We didn't leave with the intention of starting it up. When we walked out, we didn't know what we were going to do.

So I suppose all these influences and frustrations and commitment coalesced into Idasa. It was shaped quite personally.

Where to from here?

I believe very firmly that the leadership of Idasa must change, but I could quite easily have stayed on. I'm very excited about a lot of what

Idasa is doing, and can do, and I'm not leaving it because I'm tired. Part of the reason for my move is to allow for a shift towards new thoughts, a new vision – and also to get out before I'm asked to!

But I also feel a strong commitment to dealing with the past – creatively and honestly. This could have been done through Idasa; it's close to Idasa's own understanding of itself, but I felt I needed the space to focus quite intensively on this.

I've just returned from South America where I looked closely at the experiences of Chile, Argentina and Uruguay, which are quite different, but had similar transition processes. And I'm more convinced than ever that it is facile to suggest that we can simply turn a page and move forward. Where this was attempted it has created enormous problems.

The real question is not whether we do or don't do anything, but what is possible within the political restraints and the demand for truth which enables us to search for reconciliation. I don't know where this will take me, but I'm not worried about that. Nor am I concerned about whether or not this makes a major contribution. It's more a sense that I'm very much in tune with what I've been doing all my life and that this next step is consistent with following my convictions and my beliefs.

Is this new project not likely to become another Idasa?

No, it won't become another Idasa because it's very small and very focused. It's an area that has its own natural end in sight. We don't want to dwell on the past; we want to deal with the past, to help create a future based not on deceit and lies, but on the truth, to help us seek for whatever justice is possible and to ensure that reconciliation is genuine and not spurious.

What do you still hope to develop in yourself?

There are so many things that I still want to do, but the world is too big and time is too short. I would like a little more time to myself – to listen to music, to turn inwards a little more, to have time to be with good friends without having to be rushing off somewhere else.

I'd also like to write more – fiction as well as non-fiction. In all of us there's that book but it probably won't happen. If I had the luxury of time I'd love to write a great detective novel. After having been in the church, business and Parliament – even Idasa – all the ingredients are there!

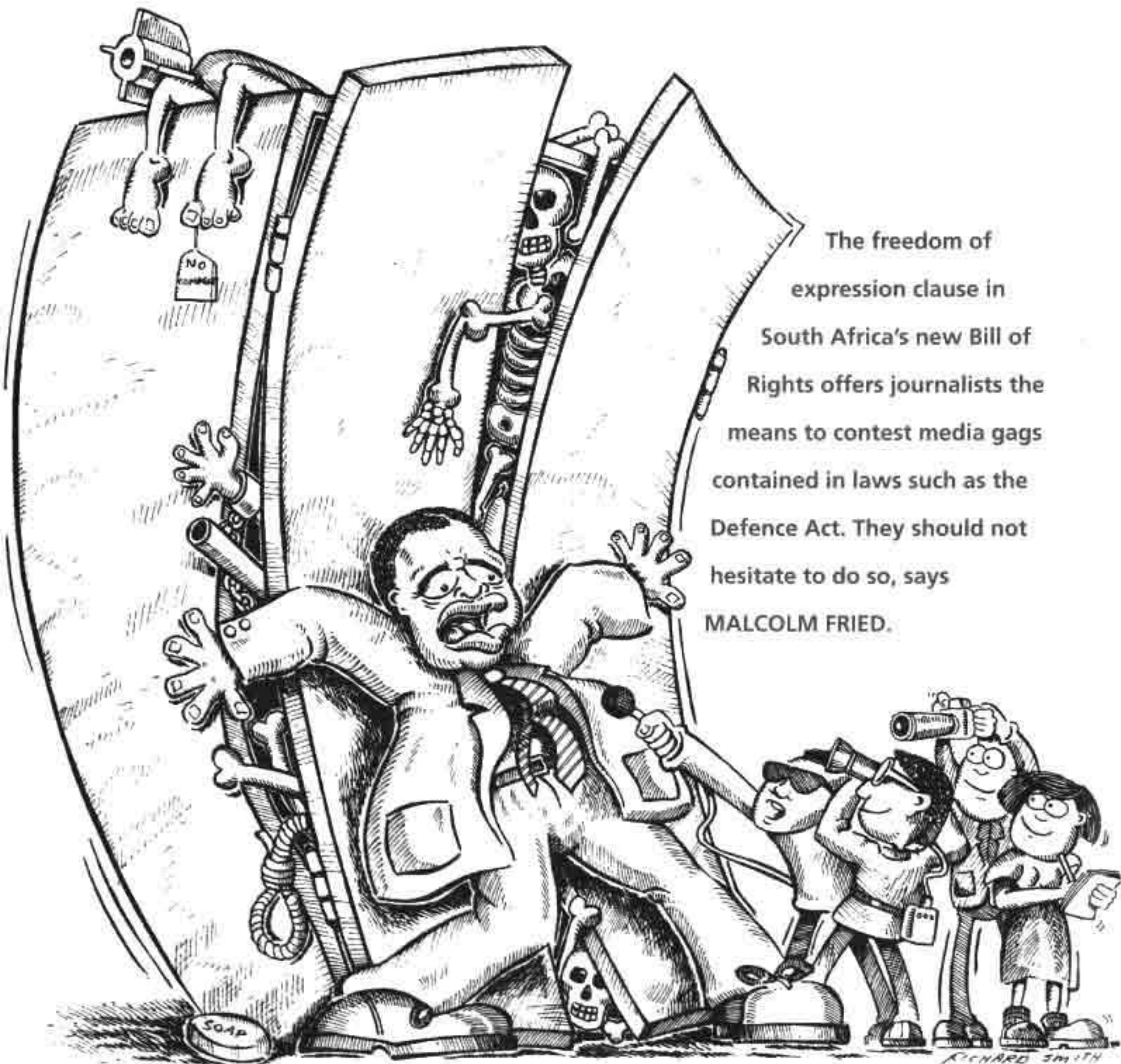
A last thought?

Idasa staff will be the first to say that they're not paid very well but, for myself, the enormous excitement, pleasure and involvement in South African life which I've experienced through Idasa makes me feel sometimes that I should pay Idasa for the privilege of being part of it. I mean it! Being at the cutting edge is exciting and I leave Idasa very much in its debt. ■

Flexing

Space for
secrecy shrinks

media muscle



The freedom of expression clause in South Africa's new Bill of Rights offers journalists the means to contest media gags contained in laws such as the Defence Act. They should not hesitate to do so, says MALCOLM FRIED.

RICHARD SMITH



DEMOCRACY WATCH

There is no assurance that the government will accept a Freedom of Information Act. For the same reason that governments are loath to yield secrets, they are wary of entrenching laws which force them to do so.

SOMEWHERE in the government archives, a clerk might be filing a sheaf of documents in a small, dark place to lie untouched, perhaps forever. In the Union Buildings, a secretary might be dead-filing notes in a numberless room which no one would ever think to search. In police headquarters, a functionary might be putting reams of records through a shredder. Bits and pieces, here and there: filed, hidden, destroyed. Few would be the wiser; not many more would care. What is not known cannot be dangerous.

Journalists understand that people have secrets. The more influential the people, the more significant are their secrets. The notion of a free press often comes down to this: to what extent are the media allowed to report those secrets?

Joe Modise, erstwhile battler against the regime of a thousand secrets and now Minister of Defence, discovered in June that finding a balance between a free press and the government's right to hide truly concentrated the mind. Extraordinarily, manipulated by General Georg Meiring, Modise moved to interdict the *Weekly Mail & Guardian* from publishing a story damaging to the military.

Modise promptly discovered the following: the media will not be quiet simply because they are so instructed.

Furthermore, they have a positive duty to inform the public what government and its organs are doing. Humiliated for the most part by the outrage of his ANC colleagues, Modise retreated. The *Weekly Mail & Guardian* published.

The Modise fiasco yielded a timely and salutary warning for journalists. Governments, even those democratically elected, and bureaucracies guard their information fiercely. Sometimes they do so on principle, sometimes because they have made laws that say they must do so, and sometimes because the publication of such information would bring them tumbling down.

It is trite to say South Africa needs a free press now as much as in the past. Of course it needs a free press, as does every country that aspires to keep its elected representatives honest, decent and accountable. It is too early to be certain that our press will be as free as it could be, or should be, but the signs are hopeful.

However, one ought not to rely on the promises of the new leaders that they will respect the rights of journalists. One must look at the new and practical legal tools that journalists could be using in their job of reporting the truth.

Their main tools could well be contained in Chapter 3 of the Interim Constitution, a list of our fundamental rights, or what is loosely known as our Bill of Rights. Clause 15 is the freedom of expression provision:

"(1) Every person shall have the right to freedom of speech and expression, which shall include freedom of the press and other media, and the freedom of artistic creativity and scientific research.

"(2) All media financed by or under the control of the state shall be regulated in a manner which ensures impartiality and the expression of a diversity of opinion."

If one accepts that the Constitution is the mechanism which accords individuals rights and also protects these rights from state abuse, every law may be tested against constitutional provisions.

The Supreme Court has the jurisdiction to adjudicate any alleged violation or threatened violation of any fundamental right entrenched in Chapter 3, but does not have the power to declare an Act of Parliament unconstitutional. Only the Constitutional Court may do that.

The media may thus use clause 15 to test laws that they believe contravene its provisions. Laws journalists have fallen foul of in the past and which might be tested include:

- the Defence Act, which, in section 118(1), forbids unauthorised publication or broadcasting of any information relating to the composition, movements or dispositions

of the military; of any statement, comment or rumour calculated directly or indirectly to convey such information; and of any statement, comment or rumour relating to the military and its members which is calculated to prejudice or embarrass the government in its foreign relations or to alarm or depress members of the public;

- the National Key Points Act, which, in section 10(2)(c), outlaws the unauthorised furnishing of any information about security measures at any designated national key point, or any incident that occurs at a key point; and

- the Protection of Information Act, which, in section 3, forbids the preparation, compiling, obtaining or receiving of any information relating to armaments, the defence of the Republic, any military matter or any security matter within South Africa.

In terms of this legislation, for example, a journalist may not now report, without official sanction, on a massive deployment of troops throughout Natal, a bloody riot in Modderbee Prison, or a government document relating to nuclear armaments. However, such reports would all clearly be in the public interest and the restrictions on such reporting are worthy of attention from the courts.

IF AND when the government again decides to impose states of emergency and related restrictions on the media, such decrees would also be open to constitutional challenges. Censorship will not be as simple to impose as before. In this area lies the potential for a decision or decisions of great import by the Constitutional Court.

However, freedom of expression cannot be untrammelled. In *Fundamental Rights in the New Constitution*, Azhar Cachalia *et al* note that rights of free expression will have to be weighed against many other claims, including the right to equality, dignity, privacy, political campaigning, fair trial, economic activity and property.

But many South Africans have, perhaps,

become accustomed to an obsequious approach to that which is deemed to be beyond the public gaze. They no longer have to be. The limits of free speech ought to be quickly and vigorously tested.

The notoriously abused section 205 of the Criminal Procedure Act, which empowers judges or magistrates to subpoena a person who witnessed a suspected crime to give evidence, might also be tested in terms of the Constitution. It is worth noting here that section 205 applies not only to journalists; any individual may be called as a witness.

However, section 205 was rendered less stringent by a two-judge decision of the Witwatersrand Supreme Court this year in

South Africans have become accustomed to an obsequious approach to that which is deemed to be beyond the public gaze. They no longer have to be. The limits of free speech ought to be quickly and vigorously tested.

the case of *Beeld* journalist Andries Cornelissen. He was initially subpoenaed under section 205 to give further information after reporting that ANC Youth League leader Peter Mokaba had chanted "Kill the boer, kill the farmer!" at a gathering. The Supreme Court review decision overruled the Magistrate's Court on the basis that the interests of the state should be balanced against those of a free press when section 205 is applied. Cornelissen was therefore not required to answer the subpoena.

As a result of this judgment, perhaps, police wanting information from the Johannesburg offices of a foreign television network recently resorted to using a simple search warrant, and, on this basis, successfully acquired the material they sought.

A Freedom of Information Act would be another tool for journalists trying to report on that which is hidden by the state. Such a law would grant journalists and others the right of access to material held by the state and would force the state to make such material available.

A group at the University of the Witwatersrand Law School, under the direction of Professor Etienne Mureinik, is drafting such

an Act and intends to submit the first draft to a conference of judges by the end of July.

The draft is based primarily on similar Acts in the United States, Canada, Australia and New Zealand, where they are established and have led to a solid body of jurisprudence. The Interim Constitution does contain an access of information clause in Chapter 3, clause 23:

"Every person shall have the right of access to all information held by the state or any of its organs at any level of government in so far as such information is required for the exercise or protection of any of his or her rights."

But the deficiency in this clause is obvious: there is no right to information which is not deemed applicable to one's own rights. It would therefore not be easy for persons to justify gaining information not obviously related to their own rights.

Moreover there is no assurance that the government will accept a Freedom of Information Act. For the same reason that governments are loath to yield secrets, they are wary of entrenching laws which force them to do so.

Yet another tool that might be at hand to journalists, although an uncertain one, could simply be a more open approach by those involved in the administration of justice to the media's obligations and duties in a free society.

The Cornelissen judgment might have reflected, in part, the courts' awareness of the new openness in South Africa. The judgment was interesting not only for its benefits to the press, but because many journalists had previously been wary of the courts, particularly the Appellate Division, in their adjudication of media matters.

There are law firms which, on behalf of their media clients, are considering taking some of the issues raised here to the Constitutional Court. Given the monumental load that the court will be facing, these cases have to be chosen carefully. One of the matters which might have an early hearing concerns censorship and pornography; another concerns journalists' right of access to state documents.

The media must have no doubt that their future as conduits of news and stories of every kind is potentially better than ever. Journalists must now test the limits of their rights, and keenly observe the decisions of the courts and the reactions of government. ■

Malcolm Fried was Johannesburg bureau chief of United Press International and is now a candidate attorney.

"AIDS is a blessing in disguise," says the white businessman sipping wine in an expensive Johannesburg restaurant. "Isn't it going to help solve the problems of overpopulation and unemployment in this country?"

In another suburb, black gays attending an Aids awareness evening dismiss discussion of condoms with impatience. "This is a disease of white gays," they say, "and we don't have white lovers."

Black South Africans have always viewed condoms as a method of family planning favoured by whites. Refiloe Serote of Alexander Aids Action says: "Now that condoms are associated with Aids prevention, black people reason that Aids has been in the white community for a long time. Some even believe that the reason the Immorality Act (which outlawed sex across the colour line) was scrapped in the late 1980s was to spread Aids to the black population."

These attitudes may be classic examples of Aids denial and in that aspect they differ little from views held elsewhere across the world. But after five decades of apartheid everything in South Africa is viewed through the prism of race and many people act on their prejudices with little thought.

White right-wingers have used Aids as a weapon against their traditional enemy, black guerrillas, at one point showering leaflets from a plane warning of the dangers of Aids from returning fighters.

The government's response to the first case of Aids in a migrant miner from Malawi was to announce the repatriation of 1 000 infected miners and the compulsory testing



Sinister statistics

- ▶ In 1985, when South African blood transfusion services started screening for HIV, about one in every 4 200 blacks was found to be HIV positive. Today, one in 79 black men and one in 60 black women are HIV positive, compared with one in 2 000 white men and one in 45 000 white women.
- ▶ Ten percent of all people in KwaZulu/ Natal are infected with the Aids virus.
- ▶ Among black women attending antenatal clinics, the HIV infection rate increased by almost 400 percent between 1990 and 1992 – from 0,89 to 3,22 percent.
- ▶ The comparable figures for white women were an increase from 0,06 to 0,98 percent, and for coloured women 0,16 to 0,33 percent.
- ▶ According to a recent Department of Health survey, one in 20 pregnant women in South Africa is HIV-positive.
- ▶ Planned Parenthood Association of South Africa research indicates that South Africa's HIV infection rate doubles every 12 to 13 months.
- ▶ The number of HIV-infected prisoners in detention has quadrupled since the end of December 1991 from 94 to 419 at the end of December 1993. Approximately one out of every 225 prisoners is HIV-infected.

Figures from WorldAIDS and the Cape Times.

for HIV of all prospective black immigrants. The Chamber of Mines tested 30 000 black workers for HIV without their consent, and ran a video and leaflet campaign based on fear as a deterrent. White miners were not tested, and the black work-force dismissed the education campaign as propaganda.

Although employers and labour unions have now thrashed out a more enlightened policy and programme together, enlightenment and sensitivity are far from universal. "One old-age home in Johannesburg recently tested all its 30 black staff but none of the whites," says Serote, whose organisation intervened on behalf of an infected employee who had suffered discrimination at the home.

Racial prejudice was unwittingly encouraged by the government's early efforts to address Aids. Using an advertising agency with no experience in health matters, the state produced education material showing blacks standing around a fresh grave. Since the first South African Aids cases were among white men, blacks were both baffled and offended by the campaign, which served to deepen their suspicion of anything initiated by the government.

The black population was further alienated when the government set up an Aids Advisory Group consisting exclusively of white males from the world of medicine. Until very recently, non-governmental organisations were reluctant to take funds from the government for fear of being seen as collaborators with an authority lacking all credibility. In 1990, most of the R350 000 allocated in the national health budget to assist community Aids efforts was never applied for.

The unrepresentative Aids Advisory Group

was disbanded in 1989 and the government's Aids programme has become more sophisticated. But it was not until late 1992 that a truly national forum – bringing together the government and Aids activists from across the political and racial spectrum – was established. Even still, Malcom Steinberg, head of the Aids Unit at South Africa's Medical Research Council, says of the National Aids Convention of South Africa (Nacosa) that "when it comes to doing the active work on the ground, I don't think there's a lot happening."

With some excellent but rare exceptions, grassroots Aids organisations are working within still-segregated communities, and lack of respect for authority and trust between different race groups remain serious constraints.

Racism is still very much apparent in the distribution of resources and patterns of spending, Steinberg says. Though most South Africans live in the former homelands, the government has spent less money on Aids organisations in these areas than anywhere else. Although health facilities are supposedly desegregated, few blacks can afford to travel for treatment to distant white hospitals.

How quickly are things likely to change under a democratically elected government?

"My feeling is one of hedged optimism," says Steinberg. "Hopefully Nacosa will mature into a fairly assertive policy-formulating initiative, and will present something the new government can engage with. But whether the new government makes Aids a serious priority – of that I'm less hopeful, given all the pressing problems they'll face." ■

This article first appeared in WorldAIDS, published by Panos in London.



Aids myths in black and white

Years of racism are hindering the fight against HIV.

SUE ARMSTRONG reports.

The case for people's courts

Unpopular justice



HUMAN KINDNESS: Murder accused Mzikhona "Easy" Nofemela ventures a small smile in the embrace of his grandmother after being granted bail in June.

Picture: THE ARGUS

AT A SPECIAL showing of the once-banned anti-apartheid film *A Dry White Season* at the Baxter Theatre in Cape Town last August, I was surprised by some boos and hisses from the audience at scenes of the 1976 Soweto Uprising. "Why would a liberal audience of Capetonians react so negatively?" I asked one of my new colleagues the next day. "I suppose some people are sick and tired of violent schoolchildren on the rampage," she replied.

The answer surprised me but before the morning was out I had seen my fill of newspaper and TV images of schoolchildren burning textbooks, chanting "Death to the settlers!" and torching cars. When, on 25 August, Fulbright scholar Amy Biehl was dragged from her car in Guguletu township and stoned to death by angry youths, began to internalise the sensationalist media images decrying a "lost generation" of African youth: destructive, deranged, demonised.

Biehl's death was a kind of journalistic watershed and South African political leaders of all stripes began to worry that township youth were totally out of control. At the memorial service held the next day at the University of the Western Cape (UWC), feminist activist Rhoda Kadalie spoke tearfully of Amy's death at the hands of the "young monsters" created and set loose by the apartheid machine: "Now they are

afoot in the land and no one can stop them. They are eating us and eating each other."

Of the seven youths originally detained for questioning in the Biehl murder case, four young men remain on trial in the Cape Town Supreme Court: Mongezi Manqina, Mzikhona "Easy" Nofemela, Vusumzi Ntshona and a 15-year-old youth. During the first stages of the trial, when witnesses came forward to describe in horrible detail Amy's final agony the young PAC supporters packed into the upper gallery of the courtroom laughed and cheered. Justice Gerald Friedman, revolted by their outburst, cleared the courtroom.

"Why did the boys laugh?" I was asked repeatedly. But I was more impressed by what was left out of the reports: the reaction of Nofemela who whipped around to correct the festive spirit in the gallery. "What's wrong with you?" he said in disgust. "Why don't you all get out of here?"

"Why did the youth laugh?" I asked defence lawyer Nona Gozo.

"The laughter was not acceptable to me, nor to anyone else. But it did not shock me. I live in a township and I know the extent to which apartheid has murdered human feelings. Their own people have been

on trial

...killed so often that it has the effect of reducing killing to nothing," she said.

As for the three boys accused of killing Amy, the history of apartheid is etched on their very bodies. Defending the confession taken from Nofemela, a police major testified that he had examined the boy immediately after his confession and had found only "old" wounds, no signs of recent torture. But each of Nofemela's nine "old" scars tells a vivid story of township violence: stab wounds, brick bashing, machete chops, second-degree burns and scars from untreated infections.

While Nofemela is an active participant in the trial, Manqina occasionally sucks his thumb and Ntamo dozes off and on throughout the painfully boring proceedings. Both Manqina and Ntamo are sick with chronic respiratory infections, in Ntamo's case tuberculosis. Ntamo was unable to answer even the most basic questions and was so confused that he was referred for psychiatric evaluation.

An air of both sullen mockery and suspicion permeates the court as the various groups – Afrikaner police, humiliated (given the "spoiled history" of their court performances in the past) district surgeons, skittish witnesses, the aggressive defence team, the ham-strung prosecution lawyers without a shred of tangible material evidence, and the accused (who might as well be the damned) – eye each other with mistrust and loathing.

The strategy of the defence lawyers is to put South African justice on trial in place of the dubious suspects. With the comic disappearances of key witnesses for both sides, with the brief and troubling presence of Linda Biehl, Amy's politically confused and grieving mother, and with the inverse Greek chorus of laughing PAC youth "acting up" in the gallery and on the Supreme Court steps, the Amy Biehl trial is a drama of mockery, defiance and refusal.

It is a burlesque court which reveals the fissures and the illegitimacy of the apartheid South African state and the impossibility of justice or of a fair trial under those same structures. During this transitional period, consent to the official process of justice seems to have been withdrawn from all sides so that for all practical purposes the Supreme Court has the appearance of a "kangaroo court", defined by Chambers Dictionary as "a court operated by any improperly constituted body; a tribunal before which a fair trial is impossible; a comic or burlesque court".

No wonder the PAC boys laughed.

But what about the popular alternative? South African scholars are both cautious and pessimistic about the attempts of township people to create and manage alternative systems of justice and punishment. They see people's courts as the inevitable outcome of an illegitimate state yet they decry the punitive excesses to which these informal institutions are prey.

The media representations of the activities of people's courts are less charitable. The effect of the "negative press" is such that the middle and professional classes of the Western Cape view people's courts and discipline codes as aberrations, and as inevitably tending toward the beastly and horrific. My discussions of popular justice (even with local civil rights lawyers and members of the regional ANC offices) invariably provoked strong, negative reactions and frequent references to "mob

Is South Africa faced with a "lost generation" of township youth, "young monsters" engaged in "senseless violence"? Are people's courts barbaric sites of excess? American anthropologist NANCY SCHEPER-HUGHES unpacks the media stereotypes to arrive at a provocatively different view.

rule" and to "kangaroo courts".

Among the discredited forms of punishment practised within the context of popular justice and "people's courts", the necklace is the most contentious. Mobilising collective panic and horror of the "necklace" was a key strategy used quite effectively in the National Party campaign against the ANC in the Western Cape.

However, a review of all burn cases admitted to the Salt River State Mortuary of Cape Town between 1 January 1991 and 31 December 1992 revealed that only 35 of 358 burn-related deaths were associated with homicide or malicious intent. Moreover, in all but five of these, the bodies were burned after they had been killed by shooting or stabbing. There were, then, only five cases of actual "necklacing" in the central region of the Western Cape at a time when news stories of necklacings circulated the pernicious rumour of an epidemic of burnings.

The case study I will briefly document now concerns a "triple necklacing" that was averted, largely through the intercession of politicised youth, both ANC- and PAC-aligned. I will argue that undue restraint (rather than "senseless violence") is more characteristic of those South Africans who have been geographically and socially excluded in homelands, townships and grotesque squatter camps.

The notions of "mob rule" and "kangaroo court" are unfortunate and unfair descriptions of the difficult negotiations of crime and punishment in the absence of a legitimate state and therefore of fair and representative formal institutions of policing and criminal justice.

The incident on 24 January 1994 involved the theft of R400 from a shebeen owner by three teenaged boys of Chris Hani squatter camp, followed by a collective demand for their punishment: initially, their death by necklacing. This was narrowly averted through the intercessions of politicised youth, drawing on the ANC Bill of Rights. The demand for

page 20



MEAN STREETS: A nameless street child raids a rubbish bin for food – symbol of a "lost generation" or sign of a callous culture?

Picture: THE ARGUS

Knitting necessary knots

?

When popular justice works well, it is not only successful in solving problems, it also plays a vital role in knitting together the social fabric of communities. WILFRIED SCHARF argues the case for people's courts.



IS THERE a place for community justice in the democratic South Africa? Two points need emphasising at the outset to put this question in perspective: first, popular justice came about in black townships because the state justice system did not cater for people's needs. Whether we like it or not, popular justice will continue to exist in its many forms as long as the state system remains inaccessible and un-user-friendly. Second, there is probably more popular justice than state justice being dispensed each day in the many hundred existing street committees, community courts, squatter committees and disciplinary committees of the civic associations.

When popular justice works well and regularly, it is not merely settling disputes and referring people to appropriate helping agencies, it is contributing to the knitting of the whole social fabric in the townships. So, before the decision is made that we need to provide more, and improved, state justice to the townships by training several thousand more lawyers, providing public defenders, simplifying procedures, bringing in lay assessors, and so on, it is worth taking a closer look at what makes popular justice different and, in some cases, much better than state justice.

The obvious differences that are commonly cited are that popular justice tribunals are accessible in terms of sittings (evenings and weekends); location (close to people's homes); cost to both participants and the state (the people who serve on tribunals are volunteers); procedure (common sense rather than formal); values and language. It is also argued that there are far fewer delays in processing cases in popular structures. As in the Small Claims Court, there is no provision for legal representation.

The fundamental starting-point of popular justice is that it attempts to solve problems of people in the locality: No problem is too small to deal with, and everyone is taken seriously. The underlying thought is that if small problems are allowed to go unattended, they may develop into bigger, more difficult problems. Implicit is the idea that problems between individuals become problems of the community.

There is no distinction in popular justice between civil and criminal matters; they all constitute problems. Nor are private law and public law distinguished, with different levels of proof required or different rules of procedure. The problem-solving process focuses less on the actual event (for example, an assault) than on the ongoing relationship between the disputants. They are likely to have to live with each other, or next to each other, for some time to come, so the cause of the deterioration of the relationship takes precedence over the crisis event, which might be only the temporal outward manifestation of a deeper problem. Consequently the outcomes are seldom winner-takes-all, as in state criminal justice. Both sides to a dispute usually have to compromise.

When communities are well organised, the members of the community justice structures are elected by the residents in their jurisdictional area. There is the assumption that they are respected people and have developed some wisdom and expertise. No professional experts are required. There is usually quite considerable participation from the audience in popular tribunals, so that the values that form the basis of the solution are the locally prevalent ones. It is considered acceptable to be judged by one's peers. Popular justice structures don't attempt to sustain the fiction, as the state justice system does, that there are such things as independent adjudicators. There is a clear understanding that the power to judge is also political power. No separation of powers exists.

The remedies that well-functioning popular justice structures arrive at have a far higher chance of success than state-law remedies. Reintegrative shaming lies at the heart of the popular justice approach. It can be combined with restitution to the complainant and what Western law would call damages.



WISDOM AND EXPERTISE: A community court in Guguletu staffed by respected members of the local community.

Picture: SOUTH

It also sometimes involves a service to the complainant or to the local community. The perpetrator in an assault, for example, would have to pay for medical expenses and loss of wages, and would be required to make a public apology to the victim in the presence of their respective family members and the people present at the hearing. The tribunal would then place the perpetrator under surveillance and ask for reports about ongoing behaviour from a designated person. The perpetrator is thus punished and reabsorbed into the community under surveillance. There is a simultaneous exercise of social control and social support.

All of these differences between popular and state justice add up to the crucial point that there are different underlying social contracts on which the two notions of justice are based: modern law assumes that the legal subject, the person, is a free-standing being, atomised, individualised. Pre-modern law, of which popular justice contains strong residues, constitutes the person, the legal subject, as one embedded in a multiplicity of reciprocal obligations. The modern conception of law places a great burden on the state to contain, control, discipline and support the legal subject. The pre-modern conception embeds those obligations in the communal social structures that one still finds in the civics and other township structures.

Is there any scope for dialogue, or even co-operation, between these two different notions of justice and their attendant structures? If one looks at the developments in Western countries over the last 20 years it is fascinating to see how they have tried to incorporate elements of pre-modern law back into their systems. Often spurred by fiscal crises, overloading of the courts, overflowing prisons and the poor success

The fundamental starting-point of popular justice is that it attempts to solve problems of people in the locality. No problem is too small to deal with, and everyone is taken seriously.

rate of conventional justice mechanisms, they have tried to "reinvent" communities, only to find that once destroyed these communities cannot be artificially revived.

Many countries have allowed the development of neighbourhood justice centres to which minor cases are referred from the state courts. These are staffed either by paid workers or volunteers who mediate, counsel, refer to other helping agencies, and generally attempt to sort out problems. In Germany, certain cases are refused access to the state courts unless the parties have attempted resolution by alternative means such as mediation and arbitration by non-state agencies.

New Zealand has recently instituted a hybrid of indigenous tribunals and the conventional state system in cases involving juvenile offenders from Maori and Pacific Island backgrounds. A family-group conference is an essential feature of this approach to problem solving, except that representatives from the social services and the formal courts attend the conference too. The extended family of the juvenile becomes part of "the court". The new system allows for whatever ritualistic, meditative or invocational practices are necessary for the hearing to acquire the gravity and focus that it deserves.

It is clear from media accounts that there are several shortcomings and dangers in relation to popular justice structures in South Africa. They are vulnerable to local and broader political vicissitudes; weak at dealing with cases involving people who don't live in the local area; and lack sophisticated investigative ability, so that a perpetrator unknown to the complainant may simply not be found, for instance.

They are also fairly unskilled at fact-finding during hearings. When a case hinges on information from the "defendant", there is a tendency to extract that information under duress, not unlike the practice of the police in some cases. Serious crimes are matters popular structures tend to hand over to the police unless, as often happens, levels of trust are too low. In these instances the popular structure will deal with the case but may tend to impose excessive punishment.

When community courts are dominated by a militant sector of the population they have a tendency to become violent and sometimes mercenary in their approach. However, the image of popular justice as synonymous with "necklacing" is a gross distortion of the sociological facts. Abuses do occur but they are a minuscule percentage of the regular and responsible justice that gets done every day. In most cases abuses are not committed by regular structures. My research shows that more often than not abuses are committed by impromptu structures

hastily convened to lend a veneer of legitimacy to murder. We should not conflate popular justice (responsible, elected structures that function regularly) and populist justice, the volatile, militant, summary justice dispensed by what are sometimes referred to as kangaroo courts.

The occurrence of abuses does not mean that community justice should be written off. There are a lot of things popular structures do better than state structures could. Similarly, popular structures could benefit from some

interaction with the state justice machinery.

There have in fact been some relatively recent attempts in the South African state system to introduce less formalised, more egalitarian structures and approaches. These include Industrial Tribunals, the Small Claims Court and the new Correctional Services dispensation involving a wider range of sentencing options. Slightly outside of the framework of the courts themselves is the important work of the Goldstone Commission, with a wider brief than the traditional narrow focus on innocence and guilt. Similarly, the structures of the National Peace Accord operate in terms of an ethos and process that is far closer

than our court system to the notions of justice lived out in popular structures.

My recommendation is that one should aim for a system that allows for the best elements of both popular and state systems to be sustained and nurtured. At best the state should regulate rather than incorporate structures of popular justice. Wherever there are popular justice structures they should be encouraged to strive towards the "best practices" scenario.

There are sufficient skills and resources within non-governmental organisations and the university sector to facilitate a self-evaluation by popular structures – something that has been done in some townships in the

Western Cape, as Nancy Scheper-Hughes points out in her article in this issue of *Democracy in Action*. Where there is insufficient capacity to support these structures, it should be created, but outside of the Justice Ministry. I have little faith that formal justice thinking within state structures can bend its set ways to nurture organic forms of justice. The urge to control popular structures and processes may result in strangulation.

Simultaneously, the police should be assisted to develop a better understanding of popular structures and their usefulness to the wider policing effort. Popular justice structures are in effect a sophisticated version of what in middle-class areas are called

neighbourhood watches. The relationship between police and such structures should be negotiated at police station level, as is about to happen in some areas. With this form of loose containment and support, popular justice structures may play a valuable role.

There is thus, in my view, a place for community justice which, like our political transition, has to be carefully negotiated and nurtured. We are well on the way into a negotiated transition. Let's negotiate our way into an appropriate justice system. ■

Wilfried Scharf is an associate professor and director of the Institute of Criminology at the University of Cape Town.

Unpopular justice on trial

♦ from page 17

necklacing was substituted for 100 strokes with a sjambok, negotiated down to 50 lashes for each of the boys. The floggings were laid on "collectively" by several designated older men of the community.

Subsequently kept in isolation and denied food and water as a continuation of the "discipline" imposed by the community, the boys were not a pretty sight. They could not bend their legs, sit down, or walk without wincing and they were three days later still unable to urinate or defecate. The smallest, Michael B, scowled with pain and with revenge. "I'll kill them," he kept repeating of his tormentors.

The community did not want anyone (including me) to see the boys (fear of police involvement was awesome) and so they had refused the boys medical attention. The boys' parents and other relatives were nowhere in sight, fearful that their shacks might be burned were they to show any concern, care or sympathy towards their children.

On 6 February a community meeting was held to discuss the question of justice and "security" at Chris Hani. The security guard quit the night before and there had been disorder in the camp. The people were asked for their opinions: should the security guard be reconstituted or should the regular police be invited to patrol and "discipline" the community?

One by one people stepped forward to express their views. Everyone wanted the local security system, but they wanted the rules and regulations to be clearer. When I was invited

to speak I said I knew that many people in the camp wanted to talk about alternatives to whippings and burnings. Some of the young people and many of the women I had spoken to thought it might be better to have the thieves work hard for the community: digging ditches, cleaning up garbage, sewage, water.

The meeting decided to form a committee representative of all groups in the camp – old and young, men and women, sports groups, political parties, security members themselves

Undue restraint rather than "senseless violence" is more characteristic of those South Africans who have been geographically and socially excluded in homelands, townships and grotesque squatter camps.

– to draw up alternative proposals for popular justice. Several meetings followed in which the subject of self-policing was carefully re-examined. In the interim there would be no more whippings.

The community leaders asked for help from the Community Peace Foundation at UWC and two representatives, Daniel Nino and Mballi Mncadi, attended a subsequent meeting to help the community draft less punitive community rules and guidelines.

But Michael B could not get over his anger and desire for revenge. He was advised to leave the squatter camp and given help in

locating a new home. The other two boys accepted their punishment and were reintegrated into the community.

South Africa was, and is, a violent state. The entire population, and not only the youth of the townships, is suffering from a war neurosis that might be described as a national post-traumatic stress disorder. The legacy of apartheid includes the many reactive and defensive social institutions created by people trying to survive in spite of the state. These popular institutions will not now be easily assimilated or changed by the simple fact of a new constitution and a Bill of Rights.

Among these legacies are the renegade systems of policing and popular justice which represented a struggle to create a semblance of dignified and orderly social and political life under inhumane conditions.

In the glow of the first democratic elections amidst the terrible beauty of South Africa, there is so much to be hopeful for. In the necessary "settling of accounts" that lies ahead, the wounded "young lions" of South Africa deserve first dibs. Their heroism needs to be recognised, their losses need to be mourned, and their bodies need to be mended.

Above all, their wandering souls need to be captured and firmly anchored in a new moral economy where the roar of the "young lions" is an assertion of life and not a cry of danger, and where the toyi-toyi can be a leaping, ecstatic dance against death, rather than a prelude to, or mournful celebration after another unnecessary death. ■

Nancy Scheper-Hughes is professor of anthropology at the University of California, Berkeley. She was visiting professor of social anthropology at the University of Cape Town from July 1993 to July 1994.

Winning ways



of IBA

The informal, consultative style of the new Independent Broadcasting Authority is causing amazement and delight in a sector used to being bent by the dictates of the old order. SUE VALENTINE reports.

A NEW AND refreshing process in radio broadcasting came into being at the end of June when the newly constituted Independent Broadcasting Authority (IBA) began a country-wide series of public hearings on the issuing of provisional community radio licences.

The Cape Town hearings I attended were the second stop in a month-long tour by four of the IBA councillors, who took in Johannesburg and were set to visit Grahamstown, Port Elizabeth, Durban, Bloemfontein, Kimberley, Mmabatho, Pietersburg and Nelspruit to give as many interest groups and communities as possible the chance to present their views.

There were several remarkable aspects to the hearings. After decades of authoritarian control of radio and television, it was with some amazement that would-be broadcasters entered into a process of discussion with the body which must re-regulate the South African airwaves. Instead of being dictated to, groups were invited to offer their opinions on what the best policies might be in relation to defining the parameters of community radio and the conditions under which provisional licences should be issued.

Just as refreshing was the fact that the hearings were being held outside of Johannesburg; the IBA had come to the public instead of the other way around. Also noteworthy was the tone and almost laid-back manner in which Sebileto Matabane chaired the hearing, and the general attitude of the other councillors – Christo Viljoen (former head of the SABC board), Lyndall Shope-Mafole (an electronics engineer) and John Matisonn (a radio journalist). One had a sense that the councillors were listening and interested!

Perhaps it was also the fact that the hearings were not about actual licence submissions, but rather part of a consultative process aimed at gaining as much information as possible about the scope of community radio, that helped create this sense of public participation.

Arguably Cape Town has the most active community radio sector in the country, and the councillors admitted to being impressed by the diversity and enthusiasm. From the submissions presented at the hearings it is clear that one of the fundamental issues with which the IBA is grappling is how to define the "community" aspect of community radio.

The IBA Act provides for radio stations based on a geographical community as well as a community of interest, but does not stipulate how small or how large such communities must be. The Act further states that community radio must be non-profit, but offers little further guidance in terms of programme content or motivation.

The various submissions, coming as they did from a variety of communities with differing aspirations and agendas, raised a variety of questions. For example, would a com-

community radio station, which played mostly music with some local news and information, and regional commercial stations such as Radio Good Hope, KFM or Highveld Stereo?

At one point in the hearings, Christo Viljoen dryly observed that the total number of potential listeners targeted by many of those presenting submissions outnumbered the actual population of the Western Cape.

In terms of what has become the international ethos of community radio, there is one unique characteristic by which community radio broadcasters stand or fall: the management, content and control of community radio must rest with the community. Community radio cannot be owned and controlled on behalf of or for the community.

But how does one define community? Would-be radio station bosses often argue that every radio station is a community station because it has its own community of listeners. Obviously a more precise definition is needed.

One interesting idea from a member of the public at the Cape Town hearings was that a community could be said to exist once its members had identified themselves as belonging to that community. "It is a bottom-up approach," he said. "As soon as people recognise themselves as being part of something larger and something with which they identify, then they have created a community."

It is not clear when the IBA will decide what the answer is. Certainly nothing can be done until the hearings have been completed, and the IBA has, in addition, two other priority tasks: addressing the question of cross-media ownership and the restructuring of the SABC as a public broadcast service.

Impatient as aspiring community broadcasters may be, the consultative approach of the IBA deserves support. Ensuring a thorough process usually means a slow process but, as long as the result is a fairer, more diverse and interesting broadcasting environment, it will be worth every second of the wait. ■

IDASA ON THE AIR

Each Monday at 1.30 pm IDASA presents "Doing Democracy", a programme about developing justice in South Africa and making democracy work. Tune in to Peace Radio on the frequency of Radio 2000 (FM 100 MHz).

munity radio station for classical music lovers broadcasting to Cape Town and Johannesburg be viable, and should it be given a licence over a community radio station dedicated to jazz enthusiasts?

Could a community station broadcast nationally if the programme material was dedicated to a range of interests and the public good? Is this not the mission of a public service broadcaster?

Again, should a licence be given to a Christian radio station claiming to broadcast to 1,2 million people in Cape Town? What about other faiths? Should student radio be

A QUIET CLASS is no longer necessarily a good one in today's history classrooms. In a significant shift of focus in the teaching of history, rote recounting of names, dates and places is being replaced by questioning and debate.

Questions no longer begin with "when did ...?" or "who fought ...?" Instead, teachers ask "why do you think ...?" and "how do you feel about ...?"

In *Making History*, a senior primary history series published in 1992 by Heinemann Centaur, pupils are encouraged to examine and compare, investigate, discuss and ask questions. In place of reams of difficult narrative, each double-page spread is dominated by pictures and photographs, plenty of activities and much to talk about.

Through simulation and role-playing games, sometimes assisted by audio-visual sources, pupils are encouraged to empathise with both parties. So Piet Retief is no longer the courageous, God-fearing Voortrekker leader who was betrayed and murdered on the orders of the savage Zulu king Dingane.

Pupils now have to consider how Dingane might have felt about the Trekkers moving in so close to his land; they are expected to consider why the Zulu ruler ordered Retief to be killed. They also have to reflect on the difficulties the Trekkers might have experienced in leaving home, and the different concepts of land ownership which led to so many bloody misunderstandings.

Authors are careful not to simply present two versions of a story which could suggest that one is right and the other wrong. Pupils are encouraged to appreciate that there are many perspectives and, in emphasising interpretation, pupils come to understand that there is not only one answer to a question.

This shift in history teaching is influenced by the international education movements of the late 1970s and early 1980s towards an emphasis on empathy, simulation and role-playing. University of Cape Town educationist Rob Sieborger uses the example of the "choose your own adventure" series of the late 1970s. The young reader is the central character of the novel and chooses his or her next move from options at the bottom of each page, thereby determining the outcome of the story.

The era of swotting facts is being replaced by an approach which acknowledges that history is not what actually happened in the past – it is an interpretation of what happened. Facts are therefore always tentative; bias, prejudice, conflicting interpretations and different moral beliefs all affect the narratives of the past.

The tentative nature of history is beginning to be reflected in South African textbooks and teaching. At a 1993 colloquium on school history textbooks, history teachers and authors released this statement:

"Textbooks should be structured as interactive learning materials for the training of students' historical consciousness. They should stimulate independent inquiry and study, and be sensitive to the nature of historical sources.

"They should present the past in a multiperspectival way [and] lay bare the nature of the historian's craft and the inescapable necessity of constantly rewriting history in the light of current understanding of human events."

Isandlwana, by John Laband and Jeff Mathews, does exactly this, creatively integrating both sides of the story of the 1879 battle at Isandlwana, Natal, between the Zulus and the British.

The Zulu victory has traditionally been described as a massacre, attributed largely to the British army's inability to open its reserve ammunition boxes. But the authors argue that "an appreciation of Isandlwana as a Zulu military success permits us to correct the traditional Western-orientated view of Isandlwana, which regards it entirely in the light of a disaster to British arms".

Using primary sources (diaries, letters and artefacts), the authors reconstruct the feelings, values and beliefs of Zulus and British. Readers are therefore able to empathise with both sides without having to choose either. Pupils are not only asked to map out the route along which the British fled from the Zulus, but also to describe the feelings of the survivors – those ordinary people usually ignored in history books.

Laband and Mathews use Lord Chelmsford's battle strategy to illustrate the way choice influences the outcome of history – by giving pupils an exercise in planning an alternative strategy. For example, they may propose digging trenches or erecting barricades around the battlefield, moves which would have altered the outcome and changed the course of history.

"We have an exciting past," says Sieborger, "but it is very buried. It is essential that we share part of the process of discovery." In the *History in Process* series, readers are expected to process information like historians, sifting through primary materials and presenting their own deductions and conclusions.

University of the Western Cape historian Colin Bundy sums up the challenge facing those who teach the past: "History lessons should give young people not just knowledge, but the tools to reflect on, evaluate and apply such knowledge.

"Our history classrooms should be full of teenagers who ask: 'How do I know this is true? What else might have happened? What is it like to be someone I am not?' They should be willing to tell the teacher 'but that doesn't make sense' and to ask 'but does it have to be like that?'" ■

School history revisited

The challenges of the future call for new approaches to the past. Learning history needs more than a good memory these days, writes GAIL JENNINGS. It requires an open mind.

undermined the legitimacy of the policing system.

SHAUNA WESTCOTT attended a workshop aimed at addressing the problem.

Sexism under fire

"IT MAKES me dizzy! We're liaising ourselves to death," was the plaintive cry of one of the participants in a recent Western Cape workshop on "gender and race in policing". "Are you suggesting that this group constitute itself as yet another forum?" he asked.

Workshop organisers from Lawyers for Human Rights (LHR) and the Institute of Criminology hastened to reassure the anguished delegate that there was no plan to create a new structure. Rather the idea was to share information and co-ordinate strategies among the various bodies working in the field in the hope that, as LHR regional director Ilse Olckers put it, participants would return to their organisations "with renewed vigour and enthusiasm" for the task of addressing racism and sexism in policing.

A more widespread weariness in the face of the proliferation of forums of all kinds may have been responsible for a poor turn-out at the July workshop. Although some 40 organisations were invited to send representatives, less than half responded. Those that did attend included a representative from Western Cape police management structures and the assistant senior public prosecutor at Wynberg Magistrate's Court.

Sketching the background to the workshop, Institute of Criminology director Wilfried Scharf spoke of a process of dialogue with the police stretching over four years and culminating in a 1993 conference attended by all the institutions involved in police training. A resolution taken at the conference that all police courses should include an element on how to unlearn racism and sexism was "grudgingly and half-unknowingly" accepted by the training institutions. But, "it was apparent that such training would have to be steered from outside: the police did not have the capacity".

At a subsequent national conference it became clear that different regions had different interests and capacities in relation to policing, Scharf said. It was therefore decided, "rather than create a national empire", to let regions take the situation forward. Hence the

July workshop in the Western Cape.

Among the packages vying for police attention is one whose broad outline was presented to the workshop by consultant Antoinette Zanda, who cited experience in Canada training police trainers and a stint on a Canadian mayor's police advisory committee as among her credentials. "We believe you learn any form of oppression from childhood up," she said. "Therefore it can be unlearned."

Among factors she emphasised as core principles of her team's package were a non-judgmental approach, creating an atmosphere of emotional safety and building participants' self-esteem in training workshops, on the basis that a positive self-image militates against oppressive attitudes and behaviour. Course content she mentioned included contextualising racism and sexism historically, terminology, attitudes, identity, the socialisation process, cycles of abuse, power relations and language in relation to power.

An interesting exchange took place towards the end of the workshop when Olckers, in her capacity as workshop facilitator, tried to persuade participants to take responsibility for pursuing various aspects of a broad initiative around ending sexism and racism in policing. These were identified as training, affirmative action/equal opportunity/lateral entry, community police liaison committees and forums,

policy inputs, accessing structures and lobbying for resources. "I don't want additional responsibility" and "I'm not going to create another empire" were among the protests, while one delegate noted with despair: "That's what all the forums are doing: calling for things to be done by someone else."

Nevertheless, responding perhaps to Olckers's remark that "if someone doesn't hold the proverbial baby it will get lost", the workshop did endorse Scharf's view that "a little pocket of opportunity" existed for "injecting ideas into the various discourses" about policing. There was also agreement that some of the organisations represented at the workshop could add an informal co-ordinating or networking function to the work they were already doing in the areas identified. LHR would continue to function as overall co-ordinator and secretariat for the "NGO caucus" or "informal interest group" represented by the workshop.

The embedded nature of the problem might have been indicated, unwittingly, by police representative Martin Oosthuizen. "From our side," he said, "we're prepared to listen to ideas and take them to management and say 'Listen, guys, this is what the people think.'" When police go shopping for a training package, a little module on gender and language should clearly feature on their list. ■

AIMING FOR CHANGE: A cadet takes aim during instruction at the Bishop Lavis Training College in the Cape.

Picture: THE ARGUS



NGOs grasp the nettle

THE FUTURE of non-governmental organisations (NGOs) came under the spotlight at the opening session of the University of Cape Town Winter School at the end of June. A particular focus was the argument that there is a need for NGOs to organise themselves into a sector with a united voice, despite the many difficulties that stand in the way.

Among the difficulties mentioned were increasing competition for funding, "territorial" imperatives, and existing antagonism between traditional organisations and "progressive" NGOs and community-based organisations (CBOs).

Apart from the need for NGOs to act together to define and defend their common interests, speakers felt that co-operation might also mean working together on projects. Given the limited capacity of many NGOs, it might also mean rationalisation and sharing resources.

A significant level of co-operation between NGOs already does exist, for example, with those working in adult education. The idea is that this kind of co-operation should be extended and formalised.

The need for collective action was highlighted by a proposal circulated for discussion by the Independent Study into an Enabling Environment for NGOs. A project of the Development Resource Centre, the Independent Study aims to facilitate the creation of a new policy and legal environment for NGOs.

The proposals, currently being formulated as draft legislation, deal with four key areas. The first is recognition of the rights of civil society.

The second deals with creating more enabling processes and requirements for the setting up, registration and running of NGOs. The third deals with making fund-raising for NGOs easier and less controlled than in the past, and the fourth deals with important tax concessions for NGOs and donors to NGOs.

Among the many debates raging in connection with these proposals is one which centres around the definition of an NGO. Are all non-profit or voluntary organisations NGOs? Or is it a term which applies only to those organisations with a history of resistance to apartheid? Does the definition include CBOs and where do welfare organisations fit in?

While the "definition" debates are ongoing, the Independent Study opted in its recommendations for an approach that was as broad, inclusive and enabling as possible, rather than restrictive or exclusive.

Another area of debate is the possible establishment of an NGO council as a first step in formalising co-operation between NGOs. The debate on this has just begun and many aspects of the proposal need to be amplified. These include definition of the structure, role and functions of such a council; whether it should operate on provincial as well as national level; and the nature of its relationship to the state.

These debates are likely to grow in urgency. All NGOs not already involved in the discussion process should seize the opportunity to make inputs. The future of NGOs might be at stake. ■

Michelle Booth is co-ordinator in Idasa's Western Cape office.

THE LONG MARCH

The story of the struggle for liberation in South Africa

Editors: Ian Liebenberg, Fiona Lortan, Bobby Nel, Gert van der Westhuizen

Rewriting South African history has begun!

The Long March convincingly describes the pain and sacrifice of so many involved in this history. This collection of essays documents some of the struggles concerned with the fight against apartheid.

The Long March shows how many different organisations, mobilising around often seemingly opposing issues such as Christianity, woman's rights and classical liberalism, all came together to contribute to the eventual demise of apartheid.

Read this book and find the missing pieces in the puzzle of South Africa's consciousness of history.

ISBN 0-7986-3237-2

Price R65,50 (Postage included)

Order from  **KAGISO PUBLISHERS** / HAUM Wholesale Depot
P.O. Box 12635, Clubview, 0014
Tel. (012) 666-9033, Fax (012) 666-8826

ALSO AVAILABLE AT ALL LEADING BOOKSELLERS



ADVERTISE IN DEMOCRACY in ACTION

and reach 13 000 readers

- ◆ Sponsor a page
- ◆ Place an ad
- ◆ Boost your image

RATES:

- Loose insertions R250 per 1 000 sheets
- Sponsorship R1 800 per page
- Full page R1 800
- Half page R1 000
- R30 per column/cm: 2 columns x 10cm ... R600
1 column x 10cm ... R300
(column width = 6cm)

Price excludes VAT.

Book for next issue by August 17.

Contact Moira Levy at
(021) 689-8389 to place ads



The sign that has become symbolic.

In the final analysis a trademark is only as good as the product behind it.

This especially holds true for the Mercedes star.

Because behind it lies a successful tradition in building precisely engineered motorcars.

More than a hundred years ago Gottlieb Daimler sent a postcard to his wife on which he had drawn his house in Deutz and, above it, a star.

'This Star', he prophesied, 'will one day proudly rise over our factory'.

He and Karl Benz had laid the cornerstone for this.

In June 1909 the three-pointed star was registered as a trademark, and became a symbol for motorised transport on land, on water and in the air.

As a star within a ring, it was registered as a trademark in 1923.

Since that time – with barely any changes over the decades – it has adorned the products of Daimler-Benz AG. It has become the

embodiment of all those virtues which have made Daimler-Benz famous worldwide:

Achievement and quality. Progress and integrity. Innovation and reliability.

To own a trademark representing such high values carries a very special obligation.

It urges us onwards to perpetually strive for the solutions which will make the motorcar more attractive, safer, more comfortable, and environmentally acceptable.

We are proud that the daring, inventive spirit of the founders of our company is still very much in evidence after a hundred years.

And that our people continue to make this inheritance from Karl Benz and Gottlieb Daimler the abiding principle by which they think and act.

Today the three-pointed star stands for a car 'engineered like no other car in the world.'

A symbol that still sets the trend.





Tears flow for beloved country

By Chris Ferndale

BBC DOCUMENTARY journalist Daniel Reed offers a unique view of the underbelly of South Africa in this study of township violence. Focusing on the "silent low-intensity wars" that scar our country, this is a book about the mechanisms, mindsets, forces and people that are part of the war machinery of township life. At the same time it is about those who attempt to make and keep the peace.

Reed says the book aims to "piece together a few insights into the violence by placing the war in the context of a massive social upheaval caused by the end of apartheid".

Where it differs from other accounts of township violence is in its attempt to "give the reader a sense of how the violence appears to people on the ground, rather than trying to squeeze current events into the familiar (but obsolete) terms of reference of the struggle against apartheid, as most writers still attempt to do".

Reed argues that low-intensity wars have shaped the politics of South Africa irrevocably, certainly as much as high-profile negotiations. "This book will have achieved its purpose if it introduces the reader to the complex, ambiguous realities of the uncivil war, a world far removed from that of the men in suits who sit at the negotiating tables," he says.

He has uncovered a wealth of stories that are hardly known on the "official" side of town. Weaving history creatively into his narrative of the present, Reed has achieved an easy-to-read and accessible style. The unfolding dramas keep the reader alert to the sharp edge of the realities of township life.

A striking example of the dramas he reports is the description of the destruction of the Tsakane hostel on the East Rand, one of the first of several Transvaal hostels to be razed by township residents. A series of clashes between residents and hostel dwellers preceded a decision by hostel dwellers to ignore a stayaway. Angry residents then



Inkatha warriors on the warpath, outside Pietermaritzburg, Natal.

Picture: GUY TILLIM

BELOVED COUNTRY

DDB



SOUTH AFRICA'S
SILENT WARS



"Just as it was getting light we smashed the windows of the hostel. People inside screamed and ran away. We entered the hostel and the rooms were looted and burned. Some hostel dwellers resisted and they were killed."

military logic) are portrayed as irrational, insane acts of barbarism. This reinforces the prejudices amongst whites that blacks are wont to slaughter one another for no apparent reason."

In contrast, "the spilling of white blood calls forth an orgy of reportage, a frantic search for heroes, tear-jerking interviews with relatives, a national outcry. The deaths became meaningful, significant, endowed with greater logic: 'They did not die in vain. They died for a new South Africa'."

Reed takes a different approach, offering the narratives and insights of people themselves as a means of shedding light on the violence of the townships.

The book does not pretend to be an analysis of the complex reasons for the multiple warfare situations in the Vaal Triangle and Natal. Rather it amplifies a variety of previously untold stories about the tension and mass trauma experienced by many communities. It focuses on microcosmic examples of the different types of violence, from hostel clashes to police complicity, from battles between the ANC and the Inkatha Freedom Party to gang warfare.

Beloved Country concludes with a section entitled "A Painful Transition", which tells

the stories of communities struggling to come to terms with change. There are the embattled Afrikaners, "a broken people", according to one. There are the confused white liberals, who dissect their angst over coffee in suburban shopping malls. There is Marianne, who wants to leave South Africa, desperately seeking a husband with a foreign passport. All the people from Johannesburg's wealthy Northern Suburbs are leaving, she says. "The Jews are leaving, and when the Jews leave you know things are bad."

There is also the disillusioned liberal, battling to shore up his theoretical understanding of the struggle and the harsh realities of township life. He contemplatively analyses his brief spell in the struggle against apartheid, then stops himself, feeling self-conscious. "I feel like I'm talking to my therapist," he confesses to Reed.

Among others interviewed by Reed is a middle-class, upwardly mobile black businessman who has had to transform his behaviour to adapt to the capitalist world. There is also "Baas Potgieter" of the creative entrepreneurial nature, who finds a way to marry the needs of his factory with those of some of the unemployed of Phola Park.

Significantly, some of the photographs illustrating this book were taken by award-winning photographer Ken Oosterbroek, who himself fell victim to the wars in the Vaal townships.

Beloved Country is published at a time when we need to reflect in order to build, and it provides valuable material for reflection: the substance of the past experienced by thousands of black South Africans. Unlike many other journalists, who came to capture violent scenes at the height of the struggle in order to flash them around the world, Reed came to learn. That he succeeded in doing so is apparent from the depth of the insight revealed in this book. ■

BELOVED COUNTRY by Daniel Reed.
Jonathan Ball Publishers, Johannesburg,
1994. 210 pages, R89,95.



BOOKS

Catharsis or national haemorrhage?

By Charles Villa-Vicencio

"THE nation must deal with the past," President Nelson Mandela said in his state of the nation address, adding that "the burden of the past lies heavily on us". The problem with this burden is that it does not easily go away. It weighs like a nightmare on the present. Try to ignore it and it is likely to return to haunt us. Face it and it has the capacity to destroy us.

One of the contributors to *Dealing with the Past*, author Tina Rosenberg, warns in connection with the need to remember that "there is a dragon living on the patio". No, it's "right inside the living-room", says fellow contributor Mary Burton of the Black Sash.

These observations provide a sense of the urgency of the issues dealt with in this crucially important book. It is one that should be inwardly digested by every single person in South Africa.

The issues facing South Africa in transition are both ethical and political. They need to be worked out in relation to each other. Chilean activist Jose Zalaquett, a lawyer who served on his country's national Commission of Truth and Reconciliation, makes this point in his contribution to *Dealing with the Past*. He stresses the importance of understanding the fears and motivations of the perpetrators of evil deeds, and warns that neither victim nor adversary can hold the power of veto in determining the rules of society.

A similar point is made by Roberto Canas, an economist who has been deeply involved in the El Salvadorian struggle. He shows the need to balance what is ethically correct with

what is politically possible: "Ethically it is imperative to punish those responsible for violence and politically it is possible and correct to work for the eradication of all instruments of terror and to create a system of guarantees to ensure that the abuses of the past will not be repeated."

Legal academic Albie Sachs grounds the issue in the South African context: "We cannot say to the security forces: 'We are going to lock you up.' It just won't work. There will be more deaths and suffering. What we can say to them is: 'When we have the new constitution, if you side with those fighting democracy with arms and assassinations, you will forfeit any claim to amnesty.'"

Barney Desai of the PAC goes further: "We would be living in a fool's paradise if we believed that merely telling the truth would end human rights abuses," he says. "The violators must be named and put on trial."

Questions abound: who should be investigated and who brought to trial? What should the cut-off point for amnesty be? Should the names of all those found guilty of crimes be made public? Should prosecution follow disclosure? The tentacles of apartheid abuse extend widely.

Dealing with the Past makes a start at providing answers, making it abundantly clear that a truth commission should never be allowed to degenerate into a witch-hunt. Judge Richard Goldstone argues that the terms of reference of any truth commission ought to be politically negotiated. Only then can the commission address itself to its task.

Political scientist Andre du Toit argues that the core issue to be investigated should be the so-called third force. Aryeh Neier, a former executive director of Human Rights Watch in New York, concurs: The main task of the commission should be to "deal with deception and to respond with truth".

Zalaquett speaks movingly of the Chilean president's presentation of the report of the Commission of Truth and Reconciliation to the nation on television, atoning on behalf of the state for its crimes. The full report was

DEALING WITH THE PAST

TRUTH AND RECONCILIATION IN SOUTH AFRICA



KEY COMMENTATORS: Grappling with issues of truth and reconciliation are legal academics Albie Sachs and Lourens du Plessis, and Judge Richard Goldstone.





LETTERS

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

sent with a personal letter from the president to every affected family.

John de Gruchy, who attended the conference on which the book is based, picks up on the theology of this option in a plenary discussion: "There is an ongoing pressure that is not only moral. The moral says there must be justice; the theological concurs, but adds that justice must lead to reconciliation."

Sachs argues that "the real reparation we want ties in with the Constitution, the vote, with dignity, land, jobs and education". New York columnist Lawrence Weschler agrees. Weschler, who is also the author of *A Miracle, a Universe: Settling Accounts with Torturers*, suggests that the basis of true reconciliation is the ability to live in a normal country - "but before that point, there is a lot of remembering to do".

Nomonde Calata, widow of murdered Cradock activist Fort Calata, tells of her eight-year-old daughter wanting to know what happened to her father. "Can't you draw a picture for me? Can't you tell me?" the child asks. A priest in Uruguay tells of his experience in counselling a woman whose child had disappeared: "Father, I am ready to forgive, but I need to know whom to forgive and for what."

Badly handled, a national truth-telling exercise could lead to a national haemorrhage. But it could also be a cathartic new beginning. Nineteenth-century French historian Ernest Renan suggests that nations are built on great remembrances and great forgettings. Amnesty is not amnesia. Coupled with confession or disclosure it can be a way of remembering the need to forgive. ■

Charles Villa-Vicencio is professor of religion and society at the University of Cape Town.

DEALING WITH THE PAST: TRUTH AND RECONCILIATION IN SOUTH AFRICA, edited by Alex Boraine, Janet Levy and Ronel Scheffer. Idasa, Cape Town, 1994. 196 pages, R49,95.

IFP scorns poll 'myths'

THE Inkatha Freedom Party (IFP) victory in KwaZulu/Natal has brought the deficiencies of opinion polls into sharp relief. After polls predicted three percent for the IFP nationally and 32 percent provincially, the party won 10 percent nationally and 50 percent provincially.

The misreading of the extent of popular support for the IFP arose from a combination of factors: an unshakeable belief in opinion poll speculation, a dependency on unreliable census figures, and a tendency to believe myths and stereotypes. The result was a smug complacency that an IFP win in KwaZulu/Natal was unthinkable.

Opinion polls are a controversial feature of any election campaign. As one media cynic observed, politicians welcome surveys only when they predict a victory for their own party. For this reason polls must be seen in their correct - flawed - perspective.

Firstly, they are a fleeting snapshot of public opinion and don't reflect the constantly evolving circumstances. Secondly, many variables can affect the survey.

Stunned by their embarrassing misjudgement, those who had predicted IFP defeat sought to downplay their disbelief and the significance of the IFP victory, labelling it a "surprise win". Their arithmetic clearly misjudged the swelling tide of royalist sentiment sweeping KwaZulu/Natal.

No doubt influenced by surveys suggesting a landslide ANC lead, their scholars spurned every effort to challenge conventional myths, concentrating instead on demonising perceived spoilers.

One may hope that the eroded credibility of opinion polls will encourage these observers

to re-examine their faith in the soothsaying which informs much of their mythology about black South Africa.

Ed Tillet

IFP Information Centre

Well done, Noby!

IN YOUR May edition the report headlined "Our cup of tea" reflects Noby Ngombane's surprise at the warm hospitality offered to a voter education team by a group of farmers in Ladybrand. Noby comes to the conclusion that "business can be done" with these people.

This was the message I tried to convey to an Idasa workshop on land held at Houwhoek some years ago, but my views were received with derision. A well-known academic poured scorn on my suggestions that farmers in general were not the kind of jack-booted tyrants that they had been made out to be. The good professor had made up his mind and was not to be convinced otherwise.

Well done, Noby! This country needs open-minded people like yourself who will help us all to overcome our prejudices. Giving credit where credit is due is a fine way to begin.

Errol Moorcroft

Senator

Eye appeal

THANK YOU for the changed appearance of *Democracy in Action*. I liked it very much and picked this issue from a bunch of magazines on its appeal to the eye.

It handles well and its contents were well laid out. A great improvement!

G Damme

Observatory Ext, Johannesburg

THE FACTS: In 'Brand-new look' (31 May 1994) the impression was created that Sarah-Anne Raynham was editor of *South African Outlook*. This is incorrect. The editor was Francis Wilson. *South African Outlook*, still going strong after 124 years, is currently edited by Barney Pityana.

IDASA IN ACTION



DIARY

Highlights of forthcoming events organised by Idasa Offices

Durban

LOCAL non-governmental organisations (NGOs), including Idasa, will hold a workshop on the role of civil society in promoting and maintaining democracy, development and reconstruction in KwaZulu/Natal.

The workshop is aimed at all non-partisan NGOs and community-based organisations that want to make a contribution to the transition to democracy and, in particular, to the Reconstruction and Development Programme. The workshop will explore the identity of civil society in the region and

will construct an agenda for further consultation.

It will be held on 27 July at the Fulton Trust Room, Unisa, 230 Stanger Street from 8am to 4.30 pm. There is a R10 registration fee.

For more information contact Jane or Vimla at (031) 304-8893.

Bloemfontein

A FOUR-DAY language workshop will be held from 1 August at the University of the Orange Free State. It will bring together representatives from community organisations and tertiary institutions to

discuss the future of South African languages.

● An education management workshop will be held in the second week of August. The workshop will enable education managers – inspectors and school principals – to discuss democratic management of education structures.

● A series of community-policing workshops will be held throughout the Orange Free State in July and August. Community organisations and local police officials will come together in the QwaQwa/Bethlehem area to discuss community policing from 13 to 14 July. This will be repeated in Botshabelo on 27 July and in Frankfort on 3 August.

At a joint meeting from 13 to 14 August, participants from all three towns will discuss a regional approach to community policing.

Port Elizabeth

A SYMPOSIUM on democratic transition will be held in Port Elizabeth in August. The aim will be to explain the changes taking place in local government to the general public.

For further details contact Sandy at (041) 55-3301.

Pretoria

IVOR Jenkins, director of the Idasa Pretoria office, will lead a group of prominent South Africans, including ministers and members of Parliament on an international tour.

The group will examine constitutional models in Canada, Switzerland and Germany. They leave on 17 August.

Western Cape

A LOCAL government information workshop will be held in the Southern Cape town of Riversdal on 13 July.

At the workshop non-statutory bodies from Riversdal, Albertina and the surrounding towns will discuss current developments in local government.

The workshop will place local government in a broader context and look at the concept of local democracy.

● The Western Cape will be inviting youth to participate in a workshop in August on how youth can contribute to local democracy.

For further details contact Somaya at (021) 47-1280.

Free State language debate

DEMOCRATIC team building within the Free State is an activity the Bloemfontein team at Idasa has been involved in all year. As part of this commitment, Idasa, with the University of the Orange Free State, organised a workshop on 17 June to look at the recent developments around the language question for the region.

Theo du Plessis of the Language Facilitation Programme, Department of General Linguistics at the university, attended a conference in May entitled Towards a Pan South African Language Board. Idasa invited him to report to the workshop.

Du Plessis referred to the points raised by Winnie Mandela, the

Deputy Minister of Arts, Culture, Science and Technology, who proposed that the official promotion and practice of multilingualism would help to avoid unilingualism.

The highlight of the Idasa workshop was an address by Albie Sachs. He gave the 100 participants an in-depth account of the constitutional implications of the language debate. "No sane person would rush into print on the language question," he said. "It is so intricate and so laden with emotion that you are bound to offend many and please few. Yet debate there must be."

Idasa plans to host another workshop soon, with more input from the educational sector, where issues such as the official language for the province and the medium of instruction will be debated. A final report will then be drawn up and presented to the senate before the 30 October 1994 deadline.

Teboho Loate
Regional manager, Free State

New staff boost regional offices

IDASA'S work in the areas of community policing and local government training has been boosted by the arrival of two new staff members – Mduzuzi Mashiyane in Pretoria and Joel Lekesana Salla in Bloemfontein.

Mduzuzi has been appointed as project co-ordinator and will bring his skills to the arena of community policing.

Mduzuzi matriculated in Katlehong in 1986, and went on to work on the mines as an engineering trainee and then as a missionary worker for the Unification Church. After a time drafting inputs to the multi-party negotiations for the KwaNdebele government, he returned to Katlehong where he became involved in local peace structures

Through his work in monitoring and mediation there he met up with staff members of Idasa's Pretoria office who invited him to join their team.

Joel, nicknamed "China" by Idasa staff, is employed as a trainer for the local government project in the Free State.

Joel has been active in civic structures in the Free State since 1989. In 1991 he was elected regional deputy secretary of the South African National Civic Organisation and in 1993 headed its regional organising department.

In 1994 he joined the Independent Forum for Electoral Education as a facilitator and was involved in voter education programmes.

IDASA *IN ACTION*


'No place for perpetual revolution'

THE debate about whether the Eastern Cape should be one or two regions was history, regional premier Raymond Mhlaba told a recent meeting of the Eastern Cape Economic Development Forum. The challenge now was for all the people of the region to work together for development.

Confirming his council's commitment to the ANC's Reconstruction and Development Programme (RDP), he said that it was not a negotiable document and its success or failure would have a profound effect on a future South Africa. Development required commitment from an accountable and transparent government, and there was no place for corruption or mismanagement of taxpayers' money.

Mhlaba acknowledged the vital role of the traditional Eastern Cape (the area from Humansdorp to the Fish River), pointing out that the success of the whole region depend-

ed to a large extent on the development of this particular area.

Troubled by the recent spate of strikes all over the Eastern Cape, the premier committed his government to acting as a catalyst to bring about peace and stability. He said there was no longer place in the new South Africa for perpetual revolution. Although strikes were a legal right of workers, they should be used only as a last resort.

Mhlaba said the provincial government supported the amalgamation of the development forums of the former Eastern Cape, Border and Kei (the areas previously known as Border, Ciskei and Transkei), and noted that moves towards integration were already under way. The forums would continue to service their areas independently but would act as a collective for development of the whole region.

Regional minister for Local

Government and Housing Max Mamase said his government recognised the role these forums played in facilitating broad consensus on development of the region and acting as a vehicle for voicing concerns. It was therefore important to retain such institutions, he said.

Tobile Mhlalo, regional minister for Public Works, suggested a regional conference to formulate a regional strategy for implementation of the RDP. This has been planned for a later date.

Among representatives from business and labour to attend the forum meeting was Martin Kuhles of Telkom, who handed over a cheque of R50 000 for the forum's Job Creation Trust. An Independent Development Trust representative announced that funding of R300 000 for the project had been approved in principle.

The forum approved publication of a research study of the develop-



Raymond Mhlaba

ment profile of the Eastern Cape commissioned this year and conducted by the Institute for Planning Research at the University of Port Elizabeth. The next step in the work of the forum is to assist in the establishment of offices in the rural areas of the Eastern Cape.

Sandy Wren

Regional co-ordinator, Port Elizabeth

POLICE-community forums have been formed in Katlehong, Thokoza and Vosloorus townships, arising out a process of consultation between police and communities. Launched in February, this process was initiated by Idasa, the Wits-Vaal Peace Secretariat and other non-governmental organisations.

With the escalation of crime and violence in Katlehong, Thokoza and Vosloorus on the East Rand (collectively known as Kathorus) and the lack of effective policing, both the community and the police realised that the only way to solve the problem was to address it together.

Idasa therefore conducted workshops for residents and police from the local police stations on safety and security in the community and the policing system in the area.

The positive spirit during these workshops indicated a shared determination to work together to find solutions. Discussions revealed that the police accepted the need to change their structure and become

Talks foster Kathorus forums

more transparent and consultative, while they wanted a change in the attitude of the communities and more openness and co-operation in police investigations.

This spirit led to the formation of the community-police forums in each of the three townships. Each forum has the working document produced by the workshops as a policy guide.

Community groups ranging from business and church organisations to the civics and youth structures are represented in these forums, as are political organisations.

Within the forums the community can evaluate the effectiveness of the police service and make recommendations to the command structures. Together with the police, the community has identified areas that are flash points for violence

and has worked out plans for the introduction of more visible policing in these areas. These include patrols, some of them conducted jointly, and, until proper police stations are built, the establishment of satellite police stations in areas that are far from the main station.

In consultation with the Ministry for Safety and Security the forums are setting up a programme to confiscate illegal firearms and engage the Self Defence Units and the hostel-aligned Self Protection Units in more productive and constructive work.

An important aspect of building the relationship between the police and the community is to inform the community about the police units operating in the area and to explain police procedure. The forums have also identified the

need to educate the community about their basic rights.

The fledgeling forums are, however, facing their first difficulties. Financial constraints are being felt and the massive projects which these forums must undertake if their aims are to be met need to be financed.

The national guidelines for the setting up of forums at every police station (as required by the Interim Constitution) have only recently been released and the power the forums will have, and how they will be sustained, still has to be defined.

The challenge is to empower the communities so that they can work with the police in a creative way. The renewal of violence in Thokoza and some parts of Katlehong poses a serious danger to this still very fragile process and will serve as a test to see whether the forums can deal with the serious issues facing the communities.

Mduduzi Mashiyane

Project Co-ordinator, Pretoria



MY VIEW

Restoration of Riemvasmaak ends the heartbreaking time



By Karel Damarah

I TRAINED in Riemvasmaak on the day the community was forced to move. The people thought it was a sign that they would be allowed to stay but a state employee said, "Even if the Lord himself comes down you will be moved," and he was right.

I am one of the victims of that shameful removal; one of the millions whose families and communities were torn apart by the harsh laws of apartheid. We were about 700 families and that heartbreaking time was two decades ago. I had just completed matric in 1973 and my plan was to attend the College of Education in Oudtshoorn in 1974. Minutes after I left for Oudtshoorn our house was burned down by government employees.

During those years I saw my parents and the rest of my family only once a year. They were relocated to Namibia but I stayed on in South Africa after completing my studies. My mother, four brothers and two sisters still live in Namibia so all these years I have travelled 10 000km each time I wanted to see my family – and sometimes for funerals.

Many people died away from their homeland in those years, suffering not from mere illness or old age but from the yearning to return to the land of their birth. Their bodies lie in Namibia or Ciskei, far from the place of their yearning. I think especially of my father, whose great fear was that he would be buried in the alien soil of Namibia.

Like so many others, he never came to accept as his home the foreign place where he was forced to live. My father pleaded on his deathbed to be buried in Riemvasmaak. It was a wish that to my sorrow I could not fulfil.

But we never gave up hope of going back and we never stopped struggling for the return of our land. Twenty years after we were forced from our homes that struggle finally yielded a harvest. On 11 February 1994, Riemvasmaak was returned to its rightful owners.

On 21 May 1994 delegates of the Riemvasmakers visited Riemvasmaak. It was a momentous occasion. Tears of joy and sweet memories were shared. Families and friends were reunited for the first time in many painful years.

Elderly people got down on their knees and kissed the ground or threw away their walking sticks and joined the famous "Nama-stap" dance. Koos Steenkamp from Korigas says his foot has been miraculously healed since he danced for the first time in his life on that day.

We were also honoured by the presence of Northern Cape premier Manne Dipico and national Land Affairs Minister Derek Hanekom. The two were impressed and inspired by the courage of the Riemvasmakers and participated joyfully in a traditional Nama ceremony.

It is significant for us that Hanekom made his first public appearance at Riemvasmaak. In his speech he said that the Riemvasmaak case held political lessons for a free, democratic South Africa.

The celebrations at Riemvasmaak took place as part of an historic convention held in Upington between 17 and 23 May 1994. Representatives of the dispersed people of Riemvasmaak converged on the Northern Cape town from all over South Africa and Namibia. People of all age groups were there.

There was only one real item on the agenda: determining the future of the place Riemvasmakers have never stopped calling home. The meeting was businesslike despite the elation of the people. Trustees were elected for the Riemvasmaak Community Development Trust, with the dynamic and progressive Freddie Bosman elected as chairperson.

Various committees of the trust have been given responsibility for a variety of tasks, which include evolving development plans for the area and planning the relocation of returnees. The planning process is at an advanced stage.

If it receives enough support, the aim of the trust is to create opportunities for people to improve the quality of their lives and to help them to take their place with pride and dignity in the new South Africa.

The only remaining fly in the ointment is what used to be the South African Defence Force (SADF). During the years of our dispossession the SADF used Riemvasmaak for training and other military activities, leaving a trail of dangerous debris behind it. The area is still strewn with bombs and other live explosives.

Obviously this is a problem of grave concern and its removal is essential before Riemvasmaak can be restored to the people in fact as well as in law. The Commission on Land Allocation recommended that the SADF be required to pick up their mess. Colonel J Malan of the Upington-based Eight South African Infantry promised that this would be done by 1 June 1994. But no clearing operation has begun.

This sorry and disgraceful state of affairs has been brought to the attention of both the Minister of Defence and the Minister of Land Affairs. In the meantime we wait.

Despite the bombs – and in a way they are the appropriate last remnant of a vicious period of history – this is a time of joy and thanksgiving for the people of Riemvasmaak. It is right that I end this article by expressing our deep thanks to the individuals who advised us and to the non-governmental organisations – Legal Resources Centre, Surplus Peoples Project and the Land Development Unit – for their support and help.

Karel Damarah teaches at St Maria Goretti Primary School in Augrabies and is secretary of the Riemvasmaak Community Development Trust.