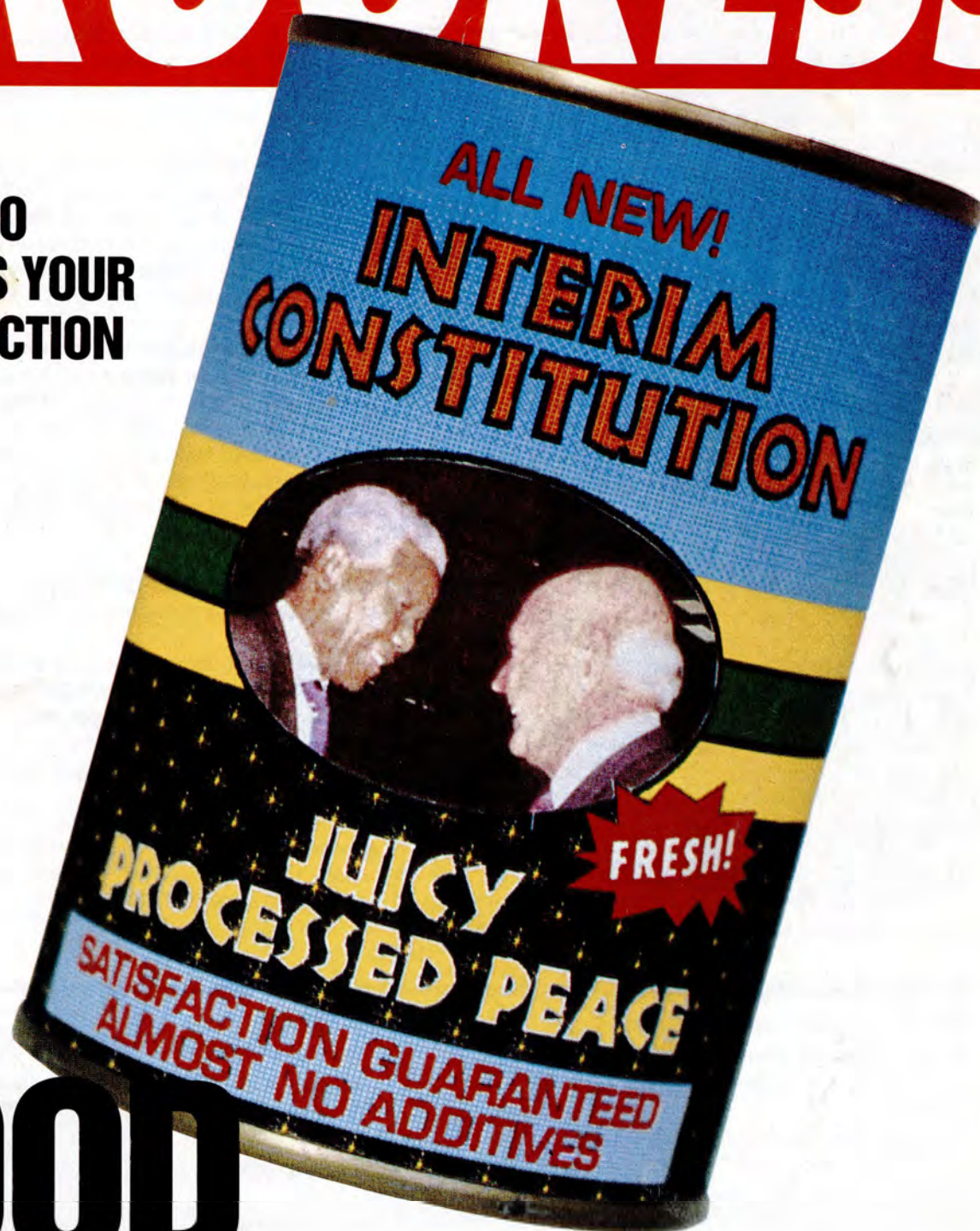


WORK IN

WIP 95 • FEBRUARY/MARCH 1994

PROGRESS

**JOE SLOVO
EXPLAINS YOUR
POST-ELECTION
MENU...**



FOOD FOR THOUGHT

Editorial comment

Hold your breath

One of Max du Preez's last observations, made just before *Vrye Weekblad* closed down, was that it is extremely difficult to intervene in the political process when you're only able to publish every fortnight.

Tell us about it.

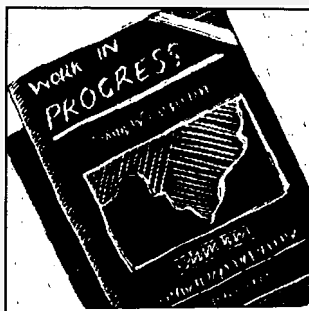
As this edition of *WIP* goes to print, 11 weeks before the April 27 elections, talks between the ANC, the government and the Freedom Alliance have broken down yet again. This, they say, is the end of talks.

This means no participation in the election by either the white Right or elements of the bantustan Right. And you don't need a university degree to know that the rest of us are in for an extremely bumpy ride in the run-up to the elections.

Of course, the Right could repent. The ANC or the NP could relent. And we could all live happily ever after. But, to quote Steven Friedman in *WIP94*: 'It's quite possible to believe that 1994 will be the Year of Peace and Serenity. But it's also possible to believe the national soccer squad will win a major fixture.'

Either way, by the time this issue of *WIP* reaches you, in late February or early March, the political terrain could have shifted yet again. (And our national soccer squad could have beaten Brazil!)

Questions about the pros and cons of our new Interim Constitution — the main focus of this issue of *WIP* — would take second place to debates about how to deal with mili-



tary actions by the Right. The challenge then will be to defend the gains made, to ensure that the process of democratisation is unstoppable.

However: We're assuming we **will** make it through the next few months, and the majority of South Africans **will** manage to install a government of national unity. Which will make *WIP*'s focus on the Interim Constitution vital reading.

Because the constitution will be in place for at least the first two years of our transition to democracy, it is going to have a major impact on the pace of that transition. As you will see on page 12, the constitution contains several flaws. And these flaws need to be resolved before we can proceed with vital reforms in areas like local government, land, the rights of women and workers, and some kind of reconciliation process.

● This edition of *WIP* contains the first of what we hope will be a regular series of in-depth supplements.

The supplement, *Peace & Security for All*, was produced by *WIP* for the Military Research Group (MRG). Apart from being an editorial first, the supplement is also an advertising first in that it contains adverts from companies not normally associated with a publication like ours.

For financial reasons, *WIP* obviously appreciates income-generation through advertising. For the record, though, the adverts in the *Peace & Security* supplement were solicited and negotiated by the MRG.

— Chris Vick

Work in Progress incorporating New Era

No 95 • February/March 1994

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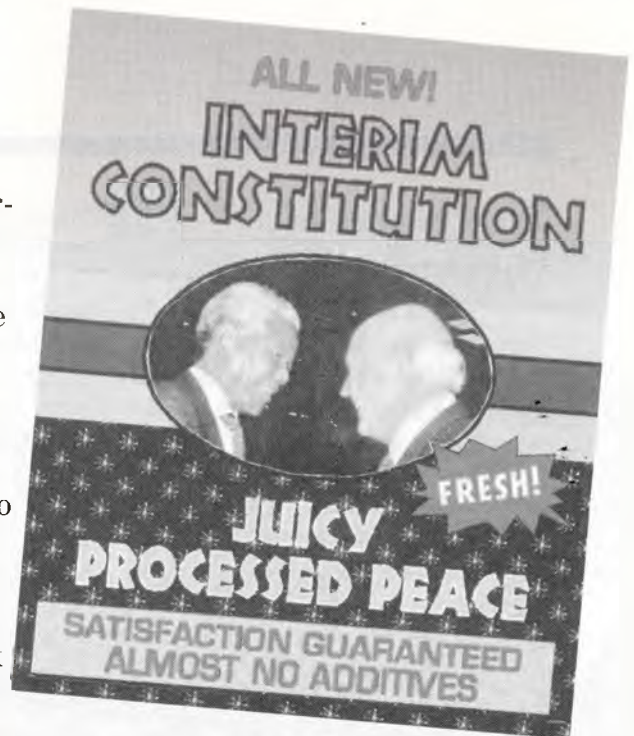
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CAN IT SELL?

Flaws in the Interim Constitution could slow down the pace of change — dimming prospects for real transformation. Constitutional architect Joe Slovo tells us not to worry ... but a host of *WIP* correspondents think otherwise
— *Pages 12 to 26*



TIM MODISE

Meet the man with a new *Agenda*: Disc jockey turned TV host Tim Modise speaks about life in the belly of the beast
— *Pages 6 & 7*



UNCLE SCAM

Coming to a country near you: How the International Monetary Fund rules the world's economy.
● **PLUS:** A prescription for real economic change
— *Pages 33 to 36*



LAND

The place of the radicals

THE STRUGGLE CONTINUES FOR THE people of Dukuduku, who are engaged in a legal battle to get back their homes in a northern Natal forest.

They were forcibly removed by the Natal Provincial Administration (NPA) (*A last kick for Dukuduku, WIP94*) despite waging their own "war of resistance" — digging deep sand-traps and chopping down trees in a bid to keep the NPA at bay.

The NPA persisted with its plans to turn the forest into a nature reserve, however, and eventually evicted the community late last year.

The Dukuduku people took their case to court early this year and — with the assistance of local Inkatha Freedom Party officials — got an interdict preventing any further demolitions. That interdict has now been extended into

March, when the court will finally decide on the community's fate.

Most of the community now live in a burnt-out, recently harvested pine plantation. Dubbed "the radicals", the group has cynically named its new home KwaNtamiqinile ("the place of the radicals").

Less fortunate are another 200 forest-dwellers who were ditched at the entrance to KwaNtamiqinile and denied even the scraggly tents provided to other residents. According to Natal provincial official Val Volker, these people did not qualify for sites at because they had arrived at Dukuduku after an NPA survey in 1992.

The province has already spent R4-million on "developing" KwaNtamiqinile, putting in dirt roads, a water supply and two schools. Those who moved voluntarily and agreed to rebuild their homes at the relocation site were paid R1 000 each.

But people like 68-year-old pen-

sioner Shekifa Mthembu — who says his temporary home on a charred, sandy plot is "not even fit for pigs" — will forfeit the money if they move somewhere else.

The NPA action doesn't seem to be even-handed, however: Left untouched in the Dukuduku forest *WIP* spotted a large, white-owned sugar plantation. Volker denies any discrimination here, saying the plantation had not been touched because of "an ownership question" — even though the plantation has damaged the natural forest far more than the residents' scattered plantations.

"This is not an apartheid issue," Volker insists. "It's the environment we're talking about."

The question arises: would the NPA uproot a community of whites and dump them on a barren, unbearable patch of sand? ■

— Lena Slachmuisler

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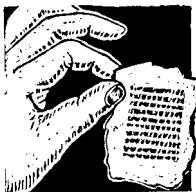
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LAND

Some statistics about land

AGRICULTURAL LAND

● 386 000 square kilometres of South Africa is arid or semi-arid, with limited agricultural capacity.

THE BANTUSTANS

● The bantustans occupy 70 000 square kilometres of this arid and semi-arid land.

● 15-million people live in the bantustans.

● More than 55% of households in the bantustans are small-scale farmers, on an average of one hectare of land. Production is below subsistence level.

● 30% of families in the bantustans are homeless.

● Only 10% of people in the bantustans get an income from agriculture.

● Between 60% and 80% of people in the bantustans depend on earnings from labour in industrial/commercial white South Africa.

WHITE COMMERCIAL RURAL AREAS

● There are about 60 000 family units in the white commercial rural areas.

● The average farm size in these areas is about 2 500 hectares.

● More than one-million labour tenants work and live in white rural areas.

STATE LAND

● There are about 320 000 hectares of unoccupied, arable state land available.

FORCED REMOVALS

● A total of about 3,5-million people were forcibly removed between 1960 and 1982.

● Of these, about 1,3-million were removed as a result of the pursuit of bantustan policies.

● About 475 000 people were removed from black freehold areas ('black spots') between 1960 and 1983.

● Group Areas Act removals, the second largest category of forced removal, accounted for the displacement of at least 834 400 people by 1982. ■



■ **BACK TO THE LAND:** Building layers of organisations in South Africa's rural areas

Putting land on the agenda

SOUTH AFRICA'S FIRST RURAL "CONFERENCE of the people" has laid the basis for the establishment of a rural social movement.

The conference — held in Bloemfontein in mid-February — involved representatives from over 400 communities. It was, in all respects, a unique experience.

But the very process of organising it was also pretty unique. For most of the communities touched by the organisers, it was the first time they had been able to communicate their needs to South Africa's urban-based political parties. And this will, hopefully, result in a more sensitive approach to rural issues by the major political players.

Two significant demands related to women and land reform. At both local and regional meetings held in advance of the national conference, rural people insisted on equal land rights for women, equal representation on local government structures, and the abolition of polygamy.

Several new land reform demands came to the fore, too. Some communities are calling on the new government to allocate 10% of its annual budget for land reform, arguing that this is the only way to effect real change.

Bush telegraph

What the conference has also done is put in place networks which will be invaluable in taking up common struggles. These networks have a life far beyond the conference itself — in Natal, for example, people from different communities have started visiting each other to offer advice and support around common issues. These communities have formed their own coordinating committees to network information.

"Members of these communities have been visiting areas and creating awareness of the campaign for land and land rights. They have also started to grapple with development issues and getting a community voice on bodies like the regional economic forum," says Mdu Shabane, a fieldworker for the Association for Rural Advancement (Afra). ■

— Estelle Randall

PHOTO: ELMOND JYANE



EL SALVADOR

Elections of the century

IF YOU THINK OUR ELECTION LOOKS shaky, spare a thought for El Salvador, which goes to the polls in March for what is being billed as the "elections of the century".

It will be voters' first-ever opportunity to elect left-wingers to national and local government. And the ruling right-wing Arena party is dead set on making that choice as unattractive as possible.

The Left has cobbled together an appealing centre-left ticket. Presidential candidate Ruben Zamora is running on a ticket that includes the Farabundo Marti Liberation Front (FMLN) and his own Democratic Convergence (CD) party. He has chosen a respected former vice-president, Francisco Lima, as his running mate and is rising steadily in the polls.

The chances are improving for a strong centre-left presence in the national assembly and dozens of mayors belonging to the former guerilla movement, the FMLN. Communist Party leader Shafick Handal is the FMLN candidate for the capital, San Salvador.

Dirty tricks

The right-wing, predictably, is playing every dirty trick in the book. Death squads have reappeared with a vengeance. At least three top FMLN commanders have been assassinated, while the bodies of militants are again being found dumped, in death squad fashion, on garbage heaps or beside highways.

International pressure has begun opening voter registration which was kept virtually impenetrable by the authorities in an apparent bid to keep the estimated 800 000 unregistered citizens away from the polls. Arena has been bargaining on its "hard vote" of 500 000 being big enough to carry the

day; El Salvador's electorate is only 2,7-million strong.

But the body tasked with overseeing the election, the Supreme Electoral Tribunal, is dominated by Arena, and has been restricting access by the Left to the electoral commissions that will run the vote. The FMLN complains that the way is being cleared for electoral fraud.

Corrupt foundations

"The whole electoral system is being built on the vestiges of a system that is better known for its corruption than for its efficiency," comments one election observer.

Ten parties will contest the presidential, legislative and municipal elections scheduled for March 20. Polls show Arena with a substantial lead —

but as many as 50% of eligible voters are "undecided".

Arena presidential candidate Calderon Sol, who is plagued by demonstrated death squad links, has said he will not comply with the recommendations of the Truth Commission appointed to probe human rights violations in El Salvador's 10-year civil war (see *WIP 91*).

Meanwhile, the FMLN, a coalition of five organisations, is experiencing ructions of its own making.

The People's Revolutionary Army (ERP) has removed three top members from its directorate, for opposing the party's drift towards social-democracy. ■

— *El Salvador Information Project/Americas News Update/The Nation*

CHILE

Left checked in Chile vote

LEFT-WING CANDIDATES PERFORMED below par in Chile's December election, netting only 11,4% of the vote between them.

The presidential race ran according to predictions, with Eduardo Frei, candidate of the centrist Concertacion alliance, winning the presidency with 58% of the vote. Concertacion is made up of the Christian-Democrats and the Socialist Party.

Right-wing Union for Progress alliance front-man Arturo Alessandri trailed in with 24%.

But the Allende Movement of the Democratic Left (Mida) aspirant, Eugenio Pizarro could muster only 4,7% of the vote, less than half the support hoped for.

Calls have gone up for a referendum and constitutional reform to the electoral system. That the close to one-million voters who voted for leftist can-

didates have no representation is an indication of a "political system that lacks basic legitimacy", said a Mida spokesperson.

Afterwards, former dictator Augusto Pinochet and the entire army high command, paid an official visit to president-elect Frei. Pinochet remains commander-in-chief of the army, thanks to a clause in the constitution drafted under his regime, which prevents him from being replaced until 1998.

Frei has pledged to try and eliminate "the immovability of the military commanders". But Concertacion has only 70 seats in the Chamber of Deputies, eight short of the two-thirds majority required for constitutional reforms. Right-wingers hold 50 seats. Concertacion's failure to win a majority means it will have to proceed with compromise-style politics towards the right-wing to assure crucial votes.

Frei believes the vote has rounded off Chile's transition to democracy. "We are consolidating this process ...



MEXICO

Bullets mend ballots?

THE NEW YEAR'S DAY UPRISING BY Zapatista National Liberation Army (EZLN) guerillas in the southern state of Chiapas has forced an unexpected concession from the Mexican government.

It has signed a 20-point plan that might just make Mexico's August 21 elections marginally "clean".

The Zapatistas' rebellion hit several raw nerves, among them the aptly-named Institutional Revolutionary Party's (PRI) vulnerability to claims that its 65 years in power is attributable to electoral fraud and bribery.

Voters have not forgotten current president Carlos Salinas de Gortari's controversial 1988 victory over pro-

gressive candidate Cuauhtemoc Cardenas in a vote marred by irregularities. Cardenas will again be standing for the centre-left Party of the Democratic Revolution (PRD).

Among the clean-up measures is a new rule lowering the campaign spending limit from an astronomical \$220-million per candidate to \$43-million. The PRI, however, is still the only party with that sort of credit.

Meanwhile, the Zapatistas in mid-February were still holding 70-80 of the 119 communities in the eastern part of Chiapas state. "The Zapatistas are still in control of the situation," Emilio Mendez, of the ranchers' association Aric, told the state governor. Campesino

EZLN supporters have also seized land from ranchers. The EZLN's main demands centred on land reform.

The EZLN says it has tried General Absalon Castellanos Dominguez, a former governor captured by the rebels, and found him guilty of "having obligated the Chiapaneco indigenous people to rise up in arms by closing off all possibility of a peaceful solution to their problems".

His sentence of manual labour has been commuted, making him "live to the end of his days with the pain and shame of having received pardon and goodness from those he so long humiliated, kidnapped, despoiled, robbed and murdered," the rebels said in a statement. ■

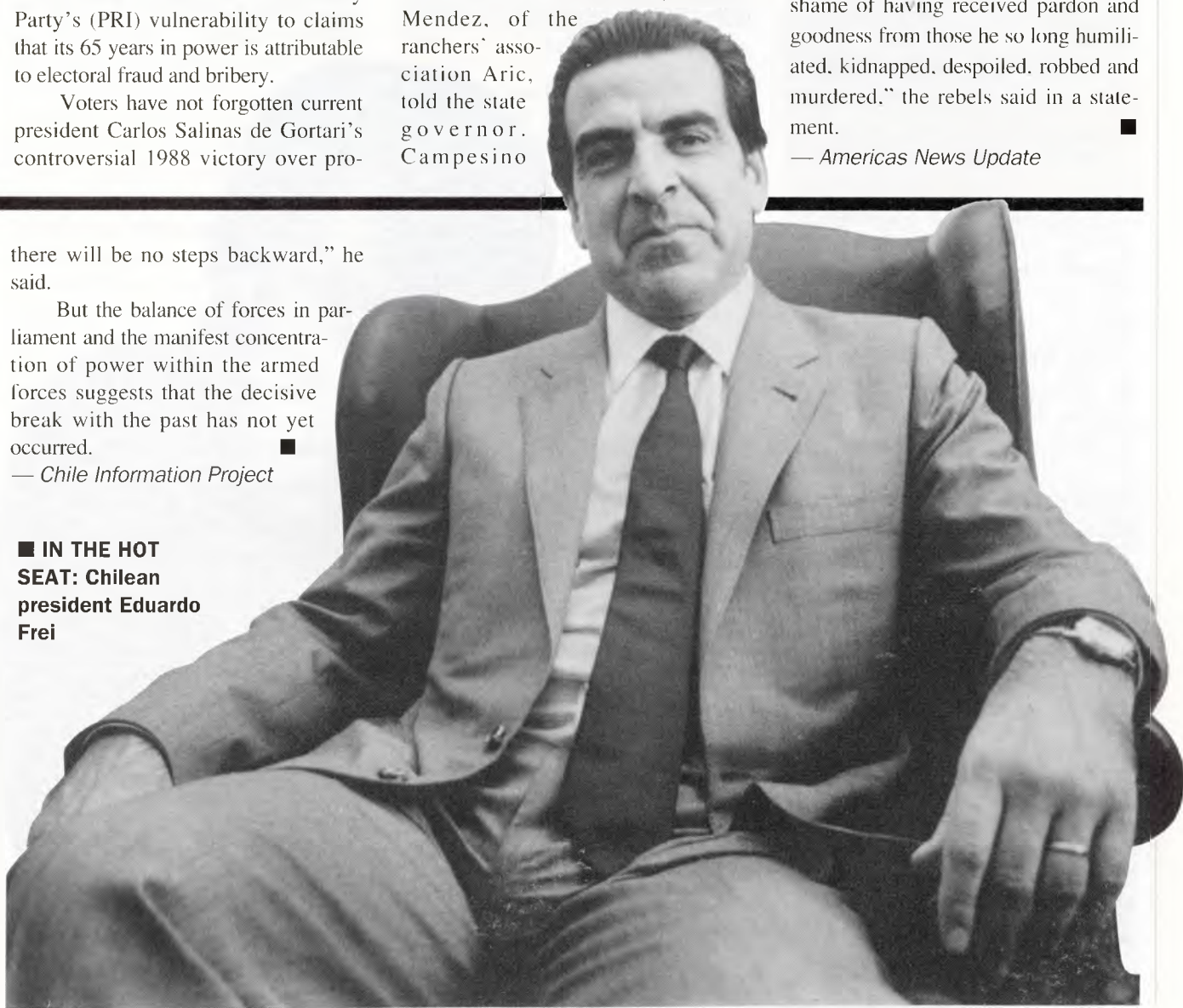
— Americas News Update

there will be no steps backward," he said.

But the balance of forces in parliament and the manifest concentration of power within the armed forces suggests that the decisive break with the past has not yet occurred. ■

— Chile Information Project

■ **IN THE HOT SEAT:** Chilean president Eduardo Frei





Meet one of
the new faces
on SABC's
current affairs
programmes
— Tim
Modise,
hotshot host
on *Agenda* and
*Good Morning
South Africa*

How are you finding your move to *Agenda*?

It's exciting, and I hope it will make a difference — maybe with time we'll bring about South African TV rather than white TV or black TV.

Why did you join *Agenda* and *Good Morning South Africa*?

I was asked to ... I think they were looking for someone to bring about a change — someone who could fit into the format of the programmes and possibly bring in new perspectives.

Do you think you're having an impact?

It's early days, but I think it's made a little difference.

What does affirmative action mean to you?

Giving opportunities to people who've never had them before ... doing things that were supposed to have been done

all these years.

What do you think about SABC's affirmative action programme?

I can't speak for them, but they would probably tell you the SABC employs around 70% white people and 30% people of colour. Is that a reflection of South Africa?

Have you experienced racism in SABC? How did you handle it?

I have worked essentially for Radio Metro, which is managed by black people. Within that context, it's been OK. If something needed to change, we changed it as a collective — not as individuals.

The head of the SABC is a woman. How do you feel about that?

I think it's great. I'm actually impressed. It seems black women are making more strides than men. And I'm happy for them. So many of them are



PHOTO: OM SAMSON/ARCANO

doing great things.

It shows we have people with a fighting spirit — most women have that fighting spirit.

Do you support women's demands for change?

I think they are fair demands. But the fact that there should be demands is, in itself, an indictment. I don't believe in chauvinism on the basis of a person's sexuality. I don't think it makes sense, because you still have men who don't amount to anything.

Do you believe in feminism?

I believe in human rights for all. Feminism as a trend or lobby group is best left to feminists.

Do you think you've made some sort of contribution to the process of change in South Africa?

I don't think I made a contribution as an individual. But maybe as a member of a collective I have ... I attended Fort Hare and there was a strong boycott. I was not a leader, but I did understand the principle. The university was closed down and I lost the opportunity to study further. I wanted to become a lawyer.

Do you feel bitter about that?

It affected thousands of people. I feel sorry for those who never had other opportunities — I was fortunate, because I could move on to something else.

But I think the struggle in general has been worth the effort ... things can still turn out to be okay. We must see change as having created space for us to make a difference to our lives.

What's your main ambition?

My ambitions seem to work themselves out. If I can use a sports analogy, I might score three goals today and want

to score six goals tomorrow. My ambition is what goes on every day.

Have you thought about getting involved in some form of community broadcasting rather than just working at SABC?

I was invited by Medunsa to help set up their own thing, but frankly I haven't made time.

Who's your role model?

A lot of people — Mohammed Ali is one of them, because of his dedication to his craft and his conviction. I could mention political names but I don't know if it's fair. Denzel Washington is one. Others are my friends — I interact with them and learn a lot.

So who's your favourite politician?

I think Mandela works hard. He's an interesting person, a nice guy. I also admire Malcolm X and Martin Luther King.

Who have you most enjoyed interviewing?

Al Jarreau, Joe Slovo and Sam Shilowa. But Al is about the best.

How do you unwind at the end of a hard day?

Maybe talk to friends or go home to relax, watch a bit of TV. Invariably, I read before I sleep.

What's the last book you read?

One by Eric Frank — *Psychotherapy and religion* or something like that ... I just bought it yesterday.

Is that the kind of thing you're interested in?

Ja ... books which deal with man and his relationship to himself and the environment.

How do you feel about green issues?

I worry about double standards. We mustn't be environmentally friendly just because it suits us — and fail to do the same when the authorities or powerful people abuse the environment in the name of profits or political power.

What's your favourite TV show ... Agenda?

I'm keen on information-type programmes, but I don't have specific favourites. I watch sports occasionally, but I don't make an appointment with the TV, I just watch when it's on.

Where do you like to hang out?

The Market Theatre precinct in Johannesburg.

What was your favourite move of 1993?

Scent of a Woman.

What kind of car do you drive?

A Nissan Skyline.

And what kind of car would you like to drive?

A Mercedes Sports.

How would you describe yourself, then?

I love to enjoy my life — not to party, but to be at peace with myself. I love to experience joy. I think I'm easygoing, but I don't like conflict within my life, I like harmony.

One last question: Is John Bishop as arrogant in real life as he is on Agenda?

I don't know.

— Interview by Mpho Mosimane

Tim Modise



Can the ANC top the 'Coleman Line'?

There are almost as many opinion polls as there are election promises — most of them predicting landslide victories for the ANC. **BOB MATTES** offers some guidance on how to make sense of all the numbers...

YEARS AGO, AMERICAN BASEBALL writers used to talk of the "Mendoza Line". It referred to the paltry batting average of Seattle shortstop Mario Mendoza. What they meant was: if you couldn't top this, you can't stay in the major leagues.

Here in SA this electoral season, we might be asking whether the ANC will top the "Coleman Line." Max Coleman, in case you don't know, is chairperson of the Human Rights Commission and happens to rank no 134 on the ANC's national list.

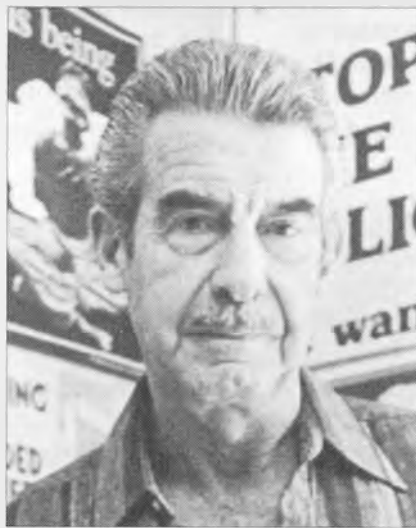
He will make it into parliament only if the ANC gets that magical 67% of the national vote. More importantly, he would provide the key parliamentary vote ensuring that South Africa's constitution will be written with an ANC pen, if they so choose.

Just six months ago, Coleman's parliamentary hopes seemed gloomy. Newspapers were reporting polls showing both ANC and NP support levels dropping.

But the market on Coleman's future employment prospects quickly turned from bear to bull in January, when headlines blared news of an apparent change in attitudes. First came a HSRC poll, then a *Sunday Times* one, predicting ANC landslides nationally and in most provinces.

But before Coleman starts looking for a flat in Cape Town, common sense requires that we season these polling margueritas with more than a few grains of salt.

Clearly, the ANC's prospects



■ **MAX COLEMAN:** Don't rent that Cape Town flat yet...

have improved recently, while the National Party has suffered a major setback. An examination of comparable results (like the HSRC's Omnibus polls), reveals impressive ANC advances since July 1992 — bouncing from 40% to 51% national support, and up from 56% to 72% support among black voters.

In contrast, NP support was almost halved to a paltry 13% nationally. Its white support drained to a level equal that of the Conservative Party (26-28%), though it has begun rising again. Most damaging for the NP is the slump in black support which hovers precariously around 1% after nudging the 7.5% mark in July 1992. The HSRC reckons this translates into a

loss of roughly one-million voters — a hefty figure in a proportional representation election. Perhaps more alarming for NP hopefuls is the reported exodus of coloured support, down from 61% to just 27%.

Likewise, the ANC's other chief electoral headache, the Inkatha Freedom Party (IFP), has seen its fortunes plunge. It has lost two thirds of its black supporters, sinking to 5% in a November 1993 poll. Inkatha's national support now flounders below the 5% required to earn a place in the cabinet.

Pass the salt

Now for the salt, please. While there have been some real shifts in popular opinion, this apparent change in support levels stems partially from a change in the way the polls are being interpreted.

Until 1993, most pollsters and writers were content to report the results from the entire sample — including the large numbers of respondents who either didn't have a preference or were unwilling to declare it, or were not planning to vote. Thus, polls would show *x%* support for a party but add that, say, one in every four respondents were "undecided".

Nowadays, virtually all the headlines foretelling an ANC "landslide" are based on *re-calculations* of support levels that exclude these "undecided" respondents. And this overstates real ANC support across the country.

Newspapers reported that a nationwide November 1993 poll done

by the HSRC for the Institute for Multi-Party Democracy (MPD) showed the ANC with that magical two thirds of the vote.

Actually, only 51% of the original sample chose the ANC, with 24% not venturing an opinion. The two thirds figure was arrived at by eliminating the "undecideds" from the calculations.

Now, excluding the "undecided" or "won't vote" responses is very risky. It's based on the problematic assumption that those people will either not vote or, if they do, that their choices will follow the exact same pattern as those who admitted their voting intentions to the pollster.

But the opinions of these "don't knows" or "won't says" often differ systematically from people who are willing to divulge their opinions. "Don't knows" tend to be concentrated among certain sections of voters and in certain areas (see "The Mystery of the Don't Knows" WIP 93). For instance, the HSRC/MPD national poll found that 46% of its coloured respondents nationally were "undecided"; only 27% chose the NP (21% opted for the ANC).

Yet we know from virtually all other polling evidence that NP support among this group is much, much higher. To assume that these "undecideds" will either not vote or simply distribute their preferences the same as those who shared their opinions is ludicrous.

It's also risky to exclude from the calculations people who claim they won't vote. When the MOS/MPD poll asked Western Cape respondents whether they'd vote, 6% said they definitely would not, and almost twice as many said they were unsure. But in response to a previous question about party preference, only 3.6% said they would not vote. So which answer do we believe?

At this stage of the campaign, and at this point in South African history, claiming you will not vote might be a political statement — and not a declaration of intent. The bean counters should treat this category of people with caution, but not simply toss it into the wastebasket.

Confusion innie Kaap?

Another surprise proclaimed in the media was the ANC's apparent march to power in virtually all nine provinces

Seeing ain't believing

BOB MATTES compiled these quick hints on how to make sense of the crop of polls vying for your trust as April 27 approaches

■ Method of interview

How were the people interviewed? Phone polling (used by several firms to interview whites, coloureds and Indians) is efficient, but means a loss of intimacy and difficulty in getting people to express themselves on sensitive matters. Personal interviews, meanwhile, are tough to do in townships racked by political violence, since they compromise both the security of the interviewer and interviewee. Interviewer characteristics such as colour, ethnicity, sex and accent can all influence the respondent in very subtle ways.

■ Margin of error

Few media stories bother to mention that any poll result is only an *estimate*; the 'true' value may actually be 'x' number of points higher or lower. This is called the *margin of error* and it depends upon the size of the sample as well as the sampling technique. Once a sample goes over 2 000 people and there is no reason to suspect the sample has any significant biases, the margin of error is usually plus/minus 1,5 to 2,5 points. So, a poll that finds the ANC leading the IFP in Natal by 44% to 33% could actually mean a 46% to 31% lead, or a 41% to 35% margin.

■ How big was the sample?

The margin of error will obviously differ depending upon how many people were interviewed. A representative sample of 200 people can be 'out' by plus or minus 8 points, while the margin of error in a sample of 2 000 people will be around two points. Also, did the poll include rural voters or was it solely urban?

■ What were the actual questions?

This is crucial when it comes to public policy issues like federalism. Wording can influence responses in very powerful ways. For instance, reports have claimed to find black support for power sharing. But closer inspection of the poll's questions found that they defined power-sharing so loosely that it could mean about anything short of Soviet-style rule.

■ Report the actual responses

Reporters should report the actual responses to the questions, not the re-calculations handed to them by pollsters. If they do print re-calculated figures, readers should be told so.

■ What was the substitution rate?

This is the rate at which pollsters have to replace people who had been scheduled to be interviewed but who refused to participate or weren't home and so on. It is a crucial factor in SA's political environment, where substitution rates of 30-40% are not uncommon. One can't know for sure (since these people are never actually interviewed), but it is likely that the very fact that people who resist or elude the pollster's overtures probably have different social and political profiles from those who agreed to the interview.

■ Poll percentages don't translate into votes

It seems so logical to deduce the number of votes from the percentage support indicated by a poll. For example, reporters decided the HSRC poll showed the ANC would receive votes from 376 000 hostel dwellers.

This practice lends polling results an air of precision they simply do not merit. The hostel votes report, for example, was based on a sample of 2 655 people that included the grand total of 102 hostel-dwellers (the ANC led among these men by a margin of 52% to 23%). But with a sample that small, the margin of error was probably around plus or minus eight points, which means the ANC could have lead 60% to 21%, or that the IFP could be running neck and neck around 44% to 37%.

The moral of the story is: when reading or reporting poll results, put your thinking cap on and ask the tough questions.

Mind the ceiling

Whatever the 'true' level of ANC support in the country, it appears to be reaching an absolute ceiling.

The late 1993 polls came on the heels of the ANC's 'victory' in securing a favourable end to constitutional negotiations and the establishment of the Transitional Executive Council.

The ANC is virtually the only party whose support levels do not significantly rise when the HSRC asks people if they 'identify' (feel 'close' or 'very close') with the party, irrespective of whether they've decided to vote for it.

In the November 1993 HSRC poll, 53% of all voters could be said to 'identify' with the ANC, and a fraction less indicated they would vote for it. This was largely due to its huge identification rate among black voters — three in four said they 'identify' with the organisation.

In a nutshell: since April 1992, the ANC's voting support among black people rose from 51% to 72%, but its identification rate only shifted from 63% to 75%. In terms of black votes for the ANC, 75% seems to be the ceiling.

Remember, though, that these figures are really a benchmark for the *beginning* of what promises to be three months of rock-and-roll campaigning. In fact, in some parts of country, the campaign had not yet begun when these surveys were done.

— Bob Mattes

— even the Western Cape.

Most earlier polls had shown the NP leading comfortably in that province, thanks mainly to strong support among coloured voters. The MOS/MPD poll found the NP led the ANC by 35% to 28%. But a Markinor poll done for the *Sunday Times* gave the ANC a firm lead over the NP — 43% to 33%.

Why this discrepancy? A bit of detective work suggests that the Markinor people examined the sub-portion of their nationwide sample who live in the Western Cape in order to estimate support in that province (and the same for every other province).

This is shaky methodology. The poll was based on a sample designed to represent the demographic profile of the entire nation — but *not any specific region*. Which makes it likely that the number of coloured people in the Markinor sample accurately reflected their proportion of the national

population, but was out of sync with the proportions in the Western Cape.

Now, Markinor did find that almost half of all coloured voters supported the NP. They also found that De Klerk was "by far" the most popular leader among coloured people in the province, garnering the support of one in two voters (Mandela lagged behind with 17%). Which does not seem to add up to only 33% NP support in the province.

Reversal in Natal?

Natal also cooks up a few surprises. Previous, systematic indications of political opinion in the region were restricted to HSRC Natal sub-samples of their national Omnibus polls. While we just saw that any one regional sub-sample of a national poll should be treated with caution, a series of such polls from February 1992 through February 1993 indicated that the IFP commanded about 31-38% support,

the ANC 17-24% and the NP 19-22% (with the ANC gaining and the IFP receding).

But a November 1993 HSRC/MPD poll done solely in Natal found the ANC with 37%, ahead of the IFP at 23% and the NP at 7%. Almost a third of respondents either supported no party, did not have a choice, or would not divulge their choice.

An important shift seems to have occurred, but its magnitude has been exaggerated. The HSRC/MPD researchers again resorted to the problematic practice of re-calculating the Natal poll figures by excluding the "undecideds" and "won't votes" — which they call "a common enough polling technique". Once they do that, they get a different result: ANC 51% and IFP 32%.

Media dutifully reported these figures as evidence that the ANC had shot into a commanding lead in Natal, forgetting that these were re-calculated figures. And in painting a spectre of ANC hegemony, the stories also ignored the fact that (in the unadjusted figures of both the HSRC and Markinor surveys) an NP/IFP coalition could still give the ANC a hard run for its money in Natal.

Closer inspection of these polls also reveal NP and Afrikaner Volksfront/Conservative Party predominance in the Northern Cape (the regional sample was tiny, but the results were consistent with what the HSRC had been finding).

The upshot is that parties other than the ANC might either control government, or force the ANC to enter into

a coalition with another party in three provinces. Keep in mind, too, the ANC's gains, impressive as they are, do not at the moment push its support levels over the two-thirds mark nationally. The "Coleman Line" has not been breached.

That's a substantially different picture from the ones painted in our media in January. Maybe someone ought to tell Max to hold off on renting his parliamentary parking bay...



■ PUMPING FLESH: Mandela's out there trying to win votes



Fighting fire with water

If Natal manages to have a free and fair election, what are the prospects for peace afterwards? **ESTELLE RANDALL** taps Jacob Zuma's thoughts...

Barring any surprises, Jacob Zuma will soon become premier of Natal — taking control of the second most populous region in the country, and inheriting the multitude of problems that go with it.

How does he intend to deal with them?

The key, he says, is a provincial government of unity which will be put in place immediately after the election, and which is able to deal with all the region's problems — the violence, unemployment, housing, the lack of economic growth.

'There can be no good governance if there is still conflict,' he warns. 'We need to establish proper norms and community-based policing. We must reduce the militarised atmosphere, including the unprecedented use of arms, and start a decisive effort to disarm the community.'

'But we also have to deal with the socio-economic problems which contribute to the violence,' he says. 'We must bring peace, stability and jobs.'

The key test, he says, will be whether a new government is able to make a practical difference to people's lives.

'We will need labour-intensive programmes to address unemployment. We must change the face of housing in urban Natal — no-one will feel their vote was worth much if they are still living in a shack.'

'The rural areas need water. I was born in Nkandla ... there was no water then, and little has changed today. It is my duty to ensure that water is brought to people. This will help them realise there has been a change.'

'Electricity is just as important. It will make a qualitative change to people's lives.'

In or out?

A 'government of provincial unity' will only work, obviously, if the IFP takes part in the April elections — and commits itself to abiding by the outcome.

At the time of our interview, the IFP was playing hard to get. But Zuma was confident this would change: 'It would not be to the IFP's advantage to remain outside the process. The party believes in the peaceful resolution of problems, so it would be better for them to be part of the process and deal with their problems from within,' he says.

In addition, KwaZulu would be unable to survive if it remained outside a negotiated settlement.

'The very first day of a new government, where would they get the money to pay their civil servants, their police force?'

How, then, does he intend to handle King Goodwill Zwelithini?

'The role and place of the monarch will have to be debated,' he says diplomatically. 'But I believe the king has an important role in unifying the province, whether or not the IFP takes part in elections.'

'No-one can deny that we have a king to whom we all pay our respects. After all, the Zulu kingdom has resisted brutal colonial attempts to destroy it. Our role will be to bring back the dignity it deserves.'

The Group of Concerned Zulus — which Zuma formed some time ago — still exists, and he sees it playing a role in reaching out to different groups in the region.

'They have good ideas about how to deal with the violence and they will be handy for the king to use,' he says. ■

■ **RECONCILIATION:**
That's Jacob Zuma's
watchword



FOOD FOR THOUGHT

■ A special 13-page focus on life under the new constitution

Constitutions don't change the world.

But they do help *shape* the world. And in our case, our new Interim Constitution is going to have a profound effect on how our world, the 'new South Africa', is going to be shaped.

It's going to have a profound influence on the pace of transformation — regulating our future, either opening or closing space, enabling or disabling the struggle for change.

Having said that, it's fairly easy to find fault with the Interim Constitution. Although it reflects several important victories, it definitely displays the contours of compromises.

But I-told-you-so's offer cold comfort to a country that is angled forward, into the future and its promise of transformation.

So the aim of this focus is not to nitpick and whine. Its thrust is ahead, towards the struggles that still separate us from liberation.

Handsome as its achievements are, the new constitution contains clauses and formulations that will ambush the transformation process in crucial respects.

If it closes off such opportunities we can — and should — fix it.

Some of the interim constitution's flaws are specific — the strike and lock-out clauses, the property clause, the local government clause, omissions that undermine women's rights, and more. In the following pages, these are untangled and repairs are proposed.

Others are 'generic' — the ambiguity and vagueness that negotiators used to pad around controversies. These equivocations have helped make this a 'lawyers' constitution' — bursting at the seams with opportunities for big-time litigation.

Lawyers are welcome to the windfall. But the effects on the democratic movement will be less happy. It runs the risk of becoming bogged down in costly and diverting constitutional litigation as land reform initiatives are taken to court, affirmative action programmes are challenged, strikes are disputed.

Whether we choose this route or are forced down it, the upshot is a sort of *constitutionalism*, whereby social movements come to view the constitution and the court as a 'terrain of struggle', where we gather strength and advance our aims.

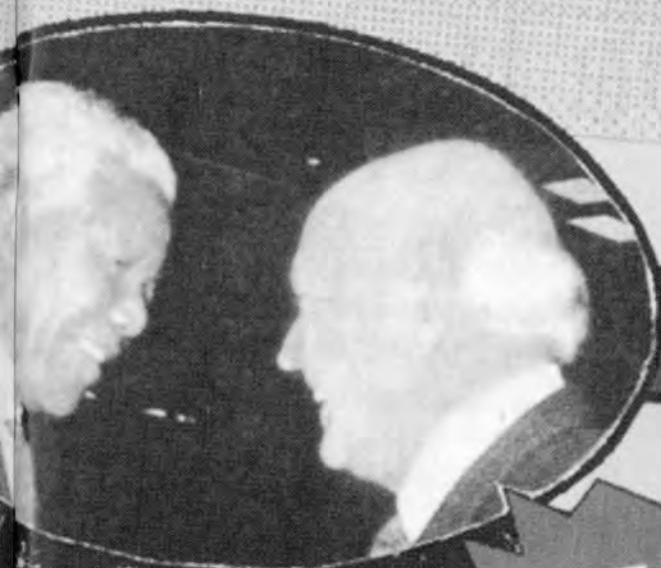
We may end up devoting untold resources, time and creativity into these 'strategic challenges' in court — often at the expense of

mobilising and organising constituencies. Our resources, after all, are finite. The effect, ultimately, is debilitating. Social movements in Canada and other countries have travelled this route; they're still dressing their wounds.

Part of the antidote requires



ALL NEW! INTERIM CONSTITUTION



FRESH!

**JUICY
PRESSURED PEACE**

**NO GUARANTEED
NO ADDITIVES**

riding contentious clauses of their ambiguity. Effective land reform, for instance, should not depend on the hope that enlightened jurists will fill the constitutional court or that organised agriculture will take it

lying down.

When *WIP* interviewed Joe Slovo he seemed confident that an ANC-dominated parliament would fix whatever faults remain in the interim constitution. Valued, too,

are his reassurances that an ANC-government's loyalty to the popular forces will be unwavering.

But there's no ignoring the fact that the state is not Superman. It is, to paraphrase Alain Lipietz, the institutional form which condenses the struggles and compromises within the national community.

In our 'new' South Africa — hamstrung by an economy in structural decline, ruled by a government of apples and pears, scrambling for a foothold in the new world economy, destabilised and groggy — the state in general and the government in particular often will be operating under intense duress. Their capacity to spearhead — and at times even defend — the process of transformation might become severely restricted.

One result is that the commitments to harmonious state/civil society relations will soon be tested as new contradictions surface between old allies. As they currently read, the property and strike clauses, for instance, will add a lot of — avoidable — strain.

As our contributors argue here, this constitution must be mended in these and other, crucial respects.

But that task — like the broader one of achieving transformation and liberation — cannot simply be left at the feet of an ANC-dominated parliament and future state.

It befalls the popular forces — youth, women, the landless, workers, civics, students ... and there's no time to lose.

Because, in two or five or ten years' time, I-told-you-so's are going to be as worthless as they are today.



Don't worry, be happy

Well, is it the best we could get?
HEIN MARAIS debates the interim
constitution with one of the people
who helped write it — SACP
negotiator Joe Slovo

HM: How good should we be feeling about this constitution?

JS: I think we should be feeling good because at the end of the day we can claim quite a famous victory. We've achieved most of our bottom lines.

In so far as we've moved away from our bottom lines, on reflection I believe that in some areas we hadn't fully evolved our policy beforehand. We took too long to develop a strategic perspective in relation to the negotiations process. That applies particularly to our regional policy: two years ago we had no regional policy at all.

HM: The most surprising things achieved?

JS: One of the problems that faced us was the tension between majority rule and making the participation of minorities meaningful.

If you take the latter imperative to its logical conclusion, it could have meant a minority blocking power, a veto. In the end we achieved an understanding which, in essence, gives the post-April 27 executive majority control in all the key areas. Of course, it will be in our interests to ensure we exercise that majority control in a way that meets the needs of a government of national unity.

HM: At one point you suggested that the negotiations process doesn't leave negotiators unscathed — I think you

■ **HEY, JOE:**
The state
will drive
your blues
away

We've found an effective instrument for governing the country, one that does not prevent the transformation to a democratic state

think you said this in relation to the lock-out clause debacle. Two years of such intense engagement is bound to leave some sort of residue on people, might even "change" people a bit ...
 JS: Change which people?

HM: Dawie de Villiers, Cyril Ramaphosa, you — the people sitting there negotiating ...

JS: Well, obviously in the course of the horse-trading, the need to achieve a settlement, people are affected by the sort of relationships that develop. And there is a degree of influence being wielded between the various sectors of the negotiating process.

But the fundamental factor in us reaching agreement was the balance outside the negotiations process. In so far as we achieved our fundamental objectives, it was due to the mass pressures wielded from time to time, which had an impact on our negotiating partners ... though they would not want to admit it.

The Cosatu incident is a good example — leaving aside the utter confusion that led to the original clause ending up there; it obviously shouldn't have been there ...

HM: But it's also stayed there...

JS: It didn't stay there...

HM: Why is it in my copy of the constitution?

JS: No, it really incorporates the fact that existing labour law continues to apply, which does give the employers the right to lock-out. Cosatu's problem with its original formulation was that it was part of the chapter dealing with fundamental human rights. They accepted that during this interim period before the final constitution is adopted, the existing Labour Relations Act should govern the situation — that is all.

HM: Inscribed in the constitution?

JS: Well, the existing labour relations act (which like a whole body of legislation which has not yet been repealed) continues until altered by parliament. The fundamental thing is the sovereign parliament which is to be elected, will have the power to alter all that. The only thing that is going to bind the constitution-making body is the set of constitutional principles — nothing else.

And that clause is *not* in the constitutional principles.

HM: This is not something to be worried about?

JS: I don't believe it is. And Cosatu is not worried about it. Their problem was that it was contained in the chapter on fundamental rights, and that chapter declared that a lock-out and the right to strike was a human right. And in law even that chapter does bind the constitution-making body.

[Note: The strike and lock-out provisions do, in fact, appear in Chapter Three of the Interim Constitution, "Fundamental Rights".]

HM: If a genie pops out of the lamp and says you can change four clauses, which would they be?

JS: Which would you change?

HM: Not too long ago, we were accusing the regime of holding out for group rights. The local government provisions seem to smell a lot like that ... and at perhaps the most crucial level of political activity, local level.

JS: Yes, I think it's clear that this Local Government Bill is not a democratic piece of legislation. It's inconsistent with the principle of majority rule in any shape or form. And it's obviously a compromise — motivated by the fact that in some areas, right-wing elements have enormous potential to destabilise the post-April 27 situation. In some of those areas, on simple proportional representation, those elements would be wiped out completely in local elections.

In this very delicate period it is a concession to existing vested interests in order to accommodate some of the passions which could run out of con-

trol. In practice, in 95% of the country there will be majority black participation at the local level; about 5% of the areas are catered for with this compromise.

HM: Not long ago, you described as a bottom-line the demand that the powers and functions of regions be determined by the constitution-making body, the national assembly.

JS: Three or four years ago we did not have a regional policy. As with any other liberation movement, our focus was on the destruction of an oppressive state. It was only very recently, once we began to address in earnest the question of how to govern this country, that we began to develop one.

We moved away from what could have been interpreted as a policy of a mechanically centralised system. That earlier, rather unelaborated position was, of course, hardly in line with our own concrete experiences. You just have to be at national SACP or ANC meetings to note how regions jealously guard their jurisdiction over areas they are best informed on and with which they are most connected.

People on the ground don't just want an abstract input into government. They want a real feeling that they are actively engaged. We took far too long to theorise this. What could be called our "concessions" on the regional question might have looked like ad-hoc compromising. But we believe they are consistent with the way the country should be run.

Although the regions have been given certain concurrent powers, the constitution specifically provides that national legislation will prevail over regional legislation if it does not conform to certain criteria. And if you read those criteria (which include the need to have uniform national standards, common economic policy, matters relating to national security and so on), you'll see that in essence, although the regions have a certain amount of power to legislate, it is essentially not a federal dispensation. Central parliament will be able to exercise its powers in all fundamental areas. I'd say what we've got — in the interim constitution — is a united SA with certain federal elements.

HM: There are deep concerns about

the constitution's implications (especially the property rights clause) for a meaningful land reform programme. One critique says, for example, that the **right** to restoration is not granted, only the right to claim restoration, and the state will decide whether that's feasible or not. And the effect of the clause which deals with compensation for expropriation seems to be that privately owned land can only be restored to its rightful owners on a "willing buyer, willing seller" basis.

JS: In its original form the formulation was that the court, in determining compensation, would have to regard whether the compensation is "just and equitable". Internationally, that phrase has been interpreted to mean, basically, "market value".

We rejected it. Now there are about five considerations grouped

argue deprives them of a right in property, "the right" to profit from it.

JS: I don't think it's a problem. Property rights have been a part of our law even under apartheid. This hasn't prevented occasional incursions into this field through normal legislation.

HM: Rent control was hardly a feature of apartheid rule...

JS: Yes, but there have been some measures. The point is that, legally, nothing prevents parliament from passing legislation to regulate in those areas.

HM: In other countries, property owners have been able to fight rent control on the basis of the plural formulation **property rights**.

JS: I don't believe it is going to be an obstacle.

ment can pass a law saying only those who committed the offences before, say, April 1991, shall be granted amnesty.

HM: So there shall be amnesty, definitely?

JS: Yes.

HM: How long has that been ANC policy?

JS: I don't believe there's ever been a negotiated settlement anywhere in the world without some form of amnesty. We've always accepted there will be some form of amnesty, but we've said there's no way the past is going to be swept under the carpet, there's no way the question of compensation is going to be pre-empted. We've talked about a truth commission and so on. None of this is foreclosed by this amnesty provision.

HM: I've missed something here, because I don't recall a decision at an ANC conference that there shall be an amnesty...

JS: We've always accepted that there was going to be some form of amnesty. We opposed the General Amnesty law because we said it was not for this government to amnesty itself.

But the general principle of some form of amnesty has always been part of our policy, since we started the negotiations process. We've more than once said — all of us, and the NEC — that we're not intent upon Nuremberg trials or witch hunts, but the past must be investigated and the conditions of the amnesty must be determined by the people's representatives.

HM: The truth commission — is it on the cards?

JS: As far as I'm concerned, one of the vital elements of any future amnesty is to ensure that the truth comes out. And the future parliament has complete power to pass provisions that will make that possible.

HM: And measures to achieve a deepening of democracy, for example by preventing people who have committed serious human rights abuses from holding public office or serving in the security forces?

JS: I don't think there is anything in the provisions you refer to that prevents



SELLING OUT? Maybe that's why they call it the World Trade Centre...

together in the clause and market value is only one of them. So it certainly is not "willing buyer, willing seller" and it certainly isn't just market value, which can be counter-balanced by the other factors. The provision enables the post-April 27 government to begin implementing, as a process, some form of land restitution in a fair way.

HM: The property clause says "no deprivation of any **rights** [my emphasis] shall be permitted otherwise than in accordance with a law". How might this effect rent control, environmental controls and so on — the types of regulation that property owners could

HM: You said last year that the decision to grant an amnesty should lie with the democratically elected government. I'm a bit confused, given the "reconciliation clause" in the constitution.

JS: It's still the policy and it's been won. All the clause says is that there shall be a general amnesty and the conditions of that amnesty will be decided by parliament. It says this to prevent people from committing offences in the belief that they are going to be amnestied by a future law. It says the cut-off date for the amnesty shall be between October 1990 and December 6, 1993. For example, the future parlia-

Slovo on civil society

any of that. We will have to address the question when a new parliament is elected, in relation to the situation at that moment and decide how we proceed to provide the amnesty.

When this constitution comes into force, it says there "shall be an amnesty" — in other words a law will be passed — and that parliament will determine the conditions and criteria for that amnesty, including the important question of whether people who have acted in ways inconsistent with human rights should continue to occupy important positions.

HM: Let's return to that strike clause. It says "workers shall have the right to strike for the purpose of collective bargaining" — a phrase that worries unionists ...

JS: Well, what scares them is the fact that you can't have wildcat strikes...

HM: And you can't strike for social or political issues...

JS: I don't think there's any law that we could accept which would prevent workers from engaging in a general strike on the basis of demands that include some political demands. That clause does not prevent that. There's no clause that says you have no rights in terms of common or existing law to engage in protest.

HM: So, the union movement shouldn't be worried about that phrase?

JS: I don't think so.

HM: Those are some aspects that worry people in the democratic movement, aspects they feel should change — anything I've missed?

JS: Well, if I went through the constitution with a fine tooth comb I'm sure I'll find something. But the point is that this is an *interim* constitution, the result of a negotiated process, and therefore there are elements of give-and-take because of the need to reach a settlement.

You've mentioned a few features that are a bit dicey (the local government clause and so on). But for the rest I think we've reached an effective instrument for governing the country, one that does not in any way constitute an obstacle to the process of completely transforming the country into a democratic state. ■

There are growing concerns about the prospects of maintaining and building popular unity as we move into the transition proper. Your thoughts on this challenge?

SLOVO: Obviously, the way things work out does not depend on the wording in the constitution, but on the democratic processes which take place — not just in parliament but throughout the country, in the participation of the trade union movement and other organs of civil society.

This thing is not cast in stone and the question of how to solve the problem of the relationships between the legislative bodies, the government and civil society is something we will have to evolve. And when I say 'we' I mean not just those of us going to parliament, but society as a whole. We're looking at an ongoing process, with forces making their views and objectives felt through organised pressures.

There are new tensions arising among these forces; demobilisation at grass-roots level; skilled cadres moving into state structures. All this has an impact on popular struggle and on civil society's role...

SLOVO: Obviously it's going to have an impact. But we must not lose sight of the fundamental achievement: we've been fighting for state power and we're now going to get it — at least we're going to get the launching pad.

In order to wield that state power it's unavoidable that those who were previously engaged in struggle politics are not going to be able to continue in the same way. Some levels will have to participate in those structures which, in the end, are going to deliver the fruits of state power to the people.

It is a problem which is being addressed at all levels. Take Cosatu, which allocated some of its leading members to go into parliament. The ANC, too, will have to do that and retain individuals and structures to concentrate on building the organisation and acting on-the-ground.

It is a problem, but one which has emerged from the major victory we've won.

Here's one view of the 'problem': As the crisis of capitalism deepens here, the insider/outsider divisions harden. There's the possibility of a kind of marginalised no-man's land developing, where organised, strategic potentials are badly weakened in many communities...

SLOVO: There's no way of avoiding that in a society where a liberation movement has won state power. The question is how you avoid some of the negative consequences, and I think that's something we're very conscious of. There's no general formula, though.

But part of the solution is that the ANC remains a fighting force outside of parliament?

SLOVO: Absolutely. It would be a disaster if we now transform all the liberation movements into adjuncts of the state. Obviously, we have to ensure an independent presence of civil society with a vibrant, healthy life — something I believe is going to become even more effective in a democratic future.

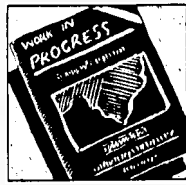
State power is going to be achieved subject to some pretty heavy constraints, though. SA remains capitalist, the redistribution of wealth and of power in the economic realm is not imminent. We can expect tensions among sectors unhappy with such 'limits to change'. The ANC will have to negotiate these hurdles — which prompts warnings that a mix of coercion and hegemony might become a defining feature of the first years of South African democracy.

SLOVO: When a liberation movement becomes the dominant actor in any state structure, there's always a danger that it will lose its historical and political roots, shy away from relating to the people on-the-ground, and so on. There's a danger of corruption, of separating yourself and moving away from concepts of accountability.

The real question is whether we will succumb to that danger. I believe it's improbable — I'm not saying it's impossible — and I think we'll all have to ensure that the representatives of the people are kept on their toes. And that is where the power and influence of the organs of civil society becomes a major factor.

I don't believe we should take ourselves for granted — and we shouldn't be allowed to.

— Interview by Hein Marais



Ditch the lock-out clause!

One of the Constituent Assembly's first challenges will be to sort out the controversial strike and lock-out clauses, argues **EBRAHIM PATEL**

THE STRIKE AND LOCK-OUT CLAUSES, as they stand in the interim constitution, sew dragon's teeth.

Prior to the Kempton Park talks, the ANC had included in its proposed bill of rights a relatively well-worded clause dealing with the right to strike.

It announced that workers shall have the right to strike under law "in pursuance of their social and economic interests subject to the reasonable limitations in respect to the interruption of services such as would endanger the life, health or personal safety of the community or any section of the population".

Aside from a technical amendment proposed by Cosatu (which would have made it explicit that the right to strike applies without fear of dismissals), it was a good formulation.

Then negotiations started with the government, and government negotiators and technical committees set about expanding the number of areas covered in the interim constitution. In the end, a virtually full constitution emerged — rather than the document originally intended, dealing with the transition and with a few, universally supported constitutional principles.

Initially, the contentious clauses said workers have the right to strike and employers have the right to lock-out. The right to strike was *not* limited to collective bargaining.

When the big political fight broke out late last year — between the ANC and Cosatu on one hand, and government and business on the other — the words "right to

strike for the purpose of collective bargaining" were inserted in the documents finally adopted. This severely restricts (in legal terms) workers' protection under the constitution when striking on, for example, social issues.

The original formulation would have allowed us to challenge any new law that limited the right to strike by, say, excluding strikes on social and economic issues. The current formulation does not allow us to contest such a law on the basis of the constitution.

Of course we are unlikely to see parliament pass such a law in the next year or two. But two problems remain:

- Any organisation that is truly independent must seek to protect itself on the basis of its organisational strength. It cannot predicate its strength on the hope that it will be protected by sympathetic parties in parliament — that's not how unions operate. Such a relationship undermines the autonomy of the union movement.

- If the current wording remains and becomes the formulation in the constitution adopted by the Constituent Assembly, the means for a major attack on the trade union movement will be escensed in the final constitution. We will be left hoping that the ANC always remains in power and that it stays a party of workers.

Of course, it's more likely that the ANC will not be in power for ever. And if a new party does come to power, it will be able to do what Margaret Thatcher did, which was to roll back workers' gains drastically.

What of the attempt to establish

equivalence between the right to strike and employers' right to lock-out, a balancing act aggressively pursued by government and business?

In the labour market there is a fundamental disparity between the power of the individual worker and that brandished by the individual employer. The only way to achieve some parity is if the worker joins with his or her work-mates and in this way strengthen their collective power.

The rights of employers normally dealt with in constitutions or common law are in the areas of rights to property. To say that the lock-out is the employer's equivalent of the right to strike is to misunderstand the realities of the labour market. Lock-outs have nothing to do with fundamental rights.

And yet this clause remains in Chapter Three of the Interim Constitution, "Fundamental Rights".

At least, as Cde Slovo says, the lock-out clause is not among the constitutional principles and hence the Constituent Assembly is not bound by it. But one cannot argue that the wording of these clauses (27 [4] and [5]) is acceptable.

If the intention of our allies is to use the constituent assembly to replace the clauses with wording that reflects the thinking of Cosatu and the ANC — as expressed in all our policy statements — then we're talking the same language.

And this means, firstly, that the right to strike is a fundamental right which should be in a bill of rights and, secondly, that the issue of lock-outs is at best a matter left to statutory regulation. It does not belong in a constitution. ■

● Patel is general-secretary of the SA Clothing and Textile Workers' Union (Sactwu) and a leading participant in the National Economic Forum



■ **PATEL: A new party may roll back workers' rights**



PHOTO: WILLIAM MATIALA

■ **THE NEW REGIME:** Mandela addresses the January local government summit

From the trench to the table

Our new local governments will have to stand and deliver.
But, asks **MZWANELE MAYEKISO**, what if they can't?

EIGHT YEARS AGO, I WAS SPENDING each evening knocking on the doors of shacks, hostels and run-down houses. I was a proud young organiser with the newly-formed Alexandra Action Committee — fresh from school, forfeiting my future for the struggle.

I was no different from many thousands of activists in the mid-1980s who were building a civic movement alongside our student, youth, labour, church, women's and cultural groups, within the ambit of the United Democratic Front.

We got a good response, as Alex had not seen the M-Plan before. We soon developed sophisticated systems of reporting back and of achieving mandates, accountability and mass involvement in decision-making.

We fought the Six-Day War of February 1986, which the regime

launched to crush Alex's democratic movement in the bud. The regime then gave military fortification to its puppets in the corrupt Black Local Authority (BLA).

We met the backlash with even tougher resolve. Our rent, service and consumer boycotts were barely days old before the BLA was forced to resign in April 1986. A white administrator was appointed, which unmasked the puppeteers. The masses of Alex and most other townships and villages throughout the country rejected this "rule-by-puppet".

We did not merely criticise and reject. We developed our demand for non-racial democratic local government, and insisted on the fruits of our taxes and labour that were being siphoned by white suburbs. We began thinking about community-controlled development, and about our role in

planning township upgrading. For this we were branded as subversive, seditious and treasonous by the apartheid prosecutors. Even after the deaths, detentions and states of emergency, many of us emerged from jail with renewed commitment to local democracy and development. In Alex, following our 1989 acquittals in the treason trial, the civic movement began to reassemble the structures.

Again we had to fight the hated BLAs, which had been reimposed in our absence. We had to find new ways to organise on the new terrain, which included the middle-class housing projects that had sprung up as part of the regime's Winning Hearts and Minds (WHAM) philosophy. And we found that many of our most pressing problems — vast unemployment, homelessness, crime, degradation — were reaching crisis point. The urban renewal

programmes of the Development Bank, Eskom, the banks and developers were top-down shams.

In short, by February 1990, the regime's schemes and the racial capitalist economy were completely unsustainable in our township — and across SA. Thanks to popular pressure, the BLAs collapsed once and for all. But our tax monies on employment and consumer goods, and our savings in the banks, *still* subsidised the whites of Sandton, Randburg and Johannesburg. There were no accessible resources for local development.

We were left in a vacuum, which Inkatha and the regime's "Third Force" filled with violence at precisely the point — three years ago — that a local government negotiating forum was finally making progress. Hundreds of people lost their lives and thousands lost their livelihoods in Alex alone; tens of thousands more suffered these fates elsewhere.

The prices we pay

How we have suffered for a democratic local government, and for development that reaches all of our people. Has it, we now ask, been worth the pain?

My answer is: In many ways, yes. The National Local Government Negotiating Forum — involving Sanco, the ANC and Cosatu in a progressive front — brought a deal for the eventual establishment of non-racial, democratic local government to the multiparty constitutional negotiations in December. This was a great victory.

But there are many provisions to consider. Later this year, people will be able to democratically elect their local representatives for the very first time.

The Interim Constitution, though, reserves 30% of local council seats for existing (white) local authorities. Along with their proportional vote, white areas will have disproportionate power and may even be able to veto budgets. Those budgets provide infrastructure and services to black townships if there is a two-thirds majority vote.

This is obviously very unfair in an area where the Conservative

Party (CP) holds power in the white town but has a fraction of the total vote, and the ANC wins, say, 90% of the overall vote — a realistic scenario in dozens of *platteland* towns.

On the other hand, in a few "white" cities such as Johannesburg, the large number of domestic workers and new inner-city residents could give the ANC an absolute majority. Local democracy there can proceed rapidly with a more representative council.

The Western Cape, however, represents a special case (see box). There, small black townships will be favoured under this local government clause, because they automatically get 30% of the council seats.

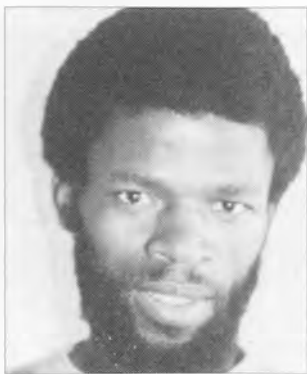
Why this complicated compromise? One reason was the threat of counter-revolution — even civil war — and hence the need to offer concessions so the white right-wing would become part of the transition process rather than resort to lawlessness and terrorism.

It was also aimed at promoting reconciliation at the local level. It is good to build trust, given our conflict-ridden history; we are all for peace, democracy and development. I am in no position to predict whether the approach taken by our negotiators will deliver these goods.

But we cannot forget that ordinary people on the ground expect delivery. To them, the election means political representation, which will assure them goods and services and an improved standard of living.

So, if the local-level deals that are struck in coming months stall delivery — especially in the *platteland* — we have a big problem.

Vintage De Klerk



■ **MAYEKISO: Back on the block if the new deal doesn't deliver**

There are at least two foreboding signs from the January local government summit at the World Trade Centre. The CP-dominated towns boycotted the event, and still demand a racist *volkstaat*. And, when FW de Klerk addressed the summit, he failed to make good on a commitment to write off the R1.8-billion in black township arrears. He passed the



■ **EXPRESS DELIVERY: Ordinary people pressing problems**

back to the new structures, thus — in the view of the civic movement — double-crossing our delegation. Vintage De Klerk, vintage NP.

But there is cause for hope. Flaws in the local government deal can be corrected during the final constitutional deliberations. The ANC also stands a good chance of winning majorities in all nine provincial governments, which will have great influence over how local government is reconstructed.

As well, the RDP (which, by the way, stands for Reconstruction and Development Programme, not "Revolutionary Dictatorship of the Proletariat" or "Reactionary Doctrine of the Populists") views civil society as a crucial implementing agent for development. This programme commits central government to provide the resources to make development feasible and affordable to all.

But the question remains: Will the masses of people buy the new local government deal? Will rent and service boycotts end? Will civics retain the respect of township residents?

"Once we have seen the creation of non-racial local government structures, that decent services are being delivered and there is a visible programme of upgrading, we will take a



PHOTO: THE STAR

expect rapid results for their most

conscious decision to pay," pledges Sanco's Dan Mofokeng.

This seems to be a consensus position, and it reflects our experience. When the Alex Accord was signed in February 1991, and the Soweto Accord in August 1990, most township residents showed good faith and began paying their bills. But after three or four deeply disappointing months that brought no change in living conditions, the ordinary resident resorted to the old stand-by of non-payment.

Why should they pay for something they don't see, especially during such a sharp economic crisis? This has nothing to do with a so-called "culture of non-payment" or our proud "legacy of ungovernability". It has its own context.

It should be clear, after all these years of struggle, that you cannot separate the political from the economic. A political vote without economic empowerment and social justice is as inadequate as the old BLAs.

If local governments do not deliver, our civics will begin to bite again. In Alex and throughout our nation, my comrades and I will go back into the pitch-dark night, knocking on doors. ■

● Mayekiso is Alexandra Civic Organisation president, and Sanco's international representative

Split votes

It's not everyday one spots the DP and the PAC in public agreement. But the announcement of the controversial local government clause in the Interim Constitution was such an occasion, provoking both into denunciations of its 'racist' character.

And with reason. In fact, even defenders of the clause don't bother hiding their distaste for the way it guarantees white *plattelanders* disproportionate power in local authorities.

In a new, 'non-racial' local authority, 40% of the seats now will be filled through proportional representation elections. But the remaining 60% of seats will be elected from the wards — half of them will be drawn from white, coloured and Indian areas, and the other half from black areas. Which means up to 30% of council seats will be reserved for white voters.

As a 'sunset' clause, the provision is meant to accommodate white fears during the transition, particularly in rural Transvaal towns. Without some form of weighting, many such towns won't have any white representatives under a strictly proportional representation system — hardly a prospect to smooth conservative brows.

It's a compromise, then, to recast local government on an inclusive, conciliatory basis — a move ANC local government head Thozamile Botha says he 'could live with'.

But did the negotiators think through its effects in the Western Cape, with its distinct racial balance that leaves blacks a small minority in most towns?

Take a town with, say, 6 000 adult residents — 500 blacks, 4 000 coloureds, 1 500 whites — and ten council seats are up for grabs. Under the proposed Local Government Transition Bill, the 500 black township residents will get three councillors, and the 5 500 white and coloured residents will also get three. (The other four will be chosen by proportional representation).

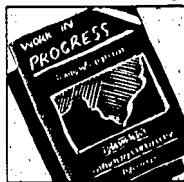
The clause lends itself to a bigoted campaign targeting coloured voters. Western Cape activists expect the Nats to exploit the clause as they scramble to hold onto power in the one province where they're still in with a fighting chance. The pitch writes itself: 'Five hundred — *black* — voters get three seats, 4 000 *coloured* voters get one or two; this is what an ANC government will mean to you.'

'We believe the proposal will be divisive and have the effect of inflaming racial tensions in a very sensitive period,' Western Cape ANC leaders complained in a November letter to ANC secretary-general Cyril Ramaphosa. The deal, though, went ahead in the flurry of bilaterals late last year — apparently after the government had abandoned its demand that the provinces be granted 'exclusive powers'.

Some coloured community leaders in rural areas are furious because the clause will lump them together with white councillors. 'This will undermine their credibility and legitimacy as representatives of oppressed communities,' warned the ANC letter. The effect also will be to jeopardise relations between coloured and black residents — which are already testy.

Several alternatives have been floated. Instead of tip-toeing around racial categorisations in a clause that is unabashedly racist, why not guarantee whites, say, 20% of council seats? Or make the clause applicable only to areas where whites are such a minority that they're unlikely to win even a single seat?

There seems no harm in revisiting a clause filled with such obnoxious implications. The snag is that it might be so central to the overall settlement-clinching trade-off at the World Trade Centre that repair-work at this stage is ruled out. — *Hein Marais* ■



Two steps forward

The interim constitution is an important advance for women. But, writes **CATHI ALBERTYN**, there's still a lot of room for improvement

NO CONSTITUTION CAN GUARANTEE equality to women. But it can provide a framework that makes it "easier" to defend their rights and claim equality in everyday life. In this way, the interim constitution is an important advance for women.

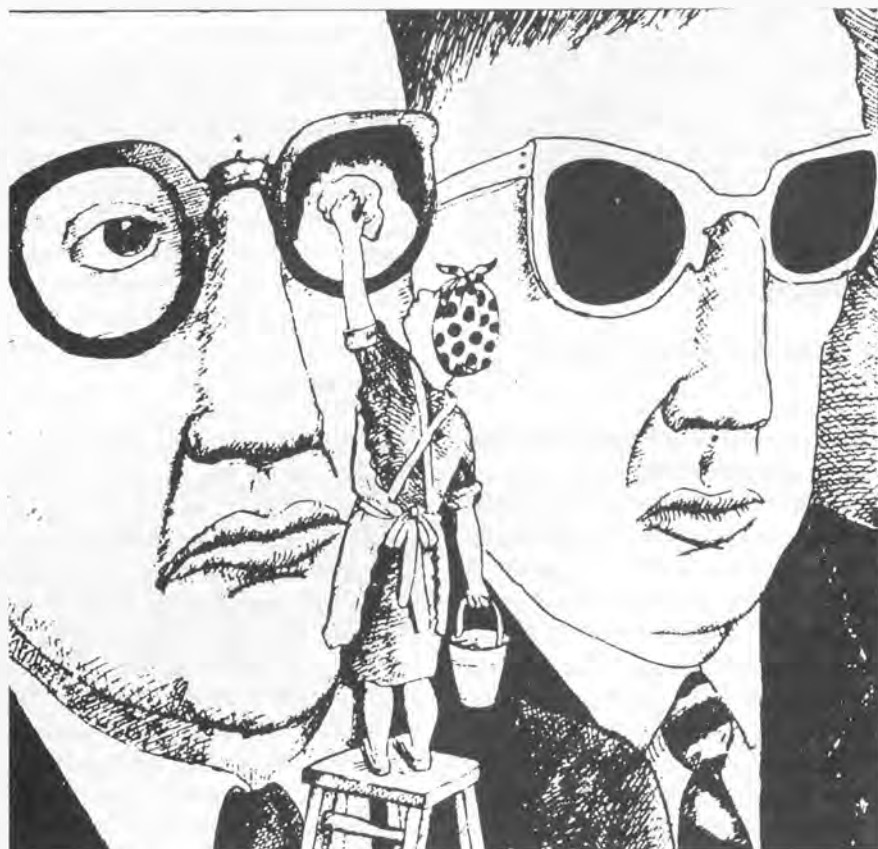
But it contains loopholes and pitfalls that will hinder further progress in women's struggle for equality — hindrances that can and should be removed.

The question of customary law was one of the most emotive and controversial issues during negotiations. Briefly, the traditional leaders did not want to see the bill of rights apply to customary law. This would have meant that human rights, including the right to be free from discrimination, would not have applied to women who were subject to customary law.

Women delegates at the negotiations, together with the Women's National Coalition, the Rural Women's Movement and other organisations, were quick to oppose this move. They argued that human rights, and especially equality, were indivisible and should apply to all South African women. This mobilisation of women was successful and the proposed customary law clause was removed from the bill of rights.

But women still are not adequately protected against the vagaries of custom and tradition. The problem is the lack of an "equality trump".

What we have in the bill of rights is a series of rights, among them the right to practice one's culture, to equality and so on. In reality, though, some of these rights tend to clash — for instance, women's right to be free from discrimination clashes in many instances with the right to practice one's culture. India offers sobering



examples of how religious and cultural practices are used to justify discrimination.

The way things stand, women have to wait and see whether the judges of the constitutional court decide women's right to be free from discrimination "trumps" or overrides the right to one's culture.

The suspense is unnecessary. We need a specific clause saying that people's right to equality "trumps" people's right to culture.

Horizontal or vertical?

Another important issue for women is whether the bill of rights is enforceable against institutions of private power.

As it stands, the bill of rights is only enforceable against the state. This is cold comfort for a woman facing discrimination in, say, the factory where she works or when she tries to buy insurance, etcetera.

The initial phrasing in the bill of rights was a happier one; it said the fundamental rights would apply also to institutions of private power where the courts deemed it to be "just and equitable".

That wording was dumped, however, when both "conservative" and "progressive" arguments were marshalled against it. The former argued that the bill of rights exists to protect individuals against the state only, whilst

the latter held that it's unrealistic to expect the courts to deliver protection which parliament should be providing.

But the important question for women is whether we can rely on parliament to pass adequate legislation to protect us from all forms of discrimination. If not, then we would be left without a remedy against discrimination.

This is why the previous wording was better. It allowed women, and all disadvantaged groups, to resort to the courts to challenge discrimination when we had no other recourse or remedy. This is similar to the use of the bill of rights against institutions of private power in Ireland.

Related to this is the question of which laws are subject to the bill of rights. The current wording accommodates two answers. One is that the bill only applies to state action — laws enacted by parliament — and excludes common and customary law. The other interpretation says the bill of rights applies to all laws.

From women's point of view it is essential that the latter, wider interpretation be applied — if need be, the wording of the bill of rights should be altered to ensure that it does.

Clear the road

If nothing else, the bill of rights has to include a strong equality clause, and women's organisations made some successful interventions in the quest for such a clause. Still, the bill contains some unfortunate impediments — especially when it comes to affirmative action. These hurdles must be removed.

The section of the equality clause that deals with affirmative action bears testimony to the horse-trading that punctuated the last phrase of the negotiations process. Here last minute changes in the wording of the clause had enormous implications in granting wide powers to the courts to review affirmative action programmes.

As the ANC's Commission on the Emancipation of Women warned last October, the alterations "reduce(d) the ambit of permissible affirmative action and ... increase(d) the court's testing powers of affirmative action programmes".

What this means is that individuals or institutions can delay affirmative action programmes by contesting them in the constitutional court. And, as we

Some sections of society are more equal than others when it comes to the capacity to litigate

know, some sections of our society are more equal than others when it comes to the capacity to litigate.

The possible consequences of the "right to life" clause on abortion seem obvious. Earlier drafts included this clause but appended various qualifications, which were later dropped.

The fact of the matter is that there never was a concerted campaign to remove the "right to life" clause — mainly because abortion is such a sensitive and controversial issue. Right now the matter is in the hands of the future government, which can enact legislation legalising abortion, and the constitutional court, which in that case will almost certainly be called upon to adjudicate.

Making it stick

Beyond this, though, are the enforcement mechanisms. It is fine to have these rights on paper, but women need the means to enforce or implement them.

Obviously, access to the legal system and being able to afford litigation are important factors. But so are the enforcement mechanisms intended to buttress our constitution. There are two: the constitutional court and the human rights commission.

It is essential that the membership of the constitutional court represents the diversity of our population. At the moment, there's no guarantee that we will see women on that court.

The human rights commission is probably even more important than the court because it is potentially more accessible to disadvantaged communities. But how able

will it be to actively take up issues, and pursue and remedy situations? It must be made into an effective institution. This depends on the resources allocated to it, how accessible its offices are, whether its workers are full-time or part-time and so on.

In the to-and-fro of negotiations, women lost some battles and won some. Still, the interim constitution is a good starting point for us. Several of its clauses require repair work. Certainly, the shortcomings should be remedied.

This won't happen in a vacuum. Now, especially, it is crucial that women engage in political and legal struggle to give meaning to the constitution in ways that will further their interests and rights.

An example will be to take the clause on "security of the person" and ensure that it includes women's right to be free from violence.

The constitution presents women with a framework we can use to claim equality in all aspects of our lives. And doing that, will depend on our political strength. The task now is to organise and mobilise. ■

● *Albertyn works on the Gender Research Project at the Centre for Applied Legal Studies. She was a member of the Women's National Coalition Monitoring Group which monitored the negotiations.*

BASIC RIGHTS: Nothing about us without us



PHOTO: NIGEL DENNIS



Do the right thing

Poetic in construction and noble in sentiment, the resolution on 'national unity and reconciliation' holds real danger for the future — but there is a way out, writes **BRIAN CURRIN**

FIRST, THE DETAILS: THE NEGOTIATING Council has tied a future government to granting amnesty in "respect of acts, omissions and offences associated with political objectives committed in the course of the conflicts of the past". And it has placed the time limit for these misdeeds at not later than December 6, 1993.

The motivation? To advance the cause of reconciliation and unity.

My feeling? I recognise the need for healing in our country — but if in our quest for healing we merely reinforce the culture of human rights abuse and lack of accountability that has characterised our history, I believe we will fail.

Reconciliation cannot be imposed upon a people; it will grow out of an understanding and knowledge of our

past coupled with clear guarantees that the abuses of the past will not be acceptable in the future. An amnesty without accountability sends a clear message to those who have perpetrated human rights abuses (as well as to the aspirants in the field): *you may violate human rights with impunity.*

Accountability

The difficult — but not impossible — task confronting our new leaders is how to ensure that the envisaged amnesty *results in reconciliation with both reparation and accountability.*

Which acts, omissions or offences will be covered by the amnesty? The definition provided in the "National Unity and Reconciliation" resolution is extremely broad and open to the widest possible interpretation. It does, however, allow for discretion in regard to the "mechanisms, criteria and procedures (including tribunals, if any) through which such amnesty shall be dealt with". And it is the exercise of this discretion which will determine the amnesty's effect on our future.

Amnesty International's Richard Carver has identified three aspects to accountability:

- Telling the truth.
- Prevention.
- Redress.

In implementing an amnesty, the future government has to ensure that its mechanisms, criteria and procedures provide for all these aspects. To do so, it should as a priority establish an independent "Truth and Reconciliation Commission" to investigate, to the fullest extent possible, all human rights violations resulting in death, torture and disappearance carried out by agents of the state. The commission should work publicly

and be equipped with the powers and resources required for full investigations.

The commission should also be empowered to make recommendations regarding the holding of public office by people implicated in human rights violations, and to recommend penalties of a non-penal nature (for instance, loss of rank, dismissal, early retirement). It should also address the issue of reparations to victims and establish guidelines.

Amnesty for individuals must be dependent upon full disclosure. The commission should retain the option to refer for prosecution the cases of people who fail to disclose their involvement in human rights violations.

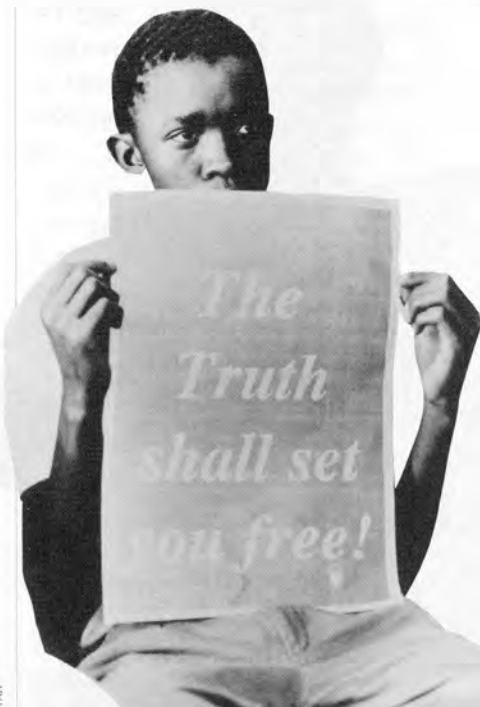
Moreover, the granting of amnesty or indemnity should not absolve individuals or the state from civil liability, and the prescription period which applies now should be amended to ensure that technical defences cannot be raised. All findings of the commission — as well as its recommendations — should be made public.

If these changes are implemented by a future government, the resolution on "National Unity and Reconciliation" has some chance of being implemented in a constructive way.

But if a blanket amnesty without disclosure is implemented (in the name of reconciliation), the government will do a grave disservice to the people of our country. It would constitute a dangerous denial of our history.

We all need to know what (and who) it is that is being forgiven, so we can ensure history is not repeated by either the old or the new. ■

● Currin is national director of Lawyers for Human Rights

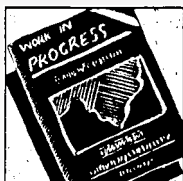


■ **LET'S TALK:** The whole truth, and nothing but the truth



■ **DON'T TALK TO ME, TALK TO MY LAWYER:** Land claims move from the street to the courtroom

cover story



Snatching defeat from the jaws of victory

In some ways, South Africa's landless people are better off now than they will be after the elections. **HEIN MARAIS** finds out why

EXPECT A CLATTER OF PROMISES and prevarications from the state, and a legal frenzy as cases are brought to court. Then, as the bounds of possibility become apparent to claimants, expect popular mobilisation that might merge to test a new government's populist credentials.

The issue is land reform. And, somehow, the interim constitution has erected new barriers to a just resolution of this central question.

Two sections of the constitution peg out the parameters for land reform:

the so-called restitution and property provisions. Both contain far-reaching flaws.

The restrictive effect of the "property rights" provision (clause 28 in the chapter on "Fundamental Rights") on thorough-going land reform is obvious. As in all law, it allows for expropriation with compensation. But unlike most property clauses, expropriation can occur only for *public purposes* — a crippling restriction.

Rank-and-file resistance within the ANC alliance to the clause was fierce.

But at an ANC conference on property rights last May it was decided that inclusion of such a clause was inevitable. Debate shifted to wording that would limit restrictions on land reform.

A World Bank study, "Options for Land Reform and Rural Restructuring in South Africa", correctly noted last October that when the state interferes with a constitutionally protected property right (for example, by expropriating land), courts tend "to grant strong protection to owners, often subordinating

all other provisions in the constitution”.

It advised that a property rights clause be “restricted in scope”, and clearly state the factors courts must consider when determining compensation for expropriation.

ANC negotiators had meanwhile successfully demanded that compensation could not in all cases be determined on the basis of market value.

Other factors were attached, including “the use to which the property is being put, the history of its acquisition, its market value, the value of the investments in it by those affected and the interest of those affected”.

Then came the curve ball. Section 28 (3) states that “expropriation shall be permissible *for public purposes only*”.

It’s tough to exaggerate the impact of this switch. Public purpose is not the same as public interest. The former sets narrow parameters and refers to a public use such as building a road or hospital or school. The latter is much broader and includes, for example, acquiring land for redistribution or restoration.

The courts have always given public purposes a narrow meaning which would exclude expropriation for the purpose of land redistribution or reform, reminds lawyer Geoff Budlender.

This singular substitution will severely limit land reform. It should be corrected in the final constitution.

It’s just as tough to assume that negotiators with legal training were unaware of this distinction and its devastating consequences.

Even the World Bank study had devoted a section to it, warning that “in other jurisdictions this has sometimes been an important hindrance to any form of redistribution”.

Indeed, until early October, the words used in early drafts of the constitution were “*public interest*” — “which give considerably more latitude to the expropriating authority”, according to public law professor Hugh Corder, who sat on the technical committee.

Even Sheila Camerer, the Deputy Justice Minister, put on record her government’s agreement in October “that the state must be entitled to expropriate property in the *public interest*” [emphasis added]. Sometime afterwards, the word got changed. How?

By all accounts, neither the government or business pushed for the change in wording. They didn’t have to — it was handed to them on a plate.

As matters stand, the court will decide whether a particular expropriation of land is for a “public purpose”. If the decision is “no”, the expropriation becomes invalid.

“We’re going to see a lot of cases brought before the constitutional court on this one,” predicts Corder.

Budlender warns that if the court applies a narrow interpretation of “public purposes” it will mean that land redistribution becomes possible only with state land and with private land acquired on a “willing seller, willing buyer” basis.

More snares await a substantial land reform programme.

The constitution guarantees no right to restoration of land forcibly seized under apartheid; it allows only the right to *claim* restoration. And no restitution process can occur unless in each case the state certifies that restoration is “feasible”.

Chapter Eight’s “restitution of land rights” clause sketches the framework for a restoration law — to which people who had been dispossessed of their rights in land since June 1913 will have recourse.

Two structures will deal with such claims. A Commission on Restitution of Land Rights will examine claims, mediate and settle disputes; and a court will hear cases, and be able to order restoration, payment of compensation or the granting of alternative relief to claimants *but only insofar as the state rules this feasible*.

“This is a cheap crook,” says Aninka Claasens of the Centre for Applied Legal Studies. “It pretends

there is a right to restitution, when really there’s only the right to claim it.”

Even when the court endorses a claim, the restitution process can be short-circuited by state decree. “It’s like saying workers have the right to claim a strike, but every strike first has to be certified ‘feasible’ by state bureaucrats,” Claasens explains. It’s a process that undermines civil society and bolsters the bureaucracy.

The upshot, says Budlender, is that the chapter contains no enforceable rights against the state, or anyone else, to the restoration of land. “If the state decides to do nothing about your land claim,” adds land lawyer Henk Smit, “you can’t take it to court.”

Smit believes we’d have been better off without the restitution and property clauses, by relying instead on an equality clause that guarantees affirmative action programmes such as land reform: “It’s a regression.”

Last year the Advisory Commission on Land Allocation (Acla) was equipped with powers to order the restoration of certain state land — after two years of dispute and pressure from land and community groups.

The interim constitution, says Budlender, “wipes out that victory, re-establishes the 1991 situation *and constitutionalises it*”.

The tragedy of these provisions is their impact on landless communities, says Claasens. The past year has seen unprecedented settlements between land claimants and white landowners (especially in Natal and Eastern Transvaal).

Those arrangements were brokered in civil society, and marked the outcome of a century-long struggle for the recognition of black land rights.

White landowners can now duck the impetus to negotiate and settle. And the rug is pulled from under communities’ feet because the constitution entrenches existing white ownership of land without counter-balancing it with provisions that recognise black land rights and claims.

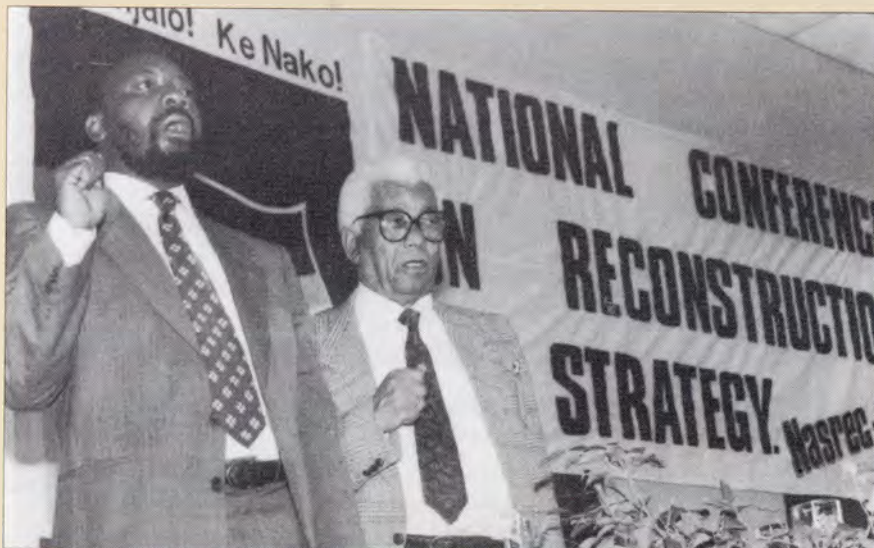
The current wording of the interim constitution might still hold out some hope for land reform — but the extent of it will become the subject of multi-million rand court cases as landowners use litigation to narrow the interpretation of the clauses. ■

Reconstruct

A Work in Progress supplement

Issue no. 16

MARCH 1994



PIC: KENDALL HUNTER

■ **DECONSTRUCTING APARTHEID:** The Reconstruction and Development conference discussed jobs, housing and health

Reconstruction and development

WE ALL KNOW THE APARTHEID statistics — the backlog of housing, the lack of services, the triple burden of women — one could go on for hours. For many years community organisations and NGOs have been trying to correct the apartheid imbalances while the apartheid regime has been working just as hard to preserve and deepen those same imbalances. Now, finally, we are facing the real possibility of working, as members of civil society or develop-

ment NGOs, with a supportive government. It's a novel idea, nê?

Much time and effort from political and civic structures, from individuals and NGOs, has gone into the creation of the Alliance Reconstruction and Development Programme (RDP). But the drawing up of documents is much easier than their implementation, which in this case may be hindered by reactionary members in the government of national unity; conservative and intransigent members of the civil ser-

vice and lack of experience in governance, delivery and practical development work by the liberation forces.

On the other side of the coin, the RDP will be fostered by many groups in both the state and civil society. It is in this context that the work of development NGOs and civic organisations must be seen. According to the 6th draft of the RDP, 'Those organisations within civil society that participated in the development of the RDP will be encouraged by an ANC government to be active in and be responsible for the effective implementation of the RDP.'

While we are all hoping that the fledgeling democratic government will be supportive of our work, at the same time it will require our support, skills, and considerable experience to facilitate the implementation of the RDP.

In this issue of *Reconstruct* we look at a variety of issues related to our ability to reconstruct South African society: women, gender and development; environmental issues in urban areas; the implications of the transitional local government structures and legislation; financing development; the role of civil society, and the need to transform the public sector.

The challenge facing all of us, in NGOs, in political organisations, in organs of civil society, is to implement the RDP. It is in this role that the experience of development organisations on the ground will come in useful.

It's up to each one of us to see that reconstruction and development do happen, at local, national and provincial level. That is the responsibility of a participatory democracy. ■

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CONTRIBUTIONS

This issue of *Reconstruct* was guest edited by Barbie Schreiner. Contributions for future editions should be sent to Mpho Mosimane PO Box 32716 Braamfontein 2017

The need for gender bias

For the reconstruction programme to succeed it must attack the heritage of gender, class and racial exploitation systematically and with equal force, so that the participation of women in all aspects of society and at all levels, becomes a reality, not a pipe-dream.

JENNY SCHREINER argues for a gender-biased reconstruction programme.

THE REAL AND SUBSTANTIAL emancipation of women is dependent on a reconstruction and development programme, which is based on empowerment, social emancipation, and fundamental national democratic transformation. Without this, change is nothing more than wall-paper over the cracks.

What is reconstruction?

Reconstruction is the planned restructuring of society – socially, economically, and politically – in order to ensure that the new democracy addresses the needs of the majority of South Africans. But this restructuring takes place in an ideologically contested terrain – capital, the apartheid regime, and the liberation movement do not agree on what it means in practice. The process of embarking on a programme of reconstruction involves a struggle over the definition and content of the programme.

The democratic forces face a particularly difficult challenge of social transformation through negotiated settlement. In the context of a government of national unity and reconstruction, the real content of the struggle for women's emancipation, is a gender-sensitive reconstruction programme which ensures that, amongst other things, women have access to land and training. They must also be integrally involved in all sections of the job creation programmes.

Three major challenges have been outlined in the Alliance Reconstruction and Development Programme:

- To transform the political institutions, the state and the police, defence force, prisons service and courts.
- To restructure the economy, and
- To embark on socio-economic reconstruction to alleviate poverty and improve the quality of life of the majority of South Africans.

There is, however, a fourth challenge: to make the reconstruction programme gender sensitive and inclusive of affirmative action in its broadest sense. This entails taking on the issue of women's role and position with respect to four key locations of power in society: the state, the economy, civil society and the family.

Divisions amongst South African women

It is a dangerous over-simplification to talk about 'women', as if it were a homogenous category of people. South African women are divided by class, race, urban/rural experience, religion, language, culture and age, to mention just a few issues. Reconstruction and development strategies have to take this into account in order to address the varying interests of different groups of women. What is appropriate for African women in the rural areas of the Transkei, such as a programme of land redistribution to landless women, will not be what is needed by, say, Muslim women working in the clothing industry in Cape Town.

Integrated change

Reconstruction and development should not be separated from overcoming the practical obstacles to women's political, social and economic involvement, by providing child care facilities, sharing housework, addressing the fears and realities of rape and domestic violence, training women, changing working hours to suit women, and so on.

Reconstruction cannot be divorced from the need to re-examine what men and women are expected to contribute economically, politically and socially. Presently, the participation of male workers in wage labour is premised on the housework and reproductive labour being taken care of by largely unpaid

women. The inclusion of women into the economy, political life and social activity cannot take place without this basic capitalist assumption being challenged, and the conditions of employment/deployment of workers, community activists, or whoever, being redefined in a gender sensitive manner.

Without the sharing of reproductive labour (including housework, child care, etc.) action to correct gender imbalances will require women to be 'superwomen'. Women cannot be fully incorporated into social, economic and political life if the definition of these areas remains male-centred. The South African reality for women is not just the classic 'double-shift', but in fact, for working class women, a multiple contribution to the economy.

Different approaches

There are two fundamentally different approaches to the issue:

- The call for development for women, which does not focus attention and inquiry on the nature of gender relations in society.
- Reconstructing gender relations, in which positive discrimination for women is a small, but important part of an ongoing struggle for a new form of non-oppressive and non-exploitative gender relations.

Our understanding of gender relations is centrally informed by the notion that individuals operate in society from the base of the family. The reconstruction programme focuses on the three key locations of power: state, economy and civil society. But unless we recognise the family as being a key site of power we will not be able to successfully address gender issues.

Gender demography

Nearly half of the families in bantustan towns, and about 60% of households in bantustan rural areas are dependent on the income of women. Even in metropolitan areas, 30% of African households do not have economically active men present.

However, only 39.4% of the paid and registered workforce is women. Three quarters of these women are in the service, agricultural, clerical/sales



and teaching/nursing sectors. Women are often the least skilled and lowest paid within any sector, and are generally located in industries where jobs are poorly paid and unskilled. Therefore, households that are dependent on female breadwinners are generally poorer than households with male breadwinners.

Furthermore, many women are in sectors that are hard to organise, such as farm labourers and domestic workers, and are often employed as casual workers. This means that they do not get the benefits that unions have won for other workers: pensions, maternity benefits, long services bonuses, workers compensation, unemployment benefits, etc.

At least five and a half million African women and 700 000 coloured women are unemployed, many of whom are trying to make a living in the informal sector. Once again, women in the informal sector earn less than men in the same sector. Care must be taken not to conflate work in the informal sector with self-employment: the majority of women in this sector are employed.

There is need for a gender sensitive, working class inspired and led programme, which will empower women. The Alliance Reconstruction and Development is not a fixed blueprint. It is designed to establish priorities, to provide a coherent and achievable programme for both the state and civil society. It also aims to mobilise forces of civil society to help achieve its objectives. ■

■ **NO CELEBRATIONS YET:** The RDP marks the start of 'real' gender struggles

Practising what we preach

ASO BALAN and **LAUREN ROYSTON** argue for a gender conscious development programme

WHILE THERE IS INCREASING recognition of the need to incorporate a gender consciousness into the development process this seldom translates into practice. Many of the problems resulting in this failure are familiar to practitioners in NGOs and CBOs.

Amongst the most common problems are that:

- Women are by and large absent from civic leadership.
- Access to information and decision making is generally a male preserve.
- Women's interests are seldom represented in public development forums, and
- Service organisations lack the capacity, often the skill and sometimes the commitment to translate a concern for incorporating gender development into practice.

Gender and organisation

Women, particularly black, working class women, often do not have the

opportunity to gain the skills, training, and information necessary for participation in either service or civic organisational structures.

Furthermore, as a result of the way organisations are structured, engagement and information transfer takes place mostly between men.

Strategic planning and training processes often do not place gender issues on the agenda. While the strategic planning process can be used to take forward the needs of "interest groups", including women, frequently the normal route of ensuring zonal representation results in a geographical rather than gender spread.

The exclusion of women from project planning and negotiation forums is particularly crucial because of gender differentiated social roles.

It is in these forums that services and standards of services are decided upon. For example, cleaning toilets and fetching water are generally considered women's chores, and provision of inad-

Women at local level

A powerful commitment to getting women into local government was the order of the day (or evening, rather) at the recent Konrad Adenauer Stiftung discussion forum on Women in Local Government. As Anne Vincent of the ANC Women's League put it; 'If we're serious about addressing gender imbalances we have to focus on local government. When local government doesn't function properly, when adequate services and houses aren't provided, it's women who bear the brunt.'

Local government needs women

Women, through their nurturing role, are very sensitive to the needs and problems of the community and family. They are well aware of the development needs of the community, and already have supportive networks and groups established in many communities. Women are also more vulnerable to many community problems, such as rape and violence. All these make them perfect candidates for local government work which is the level of government that impacts most directly on the day to

'Local government is where the ordinary woman can take charge of her life'. **BARBARA SCHREINER** reports...

day life of members of a community.

Getting women onto TLCs

Within the 90 days before transitional local and metropolitan councils are appointed, we (as women) have to ensure that women are appointed onto those bodies. Since the TLCs and TMCs will be responsible for preparing for local government elections towards the end of the year, if women are not present at this stage it will be very hard to get a gender-sensitive approach to the those elections. But the crux of the matter is HOW to get women onto these structures.

Pauline Morris of the Wits Metro Chamber spoke about the obstacles to women's involvement in local government: socio-cultural attitudes (especially in rural areas), power relations in society and the family, practical problems of time, transport, resources, economic oppression, and resentment from peers and the 'glass

ceiling'.

She also made suggestions about the way forward:

- that women must take a conscious decision to find ways to make their views heard and overcome discriminatory attitudes.
- that there must be special training courses for women – in confidence building, meeting procedure, public speaking etc..
- that women's groups must come together in a supportive network to develop a unified strategy to achieve women's participation in local government.
- that women must ensure that women stand for election at all levels of local government – in statutory and non-statutory bodies and technical advisory bodies.
- that there should be quotas for participation of women in local government, and
- that there must be provision of facilities such as child care for women taking part in local government activities.

Women in SANCO

It was suggested that the point of entry for women should be through

equating services in these areas leads to conflict amongst women that is not taken into account by male planners and decision-makers.

In Mohlakeng, although women are central to the overall objective of the hostel development project — the transformation of a male hostel into family and single units, there is no mechanism whereby their voices can be heard.

Even though many of the residents are women, they are not represented on the resident's association. Although women are one of the numerous "interest groups" identified in a community profile done by the civic, other than this, the Mohlakeng Hostel Dwellers' Association cannot be considered "gender sensitive."

In numerous projects, while women are very active at grassroots level, as is reflected in their involve-

ment in mass action protests related to water and electricity cutoffs and land invasions, they still have a tendency to elect men onto structures.

In Wattville, in the absence of gender-sensitive structures and representation of women on civic structures, a Women's Forum meets fortnightly to discuss issues around limited space, violence and abuse against women and children.

Housing and urban development

Tenure

Title is often given to men who are usually perceived as the household head. This excludes women-headed households and marginalises women in households "headed" by men. In the case of separation or conflict women are prejudiced by losing access to shel-

ter and the security that investment in a house brings. Without title women are also discriminated against in access to credit collateral.

The Soweto Civic Association has been negotiating the restructuring of the transfer mechanism, so that families can implement a tenure system that they choose. To achieve this the application process would have to include a hearing attended by the whole family, where information on options and rights is provided. The options being investigated include:

- A family trust where the house does not belong to the head of the household but to the family;
- The Housing Association route, or
- Individual tenure.

The situation of women in hostels raises particular concerns. Provision must be made for single-sex accommo-



■ DEVELOPING GRASSROOTS LEADERSHIP:

Special training courses will be crucial for the success of local government

residents' and ratepayers' organisations, and a very strong call was made to identify the women who had been involved in SANCO, to find out why they had dropped out, what their problems were, and ensure that they get back into SANCO and fight for their right to elected positions in the organisation. Women must insist that the civics include them in their representatives on transitional councils.

Rural areas are the worst

The representation of women on local government in rural areas is extremely problematic. Not only are women excluded from traditional councils by custom and law, but there are other factors acting against their participation. Firstly, while in the urban areas women are at least aware of the pro-

cess of nomination (and their right to nominate someone) for local government transitional councils, in the rural areas this information has not yet filtered through, and nominations are not being sent in.

Double vote privileges men, prejudices women

The second problem is perhaps more serious. The Local Government Transition Act allows people who are resident in one area but own property in another area to vote in each of those local government elections. Unfortunately, it is primarily men who are property owners in this country, and many of the migrant workers to cities own land in the rural areas. This enables them to vote both in the city, and in the rural areas, allowing a

large proportion of men a double vote. This issue was referred by the discussion group to the TEC sub-committee on the status of women for investigation.

Women must elect women

Although the TEC sub council on local government has been established, and is comprised of 6 men, and nominations for the 9 provincial committees on local government have apparently closed, the one avenue still open to women, and a crucial one, is the nominations for transitional local and metropolitan councils. It is up to women to mobilise now and ensure, by hook or by crook, that women are represented on these structures. ■

dation for female migrants, for single women and for women seeking a safe and secure place to live.

Settlement layout

A brief look at the layout of informal settlements often reveals that gender roles are articulated in spatial form. In Phola Park and in an informal settlement in Klerksdorp a workshoping process produced gender specific outcomes, highlighting the issues of security and the location of reproduction activities.

Defensible spaces, privacy, access, and safety are especially significant principles to translate into space in hostels and informal settlements. Well lit public streets and walkways, well located community facilities and services are the obvious implications of these. In the Mohlakeng hostel, fear of rape and

attack make communal facilities a no-go for women and children at night.

Participation

The inclusion of women in the participation process, is perhaps, the most significant "gender issue" for practitioners, organisations and institutions with a community driven approach to development.

Women frequently lack the "free" time to participate in the workshops and meetings. From the point of view of workshop planners, this exposes a lack of awareness of the "triple role" of women, inconvenient timing which makes women's attendance low, and a lack of child care facilities.

Even when women do participate in structures and attend meetings. These are often dominated by the more articulate and powerful, most of whom are

men. Our models of empowerment frequently enable the participation of the more powerful.

However, in some communities and civic driven development initiatives there are examples of structures which:

- Articulate the needs and interests of women separately (like the Women's Forum in Wattville).

- Decentralise the focus of participation and have the potential to facilitate the participation of the end users with direct interests in the development project.

- Use methodologies (including the focus group approach used in Phola Park) where women, men, church and youth groups come together separately to articulate their own interests and then together to reconcile differences and find common ground. ■

IT IS OBVIOUS THAT TRANSFERS OF resources and power will only be effectively managed if these are done via institutions that are in favour politically of the reconstruction and development process. This factor is the proverbial 'Achilles Heel' of reconstruction and development, as the established institutions of the state, the existing parastatals, and the public corporations are nearly all firmly in the hands of the National Party thanks to its own successful, if twisted, programme of affirmative action (apartheid) and its strategy to gain a firm hold on all the locations of power in society after the Second World War.

Historical legacy

The public sector is riddled with racism, patronage, corruption and poor administration. There is duplication of management, yet a shortage of services. The determination of service delivery points is irrational, and the domination of the management by white, middle-class males is virtually complete. Years of job reservation have ensured that these imbalances are firmly entrenched, and coupled with the effects of Bantu education the pool of potential replacements for key posts is tiny in comparison to what is needed.

There is also a totally unacceptable ethos which has been cultivated by the South African public sector rather than providing a service to the benefit of the majority of people, the service almost appears to be there for the benefit of the incumbents of posts. Community needs have never been seriously taken into account hardly surprising given the effects of apartheid policy and sexist practices on the composition of public sector management.

Transformation

Any programme of transformation of society, such as the alliance's Reconstruction and Development Programme, will require a rapid and fundamental transformation of the public sector. A failure to carry this out will result in the new government being held hostage by an unfriendly, politically partisan public service. This, together with the effects of the inclusion of more conservative parties in the Government of National Unity, will

Public sector key to RDP

The process of reconstruction and development that is being proposed by the democratic movement will rely heavily on the public sector for its success or failure. Whilst the involvement of civil society and even business are also crucial, much of the programme will be driven by the state, parastatal institutions and public corporations that make up the public sector, argues **PHILIP DEXTER**

mean that the democratic forces in this government will be powerless and unable to implement the reconstruction and development programme.

Key personnel for key posts

There are a number of priorities which the new government will have to deal with both before and after the election. The first is to identify key posts in the public service, and identify individuals with the necessary experience or potential to fill these posts.

Training

To do this a 'fast-track' of training must be put in place where candidates may skip the lengthy processes of obtaining a degree in public administration and serving an apprenticeship under current managers. Instead they should be attached to friendly public services around the world, as is being done, but in greater numbers, and thereafter they should attend courses designed to prepare them for the task of managing the public service in South Africa. If necessary, a short period of mentoring could be provided where candidates work as shadows to current managers.

Affirmative action

It goes without saying that such a process must take into account the need to transform the racial and gender imbalances that currently exist. Only by ensuring that the public sector personnel is reflective of the society it is to serve, will the new government be able to ensure that the needs and wants of clients will be taken into account in any meaningful way.

Given the number of those from

disadvantaged groups in society that work in the lower grades of the public sector, a process of rapid vertical promotion is also of vital importance. Any programme which simply looks at graduates and does not take into account the fact that, workers with experience can contribute at other levels in the provision of services, would run the risk of creating a new elite in the sector. For reasons related to their class position, the latter would suffer from many of the same prejudices as those who currently run the public sector.

Involvement of communities

Another key issue that needs to be addressed with immediate effect is the lack of community involvement in service delivery. The public sector currently operates under a shroud of secrecy: the budgetary process, the allocation of resources within a department or by a parastatal, and the accounting for the use of these resources are not transparent at all. As a result decisions are made based on an agenda determined by management. A satisfactory means of involving the recipients of services in these processes has to be found.

Transparency will also remove the current opportunities for corruption and inefficiency, such as the construction of unaffordable houses that do not provide adequate shelter, either in terms of numbers or quality.

Matching service delivery to needs

Proper community participation will at least ensure that needs are taken into account, and depending on the



■ The success of the RDP will depend on the involvement of public sector unions

resources available, that the delivery of services is matched to these. For example, an enormous amount of resources are spent trying to discourage people from moving from rural to urban areas. Instead, these resources could be used to provide basic services to the residents of informal settlements. Either way, the resources should not be used to constantly knock down shelters that are just put up again.

Planning

In order to ensure that resources are optimally utilised, immediately after the elections there will need to be a process of rationalisation and integration to end the duplication of the apartheid system. At the same time, the parastatals and public corporations also need to be geared towards the development needs of the country. This will all require sophisticated and co-ordinated planning.

There are a number of options to ensure that this work is facilitated, one of which would be a Commission for

Reconstruction and Development answerable to the Cabinet through the President. Another alternative is to create a Department of Development Planning. Whichever is decided on, the key would be to identify the most pressing needs of communities and ensure resources are rationally and effectively utilised to service them.

Central to this is the need for a plan of what the public sector will look like, what departments of what size there will be, how parastatals and corporations will operate, and who these will be responsible to. There are a number of laws that needs to be amended for this purpose, and these must be identified, and the plan for the new public sector developed as a matter of urgency.

Neutralising the spoilers

There will be those in the public service that will not co-operate with the new government and will attempt to ensure that, if they can't stop the process of transformation, change is at best super-

ficial. These spoilers will have to be neutralised through a Code of Conduct that will ensure that they can be rooted out of the public sector. There is no room for those who wish to perpetuate racism, corruption, poor administration and other such practices. The performance and productivity of the public sector can, and should, be controlled through the setting of standards and the monitoring of performance.

Looking after the workers

The bulk of workers in the lower grades of the public sector have borne the brunt of apartheid policies in many respects. Their lot may have been better in comparison to the unemployed and the marginalised, but poor conditions of service, backward management practices, the direct experience of racism and discrimination, not to mention low pay, have meant that these workers are still amongst the worst off in the economy. It is no wonder then that this sector has seen the most frequent industrial action in the last few years.

A Government of National Unity needs to develop legislation that recognises the rights of workers in this sector, as well as the special nature of some of the services they render. But the emphasis should be on solving the grievances of these workers, not on containing their anger and frustration. An unhappy work force will ultimately not be interested in whether the new government is democratically elected or not, if that government does not address their very real grievances.

The huge disparities in salaries and other working conditions will all have to be addressed to ensure that there is a public sector work force, that is both willing and able to implement the programme of reconstruction that must begin after the election.

Not everything can be done in the first few years, but immediate steps should be taken by the new government, in consultation with the representatives of civil society and business, to ensure that this process of transformation begins, and is visible. The public sector, if given the attention that is needed, will be crucial in ensuring that this happens. ■

The shape of grassroots

What is the status of the Local Government agreement and how does it translate practically?

It is more of a political moral agreement as opposed to a legal agreement. It has a status of a document that people should follow but obviously they cannot be forced to follow. This is the distinction but nevertheless it has quite an impact in the sense that a lot of organisations — from all backgrounds — signed it. They committed themselves to implementing the aims of the agreement.

The Local Government Transitional Act seems to be a set of vague and broad guidelines which have been given to each municipality. Won't this lead to problems of interpretation and implementation?

Well the law is very specific on certain things. It is specific on forums which should be established and, that those forums must come up with nominations for new councillors, to be appointed by the provincial administrator together with multi-party committees at provincial level. The law specifically states that all this must be done within ninety days. The act is also very specific about the demarcation of boundaries. It makes provision for the establishment of nine demarcation bodies, one for each province. These bodies will immediately start drawing new boundaries for local authorities on a non-racial basis. The act does not say specifically when the elections for local government structures are going to take place but there is a general understanding coming out of the negotiations that they should take place as soon as possible. The act also does not say anything specific about finances and services. There are separate agreements on these issues, because it is difficult to pass a national piece of legislation to deal with local issues such as finance and services.

It appears as if the budget approvals for this interim local structure will need the 66% majority. Taking into account the agreement for proportional representation and the guaranteeing of seats to minorities, is this

The Local Government Transition Bill was publicly signed into an Act. **MPHO MOSIMANE** speaks to Andrew Boraine about the implications of the Act

not going to give the right wing a chance of blocking crucial reconstruction projects by preventing the 66% majority vote?

For any deadlocks on a budget for a local authority second tier government will intervene, because you have to have a budget and if the budget is not passed for whatever reason then the provincial government will have to step in and deal the matter.

Secondly, now we are talking about the post-election period. In the elections for local government, the 30% guarantee is not for whites or right-wingers, for example, the Johannesburg municipal area once it is amalgamated into the wider Wits area will in a sense have a 30% guarantee of seats in the council. Johannesburg is half black so

in a sense the people of Johannesburg whether they are white or black get guaranteed 30% of the seats. It is not strictly a racial thing anymore. You could have your councillor from Hillbrow being black, your councillor from Joubert Park will also be black, and your councillor from Yeoville might be black as well.

What if you take the case of Pietersburg?

In smaller more conservative areas there is that 30% guarantee which would largely be white in the first elections, but it also includes the 30% coloured and Indian areas because traditionally they fall under the white local authorities. I would imagine that they wouldn't necessarily vote with the right-wing and even within the white community you will have the right-wing and the not so right-wing.

Looking at the wards, in practical terms won't they still be the same as they are now? For example, the ward representatives in Soweto will still be



PIC: WILLIAM MATLALA

government

black and in Johannesburg largely white. The same goes for Pietersburg and Seshego.

The geography of apartheid is there and for many years it is going to be very difficult to deal with. This is a major problem — we are inheriting a situation of spacial division of groups, which is very real. So your ward councillor for Orlando East is definitely going to be a black person and your ward councillor for Houghton will be a white person. But you should see it at the level, not so much of the wards, but of the whole council, which will be largely black but will also include some white councillors. One would therefore see non-racialism at the level of council. But, at the ward level, unfortunately, it will still reflect the racial history. However, some wards will be mixed. An area like Yeoville, or lets take Kew and Wynberg along with Alexandra, could be a ward — you don't have to have strictly racial wards. If you are talking about the far south of Soweto, there is no white community close enough to start dividing wards.

What are the implications of "semi-legitimate local governments" for civics. What will the role of civics in relation to local government and in relation to development work be?

I think they have a big role, I think it will take them a bit of time to settle into that role, because at the moment there is a lot of uncertainty about who is going to go into government and who will remain behind in community-based and non-governmental structures. Once that is clear — I think it will be clear after April and then again after the local government elections — and we know who our elected representatives are, civics will have a number of roles. They will have a protest role — if there are any problems they must protest, they must do what they have always done. Secondly, they must monitor the situation — play the so-called watchdog role. All groups in civil society need to monitor the government whether it is a church group, a human rights group or a civic group. But looking at it more positively, I think civics can become involved in the development process

because that is where their strength lies. They know the community or they should know the community, they should know their needs, and they should assist local authorities to define the needs of the people. If I can just take examples of other parts of the world, a lot of local authority systems actually build into their processes working with non-statutory or non-state groupings and it is actually a requirement that you consult these groups so that they can participate in public interest committees. And by law, if you do not do that the development project will not take place. If the local authority is going to spend money in the community certain groups must be consulted in a particular way. There are all sorts of mechanisms whereby local authority can actually give money to projects that are run by civics because there are many good examples where the civics can do the job even better than a local authority. The civics could run subsidised creches and primary health clinics on a professional basis. They could also get involved in the boards of trustees or within the steering committees or the management boards. There are lots of different ways in which civics could get involved in a positive way — not just reacting and protesting. Although I think they must still play that role but also in actually developing the local communities at a very micro level.

Rate-payers associations they have not had a wonderful relationship with civics. In future, how do you see them relating to civics, taking into account the new demarcations which might mean that some areas previously served by a rate-payers association and an area organised by a civic would be merged together under one local authority?

I think it will vary — a lot of rate-payers associations will continue on their own route and not with the civics, because in many cases their interests are very different. They represent upper middle-class constituencies with a

■ **PIONEERS:** ANC local government head Thozamile Botha and local government minister Tertius Delpoit worked together to achieve agreement on the local government transition bill





■ The ANC's Nelson Mandela and NP's FW de Klerk sign the transitional local government bill

PICS: ANTONIO MICHAVE

whole lot of fears. They are worried about security and tend to have a very inward and defensive outlook. But I also foresee occasions where all the civics and the rate-payers organisations will get together. For example, if the local authority puts up the tariffs it affects everyone, whether you are in a wealthy area or poor area and I would imagine that the rate-payers association and civic would get together and protest if those increases were unjustifiably high.

Something that effects both civics and local government structures is the question of urban migration. Is enough being done to deal with the problem?

Listening to De Klerk speaking at the National Summit for Local Government, the one thing I did agree with was the emphasis that he put on urbanisation. Otherwise not enough attention is given to the problem of urbanisation.

The ANC reconstruction and development programme claims that South Africa can afford to build 300 000 houses a year. Is that realistic?

I think it is realistic. We are currently underspending on the national budget compared to other developing countries, so we can push that up. And most of our spending goes towards maintaining the bureaucracy.

The representation of women (especially rural women) in local government has been very poor. What is being done to improve this situation?

On the non-statutory side there is an

attempt to draw women from local structures into the negotiating team. The process is not always successful, but there is a conscious effort to address the problem.

But do you think that gender issues have been taken into account in terms of legislation?

No, in the transition act I do not think that anyone seriously sat down and thought about this—including the women's organisations.

What are the implications of the local government transition act and the agreements on services and tariffs for environment policies?

It could potentially have a good effect because people will have proper sanitation and refuse removal systems. For example, if we get proper refuse removal going, the Jukskei River in Alexandra will not need to be cleaned up all the time.

What is being done in terms of providing negotiations skills to people at local level?

There are a lot of skills in some of the big cities and towns, but in the smaller towns and rural areas we are faced with more right-wing opposition, more difficult problems and less money to do things. A bigger crisis in many respects is that people are being thrown in at the deep end. A lot of training programmes have been set up but some of them are not working very well yet.

What about administration skills for new local government people, especially for women?

There are a whole lot of official training institutions for local government. However, the representation, the curriculum and so on in these institutions must be restructured. We are meeting, for example, with the institution of town clerks to look at how more black people in general, and women in particular, can be trained as town clerks.

There was a guarantee to the present civil servants that their jobs will not be threatened. What does this mean?

The agreement does not guarantee anyone any job, if the person works badly they are going to get sacked or fired, whoever they are. What the agreement does say is that no one will get sacked unilaterally just because they worked for the old apartheid structures.

And what do you envisage to be the role of chiefs and traditional leaders in this whole process of restructuring local government?

All elected local government structures have to be eventually extended to all parts of the country including areas run by traditional authorities. The two authorities can exist side by side because they have different functions. The duties of an elected government in a rural area would be to deliver services. The function of a chief would be to oversee traditional practices, customs and laws. There are two areas of dispute which I can foresee, one is that traditional authorities usually allocate land to people in that area. Secondly there is a lot of tension about the levies that chiefs put on their subjects and it is really the job of an elected local authority to tax people. ■

The development set

Excuse me, friends, I must catch my jet
I'm off to join the Development Set;
My bags are packed, and I've had all my
shots,
I have traveller's cheques, and pills for
the trots.

The Development Set is bright and noble,
Our thoughts are deep and our vision
global;
Although we move with the better class-
es,
Our thoughts are always with the masses.

In Sheraton hotels in scattered nations,
We damn multinational corporations;
Injustice seems so easy to protest,
In such seething hotbeds of social rest.

We discuss malnutrition over steaks
And plan hunger talks during coffee
breaks.
Whether Asian floods or African drought,
We face each issue with an open mouth.

We bring in consultants whose circumlo-
cation
Raises difficulties for every solution -
Thus guaranteeing continued good eating
By showing the need for another meeting.

The language of the Development Set
Stretches the English alphabet;
We use words like 'epigenetic'
'Micro', 'macro' and 'logarithmic'.

Development Set homes are extremely
chic,
Full of carvings, curios and draped with
batik.
Eye-level photographs subtly assure
That your host is at home with the rich
and the poor.

Enough of these verses — on with the
mission!
Our task is as broad as the human condi-
tion!
Just pray to God the biblical promise is
true:
The poor ye shall always have with you.

Ross Coggins



PHOTO: OM SAMSON-ARCAND

■ **CREATING NEW CONDITIONS:** The government of National Unity will have to create suitable laws for the survival of NGOs and CBOs

Enabling NGOs

by KERRY CULLINAN

New laws will be needed to facilitate the establishment of the new, democratic South Africa. For almost two years, a study initiated by the Development Resource Centre (DRC) has been looking into the kinds of laws needed to ensure that non-governmental organisations (NGOs) are able to play a part in building a better country.

Called "The Independent Study into an Enabling Environment for NGOs", the study involved four legal teams who consulted with over 2 000 NGOs and community based organisations (CBOs) countrywide. The DRC explains its commitment to the NGO sector by explaining that "people's" participation in democracy and development happens through NGOs and CBOs rather than through corporations or government bureaucracy".

During the apartheid era, adds the DRC, laws obstructed rather than assisted non-profit organisations for example, many organisations had to wait 18 months to be granted a fundraising permit.

The study focused on four main areas: civil society and fundamental freedoms; the establishment, registration and administration of NGOs; fundraising; NGOs and taxation.

Recommendations have been presented to a number of regional meetings. Groups have been set up from these meetings to build on consensus reached and work towards national consensus.

But consensus may not be that easy to reach. At the Transvaal meeting, for example, more questions were raised than solutions proposed. Areas of concern included: Should NGOs be required to register? If so, should they register with a government department, a body representing NGOs only or an independent body made up of both government and NGO representatives?

Should NGOs that raise large amounts of money have to publicly account for how they spend this money? Much discussion was generated around the definition of "large amounts of money". Some delegates argued that even if an NGO raised R5 000 from the public, it should explain what it spent this on. Others felt this would create unnecessary bureaucracy and stifle small NGOs.

Should the government assist NGOs and their donors by offering them tax concessions?

The study proposed two possible scenarios for the future. Both scenarios propose an act of parliament aimed at empowering NGOs. One scenario proposes a single NGO office to register and assist NGOs. The other proposes two offices — one governmental and the other run by NGOs themselves.

The study team hopes to have reached consensus on the way forward within the next few months.

■
• People interested in the study's proposals should contact the DRC at PO Box 6079, Johannesburg 2000 or (011) 838-7504 for further information.

■ **DOING THEIR OWN THING:** The eMbalenhle community has discovered a way of financing its own development projects



As a result of the political changes of the last few years, community based organisations are finding that they can no longer depend on external funding in the way that they did in the 80s – funds are less available and accountability is being tightened up.

If community organisations, and civics in particular, are to survive the transition they

have to start finding alternative, sustainable resources.

The eMbalenhle Civic Association and Planact have developed a Community Development Trust model which enables an organisation to be built on funds raised from within the community. **CHARLES CROESER** and **NIGEL WALKER** examine its development...

A trust for survival

IN 1992 THE eMBALENHLE CIVIC Association proposed a fund for financing development projects in eMbalenhle, to which the community would contribute, with the local authority being used to collect their contributions.

The eMbalenhle Community Development Trust originated from an agreement between the civic association, Sasol and the administrator of eMbalenhle, with two conditions:

- That the community would give its authority for contributions to be made, and
- That the Trust would be created and registered properly in order to control the application of funds.

At a mass meeting in eMbalenhle, the community agreed to make contributions to the trust of R5 a month for formal houses and R3 a month for informal houses, amounts that would be included in the monthly rates bill. Sasol

also made a commitment to contribute to the fund.

However, the process was by no means without hitches. Firstly, the council began collecting contributions before any legal agreement had been made, leading to a situation where they held over R160 000, without having mechanisms in place to give the community access.

Then the Eastern Transvaal regional office of the TPA questioned the legality of the Trust under the provisions of the Black Local Authority Act (1982), claiming that in terms of its provisions on financial matters the civic had no right to receive any of the money collected for the fund by the council. The regional director also suggested that the civic was not representative of the community and that other bodies (unnamed) existed that the TPA could deal with.

The issue of legality was finally

settled when the matter was referred to the Local Government Negotiation Forum and the MEC on political and constitutional affairs, Andre Cornelissen, who took up the issue through his legal advisor, advocate GJ Myburgh.

In Myburgh's judgement, the Council could not under any circumstances claim the money collected as part of the rates. He proposed that the trustees and the administrator enter into a contractual agreement under which the administrator would be authorised to collect the money on commission on behalf of the Trust.

This cleared the way for the Trust to start operating legally and for contributions by the community to continue to be collected by the local authority.

The civic as development agent

It has always been the understanding of the community that part of their contri-



■ **BETTER LIVING:** The Community Development Trust will help improve living conditions in eMbalenhle

butions would be used to fund the civic to facilitate development projects being identified, conceived and submitted for funding.

The agreement between the Trust and the civic was originally conceived of as an agency agreement through which the Trust could appoint the civic as its agent to carry out development projects. However, as the Trust is registered as a fund it can only act as a conduit for funds and can't itself carry out development work. Legally, a person can only appoint an agent to do whatever s/he may lawfully do in person. Thus the Trust doesn't have the authority to appoint an agent to do development work on its behalf.

Instead, an agreement between the Trust and the Civic was suggested that removed any reference to an "agency" but maintained the obligation of the trust to fund the work the civic does to determine priority needs of the community, conceive projects to address these and seek funding from the Trust to have the projects implemented.

The Trust is not a democratic and accountable structure. The only legal accountability of its Board of Trustees is for the proper handling of funds under their control and to carry out the primary goal as stated in the trust deed. For this reason it is important that the civic maintains its development role as a more representative and accountable body which is closer to the needs of the community.

It has been suggested that a better option in the future would be the estab-

lishment of a Section 21 company - a non-profit making company with a Board of Directors. The community would constitute the membership of the company with the right not only to elect the Directors but also to remove them under a principle of recall, making the directors far more accountable than Trustees.

Criticism of the civic

The community were not the only contributors to the fund. Other potential donors, such as the IDT, proposed specific preconditions for supporting the Trust. Firstly, they wanted any money donated to be directed as "close to the grassroots as possible". Secondly, they wanted to ensure that their donations did not create conflict between organisations in the community.

These positions expressed, both implicitly and explicitly, criticism of the role and nature of the civic. Donors refused to accept that the civic was non-partisan and that it endeavoured to represent all residents in its work. This also reflected a lack of faith in the local community, in its ability to make its interests felt, and in its power to discipline the civic by recalling it. Underlying such criticism is a critique of what is perceived to be the involvement of the civic in the Tripartite Alliance. The representation of the ANC, SACP and SANCO in the Trust was seen as the existence of a bloc that would exclude other organisations.

The civic, however, has maintained at all times that it endeavours to

represent all residents. If the civic were to allow itself to be equated with any particular political party or interest group the Trust would be open to the criticism that some residents' interests were not represented.

Composition of the Board of Trustees

The initial agreement was that Sasol, the local authority and the Secunda business community would have representation on the Board of Trustees, with the civic having the right to nominate a majority. However, the possibility of the civic having a majority threatened the interests of potential donors, and brought the Trust under heavy fire.

In response to the criticism the civic put forward three possible alternatives, from which a procedure for appointing the Board of Trustees was agreed on, which included the following stipulations:

- At least two thirds of the Trustees must be residents of eMbalenhle, nominated on the basis of their high standing in and knowledge of the community.
- At least one quarter of the Trustees must be people who don't benefit directly or indirectly from the activities of the Trust and who are nominated on the basis of their skills in the field of development, finance, administration, and/or the law.
- Trustees are to be nominated by a Trustee Nomination Board of five persons elected by the outgoing Board of Trustees, and ratified by the Annual General Meeting. ■



PHOTO: SAMSON ARICANDU

■ **SOULSEARCHING:** NGOs have to find new ways of functioning if they want to continue playing a role

Growing pains

Planact has recently survived a painful and arduous process of restructuring, and come out of it wiser, stronger, and hopefully, more efficient.

BRIAN MOHOLO, organisational development specialist in Planact, takes this opportunity to draw out some important lessons from the process

LIKE MANY NGOs, OVER THE PAST few years Planact experienced rapid growth, from a staff of 12 in 1990 to over 30 in 1993. While the growth was necessary to deal with increased demands from clients, as with many NGOs, not enough planning went into growth management.

Organisational growth results in change, not only in numbers of people and resources, but in relationships within the organisation as well. Different reactions from staff should be both expected and managed during a change process.

At Planact, during the expansion, crucial issues were left unconsidered, such as:

- development of clear staff policies around salary, staff development programmes and affirmative action;
- integration of new staff into the organisation. The processes for integration that did exist were incapable of taking into account the potential for change in team and organisational

dynamics as a result of "new blood" coming into the organisation;

- how recruitment would affect the race and gender composition of staff;
- how team dynamics and relationships in the organisation would be affected by growth;
- how the size of the organisation would be viewed by other service NGOs, clients and funders.

The importance of organisational consciousness around such issues during a period of growth and in a society divided by race, gender and class cannot be underestimated.

Some of the dissatisfactions and insecurity expressed by staff and perceptions raised by other stakeholders when the organisation was in turbulence, were related to these issues.

Management and accountability

The increase in staff did not resolve the pressure on Planact to deal with an increasing number of requests. Instead

teams were competing for resources as the nature of work changed and demanded more expertise and more resources. The lack of clear systems or procedures to monitor activities, evaluate output, and allocate resources appropriately contributed to this dilemma.

Management of Planact evolved from a small staff collective, and this remained the culture of management until recent changes. Everyone was accountable to the staff collective as the highest decision making body in the organisation. While the collective was accountable to clients with regard to work, this was not structured in any particular way.

Collective management ensured, among other things, equality in the organisation and participatory decision making. Because of the increase in staff and the difficulty of arriving at decisions, Planact resorted to delegating policy issues to committees which would report periodically to the collec-



PIC: OAM SAMSON/ARCAND

■ CHANGING TIMES: No problem-free transition for NGOs

tive.

Management by committee presented its own problems of responsibility and authority. It was time consuming, irritating to some, and still fraught with politics, cliques and factions.

Collective management also fell short in providing essential management functions such as motivation, inspiration, counselling and in some instances support. It was left to teams to perform these functions. In such processes the balance between the individual, team and the task to be performed became unclear, often at the expense of the individual.

Increasing budgets vs changing donor relations

The increase in clients requests also led to an increase in budgets, and an increase in staff, without an appropriate improvement in accounting and management systems. The difference between an organisation of say eight people, and that of thirty is that it is easier to know how and where money is spent. While Planact's financial systems have always been sound regarding the control of money etc., the problem related to the need for a system that could capture data about where expenditure was taking place so that costing of projects could take place more accurately.

With the change in political rela-

tions in 1990 it became clear that the funding world's attitude towards South African NGO's would change. Funding would also be distributed to CBO's who had not received such assistance before and Planact would have to make the necessary adjustment to relate to this new arrangement.

Tackling the issues

Planact approached these issues with a two phased attack.

The first phase involved an internal restructuring process facilitated by staff members during 1992. As the organisation experienced continued turbulence, a strategic planning process, facilitated by outside consultants, was initiated.

The main focus of the strategic planning process was to arrive at an appropriate structure that would enable the organisation to deal with the identified issues.

The ultimate challenge

Given that organisations aspire to better their performance and satisfy stakeholders, when engaging in a change process the challenge is always whether the process will succeed. For Planact one of the big challenges is how the new structures will shape relationships within the organisation. Now that staff policies on salary, development and roles have been developed, implementation will determine the success of the change process. ■

Lessons from Planact organisational change process

- Organisations must recognise that the role of the change manager and that of the management of the organisation are critical. There should be no conflict of interest between the two. The management committee of the organisation (if it is not managing change at the same time) should fully support the change process, be aware of its implications and be able to promote it.

- There are pros and cons of both internal and external facilitators in the change process. While outside facilitators bring the advantage of not being involved in the problems, and hence being more objective, internal facilitators know more about the organisation and are in a position to maintain the momentum during the implementation stage;

- In order to increase the probability of success the process has to set specific, measurable, achievable, and realistic objectives and time frames;

- The organisation must have the capacity and willingness to implement the changes within the specified time frames. There should also be an agreed time frame for evaluation of implementation.

- During the process of change the organisation must plan for a drop in normal output as the process is time consuming, and the roles of staff within the organisation could well change.

- Any change effort must take into account the outside environment and align itself accordingly. The second phase of the Planact restructuring process allowed for clients, other working partners and the advisory board to make inputs about their views on the organisation, their expectations and suggestions. This allowed the organisation to deal with some negative perceptions that have been created and forge new relations where necessary.

- Changing the organisational structure is not the panacea for all ills. Other aspects of the organisation such as purpose or mission, systems, relationships, reward mechanisms and leadership are all crucial.

ORGANISATIONAL DEVELOPMENT practitioners engage in "...a long range effort to improve an organisation's problem solving and renewal processes (particularly through a more effective and collaborative management or organisational culture) with the assistance of a change agent or catalyst...". In a sense all organisational members with some management, co-ordinating and planning responsibility are involved in OD. But it is important to distinguish this from the work of OD specialists who go into many organisations, engage over a short period, win credibility and rise above narrow interests, and are skilled at organising a mess into a set of problems to be addressed.

Why is there such an exploding demand for OD services among non-governmental and alternative organisations? One reason is that all organisations are experiencing the pains of transition, sharper than ever before. But more specifically:

- Assessing their environment has become more difficult, opportunities look like threats, and vice versa.
- The extent and scale of change is rendering internal functioning and management styles outdated and inappropriate.
- NGOs are even struggling to define themselves. Before it was easy: we were democratic, non-profit, and community-based. For many NGOs this does not apply any more. And as we search for a collective role, all we can say is 'non-government'.

These challenges have to be added

OD – now is the time

Organisational development (OD) has quickly moved to the forefront of capacity building and adapting to a new phase in the struggle for social change – so quickly that many people are unclear about what it means, and how best to use OD.

FRANK MEINTJIES

attempts to clarify...

to the normal difficulties in developing and expanding organisational capacity. It is normal for people to resist change, because change leads to uncertainty and discomfort. It is also very difficult to identify and prioritise the key issues within the complexity that is organisational life. The most common tendency is for organisations to grind along either believing that things are not too bad, or that they will somehow get better. In South Africa now organisations have realised that it might be fatal to ignore the imperative to adapt and transform.

There are mixed feelings about OD practitioners, especially those working as lone consultants. They are frequently referred to in derogatory terms. But many of them are much more than sharp entrepreneurs or money-loving opportunists. They care about development, and about people having power to build a decent life. They share the commitment to the goals and vision of the development organisations and social movements they work for. At least, the best of them do. Because of this they are able to win credibility in situations of sharp organisational division. And they can help organisations sharpen the necessary tools of self criticism and openness to feedback, in order to push them to confront rather than avoid the tough choices they face.

For the civic movement and urban development workers the use of OD practitioners has become a necessity. In this sector old organisational forms are giving way to the new. Old skills, developed in mobilisation, need to be supplemented with developmental perspectives and insight. More appropriate tools are needed to effectively analyze the changes in the external environment. People and their capacity need to be more systematically developed. Activists have to perform to new standards and to set goals. Working in urban development today, we are trying to steer our course amid contending role players, contradicting currents, and shifting national policy. It is not easy. OD is not perfect, but it can be of great help if used carefully and vigilantly. ■

▲ Problems and challenges for the Organisational Development profession

- The shortage of available practitioners. This points to the need to include more blacks and women in the OD club, remoulding its corporate, male, and predominantly white image.
- High prices for consultations. Organisations are not used to paying professional fees (except to lawyers) and are frequently unable to meet the going price of consultants. It is also questionable whether donors are prepared to put money into long-term change processes.
- OD people have not found a way to feed back information and know-how to the constituency they serve. They work often as individuals or individual agencies, not sharing their experiences and discoveries with each other.

▲ Another set of problems around OD comes from the side of users:

- OD users often select consultants in a rather loose way. They rely on word of mouth, and in the end, because so few people are available, they go with whoever they can get.
- Users often complain that expectations were not met. Were those expectations clearly spelt out? Were they reasonable expectations, given the time constraints? OD specialists are often asked to carry out a major intervention at short notice, and in an insanely short time.
- Users are also uncomfortable with the apparent power of OD specialists – they are outsiders, what's their agenda, they don't respect our efforts. But often they don't do as much as they can to contain and guide the influence of consultants.



PHOTO: PAUL WEINBERG

Home alone

Once they were hired guns, roped in by the SADF to fight against Swapo. Now, evacuated from Namibia, the Schmidtsdrift San people are starting to take control of their own lives. **KAREN MACGREGOR** tracks their progress

THEIR GRANDFATHERS HUNTED with poison arrows and lived the ancient San lifestyle of the bush. Their fathers swapped bows for rifles and became reluctant soldiers, for the wrong sides, in the Angolan and Namibian wars. Today, in a dusty army tent town in the Karoo, refugee San children wear dayglo socks, powder their hair pink and march to the rhythm of rap.

More than 700 San (Bushman) children, descendants of Southern Africa's first people, attend school at the South African Defence Force's Schmidtsdrift base 70 kilometres west of Kimberley. An equal number are not being schooled at all. They are part of a 4 000-strong group — the largest San community in Southern Africa — who were evacuated to South Africa in March 1990 following Namibian independence, and have subsequently

become South African citizens.

Their future is uncertain ... and their past almost certainly lost forever.

Crack battalion

The Schmidtsdrift San are formed around a group of 372 soldiers from the SADF's former 31 Battalion, a crack fighting group which operated in Angola and Namibia through the 70s and 80s. The battalion was disbanded last year, and the bulk of its soldiers merged into Kimberley's 3 SA Infantry Battalion.

Around a quarter of the group are the !Xu from southern Angola, who fought for the Portuguese in the 70s and fled to Namibia after independence. The rest are Namibian Kung.

Around half of 31 Battalion, then based at Camp Omega in western Caprivi, opted for resettlement in South Africa just weeks after Namibian independence, fearing reprisals from Swapo.

On November 17 last year, in keeping with modern trends and South African democratisation, the SADF relinquished responsibility for the Schmidtsdrift San to a private !Xu and Khwe Trust, which the San effectively control (see page 29) and which will help decide their future.

On the trust board with 10 San leaders are an equal number of anthropologists, academics, lawyers, a dominee and a representative of the SADF. The trust will promote the Sans' interests, try to secure their settlement and ensure their financial independence by raising funds and stimulating development projects.

Unwelcome guests

But the two-decade struggle of the Schmidtsdrift San is far from over.

For three years, they have lived uncomfortably in tents at Schmidtsdrift,

their fate in the hands of others. They are miserable, bored beyond belief and poverty-stricken. Basic services such as a clinic, the school, some sanitation (running water but only one toilet per 80 people) and a shop provide little relief. People who were highly efficient survivors in the bush now queue for handouts and scramble through rubbish bins for scraps.

They are an anthropological nightmare, says trust member Fiona Barber. Whatever little is left of the original San, who have become increasingly racially mixed and divorced from their past, is being lost at Schmidtsdrift.

"We are looking at a group that has two separate origins. Some have been under the paternalistic care of the SADF for 15 years or more. We are also looking at three generations with very different experiences and expectations: older people who lived a traditional life, breadwinning fathers who are soldiers, and kids who are growing up and going to school in South Africa."



■ **SOUP KITCHENS:** San people queue for food at a 'fees'

Human zoos

That the San children at Schmidtsdrift should be educated is not in question. Their world has vanished, overwhelmed by politics and

population pressures. Even where the San live in reserves, such as

nearby Kagga Kamma, they rarely hunt and now survive by parading before tourists and selling curios.

"We can't set the clocks back," Barber argues. "There is a big argument about when a truly 'traditional' lifestyle was last lived by anybody. Are we talking about 20 or 200 years ago? I don't believe in human zoos, or keeping people 'original'. No society is static."

What is in question is what the children learn, whether it is appropriate to the lives they can expect to lead, and the failure of educators to help preserve centuries-old traditions and a culture which has all but disappeared. The children learn, in Afrikaans, a curriculum still charged with Afrikaner ideology.

School principal Renier Brand says more than 200 of the 936 children who started school last year dropped out, often because of unbearable pressure at home.

"The children are intelligent and perceptive, but most are unable to realise their potential because of personal circumstances. Even the very young express pessimism about the future."

The children who are not being educated at all are prevented from going to school by adults suspicious of Western-style learning, old-fashioned about control or too demoralised to care. "This is a community with a serious identity crisis," says Brand.

Land hunger

Many of the San would like to stay in South Africa as soldiers or farmers, but the 36 000 hectares the SADF owns at Schmidtsdrift is now under dispute and the subject of a land allocation commission.

Schmidtsdrift is claimed by Motswanas, who were forcibly removed from the area by the military in 1968, and by Griquas who argue that they were already on the land when the Batswana arrived there in the 1880s. Neither appear willing to share with the San.

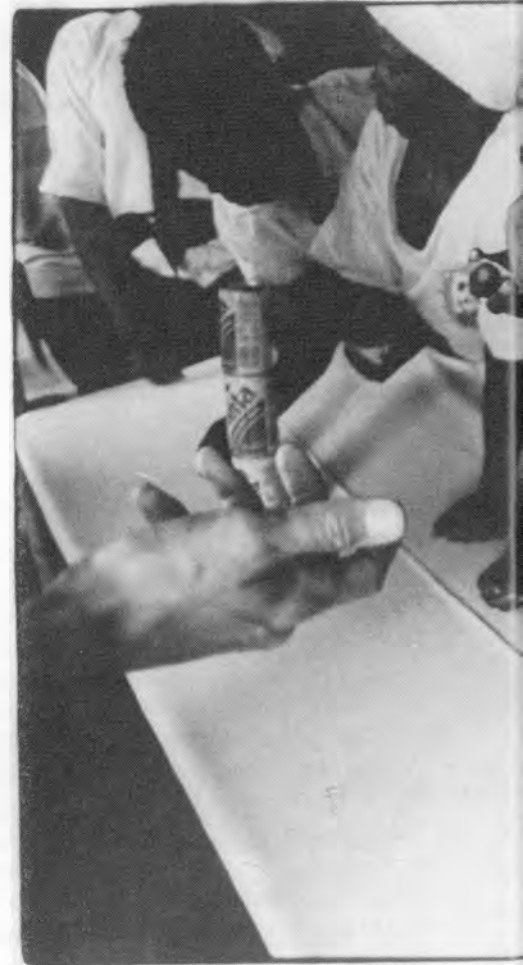
Also in the fray are the National Parks Board, the Cape Provincial Administration and De Beers (owner of a nearby game ranch) who, supported by local farmers, propose that the area be turned into an eco-tourism and hunting ground managed by the community.

The SADF, for its part, says it still needs the land. Others, such as Angolan-born Dala Matima, would like to return home. He recalls with nostalgia a traditional lifestyle which was rudely interrupted when he was a teenager by the Angolan war of independence. He joined the Portuguese forces, saw "a lot of death" and left some family behind when he fled to Namibia.

Matima was discharged from the army in 1987 and since then, he says, "I just sit here". He, his wife and children have depended entirely on the SADF for their survival. "It's alright, except for the hunger. Only those still working for the army can afford clothes." ■



■ **ALWAYS IN THE KITCHEN:** A Kung woman



■ **ON THE WAGON:** Young San children



PHOTO: PAUL WEINBERG



PHOTO: PAUL WEINBERG

queue to buy liquor

A new approach to consensus

The !Xu & Khwe Trust has R30-million to spend on resettlement of the San. But first it needs to put together a concrete plan.

That in itself is difficult because of communication problems and the community's lack of understanding of the options available.

However, though reticent by nature the San have made it clear that they want to take control of their destiny.

Trust member Roger Chennells tells a story about the San's reluctance to have democracy thrust upon them. Their style is consensual, and a laborious attempt to get the community to hold nominations and democratic elections for the board met with quiet resistance.

The community was asked to send people who they considered leaders to a meeting, and 256 went. Nearly four hours was spent explaining what the trust meant and how they should select board members by ballot.

'When we finally called for nominations, the San asked for half an hour to discuss the issue,' says Chennells. 'During that time there was a lot of conversation and caucussing. When we returned we were given a list of names that exactly coincided with the number of people needed for the trust.'

'They said there was complete consensus about who their leaders should be.'

— Karen MacGregor



PHOTO: PAUL WEINBERG



Make the RDP make the Left

Some ridicule it as a 'wish-list', others dismiss it as a sell-out. But there's much more to the Reconstruction & Development Programme than meets the eye. Here **PHILIP DEXTER** argues it's just what the Left needs to set the struggle for socialism back on its feet

THE DEMAND FOR DEMOCRACY AND transformation entails more than opening up politics to the masses through the vote, and more than promoting black business. It requires deep changes in the political, social and economic realms of society.

The Reconstruction and Development Programme (RDP) has the potential to help achieve this — but in ways that are not immediately and obviously apparent.

As a clear alternative to the neo-liberal agenda of the National Party and sections of business, the RDP offers a viable means to repair the devastation wrought by apartheid and capitalism in our country.

Specifically, the RDP presents us with an opportunity to establish a new, progressive hegemony that embraces the values and principles to which the mass democratic forces have committed themselves. In a nutshell, a hegemony that centres on our commitment to ensure development, growth and redistribution — as an integrated, simultaneous process — within the context of a democratic political system.

But, just as importantly, the RDP also presents an opportunity to set our struggle for socialism back on its feet again.

There is no point pretending the



PHOTO: WILLIAM MATJALA

■ **LET'S GET DOWN TO SOME SERIOUS RECONSTRUCTION: The RDP opens up space for building socialism**

RDP is a socialist programme, it is not. Moreover, no government (even if it had the intent) could now launch a socialist project in SA without plunging the country into civil war.

But the RDP holds out the best prospects for putting socialism firmly on the agenda as an option that can serve the interests of the majority of people. Seizing this opportunity requires that the Left begin to lay the basis for socialism now — so that we may build it in the future. It is a long

process, which must be revitalised by ensuring that the RDP expresses the demands of workers, the poor, women, youth and other sectors that bear the brunt of exploitation. The demand for socialism must become central to the RDP project.

Such a perspective recognises the limits imposed by the political context we are operating in; it also appreciates the strengths and weaknesses of the Left at the moment. The fact of the matter is that the Left, right now, is

only strong enough to embark on this task in a limited fashion.

A site of struggle

The RDP is a site of struggle — and the Left has to fight for the interests of its constituencies within that project.

Obviously, this is no substitute for developing a socialist programme. Nor does it mean we pretend that the RDP will not be implemented within a capitalist system. But the RDP is the terrain on which the Left will have to redefine itself; it is the context in which the Left will have to decide what it means to be “Left” and what the basis of such allegiance is. As such the terrain of the RDP is a favourable one for the Left, since it opens up the space for putting socialism on the agenda.

The current debates on the nature and virtues of socialist democracy as opposed to democratic socialism, for example, need to proceed within the context of the RDP. It is by gradually infusing the RDP with socialist ideals and practices that a socialist programme for SA can be developed.

The RDP and the struggle for socialism are not one and the same thing, obviously. But the complementary and adjacent nature of the struggle for national liberation and the struggle for socialism — within the National Democratic Revolution — means the RDP cannot be viewed in isolation. It will be central to the realisation or not of socialism.

The contradictions in the RDP therefore take on great importance. If successfully implemented, for example, the RDP will promote and expand a black middle class — and it will hardly be in its interests to fight for socialism. This section of newcomers, along with the powerful existing middle class, will certainly resist the socialist project. Meanwhile, a successful RDP will also see a more active and politically conscious working class emerge. Effective leadership might strengthen this sector's bias towards socialism. Such contradictions highlight the need to popularise and promote socialism as part of the implementation of the RDP.

Already the ANC is subject to tremendous pressure from local and international capital, forcing it towards the centre. There is a very real danger that the Left will soon find itself politically marginalised — thanks to its own

The Left will have to redefine itself on the terrain of the Reconstruction Accord

inadequate strategic planning and its lack of unity and coherence. Part of its response must be to boldly challenge the ascendant liberal and conservative elements within the national liberation movement, which itself is a terrain of struggle, albeit a different type of terrain due to the nature of the tripartite alliance. Openly and democratically, the Left must fight to promote socialist values and principles in the national liberation movement.

There is real danger that the RDP might be restricted to being a social-democratic project that seeks to reform, not transform capitalism — when it should be viewed as the next logical step in the national democratic revolution and the struggle for socialism. The RDP

■ **PEOPLE GET READY: The RDP must be used to build mass support for socialism**

could simply become an end in itself. It is the Left's duty to articulate and promote an alternative that demonstrates clearly the need — and the path — to go beyond this limited objective.

In the present context this is no easy task, hence the need for the Left to consider the RDP as it is. The radical transformation of current political, economic and social conditions demands ever-growing and broader support in society.

Alternative routes

We need to find ways to ensure alternatives to capitalist markets; for example by decommmodifying certain economic resources and services. This does not mean abandoning the market as a distributive mechanism; but it requires



Capitalists might push for an alternative programme that limits the scope for transformation

ways to ensure communal access to economic resources. Housing, for instance, could be provided through associations, and be offered as non-sellable property rather than rented or privately-owned units.

Similarly, we need to develop methods that encourage and promote both consumer and producer co-operatives, perhaps by extending tax incentives to them. This could ensure communal access to the market, as the start of a process of transforming market relations. It's in ways such as these that the struggle over the form and the content of the RDP becomes integral to the struggle for socialism. Such limited but specific objectives can begin to unite working-class people in struggle around concrete socio-economic issues. This could begin to weld together a militant but mature, class-conscious force for social change that is distinct within the broad democratic movement, but not separate from it.

Left together

If the RDP is to be more than a social-democratic programme, it is essential that we consolidate Left forces within a broad platform, and harness them against the agenda of the ruling class. The capitalists will, no doubt, try to hijack the RDP for their own ends. They might even push for the implementation of an alternative programme that limits the scope for democratisation and transformation. Certainly, they will seek to reduce socialism to a remote fancy harboured by a few wishful idealists.

The RDP will present some tough choices to South Africans and their political leaders. It may serve the interests of labour and business for the time being, but there will be many instances when those interests do not coincide — the transformation of the labour market is one of many examples. At such junctures, Left organisations must come out firmly on the side of the workers, and identify and expose the inadequacies of the capitalist system.

The Left must acknowledge — and this really is the crux of the matter — that at the end of the day socialism is about forms of ownership and control of the economy, about who holds political power and about which bloc is dominant in civil society.

Without a clear strategy to ensure

that it is the working class that wields this power, the socialism is mere talk and posturing. Without this radical consciousness being developed throughout the Left, and in the working class in general, the socialist project is doomed to a perpetual limbo in the twilight world of social democracy.

The struggle for socialism cannot be predicated on the RDP itself; clearly, it has to go far beyond it. It may even become necessary to abandon support for the RDP if it is hijacked by liberal forces. At the same time, mass organisations (in relation to parliamentary and extra-parliamentary politics) will play central roles in the struggle for socialism and in the realization of RDP. This vibrant culture of mass activity has been a feature of our politics intermittently since the 1950s, and it remains one of the key strengths of the Left.

It must be nurtured and developed to ensure ever more meaningful involvement of all people in the political process.

A place for the Party?

Among the organisations of the Left, the SA Communist Party, without doubt, must play a central role in the struggle for socialism. But it is also clear that many of the concepts employed in defining the party's strategy must be revisited. These debates are ongoing, but their importance needs to be elevated by the party.

During the RDP the role of the party should be to co-ordinate and guide the work of the Left in relation to the concentrations of power in the state, the economy and civil society. But this will require welding the Left into an integrated and united bloc — no easy

task, and one that will certainly fail if it's assumed that all leftists will become members of the party in its current form, or at all. The party must continue to articulate the interests of the working class, but its role as a vanguard, under current and future political conditions, must be revised and developed.

If the struggle for socialism is to be conducted on the terrain of the RDP, the party will have to become a leading force to a far broader range of forces than it currently is. And it will have to build organic links with organisations it can influence, direct and assist in the assault on those three zones of power.

This means creatively developing many of the already existing practices in relation to, for instance, civics and the trade union movement. The same applies with regard to women's issues, the environment, health, housing and so on.

Writing on the wall?

Socialism remains on the lips of many activists, and large sections of ordinary people, workers, women, the youth and the unemployed. But making it a living reality is a very different matter. There is a tendency to assume that because there are exploited workers, because there are squatters and the homeless, because there is a militant youth, nothing can stop the advance of socialism.

The fact is that there is nothing inevitable about socialism in SA. Despite our wishes and best intentions, without clear objectives and a clear strategy, it will remain a figment of our imagination.

Unless the Left rises to the occasion and seizes the initiative in the ongoing political, economic and social struggles, the future is bound to be one of frustration, disappointment and disillusionment for most of our country's people.

Part of the Left's duty now is to struggle to develop and implement the RDP — and to take this programme forward to a conclusion that makes a radical, democratic socialism the choice of the majority of South Africans. ■

● *Until he takes up his seat in parliament after April 27, Dexter is general secretary of the National Education, Health and Allied Workers' Union (Nehawu)*



Social engineering, the IMF way

A kinder International Monetary Fund? A gentler World Bank?
Don't you believe it, writes **DOT KEET**

LAST YEAR, WORLD BANK VICE president Edward Jaycox confessed that the bank's experts have been a "systematic destructive force" in Africa, and promised that it would stop "imposing" its programmes and "help fund African governments to write their own development plans".

Since the early 80s the Bank and the International Monetary Fund (IMF) have implemented a vast social engineering project to "structurally adjust" more than 75 countries — half of them in Africa — into properly functioning

free market economies ... at any rate, as free and properly functioning as the economies of the USA and other industrialised countries!

From Washington, the IMF and World Bank dispatched their teams of well-primed (and well-paid) economists and eager young technical experts — thousands to the African continent alone! Their mission: to rapidly gather the data illustrating where (they already *knew* how!) the natives had gone wrong, pull erring governments into line, and give them the right programmes — and some money — to run their countries properly.

But the IMF and the Bank are sensible financial institutions — not naive missionaries. They did not give the money *to* the natives. That would have been thoroughly unwise, since most of their "client" governments in Africa were already heavily in debt.

So the money was circulated among a network of IMF/World Bank subsidiary bodies, creditor governments and commercial banks. After all, these creditors had enterprisingly loaned loads of money to African governments in the past; now they wanted their money back — naturally, with interest.

The scam

Now, the really clever angle about lending money (well-known to money lenders in feudal Europe or India, and to the loan sharks immortalised by Victorian novelist Charles Dickens) is that,

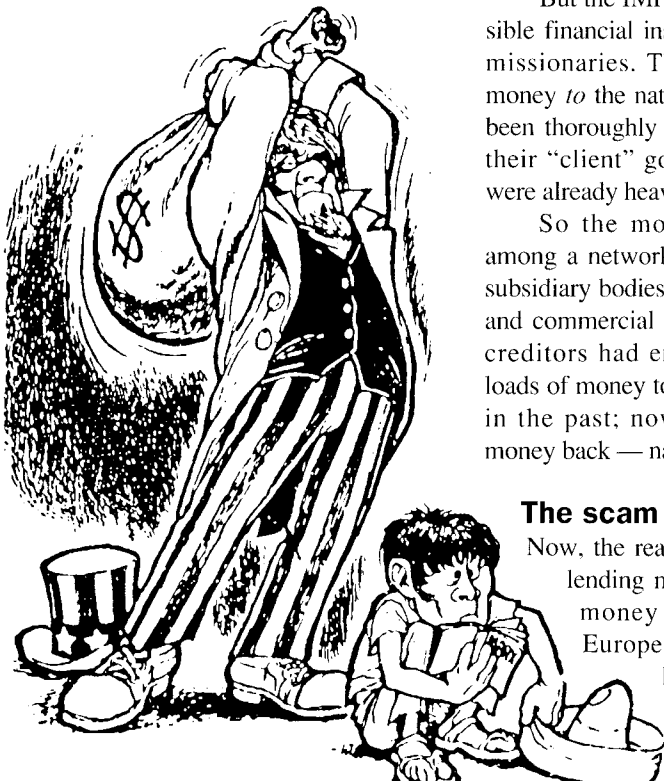
once people are heavily in debt to you, they become a valuable source of permanent income. You can squeeze regular interest payments out of them ... on a continually growing debt ... into which the original loan has long since been swallowed.

African countries are the most ravaged victims of this scam. The UN Economic Commission for Africa calculates that the \$200-billion Africa paid out *in interest* in 1983-1991 is way more than the entire debt it had owed in 1982.

The World Bank's own figures show (see graph on page 35) that, despite Africa having paid out around \$26-billion every year since 1983, its external debt had doubled to \$289-billion by 1992. In Sub-Saharan Africa, the external debt has tripled! It now stands at 109% of gross national product (GNP). In orthodox business terms this indicates insolvency. These countries cannot pay their debts.

In equally straight terms:

- Africa, in effect, long ago paid its original external debt, and is now struggling to pay interest ... on the interest... on the interest.
- It is not the (ir)responsible African governments that are being squeezed to "service" the debt, but the poverty-stricken people of Africa.
- Various African governments now in power are not the original borrowers (who have been ousted), and are paying for the errors of predecessors.
- Equal responsibility rests with the international moneylenders who in the 1970s eagerly off-loaded their glut of



Global village or global pillage?

Add another phrase to your new-age lexicon: The New World Economy. It embraces the global economic control exercised by the World Bank, the IMF, the North Atlantic Free Trade Agreement (Nafta) and the General Agreement on Tariffs and Trade (Gatt).

The New World Economy is, in essence, a state of cancerous, out-of-control globalisation. Unregulated, it has resulted in the pillage of the planet and its peoples. Those it hurts can't escape it — but neither can they afford to accept it.

Now, many are looking for ways to reshape it.

The struggle started in earnest last year, when anti-Nafta groups mobilised a range of people around common interests.

Their networking was productive: Environmental, labour, religious, consumer and farm groups drew up 'A just and sustainable trade & development initiative for North America'. A parallel synthesis, 'From global village to global pillage', has been endorsed by more than 60 grassroots organisations. Related proposals by the Third World Network in Malaysia have recently been published as 'Towards a new North-South economic dialogue'.

PUNCHLINE

by @CHRISTIAN

A FEW YEARS AGO MY GOVT COULDN'T PAY BACK THE BILLIONS OF DOLLARS OF LOANS IT OWED TO WESTERN BANKS

YEARS OF EXPLOITATION AND ABUSE AND TODAY WE'RE ABLE ONLY TO PAY BACK THE INTEREST ON OUR LOANS!

AS A RESULT THEY WERE FORCED TO CLOSE DOWN OUR HOSPITALS, OUR SCHOOLS, THEY SMASHED OUR UNIONS

WHAT WORD CAN POSSIBLY DESCRIBE SUCH A HORRIFIC TRAGEDY??

RECOVERY.



A prescription

These alternative programmes differ in emphasis and detail. But, taken together, they provide 'prescriptions' for treating the New World Economy:

- A renewal of international rights and standards: Transnational corporations are more mobile than ever before. They can relocate to virtually anywhere in the world — making workers, communities and countries competitors for their favours, and resulting in a mad 'race to the bottom' in which wages and social and environmental conditions fall to the level of the most desperate.

One solution is an international agreement on minimum human, labour and environmental rights and standards. The International Metalworkers' Federation, for example, has suggested a 'World Social Charter' which could be incorporated into Gatt.

- The development of 'upward spirals': As countries strive to be more competitive, reducing wages and overheads, wages and public spending go into a downward spin. This is aggravated by the accumulation of debt — national economies become geared towards debt repayment at the expense of consumption, investment and development.

What's needed is a series of interventions to stop the downward spiral — welfare state programmes, collective bargaining forums etc. The Third World Network has called on the IMF and World Bank to replace their structural adjustment programmes with policies 'that meet the broad goals of development rather than the

narrower goal of satisfying the needs of creditors'.

- Redistribution from 'haves' to 'have-nots': The gap between rich and poor is increasing both within and between countries around the world. 'Compensatory financing' has been proposed as a way of closing the gap: the European Community, for example, has established a fund to promote development of its poorer members. The Third World Network has proposed commodity agreements to correct the inequities in the South's terms of trade, and stresses the need for preferential treatment for the South in Gatt.

- Strengthened democracy: Because of international intervention, national governments have lost much of their power to direct their own economies.

To change this, Nafta, Gatt and similar agreements must not be used to pre-empt the right of states, provinces and countries to establish effective labour,

health, safety and environmental standards that are higher than the guaranteed minimum in international agreements.

- Codes of conduct for transnational corporations: Several transnational grassroots groups call for codes of conduct that require corporations to report investment intentions; disclose the hazardous materials they import; ban employment of children; forbid discharge of pollutants; provide advance notice and severance pay when operations are terminated; and refrain from interference with union organising.

- Reform of international institutions: Pressure groups are starting to call for a second UN Earth Summit focusing on democratising the IMF and World Bank, and looking at new institutions to promote development. International citizen campaigns could focus on issues like the World Bank-funded destruction of the Amazon.

- Multiple-level regulation: Global conflict is producing chaotic rivalries — major powers and transnationals use global institutions like Gatt to impose open markets on their rivals. They pursue trade wars against one another and try to construct competing regional blocs like the European Community and Nafta.

In past eras, such rivalries have ultimately led to world war. But, through regulation, this rivalry could be replaced by democratically-controlled public institutions at every level, from global to local.

— Jeremy Brecher

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petrodollars (at bargain interest rates) into African governments' coffers. Few questions were asked, since debtor governments are a better bet than private borrowers.

● Responsibility also lies in inflationary pressures from the industrialised countries (particularly the astronomical \$4 000-billion debt of the US) and the related sharp rises in interest rates throughout the world.

A not-so-merry-go-round

As multilateral international finance institutions (IFIs), the IMF and the Bank took responsibility for "managing" Africa's debt. This includes supervising repeated, tricky debt "reschedulings", "concessionary" interest rates, and various "special facilities" — all in an endless financial merry-go-round between the IFIs, the Paris Club of official (government) lenders and the London Club for commercial banks.

For the most "debt distressed" countries (like Mozambique, with an external debt four times its GNP, or Zambia at 263%) some debt "forgiveness" is granted. There are other terms and debt "relief" schemes for slightly less "distressed" countries — but not for countries like SA with its "low" \$18-billion debt. None of these measures is debt cancellation, nor does it admit to the gross immorality of the richest continuing to squeeze payments from the poorest. The suffering of hundreds of millions of Third World people cannot be allowed to disturb the international financial system led by banks with annual turn-overs that far exceed the entire GDPs of many Third World debtor countries combined!

Most international lending banks have assessed the realities on the ground and covered themselves against (or written off) possible losses in the Third World. Yet the banking fraternity, together with the multilateral IFIs and the creditor governments of the North, continues to insist on the "fundamental principle" that Africa's debt *must* be repaid — and the fiction that it *can* be repaid.

What African countries toil to pay out annually is a fraction of their "scheduled" payments. Nonetheless, managing Africa's debt has proved a nice little earner for the IFIs. The IMF received about \$3-billion net from Africa between 1983 and 1990, while

The banking fraternity continues to insist that Africa's debt must be repaid

the World Bank received over \$2-billion in repayments from Sub-Saharan Africa in 1992 alone.

The IFIs, though, think much bigger than this! The basic reason for maintaining the "con" that Africa's debt must be "honoured" lies in the political hold this gives the IFIs over indebted African governments. Or, as Stanley Fisher, one of the World Bank's vice presidents, declared candidly at a 1989 meeting I attended, it is important for the bank to "move from adjustment lending to project lending" in order to maintain "policy leverage" over African governments.

Good cop, bad cop

So the IMF/World Bank team moves smoothly in tandem — from structurally adjusting African governments to ensure they pay their debts, towards structurally adjusting entire economies by way of further "development project" loans.

The IMF applies its bitter macro-economic prescriptions, the dreaded "D's" of its dogma: deregulation, devaluation, decreased government deficits, depressed demand and deflation. We have seen some of them promoted under SA's "creeping" structural adjustment measures in recent years.

As the IMF's partner, the Bank endorses all this, but acts the "good cop", with its teams of concerned development experts "advising" on tariffs and trade, agriculture and industry, education and health, and much else.

Some IMF and World Bank specialists install themselves as resident advisors within African government ministries. Most sweep in and out, delivering their programmes, monitoring their projects and periodically evaluating the results.

Many of these evaluators are so hooked on getting the macro-economic

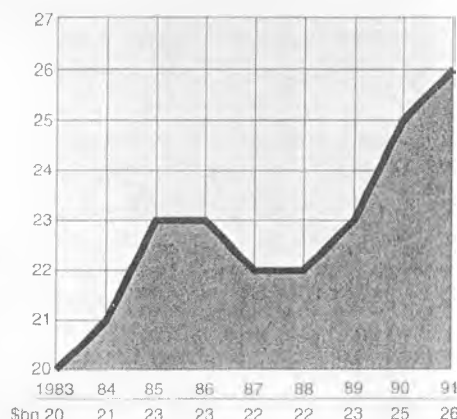
indicators "right" that they hardly examine what's happening in the real economy. Or, if they do, they interpret the data to fit their designs. When some of their conscientious researchers actually discover the reality on the ground — like the reported 70% failure rate of the Bank's agricultural projects in Africa — the mandarins still try to keep the findings internal, or work hard at public relations damage control.

Meanwhile, back at the ranch

Fortunately for the people of Africa, some IMF and World Bank functionaries become so disgusted with the damage and dishonesty that they spill the beans. And, of course, the Bank's specialists are not the only observers of the effects of their programmes.

Throughout the 80s, reports from African and international researchers, local and foreign NGOs, church, trade union and community groups, and even

African debt service payments (\$bn)



Source: Africa Recovery based on World Bank data.

UN agencies, revealed the terrible damage in Africa being promoted and aggravated by IMF/World Bank programmes.

The Bank's own figures show that the number of people in Africa living below the poverty line (one dollar, or about three rand, a day) rocketed to 216-million in 1990. It even predicts that, under its policies, the number of people living in absolute poverty will increase to 300-million (half Africa's population) by the year 2000.

Accommodating elites

Unfortunately for the people of Africa, their governments have not joined with

each other — or with other Third World countries and international supporters — to effectively resist these destructive programmes.

Most African governments have opted for separate “tactical” accommodations to the powers-that-be ... and their own political survival. Squeezed between angry citizens and their own dependence on the IFIs for the next financial fix, African governments, one by one, year after year, go back to the Paris Club pleading special circumstances and earnestly demonstrating that they have been following the IMF’s strictures and the Bank’s programmes. The Paris Club then concedes another debt rescheduling and another financial package — neatly tied up with structural adjustment strings.

Meanwhile, the whole performance becomes a self-fulfilling prophecy. Government officials get caught up in their roles and gradually accept not only the “inevitability” but even the “advisability” of the IMF/World Bank policies.

Government leaders are gradually bled of any real will to jointly develop the kinds of alternative, self-reliant strategies they formally support at Organisation of African Unity meetings. Why should they when it is much easier, and personally rewarding, to go along with IMF/World Bank programmes; when they can position themselves as the prime beneficiaries of the privatisation and free market policies they are pushed to implement?

This is not just shrewd self-interest. Internal World Bank studies speak frankly about the need to foster “private enterprise constituencies” that can promote their programmes in Africa and act as “pressure groups” on governments facing popular opposition to their programmes.

In this sense, IMF/World Bank social engineering is succeeding. The old and new African elites are being (re)conditioned and positioned to carry out the programmes to create wide open market economies throughout Africa. That is the context and significance of the Bank’s pledge to “stop imposing” its experts and instead “fund African governments to write their own development programmes”.

Duck and weave

This new approach is merely the latest

The struggle goes on to develop our own programmes for reconstruction independent of IMF influence

in a long list of tactical manoeuvres. We’ve seen the Bank agree to add a “human face” and “social dimension” to structural adjustment programmes (SAPs); to introduce “compensatory measures” to alleviate the effects of SAPs on the most vulnerable sections of society; to demand attempts at “poverty reduction” by client governments (poverty that is simultaneously recreated by these programmes!); to focus on “human resource” development and encourage “capacity building”.

But behind these and other fine-sounding formulations, the Bank has not changed its basic economic dogmas. This, despite evidence that “these policies have failed to produce a single African example of self-sustaining growth”, as the British journal *Africa Confidential* notes, adding that the Bank’s latest position is “more an overhaul of strategy than a new objective”. It has changed its methods of operation, not its aims.

And even in this latest adjustment, the World Bank continues to display characteristic deception and dishonesty. Jaycox’s frank confession last May that the Bank has been unable to devise effective solutions to Africa’s persistent economic problems materialised only because the remark originally had been made off-the-record to a closed session of the Bank — before it was later reluctantly admitted to in public. What is more, they continue to insist that structural adjustment *is* working.

This hardly counts as evidence of the Bank’s new “transparency, accessibility, openness to participation, accountability” and so on, being commended to us now in SA.

A delicate approach to SA!

The World Bank actually has been playing its social engineering role in

SA for the past 2-3 years. But it is a more tactful institution than it was in the early 1980s. And, in the highly charged political environment of SA, it has to be careful not to be seen to be repeating its already notorious role in the rest of Africa and the Third World.

So the Bank is adopting “a delicate approach to SA” (as a recent *Business Day* piece noted), engaging in a “quasi-Socratic” dialogue with our present-and-future leaders and “quietly preparing the next government’s policy-makers and analysts”. But, as the author stated with unabashed candour, the Bank’s South African “clients” must be made to feel they are in charge and doing, of their own volition, what is best for them”. So every World Bank policy for SA is diplomatically being “pre-cooked and served up in such a way as to cause the minimum of controversy, much less trigger protest on World Bank neo-colonialism”.

World Bank neo-colonialism? What an outrageous suggestion!!

So the struggle goes on to develop our own appropriate programmes for national reconstruction and transformation — independently of IMF/World Bank control ... or influence.

Clearly, it is important that South Africans study these institutions’ disastrous records, understand their motives and methods of operation, and above all challenge their simplistic and inappropriate economic dogmas. Constant, in-depth analyses of and responses to their programmes for SA must be developed.

As part of this, though, analysts and activists should be conscious of IMF/World Bank strategies to apply a much more subtle form of social engineering here — at least at this stage! — than that implemented elsewhere in Africa.

Through a persuasively “open” and “responsive” policy “dialogue” with present-and-future government and NGO researchers and analysts, the World Bank is trying to carry out a process of ideological (re)conditioning and positioning of South African policy-makers into playing centre-stage roles in scenarios created by World Bank script writers ... and their behind-the-scenes financiers in Washington. ■

● Keet is senior research fellow in the Centre for Southern African Studies at the University of the Western Cape



The workers' party: Good idea, bad timing

A mass workers' party isn't the only solution to the Left's lack of direction.

JOHN APPOLIS picks up the debate...

THE EXCITED RESPONSE TO CALLS for a workers' party shows just how disillusioned the working class is with the politics of the ANC, the SACP and Cosatu.

Workers have seen the compromises at the World Trade Centre, and watched the alliance leadership move closer to the economic policies of the ruling class — even co-signing deals with the IMF.

There are many examples of what can only be described as a sell-out of the interests and policies of our movement by the alliance leadership in the course of the past four years.

And that is why the concept of a workers' party is so appealing.

But just because it is appealing doesn't mean it's right.

In fact, there are three major weaknesses in calling for a workers' party now:

● The lack of an alternative vision

If we're looking for an alternative to current political organisations, we're going to need a programmatic or political basis on which it can emerge. But since 1990, the mass movement has been unable to devise an alternative programmatic vision.

We can't have a party if we don't even have an embryonic programmatic vision, some crystallised and systematised positions.

In essence: the call for the launch of a workers' party now is an *organisational* solution to what is essentially a *political* problem.



GRAPHIC: THIS MAGAZINE

● The lack of alternative leadership

This is the flipside of the lack of alternative vision: the fact that we have not seen a swing in the mass movement towards alternative politics. Nor have we seen the emergence of a leadership which can be seen by wide layers of militants as bearers of alternative politics.

Such a trend is important, because

it will constitute an axis, a cement, around which new views about the way forward will rotate.

● Mass movements are not on the rise

In countries like Brazil, a workers' party emerged precisely because of the ascendancy of mass organisations. It

formed the glue which bound different political currents together.

In SA, there are very real political and organisational weaknesses in working-class organisations at the moment — and mass organisations are on the retreat.

Regrouping socialists

Just because the call for a workers' party has weaknesses now doesn't negate the need for a regrouping of socialists.

And although the challenge is primarily political, it's also clear that an alternative programmatic vision will need an organisational context.

What kind of organisation is best to deal with this regrouping? To answer this, socialists must settle their attitude to the ANC. Granted, the leadership has crossed the line that divides the working class from the ruling class. But at the same time, there is no viable mass alternative to the ANC. And, on the eve of an election, launching into an uncertain workers' party project is playing with fire. Socialists cannot be indifferent to the question of a decisive ANC victory over the ruling class.

Taking the struggle into the ANC

For now, the struggle for the soul of the masses will be waged within the ANC.

But this struggle can't be waged by isolated individuals. Socialists will have to struggle for the rights of organised currents to exist within the ANC.

Those who hold similar views must — within the broad discipline of the organisation — be allowed to meet as a group and explore such views. They must also be allowed to propagate these views.

There's another reason to fight for this access: the fact, as many militants have pointed out, that we need to "struggle for the soul of the ANC". And the only way to do this is through organisation. Unlike the capitalist class — with full-time propagandists, and powerful media and research institutes — organisation is the only weapon at our disposal.

Denying militants the right to come together to develop alternative

positions is, therefore, to disarm them in the face of a concerted onslaught by the ruling class.

Socialist platforms

Side by side with the call for a workers' party is the call for unity of the Left. It's not clear what this unity means, and the conference being convened later this year by Cosatu and the SACP faces the danger of being a one-off event — after which socialists again disperse into their mutual isolation.

If the conference is to be meaningful, it needs a clear purpose. This means the adoption of a socialist platform needs to be put on the agenda. At least, the conference must commit itself to the struggle for drawing up such a platform or declaration.

The platform should:

- Spell out a commitment to the socialist vision.
- Spell out the working class' basic goals in a new government's programme of social and economic upliftment.
- Commit itself to a further elaboration of what it means to be socialist in the 1990s and beyond.

But socialists cannot wait for the conference to magically agree on these goals and perspectives. Socialist fora must be established in all parts of the country, so we can start discussing these questions long before the conference.

These fora will be open to all socialists in the mass movement and can debate the questions facing the working class, as well as the specifics of the platform.

The conference will then act as a "summing up" of the foras' deliberations, and take forward the socialist platform.

So even if the Conference of the Left does not take place before the next Cosatu congress, the task of developing a socialist platform will act as a powerful lever in the political and organisational regroupment of the working class — an important step in the struggle for socialist politics. ■

● Appolis is Transvaal education officer of the Chemical Workers' Industrial Union

If you must have a workers' party, at least wait until after the election, argues

TERRY BELL

Far from being an idea whose "time has come", calls for a mass workers' party (*Now is the time, WIP94*) are merely an old reformist notion dusted down and presented anew at a time of widespread confusion.

An MWP is a blind alley; a manifestation of the fact that much of the Left has lost direction. This loss of direction — a result of theoretical inadequacy — has given rise to a mixture of desperation and not a little opportunism. The call for an MWP is one result.

The idea acknowledges the widespread confusion on the Left, and seeks to overcome this through combining the disparate groupings and ignoring those differences.

United only by a commitment to some vague notion of socialism and the 'defence of workers' interests', this is a recipe — to use Rosa Luxemburg's term — for a swamp. It is also the recipe for reformist parties the world over.

The rise of reformism

If the proposed MWP manages to create a pole of attraction for a substantial number of workers — and becomes mass in more than just name — its path will almost inevitably be that of reformism. And any revolutionary socialists within the party will find themselves under pressure to compromise with reformism or get out.

Why? Because an MWP aims to organise the mass of workers on the basis of uneven consciousness, forsaking revolutionary clarity for the lowest common denominator. This is a recipe for reformism writ large, the sacrifice of the revolutionary goal on the

road to reformism

altar of possible immediate mass support.

Of course all revolutionary socialists want mass support for ideas which can transform society. But this support has to be built, painstakingly, in the real world. That's why Marx and Engels referred to the 'most advanced and resolute section' of the working class forming the revolutionary organisation. They recognised the *unevenness of consciousness* within the class, and the need for the revolutionary minority to persuade the majority of workers about the way forward.

And their theories, as Lenin taught us, must be verified in revolutionary practice. They should be measured against everyday reality, uncluttered by Stalinist distortions or dogmatic readings of Trotsky, to assess whether they provide a useful guide.

Battle of ideas

Proponents of the MWP tend to equate Left unity with support for an MWP, and contrast this with disunity and factionalism. This is false. There can be unity in action among various groups: political parties, trade unions, civics and Left movements. And there will often be the need for umbrella organisations to co-ordinate campaigns for social change.

The genuine Left should be at the forefront of such campaigns and battles. It is within such 'wars of position' that the contestation of ideas takes place. This is revolutionary action — and it can only be based consistently on revolutionary theory. This requires clarity — the kind which can only be provided by revolutionary Marxism.

Today, the working class is bigger than it has ever been; capitalism is facing the biggest crisis in its history; the filth of Stalinism has been swept away. The objective conditions for an advance to

international socialism are better than ever before.

In such conditions, revolutionary socialists should learn from the past in order to understand the present — so as to clear a path to a socialist future.

There are no quick fixes. Socialists will have to work hard, with clarity of thought, to persuade the majority of the working class of the way ahead.

Confused action

A lack of clear theory leads at

on the hopes and aspirations of the working masses, with a party which is the overt champion of the ruling class.

This does not mean accepting or encouraging illusions in either the alliance or parliament. In this particular battle, the working class is lined up behind the ANC alliance against the NP.

A massive alliance victory would boost the confidence of the class and encourage demands for change.

Since revolutionary socialists



BIRTH OF THE COOL: Last year's Numsa congress, where a mass workers' party was first mooted

best to confused action. An example of this was the timing of the MWP initiative (and much of the rhetoric which has surrounded it). Arguments to boycott the April 27 election — made by Wosa, Azapo and the New Unity Movement — equated the liberation movements with the National Party. So do most of the arguments calling for an MWP slate for the election.

But it is nonsense to equate the ANC alliance, which is based

stand for the self-emancipation of the working class, the Left should argue that we vote — without illusions in party or parliament — with the class on April 27. And we should do so while arguing (with clarity) about the best way forward to real social transformation.

In Leninist terms, this will mean the construction of a revolutionary socialist party. ■

● Bell is a member of International Socialists, South Africa (ISSA)



It takes more than an X to make democracy

Okay, the elections are an important part of the political process. But they're definitely not the last word in democracy, argues

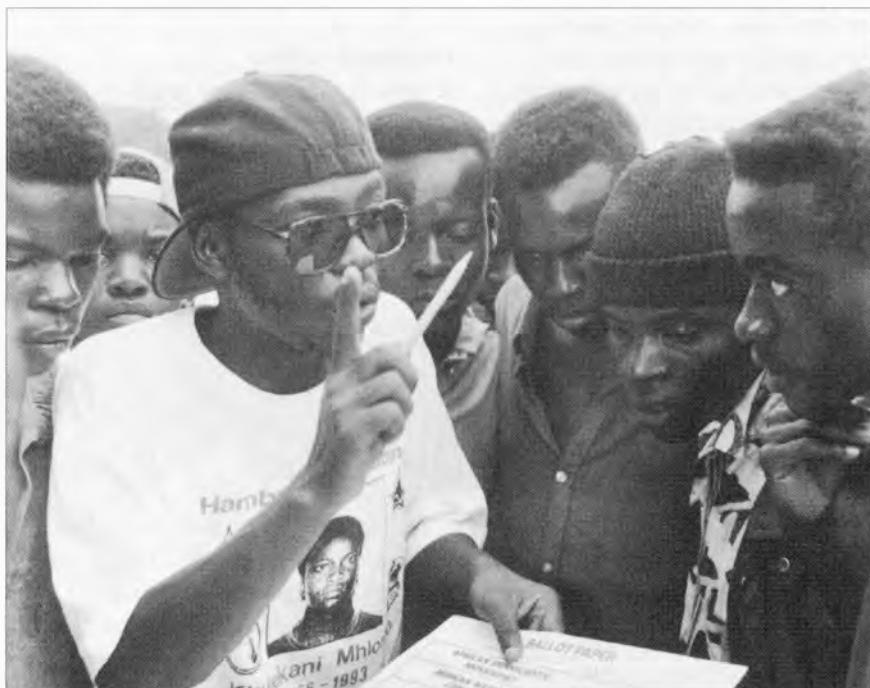
JEREMY CRONIN

PREDICTABLY, AS THE ELECTION campaign gets underway, the "new" National Party has been trying to strike sparks with powder from the oldest of its *kruithorings* — the one named *rooigevaar*. The effective showing of SACP members on the ANC's electoral lists (16 in the top 50 of the national list) was, in part, the occasion for some of this.

The liberal media has taken up the issue in its turn. The SACP should "stand in its own right", *The Star* insisted. Not standing in its own right shouldn't worry anyone, countered *The Weekly Mail*: "Ironically, this may be the end of the road for the SACP."

The common thread in these interventions is a basic and erroneous assumption: the proper, indeed exclusive, vocation of political parties is to fight elections. On these terms, the SACP isn't a real political party if it doesn't fight elections in its own right. And, therefore, it is either a sinister parasite (the NP and *The Star*), or finished (*The Weekly Mail*).

Underlying these views is a chain of related assumptions. These include the belief that multi-party representative democracy is the last word in democracy; and the belief that this kind of democracy is functioning more or less perfectly, at least in the advanced capitalist countries.



■ **VOTER EDUCATION: Teach them well — but remember that democracy depends on much more than elections**

Let's begin with the last of these assumptions. In the first place, many of the western democracies are not, in effect, multi-party but rather two-party and perhaps substantially even one-party systems. What is more, in these two-party systems the major parties increasingly tend to be indistinguishable from each other. (A front-page headline on the issue of *The Weekly Mail* that was obituarising the SACP read, significantly, "Clinton does a Reagan...and steals the centre".)

This competition for "the centre" is connected to a major phenomenon in modern electoral politics: the very considerable (non-representative and unelected) power of the media. The "centre", which becomes the major preoccupation of the two main parties, is a

"centre" defined and reproduced by the media. And the media, or large parts of it, are characteristically owned and controlled by major corporations. Parties that are avowedly not "of the centre" are quickly marginalised and dismissed as the "lunatic fringe".

It is interesting to note that in South Africa a publicly accepted "centre" has not been stabilised by the commercial media. One symptom of this is the prominent performance on the ANC list of all those who have been highlighted by the liberal media — both (and this is the local "anomaly") the lionised and the demonised, our " Clintons" and our "Saddams" equally. The fact that they had been transformed into newsmakers certainly counted — but the media's value grid was simply dis-

regarded by tens of thousands of voters in ANC nominations conferences.

Centralised power

The creation of a "centre" in the advanced capitalist countries is not necessarily the consequence of some conspiracy. It is, essentially, the outcome of the way in which power, including ownership and control, are structured. All of this might assure the big two parties (or even the big one) a monopoly in elections. But it also depoliticises increasing numbers of people in advanced capitalist societies who feel, more and more, that they are literally not represented.

These tendencies are further exacerbated by the social complexity and mobility of post-industrial societies. The old two-party systems are, in any case, more and more inadequate as a means to represent a whole range of populations (large immigrant and inner-city communities, for instance), or social movements.

George Bush won his last presidential election with what was described as a "landslide victory". He certainly demolished his Democrat rival, but only a paltry 27% of potential voters cast their votes for Bush. In the last US presidential election the turnout was slightly better, but still marked by a high level of disinterest. Part of the improved turnout was due to the Ross Perot phenomenon — the millionaire maverick, whose backward demagogy tapped into the weariness of large numbers of Americans with the two-party system.

"For nearly three decades the American public has been drifting steadily away from the two major parties ... the parties are now perceived with almost complete indifference by a large proportion of the population", writes Martin Wattenberg (*The Decline of American Political Parties*).

Elsewhere, such as in Italy and Japan, "normal party politics" is in considerable crisis. Yet it is, precisely, "normal party politics" that is being offered to us by the NP, *The Star* and *The Weekly Mail* as a yardstick of all that is both good and possible.

Bourgeois democracy

Let me be clear. I am not for a moment questioning the importance of multi-party, representative democracy. We



It's simplistic to insist that we go it alone into the elections marketplace or fizzle into irrelevance

have fought hard and long for it here in South Africa. The South African Left should know that the institutions of representative democracy (a constituent assembly, a parliament, provincial assemblies, elected local government) cannot be reduced to the simple and dismissive formula: "bourgeois democracy".

In our country, it has hardly been the bourgeoisie that has fought in the trenches for one-person one-vote representative democracy.

My objective is not to dismiss the institutions of multi-party political representative democracy. It is to insist that the competition of two or more political parties in the marketplace of these institutions is *not* the only valid or imaginable expression of democracy.

If you insist on the contrary, then you can only think of the extra-parliamentary as abnormal and even inherently anti-democratic. You will tend to think the same of political organisational forms (like broad movements, for instance) that do not seem to be narrow electoral machines.

Driving all politics into the mould of parliamentary contests is wrong and, in our South African situation, dangerous.

Take the case of the social strata presently mobilised into the Afrikaner Volksfront (AVF) and broader Freedom Alliance (FA). In effect what all of us (the liberal media, the NP, the DP, the ANC) have been telling them is: "You want a volkstaat? Or an independent KwaZulu? Well fight the April 27 elections on that ticket."

They know, and we all know, that they don't have a hope in hell of making much of an electoral dent. Which

means our argument, naturally, is not very persuasive.

This is the trouble with a narrow "democracy-is-electoral-politics" approach. The social strata mobilised by the AVF and the IFP are being given one democratic option — fight elections. Civil war quickly looks like the only alternative.

I am not saying that a volkstaat or an independent KwaZulu are remotely acceptable. I am saying that Afrikaans-speaking workers who are AVF supporters, or Natal peasants and hostel residents who happen to support Inkatha, need to be located within the fabric of a democratising South Africa in more ways than through elections. Put another way, they need to be detached from the party politics (electoral or non-electoral) of the AVF and IFP.

Deepened democracy

But this detachment need not assume an alternative electoral form. Obviously the ANC should work to win the votes of the very widest range of South Africans. But neither the ANC nor even the NP (given their respective major constituencies) are going to be easy and natural homes for, let's say, Afrikaans-speaking white workers.

The choice is not just vote or fight. And this is where other dimensions of democracy come in, not least the participatory vision of the Reconstruction and Development Programme.

If white workers feel their only chance of avoiding unemployment or a deteriorating public health service lies in an independent volkstaat, heavens help us. If tens of thousands of peasants in Natal feel their only chance of a tiny plot or access to a tap lies in Inkatha warlordism, then there is little prospect of a stable democracy.

We need to deepen the democratic involvement of the broadest spectrum of South Africans, through a wide network of formations (rural movements, hostel residents associations, churches, and many more) drawn into participatory forums.

The insistence that we should all become narrow electoral parties, that we should go it alone into the marketplace of the elections or fizzle into irrelevance, is politically simplistic. And practically dangerous. ■

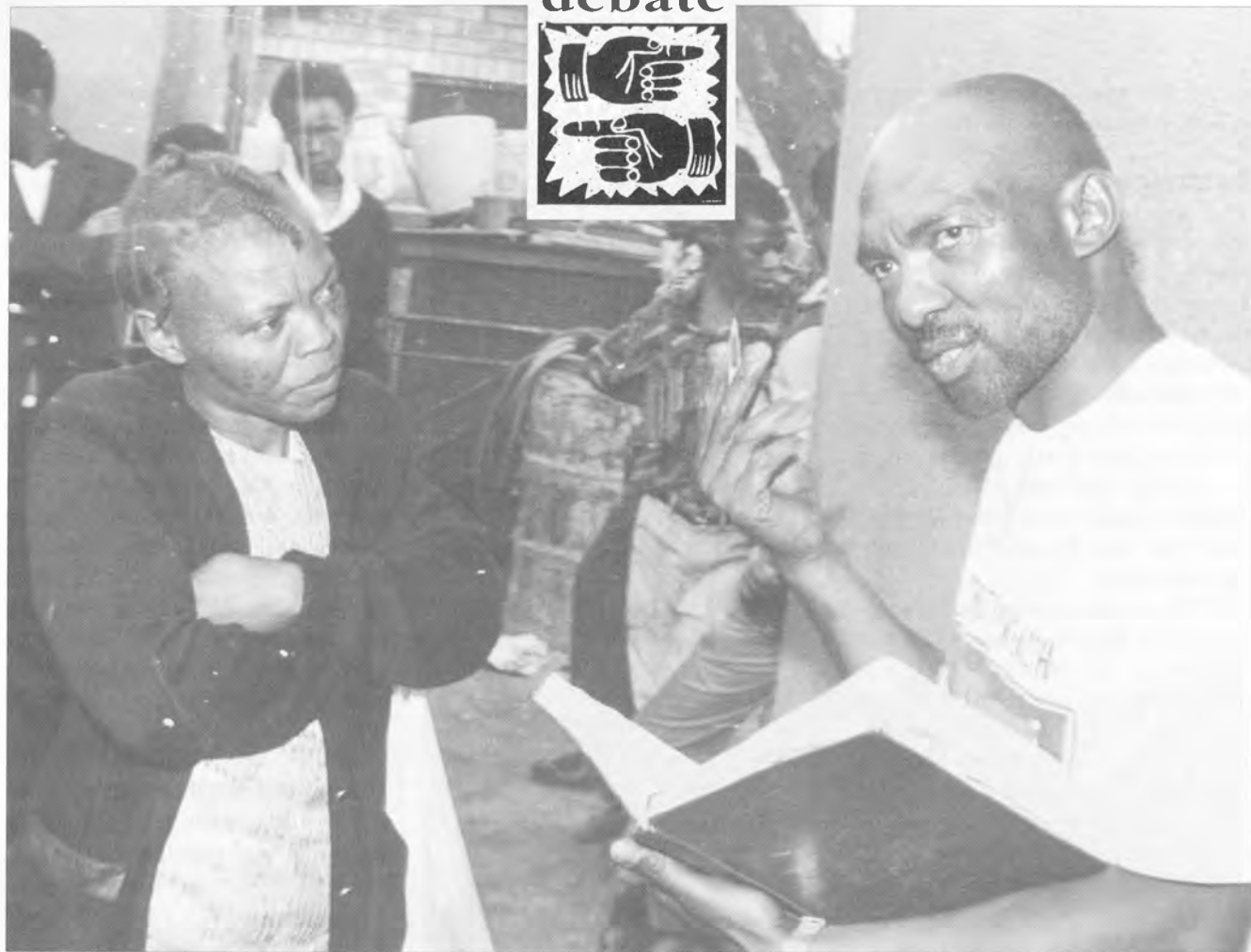


PHOTO: CITY PRESS

■ **ON TRIAL:** Alex community court considers the evidence

The people vs the state

MARRYING POPULAR JUSTICE with state justice is no easy task, as Zelda Holtzman and Daniel Nina point out (*The people vs the people*, WIP94).

There are a range of fairly obvious problems (see box on page 43) — the “popularity” of popular justice, partisanship, regional differences and the role of civics — which make the prospects for a successful marriage look bleak.

But in addition, there are enormous differences between popular and formal law, and the question remains: Is it possible for these two different forms of justice to have a cordial and legitimate relationship?

Nina has already suggested four

CAROLINE GILLESPIE

ground-rules to help make the connection between the two (*Weekly Mail & Guardian law supplement*, December 1993):

- Accountability.
- Collective participation and democratic decision-making.
- Abidance by current and future laws.
- Respect for human rights.

But it runs much deeper than that; if there is to be a fruitful connection, we will need an interchange between the common values of both systems — one which sees community values absorbed into the formal legal system, and vice versa.

The relationship will have to be

two-way — not simply because both forms of justice have deplorable histories in South Africa, but because a successful connection between the two will require flexibility from both sides; the attitudes and practices of the community and the judicial forces will have to change and accommodate one another.

And the only way to do this is to alter the tone and quality of communication between the community and the formal legal system; to build a *basis of trust* between the community and the formal system.

Who's in charge?

A crucial question here is *jurisdiction*. What powers should community court and policing systems have independent

Popular justice won't come easy

of the state police? Should their powers overlap or be distinct? Should they have formal authority? Should they be able to deal with criminal as well as civil and political cases? Should there be a referral system between courts?

But again, there's an over-riding question: If the state's policing and judicial system was more responsive to the community, would we still need "community justice"?

If the police were not associated with a political party or local crime gangs, and were fully accountable to the community, would we need alternative or supplementary judicial forces?

Different approach

There's another problem here: the structural difference between community courts and state courts.

Part of the benefit of people's courts is their horizontal structure of accountability; state courts, on the other hand, have vertical accountability to legal superiors.

These differences mirror the values with which each court is imbued. Community courts try to make peace between people, have levied fines payable to the victim (not the court), don't give out criminal records, base judgements on the values of the community and don't require lawyers.

The courts are intended to be mediative or rehabilitative, rather than adversarial and punitive. There are no arrests and no bail.

One of the main problems of community courts, however, is the weakness of their enforcement mechanisms. Enforcement of decisions is based primarily on community pressure — sometimes the signing of a written agreement, sometimes coercion and violence.

Incorporation with formal legal structures could go some way towards improving enforcement (failure to comply with a community court "sentence" could lead to more punitive measures within the formal court system, for instance), and lowering the coercive measures that marshalls take in trying to get an accused to come to the court.

It could also force police to respond to the community rather than the state, and let judges consider community service punishments or even referrals to community courts for sentences.

● The popularity of popular justice

A key element of popular justice is its relationship to the community: it acts, essentially, in response to community demands. And for popular justice to be effective, it needs to be *popularly accepted*.

But because it sometimes affects more than one 'community' — cutting across economic, political, ethnic or other lines — the system can run into trouble.

It's fairly easy in an area like the Eastern Cape — where township communities are generally homogeneous — to run a system of popular justice. Community policing and court systems don't get tangled up in political affiliations in their quest to address crime.

But most townships have a range of political associations; in some, residents have even driven out members of opposing parties to try and establish homogeneity. Evaton is a good example: ANC, PAC and Azapo supporters have worked together to force IFP supporters out of the township. Political rivalry and community justice don't seem to go together here.

This 'politics-versus-justice' tension clearly poses problems if we're trying to integrate popular justice into state mechanisms — because the state's political affiliation (and the township's) might change through the years.

● The partisan court

In the '80s, many people's courts were run by township youth. These courts became known for their harsh sentences, often finding the accused guilty before contrary evidence was heard. These youth-run courts are not entirely dead; in townships with weak civics, or whose civics are rife with internal conflicts such as Katlehong (see below), such courts seem to prosper.

● The gender imbalance

Popular courts have been dominated by men. Apart from a range of other problems, this gender imbalance skews sentences against women.

Things are changing, albeit slowly. A recent Sanco conference on community courts proposed the election of court bodies on the basis of gender, age, capacity to fulfill the position and standing in the community. The Evaton Violence Monitoring Group also appears to be gender sensitive: it has women on its court executive and female marshalls who 'convince' accused women to come to court.

● Regional difference

Discrepancies in the strength and effectiveness of community court systems also pose problems. Some regional differences are based on the varied strength of civics. Others are due to historical strength or weakness, or the political diversity referred to above.

None of these is mutually exclusive. At the moment, Alex and Evaton are considered 'best-cases' thanks to the strength of their civics and their (sometimes shaky) political solidarity. Many Eastern Cape civics are strong for the same reasons. But in the absence of checks and balances, problems of impartiality can arise.

Katlehong civic is rife with internal political conflict — and its people's courts are notoriously brutal. And even in Gugulethu, where community court members have been trained in methods of peaceful dispute resolution, instances of violent and harsh treatment are not unknown.

● The role of the civics

This raises two important questions about the civics themselves: How strong and unified do they need to be to run effective, reliable and unbiased community policing and courts? And what is their role in civil society?

Sanco has proposed that communities elect representatives to anti-crime committees and community courts on the basis of a 'list' issued by the civic.

This is fine if the civics continue to act as alternative municipal bodies. But if they start to take on the nature of pressure groups — organised community lobbyists, if you will — we're going to run into problems. Because whether it has majority support or not, a lobby group civic is bound to be affected by political partisanship and influences.

— Caroline Gillespie

In addition, bringing women into the popular and formal justice systems would address gender imbalances.

Accountable, but inflexible

Even if a relationship between the courts were possible on practical grounds, there are problems with the *institutionalisation* of popular justice.

Ideally, institutionalisation limits partisanship and raises accountability. But it also limits flexibility and lends itself to cooption by the dominant judicial force.

In the "new" South Africa, the issue of cooption will, we hope, no longer be an issue.

In effect, though, *who* the coopter is, is less important than *whether that cooption occurs at all*. As soon as popular justice processes enter into an institutionalised relationship with state judicial forces, they lose some of their flexibility and responsiveness to the community. Institutionalisation brings with it some sort of external regulation

and accountability.

But if the two most prominent assets of popular justice are its responsiveness to particular communities and its challenge to state legitimacy, institutionalisation and external regulation, by their very natures, will stymie the essence of these courts.

We have to remember, though, that no judicial system is perfect. There's a long list of critiques of westernised judiciaries. And, as South Africa considers its grassroots judicial future, some of those critiques ought to be kept in mind. A bit of modification, "Africanisation", would probably do them good.

After all, we have to remember that communities themselves established these popular judicial systems, despite their weaknesses.

They find them more understandable, responsive and accessible than westernised judicial structures.

These are important considerations; and part of the "Africanisation" of the judiciary may be the connection of

these popular forms with the formal structures — dangerous and awkward as that may be.

Furthermore, many people who live in townships which have functioning popular justice mechanisms want them to become part of the formal judicial system. They do not want them to be coopted — they want them accepted as legitimate.

Fair enough. After years of discrimination, power ought to be returned to the people.

We have to keep two things in mind, however:

- We want power to go to *all* the people, regardless of political bent.
- As systems of popular justice become part of the formal legal system, their "popular" nature will eventually disappear.

To quote Nina, "popular justice is just a fraction of a second, and we have to make sure it lasts a long time". ■

● Gillespie is a visiting research fellow at Wits University.

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Palestine: The beginning or the end?

On a recent visit to the Gaza Strip, **HEIN MARAIS** finds a people uncertain whether the Israeli-Palestinian peace deal is the light at the end of the tunnel, or a nail in the coffin of another liberation struggle

THE CURFEW DROPS LIKE A CURTAIN, and the world's biggest prison falls silent. Gaza's 850 000 inhabitants are indoors. The streets now belong to Israeli Defence Force (IDF) jeeps and packs of dogs that warm themselves on the tar — and the "armed activists" who, tonight, will again defy the occupation in the most unequivocal way possible.

A string of loud bangs crack towards Beach Camp, a kilometre away. "Sounds like it's the police station tonight," says our host. A dialogue of automatic fire rattles for several minutes. Then the helicopter, and a few more pops. Silence.

By dawn the body count will be on the streets. And support for Hamas, the Islamic Resistance Movement, will have risen another notch.

Gaza's "honeymoon" with the Oslo Agreement is over. Erected on the basis of secretive elite-pacting between the occupier and an external political leadership, the peace deal looked rickety from the outset. But since that interlude of hope, the balance of forces within this 363-square kilometre strip has shifted ominously.

Once ridiculed by the nationalist movement as reactionaries, even collaborators, the fundamentalist Hamas movement has shrewdly stitched religious identity onto Palestinian nationalist identity, filling the gaps left by the secular nationalist movement. Even on the West Bank, Hamas beat candidates of PLO leader Yasser Arafat's mainstream Fatah organisation in Bir Zeit University's November student elections — viewed as a mini-referendum



■ **THIN BLUE LINE:** Palestinian police, in training in Jordan

on the Oslo deal.

Hamas' ideological force and institutional reach in Gaza today is formidable. And, while Arafat and the PLO battle to salvage an unsightly deal, Hamas bides its time.

Gotta light?

In the morning, Hamas is on the air again. The mosques' loudspeakers unleash a cacophony of exhortations and oaths. Another *hidab*, or martyr, is dead. Another general strike is called, the third this week. Plumes of smoke rise from fresh barricades. Our car is stopped at an intersection by a phalanx of *shibab*, kids no older than 14. One asks whether we have a lighter; their barricade is ready, but they forgot their matches. The driver says, "Sorry, we don't smoke."

It wasn't supposed to be this way.

A few months ago, Gaza was jubilant as it caught wind of the deal which is to open the way for limited Palestinian autonomy in Gaza and the West Bank town of Jericho ("Why Gaza says yes, mostly", WIP 93).

The Palestinian flags that blossomed on every building are still there; but they don't seem to display the same hopeful anticipation. Now they're more an act of defiance, like before US president Bill Clinton jostled Yasser Arafat and Israeli prime minister Yitshak Rabin into shaking hands last September.

Demolitions of suspects' homes continue. Israeli undercover units still execute their shoot-to-kill orders on suspected armed activists with zeal. When troops empty their guns into a civilian "by mistake" (like Muhammad al-Fira a few days earlier), the army accuses the

deceased of driving too close to a "suspicious car", and that's that.

Clashes with Israeli troops are routine and as intense as during the *intifada*. And the IDF has found its "third force", too: armed Jewish settlers it allows in to run amuck in sealed-off Palestinian neighbourhoods.

Abu Ali was one of the early organisers of the *intifada*, until the Israelis detained him. "In that first while, after the signing, people really changed their attitude to the Israelis — but they didn't respond in the same way. They still hunt down 'wanted' people, still raid homes, assassinate activists, kill children." The sense of betrayal and impending disaster is palpable in conversations.

"It's a bad deal," are Haidar Abd-al Shafi's first words when we meet. One of the elder statesmen of Palestinian nationalism, he was chief negotiator at the official Madrid negotiations that were sunk by Arafat's secret Oslo talks. He's due to head a mission to Tunis to try to persuade Arafat to loosen his iron grip on the PLO and introduce more democracy. He'll return empty-handed.

"The deal does not recognise Palestinians' right to self-determination, it does not challenge Israel's claim to the Occupied Territories which is expressed in the establishment of settlements," he explains. "People will realise it does not cater for the ultimate goal, which is a Palestinian state."

As we talk, Israeli and Palestinian delegations are dickering in the Red Sea resort of Taba. One of the sticking points is the release of 11 000 political prisoners, several thousand of whom languish halfway between Taba and Gaza, in the Negev Desert camp Ansar III. So far the Israelis have released 600 women and children from their jails — less even than in "goodwill gestures" of previous years.

Israel's actions announce a willingness to make peace strictly on its terms. "They can't afford for this process to fail," Abd-al Shafi believes. "Nor can we."

Grand slam

"The Israelis are holding out, pushing us hard — we must give more and more in these negotiations," Ali com-



plains. "But we are a people under occupation; what more can we give?"

Washington, which bankrolls the Israeli economy to the tune of \$8-billion annually, doubtless had a hand in persuading Rabin's government that a moment worth seizing had arrived. But Israel is nobody's lapdog. And it wants the deal to deliver in two crucial respects:

- It should relieve Israel of the task of enforcing domestic security in the Gaza Strip, without relinquishing sovereignty or its economic predominance there.
- It should facilitate a recasting of relations that will allow Israel to integrate its economy into the Middle East and beyond, much as the South African "thaw" was meant to open trade and investment doors.

The "grand slam" will be to effectively close the chapter of the Palestinian national struggle.

Funeral in Washington

The Palestinian motives for signing the Oslo deal are not hard to disentangle, mainly because they converge on one man: Arafat.

The agreement was to have been his leap across the void, rescuing from wretchedness a PLO that is strapped for cash and crippled by successive setbacks since its expulsion from Lebanon in 1982.

Perhaps more pertinently, Arafat

launched himself towards destiny at a time when his authority was waning — both over the Palestinian leadership in the Occupied Territories and the fighters in the camps of Lebanon, Syria and Jordan. And he did it without a mandate from the Palestinian National Council (PNC) or his executive committee.

Shafik al-Hout resigned from that committee when the deal came to light. He watched Arafat sign the agreement on TV: "He was dressed as a marshall. A marshall of what? He was called president. President of what? He got trapped in Tunis, away from the masses," he told an interviewer afterwards.

"He has given up our last card as negotiators — the *intifada*, our right to resist occupation," said Al-Hout, who calls the September 13 signing ceremony the "funeral in Washington".

Musahhah, a young shopkeeper tells me with sadness, spreading his hands: "Before, my heart was this big for Arafat. But now he does just what the Americans and Israelis say."

A leftist like Abu Ali might insist that the problem isn't Arafat "but the people around him". Still, the reputation that will precede the arrival of Arafat and his Fatah in Gaza is not an altogether flattering one. "Fatah has no leftwing ideology," says an activist with the leftist Popular Front, "it wants to do business." Stories of corruption are legion, and my enquiries trigger constant anecdotes from Lebanon where Arafat is reputed to have run the PLO "with a fat chequebook and an iron fist" — the same fate, some fear, awaits Gaza.

Already, he has seated himself and hand-picked apparatchiks at the head of the Council for Development and Reconstruction that will manage the anticipated \$9-billion in foreign aid.

Talk of the town is the Palestinian police force — 8 000-strong and trained in Jordan (some people say Iraq, too). TV footage shows recruits, all Fatah loyalists, going through the motions of riot control.

"The Left doesn't do much ideological work here any more," says Ali, "which means, if you have the power and money, you can run this place. The question is: In what way?"

What's the deal?

The new oppressor

From Tel Aviv's point of view, then, the peace deal does not presuppose a drop in oppression, but a new oppressor: and they're staking a few *shekels* that Fatah and its leaders match the job description. In Rabin's words last year: "I'd rather the Palestinians coped with the problem of enforcing order in Gaza ... They will rule there by their own methods, freeing the Israeli army from having to do what they will do."

Israel used to rule Gaza in such ways: until 1974 via a network of Palestinian "notables" backed by a relatively small IDF deployment, later with the dismal "village leagues" introduced by Ariel Sharon. When the *intifada* erupted in December 1987, Israel swamped the territories with direct rule, a burdensome and often less efficient form of control.

"The PLO, or rather the part of Fatah with an absolute loyalty to Arafat, is intended to fill the role which the 'notables' performed under (Moshe) Dayan ... but more efficiently," is the analysis of Israeli Shahak, chair of the Israeli League of Human and Civil Rights. "Fatah will be rewarded with a lot of money, by a much greater degree of honour than the 'notables' enjoyed, and by some vague verbal concessions that will lead to further stalemates in negotiations."

Road to nowhere

North of the Egyptian border, a road sweeps up from Ashlim Beach ("for settlers only", the map advises), along 4-metre security fencing, archlights, antennas, past army checkpoints, trim buildings and a community centre that rises, in the shape of the Star of David, from the desert. It climbs an incline that ends, with a shock of compacted squalor, in Khan Yunis — a slum of 45 000 people that lies cheek-by-jowl with the biggest settlement in Gaza.

Any of Gaza's 3 500 settlers who venture or stray here can follow a bright yellow line (painted down the centre of the road) to the nearest IDF base, police station or settlement. About 30% of Gaza's land is controlled by these settlers and their guardians, including areas confiscated for "natural reserves", a euphemism for land desig-

'An interpreter's nightmare, a patchwork of old Israeli and American drafts, incomplete procedural suggestions, deliberate ambiguities and obfuscations', is how Palestinian National Council (PNC) member Edward Said describes the Oslo Agreement signed last September.

It is meant to lay the basis for an Israeli-Palestinian settlement, the details of which are to be negotiated and implemented in several phases.

In the agreement, the Palestinians recognise Israel ('Which Israel?' critics ask, 'Post-1967 Israel? "Greater Israel"?') and effectively agree to abandon resistance to occupation. The possibility of a Palestinian state is vaguely alluded to, yet at no point are Gaza and the West Bank even referred to as 'occupied territories'.

The first phase of the deal is to yield limited Palestinian self-rule in the Gaza Strip and the West Bank town of Jericho. Israeli commentators make no effort to dramatise the content of the deal: 'If Arafat wants to call the resulting entity "a state", it is his own business,' Uzi Benziman has written in *Ha'aretz*, for instance.

Among Palestinians, the deal is being supported by Arafat's mainstream Fatah, the People's Party (formerly the Communist Party) and Fidah (the right-wing of the Democratic Front). Opposing it are Hamas, the Popular Front, the remnants of the Democratic Front and Islamic Jihad.

The main features are:

- Israeli troops must be withdrawn by April 13 (though, as Said points out, the Accord speaks of 'withdrawal' in one section, of 'redeployment' in another).
- Jewish settlements are not subject to negotiations for at least the next three years.
- A Palestinian police force will take over 'law and order' duties but will have no authority over Jews anywhere in Gaza or Jericho. One Israeli leftist likens it to a bantustan authority that cannot arrest a white South African inside its territory.

- Joint Palestinian-Israeli 'liaison committees' will help 'coordinate' the work of this police force.

- Palestinians will run Gaza and Jericho in all respects, except external security, foreign relations, the Jewish settlements, and border crossings — leaving the military occupation basically in place.

- A Palestinian Interim Self-Government Council — to be elected in July — will govern Gaza and Jericho for five years. Negotiations about the permanent status of the Palestinians must start by July 1997.

- The questions of Jerusalem's status, the return of Palestinian refugees and Jewish settlements are postponed to the permanent status talks — allowing, complains Haidar Abd-al Shafi, for 'facts-on-the-ground' to be reinforced.

- The Israelis are able to 'freeze' the agreement if they're unhappy with the Palestinians' performance.

The agreement definitely defers — and probably kills off — three demands central to the Palestinian struggle: creation of a Palestinian state, return of all refugees expelled in 1948 and 1967 and sovereignty over Jerusalem.

'This is a peace that you can sell to any Likudnik and to any Arab-hater,' says Michel Warschawsky of the Alternative Information Centre in Jerusalem. — *Hein Marais*



■ HANDYMAN: Rabin had to be prodded by Clinton before he'd clinch the deal with Arafat

PHOTO: LES STONE/STYMA

Bondage: Women and Hammas

Women used to be in the thick of the *intifada*. If you look at photos from the early years, you'll see young women in jeans hurling stones, erecting barricades, fighting with the boys — even in Gaza, where the *intifada* began. That has been changed.

The Islamic Resistance Movement, Hamas, pushed for a return to tradition. 'Decadent' dress like jeans was deemed an affront to the martyrs of the uprising, to the spirit of the times, it said. Soon women were being 'urged' to adopt 'proper' dress, the *jilbaab* which enfolds and clasps the limbs, making it impossible to run. Thus they were removed from the frontline of the *intifada*.

From 1988 onwards, several women have been attacked, reportedly for not wearing the *jilbaab* or the *hijab* or headscarf.

This assault expelled women from the public sphere back into the private. Hamas managed to establish as 'normal' a situation where, cordoned off behind metres of sombre garments and the perimeters of the home, women fulfil their 'duties'.

There is no contradiction between this apparent conservatism and the split-crotch panties one sees displayed in some Gaza City shop windows. What looks like moral rigour is actually — through a mixture of consent and coercion — the recasting of gender relations.

Several factors collaborated in this process, among them the failure of the secular women's movement to make itself relevant to 'ordinary' women's lives.

'The Islamic women's movement could offer security and support, it could relate to that which was "real" and familiar in women's lives,' notes researcher Marwan Nasser. 'The fact is that Hamas succeeded in organising women better than the Left and the nationalist movement.' — *Hein Marais*

nated for settlement. The peace deal leaves them untouched. The only infrastructure of note is concentrated behind these security fences.

What politicians call "order" and "stability" will not be "restored" easily to a place like Khan Yunis. The provocations of the settlement next door and the IDF troops moving about with a free rein will generate a steady cycle of conflict.

Denied authority over the settlers or their IDF protectors, the Palestinian police's only recourse in quelling such violence will be to act against fellow Palestinians, to unpleasant effect. This, warns the Centre for Palestinian Research and Studies, might see "the



■ FEMALE FRONTLINE: Women were at the forefront of *intifada* activity

Palestinian leadership in Gaza and Jericho take drastic steps to control the situation ... In this manner, the first Palestinian experiment in independence could turn into a police state."

Fatah's failure

"It's a dangerous situation," admits Marwan Nasser, a researcher in Gaza City. "If you have the money, you'll win the election, but it will be like the Arab democracies, like Mubarak: 'We have a democracy'. Yes, but what sort of democracy?"

Meanwhile, Hamas — an organisation with a social programme that deserves to be judged "totalitarian" — holds the strategic advantage, its growth representing the failure of the PLO. It has proved much more crafty

and creative in harnessing popular discontent. While the Left was looking upon the mosques as institutions run by reactionaries, Hamas knew that was where the people were. It branched into charitable work and tightened its hold on what passes for civil society in Gaza.

"The Left's leaders are in Tunis, Damascus, Amman," says Nasser. "but Hamas lives and works among the people. They learnt this from the Left when they were in jail: how to organise people, organise the armed struggle."

And, while Arafat haggles with Shimon Peres and apologises on CNN for the deaths of settlers, Hamas can — credibly — claim to be fighting on against the occupier, untainted by compromise. It's what the PAC tried, but failed to do in South Africa.

What makes matters worse for Fatah is its inability to market itself and the deal in Gaza. It has no media, its Gaza-based talent is besieged by popular discontent and bitterness, its external leadership is awaited with trepidation. Hamas has turned the mosques into the single most effective organising and propaganda tool. Five times a day, it can speak to its supporters.

As Fatah implodes under the weight of external pressures, strategic errors, authoritarianism and monetary ambition, the Left seems to find itself without the base, the organisation, the strategy, even the vision to rescue secular nationalism.

It's this realisation that depresses leftist intellectuals the most. "We, as nationalists and leftists, face a crisis in dealing with this society," is Ali's assessment. "We are working reactively, not creatively. We are waiting for things to happen, before we do something."

Which leaves two choices, believes Shafik al-Hout: "We either join the fundamentalists or we capitulate — both unacceptable options."

"Good news? Now?" sighs Nasser. "We got a 50/50 chance of avoiding Hell. The Hell scenario is Hamas. At least Fatah's 'Hell' will not last forever. With Hamas it will last forever. Iran has taught us that."

● The names of some activists quoted here have been changed.



Armed and disarming

Armed and dangerous: My undercover struggle against apartheid, by Ronnie Kasrils.

Published by Heinemann, Johannesburg. Reviewed by **CHRIS VICK**

IT WAS RED HOT, AND RONNIE Kasrils had shed his shirt. In his vest and blue safari suit trousers, with more hair on his eyebrows and his back than on his head, he looked like a Yeoville cafe owner.

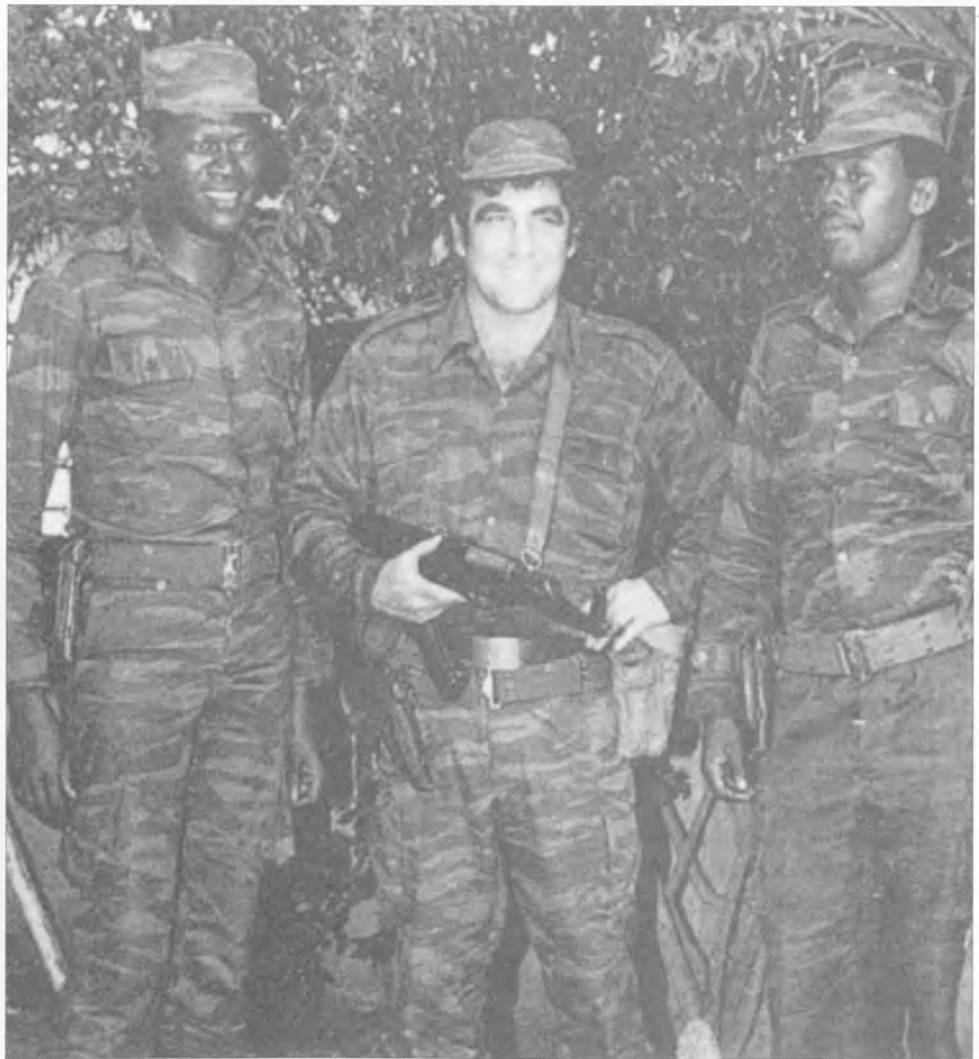
It was 1986, and we were in a boarding house in central Harare. A new recruit into the ANC underground, this was my first contact with Kasrils.

Young, naive, unsure. The prospect of meeting "Red Ronnie" made me more nervous than the tasks I expected him to assign me. Demonised by the South African media, he was an icon, a legend among the people I was working with at home. Kasrils, I had been told, was a shrewd tactician, a soldier — motivated, committed, disciplined and demanding.

Face to face, he was disarming. Gentle, almost. And his immediate concern was my own safety, my own state of mind. It was the early days of the state of emergency, and he knew the "legal" work I was doing in South Africa was risky. How, he wanted to know, was I coping with the strain?

Only once we had talked this through did we get down to work. Only once he had dealt with the personal did we move on to the practical.

I left the boarding house more confident, in touch. The struggle was not going to be a series of anonymous phone calls, secret addresses and dead-letter boxes. It had a human face. A warm, likeable one.



■ **KASRILS THE CADRE:** Kasrils in Angola in 1986 with fellow MK officers Jabulani Jali (left) and Lulamile Dantile

The last time I spoke to Ronnie Kasrils was in the foyer of the new Cosatu building, late last year. He was, as always, on the run — except this time it wasn't from the law, it was to prepare for an MK anniversary rally he had to address.

We hadn't seen each other for ages, and had both got a bit thinner.

"How did you do it?" we asked each other. And proceeded to compare notes on our respective diets — fruits for breakfast, he told me, and very little of the whisky that often seemed to lubricate his military engine. He was feeling good, and looked it.

He had something else on his mind, too: His autobiography, due to be

launched later that month — a hefty paperback history of his own years of struggle. The book had sold out in parts of Europe, he told me. Heinemann wanted a reprint, and local interest was high.

He'd always fancied himself as a writer — whether it was poetry (published in *Sechaba* under the name ANC Khumalo), biting responses to *Sunday Times* editor Ken Owen, or clandestine articles for *WIP* during his Operation Vula days.

But he was like a proud father about *Armed and dangerous*. It was his labour of love — his own life story, under his own name.

I knew he had spent hour after hour during Vula tapping away on a computer — no easy task for someone who proudly described himself as being “BC” (Before Computers). He had already written hundreds of pages about his “Yeoville boykie” days — he wasn’t sure if it was a purge or a splurge, but dozens of those pages were trimmed down or discarded before the book even made it to editor Jeremy Cronin.

A retort

So what’s the end product like?

In more ways than one, it’s a bit like a cowboy movie. Flamboyant, daring raids on explosives depots. Wild chases through the streets of Mbabane. Close shaves with the local police after Vula (including a delightful tale about Craig Williamson).

It’s all there: good versus evil; romance; bravado; personal risk; sacrifice; struggle. A rattling good tale, as they say.

But sadly, it all falls a bit flat. Most of the characters in this movie are cardboard cut-outs — two-dimensional people in a two-dimensional world.

It has nothing to do with the cast. They are brave fighters, committed to destroying apartheid. All played a vital role in changing society. Many died doing so.

No, the flaws are the scriptwriter’s fault. Kasrils’ language and images are

For a man with so much soul, his story is told in a way which is surprisingly soulless

clipped, staccato. His characters’ lines are delivered in a matter-of-fact way — with military precision, often, and with little room for emotion. They don’t ponder, they perform.

And never more so than with the lead actor, “Red Ronnie” himself. For a man with so much soul, his story is told in a way which is surprisingly soulless — big on breadth (like Ronnie), but small on depth (unlike Ronnie).

He’s not afraid to tell us his own amazing story, of his own truly incredible life. But his is the most clipped of all the roles in this movie. Tight, matter-of-fact, often emotionless. Very little of the richness which makes Kasrils who he is. Few signs of the depth, the kindness, the humanity I saw in that Harare boarding house.

How did he deal with the pain? The danger? The loneliness of those

years on the run? How does he deal with them now? These questions pop up often as you travel with Kasrils. And they’re hardly ever answered.

Urbane cowboy

To his detractors, Kasrils probably *is* a cowboy, and his life story probably *is* a cowboy flic — one in which many people have died in gunfights. They will point to Bisho or Quatro as examples of that.

Are they right? Whether they are or not, Kasrils seems to think he owes them an answer. He writes, often, as if his objective is to justify what he’s done. As if someone like Ken Owen were standing there, neo-liberal pencil poised, to judge his every act.

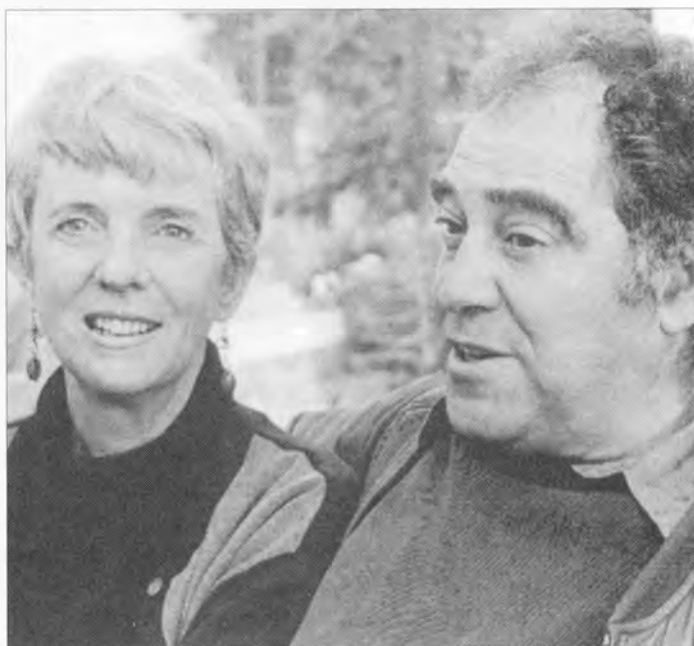
In some ways, it’s understandable: Kasrils has a lot of enemies, and often gets it in the neck on the public stage. He obviously enjoys the limelight, but pays a price for it. He’s been made the fall-guy more often than he’d care to mention.

Kasrils’ response seems to be to provide an extremely guarded tale, as if he’s had to count every word. The upshot of this is *measured* displays of relief at being reunited with his wife Eleanor after months, sometimes years, apart. *Controlled* excitement at arriving back in South Africa after years in exile. *Tempered* anxiety during Bisho.

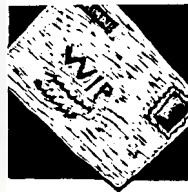
It’s a sort of self-censorship, as if the best way to deal with the pain (or the joy) is to cut it out. Those failed missions, forays into South Africa in which close comrades lost their lives, must have brought about a great sense of loss. So, presumably, did Quatro, Bisho, Swaziland, Vula, his own personal politics.

But because of his minimalist approach, there’s little insight into how he feels about them — either as a military leader, a socialist, an underground activist or a parent.

It’s a pity. But I’m holding on for *Armed and dangerous: The sequel*. In which Ronnie Kasrils, the soldier with a soul, tells his *real* life story. In technicolour. ■



■ KASRILS THE FAMILY MAN: With his wife Eleanor in Johannesburg last year



Winning letter Hey Joe

An open letter to Joe Slovo

Hey, Joe, I've got a *big* bone to pick with you. I listened to Microphone-in on SABC late last year, when you were the studio guest. One listener asked you the SACP's view on abortion, and you said *you weren't sure of the Party's view*. Thyini, as we say in Xhosa...

You then continued to say you're not sure of the present legislation on this matter.

I am shocked and outraged at your ignorance. Clearly this issue is not important for you. But I can assure you it is important for many of the electorate. So please get yourself informed fast.

— Su Groves, Kei Road

A pessimist? Me?

I am surprised that Jeremy Cronin chose my *SA Labour Bulletin* article assessing the Cosatu congress as an example of the "pessimism of intellect and will" that currently affects the Left in SA (*Can the Left score in extra time?*, WIP94). My advocacy — together with others — of "strategic unionism" and a strategy of "radical reform" should make it clear that I am an optimist of intellect and will rather than the reverse.

The real pessimists are those on the Left (like Colin Bundy and Lawrence Harris in WIP89) who argue that these strategies can only result in corporation and mere reformism.

Cronin is right to identify a general malaise of pessimism on the Left today. Where I believe he is mistaken is in what constitutes the cure. Gramsci's aphorism about "pessimism of the intellect, optimism of the will" made a great deal of sense in Italy during the '20s, when the communist movement was defeated and fascism triumphant. Its meaning then was, "despite all adversity it is necessary to keep hope and struggle alive".

This hardly makes sense in SA in the '90s, when the democratic movement is poised to sweep the first democratic elections in our

nation's history.

What is needed now on the Left is not *pessimism* of the intellect but *optimism* of the intellect — in other words, a creative intellectual analysis and debate which help us to forge a new strategic vision and *test to their utmost the new opportunities and challenges which face us*.

One of the many factors which contributes to the Left's pessimism — and more importantly, its paralysis — is the lack of intellectual analysis of the new situation and its opportunities and limits. And one of the reasons for this is the stranglehold which orthodox communism has historically held over intellectual life in our movement. Now that communism has stopped kicking, many appear to have given up the habit of thought altogether.

The challenge of the present is not to "plan for the worst but fight confidently", as Cronin puts it — but to engage in strategic debate and critical intellectual work as a crucial dimension of forging a new "optimism of the will". It was with this intention that I raised critical (in both senses of the word) questions about the Cosatu congress.

One of the greatest dangers in the current situation is that the leadership continues to put on a public display of confidence, while succumbing to doubts and pessimism in private.

This can only produce demobilisa-

tion and cynicism. More specifically, a congress which defines a wish-list without asking where the money will come from disarms the membership from social allocation of resources.

I fear that the call for "pessimism of the intellect, optimism of the will" may inadvertently divert attention from the urgent tasks of intellectual renewal on the Left.

— Karl von Holdt (*Editor of the SA Labour Bulletin*), Johannesburg

Yankee go home

Jeremy Cronin is a poet, who understands words — how they can tell the truth, as in poetry.

Whether he knows how they can lie — as in politics — is another question altogether.

His anti-American Jeremiad, (*The empire's new clothes*, WIP 93) leaves the reader in some doubt.

There is more than one kind of anti-Americanism, and SA has them all. On the Left, this prejudice is something more than opposition to the leading capitalist country. Anti-Americanism here is a form of apartheid — the self-permitted racism of left-wingers. For them, nothing good can come out of that country. Just mention any aspect of American culture — "Hollywood", say — and you get a knee-jerk reflex in those circles. Anything from America is bad, in advance (with the single exception of jazz — it's black!)

For the lefty, there are also no divisions in America. We never hear about the American people, for example — no Marxist analysis there! The Left wants a single, simplified, demonised America ... the world's Great Satan, with no redeeming features.

This comes out in your columnist's use of Bush's unfortunate phrase (with its echo of Hitler): the "new world order". No American statesman has mentioned it since; the phrase, with the idea, died in Somalia, insofar as it lasted that long.

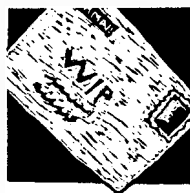
The American people are set against being the world's policeman; and American politicians have to respond to American voters.

"The New World Order"



GRAPHIC: COVERT ACTION

letters



has finally closed, but on the Left this show will run and run.

Examples: Cronin tells us how American "humanitarian aid" in Mogadishu amounted to "gunships firing into a bustling city", while in Moscow the US-supported Yeltsin "shelled an elected parliament". These loaded sarcasms float free of context: no mention of the murder by the war-lord Aidid of 23 UN soldiers (Pakistanis, not Americans); no word about the nature of Yeltsin's (armed) opposition: an alliance of Stalinists with Nazis, not for the first time in history.

If your writer wants to justify or explain these facts, let him do so. He mustn't just leave them out.

Propaganda, prejudice, or both? The result is the same. This good poet couldn't write an Anti-American poem — it wouldn't work, as poetry. But anti-American politics, demonising America, that is an easy ride with words.

— MM Carlin, Kenilworth

Down the toilet

I want to take issue with Anne Jeleva's argument (*Gimme shelter*, WIP94) that "unless radically rethought, SA's grand new housing policies will end up nourishing the 'new middle class'". Her "radical rethinking" requires overturning "doctrinal taboos" such as traditional mass democratic movement opposition to "site-and-service" (aka toilet) policy — even if doing so is "seen as a fatal concession in the struggle to provide a decent, minimum standard of accommodation".

Jeleva says that in making such a concession, we would join Third World activists attached to Habitat International Coalition (HIC), whose first priority use of government subsidies is for land and services rather than credit and construction schemes that always seem to end up benefitting the middle-classes.

It's a compelling argument at first blush, but I'm not convinced it applies here. At a recent five-day HIC housing finance workshop, it quickly became clear that, according to the proceedings "in many Southern countries, 30-40% of the government budget is allocated to foreign debt repayments. Investment in housing is often less than 1%". HIC comrades concluded that the struggle for debt relief from imperialist

banks must accompany the local fight for increased housing budgets so that subsidies would increase to levels where *both* land/services and formal structures are possible.

HIC comrades I talked to acknowledged the two main differences between SA and their situations: the power of progressive social forces here, and the larger fiscal contribution the first democratic government can make to a Housing For All programme. (So long, that is, as the World Bank and IMF are kept at bay).

The latest draft of the Reconstruction and Development Programme confirms that "the democratic government is ultimately responsible for ensuring that housing is provided to all". The subsidy contribution should reach 5% of the budget by 1999 (from 1.2% today) "so that housing is affordable to even the poorest South Africans." Such generous subsidies, the RDP continues, should be provided in a way that "prevents speculation and downward raiding" (unlike the present free-market, nuclear-family model).

If social movements maintain pressure so that this broad and very progressive housing policy is indeed adopted and implemented, there is a much smaller danger of the middle-class bias Jeleva fears.

It is therefore not, as she insists, "strategically necessary to accept the

continuing need for informal shack housing and inner-city 'slum' areas". Please no! It is necessary, instead, to continually reinforce the demand that decent, affordable housing is considered a human right, and to ensure that the ANC government makes good its responsibilities to provide sufficient subsidies so this becomes a reality.

— Patrick Bond, Johannesburg

● Anne Jeleva replies: Bond is right to say that a housing strategy should plan for both serviced land and formal structures. We disagree, I think, only about the relative priority each deserves.

No matter what percentage of the state budget goes to a housing programme, the question remains how effectively it redistributes income to the poorest. The larger the share of available public resources allocated to the programme (and thus lost to other equality-increasing services such as primary health care, rural development or basic education), the more serious the worry. Preventing benefits from accruing to the relatively better-off is, as Bond knows, no minor problem with assets as valuable as formal houses. Nor does simply increasing the size of the subsidies provide any solution; in many ways it compounds the problem.

I am encouraged by his prediction (may we take it as a promise?) that progressive social forces will struggle to modify the middle-class, free-market, nuclear-family (and urban) bias of the new interim subsidy policy. But will assertions about human rights really be enough to ensure affordable housing for "even" the poorest? Rather, we need specific, binding policy mechanisms to target the shelter needs of the very poor, and not just those lucky enough to be served by a progressive social force such as Bond. The undeniable need for spending on formal housing must not provide an excuse for neglecting groups too far back in the queue — in terms of income, influence or visibility — to acquire such structures.

Bond's critique of the imperialist banks will come in handy if SA's policies fail the poor. At the present juncture, though, the responsibility to push for sustainable, viable and lasting redistribution surely lies with us?

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DEAD BETWEEN THE EARS

Here's CCV video-jock and part-time beer ad ham Bob "The Jammer" Mabena in *SPEAK* magazine, exercising his democratic right to be a jerk:

Yo, Bobidibeebob: If women lived according to your credo, just how many live men do you figure will be left in town?

What do you think about homosexuality and lesbianism?

Well, we are all going for democracy so there should be freedom to choose how to behave and live for everyone. But if a homosexual made a pass at me, he might just get a bullet between his eyes.

BETRAYED BY ONAN

Talking of wankers: The recent opening of the KGB archives to researchers has already led to the excavation of a few historical gems. Still buried in the kilometres of files, though, is tangible proof of the story KGB defector Yuri Nosenko told his FBI debriefers in 1964.

It was a well-known fact that most of the staff at the US embassy in Moscow were spies, and the KGB was handed the job of figuring out which employees were bona fide State Department bores and which were spooks.

Dialectical logic was applied, yielding this breakthrough: KGB snoopers decided that CIA officers, fearing a trap, were less likely to accept an invitation to socialise alone with a Russian woman. So step one was to have comrades come-on to embassy types and then note the no-takers.

This reinforced suspicion, but documentary proof of the target's spy credentials were still lacking. And here the superiority of the scientific method truly revealed itself.

Constantly brushing off the advances from comrades, Nosenko explained, no doubt left the lonely, cautious CIA suspects pretty worked up sexually. Thus, reckoned the KGB, these fellows must be running the old one-legged race (mas-

turbating, in lay-person's terms) ever so often.

So KGB operatives would gain entrance to the residences of male embassy officials and review their bed sheets and towels ... where signs of Onan's passage would decisively finger the enemy spook. Hey, boss! We got one here!

INFANTILE DISORDERS

Some tell-tale signs of regression at the *Weekly Mail* recently — first Derek Bauer's 'It's-a-jungle-out-there' cartoon paranoia (time to palm him off on *The Economist*, folks), now McCarthyite editorial punchlines like this one:

... deputy president. Others who have since left include Ahmed Kathrada and Mac Maharaj. Since they are all destined for high office, they owe us a candid explanation of why they joined the party, and why they chose to leave in 1990. Wouldn't it be doubly ironic if it

We're no psycho-analysts, but if you wanna talk about it, we're all ears ...

BELOW THE BELT

Good thing there aren't subtitles when talk-show host Felicia Mabuza-Suttle babbles on-air.

A couple of months ago, *Sunday Nation* hinted that she was seeing rather a lot of tycoon "Richie Rich" Maponya. Well, Mabuza-Suttle was not impressed and rushed off an angry denial to the weekly, which started: "I am incest at insinuations about my friendship ..."

More manifestations of the sub-conscious were evident in the first draft of the ANC's education policy, which reportedly referred to the Interim Constitution as the "Interim Con-stipation".

Now it's true that several *WIP* contributors have been warning of possible *blockages* — but, hey, we thought they had in mind the transformation process ...



THE MORE THEY CHANGE

... Last time we saw this many suits and dark glasses together, it was at a security police raid...

■ National Party campaign ad in *Sunday Times* 6 February 1994

**Don't miss out on the
new South Africa...**

***Sunday* Nation**

**advertise with us and reach
the cream of the black market**

More than half a million readers, representing the cream of South Africa's black market. Educated, affluent and dynamic. And each Sunday they reach for the country's fastest-growing newspaper, **SUNDAY NATION**. With its incisive political and labour coverage, sports, business, arts, education and entertainment pages, the newspaper is required reading for South Africa's new opinion and decision makers. So, make sure it features in your media plans!

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