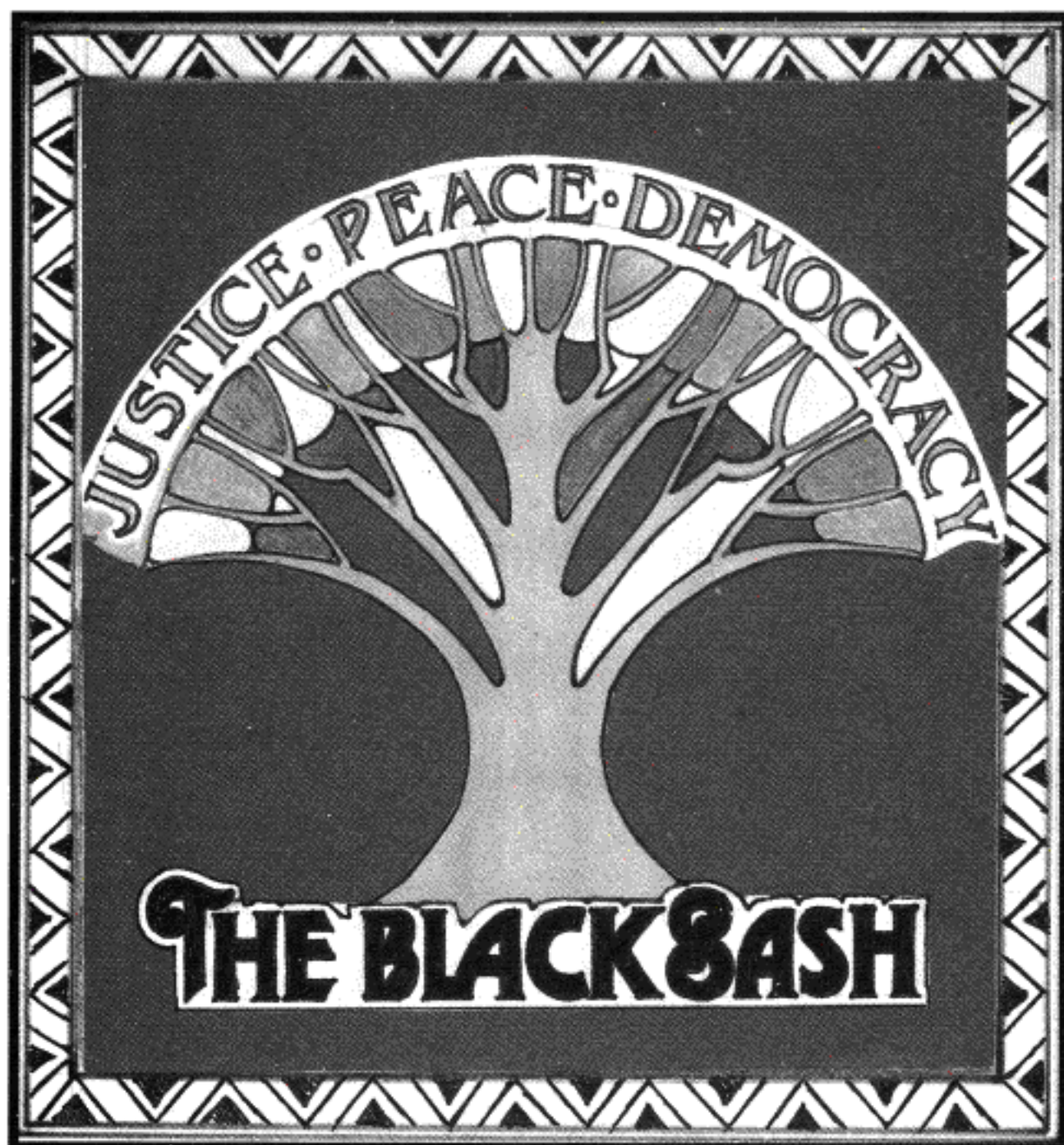

Volume 34 Number 1 May 1991

SASH



C O N F E R E N C E I S S U E

**RECONSTRUCTION: A VISION IN THE MIDST OF CONSTRAINTS
CHANGING THE GUARD AT TUYNHUY, OR LIBERATION FOR ALL?
SOCIAL WELFARE: EXPLORING THE POSSIBLE
BREAKING THROUGH THE MYTHS OF LAND OWNERSHIP**

Volume 34 Number 1 May 1991

SASH

contents



25 Canaan
Wendy Annecke, Elizabeth Ardington and Lynn Robertson-Hotz

**Day 3: Saturday,
2 March 1991**

4 Editorial

**Day 1: Thursday,
28 February 1991**

5 Reconstruction: a vision in the midst of constraints

Jenny de Tolly's presidential address

9 A historical process which nothing can stop is underway

Brigalia Bam looks at women's organisations in the process of reconstruction

11 Working for Justice: The Role of Para-legals in South Africa

**Day 2: Friday,
1 March 1991**

Sessions 1 & 2: Black Sash reports – Co-ordinated by Jenny de Tolly and Karin Chubb

12 From anti-apartheid activism, towards campaigning for human rights

Session 3: Advice Office overview – Co-ordinated by Sue Philcox

16 A narrative report of the Advice Office Trust
Sheena Duncan

18 Report round-up: advice offices

19 Report round-up: fieldworkers

20 'Samantha – Sasher Extra-ordinaire'

Session 4: Land and housing – Co-ordinated by Jane Prinsloo

21 Breaking through the myths of land ownership
Martha Funk-Bridgman

23 Change of focus for the homeless

24 A call for land

24 Government's white paper on land reform draws sharp criticism

Session 5: Social welfare – Co-ordinated by Sue van der Merwe

27 Ways forward in social welfare: exploring the possible

1. Social welfare: towards a user-friendly service
2. Pension parity: an attainable goal
3. Effective welfare programmes are within our reach

29 Budget update

Session 6: Development and Training – Co-ordinated by Annemarie Hendrikz and Anne Hope

30 Breaking the culture of silence



Session 7: Violence and repression – Co-ordinated by Rosalind Bush

31 Violence holds centre stage

34 Some thoughts on the concept of violence

Glenda Morgan and Julia Segar

Session 8: A constitution and a bill of rights – Co-ordinated by Mary Burton

35 Key words for constitution making



'The Black Sash should not feel obliged to produce an opinion on every issue.'
(Mary Burton)

Session 10: Chaired by Jenny de Tolly

42 The Black Sash National Executive

42 Conference Resolutions and Statements

43 Viewpoint

How many people have been less fortunate than Stephen?

Brother Jude Pieterse

44 International Network

WILPF: the women's international league for peace and freedom

Karin Chubb

46 Reviews

48 Letters

49 News-strip



A Black Sash Banner

SASH magazine

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**Day 4: Sunday,
3 March 1991**

Session 9: Women – Co-ordinated by Denise Ackermann

37 Changing the guard at Tuynhuys, or liberation for all?

Karin Chubb

39 Maintenance: a rethink for a new South Africa

Sandra Burman

40 Woman's human right to informed choice on gender issues

Dot Cleminshaw



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Gus Ferguson

editorial

Reconstruction was the theme of the 1991 Black Sash National Conference, held in Cape Town. 'Being there' is the theme for this conference issue of SASH Magazine. As the majority of the magazine committee was able to attend at least some portion of the conference, we sought to convey not only the substance of the year's reports but also the nuances of national conference. The sense of shared victories and discouragements of the past year. The interaction of the regional representatives as they engaged in lively discussion. The overwhelming litany of offences against humanity as the sessions unfolded – on violence and repression, land and housing, pensions, women's rights – presented by people who practise 'being there' every day of their lives.

And, 'being there' at conference entailed a lighter side as well; a play, workshopped and presented by Cape Western Women's Group, is captured for our readers via a photo feature. It is unfortunately beyond our means to convey the deafening laughter that accompanied these snapshots.

As the table of contents shows, conference delegates shared together the stimulating – if not exhausting – and hopefully useful exercise of looking ahead, looking back, and then looking ahead again:

- looking ahead to the reconstruction of South Africa as a new nation, and of Black Sash as a human rights organisation within that nation;
- looking behind at the work of the Black Sash throughout 1990, regionally and nationally, with a view to gaining from our mistakes and seeing the bigger picture;
- and looking ahead again through the submission of conference resolutions and statements for the broader public.

We hope that this new format will be illustrative and informative, and even inspiring. Inspiring in the sense that 'being there' through the daily grind of the human rights struggle is, in large part, how that struggle will be won.

Martha Funk-Bridgman
Candy Malherbe

Day 1: Thursday, 28 February 1991

reconstruction: a vision in the midst of constraints

In her first address to National Conference as national president of the Black Sash, Jenny de Tolly explored the theme of reconstruction. An edited version follows.

The theme for this, our 1991 Black Sash National Conference, is reconstruction. We will be looking at the work of the Black Sash with a particular view to ensuring that we make a contribution to the positive reconstruction of South Africa. What I believe the Black Sash would understand as reconstruction is the restructuring of our society from one which is undemocratic, unaccountable, unjust, authoritarian, patriarchal, fragmented and racially obsessed into a single nation, underpinned by legislation which guarantees civil rights and socio-economic justice and built on principles of democracy, inclusiveness, accountability and openness.

The task of reconstruction is enormous and challenging. The process by which transformation is achieved will set the pattern for the future. If we do not break away from the negative patterns of the past, we will drag them into the future and find ourselves in a post-apartheid South Africa not much improved over the present. In this address I will look at a few of the issues and tasks that lie ahead of us in the process of reconstruction, and at some of the constraints and realities.

Dismantling apartheid

It is just thirteen months since the National Party government signalled its citizens and the world that it intended to break with the apartheid past. Much of the world thinks that apartheid is already dead because some civil and political rights have been restored and some discriminatory legislation has been abolished.

The process of dismantling apartheid has indeed begun. However, the bulk of apartheid legislation remains in place, including the labyrinthine, racially-based system of 'own affairs' government with its 13 legislative 'parliaments', 15 departments of education, 18 health departments, and 17 administrations dealing with pensions, as well as numerous

administrations for cultural and religious affairs, community development and housing, rent control and squatter removal, among others. The fragmentation and duplication inherent in this system is inefficient, illogical, wasteful and confusing.

There seems to be no clarity as to what the government intends to do about the 'own affairs' system, although President F. W. de Klerk and Finance Minister B. J. du Plessis have indicated a fundamental rationalisation of the structures, and a need for interim structures. The question is **when**. We cannot wait for the conclusion of constitutional negotiations for the maze of race-based administrations to be reorganised into single departments. The task is urgent and needs to become clear policy with legislation to back it up.

We do not underestimate the task of restructuring a huge bureaucracy with a vested interest in retaining jobs and the status quo. Last year, 750 209 people were employed by the central government and the provincial administrations. About a third of economically active whites are in the public sector. The willingness and ability of the existing civil service to adapt to the fundamental changes required could be one of the real limits to reconstruction.

Apartheid will be with us for generations to come because it has penetrated the fabric of our lives and thinking. The task is not only to dismantle the legislation, and the institutions which give the laws effect, but more importantly to fashion new attitudes, especially in those who created and sustained our apartheid past, and build a united nation.

Our violent society

The euphoria following President de Klerk's speech of 2 February 1990, and the release of Nelson Mandela, was soon tempered by harsh reality:

'The task is ... to fashion new attitudes'

'... the opportunity to redefine the sort of nation we wish to be'

'The liberalisation of the political process upon which the government embarked in February was followed by an unprecedented upsurge in political violence in various parts of the country. By the end of June the death toll in political conflict since the beginning of the year had reached 1 591, which was more than the figure of 1 403 for the whole of 1989.' (*Race Relations Survey, 1989/90*)

We should not have been surprised. The roots of the violence lie deep in our society with its long history of using violence and repression as a means of asserting authority and resolving conflict. Apartheid violated people's basic rights to a share in the governance and resources of their land. It was responsible for violence in the form of pass law arrests, forced removals, and squatter camp demolitions. The state restricted, banned, detained, tortured, jailed and eliminated those who resisted its rule. It invented the notion of 'total onslaught' to justify acts of war and terror against its own citizens. It allowed its Civil Co-operation Bureau to act beyond the law, and has yet to punish those who participated in the elimination of political rivals. In the process it violated both the victims and the perpetrators.

The recent upsurge of violence stems partly from conflict between political rivals fighting for power and control. Political intolerance and violence is not acceptable, and must be condemned. It stems also from poor socio-economic conditions and the quest for access to scarce resources by individuals and groups struggling to survive. National Conference will be hearing reports on violence and repression during 1990 from Black Sash monitors around the country, and will look at ways in which we might address it.

Making a constitution

Signal in the process leading to a 'new South Africa' will be the negotiation of a new constitution. National Conference will examine constitution-making and a Bill of Rights with a view to deciding what we feel is an appropriate mechanism for achieving them.

A new constitution offers the opportunity to redefine the sort of nation we wish to be, and the rules and structures by which we wish to be governed. New constitutions are generally made when a country intends a clean break with the past, such as after a war or revolution. Here the slate has not been wiped clean: the National Party government still holds power. We need to remember that all parties enter the process with a history – the whites with a history of domination, the blacks with a history of subjugation. It is important that the history and realities of all parties be recognised and understood in order for the process of negotiation to move forward and a settlement to be reached. This will call for a good deal of compromise from all.

There is broad agreement that the process of arriving at a new constitution is as important as the document itself, and that as widely inclusive a process as possible is critical if the constitution is to enjoy legitimacy and long-term efficacy. Democratic consultation will be time-consuming, and herein lies a very real tension. While apartheid is being dismantled, a vacuum is being created which is causing great uncertainty.

What happens, for instance, in the interim to local authorities, many of which are in a state of collapse? How will the levels of government be structured, and what will their powers be? The government has come up with a plan, but as



Jenny de Tolly addressing the public meeting, held at the Claremont Civic Centre, which opened the 1991 National Conference of the Black Sash

Steven Friedman (*Weekly Mail*, 15–21 February 1991) comments:

'However keen the Government may be to concede local power, it has gone about introducing change in the same way it used to do when it wanted to hang onto power. It has decided how change should happen and, in time-honoured fashion, has drafted a law setting out how the voteless can exercise power. The Government did have another option: it could have invited resistance movements to negotiate the details of interim local government arrangements and then enforced the agreement. ... There is little chance that resistance movements will try to make arrangements stick unless they have taken responsibility for them – and they won't do that unless they have negotiated them.'

This apparent lack of consultation with interest groups, and the lack of clear communication with the public via the media, does not bode well for the future. It is particularly disappointing given the model of consultation which took place around the amended Labour Relations Act.

Under a new constitution, government must be seen as answerable to all the people. This can only be ensured by a vigorous and engaged electorate which demands that government be democratic, open and accountable. For so long, most South Africans have accepted authoritarianism as government's right. Our passivity has granted it that right.

Making a Bill of Rights

The rights to be included in a Bill of Rights for South Africa are a matter for debate. Some see a Bill of Rights as 'a major instrument to ensure a rapid, orderly and irreversible elimination of the great inequalities and injustices left behind by apartheid'. Others suspect that the objective of the current call for a Bill of Rights by those in power is primarily 'to protect the existing and unjustly acquired rights of the racist minority rather than to advance the legitimate claims of the oppressed majority'. As Albie Sachs goes on to say:

'The great majority of South Africans have in reality never enjoyed either first, second or third generation rights. Their franchise rights have been restricted or non-existent, so the achievement of first generation rights is fundamental to the establishment of democracy and the overcoming of national oppression. But for the vote to have meaning, for the rule of law to have content, the vote must be the instrument of second and third generation rights.'

Belief in the judicial process

Another major task is the restoration of trust in the law and the judicial process. Until now, the

parliament which has made the laws has been largely white; all magistrates (144) and judges (excluding homelands) have been white; and about 88 per cent of prosecutors and 95 per cent of legal professionals in the Department of Justice have been white (*Race Relations Survey*, 1989/90).

Imposed upon this judicial system, the police, and other law enforcement systems has been the duty of enforcing apartheid, security legislation, and the emergency regulations. Small wonder that the system has been seen as the tool of the ruling party rather than the protector of the people!

The law must become sensitive to the fact that we live in Africa and that the majority of our population is African, with its own customs, languages and culture. The functioning and composition of the courts need to be South-Africanised and to reflect both the race and gender composition of the country.

Moreover, the law must become accessible to all. We welcome the setting up of small claims courts, and of a public defender system for people who cannot afford lawyers' fees in criminal cases. A very exciting development, and one in which the Black Sash is involved, is the growth of a para-legal movement. Our advice offices are now actively involved in the training of para-legals who offer to communities their first access to the law.

Finally, the police and all allied law enforcement bodies must be retrained to become impartial, fair protectors of the people as a whole.

Re-ordering priorities

Dealing in our advice offices, and through our fieldwork, with the poor and dispossessed, we in the Black Sash have come to understand that political power without access to resources and economic power has little meaning. This country needs rapidly to deploy resources to meet not only the basic needs of the majority of its citizens, but also to redress some of the enormous imbalances which exist between the various race groups.

While redistribution must take place, our economic resources are not unlimited. South Africa is only a semi-developed country. To illustrate, our Gross National Product per capita is US\$2 290, while that of the United States is US\$20 000 and that of Australia is US\$12 340. We also have to contend with an economy that is growing slowly and a population that is growing rapidly. This places an even greater strain on our resources.

By our own doing, we have limited the development of our human resources. Of particular concern is the state of education. The implications for South Africa's economic development of a grossly underskilled

'A very exciting development ... is the growth of a para-legal movement'

'By our own doing, we have limited the development of our human resources.'

workforce are profound. The implications for the school-leaving youth (50 per cent of the population is under 18) are worse. A fundamental rethink on education is required, with the critical involvement of all concerned parties in the redefining and implementation of solutions.

Little has changed since 2 February 1990 for those who sit in our advice office queues. In fact, the queues grow longer as the recession bites deeper and the impoverished and unemployed come to seek help in obtaining every last cent owing to them. State pensions are sometimes the only source of income, and the key to the survival of families.

During 1990 our advice offices organised a campaign around the improvement of state pension delivery. They met with some success, and in the process of collecting and analysing data we realised that it is important to channel our energies into looking ahead and making a contribution toward a future welfare policy.

Access to land

As Sheena Duncan, national co-ordinator of Black Sash advice offices, has pointed out:

'Within living memory approximately three million South Africans were removed from where they were living to another place in the pursuit of apartheid ideology. For more than thirty years the Black Sash has worked against, and written extensively on, the removal programme of the South African government and has joined with churches and human rights

organisations in opposition to the Group Areas Act, the Land Acts, and the systematic dispossession of black South Africans.'

The Land Acts of 1913 and 1936, and the Group Areas Act, are due to be abolished in 1991 (which makes it quite extraordinary that 43 group areas have been declared since President de Klerk announced the intention to scrap the Act last April).

Whites, coloureds and Indians hold property by means of title deeds. In most instances, black property rights are not reflected in legal documents. In the homelands, land is held in trust by the state on their behalf. One in every five South Africans is homeless and has no right to lease, own, or occupy land anywhere at all. More than the mere repeal of discriminatory legislation such as the land acts is required.

The formulators of a coherent land policy will have to recognise these (among other) contending claims on land:

- claims by those who hold title to land;
- claims by those who are settled on land but do not hold legal title to it;
- claims by those who are landless and homeless, and are seeking land to settle on, whether urban or rural;
- claims by those who are seeking restitution of the land from which they were forcibly removed.

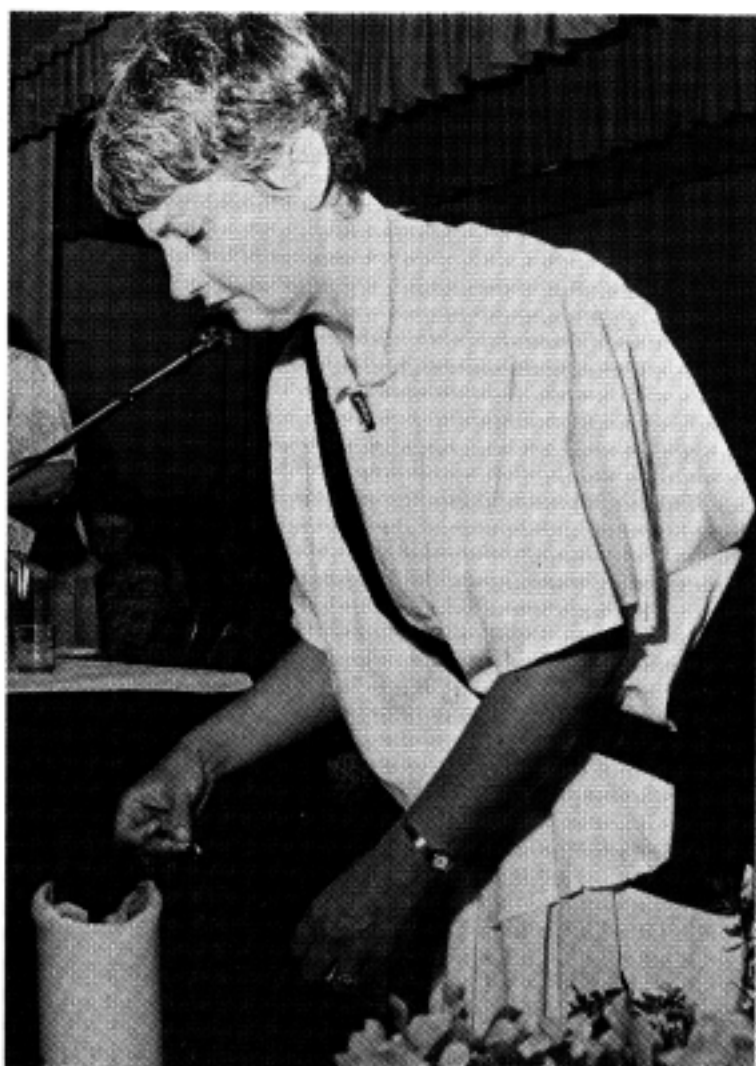
It is also a matter of urgency that while the process of formulating land policy is underway, the state takes no action to erode the supply of land which would satisfy the various claimants. Here I am thinking in particular of state and para-statal land in the cities which could house the urban homeless, and state land in the rural areas, especially that from which communities were forcibly removed.

Land is a finite resource. We cannot manufacture more of it. Land houses and feeds the population, provides us with water, contains our mineral wealth, and is something to which people are deeply attached because it gives them a sense of belonging, a sense of place.

Reconstruction

I would like to conclude where I began: the task of reconstructing South Africa into a single nation, underpinned by legislation which guarantees civil rights and socio-economic justice, and built on principles of democracy, inclusiveness and accountability, is an enormous and exciting one. We must work alongside all South Africans in putting in place the building blocks that will form the united, just, peaceful and proud nation that we can and will become.

We have a precious resource in the Black Sash: women who care about justice for all, and want to do something to attain this dream. There is much work to do, and no time to waste. We must succeed. □



Anne Hill of Cape Western Region lighting the Human Rights candle, symbolising hope for the future.

a historical process which nothing can stop is underway

As guest speaker at the public meeting which opened the 1991 Black Sash National Conference, Brigalia Bam, Deputy General Secretary of the South African Council of Churches, focused on the role of women's organisations in the creation of a human rights culture, in the process of reconstruction. The following are excerpts from her address.

Women's organisations have always been involved in human rights struggles. It is equally true to say that many women's ethical principles and human sensibilities have been shaped and matured within these organisations, which have provided the space and security necessary for human rights activities.

Political parties and churches have had one thing in common: they have marginalised women and their gifts of nurturing and organising, of creativity and devotion, within the social, religious, and political realms. Women's gifts have been 'confined' to the private realm.

Recent events

The last twelve months have seen dramatic changes in South Africa. For some, these were months of wonder and delight; for others they were times of trouble and dismay. It is evident that this phase in the process of change is difficult. Truly it could be said with Dickens, it is the best of times and the worst of times.

The state president's decision to seek the repeal of the land acts, the Development of Black Communities Act, the Group Areas Act, and the Population Registration Act is welcome, but we must remember that the discriminatory practices which these acts created remain intact. The security laws which have sustained apartheid are still in place. Political prisoners are still incarcerated, and their release, along with the repatriation of exiles, is well behind schedule. The disgraceful conditions of township life have not changed.

According to the United Nations Declaration on Apartheid, the system



Brigalia Bam with Joan Grover of Cape Western Region, who chaired the public meeting, and Black Sash office-bearers.

of legalised racism will end only when the right of all people 'to participate in government on the basis of universal, equal suffrage, under a non-racial voters' roll and by secret ballot' is guaranteed in a new South African constitution. We are waiting for a constituent assembly. The free and democratic election of such an assembly will be the major political challenge of the next period.

The search for unity

In our country, women have been key to many significant mass movements. After the 1940s, women emerged as catalysts for protest and challenges to the apartheid regime. They have been involved in campaigns against Bantu education, unfair rent, bus-fare increases, forced removals, pass laws, and all the degrading and oppressive aspects of apartheid.

But our community is rigidly stratified. Even organisations which claimed to be non-racial were trapped by the system. Women's organisations were divided and, in this respect, the churches are just as guilty as other institutions. The challenge to women's organisations today is unity.

A legacy of apartheid: racism

Racism can be seen today in every part of the world. Its grip is as acute as ever because of its institutional penetration, its reinforcement by economic power, and the widespread fear of loss of privilege by the affluent sections of the community.

Experience has shown that it is not possible to legislate changes in attitude. This country was built on an ideology of racial superiority. If the women's organisations are to serve the cause of peace and justice, they

need to make human rights their cause. Steady protest is required to prevent racism.

Apartheid education

Educators estimate that parity for black and white education would cost South Africa three times the present educational budget. They have indicated that raising black education to a level equal with white education is virtually impossible in the foreseeable future. To do so would mean keeping white education at a standstill for at least a decade while funds are diverted to black schools, to overcome existing discrepancies.

The solution now proposed is to eliminate Bantu education and establish a single education department which takes into account the deficiencies of the present system. This lengthy and costly process means that inferior education will remain for a long time.

Reconciliation and counselling

One of the challenges to women's organisations today is in reconciliation and restitution. Reconciliation works when there is honest recognition of the actual injustice committed against our neighbour and when practical restitution has been made for it.

Thousands of women and men in our community have gone through painful, brutal, humiliating experiences. How are we going to heal the psychological scars that have been inflicted on generations of South Africans by apartheid? Most of them do not talk about these experiences. We should not expect them to seek help. The ghost of apartheid will keep coming back to haunt its creators, but should not return to haunt the victims.

In these last few months, concern has been expressed about the counselling of returning exiles. What about the others? There will be no reconciliation in this country unless a process of spiritual and psychological healing takes place.

Economic justice

Apartheid has created gross inequalities between the racial groups.

This legacy of uneven social and economic development amounts to a crisis. As long as the distribution of wealth is not equitable, and the control and ownership of land and resources is in the hands of the few, no one can speak of economic justice.

Social and economic rights must be given special consideration in a Bill of Rights, with a view to empowering the majority of the people who have hitherto been disenfranchised and economically dispossessed, and helping them to develop their full human potential.



A woman addressing a kgotla (meeting) at Mogopa in the western Transvaal.

Unless women's organisations address this fundamental issue, the service they render will remain ambulance ministry.

The land

I strongly urge the Black Sash to take up the issue of land. You have great expertise on removals. Now the promised repeal of the land acts of 1913 and 1936 raises questions of how the land will be used. The two acts have been responsible for confining our country's 26 million blacks to 13 per cent of the land, leaving the other 87 per cent to the white minority. These are the building blocks on which minority rule has constructed the privilege, power, and economic monopoly which whites enjoy today.

South Africa has two sets of land law. The law for whites is based on private property, registration of title, and demarcated plots. Land can be leased, and used as security for loans.

Moreover, this control over land has meant control of people on the land, giving white owners a 'double sovereignty'. Black people on white land remain there at the precarious goodwill of the owner, at whose whim a black farmer born on the land (as were his ancestors) can be turned into a squatter or a trespasser.

In contrast, the blacks' land is state-owned and controlled. Access to this land is governed by a system of grants, rigid laws of succession, and supervision by government-appointed or recognised chiefs. Occupiers can grow food, erect houses

and, subject to controls, keep livestock.

When the two acts are scrapped, we must have land reform which enables disadvantaged rural communities to gain access to land. Agriculture minister Jacob de Villiers has said that he expects the private sector to become involved in programmes to promote private land ownership. This obviously will keep land in white hands. Africans lack the capital necessary to buy land at current prices.

Repeal of the two acts could create even worse problems of dispossession than have been caused by the policy of forced removals: in most instances, blacks do not have title deeds, even in the homelands. On the other hand, De Klerk has assured whites that their property rights will be protected.

It would be bitterly ironic if repealing these pillars of apartheid resulted in dispossession in the name of private property and the free

market. Occupants and owners must be given documents to secure their status as landowners. A careful untangling of the land acts must accompany their repeal, as well as a clearly stated policy of land reform so that blacks may attain equality.

Violence

The violence in our country has the potential of destroying the new South Africa before it has seen the light of day. Violent behaviour is the second greatest cause of death among our youth.

Much of the violence is simplistically described as tribal, or as black-on-black violence. In his landmark speech of 2 February 1990, President de Klerk made no mention of the violence perpetrated by the security forces and the oft-disbanded Civil Co-operation Bureau, which spread murder and mayhem throughout our country and those nations which supported our struggle against apartheid.

The violence which has engulfed this country is a legacy from a system which has dehumanised people. African lives have been one long nightmare of removals, influx control, and harassment. Political, social, and economic pressures have caused a deep-seated mutation in the

social structure of African families. Young people have no discipline. *New Nation* wrote that, after five years of rapid decline, a new generation of students has emerged who take the law into their own hands. Life has become cheap.

Forced removals have contributed to the destruction of values. There is a strong correlation between land and values. Among Africans in rural communities, land is conceived as a place of belonging, set aside for people to live together in an orderly way. Relationships with neighbours are important, and there is continuity with the forefathers who have been part of the same land. As the aborigines in Australia say, 'Land is our Life'.

The right to development

The right to development was introduced in 1972 at the Rene Cassin Institute in Strasbourg. This concept is not to be confused with the methods suitable for sustaining economic and social development. It has been expressed in the following terms:

'Equal opportunity is at the most a step towards achieving development. As a human right, it is essential to redress the outrageous inequalities that have resulted from development

policy and to ensure rapid progress in satisfying certain fundamental needs at the individual, collective, national or international level.'

Human rights organisations should work out a programme that will serve the needs of the most disadvantaged and vulnerable communities, by propagating and developing it as a human rights issue.

Human rights

There is broad agreement on the need to replace apartheid and security legislation with a comprehensive Bill of Rights. A Bill of Rights drafted by the South African Law Commission and a document prepared by the African National Congress are remarkably similar. The Bill of Rights will become the fundamental anti-apartheid document, which guarantees equal rights for all citizens and defends every one of us against the kind of tyranny and abuse which flowed from the apartheid state.

But we live in a society which has little concept of human rights. To millions of poor black South Africans, human rights is an alien concept – something that middle-class people talk about which is not for them.

We, the women of South Africa, who have been nurtured in the struggle against apartheid and who have suffered the violation of our own rights and our children's rights, must find ways to involve poor women – township women and rural women – in the struggle for human rights. We must not struggle for them but with them.

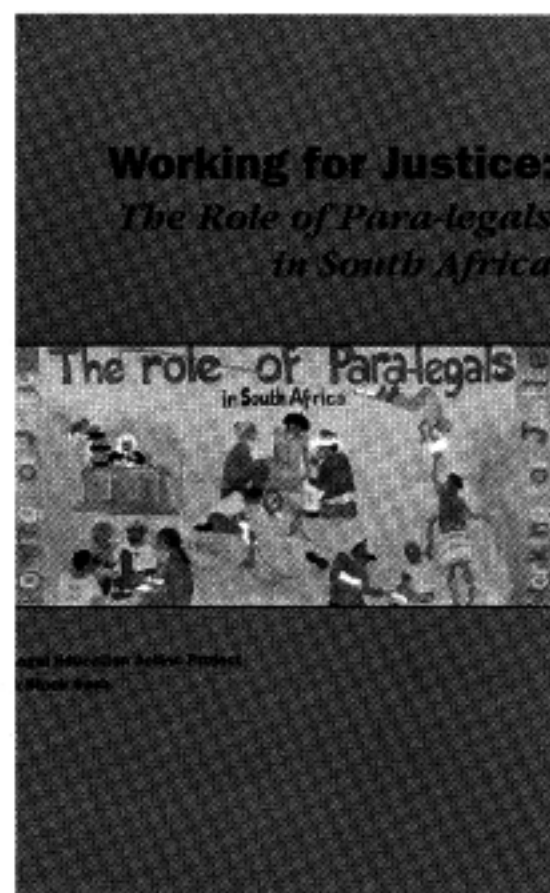
Sexism

I cannot conclude without mentioning sexism, the oldest and most pervasive form of oppression in human history. In modern society it may merely be less severe and more subtle.

A historical process which nothing can stop is under way. Women are demanding full participation in all areas of life, and the sharing of power. This movement, at its most profound level, is a struggle for the future and for the shape of the new South Africa. □

Working for Justice: The Role of Para-legals in South Africa

Working for Justice: The Role of Para-legals in South Africa, published jointly by the Legal Education Action Project (LEAP) and Black Sash, was launched during an informal party at the end of the public meeting. The book includes 'all the papers and workshop discussions ... as well as resource papers' from a conference on this subject held in Cape Town in July 1990. It will be reviewed in the next issue of SASH.



Day 2: Friday, 1 March 1991

from anti-apartheid activism, towards campaigning for human rights

reports from black sash regions

'We are all dancing in the same music', quoted Karin Chubb from a recent interview with Mama Zihlangu. This emerged strongly from the regional reports: although conditions and problems vary, a number of common themes are evident.

Themes running through the reports

- The shortage of personpower resulting from the fact that Black Sash members by and large hold salaried jobs outside the organisation has been universally felt. How, then, to cope? Regions report that they are 'learning to say "no"', prioritising tasks, finding new ways to share the burden of work, and 'learning how to become employers' where volunteers alone cannot carry out essential work.
- The experience of Black Sash advice offices and fieldworkers is that, for most people, little has changed as yet since the dramatic announcements of 2 February 1990. This is true in an economic sense and in the field of rights. Reports are explicit on the point of rededication to the pursuit of justice and human rights.
- The information collected by advice offices and fieldworkers continues to be the source of most of the organisation's expertise and political action. Black Sash campaigns on behalf of domestic workers, rural workers, maintenance and pension recipients, communities which have been forcibly removed, victims of violence and repression, and much else are rooted in this work.
- Women's issues have come to the fore, as is reflected in the vigour of newly formed women's interest groups, alliance work, and the direction of some inquiries and research.
- The unbanning of important political movements has meant a smaller voice for the Black Sash with respect to media coverage of opinion and action. But this is as it ought to be, and leaves much scope for the organisation to get on with other work of which it has experience.

- Outreach and the publication of information has, in fact, flourished in the past year with several new books, the updating and republication of others, a number of workshops, periodic factsheets, and public meetings – some of which occur on a regular basis.

Northern Transvaal region

Becoming an independent region – Northern Transvaal, based in Pretoria, separated from Transvaal, based in Johannesburg, in 1990 – has had positive and negative results. Because of the shortage of personpower, the region has been unable to take up issues such as land, and it has had to work harder at raising funds.

On the other hand, a strong collective leadership has emerged along with a system of issue-related working groups. One of these is concerned with capital punishment. The group has held stands against the death penalty and members have paid regular visits to people on death row. A factsheet has been widely distributed and proposed amendments to the Criminal Law Amendment Bill have received positive responses from some members of parliament.

The Domestic Workers' group has spearheaded a national campaign on domestic worker issues. An information dossier was compiled and distributed. The group has met with the South African Domestic Workers' Union (SADWU) – to discuss a response to proposed legislation, among other things – and liaised with Advice Office director Penny Geerds concerning a booklet which will be ready soon.

*'We are all
dancing in
the same
music...'*

Contact with organisations active in education was maintained by the Education group, which also produced the quarterly factsheet 'Ednotes'. The Pensions group distributed the updated Black Sash publication, *You and Your State Pension*, to members, advice offices, churches and doctors' surgeries. It will be monitoring pension payout points. A Women's group, formed in June, has investigated the harmful effects of skin lighteners, made recommendations regarding non-sexist language, and mooted co-operation with Rape Crisis. All aspects of the region's work are put before the public by the Media group.

Transvaal region

'No longer are we asked by the media for our views on issues. Why should we be, when organisations much closer to events are able to speak for themselves? But we can and must use our considerable expertise and the great wealth of information which we have to feed in to those who will be making policy. This will surely be the challenge for us and the direction in which our work will lead.'

Transvaal's report goes on to say: 'The work of the interest groups keeps regional council informed on a variety of issues and is impressive indeed.' Active groups include Education, Urban Removals and Homelessness (for aspects of its work see the report on Session 4), Justice, the Rural Interest Group (RIG), a discussion group called 'Town', and the newly formed Women's group.

After a report by Aninka Claassens on the problems faced by farm workers, RIG took up the issue of violence. The task of preparing a dossier from the case files at the Legal Resour-

ces Centre proved too big for members who are already employed full-time in salaried jobs and was taken on by a staff member of the Project for the Study of Violence at the University of the Witwatersrand. The result was a joint publication titled *The Brutal Harvest*. RIG is discussing the updating of the Black Sash 'removals map', prepared by Barbara Waite some years ago, which is still in demand all over the world and could be useful to support future land claims by communities.

The Education group liaised with the Soweto Education Crisis Committee, picketing in support of the SECC sit-in in protest over lack of textbooks. The group sent some 1 000 pamphlets to schools to commemorate 16 June, and held a one-day workshop for high-school students titled 'Education for the future: the students' vision'.

A lapsed group concerned with justice issues was revived. With the help of lawyer Raymond Tucker, the Black Sash booklet *The Courts and You* was updated. *New Nation* has agreed to publish it in its education section. The Court Monitoring group found that political trials were often transferred to smaller rural centres, making it difficult for monitors to attend. The group published *The Small Claims Court and You*.

Stands were held on pensions, the Civil Co-operation Bureau (CCB) ('If hit squads cross borders so should the inquiry'), the city council spy scandal, homelessness, and continuing violence. Alliance work was carried on, particularly with other women's organisations.

Albany region

This region has embarked on a series of lunch-time meetings on matters of topical interest,

'the Black Sash "removals map" ... is still in demand all over the world'



Hearing and being heard: Julia Segar speaking into the roving microphone.

'Massive problems created by misgovernment will be with us for many years'

together with the Albany Council of Churches. The series has been called 'Signposts to the New South Africa'. The year has been notable too for the attention given to administration: 'Like other regions of the Black Sash, we have had to learn a great deal about becoming employers.'

A Women's Issues group (WIG) was formed in response to the 1990 Conference decision to examine all issues to see how they affect women. Besides educating its members on topics such as feminism and theology, bridewealth, women and constitutions, and abortion, the group completed a research project which was written up as 'The Hidden Burden: the impact of detention on the women left behind'. This paper was presented at the Conference on Women and Gender in Southern Africa, held in Durban earlier this year, as well as at National Conference.

■ Cape Eastern region

'As the initial euphoria after 2 February 1990 has passed, and some time has elapsed allowing other organisations to take their rightful places, our role has become clearer. For the many people streaming into the Advice Office daily, life is basically unchanged as the struggle for survival continues. Massive problems created by misgovernment will be with us for many years to come. We remain committed to identifying with people's problems and pain in our Advice Office and fieldwork, and enabling them where possible to take control of their lives from a strengthened position.'

With these words, Cape Eastern region rededicated itself to helping to create a human rights culture and 'an atmosphere of tolerance and debate amidst the violence that is wracking our country'. The report expressed the hope that members attending conference would return 're-energised ... and ready to take on the challenges of these exciting times'.

A public meeting addressed by National Advice Office Co-ordinator Sheena Duncan on 'The Challenge of an Evolving South Africa' was a 'great success'. There is regret that the region is unable to respond to many approaches, due to shortage of personpower. The burden of leadership is being shared by means of a rotating chair.

■ Border region

Due to lack of personpower, Border Region has 'had to learn to say no' to some requests, but hopes to capitalise on its advice office work to attract members.

Lawyers for Human Rights and the Black Sash are orchestrating a campaign to improve

conditions in prisons. Many letters from Fort Glamorgan prisoners, who complain about conditions there, have reached the Advice Office. Members undertake regular prison visits.

The region has given support to the Beacon Bay squatters and is planning a meeting on this issue. Members have also been involved in the East London 'One City Campaign', which is 'unique in the sense that it is a bottom-up initiative'. It is being co-ordinated by the East London Action Forum which promotes non-racialism through public awareness campaigns. The region is assisting the Border Council of Churches which is currently organising the return of exiles.

■ Cape Western region

'Our Regional Council has been trying to deal with the changing dynamics of an organisation which is in tune with the ethos of our time.' In this context, council has been restructured: there is now a rotating chair and a flexible system of portfolios. It is proposed to have a secretarial/administrative body to co-ordinate everyday business.

Cape Western has been actively involved with released prisoners and returning exiles and works closely with the Dependants' Conference centre, Cowley House, in this connection. There has been a good response to the booklets, *Political Prisoners and Detainees Resource Book* and *Now We are Free*, in which Rosalind Bush who has held the Violence and Repression portfolio played an important part.

Among interest groups, the women's group has been very active and there was good Black Sash representation in a well-organised 'March against Violence against Women'. The Education group was involved in the open-schools issue. Other interest groups have formed around such issues as constitution-making and the economic debate. Mary Burton has been appointed a Human Rights Commissioner.

The decentralised branch system is working well and is a valuable way of disseminating information from grassroots membership to regional council and *vice versa*. Monthly 'general meetings' have taken as a theme, 'Thinking about the Future'. Links between regional council and the advice office have been strengthened, and councillors are expected to take an active interest in advice office work.

■ Southern Cape branch, Cape Western region

The Black Sash was approached to assist with the publicising of the chaotic and desperate situation of the people who have flooded into Mossel Bay hoping to be employed on the Mossgas project. Matters eased a little after a

letter from the Knysna office to the municipality.

Workshops on local government and labour law were organised through the Rural Advice Office Training Programme.

Natal Midlands region

Occasions on which the role of the Black Sash was questioned in the local media provided a chance to review past actions, via the press, and led also to internal questioning. A need is recognised for clarification of policy, especially in view of the continuing violence.

The Black Sash has been represented on the crisis committee for dealing with the Edendale emergency, and on the Imbali Support Group which has monitored the peace pact agreed by Imbali, Inkatha and ANC youth.

There has been greater membership participation, facilitated by monthly 'coffee evenings' at the homes of working committee members. Stands were held on old-age pension delivery, Shirley Gunn's detention, the plight of the Edendale refugees, and the CCB scandal. In October, at the time of the Black Sash national campaign for peace, the names of 1 300 dead (since 1987) in the Pietermaritzburg area were inscribed on a 'tombstone', as part of Midlands' observance.

Research worker Anne Truluck revised and updated two earlier Black Sash booklets on Pietermaritzburg and has issued *Pietermaritzburg 1990: the fractured city*. The *Natal Witness* gave generous coverage to this booklet.

Other activities include links with Earthlife Africa, regarding the environment, and the Women's group's co-operation with Natal

Coastal region to celebrate significant South African women by means of a diary or calendar – a project which, for various reasons, has had to be postponed.

Natal Coastal region

In a candid report, Natal Coastal lays bare the dilemmas and difficulties which beset the region during the past year. These range from defining direction, to accounting for the failure of 78 members to pay their subscriptions. [*Since reduced to 60 – Eds.*]

Three interest groups have functioned. The Repression Monitoring group, consisting of researcher and support group, has sought to find the most effective way of presenting the mass of data collected. The Urbanisation group has been involved with several communities, its work on 'Canaan' (see Session 4) being described as 'an object lesson in the whole process of experiencing, learning, analysing and understanding'. The Women's Issues group determined 'to maintain a sharp feminist focus on issues'. Its major project, to produce a women's diary, was put on hold but may become a South African Women's Calendar for 1992.

Close work with other organisations has gone on, for example, with the End Conscription Campaign and its focus on alternative service, the Conscientious Objectors' Support Group, the Society for the Abolition of the Death Penalty in South Africa, the Dependants' Conference, the forum for children's rights, the Five Freedoms Forum, Diakonia, and the Greater Durban Functional Region's 'Campaign for a Democratic City'. □

Compiled by Esther Sher



Queueing for lunch: Joyce Harris and Ethel Walt of Transvaal Region.

a narrative report of the advice office trust

by *Sheena Duncan, National Advice Office Co-ordinator*



'Our information comes from our advice offices and fieldworkers, and not from academic papers.'
(*Sheena Duncan*)

The programmes of the Black Sash which are managed by the Trust are the nine advice offices. Six of these offices have fieldworkers whose task is to extend the work into rural areas, small towns and homeless communities. In Johannesburg the Trust also manages the work of TRAC (the Transvaal Rural Action Committee) which was established as a Black Sash project in 1983.

All these programmes provide a para-legal service for people in various kinds of difficulties with the law and the bureaucracy, and support for communities in crisis. All give strong priority to the dissemination of information and the training of people and their communities in relevant para-legal skills.

The new South Africa

The new South Africa has not yet arrived and sometimes we wonder whether it ever will.

The 'own affairs' system of government ... is still in place ... there has been no progress towards the dismantling of the apartheid structures of administration.

Life is lived on two levels. On level A the government engages in 'confidential' discussions with the ANC and with other groups. Very little concrete information is made available to the public and press reports tend to be speculation rather than fact. The lack of honest disclosure leads to wild swings from high optimism to deep pessimism which confuse the public mind and obscure the real issues which have to be addressed.

On level B - the ground floor - things have become very much worse than they were before

2 February 1990. Expectations soared as dramatic events followed one another in the first months of the year, to be confounded by increasing impoverishment, violent conflict ... unemployment, and an almost total breakdown in schooling.

All this has had consequences for the Trust programmes.

We, also, are working on two levels. One is the same as before, dealing with the same problems - homelessness, poverty, pensions, taxation, citizenship, the exploitation of unorganised workers, arrests for trespass and squatting and so on.... On the other level we can now work constructively for more just policies in the future....

We make training an absolute priority in all the various programmes managed by the Trust. We have formal training programmes for paralegals but also seek opportunities to teach people in communities of their rights as citizens in this and the future society because only information and understanding of the structures of government can arm people against the power of the bureaucrats and the denial of civil rights.

The return of exiles

This has been one of the major disappointments of 1990. The government's guidelines for the granting of indemnity are incredibly complicated and threatening ... a far cry from any understanding of the concept of a general amnesty, and display a determination to maintain control which is not consistent with protestations of intent to bring about the radical transformation of this society.... All the advice offices are ready to assist the homecomers with problems of documentation but the expected flood has simply not materialised....

The same disappointment is felt by the families of political prisoners whose release is much slower than had been anticipated, for reasons which are obscure ... the state has all the information it requires in trial records and one wonders why it should be deemed necessary for such people to request indemnity on an individual basis on the form prescribed.

Worse still, the government actually expects those people being held in detention without any charge having been laid against them to fill

in the applications for indemnity. At the end of November the Human Rights Commission knew of 92 persons being held in detention for interrogation in terms of Section 29 of the Internal Security Act. Are they supposed to list the things about which the state has not had sufficient evidence to compile charges and hand the list to their interrogators? ...

Reclaiming the land

Within living memory approximately three million South Africans were removed from where they were living to another place in the pursuit of the apartheid ideology. For more than thirty years the Black Sash has worked against, and has written extensively on the removal programme of the South African government....

Now we are led to believe that the land acts and the Group Areas Act are to be repealed in the 1991 session of parliament ... repeal is not enough. These moves have to be seen in conjunction with the government's promotion of the idea of a Bill of Rights enshrining, among other things, the right to ownership of private property.

If the government is intent upon the dismantling of apartheid then it must also seek ways to make restitution for the terrible wrongs done in apartheid's name. Having violated the right to secure occupation of land it cannot now entrench the deprivation by making it impossible for the dispossessed to regain their stolen property.

All Trust programmes, in both urban and rural areas, believe that there should be a total moratorium on the sale of all state-owned land and the establishment of a land claims tribunal to judge on competing claims in the future. The state still owns large tracts of land from which people were removed but, in its enthusiasm for privatisation, it will no doubt seek to sell its land holdings on the 'open' market – the market open to that minority of people who have the money to pay market prices – leaving the landless landless and the propertyless without property.

1990 saw the beginnings of a movement by those dispossessed to reoccupy their land and by the homeless in urban areas to occupy land in the attempt to create organised residential areas. Our fieldworkers have been called upon to support communities in these moves and to assist in the processes of negotiation which are beginning to bear fruit in some areas....

Our work on this issue remains defensive with regard to those who are evicted and whose homes are demolished, while being creative in feeding into the national debate about land and urbanisation something of our understanding of what justice requires in the future.

Violent conflict

Eruptions of violent warfare disrupted the lives of thousands of people in many different places throughout 1990. The conflict in Natal continues ... the western Transvaal is again the scene of fighting and our work there remains greatly hampered by the 1989 banning of the Black Sash and TRAC by the Bophuthatswana government. The work of the Johannesburg advice office was affected by the fighting in East Rand townships during the second half of the year and the training programme was seriously disrupted.

Pensions and future welfare policies

... *This money will be used to bury me* [a Black Sash publication] ... has been used extensively to promote public knowledge of the inequities and inefficiencies of the present welfare system as applied to black South Africans. There has been some improvement in administration in the larger centres as the provincial administrations have computerised, but there is a long way to go before a just welfare system is established.

During 1991 we intend to place our extensive understanding of need into the debate about a future just and equitable welfare system in the context of the economic limitations of the national budget and the other urgent priorities for state intervention. □

(This report has been shortened. Eds)



'We have structures which have a momentum of their own.' (Barbara Klugman)

'It is difficult to establish a peace culture when people have no resources'
(Lynn Hotz)

report round-up: advice offices

These excerpts convey the variety of issues confronted by advice offices – and by fieldworkers (see facing page).

Northern Transvaal. The Catch 22 situation has arisen where we have become aware of certain companies or organisations involved in malpractices in the employment of refugees and illegal immigrants. On the one hand we have been tempted to report the matter to the Department of Manpower, requesting an enquiry, yet we realise that, in doing so, the workers concerned face detention and deportation.

Transvaal. The advice office worker training programme is now well established ... During 1990, the first class consisted of only two trainees, from KwaThema (Springs) and Phumulong near Harrismith ... There were five trainees in the second class, from Belfast in the eastern Transvaal, Mhluzi at Middelburg, and Phola Park (next to Thokoza on the east Rand).

The training period was totally disrupted by the violence which broke out in the Transvaal in August. One of the Mhluzi trainees was an exceptionally bright young man. He was shot dead in Mhluzi one night in November ... One of the [Phola Park] trainees ... was shot in the buttock and doctors were unwilling to try to extract the bullet because it was lodged so near the base of his spine ... The trainee from Belfast was out on bail on a charge of public violence almost throughout his training period and had to report to the police each week until he was acquitted at the end of November.

Albany. Insurance cases ... accounted for approximately 1 in 5 of our interviews this year. We therefore decided to mount a campaign around this issue. A subcommittee, with Nancy Charton in the chair, was formed in November. We will be presenting our findings ... to Con-

ference. (*The subcommittee's 'Report of the Review of Insurance Cases, 1989 to 1990' is now available. Eds*)

Cape Eastern. In the last year 21 prisoners from J. C. Steyn and St Albans prisons have corresponded with the office. Thirteen of these are students. To become students they have to request permission from the prison authorities and then be registered at the Education Centre. Funding is applied for through SAPET and has up to now come through this office before being forwarded on ... In October ... [we] were invited by Warrant Officer Brandt to visit the Prison School at St Albans ... They have ... [about] 300 students, coloured and African. They work with illiterates and then up to matric ... St Albans has 11 instructors and one educationist.

Border. Pension issues, particularly old age pensions and disability grants, remain the bane of our lives ... Along with other Black Sash members I was torn between laughter and tears at the events following the recent stayaway when the Cape Provincial Administration closed two major pay points claiming that they had no security because of the local march. They then announced that the pensioners who should have been paid on 1 February would not be paid until 22 February ... It was only after over a hundred pensioners and disabled people 'marched' on the pay point and demanded their money that the CPA made an effort to reassess. The most ludicrous aspect of the occurrence was the fact that ... they were joined by four police vans, a casspir full of rifle-toting police and three security police.

Cape Western. The decision was taken at the September national ad-

vice office workshop ... that we would ... 'commit ourselves to active involvement in the transformation of South Africa by adapting the advice offices to analyse information ... and that regional councils should ... take these issues further with regard to policy'. In Cape Town we are considering this in two ways:

1. to analyse our work through a gender perspective in line with the proposal of the UN Committee for the Elimination of Discrimination against Women ...

2. to analyse more carefully our information on social welfare rights, how are they obtained, what are the obstacles, how do people survive where there is no welfare, how can a future government creatively address some of the problems?

Natal Midlands. We are faced with an increasing number of employment related problems every year. It appears that our role in this field is to act as an advice service to workers who are not unionised. Although we encourage our clients to join a union, many of them do not have the opportunity to do so as they are employed by small businesses.

We try to act first as a referral agent, using the Industrial Councils and the Department of Manpower wherever this is possible. We have noticed that at the beginning and end of each year our number of labour cases increases. This is disturbing as it appears that employers are trying to relinquish establishing benefit schemes for workers by having a high turnover of staff.

Recently we have been trying to impress on all our clients that when they start a new job they must ensure that they clarify their conditions of service with their employer and that they keep all their payslips together in a safe place.

Natal Coastal. We have enjoyed a particularly close working relationship with the South African Domestic Workers' Union this past year, liaising on cases and issues of common concern and running joint workshops. The SADWU/Black Sash educational video, 'Thembi Goes to the Small Claims Court', was launched at the end of the year. Copies are available from the office or from Dianne Durrant, co-ordinator of this group. □



Regional delegates Jenny Clarence, Anne Truluck and Fidela Fouché.

report round-up: fieldworkers

Albany. Political consciousness throughout the area remains high and is generally rooted in the levels of poverty and unemployment. The Black Sash's role has accordingly changed with more emphasis on developmental and para-legal work. Monitoring and crisis intervention are still necessary on occasion but take place in a more open political environment. On the other hand, mass-based structures do not always find it easy to adapt and incorporate the necessary degree of sophistication into their programme of action. This has made the educative and developmental role of service and para-legal organisations vital. The region has seen a major debate on the future role of these organisations in empowering oppressed communities.

Cape Eastern. Much as I would like the work I do to have a more focussed character, this is really just not possible. It is both re- and pro-active. It covers the following areas:

1. Working in the office doing general interviewing and particular

counselling, usually by appointment. Keeping my files and press clips up to date. Correspondence and report-writing.

2. Fieldwork. Going to rural areas on request and visiting cases and advice offices.

3. Committee work. Attending meetings on repression, land, advice offices, exiles, and various committees that spring up from time to time attending to short-term projects.

4. Training. This is and will continue to take up a lot of my time.

5. Attending to visitors and giving time to same in taking them round the area.

Border. It was during last year's conference in Grahamstown that news of the coup in the Ciskei came through. The ousting of Sebe has certainly changed the political dynamics of this region. On the national level, the South African government's policy of incorporations and independent homelands has collapsed. Regionally, the removal of Sebe has opened up organisational

opportunities for the civics and the ANC. For the Black Sash, there have been interesting developments to monitor in the Ciskei but, since the coup, our work focus has shifted to the urban communities of East London and to the small towns of the Border Corridor. However, contact and low key work with rural communities continues.

Southern Cape. The Mossgas project construction phase is nearing completion and with the influx of employment-seekers this town has become chaotic in terms of people who came with no guarantee of employment and nowhere to stay ... the community at a public meeting decided to occupy unoccupied land. Initially there were about 80 shacks.... The name of this 'shack dorp' is Mandela Park ... negotiations ...[with] the town council were not that positive and it was then that Black Sash was approached ... to assist with the publicity of the whole situation ... When a letter from the Black Sash was addressed to the municipality ... matters eased a little ... There are now 200 shacks ... The town council provided water taps and only 23 buckets for the bucket system toilets ... the homeless people are exposed to cold and heat, have no money to feed themselves and on top of that they have no money to go back home.

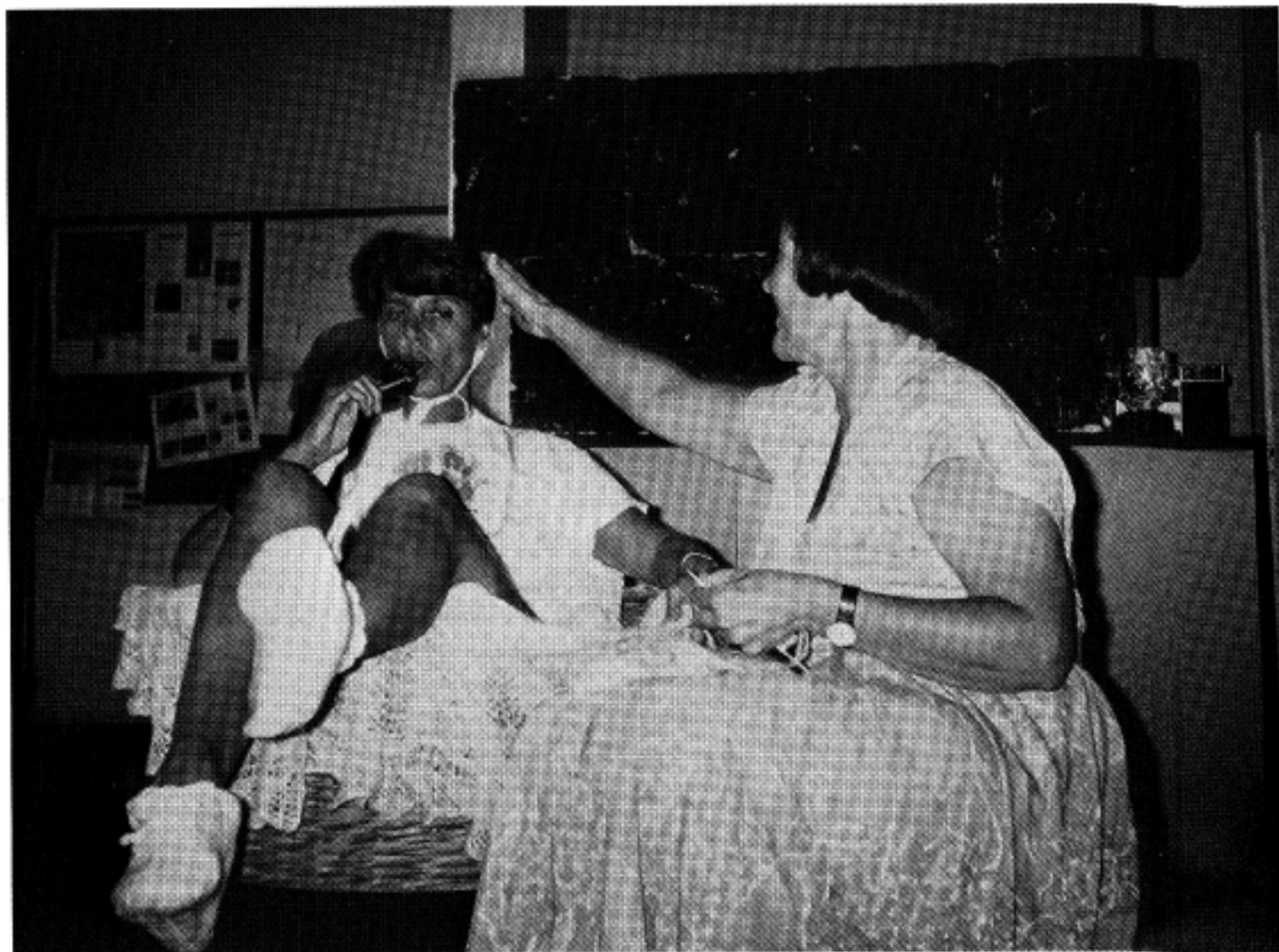
Cape Western. Much has been thought, said and written about the violence of the past year; the political divisions; the plight of exiles and political prisoners. Hardly anything is said or done about how these issues affect women (except at conferences exclusively related to women). Yet all of them do ...

In the past year, as political opportunity flourished, women were generally trampled in the scramble for political footholds. With few exceptions, this is true from the most sophisticated urban political negotiating to the most basic rural organising. When the dust settles, how many women serve on rural civics? How many women are negotiating the 'new South Africa'? ...

We women are silenced, whether black or white, by the call, '***** first, THEN women's issues'. This too is not new. It's just strikingly discordant in certain contexts right now. □

'samantha — sasher extra-ordinaire' A play workshopped by Cape Western Women's Group

Baby Samantha was born on 9 August 1956 – the day when 20 000 women marched to the Union Buildings in Pretoria. Mother Mary has been persuaded by friends that ballet and horse riding classes will transform her alarming infant into a socially acceptable young lady.



Gill de Vlieg/Atrapix



Gill de Vlieg/Atrapix

After an appalling 'rebel phase' – political books, political friends, political ideas – Samantha appears to be settling down. What else can a rich, handsome boyfriend mean? But her mentors (visible behind the dancing pair) can still be heard from the closet where Mother Mary hid them away.

Samantha's zeal for meetings, workshops, and round-the-clock commitment has brought her near to 'terminal burnout'. But when National Puppet Theatre-TV announces another Miss South Africa contest she becomes involved in an alternative 'Ms Anti-apartheid' project.



Gill de Vlieg/Atrapix

breaking through the myths of land ownership

Should land be regarded in the same way as other forms of property? As 'land is a resource that predates the notion of property', this question from Aninka Claassens at the conference session on land and housing was valid in considering South Africa's new land policy. Martha Funk-Bridgman spoke with Claassens, Josie Adler and Glenda Glover in private interviews following their presentations for further insights.

Land. It is the primary source of wealth, and has become a primary source of contention in the formulation of the new South Africa. Only days before Pretoria released the 12 March White Paper on Land Reform, delegates at the 1991 national conference of the Black Sash heard from several members with wide experience among the homeless and dispossessed on the issue of land and housing.

'We must not allow the exclusions of the past to become the parameters for the future', Aninka Claassens, currently with the Centre for Applied Legal Studies (CALS) at the University of the Witwatersrand, told conference delegates. Her presentation focused on achieving a more just and equitable distribution of land.

Claassens, in a February 1991 occasional paper for the university, has proposed the establishment of a land claims court to settle land disputes case by case. Her major concern is that a free market system of land redistribution will not compensate for the very heavy state interventions under apartheid.

Urban Removals and Homelessness Group workers Josie Adler and Glenda Glover addressed the conference on shelter and housing as a human right.

'This does not imply free housing, available immediately', said Glover. 'But it does imply that the state will facilitate the provision of housing for all of the South African population.'

Adler noted the need for state intervention to release land for settlement, to subsidise land purchases and servicing, and to prevent resource manipulation such as under the present system which encourages patronage.

Janet Small of the Transvaal Rural Action Committee (TRAC) claimed as a victory the impending removal of the land acts but emphasised the weaknesses of the free market system in redistributing land to blacks, whose power to enter the property market at current prices is completely disproportionate to their need for a place to live.

The final address on land and housing came from the Development Action Group (DAG),

whose representatives spoke on urban settlement. With projections for urbanisation in the Witwatersrand area alone reaching 11 million by the year 2000, from five million at present, the need for effective planning is critical. DAG called for the re-education of city planners and a national charter for local government, as well as an inventory of all vacant land and definite steps to prevent an increase in the density of urban dwellers.

Homelessness, landlessness

The facts are, in Adler's words, that 'at least five million South Africans cannot live near to where they find work in a place where they can sleep safely at night'.

Insecurity and lack of access to clean water, employment, and refuse and sewage removal, are part of everyday life. Stress is heightened by the fact that most are forced into illegal squatting to live, and are consequently considered criminals.

Until the repeal of the Groups Areas Act, 87 per cent of the land in South Africa will be reserved for the occupation of white people who are 15 per cent of the population.

Researchers estimate that up to two million homes may be needed to eliminate the shortage of homes. If the government attempts to meet that shortage with provision of brick homes, housing needs could be met by the end of the decade – at an annual housing budget six times the current size. As for the private sector, it delivered less than 40 000 homes in 1989, and these cost, in the main, over R30 000 – affordable to only 25 per cent of black people.

The White Paper

In private interviews following these presentations, Claassens, Adler and Glover agreed that an informed response to the government's impending White Paper on Land Reform was the next step in the political fight against homeless-

'We must not allow the exclusions of the past to become the parameters for the future'

'We've got to get the vision right...'

ness and landlessness. (See box on p. 24 for the Black Sash response subsequent to the paper's release.)

Claassens noted that the plight of homelessness is an unresolved problem all over the world. 'But our particular terrible history might catapult us into a solution', she said.

People regard the right to land, based simply on the fact that a person is born into the world, as a human right 'no matter what the political system says', continued Claassens.

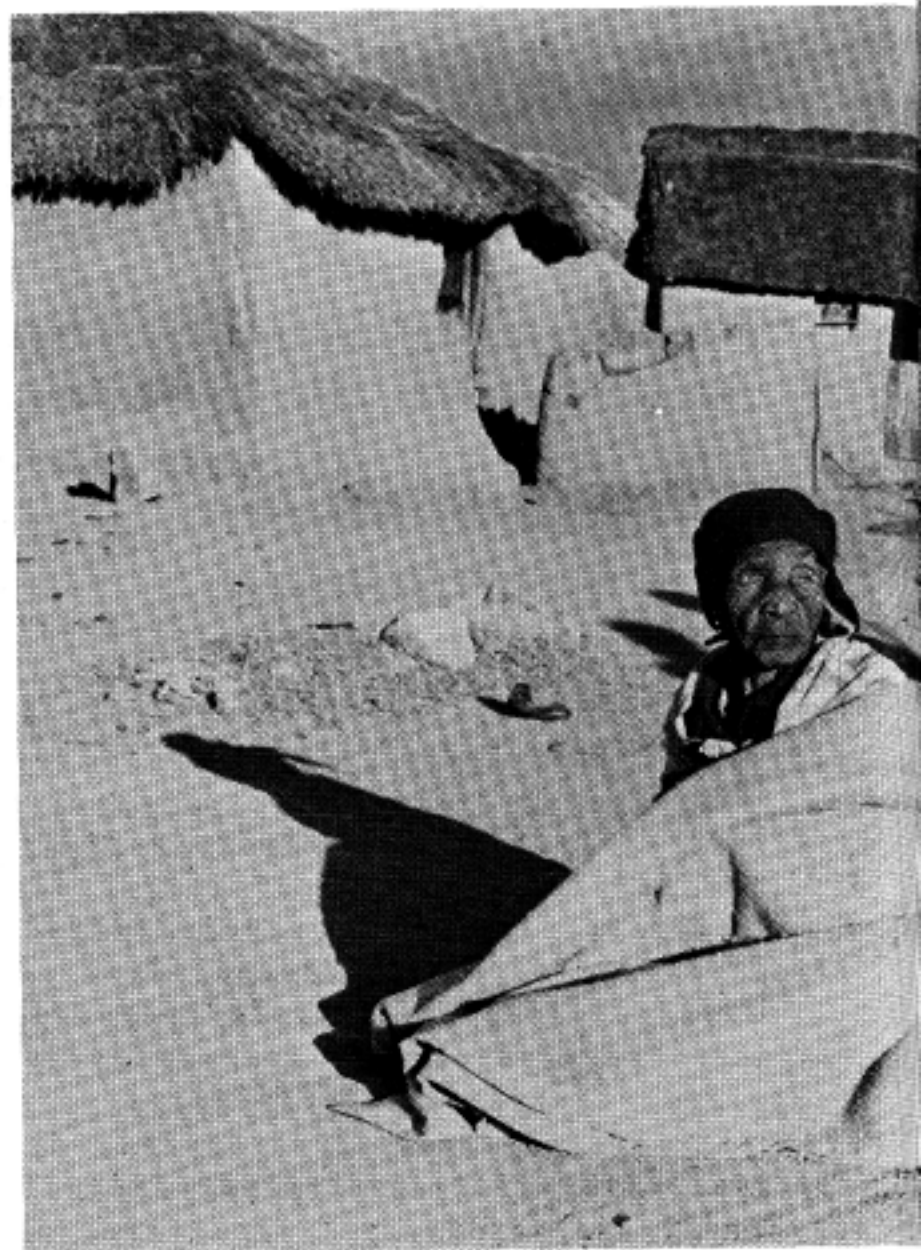
'This right is very real to people, something they will fight for', she said. In that light land occupation is a rational, inevitable, constructive response. It is not evil. It is not theft – unless you see that the whites' occupation in history was also theft.... Such accusations do no good. Rather we should look at what is fair now and what people need. Either we bring the legal system into line with that reality, or the whole system will be made obsolete.'

A major point in Claassens' CALS paper, entitled *Who Owns South Africa*, is that blacks have been deprived of title deeds throughout most of the country's history, and that a new land policy must formulate a way to take into account black people's claims to land.

'To say that redistribution will take place by the operation of market forces on existing title deeds is to pre-empt the resolution of historical claims. It will consolidate existing title where this may be highly contested because it does not reflect other claims to the land which may be stronger than those of the title deed holders. It marginalises the land claims of black groups by adopting the very terms from which they were excluded by law. With very few exceptions, black people were not allowed to have title deeds and black people are poor.... The expropriation of black title deeds and the removal of over 3,5 million black people are not features of our distant past. They have continued to the present.... If someone knocks me down and takes my wallet, to say that I can buy my wallet back is hardly to promote respect for the law of possession.'

Claassens points out that 'underlying both white and black claims to ownership are similar values, such as birthright, length of occupancy, productive usage, security of tenure, and protection of investment whether by labour or money'. In this context, as she stated at the conference: 'Title deeds and other documentary and verbal contracts should be taken into account, but not as the over-arching terms by which all other claims are judged.'

Adler, also in a private interview, noted that in her work with homeless people over the last five to six years, she had not as a rule heard 'Where is our house?' but rather 'Where is our place?'. 'This is especially true among the homeless people on the periphery of urban areas,' she said.



Christina Nkosi, part of a community of tenant farmers outside Piet Retief, pictured at a time when the community was threatened with eviction.

According to Adler, unnecessarily high standards for building and servicing pushed costs, at current prices, completely out of the price range affordable to the present homeless. She appealed to housing organisations to do more participatory research including black communities at every stage.

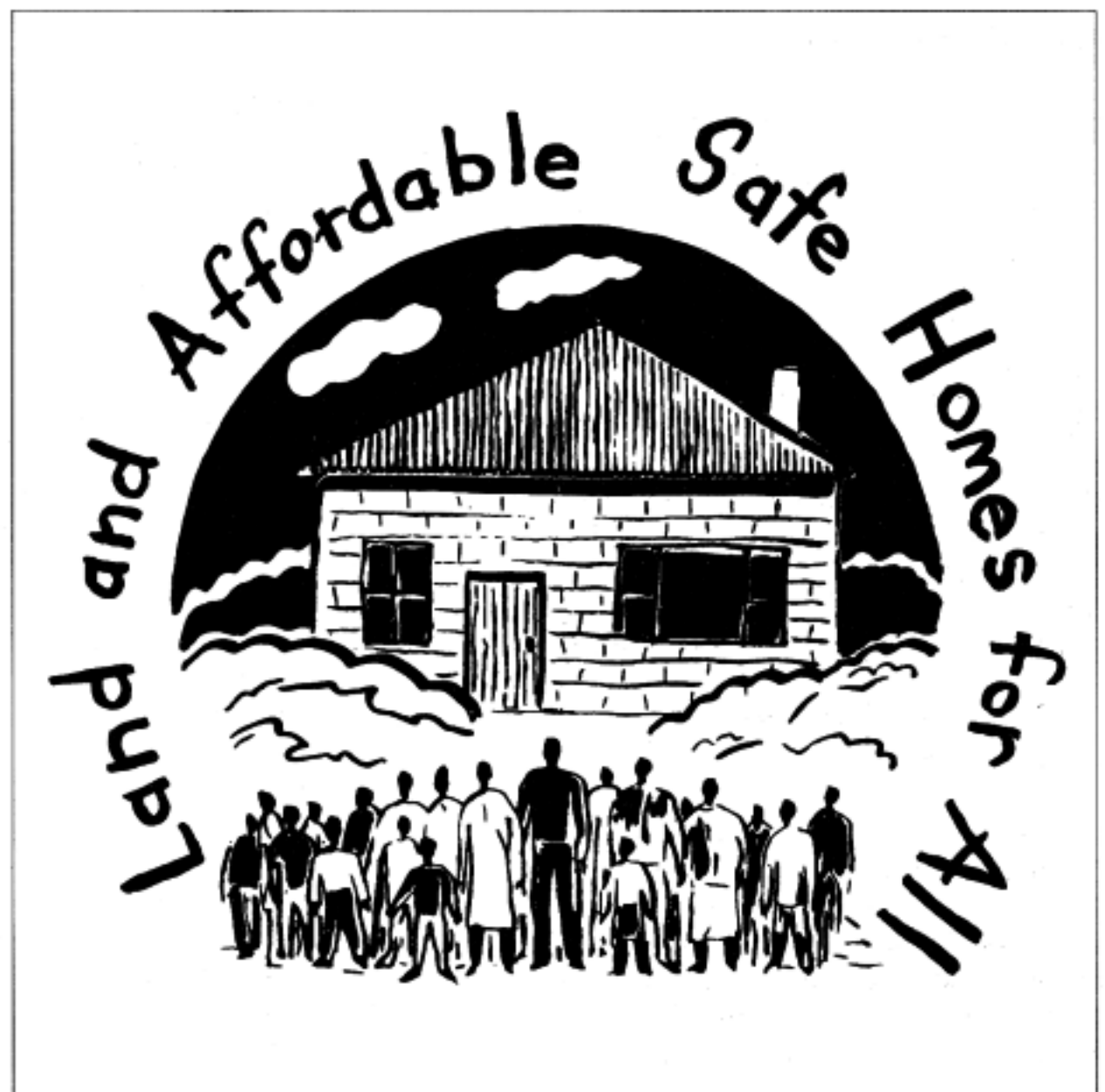
'We've got to get the vision right', continued Adler. 'It is easy to agree that everyone should have a home, but what is the policy? Once the new government gets the policy right, then it can get other actors to help carry that out.'

Claassens closed by saying: 'Our efforts should be directed at breaking through the myths that lie behind existing white title deeds.' She noted that in fact 'land is a resource which predates the notion of property', and had asked the delegates during her presentation 'Should land be regarded in the same way as other forms of property?'

Black Sash members, she felt, are in a position to help resolve the two very different material realities of the propertied and the landless. 'Many Black Sash members, as whites from a privileged class, have property. At the same time, they have worked with the homeless and have come to understand their material reality.' □



Lesley Lawson/Atrapix



change of focus for the homeless

The campaign for 'Land and Safe Affordable Homes for All', an effort spearheaded by the Witwatersrand Network for the Homeless, is indicative of the change of focus among groups dealing with land and housing issues.

The Transvaal Rural Action Committee (TRAC), for instance, reported at National Conference that as the 'bad old days of forced removals are well and truly over', there is a strong move on the part of many communities to reclaim land once belonging to them.

TRAC had thus experienced a change in emphasis from defensive action against removals to proactive tactics. TRAC's energies are now directed toward the organisation of regional committees, especially in the rural areas, and intensive discussions on the issue of land redistribution and claims to agricultural land.

Members of the Urban Removals and Homelessness Group of the Black Sash prepared a brief paper highlighting

the goals of the campaign for Land and Affordable Safe Homes for All. Drafted by Josie Adler and Glenda Glover, with Black Sash National Advice Office Co-ordinator Sheena Duncan, the 15 January paper asserts that South Africans need 'a vision of a long-term development of a sustainable urban habitat'. Toward that goal, which also includes the qualitative maintenance of the environment, the authors offer the following explanations of the campaign slogan.

Land: every family should be able to occupy at least a serviced site, close to its place of work.

Affordable housing: national resources need to be applied in ways that facilitate subsidies (on serviced land) and access to building finance and materials, so that optimal numbers of people and organisations can in multiple ways deliver mass housing, to the benefit of the homeless and the society at large.

Safe homes for all: this encompasses 1) security of tenure; 2)

homes that are affordable to purchase or rent and whose owners are able to maintain the cost of keeping them in the long term; 3) privacy, so that the owner is free from the threat of eviction, demolition, or removal because of illegal tenure or inability to pay unrealistic or extortionate rentals.

Taken in the light of certain qualifications – that the human right to housing does not imply free housing immediately available, but rather a lived-out commitment from the state to ensure its population is decently housed – this slogan forms an important point of departure for the debate surrounding landlessness and its resolution. Duncan, Adler and Glover call on Black Sash members to 'view homelessness not as a threat but as an opportunity to work creatively for that social justice to which the Black Sash has always been committed'. □

Reported by Martha Funk-Bridgman

a call for land

The imminent repeal of the land acts was the subject of intensive discussions and debate in a TRAC workshop with representatives of 18 Transvaal communities in early 1991. The resolution below resulted.

When talking about the land, we must remember that the land was taken from the black people. This started in 1652 with wars of conquest, continued with the expansion of mining companies, and was made legal by the land acts of 1913 and 1936. Three hundred years of dispossession have left us without land.

We need land. We need land for our cattle. We need land to plough. We need land for our children to live on. We need land to build houses, affordable houses. We need land for our gardens, we need land for tenants living with us. We need water for the land. We need land close to town and places of work. We need land that is part of one South Africa.

The land acts took away our land, and we are happy that they are going. But just removing them will not give us back our land. Mr de Klerk says we should have a free market, that we have to buy the land. Why should we buy the land which was stolen from us in the first place? Apartheid has made us poor, and we cannot afford to buy the land. The government must give us back the land.

For us, the land belongs to God and cannot just be bought and sold. Every person has the right to a place to stay. As the Freedom Charter says, South Africa belongs to all who live in it, black and white. We are prepared to share the land, and so should the white people. Above all, no system of land ownership should be imposed on us, we as the people living on the land should participate in deciding what happens to the land.

Every person has a right to land, not only title deed holders. People have a right to the land if they lived and worked there for a long time. People have a right to land if they were removed from it. People have a right to land if it was taken from them and given to a Bantustan.

What we demand is that the government must give land back to the people, all the people, not just a few rich people. We are used to owning the land as a community. The government must allow communal tenure. □

government's white paper on land reform draws sharp criticism

At his second opening of parliament, state president F. W. de Klerk delivered what appeared to be another round of far-reaching blows to apartheid. Among these were the proposed repeal of the land acts of 1913 and 1936 and the Group Areas Act. But as the promised White Paper on Land Reform became public on 12 March, sizable sections of the public voiced disappointment. Those who had been dispossessed of their land objected to the disregard of past wrongs, while others felt threatened by the possibility of black people living and farming next to them.

The Transvaal Rural Action Committee (TRAC), in responding to the government's White Paper immediately after its release, stated that 'we do not believe that the new legislation will bring about "peace, security, prosperity and human dignity" to any but a small economic elite in South Africa'.

TRAC's main grievances were the omission of provisions to restore land to those dispossessed through forced removals; the inadequate provision of land (only 400 000 hectares) for black farmers; and the continued lack of security of tenure for farm workers and labour tenants living on white farms. TRAC also denies the state president's claim of consultation prior to the paper and states that 'there was no consultation with affected black communities'.

The eight million hectares owned by bankrupt white farmers should be attached for use by the homeless, instead of the proposed tightening of the Illegal Squatters Act and Trespassing Act, states TRAC.

In a statement from the National Office, the Black Sash responded to the White Paper as follows:

'The Black Sash has for years campaigned against the land acts and the Group Areas Act. Now that they are to be repealed we find ourselves unable to rejoice because of the land policy which the government intends to put in place. There are some positive aspects to the White Paper but these are outweighed by the negative ones. This policy has been developed without consultation and it will be a disaster if the Bills are rushed through parliament before this essential process has taken place.

'There must be protection and fulfilment of the right to land and shelter for all South Africans irrespective of wealth.

'The White Paper with its heavy emphasis on land as a resource for wealth creation and commercial exploitation, will do little to provide justice for those who have been totally excluded from access to land and affordable safe homes in the past or for those who, within living memory, have been dispossessed from what they had.

'This policy will create new waves of dispossessed and economically displaced people which will prevent the fulfilment of the human right to shelter and land within a sustainable environment. A process of privatisation in the absence of suitable and effective land settlement and housing policy will merely lead to increased evictions and social instability.' □

Reported by Martha Funk-Bridgman

canaan

by Wendy Annecke, Elizabeth Ardington and Lynn Robertson-Hotz



Margie Matthews

Wendy Annecke and Dianne Durrant

Informal housing is the norm rather than the exception in Durban which is reputed to be the fastest growing city in the southern hemisphere. Over half the population, some 1,7 million people, live in shack settlements. Black Sash has been working with a small group of people who have established a settlement of some 450 houses on the hillside along the N2 highway, about 10 kilometres from the city centre.

The first people moved on to the hillside early in 1990. They cut back the bush and built shacks. A young priest who made his home there named the place Canaan. That this hillside could have been seen as a promised land was a measure of the people's desperation and plight.

There is no water and no sanitation. There are no schools, no clinics, and no promise of these being forthcoming. But there is a dump nearby which provides resources, from building materials to food. And most importantly, because it is located in the Indian area of Clare Estate, Canaan is somewhat removed from the violence in the surrounding townships from which many had fled.

A survey in August 1990 established that 59 per cent of the respondents had fled the violence and 80 per cent of the respondents felt positive

about the peace that prevailed at Canaan. It was also in August that they received eviction notices. Johnny Lantern, a veteran of many removals, advised his fellow shack-dwellers to seek the help of the Legal Resources Centre.

Johnny Lantern was one of the first people to build a shack at Canaan. His long history of moving had taught him with whom and how to fight evictions. He has come to expect notices like the ones served on the residents at Canaan in August 1990 as part of life. He knew where to find Legal Resource Centre lawyer Peter Rutch, and directed a group of anxious shack-dwellers to his office. After consulting with Rutch and electing a committee, the residents of Canaan approached the Black Sash Advice Office.

In the beginning our brief was clear: the committee came for information on how to respond to the warning notices they had received. But as the months passed we realised there is no such thing as simply collecting information and passing it on.

Who should find out what information? Is it enabling for shack-dwellers to approach the City Engineer and try to find out who owns the land? Why is someone else, with a different skin colour and who speaks a different language, able to access this information faster and in more detail? Is this non-disclosure of information a denial of rights? Should it pass unremarked, because we are busy with the next step, or should it be taken up? If so, who should take it up – a Black Sash member or someone from Canaan?

Moreover, when we at last have the precious information in our hands, what is the best way to pass it on: to the committee, at a community meeting, or in a written pamphlet to make sure that each shack-dweller receives the same information? These are the sorts of issues we have been grappling with while we know that our primary task is to facilitate the negotiation of alternative land for the shack-dwellers.

Meetings were set up between the representatives of Canaan and the authorities. Residents learned that the hillside falls within the Durban municipality but is owned by the National Roads Department and is in the process of being sold to a private developer. The land is unstable. The private developers – anonymous German business interests – plan to spend over a million rand on stabilising it and will then build middle-income housing. An independent survey confirmed that the land is unstable and unsuitable for low-cost housing.

'Johnny Lantern ... has come to expect notices like the ones served on the residents at Canaan'

The committee was given two months to find alternative land, on two conditions. The first was that they should not chop down any trees (the Roads Department had planted fast-growing gum trees to hold the land and prevent a landslide on to the N2 highway). When the community understood that the trees were there to stabilise the land they stopped cutting them.

The second condition was that they should prevent new shacks from being erected. They agreed to this too, but implementing it proved difficult. As one of the residents explained: 'We agreed, but eventually it was not our place and we had no right to tell people not to build. Because when we came here we didn't ask anyone ... can we build, can we do this, do that? Also it was people in need. It was people carrying babies with parcels on their heads so it was going to be very wrong of us to do that.'

We have drawn extensively on the resources and talents of our membership to document the history of the people of Canaan. Wouter Geldenhuys's students did a survey; Libby Ardington analysed it. Lynn Robertson-Hotz did a series of in-depth interviews which were videoed by Ansuya Chetty, our former urbanisation worker. These have been used to make an oral history video with Betty Oehler advising on background music, Sizakele Mkhize narrating the script, and Lou Haysom compiling and editing it. Wendy Annecke produced a paper for National Conference ('The violence of poverty in a shack settlement') based on a survey of water and energy costs and consumption in a number of households.



Urbanisation worker Ansuya Chetty films interviews with Canaan residents.

Georgina Hamilton co-ordinated the group and provided a hospitable meeting place. Art workshops were organised by Fran Saunders, who roped in family and friends to help. Pension rights for squatters were investigated by Sylvia Nilsen. Dianne Durrant, Ann Colvin, Naftal Matiwane, Sarah Burns, Patti Geerds, Pat Steele and Gertrude Strauss attended community meetings, carried video equipment, did follow-up work (for example, over the Christmas period when others were on holiday), and transcribed tapes.

It has been a learning experience for us all. Members have responded sensitively and thoughtfully to the crises of Canaan. We have had the experience of others to guide us – and the pitfalls of dependency, arrogance and patronage pointed out to us by the old-timers. While avoiding some traps we have fallen into others – and picked ourselves up with good humour if not gracefulness.

The work continues. Despite meetings, phone calls and faxes, there is still no water, no sewerage, and no firm offer of alternative land in sight. But a hopper for refuse has been acquired and is regularly emptied, clinic sisters visit the settlement at least once a month, and several residents are attending training and skills courses.

However, tensions have developed in the community. The insecurity which resulted from the eviction notices has increased and rumours of impending removal circulate. The relationship of the community with its committee (which had become increasingly active and accepted after its election in August 1990) has deteriorated, as it appears unable to resolve the problems.

Often the committee is powerless in the face of promises and delays from authorities. At the same time, some committee members appear to be becoming intolerant, undemocratic, and corrupt. People no longer sleep easily at night, fearing assault for some unknown reason. The battle for scarce resources and suggestions of alternative sites have split the community. Political rivalries, previously submerged in the interests of a united front and peace, threaten to blow through the fragile threads of common interest that have sustained an uneasy truce.

The inability of the authorities to resolve the housing crisis of the Canaan community has led to the transformation of a peaceful, tolerant community, with some level of optimism about life chances, into a tense and insecure community with problems which appear intractable.

Resolution of these problems would require the co-operative efforts of local, provincial and state authorities in at least two houses of parliament, and strong representation of the people who are affected. It is this combination which is difficult if not impossible to achieve. □

Day 3: Saturday, 2 March 1991

ways forward in social welfare: exploring the possible

Sue van der Merwe, Cape Western Advice Office organiser, was chair and co-ordinator of Session 5, on social welfare. Presentations by Toni Tickton, Pieter le Roux, and Nicoli Natrass are summarised here. Space limitations prevent us from reflecting the lively discussion from the floor.

1 Social welfare: Towards a user-friendly service

In her overview of current social welfare policy and possible developments, Toni Tickton, Black Sash member and director of the Cape Mental Health Society, designated three categories of welfare service.

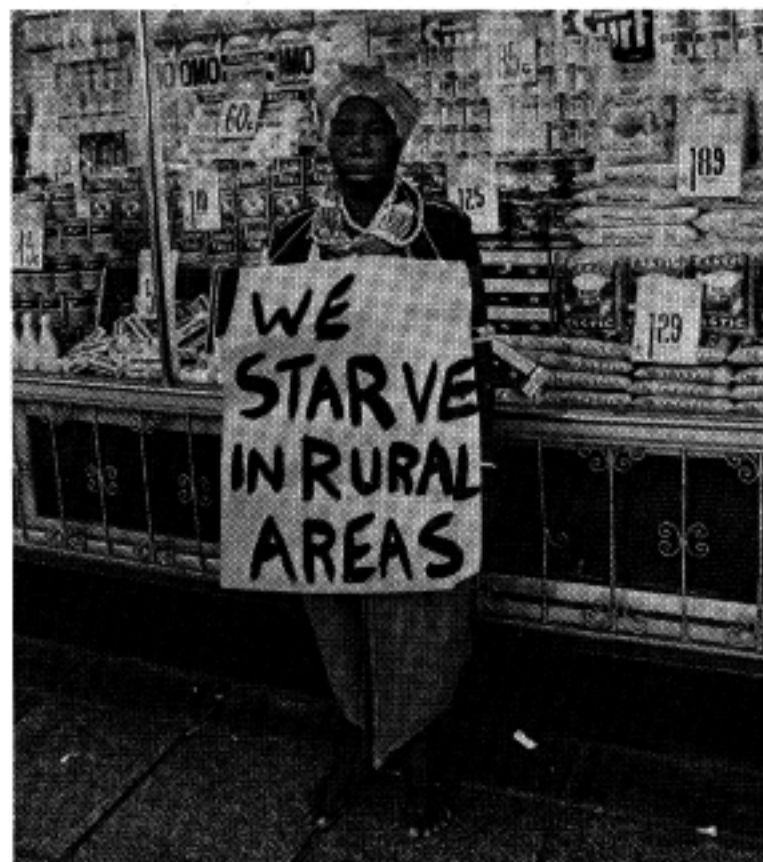
Firstly, there are the state-funded services carried out through 'own affairs' government departments. Secondly, there are the private (or, more properly, para-statal) state-subsidised organisations which are usually specialised (for example, mental health). Their committees, consisting of members of the public, are regionally organised but generally nationally co-ordinated. Finally, there are organisations functioning independently of state aid, such as advice offices and the Black Sash.

She described how state-imposed racial divisions complicate and confuse services. Criteria vary and all benefits are paid at differential rates, black benefits being lower – which means that those who need most get least.

In the 1930s, the Department of Social Welfare was established to handle white poverty. Why, now that the problem is black poverty, is there a call for privatisation? The present provision of private welfare service involves endless effort to raise funds. Privatisation is unrealistic because welfare services bring in no financial return. Moreover, there is no incentive for business support, since grants to welfare services (apart from educational trusts and the Bible Society) earn no tax benefits.

Some changes in administration are being considered. Organisations are being asked to define their own goals and projects, but the official perception persists that welfare is a privilege, not a right.

A new system is needed, but registered social workers form a small lobby base (6 000,



Gill de Vlieg/Atropix

compared with 200 000 teachers). We must strive for a single welfare department and parity of payment, and for a coherent welfare policy for the country. The debate as to whether health and welfare belong together, or should fall under separate departments, must be resolved.

Above all, 'we need a user-friendly system rather than the minefield one must now cross to get a disability grant or pension', said Tickton.

The Black Sash might initiate a welfare rights campaign, to spread information on what is available – and how to get it. Already, Black Sash advice offices assist with individual claims (for example, for pensions, maintenance, and disability grants). The organisation might become more involved in checking and challenging the criteria on which a claimant's eligibility is assessed.

2 Pension parity: An attainable goal

Pieter le Roux, director of the Institute for Social Development at the University of the

Women's Day picket in Johannesburg.

'... the danger of attempting to redistribute too much too quickly'

Western Cape, discussed social welfare expenditure and the practicality of achieving parity of services.

How much do we spend on social welfare compared with other countries, and how much can be saved by eliminating the costs attached to apartheid services? Le Roux showed that South Africa spends more on social services than many other countries, but to achieve parity overnight would raise social spending to an unrealistic level.

The state cannot afford parity without economic growth. Political transition cannot go well unless the economy improves: we need a 'social contract' whereby business reinvests rather than divests, in order to create jobs. Government must play a key role in this.

Pensions, he said, are relatively well-developed in South Africa, and are the only area on the social expenditure side of the budget where apartheid can be disposed of virtually overnight. The introduction of parity at white levels would cost an additional R2,2 billion – a sum which can be found, as he pointed out. This would result in a significant improvement in the standard of living of millions of the poorest South Africans.

Shortcomings in the present state old-age pension and grants system include: racially differential pensions; an unjust means test which victimises particularly blacks who have saved for their old age; and a grossly inadequate delivery system for black pensions.

Means testing and the poverty trap

The rules under which blacks qualify for state old-age pensions are unjust, and constitute a poverty trap. A woman with no other income, or with an income up to R36, receives a monthly pension of R175, allowing a maximum income of R211. Her pension is cut on a rand-for-rand basis if she receives income out of private savings which exceeds R36. She is thus taxed at a marginal rate of 100 per cent. Should her private income reach R141, she loses her state pension. The anomaly is that a black woman who has, through savings or other means, a private monthly income of R141 is left with R70 per month less than the person whose savings yield a monthly income of R36.

Black workers who strike against compulsory participation in private pension schemes are acting logically: given the consequent reductions in their state old-age pensions, most of them will receive no benefit from the salary sacrifices they are called upon to make. □

Le Roux suggested the scrapping of the means test. This would benefit many white as well as black poor, while income tax would trim undue gains by those at the upper end of the scale. Other reforms include the introduction of parity and improved delivery of old-age pensions; an inflation-proof contribution scheme in addition to pensions; the review of private retirement pensions; and changes regarding tax deductibility since present provisions favour the rich. Pension funds at present controlled by employers should be entirely under the control of employees, who should have the right to withdraw or transfer their own contribution plus that of the employer.

Constraints impeding the achievement of parity are finance and the delivery system. Our challenge is to get better delivery systems in place, so that when more money is available it will be well spent.

3 Effective welfare programmes are within our reach

Nicoli Natrass, economic research fellow at the University of Stellenbosch, spoke on social welfare systems which function effectively in countries with a per capita Gross National Product (GNP) which is similar to South Africa's.

She defined welfare as 'how to cope with helping the poorest 40 per cent of the population', and stressed that, no matter how appropriate welfare programmes may be, they will be stillborn unless the tax base is large enough to provide adequate funding. Therefore, a necessary condition for improving the welfare of the poor is generating rapid and sustained growth.

Natrass stressed the danger of attempting to redistribute too much too quickly, risking capital flight, reduced investment, a shrunken tax base (through driving economic activities into the informal and illegal sectors), and the possibility of rightwing backlash.

Job creation is vitally important. So too is the provision of basic social services, particularly primary health care, family planning, nutritional intervention, primary education, training to promote industrial capabilities, and the education of women (which affects the health and nutrition of children).

She called for special employment programmes, to get money directly into the hands of the poor and 'act as a new welfare instrument', and to accompany reorientation of spending. Such programmes should be situated in areas where there are no jobs at present, so that subsidised workers do not compete as cheap labour, undercutting those already in employment – as happened with the R4-per-day scheme. In Zimbabwe, guaranteed employment schemes have been traded off against reduced

state involvement in social welfare and education.

Natgrass compared economic indicators – life expectancy, infant mortality, expenditures on health, education and defence – for different countries. In Costa Rica (with a lower GNP than ours), the infant mortality rate had fallen to 18 per thousand, compared with South Africa's 70 per thousand in 1988, and life expectancy was 75, against our 61. This improved quality of life had been achieved through the promotion of primary health care, which has a far greater social rate of return than has hospital care.

However, higher state spending on social goals does not automatically result in improved quality of life. In this regard, South Africa's racially discriminatory policies are pertinent, and have affected quality of life indicators. For example, the infant mortality rate of blacks is higher than that of whites.

If health spending were reoriented to address primary health – in particular, immunisation, pregnancy management, oral rehydration therapy, and an essential drug programme – this would have a significant impact on the health of the poor. What is important is **how** funds are spent.

Natgrass posited that effective welfare programmes are possible, and within our reach, provided we invest in people rather than in consumption. State spending should promote growth and welfare priorities. But this involves political choices, economic analysis of costs and benefits, and an understanding of who the poor are and which needs must be met. □

Reported by Nancy Gordon

Budget update

In the finance minister's 1991 budget, pensioners received an increase across the board. The gap between white and black pensions was narrowed. However, parity for all was not part of the budget, and the means test still applies.

Pensions for Africans will go from the present R175 to R225 per month, which represents a 28 per cent increase. However, in the same budget the minister announced that the value-added tax (VAT) rate will be set at 12 per cent, from the end of September 1991. Pensioners' real income will be drastically affected since essential services, in addition to all but a very few basic foods, will be taxed.

The Black Sash will be lobbying for parity for all races in pensions, and the review of the means test. □

Sue van der Merwe

'Development goes with economics – if there is no money you cannot develop.'
(Phumlani Bukashe)

National Conference is the only occasion in the year when numbers of Black Sash members from around the country (who attend both as official delegates and as observers) have the chance to meet each other and to confer. Evenings – and lunch breaks, when required – are used for discussions for which a crowded agenda leaves no time. At this year's conference, evening meetings concerned broadening the membership of the Black Sash, action around domestic worker issues, further attention to repression and violence, SASH magazine, and conditions of employment for Black Sash and Advice Office employees.



development and training: breaking the culture of silence

The session on Development and Training started at a disadvantage, the previous session having overrun its time, but co-facilitators Anne Hope of the Department of Adult Education, University of Cape Town, and Annemarie Hendrikz, Cape Western fieldworker, evoked excellent audience involvement in an exploration of the meaning of development.

The word development is used constantly, yet means different things to different people. Consider these four responses to poverty:

If the response is charity, the service offered will be **welfare**.

If the desire is to help people help themselves, **empowerment** will be encouraged.

If the inspiration is to provide justice, freedom, and opportunity for everybody, the service offered will be **liberation**.

If a new relationship between all people and with the earth is wanted, **transformation** will be the goal.

From time to time the Black Sash has been involved in all of these responses. All have been needed – but what is required of us now?

Despite moves towards a non-racial society and political participation little has changed in the everyday life of the poor according to Anne Hope. A non-racial society is not automatically democratic or just. There is an urgent need for initiatives on housing, education, employment, and health care. But there is not going to be enough money to meet all the needs, and money cannot solve all the problems.

To stimulate discussion about the essential elements of a truly human development, delegates were split into groups of six and given a set of photographs. Conference then heard points arising from this exercise.

The photographs were evocative and sparked a variety of thoughts. A group of children leading a pack-donkey suggested that, in a situation of impoverishment, community access to even one resource can be a step out of nothingness. A group of rural women reading suggested that

development involves liberating people's potential. A musician suggested the importance of making one's voice heard, to establish needs through consultation.

A photograph of erosion spoke of the need to protect arable soil and develop the land, and one of people using industrial waste as building material suggested that development involves freeing people to use their initiative – and brought the cry from a black participant: 'Bantu education has crushed our confidence, destroyed our trust in our own ideas. We are afraid to do something different.'

Many insights were expressed:

'Development needs to be visible to have a ripple effect.'

'It is essentially a communal process. It means an improved quality of life for the community, rather than the individual.'

'Women are integral to every development project – their empowerment is essential.'



'Issues of human development and environment are inextricably related.'

'Listen! Let people determine and cherish their own cultural and spiritual values – do not attempt to impose.'

'Women must have control in decision-making.'

Anne Hope pointed out how the training of teams can help to break through the culture of silence, and how programmes may act as catalysts to free people to clarify their needs. Always, however, one must beware of the danger of manipulation inherent in development programmes.

Hope and Hendrikz asked if the Black Sash could facilitate a community process to help identify needs; and blocks to the satisfaction of these needs; to recognise false satisfiers and agree on true satisfiers; to plan a response to these needs; to negotiate resources; and to evaluate regularly. □

Reported by Nancy Gordon

violence holds centre stage

The 1990 Conference issue of SASH noted pervasive violence as 'the tragic reality linking regional reports'. Session 7 of the 1991 Conference focused on violence and repression, bringing together studies from several Black Sash regions and inputs on 'key fuellers' of violence by guest speakers Wilfried Schärf and Saths Cooper.

Running as a theme through all the papers and addresses in this session of the Black Sash National Conference was the role of the police in our transitional society. The police are still seen by many to be the upholders of the old monolithic apartheid system rather than protectors of the public.

In the words of Wilfried Schärf, director of the Institute of Criminology at the University of Cape Town, 'The South African Police could, if run more professionally, be a major force in defusing violence in our country'. Few judges and magistrates have spoken out against police violence, yet it is within their power to challenge, say, a coerced confession. We can put pressure on these officials to act more justly.

People need to know their rights, and the police need to establish sound and open relations with the communities they serve. Of course, 'it is idealistic to assume that the police can achieve changes on their own'. But '1990 has been a year of initiatives in this field' – by the Institute for a Democratic Alternative for South Africa (IDASA) among others, Schärf said.

A South African Institute of Race Relations report by Wayne Safro titled *Violence against Black Town Councillors and Policemen*, which describes 1990 as the most violent period to date, was summarised by Betty Davenport. In this paper the African National Congress is identified as the major group working for the specific destruction of existing local authorities, that is, harnessing residents' anger to 'make the townships ungovernable'.

Saths Cooper, lecturer in psychology at the University of the Western Cape, emphasised that violence is a social phenomenon, 'not a genetically inherited one'. We in South Africa have become inured to a high level of violence engendered by the very structure of apartheid society: political, economic, and social oppression have bred intolerance, which has become a way of life.

Insidiously, Cooper said, 'inter-personal violence outstrips political violence. One indication of the caring nature of a society is its attitude to the disadvantaged – children, women, and the disabled. In South Africa, these groups are neglected ... we can remove all the

apartheid laws but until we remove "the demon" within people, attitudes of intolerance and violence will continue'.

Beneath much that is positive in our gradually changing attitudes, a violent struggle for power is going on between the government, the ANC, Inkatha, and other black groups – a struggle which determines the stance and conduct of each actor.

Black Sash reports

Natal. In her paper, 'Natal Violence: Why the war continues', Anne Truluck of Natal Midlands asks 'Why is there such a thing as "the Natal violence", a recognisably separate and distinct phenomenon?' and outlines the historical context and present dynamics of that violence.

Since the establishment of the homelands system and KwaZulu, Natal has had 'two separate governments, with separate political representatives, separate education departments, separate police forces, separate political agendas'. KwaZulu's Chief Buthelezi may well be opposed to apartheid, 'fighting the system from within'. Yet, he is open to the accusation that he has a vested interest in maintaining the status quo, and is thus the butt of any attack on the homelands system.

Buthelezi sees himself as an important national figure (rather than merely a regional one) but his 'national image' has its origin partly in the state's support and his portrayal by the media. As Natal Coastal points out in a paper titled 'Some thoughts on the Natal violence', his 'claimed support base' has been tested only by 'mass meetings, not organised actions which challenge the system'.

Originally, Truluck states, Buthelezi's participation in the homelands system was 'sanctioned by the ANC'. With the formation of the United Democratic Front in 1983, and COSATU in 1985, both of which targeted this system for attack, opposition to Buthelezi crystallised. This opposition culminated in the stand taken by the Mass Democratic Movement (MDM) in 1989, identifying 'the homelands system as a particularly perverted but logical consequence of the ideology of apartheid'.

'Beneath much that is positive in our gradually changing attitudes, a violent struggle for power is going on'

The strategies devised by the MDM include 'stayaways and school boycotts, both of which, when applied to businesses and schools in the areas under his control, undermine Buthelezi's authority and threaten his relationship with the South African government'. That the resulting tension is 'expressed in violent terms is largely the fault of the South African government, which has taught a lesson of political intolerance for over 40 years'.

It has not been possible for the forces of law and order to control the violence because of the vested interests of the peace-keeping groups: 'The KwaZulu police naturally side with Inkatha ... [and] the South African Police naturally side with the homeland created by the South African regime ... This bias in policing the violence in Natal', Truluck avers, 'is the single greatest cause of its continuation'.

In addition, complaints are not being redressed through the courts. Cases reported to the police are either not followed up, or followed up inefficiently. 'Prosecutors are presenting cases badly [by] not introducing pertinent information, not calling important witnesses', or simply losing evidence. Cases take years to come to court and witnesses have become wary of testifying for the very real fear that they may become the victims of revenge-killings – an increasing reality in Natal. In addition, the

'Weapons and money exchanged hands behind the Merafe Hostel yesterday. This enterprising hostel dweller did a roaring trade manufacturing weapons and sharpening instruments. Police and troops were standing outside the hostel gates at the time.'
(*The Star*, Sept. 1990)

so-called 'war lords' use the violence to gain personal power and loot.

The report concludes with a plea for 'consistent, impartial, and committed policing; an increase in the number of courts, prosecutors and investigators to speed up the judicial process, and a guarantee ... of state protection to all witnesses; and the dismantling of the homelands system with its built-in contradictions and tensions'.

Transvaal. In a detailed analysis titled 'Violence now: Haphazard or orchestrated?', Laura Pollecutt and Audrey Coleman emphasise the fact that human rights violations continue to be perpetrated through both formal (overt) and informal (covert) repression.

Formally, detention without trial continues, and the police have not stopped harassing activists. Justice Goldstone, in his independent Commission of Inquiry into the rapidly growing violence in the Transvaal, stated 'that "the police were undisciplined and lacked concern for the consequences of using lethal ammunition"'.

Informal repression is pervasive. The sinister National Security Management System, created in the mid-80s 'to coordinate the activities of all components of total strategy' has now been renamed the National Coordinating Mechanism, in an effort to highlight its so-called welfare role.

Hit squads are still in existence, despite inquiries into their activities. Apart from 'the targeted assassination function', they play the role of agents provocateurs, apparently 'attempting to sabotage the negotiating initiatives'. There has also been an increase in activity by right-wing elements seeking to 'counter enlightened moves made by the government'.

The report notes that the Inkatha Freedom Party has been launched 'as a political party ... to establish itself as a national rather than a regional force in order to win a place at the negotiating table'. Members are armed with 'traditional' weapons which the police disregard, there is coercion at hostels, and 'rallies' are 'used as launching pads for attacks'. Over 1 000 people have lost their lives in these bloody clashes which have spread to the East Rand (Pholo Park) and to Johannesburg (Soweto and Jeppe). Trains, stations, and bus-stops have become focusses for attack.

As in Natal, the police are seen to support Inkatha members and vigilantes. Press and TV journalists have documented these clashes. Various monitoring groups, including community representatives, lawyers, and church spokespersons have met with the South African Police in an effort to achieve peace. Delegations with evidence of police misconduct have been to Minister Vlok, but he consistently favours accounts by security forces above the



many statements taken by the monitoring groups.

The report looks also at violence in the workplace, especially as it affects domestic workers, casual labourers and farm workers. The Black Sash has published a study of violence on farms in the south-eastern Transvaal (*A Brutal Harvest* - see 'Reviews'), which makes the point that 'this violence is hard to fight as usually there is a conspiracy of silence between the white structures, i.e., the farmers, the police and the courts'.

It is recognised that 'there is no quick solution [to bridging the gap between the type of police force in existence at present] and the one that is needed to keep law and order in a multiracial democracy. Considerable deprogramming is needed if there is to be any progress'.

Cape Eastern. Judy Chalmers focussed on an impoverished 'coloured' community outside Port Elizabeth in a paper titled 'People's Courts'. In mid-1990 a campaign was launched by residents of Missionvale 'to combat the fearful growth of crime in the area'. The results were disappointing - owing, it was felt, to the lack of police support. As the crime rate continued to soar, so frustration built up and, at Christmas 1990, a group of 'comrades' took the law into their own hands.

In January 1991 'the police arrested some 27 people in connection with alleged brutality perpetrated at "kangaroo courts"'.

Govan Mbeki and Raymond Mhlaba headed an ANC delegation to investigate the situation. Their response was one of 'anger and distress' at the lack of discipline of the ANC members involved, but equally at the police inertia, inefficiency, and dissembling.

Cape Western. A paper by Margie Probyn titled 'Black Local Government and the Crisis in Khayelitsha' reports that, since 1987, the state has consistently backed Mali Hoza, the conservative 'strongman of the area ... despite a long history of abuses by Hoza and his homeguards and headmen against the residents'. This is seen 'as part of the state's strategy to coopt conservative vigilante-type elements and use them to suppress progressive political organisations'.

Opposition to Hoza's reign as mayor found a focus in the newly established Khayelitsha Civic Association which grew in strength, especially after 2 February 1990. Hoza intensified his aggression but, despite many willing witnesses, the police refused to act. 'At 2 a.m. on 18 October 1990, the home of Michael Mapongwana [chairperson of the Western Cape Civic Association] was attacked by four balaclava-clad men who opened fire through his bedroom window, killing his wife and injuring Mr. Mapongwana.'

Anger and despair rose in the community. When permission to hold a protest march was

withdrawn at the last minute, riot police fired 'teargas and birdshot' indiscriminately into the dispersing crowd and 'two men fell dead'. Monitors reported 'extremely immature and provocative behaviour on the part of the riot police'.

An appeal for the appointment of a neutral administrator and an advisory body representative of all political groupings in Khayelitsha was rejected by the Cape Provincial Administration on the grounds that there could be no change 'until a new constitutional dispensation had been negotiated'. In the meantime, 'Khayelitsha continues to simmer'.

Albany. Glenn Hollands, a Black Sash fieldworker based in Grahamstown, reported on the eastern Cape. The relative calm, largely due to ethnic and political homogeneity, 'should not be construed as a sign of unqualified support for the ANC ... pockets of grassroots support for the PAC and AZAPO exist throughout the region ... The potential for [violence] to erupt on a grand scale is fairly great'.

As in Khayelitsha, mounting impatience and frustration at the old local government system have resulted in desperate moves. In addition, 'the attitude and style of most young activists ... is devoid of tolerance or sophistication'.

The small and isolated town of Barkly East is a 'frightening example of confrontation' between the forces for liberation and for the maintenance of the status quo. 'White authorities ... expect to exercise total control over political developments in the township [Nkululeko] and their black counterparts fulfil their duty by suppressing any form of resistance in very harsh and direct ways'.

'Representations ... made to Minister Vlok to curb the police by the Sephton family [who farm at Barkly East], clergy and ... the Black Sash ... have been to little avail', the bland response being that "the police at Barkly East are there to serve the community regardless of colour or creed ... [and that] the Minister is satisfied that the police [are acting] within the ambit of their duties during incidents of violence"'. (These latter centre mostly around consumer boycotts.)

Conclusion

In concluding the session, co-ordinator Rosalind Bush considered what role the Black Sash could play in redressing the violence and repression. She felt that the organisation should concentrate on two actions: to lobby for the repeal of the Internal Security Act, and to press for the re-opening of investigations into the deaths of activists and the actions of the death squads.

Bush also noted that credit should be given to the efforts of the fieldworkers and repression monitors, whose sterling and unremitting work is too often taken for granted. □

Reported by Beulah Greshoff

'Hit squads are still in existence, despite inquiries into their activities.'

some thoughts on the concept of violence

Glenda Morgan and Julia Segar

During the violent conflict that engulfed the KTC squatter camp in Cape Town in 1986, the whole area was covered by thick smoke emanating from burning shacks. As teams of relief workers drove around they came upon groups of men – young and old – armed with weapons ranging from pangas to crowbars to hockey sticks.

Through the thick smoke it was virtually impossible to recognise anyone (and hence their affiliations) from a distance, and groups of people were observed fleeing in the face of unseen enemies. Through the foggy atmosphere at any moment could appear police vans, vigilantes, groups of 'comrades', or other township residents. From this 'street level' it was virtually impossible to know what was happening, let alone to gain an overall perspective on the situation.

Similarly, discussions of violence are often characterised by foginess and lack of clarity. Hannah Arendt has argued that careless use of the term 'violence' can lead to a 'blindness to political realities'. In the South African context this lack of clarity can stem from our 'street level perspective', and the fact that we are so closely involved with the phenomena we seek to analyse. So, in what way is our thinking about violence in South Africa clouded?

Firstly, we need to distinguish between the capacity for violence

and violence itself. Many explanations of political conflict in South Africa make use of the notion of structural violence: where violence is seen as arising out of inequalities built into the social structure.

While such an approach has its strengths – especially by explaining the way that violence can be engendered by states or institutions – it falls way short of explaining how violence actually erupts on the street.

Violence erupts around various mobilising factors specific to each situation and at the hands of actors or agents whose motivations may at times be far removed from broad political movements. Thus the local level issues may be only a dim echo of those discernible at state level, and the connection between the two can become blurred in the minds of both analysts and actors.

So in KTC in 1986, the roots of violence could clearly be traced to broad socio-economic factors. However, as the violence took place, local level factors such as personal rivalries and tensions were also played out. Some incidents were caused by the panic and confusion on the streets.

The second point flows directly from the first: that is, that we must take care not to simplify the causes of violence. While economic 'structural' causes may be present in society for a long time, the actual triggers for violence can take very

different forms. During the course of conflict, the actors may lose sight of some of the original causes of the conflict. Thus the 'witdoek' (white headband) worn by the vigilantes became – in itself – both a symbol of and a trigger for violence as the conflict progressed.

Thirdly, discussions of violence often make reference to notions of legitimacy. Violence is usually viewed as the illegitimate use of force. Force used by opponents of the state is often characterised as violence, whereas similar actions perpetrated by the state are labelled as the 'legitimate use of force'.

In South Africa, analysts of violence have challenged this orthodoxy and have represented the state as the perpetrator of illegitimate force. This has led at times to another kind of orthodoxy: the depiction of all non-state violence as being legitimate. Such a stance, taken to its extreme, would view force perpetrated by 'comrades' as legitimate regardless of the context in which it took place.

Distinctions must be made between the broader structural causes of violence and its more localised triggers; attention should be given to the multiple causes that give rise to any single incidence of violence; and reflection should precede the attribution of legitimacy to the use of force. □

key words for constitution making

Session 8, chaired and co-ordinated by National Vice-President Mary Burton, and titled 'A Constitution and a Bill of Rights', highlighted the need for information on this topic.

South Africa is entering a watershed period in its history when people may all have an opportunity to be heard as they shape the future of their country. Indeed, unless people articulate their demands, a Bill of Rights and a constitution are merely pieces of paper. Education and discussion are crucial at this important stage in our country's development, but how much do we actually know about a human rights culture, or the democratic constitution for which we yearn and have struggled over the years?

This article introduces key terms and issues in the current debate on the constitution and basic human rights.

Affirmative action is a remedial or compensatory response to redress the discriminatory effects of, say, apartheid or gender-biased legislation in the economic, political, social, and educational spheres. If affirmative action were to become mandatory through being entrenched in a Bill of Rights, government, local authorities, and private institutions would become involved in the allocation and redistribution of resources and employment opportunities to disadvantaged people, and improve their standards of living.

A **bicameral parliament** consists of two chambers. In electing their representatives, voters would cast two votes, one for each chamber. For example:

1) a *first chamber* might consist of popularly elected representatives on a country-wide proportional basis (instead of a simple majority). This would reflect the support for each political party throughout the country.

2) a *second chamber* might be structured to represent either the geographic units in a unitary state, or member states in a federation.

This system would enable parliament to reflect special interest groups.

A **Bill of Rights** is 'a legal document, usually but not necessarily part of the constitution, which stipulates which basic human rights are recognised in the country.' (*Human Rights for South Africans*, p. 215).

Its contents should be protected by an independent judiciary. The Bill of Rights therefore protects the rights of citizens against abuse by the state and others. If a Bill of Rights is entrenched in a constitution, parliament would require more than a simple majority to effect any changes to its contents.

Both the ANC and the South African Law Commission have produced drafts for a Bill of Rights.

Checks and balances may be built into a constitution so that power and authority are not vested in one overriding authority or institution, but shared. That is, there is a separation of powers as in the constitution of the United States, which defines the limits of the powers of the executive, legislative and judicial branches of government.

A **constituent assembly** is a forum of elected representatives whose task it is to plan a new system of government for the country. Supporters of a constituent assembly argue that, before serious negotiations can commence, each party which seeks representation at the negotiating table must first ascertain its support through a non-racial election. The outcome of this election would determine who would be present at the negotiating table. The people would thus have direct representation through their elected delegates in the drawing up of a constitution. An interim government should be formed for the period of

electing a constituent assembly and for the duration of its time in office. (*Work in Progress* 72, p. 6)

A **constitution** provides the legal framework within the confines of which a country is governed. A written document, it describes the election procedures and powers of government. It may contain a Bill of Rights, which may be reviewable by an independent judiciary. As the supreme law of the land, it is binding on all citizens.

In order to work, that is, to be accepted by a nation and endure, a constitution must be practical and legitimate, and must be adopted with the support of the majority of people in the land. According to Albie Sachs, the constitution should be 'the autobiography of a nation'.

A **constitutional court** may be the supreme arbiter and guardian of the constitution, and of the people's rights. Through its 'testing right', it

A constitution

- creates and establishes structures of government, for example local and national authorities
- empowers structures how to act
- sanctions exercise of power through organs of government at a central level: legislative, executive, judiciary
- sets out the formal outlines of the structure of the state, for example federal or unitary
- regulates and controls exercise of power through a system of checks and balances between different organs and levels of government
- entrenches a supreme bill of rights with an independent body such as the judiciary to enforce those rights on behalf of all the citizens of the country
- defines universal franchise arrangements for all adults of a nation
- ensures the independence of the legal system, also called the 'rule of law'
- may provide for an ombudsbody to investigate and control the exercise of executive power

(Corder, SAIRR 91/1)

would have the power to veto any executive act which is seen to violate basic human rights. As a new court, it could be more representative of the whole population and have greater legitimacy, and therefore a credibility necessary to promote a human rights culture in South Africa.

Efficacy: Governments have to be able to do the things they say they can do and are expected to do. A government may be legitimate, but lack efficacy. (IDASA occasional paper 26)

A federal state consists of a central government and different regional governments which are known as states or provinces. The powers of the federal and regional governments are defined in the constitution. Each is independent within its own sphere of control. When there is a dispute over jurisdiction, an independent judiciary interprets and resolves the issue, and can prevent the concentration of power by the central government.

Generations of rights: a way of distinguishing categories of rights.

First generation rights: civil and political rights, including due process of law, the right to life, equality before the law, freedom of speech, religion, movement, and association and the right to vote.

Second generation rights: social, economic and cultural rights, for example adequate food, clothing, shelter, education and health care.

Third generation rights: solidarity rights, including rights to development, peace, social identity and a clean environment.

If these rights are entrenched in the constitution, they are more likely to receive the attention which they deserve, but remembering efficacy (above), can they actually be enforced?

An interim government would replace the present government which, it is argued, as a party to negotiations ought not to oversee the negotiation process (that is, it should not be both a player and the referee).

An interim government would be a transitional one which would oversee the negotiation process impartially and seek to balance the contending forces. It would have to be representative of all the people, to have the confidence of all sections of society, and to be seen to enjoy this

support. In its approach, the interim government would have to seek a wider consensus than a simple majority. Members of the interim government should not themselves be eligible for election to the constituent assembly. (*Mayibuye*, Sept 1990)

Judicial review has been defined as the 'right and duty conferred on the court or particular courts of a country to interpret authoritatively the constitution of that country, to decide authoritatively the constitutionality of laws, executive and administrative acts, and, in appropriate cases, to declare such laws and acts invalid and unenforceable when they conflict with the country's constitution.' (Ackermann 1989)

Judicial review protects constitutional rights against attempts by the legislature or the executive to alter these undemocratically.

To be **justiciable** means to be subject to the jurisdiction of the court; capable of being dealt with and pronounced upon in legal proceedings (hence the term, 'a justiciable Bill of Rights').

Legitimacy refers to the level of acceptance a government enjoys, that is, the extent to which it is seen to reflect the will and aspirations of the people it represents.

A multi-party conference would be a forum of leaders of political parties who are responsible for working out a new constitution. Representation at the forum would be determined by an informally negotiated agreement among the main parties participating. Once the constitution has been negotiated by the representatives, it would be presented to the people who would decide by means of a referendum whether they accept it or not.

An ombudsbody is an individual or body independent from the executive and legislative branches of government, empowered to investigate complaints by members of the public, for example, about constitutional infringements and recommend recourse, such as compensation or the institution of legal proceedings.

Proportional representation is a system according to which each party receives a share of the parliamentary seats proportionate to the number of votes it has received from the electorate.

A referendum, also known as a plebiscite, is a method of deciding a political issue of national importance by asking the citizens of a country to indicate their preference.

A rights culture is a 'tradition of respect for the rights of other people. Where the rule of law is ignored or abused and people fail to assert their rights, this may be the evidence of an absence of a rights culture.' (*United Nations Declaration of Human Rights*, Art. 28-30) A democratic constitution cannot work if sectors of the body politic lack a 'rights culture'; therefore individuals and the social order need to be receptive to the needs and rights of others.

The rule of law means 'a system in which rights are fairly and equally respected by everyone, including officials of the state; the notion that society is best governed under fair and equal laws, rather than at the arbitrary whim of state officials.' (*Human Rights for South Africans*, p. 218)

A sovereign parliament can legislate as it chooses, and only parliament itself is able to repeal these laws. It is unrestrained by either a Bill of Rights or judicial review. This system is criticised because of its power to infringe human rights.

In a **unitary state** power is vested in a central government. 'There is provision for the limited delegation of power to subordinate units to ensure efficient administration. However, the central government has the final say on issues.' (IDASA occasional paper 25, p. 10)

Compiled by Domini Lewis

SELECT BIBLIOGRAPHY

L. Ackermann: (a) 'Judicial Review', in *Columbia Human Rights Law Review*, 21(1), Fall 1989; (b) 'The Role of the Courts' (Conf. paper)

ANC Constitutional Committee: (a) *What is a Constitution?*, 1990; (b) *A Bill of Rights for a New South Africa*, 1990

H. Corder, *Constitutional Basics*, SAIRR Regional Topic Paper 91/1

IDASA: (a) *Responses to the ANC Constitutional Guidelines*, occasional paper 25; (b) *Towards a Non-Sexist Constitution*, occasional paper 26

ILRIG, *The Constituent Assembly*
M. Robertson (ed), *Human Rights for South Africans*, OUP, 1991 □

Day 4: Sunday, 3 March 1991

changing the guard at tuynhuys, or liberation for all?

The Black Sash should pressurise a new South African government to adopt the United Nations Convention on the Elimination of All Forms of Discrimination against Women. In addition, as a non-governmental organisation (NGO), the Black Sash should consider the possibility of reporting to the United Nations on aspects of the status of women in South Africa. These two suggestions were made by National Vice-president Karin Chubb, pictured here.



If gender perspectives, priorities and relationships are not re-ordered, a simple transfer of power could mean that oppressive structures for women remain in place, as they have done in so many post-colonial societies, Karin Chubb warned.

'As an organisation, the Black Sash has always had social justice as its aim. Our [1990 National Conference] resolution on women was the beginning of a re-ordering of perspectives within our own organisation. It did not get very far during the year. The central question for me is: How do we address that? How do we become effective for the marginalised majority of our country?'

Chubb proposed a three-point strategy:

- That the Black Sash form close links with mass-based and other women's organisations in this country, and network with women from neighbouring Africa and world-wide.
- That the Black Sash undertake a 'rigorous analysis of the subject of women's rights and needs' and 'engage with feminism'. It is inappropriate, she said, for 'an organisation of highly educated, political women to collectively get the vapours at the mention of the new F-word, feminism'.
- That the Black Sash work towards NGO status with the UN and become a reporting organisation on the status of women in South Africa.

And they do not have to 're-invent the wheel'. The first 16 articles of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (adopted in 1979) form a Bill of Rights for women.

The convention is an excellent working document which can guide research on women, provide the framework for programmes of action in a broadly-based women's organisation, and fulfil an educative function within organisations.

Governments which ratify the convention are obliged to submit regular and comprehensive reports on the position of women to the United Nations. (By June 1990, 103 countries had ratified the convention.)

In addition, NGOs such as human rights groups or women's organisations can report independently to a committee of the UN. Such reports may focus on any part of the convention, such as welfare, education or health. Particularly valuable are substantiated reports on the 'real-life situation of women'. These reports are probably a useful control mechanism on official government reports, Chubb said.

Women should lobby now for the convention to become binding on a new South African government. At the very least, this is a way of creating pressure if it should happen that promises of equality are slow to be realised.

The United Nations Convention and a Bill of Rights for women

South African women need not only a Bill of Rights, but also the mechanisms to enforce it.

Reporting to the UN

Reporting on the status of women in this country will be an enormous task, requiring co-operation and consultation between a number of

'We can best serve the cause of women if we keep open the spaces of diversity'

organisations and institutions. It should involve grassroots as well as academic women, and draw in women across the class and race divide.

Chubb proposed a kind of feasibility study in which the Black Sash looks 'very seriously' at the articles of the convention and decides in which areas it can contribute. The organisation may find that it is well placed to make an input, for example, on welfare policy as it affects women.

Black Sash advice offices have accumulated a wealth of material which documents areas of human need and the inadequacies of the present system. This documentation has, so far, been compiled in a gender-neutral way. If the Black Sash were to answer the question, 'How does our work affect women?', it would need to interpret its material from a gender perspective.

This is not to say that work is not being done already with particular attention to women. Chubb cited Northern Transvaal's advice office project on domestic workers and the region's work on skin lighteners and on sexual violence; TRAC's research into the position and problems of rural women; Albany Region's project on the impact of detention on the women left behind; Natal Coastal's work on the diary, and participation in the gender conference (Durban, 30 January–2 February 1991); and Cape Western's work, first in the Federation of South African Women (FEDSAW) and now in the movement towards a national women's alliance.

The year ahead can be used to establish in each Black Sash region whether becoming a reporting organisation in terms of the convention is a realistic goal. The organisation will then be in a better position at the next National Conference to decide whether it has the interest, the energy, and the resources to prepare formal reports: 'Apart from giving a very practical direction to our intention to work in a gender sensitive way, it would provide a pragmatic basis for inter-organisational discussions and projects.'

Women in the struggle for liberation

The struggle in South Africa was fought on the basis that women's issues were secondary to national liberation. Women did not question male dominance or patriarchal structures within the liberation movement.

As a result, women have remained subordinate within the movement. There is a degree of alienation among women, who feel their needs are not being adequately dealt with by political organisations. In Chubb's words: 'To address the subordinate status of women it is important for women to form autonomous women's organisations and at the same time establish alliances with the national liberation struggle. Moreover, in order to develop effec-

tive strategies and policies there must be willingness to engage in theoretical, that is, feminist debate.

'Engagement with feminism is a dialectical process which very often begins from an intensely personal basis of experience. This generates analysis and insights into a society's structural oppression, and this understanding in turn motivates and sustains political action. 'Often during this process, deep personal feelings, for example, of anger and fear, have to be worked through. In the same way as the Black Consciousness movement was and to some extent still is a necessary stage in South African history, feminists may choose to grow through a separatist phase.'

This phase which is the source of so much confusion about feminism, can be seen as a stage, not an end: 'Feminism as a philosophy of liberation is no more anti-male than the struggle against racism is necessarily "anti-white".'

A diversity of organisations

In some areas, Chubb said, there seems to be a tendency to 'collapse all efforts at organising women into the ANC Women's League'. Ultimately the strength of a national women's alliance will be determined by the political and ideological diversity of women's organisations represented in such a body. It is important to retain such diversity, and to resist political hegemony, even while working towards an alliance and common goals.

'We can best serve the cause of women if we keep open the spaces of diversity in a society which has not known democracy in any form.' The non-aligned status of the Black Sash can, and does, perform a bridging function between ideologically diverse groups, she said. □

Reported by Mignonne Breier



'... the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields.'

maintenance: a rethink for a new south africa

Maintenance is an issue which affects the majority of children in this country, and it is a matter of life and death for those families living below the poverty-datum line.

Sandra Burman, a Black Sash member and head of the Socio-Legal Unit at the University of Cape Town, surveyed the maintenance system for National Conference.

Research in Cape Town shows a probability that about three-fifths of women classified African will divorce, or be deserted by the men they regard as their husbands.

Even more significant are the figures on illegitimacy. Just under 70 per cent of all babies born in Cape Town to African mothers are illegitimate (by any legal system, civil, religious, or customary law). The figure is close to 45 per cent for children classified coloured and almost 20 per cent for those classified white.

The legal framework

According to the law, there are two kinds of child maintenance. In terms of one, the father pays for the child if he is separated from the mother, who has custody. The other is state maintenance.

Maintenance of a wife after a divorce is a luxury for wealthy women only, and is irrelevant for the vast majority of women in this country. As Burman explained, 'state maintenance is meant to be a safety net but it is a safety net with such wide gaps in it, that it is incredibly difficult to get anything out of it'.

To qualify for state maintenance, the father must have disappeared and there must be a police certificate to prove this, but investigating disappearances is low on the list of police priorities. Otherwise, the father must have been disabled, or have been in jail for more than six months. If the father is unemployed he is expected



to find a job, and state maintenance is not available.

Burman concluded that the state maintenance system could be improved greatly but is, for the moment, 'relatively irrelevant for most people'. The state assumes that fathers must pay.

Measuring the social impact

A statistically random survey in Cape Town of people who had obtained court orders for maintenance showed that 87 per cent of fathers classified coloured, and 85 per cent of those classified African stopped paying at some stage. Moreover, most of the payments ordered made provision for the child at a level below the poverty datum line.

Research into single-parent families in other countries shows that the life chances of the children from these families are lower at every stage than those of their peers from two-parent families. The majority perform less well educationally, reach a lower standard, are less likely to get employment, are less likely to

have successful marriages, more likely to divorce, and more likely to produce other single-parent families that perform even less well.

The result is a downward spiral in the nation, which is beginning to concern both American and British researchers. Burman pointed out that this research was carried out among comparatively higher income groups: 'In a country with the kind of income levels we have it is a much, much more serious problem.'

How the Black Sash can become involved

Burman urged Black Sash members to assist in educating women about the maintenance system and their rights. As a first step, a community organisation, with assistance from the University of Cape Town has produced a video which is obtainable from the Socio-Legal Unit at a cost of R29. The Black Sash needs to look at alternative maintenance systems. Abolition of the present system and payment of an allowance to the custodian of every child would be very expensive. A great deal of economic research is needed to find a suitable system.

In addition, the organisation might look into alternative child-care schemes. The Socio-Legal Unit's research on alternative child care found that huge numbers of children classified coloured and African are cared for by grannies who are living on inadequate pensions.

The possibility of grannies coming together to care for those children should be investigated. They could feed and care for the children jointly, and be paid by the community. Posts could be created and paid for by the communities, for which grannies could apply: 'This would free many of the grannies who are not up to taking care and would give the children better care and nutrition.'

This idea was welcomed by Joyce Seroke, world vice-president and national secretary of the World Affiliated Young Women's Christian Association, who attended the Conference. Such an arrangement would also promote health education, she believed. □

Reported by Mignonne Breier

woman's human right to informed choice on gender issues

South Africa's Abortion and Sterilisation Act (No. 2 of 1975) is in need of modernisation; as it stands, it is not helping either women or the medical profession. In this regard, women's rights are defined as human rights by Black Sash member Dot Cleminshaw.

The provisions of South Africa's abortion law are so limited, and its procedures so cumbersome, it is no wonder that it is contravened by hundreds of thousands of women every year.

'Official figures of the National Health and Population Development Department show that, while 963 legal abortions were performed in the year ending 30 June 1989, 35 038 legal operations were done to remove what are called residues of pregnancy, in other words cleaning-up operations of abortions begun elsewhere.'

Dot Cleminshaw reported that, in addition, there were an estimated (but unrecorded) 200 000 illegal, backstreet abortions: 'What this says in terms of pain, ill-health, sometimes death of women left to their own desperate devices, is self-evident.'

Abortion law

The South African Abortion and Sterilisation Act, unlike the law in many countries, prohibits abortion, allowing medical exceptions only under stringent conditions such as rape or incest, or where there is a danger to physical health or life, or a danger of permanent damage to mental health. 'Our 15-year-old law was the product of an all-male committee, and shows the stern influence of religious fundamentalism.'

Cleminshaw appealed to religious people and churches to assist women

'who are left alone in their pain and guilt when they decide to have an abortion', and to formulate a new ethic more suited to our



times, an ethic based on the quality of life. 'It is simply not good enough to avoid discussing the issue in the hope that the laity will lead the way', she said.

The Black Sash could press for the reform of South African law on abortion and, in so doing, 'pay attention to the needs of the poorest and most oppressed women, the black women', she said. 'We should get alongside the women doctors who minister to township women and whose opinions have greatly influenced me. They were the impetus for the public meeting to discuss abortion law reform held by the Civil Rights League on 27 June 1990.'

In a submission to the director-general of the Department of National Health and Population Development, the Civil Rights League recommended that the Abortion and Sterilisation Act be changed to enable a pregnant woman, in private consultation with her medical practitioner, to make an informed and counselled decision regarding abortion during the first 12 weeks of pregnancy. The League also recommended the setting up of a permanent commission, non-racial in composition – the majority being qualified women – to investigate and advise the minister on all aspects of women's rights to control their own fertility, sexuality, and childbearing.

'There is still time for the Black Sash to make its own submission and I hope it will do so', Cleminshaw told the conference.

Black Sash policy

In reply to a request by a delegate for Border Region that 'abortion should not be an issue for the Black Sash', Cleminshaw said that she understands a section of the ANC and COSATU are moving towards a policy of abortion on demand. 'The Black Sash will be put in a situation where it needs to know what it thinks about this issue. We need to study it so that when it comes up for discussion we are able to talk sensitively about it.'

No family planning programme has succeeded without the backing of abortion. But, she warned, 'equally we should not allow abortion to be used as a means of contraception, as a shield for promiscuity, or a

mechanism for state control of the population'.

Cleminshaw also urged the Black Sash to 'be in close touch with the findings of international conferences on AIDS and the emphasis placed on the observance of human rights, particularly the rights of women afflicted with HIV'. It looks as though the South African health authorities are paying good attention to this 'potential pandemic'. They have put out an excellent booklet on 'Women and Aids', but they are going to need the active help of all agencies if the population at large is to be reached: 'Here of course the Sash has a duty to perform.'

Family planning

On the issue of contraception, women have a human right to be fully informed about the methods which are available. 'Tribal women used traditional herbs and berries and were not prevented by their society from controlling their own fertility', as Helen Bradford's research shows.

'Today we note that the United States government is blocking further research on the abortion pill, RU486, developed in France and found, after the largest study, to be as safe and effective as surgical abortion, and to have few side effects. It can be taken orally immediately a woman misses her period and works by blocking the effects of progesterone, so that the fertilised egg stops developing and is expelled through vaginal bleeding with the next period.'

'It has been officially released in France, but is opposed by the anti-abortion lobby. There is no word at all about RU486 being available in South Africa. Similarly, our women deserve to know about a new contraceptive, Norplant, developed in the USA, a condom for women called Femidom, being launched in Britain, and a contraceptive vaccine that causes immunity against sperm. They should also know that sterilisation is a far simpler operation for men than it is for women, yet the resistance from men to having it is legendary.

'Women have a right to information and choice, and not simply to be given automatic injections of, say, Depo Provera without their consent



Dot Cleminshaw

or even understanding the nature of its side-effects. Another violation of this right is the practice of certain employers in demanding that female employees be so injected and hence not fall pregnant for a period of some years.'

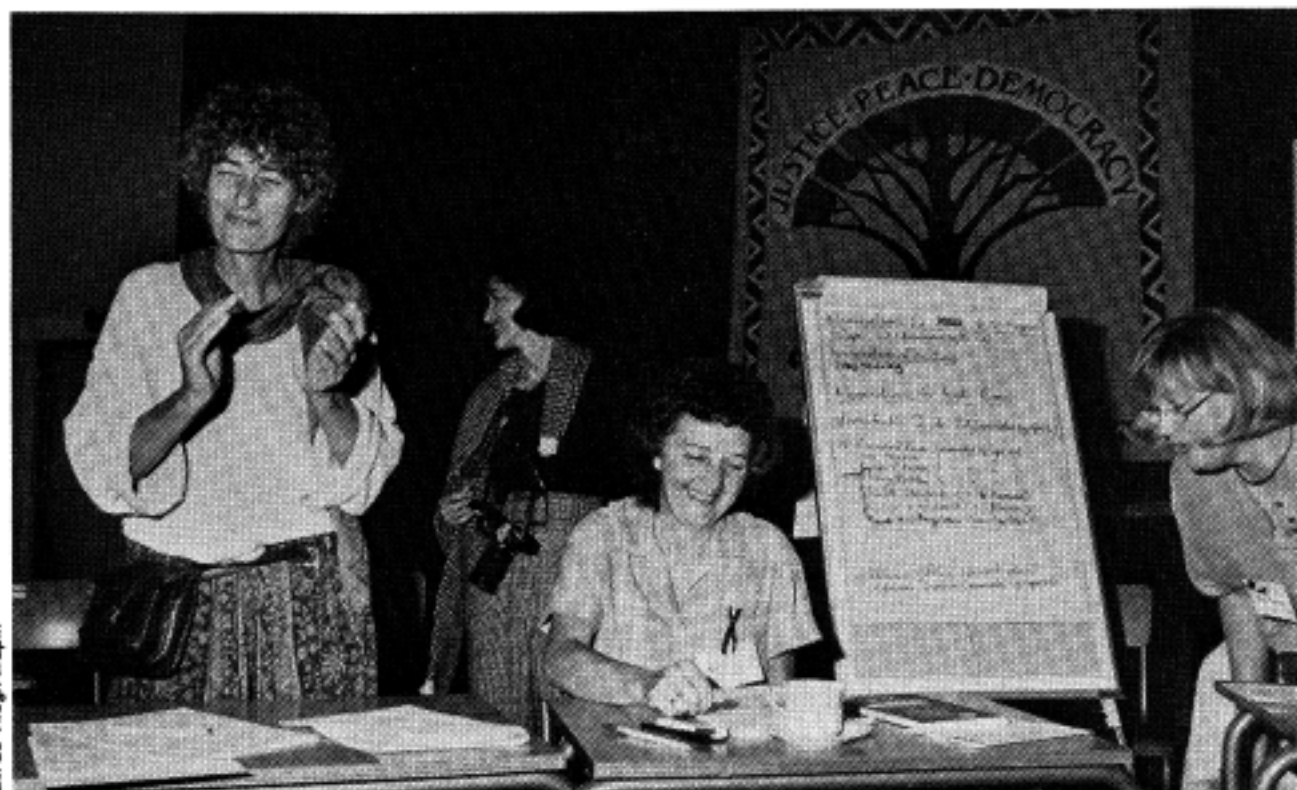
Cleminshaw appealed to the churches to 'come out very openly in support of the use of contraception', saying: 'It is not enough to exhort people against premarital sex.' It is also vitally important to reach men, who have been a major obstacle to family planning: 'We should ask some of our charismatic male leaders to take a public stand in support of family planning.'

Women's rights as human rights

Women's rights are interpreted in terms of human rights to privacy and family life, and to the right to receive information and to freedom of expression. Relevant articles in the Universal Declaration of Human Rights are Nos. 1, 2, 12, 16, 19, and 25.

In recent years, over 52 countries have widened their abortion laws in response to a growing awareness of the medical, social and economic repercussions resulting from unwanted pregnancy and illegal abortion. These changes have been developed in terms of women's reproductive health and family wellbeing, and impose an affirmative obligation on government to render services, including contraception and abortion. □

Reported by Mignon Breier



Jenny de Tolly's election to a second year as National President of the Black Sash.

Conference resolution

The only resolution adopted by the 1991 Black Sash National Conference concerned amendments to the constitution. To the organisation's aims and objectives has been added: 'To address in all its work how each area of such work affects women.'

Further amendments clarify the status of associate members with regard to voting rights, and to office-holding at branch, group and national level (see the official minutes).

the black sash national executive

The following members were elected to National Executive until the year ending with the 1992 National Conference:

National president

Jenny de Tolly

National vice-presidents

Mary Burton

Karin Chubb

National advice office co-ordinator

Sheena Duncan

Magazine representative

Sarah-Anne Raynham

Members

Rosalind Bush

Sue Philcox

Lou Shaw will continue as book-keeper for the time being, and Barbara Molteno will attend meetings as secretary. Representatives from regions other than headquarters region (Cape Western) will attend meetings of the Executive periodically, as was done in the past year. □

Conference statements

Statements on the following issues were approved by National Conference and are available from Black Sash National Headquarters:

1. Fair and equitable access to land and shelter.
2. Abolition of the death penalty.
3. Renewed inquiry into the Civil Co-operation Bureau, and the dismissal of Minister Magnus Malan.
4. The murder of Chief Maphumulo of Natal.
5. Accountability for Armscor.
6. The State vs Sithole (the 'Winnie Mandela' trial).



Former Black Sash National President Mary Burton with Jenny de Tolly.

VIEWPOINT

how many people have been less fortunate than stephen?

National Conference reaffirmed the commitment of the Black Sash to the abolition of the death penalty. Brother Jude Pieterse, secretary general of the Southern African Catholic Bishops' Conference, recounts experiences which reinforce the urgency of a campaign against the resumption of hangings.

For the past two and a half years I have lived at the presbytery of the Catholic Cathedral in Pretoria. The presbytery is approximately ten minutes walk from Pretoria Central Prison. For years Monsignor J. Magennis and Deacon M. Nyathi have ministered to the prisoners there, including those on death row. Both are well known to the prison authorities, as is the location of the presbytery.

On at least four occasions I have been shocked to meet at the presbytery people who, less than an hour before, were on death row. Shocked, not by the people themselves but by the fact that at one moment a person can be on death row and then, a few minutes later, be completely free. Let me recount one such case.

I will call the young man Stephen. Stephen had been convicted of murder and had spent two years on death row awaiting execution. When I met him at the presbytery – it was shortly after 13:00 – he was so elated that it was difficult initially to get much more out of him than, 'I am so happy'.

Later he was able to tell me that, somewhere around noon, he had been told that he was free to go. He had been given a rail ticket to his home town (the first train he could catch was the following day), the R7 that he had to his credit, and directions to the presbytery.

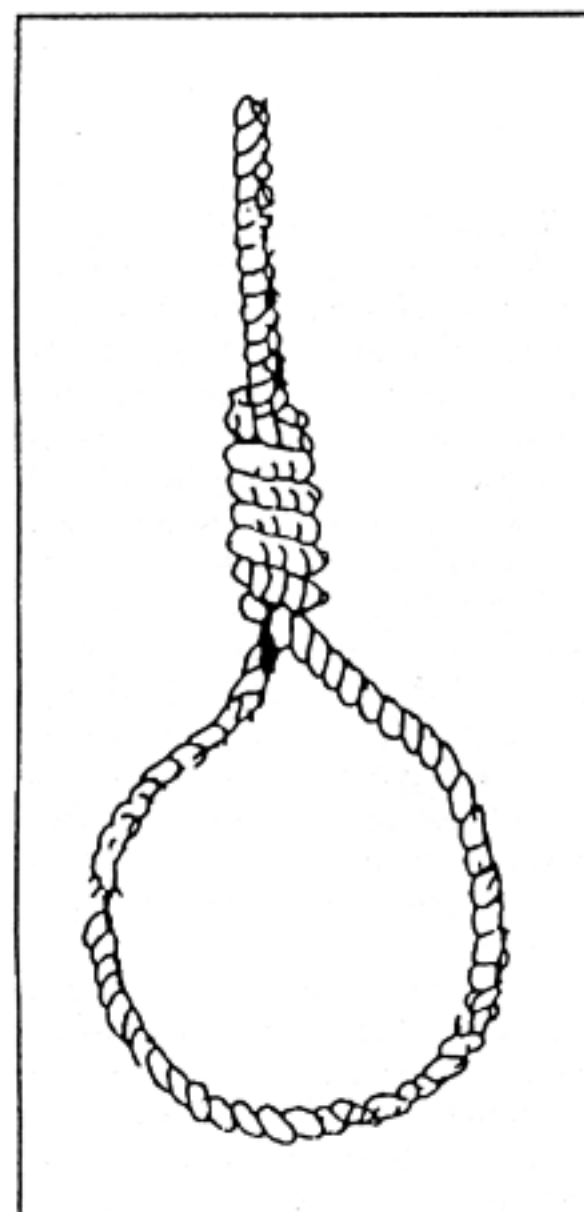
He was not at all clear as to what had happened to give him his new-found freedom. Neither did he know whether his parents and family were aware of his release. The fact that he

had only R7, and that it would take him two and a half days to reach home was immaterial to him. No, he did not want anything else. All he wanted was to get home. Would he get his former job back again? No, that did not matter either. He was free.

What does all this say about the quality of the 'justice' dispensed by our legal system? How is it that a person can be condemned to death, spend several years awaiting execution (with all the trauma that must go with it), and then suddenly, through the merciful intervention of Lawyers for Human Rights, have the judgment and sentence thrown out altogether?

How many people have been less fortunate than Stephen? How many of the 343 people presently on death row are innocent, or have extenuating circumstances so that they should not be there at all? Even with the recent review of all death row cases I cannot help but wonder how many people will still pay the ultimate price unjustly.

The bishops of the Southern African Catholic Bishops' Conference unanimously adopted a motion at their January 1990 plenary session in favour of the abolition of the death penalty. Whatever reservations I may have had about the need to abolish the death penalty prior to experiences such as the one related here, they are there no longer. For me, the bishops' resolution could not have come too soon. Would that the state can come to a similar conclusion. □



INTERNATIONAL NETWORK

WILPF: the women's international league for peace and freedom

WILPF is an international women's organisation which was formed during the First World War. This article by Karin Chubb is compiled from material supplied by WILPF in Geneva and in the Netherlands.

As the First World War raged, the founders of the Women's International League for Peace and Freedom came together in the Hague. About 1 500 women from belligerent as well as neutral countries in Europe and from North America called for immediate mediation to end the war and for arbitration and conciliation in all future disputes. The women also called for universal disarmament, for the right of all peoples to self-government, and for political and economic equality for all. They petitioned their governments as well as the Pope in Rome, urging an end to the bloody conflict.

Thus, in the midst of the most devastating war the world had known until then, women came together to begin to build an international sisterhood committed to abolishing war and to exploring new ways of achieving international co-operation. The WILPF vision was closely tied to the belief that justice could not be achieved in a world constantly preparing for war, where military expenditures override social needs, and where societies are conditioned to accept violence as a way of life.

It is interesting to note that WILPF was the first to condemn the Treaty of Versailles, stating that it would 'create all over Europe discords and animosities which can only lead to future wars'. WILPF has been



'Never Again War' by WILPF member Käthe Kollwitz

awarded the Nobel Peace Prize twice, in 1931 and 1946. In 1946, the chairman of the Nobel Committee commented: 'It would have been wise if the statesmen of the world had listened to the proposals from the women. But in the men's society in which we are living, proposals coming from women are not usually taken seriously.'

What WILPF does

'WILPF works for:

- disarmament
- political solutions to international conflicts

- economic justice within and among states
- the elimination of racism and all forms of discrimination and exploitation
- the respect of fundamental human rights and the right to develop in a sustainable environment
- the promotion of women to full and equal participation in all society's activities.'

(extract from a WILPF pamphlet)

The League functions on international, national and local levels. It now has national sections in 26 countries covering all continents. The international work is co-ordinated by its office in Geneva. The organisation offers three one-year internships to young women to learn about the work of the United Nations in the field of disarmament, development and human rights.

Throughout the 75 years of its existence, WILPF has campaigned tirelessly against war. Its campaigns against the arms race and against nuclear testing have had tremendous popular support. As a result of WILPF's efforts, the United Nations began to investigate the radiation effects of nuclear testing in 1956. On International Women's Day in 1983, 10 000 women concluded the WILPF-launched 'Stop the Arms Race' campaign with the presentation to NATO headquarters in Brussels of one million signatures from all around the world, demanding an end to the arms race.

Publications have included analyses and accounts of South African destabilisation of the southern African region, as well as regular reports on detentions and repression in South Africa and pre-independence Namibia.

WILPF has monitored the Gulf Crisis and the war in that region, first urging that the political and economic isolation of Iraq be ensured, as 'the only sane and responsible path to take in an age when the least miscalculation can trigger the destruction of life on earth' (statement by WILPF president Eleonore Romberg, 24 August 1990).

The impact of military activity on the global environment has become a

INTERNATIONAL NETWORK

special research focus of the League. In a recently published book *Women and the Environment* (which is part of the Women and World Development Series published by Zed Books), WILPF comments on the ecological disruption caused by wars and on the massive waste of resources: 'Emerging evidence suggests that global military activity may be the most serious if not the largest world-wide polluter and consumer of precious resources. Yet, the impact of military production and activity on the global environment has received scant public attention. The secrecy surrounding military activity ... has, until recently, hidden this source of environmental destruction from view.'

At the recent WILPF conference in South America, an international 'think tank' project named 'Women of Vision' was launched. It draws on interested women world-wide, to encourage in-depth study and discussion of economic, social and political issues, to enable the organisation to offer 'informed, constructive analysis and solutions to the problems of militarism, poverty, inequality and a threatened environment. The consequences of the scientific discoveries and technological advances made in this century are compelling nations to think in different terms about relations with one another. We are at a point where nations have to change their approaches and thinking about their relations with one another and with nature.'

The 'Women of Vision' project starts with a close look at the question of democracy: what it means, what its meaning is for women, and what it signifies in terms of common security. The result will be a series of publications which will inform the future direction of WILPF work.

Another area of concern is the WILPF 'Women versus Violence' campaign. This focuses especially on the domestic sphere. Women in the Norwegian WILPF are, for example, demanding the control of violent videos and destructive toys, women in Finland are studying violence in the family and in schools, while WILPF women in Germany are cam-

paigned against sex-tourism and the concomitant exploitation of women.

Readers who wish to know more about WILPF or who want to subscribe to its publications can write directly to the head office in Geneva (see box). □

A letter critical of aspects of the first article in this series, titled 'Israel's women in black', was withdrawn by the author. Comment on the series will be welcomed. *Eds*

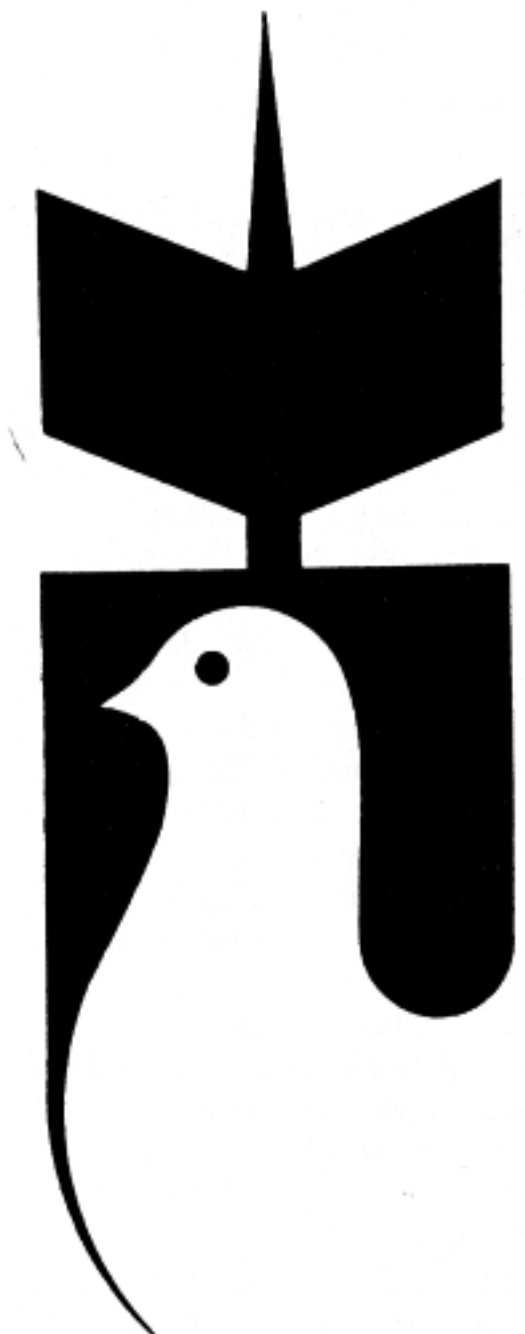
What the WILPF is:

This is how the organisation defines itself and states its aims:

WILPF is an international women's organisation, based in Geneva, which aims to bring together women of different political and philosophical tendencies united in their determination to study, make known and help abolish the political, social, economic and psychological causes of war and to work for a constructive peace.

The primary objectives of the League are the achievement of total and universal disarmament, the abolition of violence or other means of coercion for the settlement of all conflicts, the substitution in every case of some form of peaceful settlement, and the strengthening of the United Nations and its family of Specialised Agencies for the prevention of war, a sustainable environment, the institution of international law, and for the political, social and economic co-operation of peoples.

Conscious that under systems of exploitation and oppression these aims cannot be attained and that a real and lasting peace and true freedom cannot exist, the League's duty is to facilitate by non-violent means the social transformation which would permit the inauguration of systems under which would be realised social, economic and political equality for all without discrimination on grounds of sex,



race, religion or any other grounds.

The League sees as its ultimate goal the establishment of an international economic order founded on meeting the needs of all peoples and not on profit and privilege.

WILPF, 1 Rue de Varembe
1211 Geneva 20, Switzerland
Telefax: (0041 22) 740 10 63

REVIEWS

BLACK SASH PUBLICATIONS

A Brutal Harvest: The Roots and Legitimation of Violence on Farms in South Africa

by Lauren Segal from the Project for the Study of Violence

This excellent and disturbing booklet (unfortunately undated) examines the causes of structural, psychological and physical violence to farmworkers. It presents a number of illustrative case histories and suggests ways of combating the violence.

The report shows that the political and economic exigencies confronting farmers and the specific world-views of the farming community interact symbiotically, contributing to and justifying violence which courts and police tend to augment and condone.

South Africa's 1.3 million farmworkers are excluded from the protection of our industrial relations system. Their contracts are verbal and the employer makes the rules. Furthermore, they are adversely affected by the Illegal Squatters, the Trespass and the General Laws Amendment Acts. The development of union structures is seen as essential to worker protection and causes for the failure of unionisation are discussed. Case histories – assaults, forced evictions, farm accidents, violence against children – all share the common theme of dehumanisation.

However, we are told, 'it is not enough to point fingers at the farmers...'. Advice offices are needed in small towns and every assault must be pursued vigorously. Clearly there is work for para-legals and a challenge to us all. □

Pietermaritzburg 1990: The Fractured City

by Anne Truluck, Natal Midlands Region

Pietermaritzburg 1990: *The Fractured City* is an updating of a Natal Midlands booklet which covers the administration of the city (by a plethora of authorities), housing, education, health and welfare, public transport, law enforcement, sport and culture.

It contains two photographic essays. In one Paul Weinberg shows the white experience of the city; in the other, a number of photographers depict the violence affecting black residents.

An introduction by Jenny de Tolly places the local content in a broader perspective, and much of Pat Merrett's conclusion applies as well to any other city in South Africa: '[It] is thus a city in crisis ... until we can all recognise the city described in this booklet, the task of reformation cannot begin.' The booklet is available from Anne Truluck (Phone: 0331-945403). □

'Now we are free...' addresses the problems which freed prisoners and their families may face during the weeks or months it takes 'for everybody to get used to each other again'.



WRITINGS BY BLACK SASH MEMBERS

Fruits of Apartheid. Experiencing 'Independence' in a Transkeian Village

by Julia Segar (*Critical Studies in African Anthropology 2*, Anthropos Publishers 1989)

Julia Segar, lecturer in the Anthropology Department at Rhodes University, set out to present a people-centred response to the broad political change which took place in 1976 when the Transkei became independent.

Her book examines the villagers' perceptions of themselves and others, the issue of the internalisation of feelings of inferiority, and the growing significance of ethnicity and the resurgence of certain 'traditional' customs. It must be borne in mind that the research on which it is based was conducted during 1983-84.

Having described the research area (St Paul's village in the Matatiele district), the author deals with the most obvious changes since independence – a new border, a new administration centre and medical facilities. Thereafter follows the study outlined above.

Of special interest is the chapter dealing with the consequences of powerlessness and a discussion of the lack of organised resistance to local instances of corruption and extortion. (How good to have had a representative from Matatiele at the 1990 para-legal conference – see 'Matatiele: The Story of a Rural Advice Centre' in *Working for Justice: The Role of Para-legals in South Africa*.)

REVIEWS

The dividing of people by the 'homelands' exercise has resulted in heightened ethnic consciousness. Ethnic divisions have served to deflect antagonism away from white central government – surely a significant parallel to the current black-on-black violence.

Political reforms have been so swift and basic that the lay reader may well be trapped into feeling that much in this book is no longer relevant. But that is the scene we are still faced with, and the ground on which we must seek to rebuild our torn society.

This is a book of greater than merely anthropological or historical importance. □

Die Kamferboom

by Louise Naude (Taurus 1990)

Die Kamferboom is the story of a woman whose life was devastated by the detention without trial and the subsequent flight into exile of her young son. It is written without any pretension but conveys the way that, from that first innocuous-seeming knock at the door, stress, tension and paranoia came to strain family relationships and to overshadow all other aspects of life. With the uncertainty that attends detention without trial – how long? where? why? – came the constant pestering of the family by the security police.

In this family, tragedy was heightened by the emigration of the daughter and the subsequent death of the husband – no charge, no trial: but four lives blighted and an idealistic and talented young man lost to the country.

This heartrending book, written in Afrikaans, takes us from a home blighted by cruel injustice to a tree planted in hope. May the camphor tree grow and bring healing to the writer and to our land. □

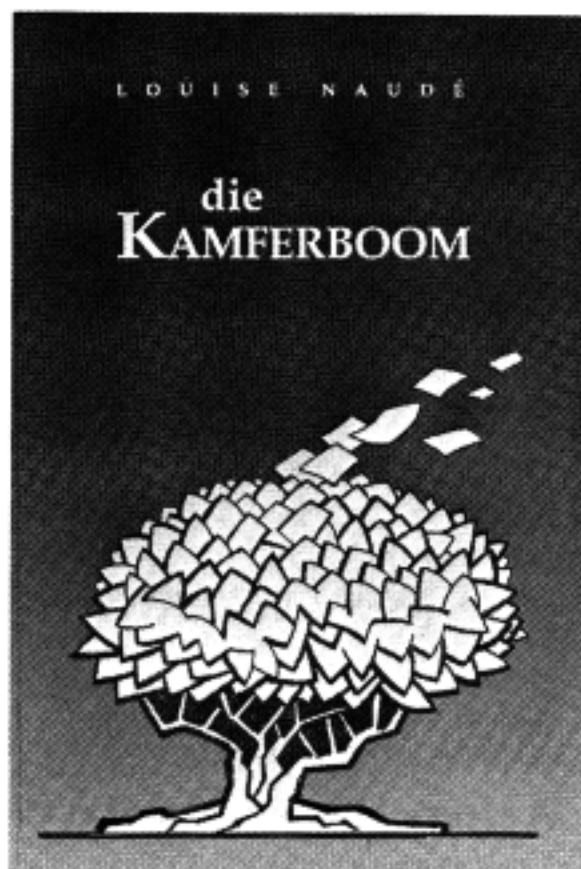
Simply Living. The Story of Compassion and the Wonderbox

by Anna Pearce (Self Publishing Association Ltd. 1989)

Simply Living by Anna Pearce is the story of 'Compassion', the organisation started in 1969 to help people in need, of its work (primarily in Crossroads), and of the development and distribution of the Wonderbox.

At the same time it is the story of that much-loved and respected Black Sash member, Anna Pearce, remembered for her infectious enthusiasm and her compassionate dedication to the alleviation of suffering. Warm and breathless, she takes us through the years, describing problems and achievements, and a medley of places. The most incongruous people meet on her pages, all of them caught up and inspired by her enthusiasm.

The book ends with notes on how to make and use a Wonderbox. Let us hope it will bring a revival of this most efficient and inexpensive slow cooker. □



A handbook for writers of learning materials

by Barbara Hutton (for ABE Publications, Buchu Books, 1990)

This book 'was developed so that the skill of writing for readers who have English as a second language can be shared and spread'. The text was produced by representatives of literacy and service organisations in a series of workshops, and includes the insights of many people who commented on the draft.

Colour, conventional black-on-white, white-on-black, blank space, varying type faces, boxed sections, illustrations, photographs, and examples from other publications have been incorporated so as to present the user with many interesting possibilities. Since users are visualised as members of organisations rather than as individuals working alone, some material is presented in the form of practical group exercises and discussions.

Critical involvement with the material is encouraged, and the book as a whole corresponds well with the educational objective of empowerment promoted by Each Working in Education (EWE) as 'the four Cs', namely, to become confident, critical, constructive, and creative.

This strongly bound, A4 paperback may well become indispensable to anyone who 'wants to write teaching material for a specific and defined readership group', but who 'may not know where to start' with writing it up. It certainly deserves to be read by all who are involved in producing Black Sash resources, and every office should have a copy. □

Annemarie Hendrikz

LETTERS

Grassroots responses to SASH on the environment

From Robert Segall, Mowbray

The most interesting thing about Andrew Kenny's article on nuclear energy (SASH, January 1991) is what he does not say. He acknowledges that nuclear power stations are more expensive than coal-fired stations, and that South Africa has a significant over-supply of electricity in relation to current usage. He affirms that ordinary justice and environmental concerns demand that electricity be brought to the people.

Kenny has looked at the inevitable concomitant increase in consumption: before building any further power stations, we must ensure that we are generating and using existing available electricity in the most cost effective fashion.

What Kenny says virtually nothing about is the actual amount of additional consumption and, in particular, the role of energy conservation. The Green path to energy supply is a profitable path. It is to advocate a sensible energy supply mix, including renewable resources, and to promote energy conservation.

A rational electricity supply policy will require a planned tariff and tax incentive structure based on a proper assessment of the direct and indirect costs of energy supply. South Africa uses about 80 per cent more energy per unit of production than the USA (admittedly, international comparisons are difficult). There is huge scope for savings because of South African industries' profligate use of our very cheap electricity.

In California, between 1977 and 1990, conservation measures reduced the peak energy demand by about 15 per cent. Comparable conservation measures in South Africa would postpone the need for new power stations for a very long time. 'Energy efficiency is the most cost effective form of supply.' Who said that? Some Green who wants to attack industry? It was said by Charles

Imbrecht who chaired the California Energy Commission for seven years and was a Republican member of the Californian Assembly while Ronald Reagan was governor. □

From D. A. Richards, Cumbria/UK

Andrew Kenny is to be congratulated on his article on nuclear energy, but that by Jacklyn Cock is a scandal. To say, 'The effects of an accident at a nuclear power plant are similar to the effects of a nuclear bomb exploding' is completely untrue.

I am not arguing in favour of nuclear bombs but, if the fears of the 'greenhouse effect' are justified, there is no practical alternative to nuclear energy. Less than one per cent is added to natural background radiation and there are no other harmful emissions.

There are much more dangerous poisons than plutonium, most being of plant or animal origin. Since 1955, when the first major nuclear power station came 'on stream' (Sellafield), I have lived and worked close to it, as a self-employed pharmacist in no way connected to the nuclear industry. I took care to reassure myself of its safety and am now retiring close to it because I know of no more healthy place!

There was a nuclear accident to the Windscale plant, an atomic pile for bombs, not electric power. It too released 'many times more radiation than Hiroshima' but I know of no cases of abnormal births due to it. □

From Mathew Blatchford, Observatory

Mr Kenny should have done more homework before arguing in favour of nuclear power, which is more costly than fossil fuel and more dangerous and dirty than solar power.

He claims that solar power is poisonous. Making solar cells produces pollution; so does the oil in a solar-thermal plant if it catches fire. The former problem can be solved chemically by making the wastes harmless, and the latter is as likely as a nuclear accident – with a millionth the damage. Nuclear waste cannot be made harmless.

Fossil fuels produce poison gas (unless converted to clean-burning systems, or equipped with good scrubbers) and CO₂, a greenhouse gas as hard to get rid of safely as nuclear waste. Greenhouse versus radiation is a hard ecological choice, though nuclear power is **much** more costly than fossil fuel.

Nuclear power plants also arouse alarm because they can be used to make nuclear arms. How many South African politicians can we trust with these?

Solar power is the only power which gets cheaper every year, and which can be made harmless to the environment. It is costly now, but by the year 2000 it will probably be the cheapest power source. Why does Kenny prefer nuclear power to this? □



A sleeve patch seen at the conference ...

NEWS-STRIP

International Women's Day: 8 March

The following statement was issued by the National Executive of the Black Sash:

We join today in the world community of women to celebrate International Women's Day. It is an occasion to reflect on the achievements of women world-wide, as well as on the tasks that still lie ahead to ensure full rights and justice for all women.

In our own country, as well as in the states to the north of us, women have played a crucial role in the struggle for liberation. We remember today all women who have suffered in that cause, and who have sacrificed so greatly so that those who come after them should be free. As we enter a new phase in our own history, we remember them with pride and with gratitude; they will not be forgotten.

Today South Africans are faced with the task of transforming the ruinous legacy of apartheid into a peaceful society based on justice, human rights and dignity for all. However, without the full and equal participation of women there can be no justice in the new social order. We therefore urge that women and women's organisations be part of all decision-making processes in the negotiations about our future. South Africa will only be able to claim a place in the community of free nations when all forms of oppression have been lifted from its people: oppression of race, class and gender.

To this end, we call on all women and women's organisations in South Africa to take up the challenge of putting the needs and demands of women on to the political agenda. □

Karin Chubb

'The area in which we work is still in a pre-transitional period.'

(Phumlani Bukashe, Southern Cape)

Northern Transvaal contributes to the debate on legislation for domestic workers

The National Manpower Commission published proposals regarding legislation in the *Government Gazette* of 25 January 1991 (Notice 89). These were distributed to Black Sash regions for comment, resulting in a written submission.

National President Jenny de Tolly wrote to the Minister of Manpower, Eli Louw, requesting that we be represented on the committee looking into such legislation (organisations such as the South African Domestic Workers' Union, the Women's Bureau, and COSATU were already represented). It was suggested we give oral evidence substantiating our request, as well as speak to the document we had submitted. As a result, Laura Best and Penny Geerds met with the committee on 27 March.

Our request for representation was sidestepped: we were informed that the committee would not be sitting in future. However, legislation regarding the Unemployment Insurance Fund and Workmen's Compensation for domestic workers is still to be discussed, and we have been asked to write again to the minister requesting inclusion in those working groups.

The Black Sash delegation to the committee proposed the inclusion of domestic workers under the Labour Relations Act, the Basic Conditions of Employment Act, the Wage Act, the UIF Act, and the Workmen's Compensation Act, with specific provisions where necessary. Suggestions which gave rise to discussion were for a simplified labour court, possible negotiation of a shortened meal interval, and a minimum wage (in relation to possible increased unemployment). It seemed that our comments were well received and should form part of a reworked proposal to be drafted by the committee. □

Laura Best and Penny Geerds

Contact with Rustenberg members

Northern Transvaal Advice Office director Penny Geerds and I — as co-ordinator of outreach to members living beyond Pretoria's borders — visited Rustenberg to meet members and find out more about a crisis centre which Ann Finnegan is setting up with Lifeline.

We were shown around Phokeng and environs, and met Chieftainess Semane Molotlegi whom Bophuthatswana's president Lucas Mangope was threatening to expel (she has since been expelled). We also had a useful discussion with a representative of Talent, an organisation looking at skills training for unemployed youth. In the evening we discussed with Black Sash members how they can best link with the Pretoria-based organisation. It was a heartwarming and constructive trip. □

Laura Best

Death penalty action

Northern Transvaal's Capital Punishment Working Group was involved in an action to stop the execution of Paul Bezuidenhout, the first person scheduled to be hanged since the 15-month moratorium on the death penalty. Lawyers for Human Rights co-ordinated the action which included faxes to various embassies requesting that they attempt to intervene and a large protest stand on Strijdom Square, in the centre of Pretoria, by community organisations, Lawyers for Human Rights, the Black Sash and the Pretoria Council of Churches. □

Isie Pretorius

*'Is not voluntarism the very essence of the Black Sash?'
(Josie Adler)*

'The essence of the Black Sash is its "Sashness" — thus the important thing is that employees as well as volunteers be members.' (Lynn Hotz)

NEWS-STRIP

Beijing visitors

Albany Black Sash Women's Issues Group (WIG) discussed the lives of Chinese women one evening in late March with Ge Ji and Yang Lihua, researchers from the Institute of West Asian and African Studies of the Chinese Academy of Social Sciences at Beijing.

The two women, both South Africa specialists, said they were the first academics from the People's Republic of China to visit South Africa. They were particularly interested in the work of the Black Sash as they are studying women's organisations. The Albany WIG discusses women's needs and rights regularly, so members were interested to hear about special provisions made for Chinese women which ensure a proportion of seats in legislative bodies, allocate agricultural land, and protect women in divorce. □

Shirley Maclennan

Apartheid: repentance or restitution?

The second meeting in the series titled 'Signposts to the New South Africa' (hosted by Albany Region and the Albany Council of Churches) was addressed by Professor Pieter de Villiers of the Nederduitse Gereformeerde Kerk and Canon Malusi

Mpumlwana of the Order of Ethiopia.

De Villiers spoke of the headline-hitting moment at the National Conference of Church Leaders at Rustenberg (November 1990) when Professor Jonker made a confession of repentance for the sin of apartheid on behalf of his church. This might have passed almost unnoticed (as a previous admission of guilt at an NGK Synod did) had it not been for the generous response of Archbishop Desmond Tutu, who met confession with forgiveness.

Canon Mpumlwana pointed out that repentance is a personal matter, not a political one. The two speakers agreed that repentance coupled with restitution constituted the only biblically acceptable course (the message which had also come from the diverse participants at the Rustenberg conference). There was discussion (but no final agreement) from the floor on what form restitution ought to take, but all felt that land is a vital component.

The two panel discussions held so far have attracted a wider range of people than is usually seen at either ACC or Black Sash meetings. The first meeting addressed the topic of land and farm labour. Future subjects will be education and local government. □

Maggie Clarke

OBITUARY**Nan Knaggs**

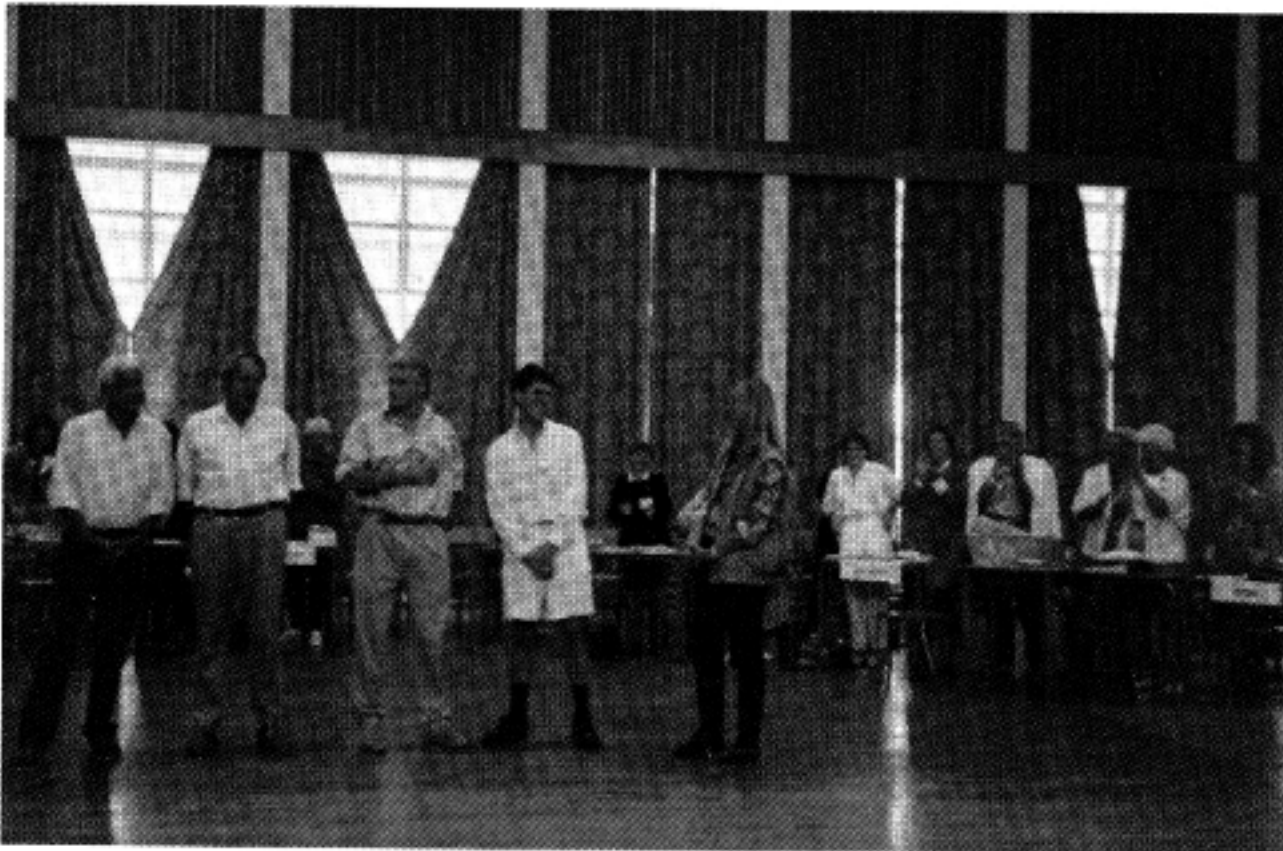
All Nan's friends would have their own very particular images in their minds' eye, but common to everyone would be an appreciation of her sterling qualities: honest and true; straightforward and forthright; a wonderful friend, especially to children (she was forever taking in waifs and strays); a marvellous listener.... These she certainly was, giving a lovely inside to her naturally lovely and graceful outside appearance.

I think also of her gifts for acting and the theatre (and her ability to pass these on to her students), her love of music, and her excellent contributions to the Study Club to which she belonged. Her devotion over many years to the Black Sash was a natural outcome of her strong sense of justice and willingness to fight for fair play.

I'm sure Nan would be happy if this short tribute includes her enjoyment of so many 'ordinary' facets of life: camping with her family, especially in their younger days; hiking and gardening; strolling along the beach at Glencairn; and the 'jolly hops' she danced with Peter.

To him and their daughters Penny and Belinda (both in England at present), to her sister Bonnie, and her brother Tom in Zambia we send our love. She remains in our hearts an essential blithe spirit. □

Pat Winter, Cape Western Region



A standing ovation for catering organiser Cassandra Parker and the Conference chefs.

Addressing the Black Sash



Amanda Louw, assisted by Gus Ferguson, provides pungent comment on some letters recently received by her sisters of Natal Coastal region.

All slips being Freudian, we must take careful cognisance of mail received by our Natal Coastal office. Correspondents have mangled, poeticised and transmogrified our good name as:

Lack Sash	(liberation at last!)
Black Search	(a hard one)
Black Sack	(hate the innuendo)
Black Gash	(violence!!)
Black Dash	(we <i>stand</i> , dammit)
Black Cash	(any colour will be fine)

The Natal Coastal regional office is in the Ecumenical Centre in St. Andrews Street, Durban, which prompted one mendicant correspondent to convert it to the Economical Centre.

The weirdest ms-interpretation was the gentleman caller who was convinced that the organisation was a New South Africa escort agency. Salome and the dance of the seven sashes? Such are the burdensome connotations of our name.



***the aims and objectives of the
black sash***

The organisation shall be non-party political and undenominational and by non-violent and peaceful means shall pursue the following objectives:

- to promote justice and the principles of parliamentary democracy in South Africa,*
- to seek constitutional recognition and protection by law of Human Rights and Liberties for all,*
- to further the political education and enlightenment of South African citizens and others,*
- to address in all its work how each area of such work affects women,*
- to undertake whatever other activities may further the objectives of the organisation.*