Volume 37 Number 1 September 1994

SASH

CIVIL SOCIETY

NGOs REGROUP
CHECKING THE POWER OF THE STATE
THE CHALLENGE OF TRANSCENDING THE PAST
WOMEN AT WORK FOR TRANSFORMATION AND PEACE

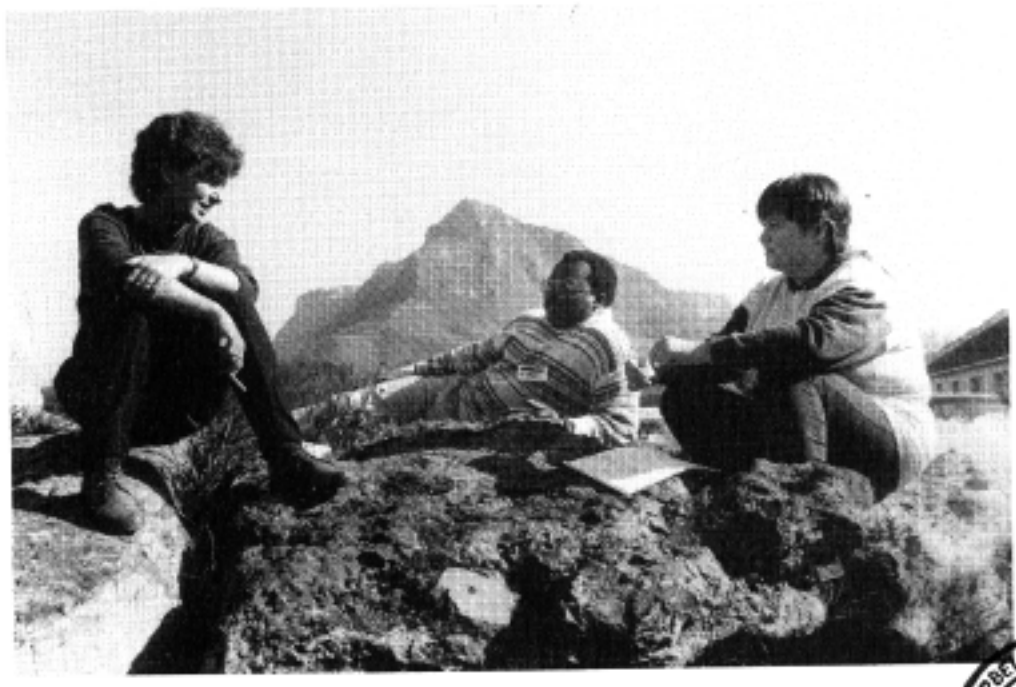
Southern Transvaal region's post-election stand

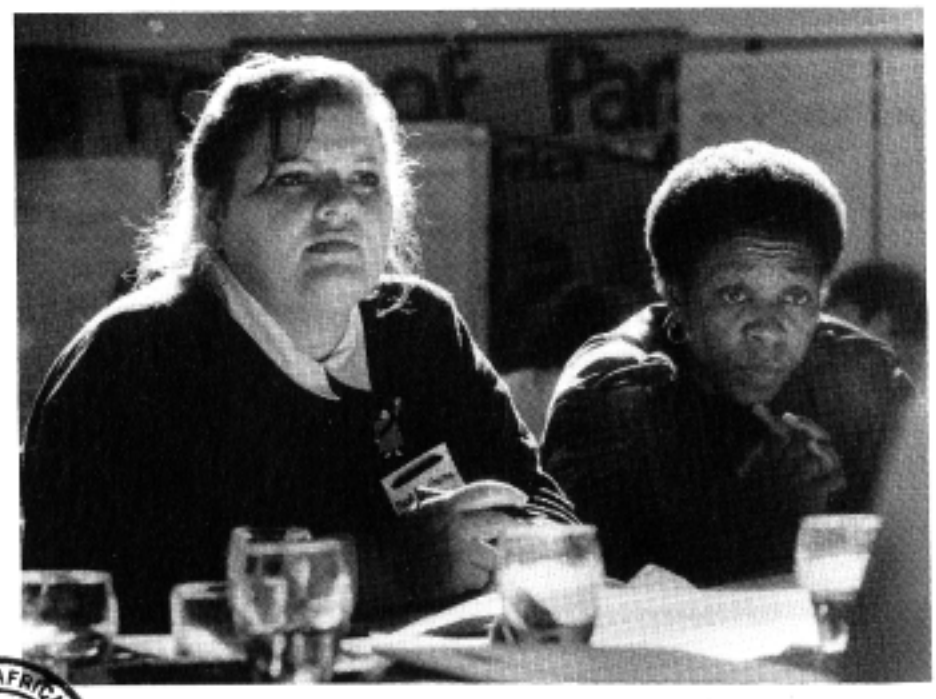
Volume 37 Number 1

SASH

contents

**Scenes at the Black Sash national conference held in Cape Town.
Left: Delegates from East London confer out of doors.
Right: Johannesburg delegates Mandy Smallhorne and Zodwa Masina.**





Cover: Mary Burton and Jenny de Tolly at national conference, July 1994 (Photo: Anna Zieminski)

SASH magazine

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Black Sash offices

Headquarters: 5 Long Street, 7700 Mowbray, South Africa
Telephone: (021) 685 3513
Fax: (021) 685 7510

Right: Jenny de Tolly, ending her four-year term as national president. Below: Alison Tilley, Legislation Watch monitor

Anna Zieminski

Editorial

"Democracy is a balance between the state and civil society" – a "delicate balance", as Steven Friedman explains in our lead article. But what is civil society? Is it just a trendy euphemism for "the people"? Why is the concept at the centre of our discourse at this stage? Can the Black Sash identify its role in something as yet so amorphous? What is the potential for empowering people in their quest for democracy and protection of their civil rights?

We believe that women's organisations in civil society have the power to promote justice and a fair constitution. Jenny de Tolly, who retired in July from a four-year term as national president, defines a role for the Black Sash. She points to the fundamental shift in our lives in recent months. At last we as citizens can engage with a constitution that protects us. We inhabit a new space. It is incumbent on us to guard new rights and entrench hard-won democracy. In this spirit, and in the changed environment which it perceives, the Black Sash has begun to shape its contribution.

It is well to note the warnings of several contributors to this issue of SASH. Civil society is not of itself democratic. Any one of its component parts – trade unions, civics, NGOs, all forms of "organised life outside and independent of state control" (Friedman's words) – may claim unwarranted power to speak on behalf of the whole, or establish self-aggrandising links with a state dispensing tax and donor funds. Richard Rosenthal laments "the monopoly of political parties which characterised the negotiating process", reminding us that they are "not sufficiently inclusive" to entrust with the protection of our rights. Not even the essential safeguard of a free press is assured.

With these caveats in mind, we can assess the possibilities held out by concrete projects: new concepts of community policing; the Accredited Civilian Visitors' Programme to protect the rights and safety of prisoners; indigenous forms of group activity to enhance economic capabilities; welfare delivery in a time of shrinking resources. Civil society looks back in its need to secure a peaceful future when it calls for a Commission for Truth and Reconciliation, and when it evokes the sustaining powers of "The Spirit of Africa".

Readers will find an antidote to these solemn issues in the often hilarious accounts of election goings-on titled "The day of the vote". This precedent of combining serious purpose and comic awareness will, we suspect, serve well as we recommit ourselves to the process of promoting justice and building responsible citizenship. ❑

Candy Malherbe

Pat Tucker

On the face of it, the notion of civil society seems simple enough but it is, in fact, a concept as fraught with controversy as any other politico-philosophical theory and for each element on the political spectrum there is a different approach to how to turn the theory into reality. ***Steven Friedman*** *expresses his view to* ***Pat Tucker****.*
There are, we must emphasise, quite different views held by other theorists. We were unfortunately unable to make contact with any of them in time for this issue of SASH.

Penni van Sittert

A delicate balance

Civil society. The words slip easily from the lips of almost anybody concerned with the processes of democratisation in our newly reborn country. But what exactly do they mean? There is no one answer to that. Civil society means different things to different people.

One of these people is Steven Friedman, who explains that the concept is in fact a very old one. Though Hegel was the first person actually to use the term, political philosophers before him had conceived of the idea. Friedman describes the concept as post-feudal, as having arisen with the industrial revolution. "There were various trends which, for the first time possibly in human history, created some sort of space in society which was not controlled by the state or the feudal hierarchy – a realm of social life in which people formed associations which were totally independent of the holders of political power."

Simple, really, except that, inevitably, as powerful a concept as this lends itself to a myriad interpretations. For totalitarians on the left and the right, Friedman contends, civil society is very threatening because it creates powerful areas which are outside the control of the state.

Marx, for instance, argued that civil society was a product of the capitalist economy – that it could not exist unless there were markets, capitalism, and a bourgeoisie. He believed it was where tyranny happened, where people were op-

pressed, where the powerful could have free reign over the powerless and there were no rules to stop them. Marx forecast that the advent of socialism would herald the end of civil society, the proletariat would take control and society would be regulated by all its members. Lenin, taking that idea to its logical conclusion, used the state to control every area of life.

The current debate, says Friedman, became international about ten years ago as a result of two things. One was the idea that what had happened in the Soviet bloc was that the bureaucrats not the people had taken control. Another was that there was a growing disillusionment in the industrialised democracies with the welfare state. Some on the democratic left who had seen the welfare state as a sign of social progress began to question it – society, they contended, had become dependent on bureaucrats. It was a need to get away from that kind of control which led to the beginning of the revival among those on the left of the idea of civil society.

"The local civil society lobby argued that the civics did indeed have a vital role, that they were the authentic representatives of the popular will."

"Civil society, Friedman contends, is any form of organised life outside and independent of state control. What the civics lobby did, he argues, was 'they took a section which was consciously created by a political organisation and said that this was civil society'."

Its proponents argued that there was a difference between the power of the state and the power of the people – that it was necessary to distinguish between systems which gave the state power and those which gave the citizens power. They began to experiment with ideas about how people on the left could regain control over their lives.

Friedman cites as a particularly successful example the way the Greater London Council operated under Labour rule. "The GLC did very little itself – it disbursed a lot of money to cultural groups, women's groups, and so on, empowering them to do their own thing."

The concept of civil society came to South Africa partly because of disillusionment on the left with the state, but also, says Friedman, because of the peculiar South African conditions which pertained in the 1980s – "the nature of the United Democratic Front (UDF) and the way in which anti-apartheid activity crystallised with the formation of groups to run the struggle. While this started off and remained another form of anti-apartheid activity, an ethos built up around it as a popular expression of people's power." Enormous power devolved upon the civic associations.

Until February 1990, Friedman says, there was no problem about reconciling this expression with the political objectives of the left. After that date, however, an "agonised" debate began, particularly within the African National Congress (ANC), where it was being questioned whether the civic associations which had played such an important part during the struggle of the eighties actually had a role.

The local civil society lobby argued that the civics did indeed have a vital role, that they were the authentic representatives of the popular will. Civil society, he points out, is mentioned frequently in the ANC's Reconstruction and Development Programme.

Friedman is less sanguine about the role of the civics. He argues that they totally misunderstood the idea of civil society as it was understood by the current wave of left civil society theorists.

Civil society, he contends, is any form of organised life outside and independent of state control. What the civics lobby did, he argues, was "they took a section which was consciously created by a political organisation and said that this was civil society".

This, argues Friedman, is a contortion of both the classic liberal democratic view of civil society and the view of those who have embarked on a "very sensitive and delicate attempt to sketch out a socialist view of the world which is consistent with liberal democracy."

A utopian ideal? Perhaps. But Friedman believes that the freedoms which are the cornerstones of modern democracy cannot be tampered with in order to allegedly strengthen civil society. The institutions of civil society, Friedman argues, can only operate effectively within rules which regulate and protect them. "No theorist from Locke and Hegel to De Toqueville onwards ever conceptualised the idea of civil society without a state which sets the rules," he argues. And, in order for society to have legitimate rules, those rules must be framed by people who can prove that they represent other people.

In South Africa, he argues, there are people who are trying to project themselves as civil society and to get out of playing by the rules. He cites the example of the debate about local government. "One of the popular ideas was that you would have elected local government but there would be a people's forum to whom the local government would have to report." This is not an

idea with which Friedman agrees. While he concedes that there are "very real problems" about the distance between the elected representatives and the people who elected them, he does not believe that most civil society organisations are necessarily representative of anyone more than the people who attend their meetings. Only a few civics, for instance, had ever asked people to sign on as members and pay dues – "you can't allow them to take decisions about the allocation of goods and services".

"In this country, the claim of the civics to represent the community has to be taken with a large bag of salt," contends Friedman, who has problems with the "whole idea of 'the community'."

"'Empower civil society'," he argues, "has become a rubric for 'put us in charge of the public purse and don't ask us to account for what we do with it'."

"I think that civil society is an immensely important issue in the world today for liberal democratic theorists," says Friedman. But he also points to the coincidence of the rhetoric on the subject from the left (socialists) and from the right (free marketeers) "which amounts to an inappropriate and unrealistic diminution of the state. Society doesn't work that way."

Neither Reagan nor Thatcher, he contends, "rolled back the state" – the state just did different things. The American education budget declined by 25 per cent, but the prisons budget increased by 30 per cent, he points out by way of example. The object in both countries, he believes, was "to get the state out of welfare and into policing".

The free-market position tends to be misrepresented, Friedman maintains. "The free-market position is a debate about what the state ought to be doing, not whether there ought to be a state. They see the state as there to keep order not to look after people's welfare.

"What has been lost in this debate is that democracy is a balance between the state and civil society – you can't have a strong civil society unless you have a strong state, one which is able to impose rules with the consent of the citizen – and the consent factor is crucial. Unless you have a body which acts on behalf of society to impose rules which are accepted by 98 per cent of the population, you can't have civil society at all."

Friedman points out that crucial elements in an effective civil society are such organs as organised business, professional associations, and interest groupings. The problem with civil society in this country is that it does not go deep enough, he argues.

"We need to look at the fact that very large parts of society are unrepresented in public decisions and try to look at what type of public policies and behaviour will create the opportunity for those sectors of society to organise themselves if they want to."

This, he maintains, cannot be done in a constitution. "The more you try to do it overtly in a constitutiton, the more you frustrate what you are trying to do because you create bases for people to promote themselves. Sometimes it is not a case of what you do, but what you don't do."

He gives as an example of making policy which can either empower or disempower, the framing of housing policy. He contends that it is better to give less to more people than more to less people because in doing so "you actually make those people citizens". If people are given choices – about where they live, and about how they order the environment in which they live, for instance, they are enabled to address issues and "at the end of the day, that is where civil society comes from".

The coincidence of the rhetoric on civil society from the left (socialists) and from the right (free marketeers) "amounts to an inappropriate and unrealistic diminution of the state" ...

"What has been lost in this debate is that democracy is a balance between the state and civil society – you can't have a strong civil society unless you have a strong state, one which is able to impose rules with the consent of the citizen ..."

It is, he says, mixed up with "the idea of universality. You do not frame any public policy unless it can be applied universally, to everybody, or to everybody who qualifies." The concept is not simple and there are no simple routes to achieving an effective, functioning civil society which benefits the maximum number of people. There are a myriad hazards along the way, many of them relating to the nature of the human animal. But the risks are worth taking, Friedman believes, although he warns that "an awful lot of follies are going to be committed in the next few years by people waving a big civil society banner". ❑

Steven Friedman is director of the Centre for Policy Studies. Pat Tucker is a member of the Black Sash, Southern Transvaal region.

NGOs: A question of survival

"The question of survival is now firmly on the agenda," wrote the Urban Foundation's Ann Bernstein, in an article entitled "NGOs and a Democratic South Africa", in Development and Democracy *in April this year.* **Sheena Duncan** *examines some of the reasons why this is so.*

The Development Resources Centre has estimated that there are approximately 54 000 non-governmental organisations (NGOs) in South Africa (including churches and religious institutions) which raised more than R6 billion in 1992 – R1 billion from foreign agencies, R1 billion from the corporate sector in South Africa, and an astonishing R4 billion from individual donations.

Various commentators have remarked that South Africa's transition to democracy has every chance of success because of this large non-profit sector of the civil society which grew out of the struggle against apartheid, particularly in the 1980s.

Certainly, the NGO/Community-Based Organisation (CBO) pre-election processes of voter education and education for democracy in the civil society contributed far more to the success of the election than did the formal bureaucracies of the Independent Electoral Commission (IEC) and the Transitional Executive Council (TEC). The latter, though essential and important, could not possibly have achieved a "sufficiently" free and fair election without the work that had been done for many years before they were established.

Now that the election is over, the NGO community has resumed its "restructuring", "reviewing", "management" discussions, and the "organisational development/evaluation" processes which began soon after February 1990.

We are engaged in contemplation of our navels (often at the insistence of our donors) because we are uncertain of our survival in this new South Africa. We are certain that we have a task to do, but we are unsure about whether we will find the resources to do it, or whether we will be involuntarily subsumed, somewhere or other, in the Reconstruction and Development Programme (RDP) as agents of government, losing our jealously guarded independence and defiance of bureaucratic decree. Some of the causes of our uncertainty are:

* That the unusual arrangements made because of apartheid meant that development (including human rights) funding was channelled through foreign NGOs to their South African counterparts and not to the South African government. Now that we have a democratically elected government, aid will be channelled in the normal way by means of bilateral government-to-government agreements.

* Some parts of the NGO sector, seeking to be included in the "big boys' club" along with organisations like the Development Bank, the Independent Development Trust, South African Housing Trust, Independent Development Corporation and the Small Business Development Corporation, for instance, are positioning themselves to get in line for a share of this aid. They are doing so by offering to provide the necessary services to the government, by forming large sectoral conglomerates out of what were small, community-based or specialised and localised service agencies, using their previous contacts with the people now occupying the corridors of power to become "parastatals" in the delivery of services. This is leading to a degree of competition and manoeuvring among NGOs which distracts us from the work we have to do, and also

Penni van Sittert

"Great fleas have little fleas upon their backs to bite 'em.
And little fleas have lesser fleas,
and so ad infinitum."
The smallest fleas bear the costs in the end,
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poverty-stricken majority who are outside
the walls of our new society.

posits the danger that we will become yet another part of a huge bureaucracy, unwilling to argue with the powers-that-be because we might be financially dependent upon them.

* NGOs have been depleted by the large number of skilled and dedicated people who have been elected to the various legislatures and into the national cabinet or provincial executive councils, as well as those who are now being appointed to various permanent advisory bodies and boards.

* In addition, the private sector is being serious about affirmative action, and is finding the skilled people it needs in the NGO sector, offering salaries and packages with which NGOs cannot (and probably should not) compete. NGOs have been the training ground for the new "politically correct" needs of the corporate sector.

* International development agencies are moving into South Africa and aggravating the problem by further depleting the local NGO/CBO community in their efforts to fulfil their own criteria of race/sex quotas at higher salaries than can possibly be afforded by the agencies they fund.

* South African NGOs and CBOs are now told they must be "self-supporting" or "sustainable". The result of this is that everyone is charging for services to other NGOs/CBOs who have to build the costs of these services into their own budgets and retrieve that budget item by charging others.

"Great fleas have little fleas upon their backs to bite 'em. And little fleas have lesser fleas, and so *ad infinitum*." The smallest fleas bear the costs in the end, or, because they cannot do so, remain the marginalised, poverty-stricken majority who are outside the walls of our new society.

* Another aspect of this is the jealousy which has developed over intellectual property. Hardly anyone is prepared to share the results of their research as they used to, unless it is paid for. If one NGO commissions a research organisation to do some sort of survey, it finds itself having to pay the research organisation for each occasion on which the results of the research are presented. We do not share any more because we are competing with one another.

All this may be a necessary and inevitable part of the transition, and we do not need to feel discouraged about it because this exciting new society is what we have been working for for so many years – in the case of the Black Sash it will be forty years in 1995.

What we do need to remember, though, is that the existence of a vibrant, argumentative and protesting civil society is what democracy is all about. We have to fight to preserve our independence. ❑

Sheena Duncan, a former president of the Black Sash, has been a member of the organisation for more than 30 years. She is on the boards of executive of a number of NGOs.

The Black Sash's role as part of civil society

The Black Sash has always been a member of civil society, but the environment has dramatically changed since we elected legitimate governments. ***Jenny de Tolly*** *outlines key aspects of the organisation's evolving role.*

It is good to be a South African, living in South Africa in 1994.

We are feeling proud, and good about ourselves because in the past few months, despite the dire predictions of much of the world, our society has achieved a successful, and relatively violence-free transfer of political power. We have taken the first giant steps in the process of democratisation. These steps are firstly, the establishment of legitimate national and provincial governments through elections that were all-inclusive and substantially free and fair. The second step has been the entrenchment, since 27 April, of a negotiated interim constitution with our first ever Bill of Fundamental Rights which protects the rights of every citizen of this land.

We are all very aware however that the establishment of legitimate governments within the framework of the new constitution and Bill of Rights are only the first steps in the democratisation of this country. The task of broadening and deepening the processes of democracy still lies ahead of us.

We are emerging from a phase in our history in which there has been almost no practice of democratic, open, accountable decision-making and government. We have an opportunity now to put in place different ways of working, and these practices will determine the long-term future of democracy in South Africa. I believe that the next five years will determine whether South Africa can indeed democratise and include all sectors of the society in decision-making at the same time that this society must meet the many economic

Jenny de Tolly, national president 1990 – 1994

"It is important to realise that no government can or will practise democracy on its own."

and developmental challenges that face us.

It is important to realise that no government can or will practise democracy on its own. Even if democratic practices are laid down in the constitution and laws of the land, governments must be supported, encouraged and monitored in all of their actions by those outside of government in order for an inclusive democratic culture to be fostered.

Civil society

A vigorous, engaged civil society is an essential partner in the practice of democracy and an important part of democratic culture.

It is useful to define this term, civil society, which we hear used quite often nowadays. I quote Larry Diamond who is a researcher at the Hoover Institute at Stanford, California, and has studied societies in transition.

Civil Society is the realm of organised social life that is voluntary, self-generating and (largely) self-supporting and autonomous from the state. It is distinct from "society" in general in that it involves citizens acting collectively in the public sphere to express their interests and ideas, achieve mutual goals, make demands on the state and hold the state accountable.

Organisations in civil society would include economic and business, religious and cultural, informational and educational, labour and professional, developmental, and civic and human rights groups. The Black Sash is one such organisation and a part of this civil society.

In recent years attention has been focused on the role that civil society has played in the democratic transitions that have been taking place in what is termed the "third wave of democratisation". Civil society is believed to have contributed to the development of democracy for the following reasons:

1 Vigorous, independent associations and the media provide "the basis for the limitation of state power, hence for the control of the state by society, and hence for democratic political institutions as the most effective means of exercising that control".
2 Organised society supplements the role of political parties in stimulating political participation, increasing the political efficacy and skill of democratic citizens, and in promoting an appreciation of the obligations as well as the rights of democratic citizenship.
3 Civil society structures channels, beyond the political parties, for the articulation and representation of interests. It provides an especially strong foundation for democracy when it generates opportunities for participation and policy access at all levels of governance, thus deepening democracy and a feeling of political efficacy and legitimacy. In such circumstances civil society offers the poorest and most marginalised groups in society one of the few viable outlets for protest and influence.
4 Civil society often provides training and recruiting for future political leaders. This is rarely a deliberate objective, but is often a by-product because of the experience and skills acquired by activists involved in the work of their organisation.
5 A vigorous civil society gathers and disseminates information and so empowers citizens to defend their values and interests. Organisations can use information which they possess or offer their expertise on a particular issue in order to affect policy or to defend themselves or those they serve from bureaucratic interference. This is particularly important when one considers how much of the bloated and incompetent bureaucracies will remain intact for several years to come.
6 By enhancing the accountability, responsiveness, effectiveness and hence legitimacy of the political system, a vigorous civil society gives citizens respect for the state and a positive engagement with it.

The Black Sash's role

I have found it particularly useful to see the Black Sash in the context of civil society and the roles (as described above) that it plays in the political and democratic life of a society. The Black Sash has always been a member of civil society. What we struggled with, especially in the eighties, was that constructive engagement with an illegitimate government sometimes lent that state credibility.

Now that we have legitimate governments, what should our role be?

1 There is an ongoing role for the Black Sash in human rights education. In order for the Chapter of Fundamental Human Rights to become meaningful and real, we must all know what our rights and responsibilities are in order to claim the rights and fulfil the responsibilities. Voter education was an important first step in giving people information about the human rights that they have under the new constitution. Voter education will still be necessary when local authority elections are held in 1995.

The recent, highly successful voter education campaign which was run by the Black Sash has given members and staff a sense that, small as the organisation is, we can make an effective contribution. I believe that our voter education campaign was a very good example of how best to use the resources we have both within the membership and in our advice offices.

I am sure that the voter education done by the Black Sash and the other organisations involved in the Independent Forum for Electoral Education (IFEE), combined with the inherent intelligence of the voters, was the reason for the low number of spoilt ballots. There was much fear before the elections about how confused voters would be by the

double ballot and the very long forms, and the fears proved to be unfounded.

2 There is a further role for the Black Sash, which has been an historic one which involves our advice offices and some members, and that is the monitoring of laws and administrative practices that relate to these fundamental rights. We have always tracked, analysed and monitored rights-related legislation. Recently, a full-time legiwatch monitor and lobbyist was appointed, on a three year contract, to co-ordinate the work of those staff and volunteers who focus on legislation.

There is going to be a proliferation of new laws, not only in the national parliament, but also now in the nine provincial legislatures who have important roles and powers. We are going to have to be very clear about our priorities and just which laws we track – the task is mammoth.

3 Overarching all of this work is our focus on the empowerment of women, improving the status of women and gender relationships. There is much interest in this aspect of our work, and our challenge is to plan a coherent and focused strategy for the next couple of years.

4 Another historic role for the Black Sash is the dissemination of information. The organisation has a reputation for producing fair, soundly researched and thoughtful information. We produce information for the public mainly through publications which include information booklets to assist advice office clients, papers to inform campaigns both locally and internationally, letters and articles in the press and SASH magazine. More and more our members are being invited to speak on radio and appear on television.

We have always believed that keeping ourselves informed is important. This we do through newsletters to members and through informative meetings in all our regions. By being informed and in turn informing others we become part of the informed electorate that is an important part of citizenship and democratisation.

5 The nine Black Sash advice offices are clearly fulfilling an important need. In 1993, 41 569 case histories were recorded of people seeking information and assistance in resolving their problems. These advice offices must continue to operate so long as the community has a need for them. Our advice offices have also been important to the Black Sash in extending our understanding of the need to address second generation socio-economic rights. It is in our advice offices that we witness problems that arise from poverty, homelessness and unemployment. The advice offices engage in analysis, research and advocacy in order to effect improvements in policy and legislation pertaining to these problems.

The ANC has laid out its plans for redressing the massive inequalities in our society in their Reconstruction and Development Programme (RDP). They intend the RDP to form the framework within which various levels of government operate, and see the business community and civil society, including the NGO sector, as important role players. It is critical that all sectors of society, including the Black Sash, play their part in ensuring that reconstruction and development takes place and that the basic needs of the majority of our citizens are addressed. It is important for this task to show real results, not only because the maldistribution of this society's resources is unjust, but also in order for the democratic process to be credible.

Gille de Vlieg

Thisbe Clegg

Top: In 1993, the Black Sash advice offices recorded 41 569 case histories of clients seeking information and assistance in resolving problems arising from poverty, homelessness and unemployment.
Above: "Bread and Roses" – central to the work of the Black Sash is the focus on the empowerment of women.

It seems to me that there is more than enough to do, and that the Black Sash has much to offer in the skills and resources that have been built up over the nearly 40 years of our existence – of running campaigns, of running nine advice offices, of initiating networks and working in co-operation with like-minded organisations. We also have to offer within the membership and among our staff a body of people committed not only to the promoting, monitoring and securing of human rights, but also committed to democratic and accountable ways of working. These are precious resources that should be nurtured and developed and not wasted. ❑

The six points on page 10 are taken from a paper, "Civil Society and Democratic Consolidation: Building a culture of compromise and reconciliation in a New South Africa", by Larry Diamond, July 1993.

Jenny de Tolly completed a four-year term as national president of the Black Sash in July 1994.

The final constitution – a role for civil society

If its voice is not to be reduced to "the occasional muted bleat" audible when the interim constitution was drafted, civil society must act to make known its concerns while the constitutional assembly sits, says ***Richard Rosenthal.***

Zapiro

It has taken a few months but gradually South Africans are beginning to sense that we still have some way to go before we reach "the promised land".

We continue to face the urgent need for reconciliation and peace-making among violent and fragmented communities. We are challenged to address the need to redistribute the physical resources of our society in a way which does justice and equity to all our citizens. We are to undertake the building of houses, schools, clinics, and every kind of social amenity on a scale unparalleled in our history. We are to face the shameful truth of our collective past, and grapple with the conflicting need both to forget and yet to remember – both to forgive, and yet to make reparation.

As the euphoria begins to evaporate, let no one detract from our achievement – what Heribert Adam and Kogila Moodley describe as "the negotiated revolution". There are few if any precedents for what has occurred over these past miraculous years. And, as South Africans, we did it through a combination of statesmanship, generosity and consummate skill – without supervision by the United Nations as in Namibia and Cambodia, and without intervention, mediation, or even brokerage, which was perceived as being indispensable.

A great deal of credit is due to the much-maligned Independent Electoral Commission which undertook the near-impossible task of administering, supervising and, finally, adjudicating a free and fair election. Whether it is possible to be both administrator and adjudicator; whether the election was in fact substantially free and fair; and to what extent the results were attributable to "horse-trading" between political parties, the fact remains that a result has been determined which enjoys virtually consensual acceptance across the political spectrum. This is a very remarkable achievement indeed.

However, our self-eulogies and admiration should not obscure the need to address critically a number of issues which reflect adversely on both the product and the process.

Firstly, I am concerned with regard to the hegemony of political parties in our new constitutional order. It is a remarkable – and in my view regrettable – fact that throughout the negotia-

tion process only political parties (and surrogate governments) were accommodated as participants and players. This monopoly of political parties which characterised the negotiating process continues under the new constitution, and its effect is neither liberal nor democratic.

Millions of South Africans do not consider themselves properly represented by any political party. Under the interim constitution we have a system of proportional representation which makes no provision for individual candidates nor for any constituency accountability. It is a system which grants political parties (and, in effect, their ruling cabals) the unfettered discretion to appoint, remove and replace "elected" members of parliament at their pleasure and whim. This co-optive right will persist throughout the five-year life of the first parliament – at the very time when one would have hoped for precisely the reverse.

Instead of maximum fluidity within and between parties, one is doomed to "obedient" politicians and supine politics, the inevitable result of grant and favour. Any member of parliament who has the temerity to say or do what she or he believes, risks the wrath of the party – no matter that there may be strong support for such member in civil society, no matter that she or he votes according to conscience. And the disapproval of the party implies loss of office and forfeiture of the extravagant emoluments to which members of parliament apparently consider themselves entitled. There will be few if any "heroes".

This matter of the rights of civil society and the prerogatives of political parties is very serious. We can so easily slide into a society which replaces one autocracy with another. Herbert Vilakazi of the University of Zululand has put it thus: "All the major constituencies and sectors of civil society must participate directly in the deliberations on the official making of a new nation and in the writing of a new constitution. Under no circumstances must this task be left solely in the hands of politicians."

He points to the self-evident fact that the total membership of all parties is not sufficiently inclusive. Inevitably, "selfish, sectional considerations of power politics" intrude and lead to behind-the-scenes deals which are not conducive to good lawmaking or the kind of acceptance and respect to which a constitution – and an electoral process – are entitled.

Public awareness of the momentous issues being debated in the negotiating council was hopelessly inadequate. This was due in part to a signal failure of the media either to understand or coherently reflect the import of the debate. It also resulted from the character of the council – the composition of its members. Because only political parties took part, the "public" debate ended with agreements reached in the council – notwithstanding that these agreements were often the product of "trading" rather than debating of issues. The voice of "civil society" was not well articulated in the council and only the occasional muted bleat was heard in the columns of the daily newspapers.

"It is a remarkable – and in my view regrettable – fact that throughout the negotiation process only political parties (and surrogate governments) were accommodated as participants and players. This monopoly of political parties which characterised the negotiating process continues under the new constitution, and its effect is neither liberal nor democratic."

The distortions of self-interest were not only illustrated by the unedifying debate around the salaries and perks of members of parliament and other incumbents of high office but by the debate in the negotiating council on the notion of a special electoral fund. For the first and, hopefully, the last time the impoverished South African state contributed tens of millions of rand to the coffers of competing political parties in order to bankroll their advertising and electoral campaign expenses. Needless to say, there was complete consensus among negotiating parties regarding the principle of a state fund to support political campaigns.

Was this a fair reflection of the will of society? I doubt it. Indeed, as the staggering cost of the election emerges, the issue of state funding must again be submitted to critical scrutiny. (I would argue also that it is appropriate to review the extraordinary licence enjoyed by the IEC to demand from the exchequer whatever money it sees fit to spend on elections. The notion of independence need not be jeopardised by insisting that the commission be subject to budgetary discipline and constraint.)

It is extremely important that the first parliament should not be permitted to proceed unchallenged along its five-year course. Issues of great moment will be decided for better or worse. This parliament is not the possessor of all knowledge and wisdom. One recent example: I am appalled to learn that the Electoral Act is now to be amended to remove the 18-month disqualification of members of the commission from eligibility for appointment to other office in the service of the state. This prohibition resulted from a belief that they should be protected from the actuality or perception of reward – the spectacle of political ambassadors being all too fresh in the public memory. Alas, this wholesome principle is to be deleted.

It is a current wisdom, enthusiastically propagated by most political parties, that the work of the constitutional assembly will be almost a formality – indeed, that the final constitution will not look very different from the present interim one. Were that to be the case I think we would be the poorer for we would have lost a great and historic opportunity to improve and refine the product of our recent labours. There are great issues at stake. ❑

Richard Rosenthal is a lawyer specialising in developmental and constitutional work.

The spirit of Africa

Gabriel M. Setiloane *views the recent past in South Africa from an African perspective.*

A staff member of an Orange Free State daily, *Die Volksblad*, has been doing the rounds to interview leaders of religious groups, indeed even of Islam and Die Rooms-Katolieke: "Wat 'n politieke gebeurtenis moes gewees het, het in 'n geestelike ervaring verander ... Swart, wit, bruin en Indiër Suid-Afrikaners is getransformeer – hulle het mekaar ontdek."

To convince the reader, who better to quote than "Artsbiskop Desmond Tutu van die Anglikaanse Kerk" who, a few years ago, was identified as spokesperson of the devil: "Daar is geen logiese verklaring vir alles wat gebeur het nie ... Hy meen 'n wonderwerk het plaasgevind." (It is a miracle! It could not have happened without divine intervention!)

But in characteristic white South African fashion of yesterday (we hope!), they never bothered to consult Credo Mutwa – not that I agree with all he says, or the way he does it – who has been the one African whom the white South Africans have made use of whenever they have needed their communal conscience salved and their ego propped up.

Had they taken the trouble to include any African traditional spiritualist (who does not have to be a *ngaka* or *sangoma*) in their list of interviewees, they might have learnt that there is not a portion of life, not a single moment, painful or pleasant, where divinity is not present. That is why the Nigerians call *it* "yama": The One you meet around every corner, and we Tswana and Sotho, "modimo": That which permeates and penetrates (is woven into) all being. Again we need to curse apartheid. Poor Westerner white South Africans! So near and yet so far ... from *living*!

Therefore, an "A" to those intelligent and sensitive students who, observing the events of their life's experience and being encompassed with a sense of the "awesomeness, the weirdness and the *Mysterium Tremendum*" of the occasion, remember what they have read once in a book or heard from a wandering teacher, then revisit their sources to inquire, "Could it all have meant this?" Come then, dear seeker of the hidden wisdom and spirituality of Africa, let us look on the sands of the recent past and trace how *Modimo-Umvelingqaki-Qamata* has always been with us, shielding us from the snares and traps of the adversary. Come now, friend; let us begin at that point where the African sage attests that *ntwa ya khutsana e lowa ke ditshoswane*, that is, that the cause of the orphan is contested by insignificant ants.

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has always been with us, shielding us from the snares and traps of the Adversary."

Remember some less than ten years ago when the mighty USA listed the South African "Freedom Fighters" and refused South African non-governmental organisations to seek support from her citizens in the struggle against apartheid? Today they are jostling for front place in the long line of those who would be traders with those whom they shunned as terrorists.

The world today praises F. W. de Klerk and clothes him with accolades and peace prizes for what he did in February 1990. He is also taken up with it and struts the globe as "the great liberator of the black people", the one who destroyed the granite edifice that was built up by the legendary Verwoerd. During those days of February 1990, as all were wondering if indeed it was true, Alex Boraine, speaking out of the depth of his training as a Methodist theologian, chuckled like a naughty school boy: "F. W. is converted. He has had a Damascus Road experience."

How right he was! For it was this very F. W. de Klerk who, five years earlier as P. W. Botha's henchman in the capacity of minister of education – white own affairs – had threatened some white universities with the withdrawal of government subsidies for tarnishing their white purity by admitting black students and hiring black staff.

A conversion indeed it was! For, as the Methodist First Catechism teaches, *metanoia* does not just happen of its own, nor because the object thereof wishes it. It is a culmination of an unseen energy or force, working inside and around and everywhere to become visible only when it bursts out. What the human eyes behold is merely a nodal explosion when the time is

Jim McLennan, *The Argus*

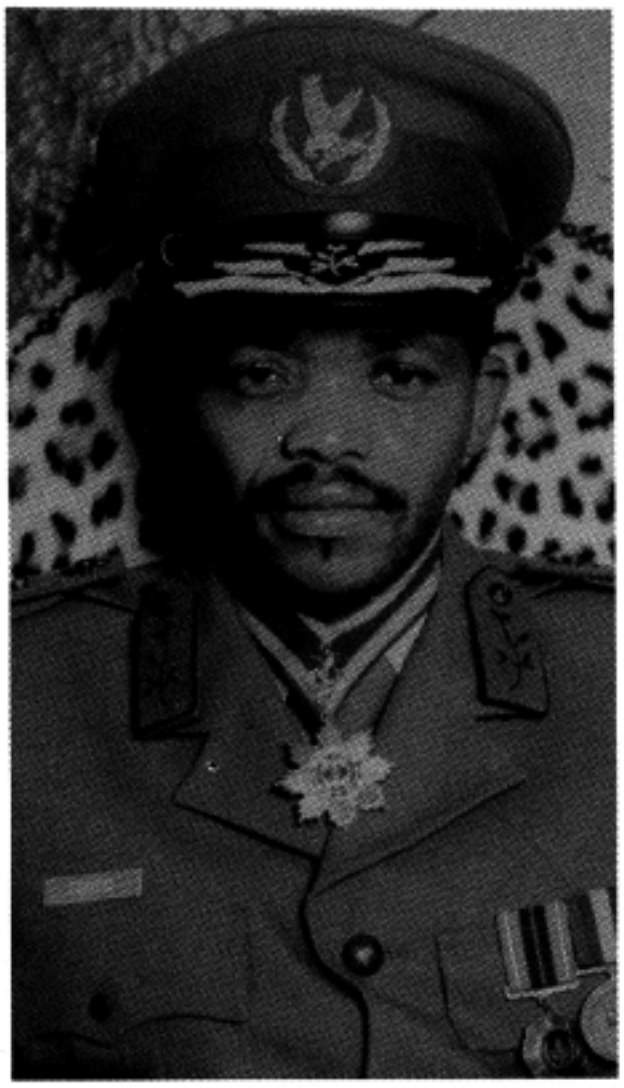
Lucas Mangope steps out in style while still president of the "independent" homeland of Bophuthatswana.

ripe. *Modimo ga o robale*: *It* does not sleep, the Tswana sage will say, while the Ghanaian Shanti will respond *ho nyame*: *it* is *it*. Characteristic of this *modimo* is that it makes people do and say things, or make promises they really do not intend or mean to do. Many a time I have heard Africans, untutored in Western ways, aver that F. W. did not know what he was up to that day, or ever since. Without disparaging his integrity, he must, no doubt, sometimes, when all by himself, have wondered what had got hold of him. Our fathers knew what *it* was: O tshwerwe ke poitshego: *It* is the *aweful, numinous thing*, the *Mysterium Tremendum et Fascinans*, *Modimo*, that had him in *its* grip.

Several times during the tough period of negotiations, it was obvious this poor man and his followers would have retracted back into their laager. In the outcome of all these crucial touch-and-go incidents the African sage could perceive the constancy of the presence, participation, and direction of *Modimo*. It has not always been in the good, such as when the so-called liberation movements were scoring points, that this presence of *Modimo* was felt. One such episode is perhaps the most heartbreaking and tragic, namely the assassination of Chris Hani. It is incidents like this one that sealed the fact that the outcome of the struggle lies neither in might nor strength. The power that was able to contain the mass anger over that event was not human!

Another very unpleasant incident that seemed to be under other than human control was the Boipatong episode. It happened just when the National Party (N.P.) was making good inroads into the black communities and the newspapers were comparing F. W.'s popularity with that of African leaders in those circles. So it was all the time in this tug-of-war. Every time the adversary appeared to be scoring a point, something unfortunate would happen to their disadvantage; some rot within would be exposed thus serving to alienate even those who would have been sympathetic.

Like, for instance, the revelation that the government was passing funds



The Argus

Oupa Gqozo, whose decision to participate in the elections started a process that Setiloane calls "the break-up of the tug-of-war".

and weapons to Inkatha and, much later, that the kwaZulu defence administration had commissioned the production of arms from Armscor. The regularity and the careful timing of the train murders, obviously calculated to disrupt progress towards agreements at the negotiation talks, did exactly the opposite. Such utterly cynical and brutal methods were deprecated and alienated many. Confessions from the members of the secret ranks surfaced and people who were hired and trained to kill, themselves had to become refugees from their erstwhile comrades-in-arms.

This malady, where everything someone touches goes wrong and contrary to plan, and misfortune dogs one's efforts all the way, our fathers had a name for: They called it *Inqumbu Yeminyanya* (translated in A. C. Jordan's book as The Wrath of the Ancestors). Nothing anyone does who has this curse of divinity turns to advantage.

Perhaps the Christian divinity is so pure and moral that He/She could never contemplate using a dirty and unclean vessel to carry out its purposes. Not so *Modimo-Qamata-Umvelingqaki*. Nofumela is the case in point. The government's propaganda machinery was on the point of making all of us accept the talk that a third force was only a child's cry, "Wolf! Wolf!", in the dark.

It was this insignificant criminal, already condemned as unfit to live, whose days on death-row were already counted on one hand, who turned the tables. His insistence and determination to make a confession of other more hideous crimes than the ones he was sentenced to death for cannot easily be repeated in the annals of peoples and nations. In opposition to the powerful instruments of the N.P., he was indeed the proverbial Sotho-Tswana "ant" which *Modimo* employed to promote the cause of the defenceless, orphaned victims of a God-forsaken system.

One often wonders what ex-president De Klerk honestly thinks about his creation, the Goldstone Commission. With this act he was trying to open the actions of the government to public scrutiny – the "transparency" that later became an in-word. It turned out to be a pain in the neck for the N.P. regime. It unearthed so much that was rotten that it set alarm bells ringing in government circles. No one was safe any more.

This is when *Die Vrye Weekblad* published what it claimed was a confession of a Mozambique immigrant which would identify without any doubt the third force and the source of the horrors. There was a huge cry of "Foul!" when the Goldstone Commission revealed the existence and raided the department of covert operations, emerging with vital documents – oh, so vital! A court interdict was immediately clapped against their publication.

The then-president and his colleagues were immensely embarrassed. The commission's action was declared *ultra vires* by the howlers who had something to hide. Judge Goldstone, it was reported, was summoned to an interview with the state president. We never heard any more about the documents the commissioners had seized. It is claimed they were shredded. Nor has anything been heard about the Mozambican immigrant who confessed.

These steps all the more confirmed the public's suspicions. It reminds one of the biblical story of Adam, trying to cover himself up from the sight of an all-seeing divinity when he was already naked anyway.

But, it is mainly the events immediately preceding the elections of 27/28 April 1994, the obviously externally initiated violence, that drove cold sweat down the spine of all: The Afrikaner-Weerstandsbeweging (AWB) was threatening to go out in full force, Bophuthatswana's leader was playing stubborn as a mule, and the African National Congress, equally stubborn, was challenging him to a show-down. The Volksfront was canvassing a pact to bind all Freedom Alliance members to die together for the right to maintain "their cultural identity".

Civil war stared the country straight in the face. The loyalty of the South African Defence Force to F. W. and the N.P. was doubtful. It was quite clear that Umkhonto weSizwe cadres who had been under training in the various countries north of us were readying themselves for a sudden call to return home to fulfil the purpose of their many years of preparation. It was the decision of Oupa Gqozo, under pressure from the Ciskeian public servants, to participate in the elections that started the break-up of the tug-of-

Mike Hutchings

Chief Mangosuthu Buthelezi (right), whose brinkmanship kept the Inkatha Freedom Party out of the elections until the last moment, seen together with King Goodwill Zwelethini of the Zulus.

war. A highveld-type whirlwind took over. Before anybody realised, Mangope was counted out, the AWB "knights with the Swastika" lay vanquished, begging for mercy from their traditionally despised "kaffer soldate"; and the number one general of the total onslaught was calling for help from his blood brothers.

Only Mangosuthu Buthelezi still stood. Surely, there was more than human prowess and might at work here! But, even he was not to hold for long. At this very time, he was concluding a shameful treaty with F. W. to hive off with a big chunk of the country. Having concluded this nefarious deal, he announced Inkatha's readiness to participate in the elections.

It is right and fitting that the *Volksblad*, and all of us, cannot stop being amazed by the calm and peace that characterised the actual days of the elections, despite all that had been planned to sabotage the event. Physically, a lonesome eeriness charged the atmosphere here in the highveld. A belt of thin mist was spread all along the horizon, making indistinguishable the point where the earth normally seems to meet the sky. No wind was blowing; the autumn sun shone softly. I did not hear any of the birds chirping, nor the doves cooing in the trees. All nature seemed to have folded itself into a reverent posture.

In the township the shebeens were not functioning, by request of the organisers of the elections. No drunks were seen staggering along the streets. Nor do I remember noisy little children with their playful prattle around the streets, although they were certainly not at school! It was no ordinary holiday. It was a Holy Day, like Sunday used to be when we were small children ourselves. Some presence could be felt almost physically.

Towards the evening of the second day of the elections, attention was drawn to a crowd standing around a house out of which the inmates came running. Now that they reckoned they were far enough, they stopped and turned to look and see. They were joined by inquisitive passersby and neighbours.

Their hisses and whispers became clear as one approached: "It is a bomb!" A bomb in a quiet Free State black township! And at the end of two such peaceful days! The police came immediately and skilfully defused what they named "the devil's egg". The carrier was never discovered. But the general guess is that it must have been one of the frequenters of the place (as it is a drinking place, a tavern) who, having been paid for the purpose by his AWB/Conservative Party "baas", left it there by the door to perform the scary destruction they had threatened to wreak on those innocent lives. After the police defused the bomb they ordered the crowd to disperse and go to their homes. Quietly, and numb with something more than just "fear", they went their various ways, soundlessly clapping their hands (an expression of amazement and wonder) at having observed something so shocking and unexpected. As they moved away they were remarking, one to another, in uncounterfeited reverence: *Badimo ba rona ba nnile le rona* (Our ancestors have been with us) and *Modimo wa bo-rra-rona o re sireleditse*: *Modimo* of our fathers has been our protection.

These random thoughts I wish to dedicate to readers of my essay on "Salvation and the Secular" in *Hammering Swords into Ploughshares* by B. Tlhagale and I. J. Mosala (Eerdmans, 1987); people like Dene Smuts, member of parliament, and Shauna Westcott who keep on seeing elements of African religiosity confirmed in the events of our life together as our history unfolds; in the period immediately preceding the elections, the election process itself, and the inauguration of the new "multicultural and non-racist democratic government", resulting in a sigh of relief and a heave of joyous thankfulness in many a South African's heart and culminating in a nationwide euphoria, "Eureka! We have done it!" ❑

Gabriel M. Setiloane, formerly professor in the department of religious studies at the University of Cape Town, has retired to Kroonstad in the Orange Free State.

Transcending the past: A problem of transition

*As the future beckons and the new government of national unity begins the task of reconstruction and development, can and should we also strive to "lay the ghosts of the past"? **Mary Burton** examines the pros and cons with care, and makes the case for a Commission for Truth and Reconciliation.*

The first 100 days or "honeymoon" of the new government of national unity is over and the enormous task of reconstruction and development requires wholehearted energy and commitment. The new president advocates reconciliation and the economists focus on growth. There are persuasive arguments for making new beginnings, forgiving and forgetting past grievances, and wiping the slate clean. The difficulty lies in finding a way of transcending the past which yet acknowledges the evils which poisoned it, protects the future from contamination, and heals those who have been afflicted.

South Africans are looking to other societies which have undergone similar transitions. Commissions of inquiry, investigations and prosecutions for human rights abuses are in many places counter-balanced by amnesty or indemnity provisions. International instruments such as the Geneva Convention and Protocols are available for guidance. There are different processes for handling past offences, but political and economic realities can obscure the necessity to focus on truth and justice as the foundations for the new society.

The announcement in June by minister of justice Dullah Omar that a Commission for Truth and Reconciliation would be established was therefore particularly welcome. The groundwork had been laid by the conferences, discussions and research of organisations such as Idasa (the record of one conference has been published under the title *Dealing with the Past*). Media debates have publicised the views of detractors as well as supporters. The concept of such a commission is relatively well established, even while its terms of reference need far clearer definition.

"It will be the task of the civil society to maintain its own pressure to pursue justice as well as truth, and to ensure that in South Africa as in other countries we can say Nunca Mas – *Never Again."*

The concepts of indemnity and amnesty have also been in discussion for some time. We have had the Indemnity Act of 1990 and the Further Indemnity Act of 1992. Amnesty was agreed to during the negotiation process but there is still limited understanding of how it would occur. Indeed, there is some lack of clarity in the way in which indemnity and amnesty are used interchangeably. I take indemnity to mean exemption from legal responsibility and penalties for particular actions, while amnesty is a pardon granted by a sovereign or a state for an offence, especially one of a political character, and usually granted across a broad spectrum.

To explore the possibilities it is necessary first to look at the indemnity legislation which the new government inherited. Lourens du Plessis has done this very clearly in his contribution to *Dealing with the Past*. The 1990 act gave the president the power to grant "indemnity to any person or category of persons in respect of any event or category of events". No criminal or civil proceedings can be brought against any person to whom such indemnity has been granted.

This act was apparently promulgated in order to indemnify those who had committed crimes as part of the offensive against apartheid and to allow exiled members of liberation movements to return to South Africa (the wording of the act, however, would also allow state officials or other persons to qualify for indemnity). A broad definition of "political offences" as mentioned in the act was published as a guideline in the *Government Gazette*: The intention and objectives of the perpetrator as well as the circumstances, nature and effects of the offence were to be considered.

In 1992 state president F. W. de Klerk pushed the Further Indemnity Act through the president's council in order to be able to indemnify those who "advised, directed, commanded, ordered or performed acts with a political object which resulted in criminal charges". This legislation allowed for the indemnification of state officials who perpetrated atrocities (or gave the relevant instructions) and for the release of prisoners already convicted of committing offences "with a political object". The offence had to have been committed before 8 October 1990 (since amended to December 1993).

It was in terms of this act that president De Klerk granted indemnity to some 60 prisoners just before the election. This decision was first contested but then acceded to by the new government. It raised a storm of protest and a number of very important questions: What pressures could have convinced the cabinet of national unity to agree to this indemnification? How long would it be before these two acts were challenged before the constitutional court on the basis of contravening the Bill of Rights? What had been the point of the advisory committee appointed by the minister of justice and headed by Brian Currin of Lawyers for Human Rights to look into the 800 or so outstanding indemnity applications? Would the work of a Commission for Truth and Reconciliation be totally undermined if such indemnifications continued?

Black Sash president Jenny de Tolly protested strongly against this use of the indemnity legislation, saying it would undermine public respect for the rule of law. She called for the repeal of the Further Indemnity Act and a halt on indemnification and releases until clear terms, objectives, and procedures had been set for granting pardons.

What then is to be done about those who have committed crimes and atrocities in the furtherance of a political aim? There are arguments in favour of amnesty which must be given serious consideration:

◊ When a country has reached the stage of transition from an oppressive regime to a democratically elected government without the defeat or overthrow of the previous government, there is an underlying agreement that the previous antagonists will not prosecute one another. A broad amnesty is therefore required to give effect to this, although it does not have to mean that serious human rights abuses should be ignored.

◊ The assurance of amnesty is one of the only ways of bringing forward witnesses to testify about offences committed by themselves and others. Amnesty can therefore be an essential tool for a truth commission.

◊ Amnesty, when it goes together with full disclosure, and also with a process of reparation, can contribute to reconciliation and healing, and open the gate to the necessary reconstruction and development of the whole society.

Amnesty, however, will not bring these advantages if it is used to cover up crimes, to protect criminals and allow them to continue their lives unchecked, to convey a message to the victims that they were expendable and their suffering does not matter, and to make a mockery of the constitution's commitment to human rights and the rule of law.

Only a respected, widely trusted, independent body could bring together the concept of disclosure and amnesty in a way which could lay the ghosts of the past and open the way to reconciliation.

It requires a commission which is resolutely intent on uncovering as much as possible of the truth, bringing respect and dignity to the victims of human rights abuses, and seeking means of reparation – for individuals and for society. Such a commission (it is not easy to find a better name for it than Truth and Reconciliation, in spite of its Orwellian overtones) must be appointed by the government. It must be the best evidence of the government's acceptance of its responsibility to deal with the past in this way. It must have the necessary status and authority to have access to all past records and to call any witnesses. Members of the

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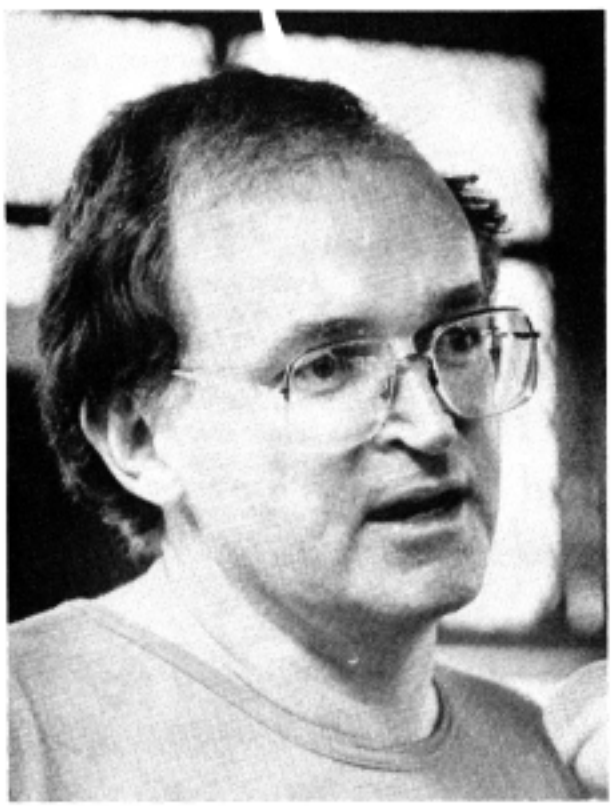
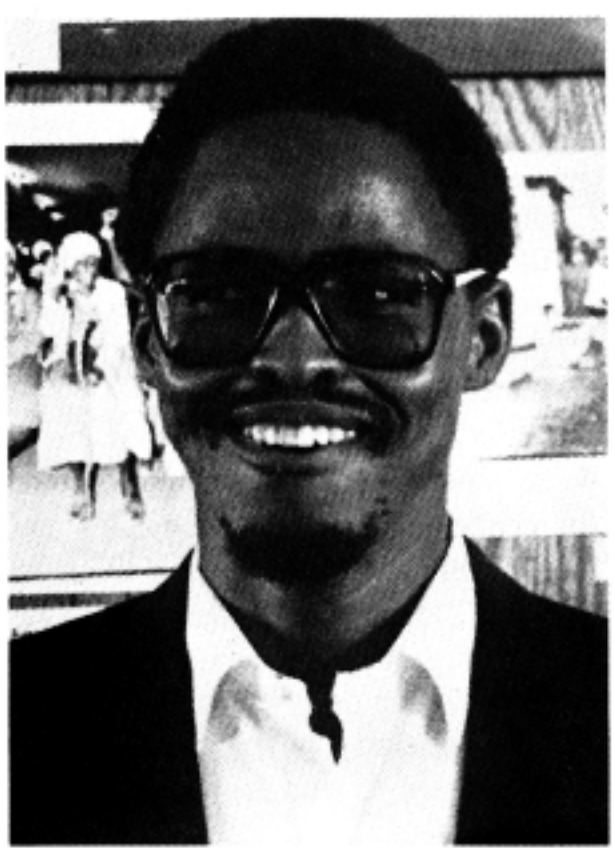


David Webster

Eric Miller



Matthew Goniwe

Gille de Vlieg

Anton Lubowski

SASH archive

"... the stories of the victims themselves must be heard ... This is necessary not only in pursuit of the truth but also to accord respect to the victims and value to their sacrifice."

commission should include persons who have the confidence of all parties.

At the same time, the commission must be set apart from government and the process of governing. The old and the new orders in the government of national unity have daily to fulfill the legislative and executive functions together at all levels. They cannot allow that process to be unduly disrupted by the risk and pain of the commission's probing. The processes must be separate and parallel, and it will be a delicate task to keep them so.

What is to be probed? What form should the investigations take, and for how long should the probing continue? And what happens to the final results?

In the first place, the stories of the victims themselves must be heard. The full accounts must be recorded of what was done, not only to the well-known people like Matthew Goniwe, Anton Lubowski and David Webster but also to the thousands who were tortured, assassinated, or who have disappeared. This is necessary not only in pursuit of the truth but also to accord respect to the victims and value to their sacrifice.

Those who committed crimes while in the service of the state must be exposed, but so also must those among the resistance forces who transgressed the human rights code. The commission will need to seek ways in which to avoid revenge attacks by angry victims on those who either come forward to testify or are implicated.

There is debate about whether hearings should be secret or not. There may be some cases which require secrecy but, in general, the hearings should be open to public scrutiny, while avoiding becoming a "spectacle". The commission must have access to previously secret files and the right to question everyone who is implicated or who can contribute information. Only by these means will there be a possibility of discovering the role of hit squads, a third force, blackmail, corruption, or any other crimes, and of finding who gave the orders and planned the strategy.

The offences to be investigated should be deliberate acts of violence, torture, sabotage, intimidation and destabilisation. The major apartheid crimes against humanity of racial discrimination, pass laws, group areas, land dispossession and educational deprivation will be dealt with through the political and constitutional processes.

A time limit should be set for the commission to complete its work – as short a period as realistically possible (two years has been suggested). It should conclude its task with the compilation of a full report, which would be given the highest possible status and be a symbol of the country's commitment to vigilant prevention of any repetition of the crimes it records.

The commission should have the right to make recommendations concerning reparations, whether these be to individuals or to the society as a whole. The commission should not be the mechanism for any prosecutions which could arise out of its findings. Though the strategy used in Chile where the commission did not set out to name the perpetrators may not be appropriate here, the commission itself should not also be the court or the prosecution.

The decision about whom to prosecute and for which crimes, and about how broad an amnesty is required, will ultimately be a political one. The government will be constrained by many pressures, not least by those within its ranks whose interests would be affected, and it may not have either the will or the ability to allow every case to be taken to the courts.

It will be the task of the civil society to maintain its own pressure to pursue justice as well as truth, and to ensure that in South Africa as in other countries we can say *Nunca Mas* – Never Again. ❑

Mary Burton is the current national president of the Black Sash.

Transformations of governance: The case of community policing

Using policing as the example, ***Clifford Shearing*** *outlines the means by which poor communities can benefit from "the positive features of market-based governance" which, at present, the more affluent communities already enjoy.*

One of the most significant political global developments over the past several decades has been a shift in the locus of governance from the public to the private sector, from the state to civil society. The involvement of civil society in governance is not new. Governance has always involved both state and non-state processes. What is new is the emphasis being given to non-state initiatives. This is evident both in changes in practice that have occurred quietly and without fanfare and in changes that have been vigorously promoted as part of a new liberalism that has promoted deregulation and privatisation.

A critical feature of this shift has been the increased use of markets to provide services privately that used to be provided by the state. Markets have become a site of contractual arrangements through which private entities contract with citizens and corporations to provide for a variety of governmental services. As a consequence privatisation has paradoxically led to a "publicisation" of the private sphere as more and more areas of public governance come to be exercised privately.

Nowhere is this more evident than in the provision of security, an arena of governance that has long been regarded as a special preserve of the state. Today private prisons and private policing organisations are a world-wide phenomenon. While the use of markets to provide for imprisonment and other forms of "correction" is not currently a feature of South African security, private policing most certainly is. Indeed, the ratio of private security persons to police persons in South Africa (estimated to be four or five to one) is probably the highest in the world.

White and corporate South Africa rely heavily on market mechanisms to provide for the security of both property and persons. For evidence of this one only needs to look at shopping and recreational complexes like Cape Town's Waterfront or the thousands and thousands of "gated communities" across the country in which those who can afford it come together in feudal-like villages

Willie de Klerk, *The Argus*

This march from the University of the Western Cape to Bellville in early 1993 was one of the first to implement a system of co-operation whereby the organisers and others controlled the march, and the police withdrew.

". . . private governance carried out by whites tends by and large to be immune from close scrutiny and criticism at the same time as the private governance that takes place within black communities is the subject of considerable 'public' concern."

protected by walls and the equivalent of moats and drawbridges. In addition, many corporations rely heavily on private security to regulate the lives of their employees. Private governance in South Africa is big business.

What is particularly significant about South Africa, and what sets it apart from most northern industrialised countries, is the extent to which private governance also takes place outside the mechanisms of the market through popular institutions such as civics, street committees, self-defence units and the like. These civil institutions have for years provided a crucial source of governance within many, many South African communities.

The net result of these market and popular initiatives in governance is that South Africa is now governed by many thousands of "private governments" that cut across class and race. State governance is obviously still vitally important but governance is by no means a state monopoly. If centralised government is a characteristic feature of what is being termed "the modern" period in Western development, then South Africa can be considered a decidedly post-modern society.

The market-driven forms of private governance and those that have arisen within the context of the struggle against apartheid, while similar in that they embed governance within the institutions of civil society, tend to be evaluated very differently in the media and by those with economic and political power. Forms of private governance that take place within the formal economy, for instance those associated with private security, tend to be viewed positively. In contrast, those that take place within more informal structures, for example street committees, tend to be viewed critically.

Thus, for example, more concern tends to be expressed about the potential for abuse of power in the case of popular forms of policing than about the corporate policing that takes place within the private domains of large mining and agricultural complexes. This is so even though the abuses that are typically cited to justify disapproval of popular forms of governance (such as lack of account-

Doug Pithey, *The Argus*

The challenge is to develop a model that integrates the police into community policing networks.

ability and the use of violence as a regulatory resource by self-defence units) are also problems within the corporate sector where private security has a reputation for brutality in their dealings with workers. Given the association of formal and informal governance with race, this means that private governance carried out by whites tends by and large to be immune from close scrutiny and criticism at the same time as the private governance that takes place within black communities is the subject of considerable "public" concern.

One consequence of this difference is that much more attention is being paid to responding to the abuses of popular governance than to formal forms of private governance. It is popular governance that is a political concern, not corporate governance. The dominant political response to this concern with popular governance, despite a rhetoric that often is sympathetic to the idea of "protecting civil society", has been that it should so far as possible be eliminated now that a legitimate government is in place. This is to be done by ensuring that the new government is able to provide whatever governmental services are required, thereby eliminating the need for popular governance.

The analysis that is driving this response conceives of popular governance in South Africa as a consequence of the struggle against an illegitimate state and the failure of this state to provide services to all its peoples. Now that this struggle is over and South Africa has become a liberal democracy, popular forms of governance should be allowed to wither and die as the services they provided are taken over by the new state. The idea is that the new state should establish a monopoly over governance. It should, of course, in governing be more responsive to the needs of the people but it should none the less be the state that should provide for these needs.

While this argument is presented in general terms, it is implicitly directed at the poor on the grounds that it is the poor who need governmental service most desperately. The effect of this is to leave in place the market-based forms of private governance that the more affluent are able to draw upon while seeking to eliminate popular governance.

The consequences of this line of thinking are seen clearly in the movement that is taking place within the new South African Police to promote community policing as the linchpin of a transformed police service. What is being proposed is policing by the police but with input and assistance from citizens. The idea is to enhance government service by giving the public a say in what the police do. At the same time it is hoped that improved relationships with citizens will lead to greater assistance from citizens so that the police will be able to do their job more effectively.

To facilitate this, the new constitution has mandated the establishment of community-police forums at the local station level. Police boards are also being established at the provincial and national levels. If the plans being developed within the Ministry of Safety and Security find their way into legislation, the community-police forums will be linked to the regional police boards and these will in turn be linked to the national police board.

All of this is certainly a move in the right direction as any effective security strategy will require a supportive police service that is sensitive to community needs and concerns. This will be particularly important if the abuses that have taken place as a result of civilian use of physical force in popular and private policing is to be avoided. The police must certainly be available to communities to respond when force is required and regulations that severely limit the rights of non-state police to use physical coercion need to be strictly enforced.

If, however, community policing is used to put an end to popular forms of policing this will be a mistake. It will deprive poor people of direct control over their lives by continuing to give police ownership of policing and it will limit the range of security strategies available to them as the policing will only involve whatever it is that the police are able to do. As those who employ private security know full well, people who are in a position to define what security means for themselves and who can mobilise resources to provide for it are able to exercise considerable control over their affairs.

While community policing enhances people's ability to influence the police they must still rely on the police to decide what is best for them. They must also rely on the police and whatever resources they have at their disposal to guarantee their security. As the saying goes, if you give a child a hammer everything begins to look like a nail, and if you give policing over to the police everything begins to look like an opportunity to use the police service.

What is required is not a police service that is used to do away with popular policing which has been such an important feature of so many South African lives – any more that it should be used to do away with the valuable features of private security that have made places like the Waterfront so successful as commercial ventures. Rather, what is needed is a dual system of policing that networks state and non-state policing in ways that seek to draw on the advantages of both and minimise the disadvantages. These networks, if they are to be effective, need to be controlled by communities who must be in a position to decide, within the confines of a regulatory framework, when and where different policing resources should be deployed.

For such a vision to be realised, what is required is a focus on policing rather than on police that will lead to reform strategies which will establish new forms of policing at both the public and the private level. Community policing needs to be interpreted literally to mean policing for and by communities, in which state policing is one component in a network of resources and in

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"... we are seeking to draw upon and enhance the positive features of market-based governance while at the same time avoiding its negative features – in particular the tendency of existing market-based strategies to privilege the rich at the expense of the poor"

which communities will determine what the character of this network will be. This is precisely what happens at the moment in places like Cape Town's Waterfront and in gated communities, and it is what should be happening across South Africa.

This approach to reform requires a broad conception of policing. Reforming the South African Police is not only not enough but any attempt to do so outside of a context of wider reform will lead to the police attempting to do everything as opposed to the things for which they are suited. There are times when hammers are needed in carpentry but they are not all that is needed. To try and modify hammers so that they can do what a whole tool box should be doing is not very sensible.

"Community policing needs to be interpreted literally to mean policing for and by communities, in which state policing is one component in a network of resources and in which communities will determine what the character of this network will be."

This wider approach to policing was endorsed by the Goldstone Commission when it adopted and promoted the recommendations of its panel's report on the policing of mass demonstrations. This report, which advocated the use of marshals as the major resource in policing demonstrations and which argued that the organisers should be given the primary responsibility for ensuring they are safe, promoted a model of dual policing that would integrate both civil and state resources.

Critical to these proposals, which proved to be remarkably successful during the pre-election and election periods, was the establishment of "triangles of safety" as forums in which organisers of demonstrations, municipal officials, and the police are brought together to establish strategies that identify and network a wide variety of resources, from entertainers to toilets. The triangles have given rise to joint command centres that operate during the demonstrations to respond to problems that arise.

These principles for networked policing are currently being generalised in work undertaken by the Community Peace Foundation at the University of the Western Cape. The Foundation is working to develop a model of community policing that starts with communities, not the police, and that integrates the police into community policing networks. Over the past half year the Foundation has been experimenting with community-policing forums (note that these are policing, not police forums) which are designed to bring people together to define their security needs and to develop security strategies for meeting these needs. This work is now completed and manuals are being prepared that will enable these forums to be established elsewhere.

The Foundation is now moving to a second phase in which these manuals will be tested, in which police will be trained in the principles of bottom-up policing, and in which plans for the state funding of community policing forums will be developed. With respect to this last point, what is envisaged is the development of Community Safety Centres within municipalities as the institutional locations that will co-ordinate and support the work of policing forums through the provision of tax revenues. These centres will also provide *loci* for accountability.

This phase of the Foundation's work is taking place in co-operation with the police. The hope is that by the end of 1994 the Foundation will have developed detailed plans for networked policing that will shift control from the police to communities and that will enable poor communities to control their policing in much the same way as more affluent communities and corporations do now.

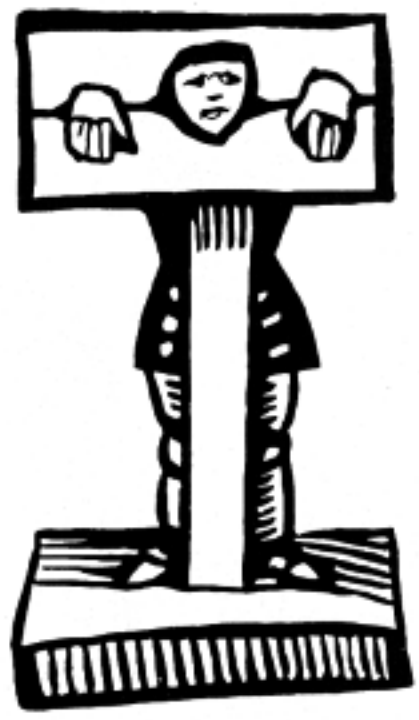
These developments will, it is hoped, also provide guidance for the development of more decentralised forms of democratic and participatory governance which can be utilised in other domains, for instance health, transportation, and housing. Our hope is to lay the groundwork for forms of social governance generally that rely on markets and voluntary associations, that promote bottom-up strategies rather than top-down ones. In taking this stance we are seeking to draw upon and enhance the positive features of market-based governance while at the same time avoiding its negative features – in particular the tendency of existing market-based strategies to privilege the rich at the expense of the poor.

In taking this position the Foundation has adopted a critical stance towards those who share our people-driven approach but argue that market-based forms of governance that promote the development of "contractual communities" are not compatible with social justice. (For a fully developed analysis of this stance, see M. Brogden and C. Shearing, *Policing for a New South Africa* (Routledge, 1993).) ❑

Clifford Shearing is director of the Community Peace Foundation, University of the Western Cape, and of the Centre of Criminology, University of Toronto.

Civil society in action:

The Accredited Civilian Visitors' Programme



In an atmosphere of post-election enthusiasm the mass arrests and detentions without trial of the apartheid era are unpleasant memories to recall. They occurred in a society in which security force members assaulted, tortured and murdered detainees with impunity, for they were protected by legislation which kept civilians well clear of detainees. While the repeal of Section 29 of the Internal Security Act boosts the rights of detainees, the strengthened legal position of people held in police custody is meaningless unless their conditions are monitored regularly.

One of the mechanisms currently being put in place to guard against the abuse of detainees is the Civilian Visitors' Programme, under which civilians inspect the conditions of suspects held in police custody. The programme, which has already been implemented in some parts of the country, will benefit all those involved: It will go far in reducing the mistrust and fear of the police that exists in many areas and will empower communities to hold the police force accountable to the people they are appointed to serve.

Under the programme, the civilian visitors are accredited by police and community organisations. They are given 24-hour access to people held in police custody and visit police stations randomly, with no forewarning to police on duty. The visitors operate in pairs and note whether the detainees know their rights, need medical attention or legal aid, and are getting sufficient exercise. If visitors have any complaints arising from their observations, they are to raise them with the officer in charge immediately and report them to the secretary of the programme, who follows up the matter.

In the Western Cape, a sub-committee of the Regional Peace Committee was mandated in August 1993 to develop a proposal. The sub-committee adapted a constitution drawn up for the Wits-Vaal area, but has run into obstacles while negotiating the constitution with the police. The South African Police Services (SAPS) wish to limit visitor access to "custody suites". Recognising that many assaults have taken place in Casspirs or police station toilets in the past, civilian organisations are requesting access to all places of custody.

Another sticking point is that the police wish the programme to be implemented at a local level, rather than regionally. The programme is currently operating in Mitchell's Plain, Bellville and Milnerton. The concern of the NGOs is that local structuring will allow police to control the process, for civilian visitors would not necessarily have contact with visitors in other areas. In addition, if visitors raise concerns which are not addressed, it would be difficult to take action at higher levels without a regional support base. Despite these obstacles, Dr Paseka Ncholo of the Community Peace Foundation believes that the programme could be implemented on a regional level in the near future, with overall coordination being national.

In comparison, the formulation and implementation of the programme in Grahamstown has been much smoother. At a workshop hosted by the sub-regional Peace Committee in September 1993, a constitution was negotiated and accepted by the police, community members and organisations present. Eight "community visitors" have been appointed and trained, of which three are Black Sash members. Shanta Paterson of Albany Region reports that visits take place twice a week and that police have responded to all the concerns raised. The visitors have encountered many inmates who do not know their rights and need legal representation, and are attempting to galvanise the legal community to address this.

While many difficulties such as those encountered in the Western Cape will continue to crop up, there appears to be a strong impetus towards the establishment of such programmes. Once the first ones are operating efficiently, the challenge will be to extend them to the rural areas. ❑

Hildegarde Fast is a member of the Cape Western region of the Black Sash.

Welfare: Who should deliver?

The Star

***Marj Brown** examines the role of the state* versus *that of civil society.*

In order to look forward to what the role of the state in relation to that of civil society should be with regard to the provision of welfare, it is necessary to understand how the current welfare system evolved. It is also necessary to clear one's head of the current situation and look at what is desirable for the future.

The first section of this article is basically a summary of Leila Patel's excellent book, *Restructuring Social Welfare – Options for South Africa* (1992).

Background

Before colonisation, the "welfare needs" of resident communities were met by communalism, co-operation and mutual support in a context of wide access to land and, therefore, the relative stability and self-sufficiency of communities. This was disrupted by the discovery of minerals in 1867, and the ensuing colonial laws aimed at turning hitherto self-sufficient peasants into wage labour on the mines. Hut and poll taxes, the Squatter Law of 1895, and the 1913 Land Act combined to force some people to seek work as migrant labourers, leaving others on increasingly eroded and impoverished reserves.

"Welfare programmes for black workers in urban areas were non-existent as they were not considered to have political or welfare rights, and their needs were assumed to be met by the subsistence economy of the reserves. 'White welfare' was mainly through the church and the family, until the Carnegie Commission of Inquiry in 1929 on the 'poor white problem'. This led in 1937 to the first state welfare department – the beginning of organised state intervention in social welfare and the professionalisation of social work. The principle of joint responsibility between the church, state and private initiative was emphasised. State financial support was given to voluntary welfare organisations which were expected to deliver and co-ordinate services and raise professional standards of service delivery."

After the National Party (NP) came to power, its race classification policy divided the population into four racial categories with structured differential access to social welfare services. Disenfranchised, the Africans, coloured and Indians were unable to influence the flow of welfare resources in their direction.

The Fundraising Act controlled state subsidisation of welfare organisations, with regional boards only registering "apolitical" welfare organisations. These regional welfare boards "representing state and community interests", were charged with regulating, co-ordinating, promoting and planning welfare activity within their regions.

Social security consists predominantly of non-contributory social pensions for the aged, the disabled and for single parents. The dominant features of this system have been a lack of

responsiveness to the aspirations of the majority of the disadvantaged, with few mechanisms developed for community participation that were not merely co-optive and manipulative.

It has been fragmented, with its scope limited to the provision of welfare rather than to addressing mass poverty, inequality and underdevelopment. Service delivery was spatially as well as racially unequal.

However, another aspect of social welfare had developed in South African society: the informal welfare sector. This had been shaped in the context of growing resistance to apartheid, particularly post-1976, and evolving even more in the 1980s, after the state of emergency. Community and workplace struggles centred on the demand for social services, facilities, social security and social policies to meet basic needs placed in the context of the political and economic transformation of South African society.

Progressive organisations initiated their services in response to needs that were not being met or to inadequate or ideologically biased services. In these organisations, strong emphasis was placed on building democracy and grassroots participation. Civil society was mobilised to fight for its rights, to advocate the needs and the rights of specific target groups, and to evolve alternative models of social development programmes.

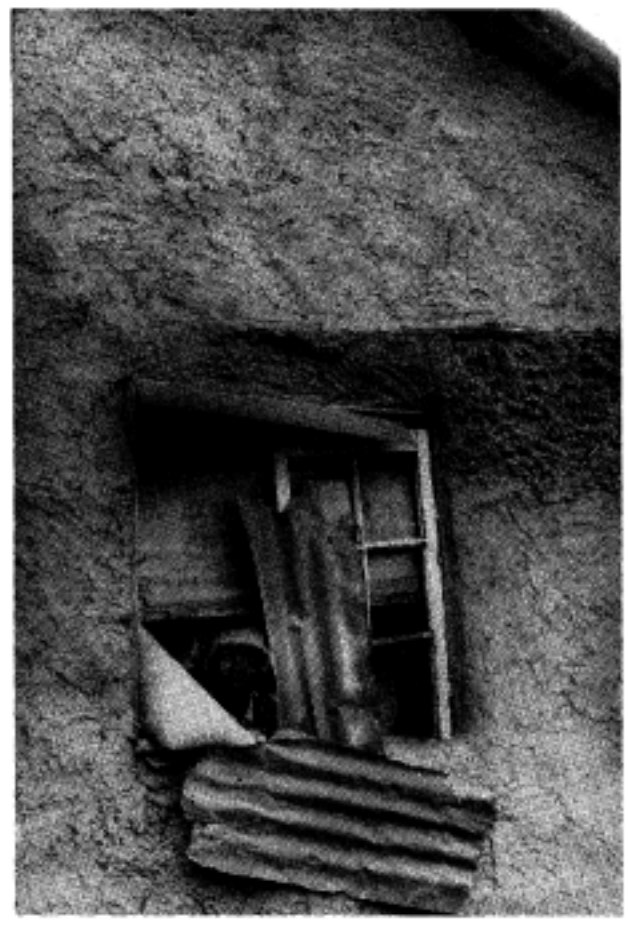
A multi-disciplinary approach was stressed, with a service delivery responsive to the local context. A mixed economy of social welfare was visualised, involving public welfare policies, fiscal policies, occupational welfare, and the sponsorship of organisations of civil society – trade unions, religious bodies, voluntary non-profit citizen actions, indigenous helping networks, communities, individuals, and the family.

"The primary role identified for the central government was that of catalyst, planner, director, initiator and supporter of social welfare efforts, with promotion of free participation on equal terms by all individuals and groups in social, political and economic activities."There was thus a wide variety of welfare-orientated organisations, in some cases working individually, in others united through the broad agenda of the political transformation of South Africa.

Current trends

Social welfare is being shaped at present by the government of national unity. The key role players are the old bureaucrats, NP officials and the ANC (NP minister, ANC deputy minister). The finalisation of the regulations of the Social Assistance Act, which will govern the cash grant part of welfare, will bring it into action.

When the regulations were finally released for comment, in draft form in the *Government Gazette*, many organisations worked together in their responses. Earlier drafts had been secretly and selectively released for comment, with different pieces of the draft going to different organisations. The Black Sash had obtained the bits and pieces through the back door, and co-ordinated a united response from about nine different role players.



SASH archives

"Social security consists predominantly of non-contributory social pensions for the aged, the disabled and for single parents. The dominant features of this system have been a lack of responsiveness to the aspirations of the majority of the disadvantaged, with few mechanisms developed for community participation that were not merely co-optive and manipulative."

More recently, at a meeting at the Development Bank of South Africa (DBSA) organised in June to look at poverty alleviation and the role that should be played by welfare services and development, government officials present expressed great pleasure about participating in the workshop, and requested more such brainstorming, with the DBSA's assistance. This is a welcome shift, and it will be up to interested parties to see that this new approach is maintained and becomes procedural.

Recent moves towards a welfare forum raise the possibility of a wide spectrum of welfare-orientated organisations co-ordinating their efforts to restructure welfare provisions. The rise of forums in our country has been a very encouraging move on the part of civil society. Their role has varied from the facilitating one of getting government, the private sector, and non-governmental organisations (NGOs) to talk (as the Housing Forum did) and thus help shape future policy together, to playing watchdog, and lobbying the government of the day on behalf of all role players outside government. Some forums had a brief life span during the political transition. These will phase themselves out now that the new government is in power. Others believe that, with the new government in place, they have an ongoing role.

One of these is the Welfare Forum which hopes to bring together all role players in the welfare field, in order to:

- ◊ identify and address the critical issues facing the welfare sector in the transition phase and in the reconstruction and development of a future South Africa;
- ◊ develop and maintain dialogue between different constituencies in the social welfare sector; and to
- ◊ place social welfare on the political and development agenda in the transition and post-transition phases.

Attempts have been made to draw organisations from grassroots community-based organisations, NGO service organisations, statutory welfare bodies, national welfare councils, social work departments of universities, religious organisations, consumer bodies, and so on, into regional forums

SASH archives

The RDP needs to look at issues of social welfare and the provision of social services such as health and education in an integrated way.

that will have regional representation on a national forum.

The Welfare Forum will take time to deal with the inner tensions existing in its structure of formal and informal welfare bodies, and the differing views on welfare and development and ensuing priorities. It has, potentially, a powerful role to play as an organised lobby of civil society in welfare provision.

One of the crucial issues is how the welfare versus development debate is addressed, and therefore how funds are channelled to different departments. The Reconstruction and Development Programme, supposedly central to most government departments, needs to look at issues of social welfare, job creation, land reform, and the provision of social services such as health and education, in an integrated way. It will only do this to the extent that the Welfare Forum and other role players insist on it. Otherwise, welfare will once again be marginalised in terms of priority and financing.

The crucial issues outlined by the Ad Hoc Facilitating Committee for a Welfare Summit need to be urgently debated within the Welfare Forum and consensus reached, so that there is a united forum and not a loose body with undercurrents of the old apartheid structures. One of the problems is the potential domination of representatives from national councils, who have more capacity than grassroots agencies and NGOs to sustain their involvement in such structures. This might impede a fresh approach to restructuring welfare.

Points for the future

In this section, I draw largely on several articles written by Francie Lund, researcher at the Centre for Social and Development Studies, University of Natal, Durban.

An important issue in setting national coherence and standards in welfare, while allowing for local responsiveness and flexibility in administration, decision making, and participation, is the achievement of a balance in the debate about decentralisation/centralisation. This is true for the government bureaucracy as well as for local government and the private sector, in terms of realising the full participation of civil society. Within the empowerment of local decision-making, lobbying for the participation of women will be crucial if there is really to be effective service delivery and targeting of the most vulnerable.

The state can also be a catalyst for improving/equalising service provision, depending on how it provides subsidies. Rather than making subsidies generally available on the basis of welfare programme proposals (and thus in reality subsidising the more articulate, urban organisations) the government can offer subsidies as positive incentives to "any organisation which submits proposals for outreach programmes/ new services in the urban periphery or in rural areas, or which are targeted at children, or which take risks with innovative ideas on how to strengthen local support groups (with a) cutback of support for those disinclined to change. These NGO welfare organisations, which are able to provide a more responsive, flexible and innovative service than the state, will often show the way the state should go in providing a more comprehensive service."

There is a need for an enabling legislative environment. "Legislation at present is all about control, procedures, authority, excluding creativity rather than encouraging new ideas. There needs to be a move towards certain absolutely vital minimum protective standards and then open the rest up."

One key area here is the control of access to funding for NGOs, which hopefully will be relaxed. A visible policy and system is needed, so that its benefits and drawbacks can be seen and acted upon. In the past we have had an invisible policy-making process and vast discretionary powers have been given to officials.

We need clear rights based on clear criteria. Citizens' participation is crucial in the identification of needs, formulation of policy and control over services. (The development of the Welfare Forum and the balance of centralisation/decentralisation will be crucial here.)

Lastly, if we as participants in civil society want to contribute to strengthening civil society through our own practices, there is a challenge to us all to make our organisations more democratic, more inclusive, less hierarchical, and our work more empowering, so that we do not enhance the marginalisation of those for whom we deem to speak. ❑

Marj Brown is national research officer of the Black Sash and a member of the ad hoc *interim committee which addressed the need for a National Welfare Forum.*

The power of group effort

***Don MacRobert** considers the immense value of one of the smallest elements of civil society.*

Gille de Vlieg

Women selling goods on a street pavement. Stokvels can assist in providing the financial support to start these ventures.

The concept of communal or group effort and activity is widely known, not only among South Africans living in Soweto or the rural areas, but throughout Africa. Indeed, this communal effort and activity represents the microcosm of society which empowers people.

There is a Tswana word – *letsema* – which aptly describes such activity. If, for example, a family has lands and it becomes necessary to plough them, then through *letsema*, or group effort, this can be done very effectively and efficiently.

What happens is that landowners invite their neighbours and friends to come to the *letsema* to help plough the lands. Many arrive, and through this added muscle power, the fields are ploughed quickly, and the sowing of the seed is completed. The landowning family does not pay anyone who participates in the *letsema*. However, because their neighbours have helped, they are obliged to provide food and drink for them.

The same happens if an individual or a family wishes to build a house. Through the *letsema* method, women put up the mud walls around structures inserted in the ground by the men, and the men do the roofing and thatching. Afterwards, food and drink are again provided, and this is the only form of reward given.

The group activity concept also applies to money exchange and money saving – the stokvel known throughout Africa though under different names (in Kenya it is *jahudi*, in Mozambique it is *shatik*, in the Francophone countries it is *tontine*). For the very poor (who have no access to the formal lending institutions in the economy), or for those who have been disadvantaged (for example by apartheid laws), it is the only way to generate savings.

The group (or stokvel) has strong binding forces. It also has a social element. In a stokvel, members agree to meet on a regular basis, and when they meet they each contribute ("pop out" is the expression) an agreed sum of money. The money then rotates among them in an agreed rotational order until each person has had his or her turn.

Strong disciplines apply to the group. If any person is mistrusted by any other, that person is encouraged to leave and join another stokvel. There is also social and communal pressure on each member to make the monthly contribution. If it is not made, and if there is no valid excuse, the member is likely to be ejected from the group and to get a bad name which would disqualify him or her from membership in other groups or stokvels within the same neighbourhood.

The member whose turn it is to receive the lump sum is free to use it for whatever purposes he or she desires – sometimes such major purposes as a car or a house. Some invest the money in a business (many small businesses have started with the potential entrepreneur using stokvel money to buy capital equipment), additions to houses, the purchase of livestock, or the acquisition of household appliances, books or uniforms for school-going children.

Membership of a stokvel is based on friendship and mutual trust. In the townships, this often extends outside of kinship ties and creates a new form of social fabric. New participants are only accepted on the recommendation of current members.

The stokvel has assumed a particular importance in the South African context in which migration to the cities has devastated the family and community structures of African society. This created the need in urban areas to establish a sense of community which crossed kinship/ethnic lines. It also played a major role in a time when the African population was largely prevented from participating in formal financial institutions.

Because women have traditionally been excluded from formal socio-economic institutions, they have been strong participants in the informal networks such as stokvels and burial societies, to enlarge and empower their world. ❑

Stokvels, "Get Ahead", and women

Stokvels enable independent traders to develop a social support system and contribute to their family's income. (Photo: Mike Hutchings)

Get Ahead Foundation, a non-profit company, was the first on the African continent to use the stokvel concept as a mechanism for its group lending programme and, like traditional stokvels, its groups of borrowers live or die on the basis of mutual trust.

* The Durban beach-front hawkers are a perfect example of a group of independent entrepreneurs who have developed a social support system based on the stokvel approach. Many of these women set up at 05:30 and, during the peak season, may stay at their places until after midnight, some of them sleeping on the beaches because they cannot afford transport or because it takes too long to go home and return early enough in the morning.

In order to alleviate the harshness of the conditions, many of them help each other by minding one another's children and goods while they take breaks, and by protecting one another from theft. Most of these women have borrowed from Get Ahead in stokvels consisting of five or more borrowers, and these stokvels are now the basis for a broader union of self-employed women (Aftosa) who are negotiating with the Durban City Council to build a formal market for them on the beach front.

* Mrs Chauke, a member of a stokvel consisting of a group of borrowers, borrowed R25 and used it to buy a bag of green mealies which she toasted over an open fire near the men's hostels and sold the food to the hostel dwellers. At the end of the month, she returned to Get Ahead and repaid the entire loan plus interest for the whole year. The loans officer explained to her that she should pay the loan back in twelve equal instalments throughout the year. Her response was that she had had her turn and it was now somebody else's turn to benefit.

She said that at the end of the first week she had made sufficient funds to be able to buy two further sacks of green mealies which she was then able to roast and sell. At the end of the third week she was able to buy four sacks. At the end of the month, her gross takings were R500. Using this capital, she was able to pay off the monthly rent on her home, buy some books for her children and food for the family. In addition, she was able to take on an employee, providing work and dignity for another human being. ❑

Don MacRobert is managing director of the Get Ahead Foundation.

Press freedom:

*Asserting that "the culture of real press freedom has yet to be born in South Africa", **Barry Streek** examines issues which are crucial for civil society and democratic practice.*

South Africa has drifted into a new era without any clear policies on media ownership, or even an effective commitment in the constitution to press freedom.

Indeed, many of the more than 100 legal restrictions on the media in the old South Africa remain in force, technically at least, and the ownership of the electronic and print media remains under the control of either the government or a small group of powerful companies. When the *Guardian* newspaper group bought a 40 per cent share in the *Weekly Mail* and Irish tycoon, Tony O'Reilly, bought control of the Argus Newspapers, not a single political party had addressed the question of foreign ownership of the South African media – and indeed, no political party has as yet formulated a position on the issue.

Yet, in many other parts of the world, foreign ownership of the media is a major political issue. In Scandinavian countries, for instance, foreign ownership is prohibited. In many other countries, such as the United States and Australia, the cross-ownership of newspapers and television or radio stations in single cities is illegal.

The freedom of the press provisions in the interim constitution are weak, and the proposal by the Conference of Editors, representing all editors from pro-National Party newspapers to the "alternative" press, were not accepted at the multi-party negotiations. The Conference of Editors' proposal, drawn from provisions in the German

A fight hardly begun

Hannes Thiart, *The Argus*

Under the apartheid system, restrictions on the media were harshly imposed. Are we assured of a free and independent media now?

constitution, recommended: "Everyone has the right freely to express and disseminate his opinion in words, writing and images and to inform himself unhindered from generally accessible sources. Press freedom and the freedom of reporting by broadcasting and film are guaranteed, while diversity of information and opinion in the media shall be protected. Censorship shall not take place."

Instead, the negotiators opted for a general, and much less enforceable principle. Clause 15 reads: "(1) Every person shall have the right to freedom of speech and expression which shall include freedom of the press and other media, and the freedom of artistic creativity and scientific research. (2) All media financed by or under the control of the state shall be regulated in a manner which ensures impartiality and the expression of a diversity of opinion."

In short, the culture of real press freedom has yet to be born in South Africa. The fight for a climate to facilitate and encourage independent and diversified newspaper and broadcasting groups has hardly begun.

The fact is that four newspaper companies, Nasionale Pers, Argus Newspapers, Times Media Ltd and Perskor, dominate the industry. They were also granted broadcasting rights and ownership of M-Net. Most are actively examining ways of entering the electronic market, particularly radio stations, when the broadcasting channels are opened up. This could mean that unless policy on diversified ownership of print and electronic media is adopted by the government and translated into law, these groups, with their enormous resources, could also end up dominating the radio market when the Independent Broadcasting Authority finally decides on the allocation of licences.

The Scandinavian countries regard an independent and diversified media as so important for civil society and democratic practice that they have adopted anti-monopoly laws as well as legal and tax incentives to promote competition and independence. And the Scandinavians are right: The ownership of newspapers, radio and television stations should not be concentrated in a few, powerful companies if democracy is to be vibrant. The media need to compete, and to reflect different opinions and interpretations of events.

In particular, subsidies and financial incentives are vitally necessary to promote newspapers and radio stations in the rural areas so that more newspapers like *Towerberg Indaba* in Colesberg and *Saamstaan* in Oudtshoorn emerge.

The relatively new Independent Media Diversity Trust, to which some newspaper groups have made significant contributions, has made an important start towards assisting struggling publications. The Open Society Foundation has allocated a considerable sum to assist new radio stations. These are, however, a small start towards the creation of free and independent media, which should be the very essence of civil and democratic society.

The government and the political parties need to intervene as a matter of urgency so that this process can gain legitimacy and acceptance among all groups. Indeed, South Africa needs policy and law on the desirability or not of foreign ownership; media monopolies; the cross-ownership of newspapers and radio or television stations; the need for tax incentives to smaller media operations, particularly those in the rural areas; and on tougher press freedom provisions in the constitution.

Perhaps parliament should appoint an all-party committee on the issue, or the government of national unity should appoint a representative commission, but these questions need to be addressed. Soon. ❑

Barry Streek is on the political staff of the Cape Times *and its associated newspapers.*

"The ownership of newspapers, radio and television stations should not be concentrated in a few, powerful companies if democracy is to be vibrant."

Eight years of agony

Leon Muller, *The Argus*

***Judy Chalmers**, who has shared some of the pain suffered by the widows of Matthew Goniwe, Fort Calata, Sparrow Mkhonto and Sicelo Mhlauli in their eight-year battle to establish who was responsible for the deaths of their husbands, brutally murdered in the Eastern Cape in 1986, gives her impressions of the long-drawn-out third inquest which ended in June.*

It is almost eight years since the four Cradock leaders died. During that period there have been three inquests into the circumstances surrounding their deaths. The first was in January 1987, the second during 1988/89 and the third ran for an extended period in 1993/94.

I have sat in court with the widows of the murdered men during much of that time, and I have found it to be a most difficult experience. I can only imagine how painful, harrowing and never ending the days, weeks, months and years must have been for the widows of Matthew Goniwe, Fort Calata, Sparrow Mkhonto and Sicelo Mhlauli.

They have sat on hard court benches for weeks on end and had to listen to lies and fabricated evidence coming from the very men whom they believed were responsible for the brutal, agonising deaths of their husbands. At the end of the first two inquests they had to hear those fateful words, "their deaths were brought about by a person or group of persons unknown".

In the third inquest Eastern Cape judge president, Neville Zietsman, made a finding that the security forces were responsible for the assassinations, but said there was no *prima facie* evidence enabling him to pin the murders on any specific individual or group of people.

From the beginning of the investigations it was clear that the state was prepared to go to enormous lengths to prevent the truth from emerging. I remember getting a call from Alex Goniwe, Matthew's elder brother, at the end of December 1987, just before New Year when all the lawyers and most of the Cradock families were away from their offices and homes. They were given a scant few days to get themselves and their legal representatives to the inquest and were in fact informed that it was not compulsory for them to be there at all.

It was almost by chance that the widows received notification that the inquest was about to take place, and we had a very difficult time locating the lawyers and informing them that they had to get back to Port Elizabeth and into court. Then the struggle was on to get the court to agree to a formal inquest, a battle attorney Kobus Pienaar finally won, and we all breathed a sigh of relief.

When I think back to the second inquest, I wonder now what the men involved in the sending and receiving of the signal must have thought at the time. They knew full well the part they had played in the deaths of the four men but they sat tight, probably scanning the newspaper each day for any evidence that might tie them into the judicial process. Did none of them spare a moment's thought, sympathy

or regret for those wives suffering patiently through long hours of listening to evidence that for the most part was leading nowhere?

The third inquest had a far greater chance of reaching a concrete finding. It has become clear to me that, given the system of police investigation in this country and the men carrying it out, the chances of finding the perpetrators of political assassinations and crimes are very remote indeed. It is only when a member of the security forces is involved in the deed and the system decides to come across with evidence that there is any chance of success.

The appearance in *New Nation* on 8 May 1992 of the actual signal that was to be the death warrant of the Cradock leaders gave the widows, their families, and indeed all of us the hope that now, at last, we might get to the truth and find the assassins.

The inquest was an extraordinarily protracted procedure. And an extremely expensive one. Shortly before the end the inquest record stood at 4 540 pages, costing each team of the South African Defence Force (SADF), the South African Police (SAP) and Military Intelligence R22 381 for a full copy. It occupied 55 court days or 187 hours of testimony and argument. Retaining one team (a conservative estimate) cost R700 000. I found myself becoming upset and infuriated with the endless delays and postponements. Amazed, too, at some of the behaviour displayed in court.

SADF advocate, Anton Mostert, was insulting to his colleagues and the judge, interrupting them time and again, and was responsible for many of the delays that took place, including an abortive application for the recusal of the judge.

"... 'the Security Forces in the 1980s were given vast powers and were not accountable in the use of those powers. We must learn from this case and never allow a similar abuse of power to happen here.'"

I think it is fair to say that the investigation carried out for the third inquest was meticulous and far reaching. As far as I can ascertain, every lead was followed and every attempt made to uncover the truth. It may be that there is room for further probing possibly the Hammer Squad could be looked at again, maybe there are people in Eastern Province Command whose memories need more nudging, but on the whole I think the acting attorney-general of the Eastern Cape and his team did a good job. The Legal Resources Centre in Grahamstown, acting for the families, did the same. When the SADF legal team ditched Colonel Lourens du Plessis, attorney Wayne Gray and advocate Glen Goosen took up his brief, and their doing so made an enormous difference to the final outcome of the inquest.

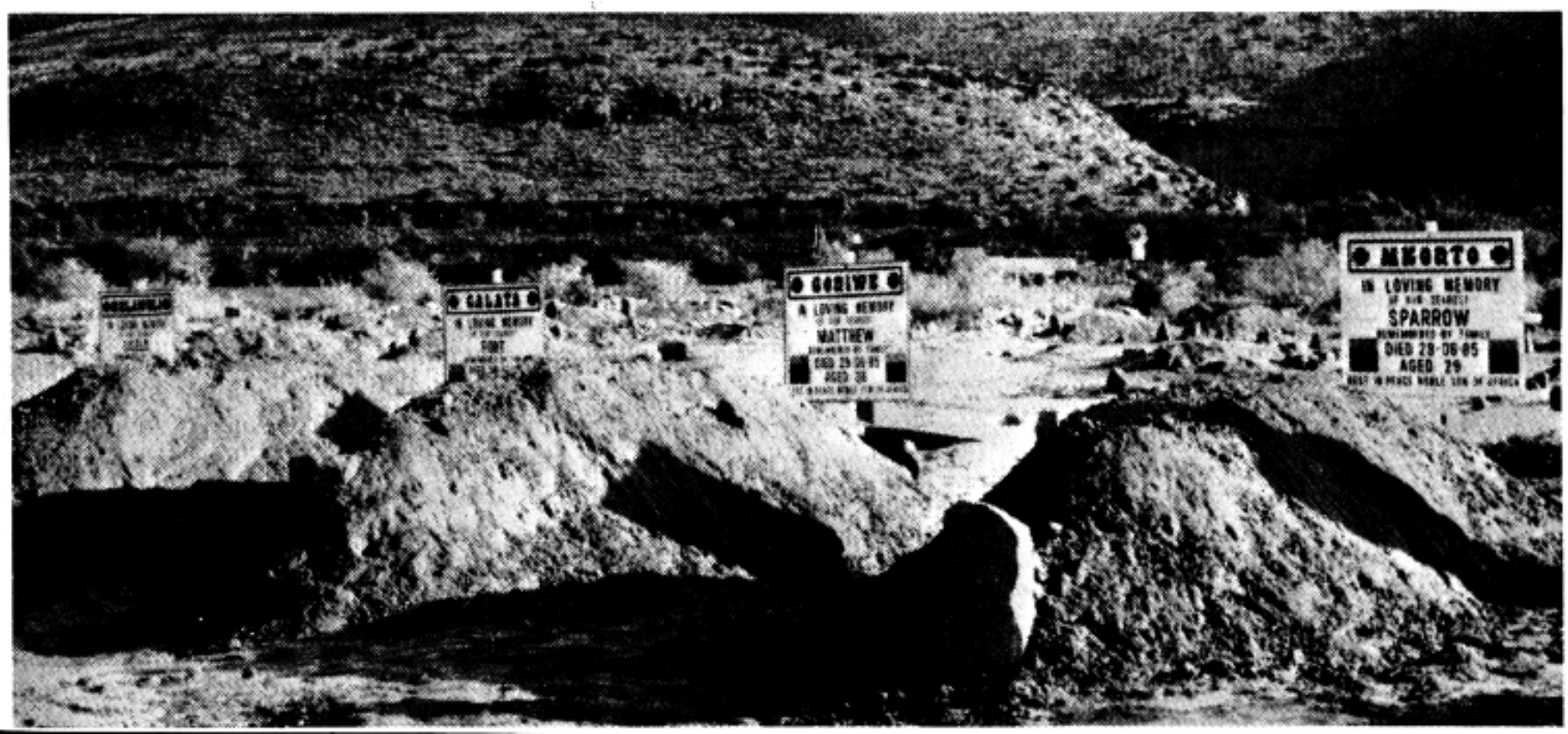
What happens now? Judge Zietsman's findings went to the Eastern Cape attorney general and he has decided there is not enough evidence to prosecute anybody for the murder. He has stated that the only person against whom there is a sufficiently strong case (of incitement and conspiracy) to justify prosecution is Colonel Du Plessis, who has been indemnified and can therefore not be prosecuted.

Lieutenant General Joffel van der Westhuizen, who ordered the signal sent, lied in the witness box, and his statement that he had never plotted to have anyone murdered was proved false when it was shown that he planned, in "Operation Katzen", to include the possibility "of killing Lennox Sebe and others". So he may have to face a charge of perjury. His resignation from the army on grounds of "ill health" came as a surprise to those of us who had watched him giving evidence apparently in the pink of health.

Though the Truth Commission which is to be put in place by minister of justice Dullah Omar is to be applauded, it is difficult to envisage exactly how the process will bring about concrete results. For the moment, I think we should all heed the words of Clive Plasket, lawyer for the Cradock families, when he says, "the Security Forces in the 1980s were given vast powers and were not accountable in the use of those powers. We must learn from this case and never allow a similar abuse of power to happen here."❑

Judy Chalmers is a member of parliament in the national assembly. She worked as the Black Sash fieldworker in Port Elizabeth from 1986 to 1992.

Opposite page (left to right): The widows Nombuyiselo Mhlauli, Nomonde Calata and Nyameka Goniwe at the Goniwe inquest, Port Elizabeth, March 1993. Below: The graves of Sicelo Mhlauli, Fort Calata, Matthew Goniwe and Sparrow Mkhonto.



SASH archives

To look ahead regarding issues facing South African women in this post-election period, ***Thisbe Clegg*** *interviewed* ***Gertrude Fester****, activist and teacher, whose campaigning for women's rights focuses particularly on the empowerment of black and rural women. Both are members of the Gender Advocacy Project (GAP) which, in its first phase, exposed them to methods of lobbying for women's rights (*SASH, *May 1993). GAP has funding to continue and will be working to promote lobbying skills among the women of the Western Cape.*

A fair deal for women: Making it happen

TJC: What major lessons did you bring home from your time in Washington D.C. and in Zimbabwe with the GAP programme? What is needed to develop women's capacity to make their concerns known and lobby effectively for change?

GF: One of the main lessons that we learnt from our trip was that lobbyists must be clear on behalf of whom they are lobbying and make sure that information on legislation gets through to the grassroots. In both methods that we looked at – lobbying from outside government, by means of interest and pressure groups, or inside through a Women's Desk – the breakdown in communication between lobbyists and the people they represent was a prime source of concern and misunderstanding. People need to understand the laws being made on their behalf, and the lobbyists need to know the impact of these laws at grassroots level. Interaction between grassroots people and lobbyists is crucial, so that lobbyists can intervene constructively. We also learnt the importance of statistics, to measure change and progress.

"Women, both urban andrural, need to understand what their rightsare according to the new constitution and the Bill of Rights ..."

TJC: What do you see as the main issues around which women should mobilise, now that the elections are over?

GF: Women, both urban and rural, need to understand what their rights are according to the new constitution and the Bill of Rights: What works and what needs to be changed, during this interim period. How they can effect change. We have many rights according to the new constitution: But we need to understand or find the mechanisms to challenge the situation if our rights are being infringed. It is no use having a fairly progressive constitution if it is not implemented. We need to understand the mechanisms of government: How the standing committees work, the role of the ombudsperson, the role of the public protector – anti-corruption mechanisms. The law and legislation must be demystified. Women need to give input into the new constitution that will be drawn up in the next two years.

It is important to monitor the reconstruction and development programme. We need to monitor how and if the RDP is changing women's lives in particular. How will women benefit? The budget needs to be made accessible to women so that meaningful input can be made now, as the next year's budget is being formulated.

TJC: Do you think that women have leverage besides our vote to prompt policy-makers to support women-friendly policies?

GF: Women need to develop their networking abilities and to continue to work in coalitions in order to speak with a stronger and united voice. I feel that the time is ripe for independent women's movements to develop but these must form organically and cannot be forced. The Women's National Coalition, focusing on lobbying and networking, will no longer be dissolved in June. The broader this network becomes, the stronger the voice to be heard by policy-makers.

The Women's Network can tackle the specific monitoring and information tasks and projects that I just mentioned. Networking is vital to avoid duplication of work and to speak out strongly on issues of mutual interest. Network's priority will be to use the Women's Charter to impact on the bill on gender equality and the new constitution. We must look now at how to exchange information with all women's organisations. The Beijing Conference will be an important opportunity to network internationally, share information and learn lobbying techniques from other countries.

TJC: What are your thoughts on the Commission on Gender Equality provided for in the interim constitution (section 119)? Is this going to

Left: Gertrude Fester, right: Thisbe Clegg

Tracey Derrick

SASH archive

"ghetto-ise" women's issues? How can this be avoided?

GF: The bill drafted by the Justice Department to establish the commission, and other proposals such as those by the Centre for Applied Legal Studies, are being circulated for comment. People can get copies of the Justice Department proposals from the Women's College office. The present draft states that the commission should be headed by a supreme court judge (therefore male and pale!). Many of us have discussed – and rejected – this proposal. But, just as firmly, we believe that both men and women should serve on the commission.

The ghetto-ising effect of a commission of this kind can only be avoided by ensuring that a broad range of women (rural as well as urban) give input into the drawing up of the commission's powers and functions, and by achieving a wide understanding of the implementation mechanism.

TJC: How can women outside parliament assist and influence those inside?

GF: Of the 252 ANC members of parliament, 84 are women. They have already been caucusing among themselves. Workshops have been held on "Introducing Women to Parliament". The ANC Women's Emancipation Commission, the Women's Development Foundation (Johannesburg), and the Women's College have created courses for the empowerment of women. Now is the time to create a link between the women in parliament and those outside. Otherwise both groupings are working in isolation. A start could be to approach the Women's Caucus and ask how we can communicate with them – give them support.

It is vital that women organise and that NGOs redefine their tasks, particularly those involved with women. The next ANC Women's League conference will be addressing this. The need for "rallying" the women has changed. Information and education concerning rights are needed now.

TJC: How can lobbyists for women's rights in South Africa best deal with the militant pro-life strategy as applied in the United States when negotiating the changes in abortion laws?

GF: This is a difficult question. We need to develop a culture of democracy and respect for majority opinions and outlooks. For women to speak with a united voice it is important that we learn to work together while respecting one another's differences.

Our statistics are not all that reliable and the issue is extremely emotive. It is important to have the facts and figures at hand and to lobby from a solid factual position. Women have a right to power over their own bodies. The constitution and the Bill of Rights should be taught in the schools so that from an early age we South Africans can learn/acquire a culture of democracy.

TJC: Where should women focus their energies other than on the policy-making potential of the "critical mass" of women in parliament? On the regional parliament? On local governments?

GF: Women must be involved on all three levels – now is the time to mobilise for local government. There have been many courses on local government. We need to identify key women and give them support. Many have already worked in civics. The structures need to be de-bureaucratised. At present they often work in isolation: Women parliamentarians did not have the Commission on Gender Equality bill. We had to forward it to them! ❑

"For women to speak with a united voice it is important that we learn to work together while respecting one another's differences."

Thisbe Clegg is the national financial administrator of the Black Sash; Gertrude Fester is on the steering committee of the Women's College in Mowbray, Cape Town, and a lecturer at the Hewat College of Education.

THE DAY OF THE VOTE

Kafka in Kruis Street

***Mary Jankowitz**, a Black Sash stalwart, who spent the pre-election period trying (eventually successfully) to get accreditation and information for members wanting to register as Independent Election Commission (IEC) observers had a characteristically offbeat insight into the workings of the commission.*

I began to have an uneasy sense of *deja vu*. On the second day I realised why: I was in *The Castle*. 41 Kruis Street was Kafka's nightmare futuristic scenario of bureaucracy gone mad come true. With bells and whistles. Nine floors of silent frenzy.

Untold thousands worked in that building every day and I swear, hand on heart, not one knew what the heck he or she was doing. I never did meet Arnold K., the official who summoned me there, a blizzard of faxes landing on my desk. Nine o'clock Wednesday morning was the arrangement. I was there, he was not. What is more, nobody had ever heard of him. Eventually: "Try the seventh floor." I did. And the third. And the fifth.

Exploring each took a long, long time. Every floor was the size of Blenheim Palace. You stepped out of the lift into this echoing space and were sucked, willy nilly, into an intricate Japanese choreography. A myriad people, heads bowed, brows furrowed over the mandatory piece of paper, shuffling and weaving along endless corridors lined with cubicles marked *Keep Out*, or *Silence!*, or *No Entry*, or *Go Away!* No one actually screamed out loud but it was there, you could hear it. An amorphous cloud of ectoplasm labelled "Scream" floated through the passages, swirling above the participants in the bizarre dance.

Thursday morning they were back again, and so was I. On Friday too, but still no Mr K. I decided he was an urban legend, a figment of the IEC's fevered imagination, and gave up the search.

By now I was feeling quite at home, greeting friends made over the three previous days, having coffee and biscuits when the need for *padkos* arose, helping out where I could. I actually achieved attendance at a briefing and felt very chuffed. Scheduled for 09:00, it finally started at ten to twelve but it did not matter, two charming gentlemen, one from Tanzania and one from Zimbabwe, were waiting as patiently as I and had plenty to say about how to cope with pre-election fatigue. Briefing sessions booked for the previous two days had (eventually) been cancelled when nobody at all had pitched up, but I got to know the tea lady well.

Finally, on Friday, I admitted defeat and decided to head back to the real world. I was leaving for the comparative sanity of the Black Sash office when a wild eyed man clutched my arm as I walked towards the lifts. One look and I knew he was pretty close to the edge. Without doubt he had been wandering hopelessly through that maze of corridors for weeks and was on the brink of collapse. He had that glazed, deranged look.

"Excuse me," he said. "I'm from New Delhi. I represent the Indian Independent Media Association. Please tell me where could I find someone who could give me an overall view of how the electoral preparations are progressing?"

I thought for a moment. "Not in this building", I said. ❑

Mary Jankowitz

Black Sash members were involved in the elections in all regions: Lida Pretorius, Mary Hammond-Tooke and Isie Pretorius were observers at Arcadia School in Pretoria.

Gille de Vlieg

A Black Sash stand with a difference – in celebration of a momentous event. The region even received a letter of thanks from the South African police.

The Southern Transvaal Voter Education Group (and others) go to the polls

The region which produced and distributed the widely-read You and the Vote *and* You, Your Vote and the Elections *booklets, highlights some anecdotes of the election days.*

◊ Our *You and the Vote* booklet got out in roundabout ways. First of all a priest got hold of it, he was in contact with someone from Nedcor, that person decided it should go to Nedcor branches and other outlets – which it did.

◊ An Australian female senator said: "The Black Sash could have run the election with one arm tied behind its back and still have had time for a cup of tea."

◊ A woman came to a polling station without a "real" identity book. However she had letters from family members and other documents showing she was a South African citizen. The presiding officer, one Van der Merwe, allowed her in.

◊ Democracy Rules OK? The mayor of Johannesburg tried to jump the queue at the Civic Centre but the presiding officer (a former Black Sash member) asked him to wait his turn.

◊ Waiting in a queue: The "madams" were left standing in line while the "Eves" sat under a tree chatting to their friends.

◊ A Black Sash member working as an election official said: "You could see who had had voter education. The language that we as Sash had reinforced kept coming up – especially 'Your Vote is Your Secret'."

◊ In a squatter camp north of Johannesburg an old woman was helped to make her cross, upon which she folded her ballot paper and quickly stuck it in her bra! Only after much encouragement was she persuaded to put it into the ballot box.

◊ At the same squatter camp (which has had serious confrontations with the local residents, exacerbated by the Transvaal Provincial Administration), TPA officials with guns on their hips swaggered up to the front of the queue. The election officials sensibly let them go ahead, to avoid further problems.

◊ In a city centre polling station, a "bag lady" with a very swollen face came washed and dressed in her very best to vote.

◊ A Black Sash member went to a suburban voting station to observe and accidentally left her keys hanging in the car door. When she returned a small boy told her that his mother had taken them for safety, and took her to his mom.

◊ One of the voter queues had a tree nearby. The queue developed a kink so that everyone got a chance to stand in the shade for a short while.

◊ Medical aid: Two people needed oxygen before being able to vote but they determinedly did so. One man who had burnt his hands badly insisted on voting before he was treated. A woman with bandaged feet was brought to vote in a wheel barrow.

◊ Too good to be true? One woman's broekies fell down while she was in the queue. She hauled them up as fast as possible, saying: "Oh now there are lots of observers!" ❑

Gille de Vlieg

Olivia Rose-Innes

Lynette Paterson

Above: Fieldworker Glenn Hollands (far right) with peace monitors Alan Storey and Bulelwa Mdoko about to return to their monitoring of nine voting stations in the Grahamstown area.
Left: Peggy McCoy and Rosie Qirana in a scene from the play "Balloting Blues" used by the Albany Black Sash in their voter education workshops.

Albany says "Hallelujah!" – the Grahamstown experience

In his May 1994 monthly report, Albany's fieldworker wonders whether there is "life after the elections". He takes advantage of the lull in activities to take stock of Albany region's involvement in that momentous and uplifting event and decides that, given the amount of time and effort we put in, "we probably owe ourselves a few indulgent reflections". And indeed we do feel satisfied that we made a significant contribution.

Voter education

Albany ran a wide-ranging and very proficient voter education campaign which included 62 workshops on farms and in town, covered 6 000 km, and reached 4 000 farmworkers. Also, 33 presentations were given in our advice office waiting room, reaching 792 clients. The co-operation of the Eastern Cape Agricultural Research Project (an offshoot of the Albany Black Sash) gave us access to farms. The project was co-ordinated by a volunteer and our fieldworker, assisted by a team of about 10 volunteers and four part-time employees.

IEC monitoring

Two members worked as paid IEC monitors in the field on the days of the election, and the "ops room" of the Grahamstown IEC monitoring office was staffed almost entirely by Black Sash volunteers. One of the two chief officers was a member and she was assisted virtually around the clock by 12 more who had the phone lines buzzing all across the region for three whole days. It was thanks to such networks that IEC directors Johan Kriegler and Humphrey Koza, as well as the SABC, were able to comment regularly on the state of the nation and take crucial decisions, such as that to extend the voting hours. For all the talk about the failings of the IEC, those who worked hands-on realised what an amazing logistical miracle had been wrought.

Peace Committee monitoring

Our fieldworker directed 90 monitors (including two members and our advice office caseworker) for this committee. They covered nine polling stations in and around Grahamstown. The exercise was greatly assisted by the police who shared all information coming into their own "ops room". One of Albany's most venerable members operated the Peace Committee radio in the IEC ops room. She completely revolutionised standard radio jargon with a firm "Hallelujah" at the end of each communication instead of the boring old "over and out". Nothing ordinary from South Africa's first Anglican woman priest!

We believe in the crucial contribution civil society can and should make to the running of the country and are pledged to active and constructive citizenship. The advertisement we placed in the local press expressed our excitement about the future, and our commitment to the reconstruction process. ❑

Lynette Paterson

From the Cape to Rabat

Members were involved in all aspects of the election – in voter education, as presiding officers, Independent Election Commission managers and organisers, counters and supervisors, and as monitors.

Cape Western

Presiding at Vrygrond

I was very privileged to be presiding officer at the Vrygrond voting station in the Simonstown district. There were 18 voting stations in this district and the district electoral officer and his deputy, apart from getting very little sleep, seemed to manage very well.

A lot was left to the presiding officers. We had to do our own training of voting station officials, check the venues and facilities, and generally be quite independent. For some it worked, for others not so well.

Vrygrond is a squatter settlement of about 4 000 people, hidden behind sand dunes opposite Marina da Gama on Prince George Drive. They have been there a long time but the roads are not tarred, there is no street lighting, and the water supply consists of taps every 100 metres or so. When the wind blows the sand gets everywhere and when it rains the potholes are quite a hazard! We had the use of the community "hall", a tin room with electricity but poor lighting. On weekends it is a church. For the election it was painted, and a second door put in to speed the queue.

Next door is a crèche, catering for about 100 children, which is run by the New World Foundation and funded from Sweden. Director Yvonne Baard and her staff were wonderful people. Without them we would never have managed. I took them on as voting officials and Yvonne appointed herself as queue minder. She knew everyone and was concerned that some "dronkies" would be a nuisance. (In the end only two were disruptive but even they managed to stagger through the voting procedure – heaven only knows where they put their crosses because I am sure they do not.)

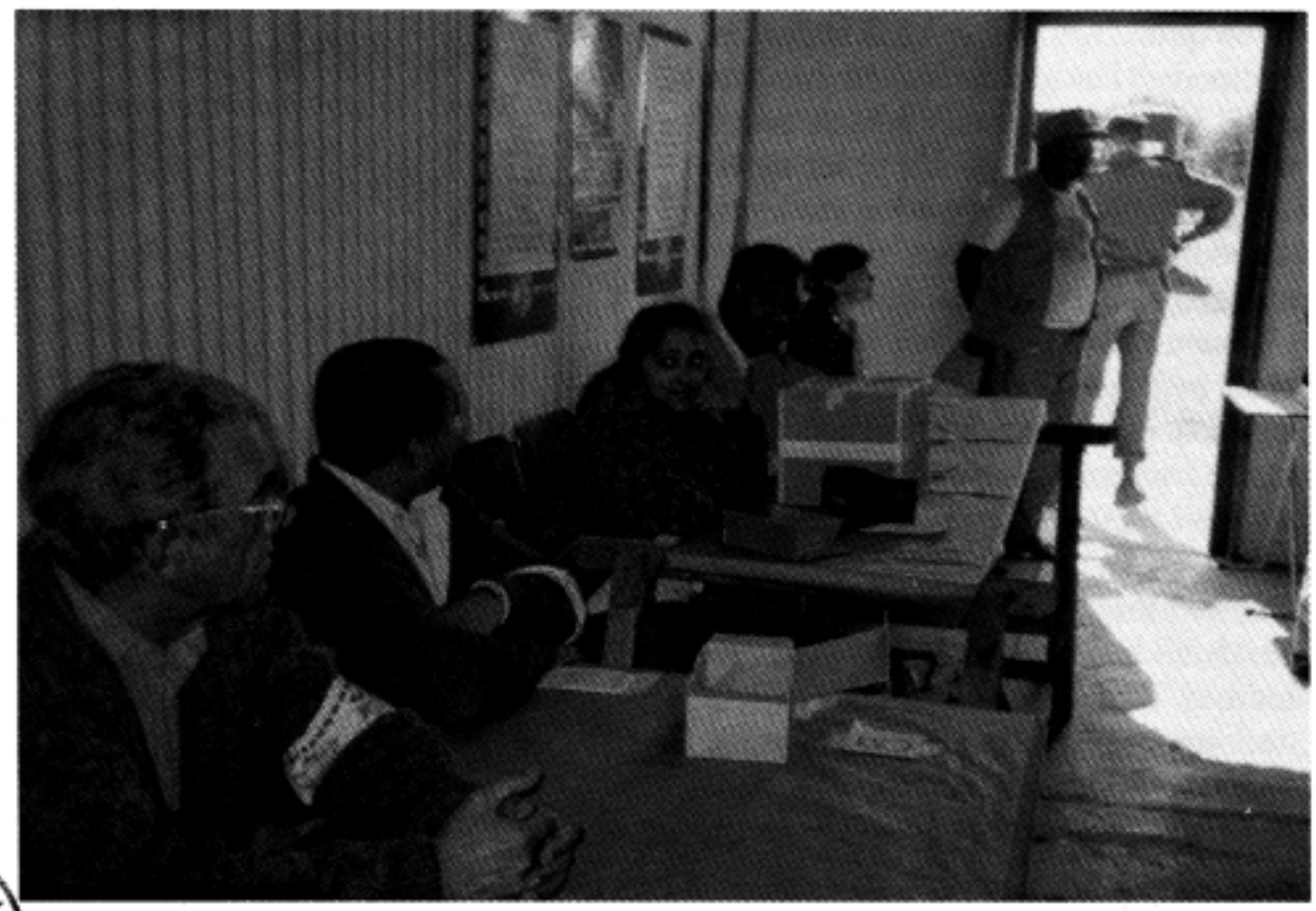
I asked Black Sash member Denyse Smith to be my deputy and also took on friends from Lavender Hill, next door, and Retreat – all Afrikaans-speaking except for one Xhosa-speaker. Using the "power vested in me" did go to my head rather, but I am sure I am not alone in this. I chose the voting station officials, being aware of the mixture required and wanting people to get on together. I think we were a fantastic team. They all pulled their weight, attended training, were punctual, and put themselves out to be pleasant and helpful to the voters. Apart from the crèche workers and my own daughter, no one had employment. Four were students and the others were very grateful for the salary offered.

I spent Tuesday, 26 April, sorting boxes of ballot papers at the Simonstown magistrate's office. That evening I set up the Vrygrond station and met ANC agents so they could sign the secrecy forms. The police were on duty and the voting booths had been delivered. Two portable toilets had been set up, much to the delight of the locals. Everyone was excited, the children beside themselves, and dogs and babies everywhere. I wondered if I could ever restore order, come morning.

After a sleepless night, in case I forgot the IFP stickers, I was up at 04:30 to collect boxes and equipment from Simonstown. With the DEO's ear glued to his cellular phone, issuing took time. I only got to Vrygrond at 06:00. To my horror I found the bored policemen taking aim at the toilets! At my shriek they assured me they would not shoot.

The sealing of the ballot boxes took ages – that damn sealing wax! – but several burnt fingers later we were ready and had voted ourselves. It was 07:15 when we opened our doors to the small queue shivering in the wind. In no time it was stretching around the block. Space was at a premium – at our best we could handle 200 an hour – so

Independent Election Commission officials await voters at the Vrygrond squatter camp near Muizenberg on the Peninsula.



Denyse Smith

it took about four hours for people to get inside and vote at the busiest time.

Everything went smoothly. Lights and phones worked and we kept up with the stickers. I had thought that, as PO, I might sit quietly but was on the go the whole time, mainly assisting illiterates and the disabled. Yvonne ruled the queue and took no nonsense. Christopher (known as Dominique when he performs) enjoyed spraying fingers and wiping them – he had taken the curlers out of his hair before the start of voting. Eric was a star at ushering, but complained of sore feet the next day. Salome who was shy and quiet checked the voters' fingers.

The cry of "here come the buses" haunted the entire process. Several came from Muizenberg which was swamped with Khayelitsha people whose voting papers did not arrive the first day. These were the really keen voters who knew what they were doing unlike several elderly ladies who anxiously asked assistants: "Waar is die Here?" The Pentecostal churches had told their congregations: "Vote for the Lord." When it was explained that He was not on the ballot paper, they usually settled for F.W.!

Half way through the morning officials noted that crosses were being placed on the stamp on the back of the voting paper. Had voters made a cross inside? We attributed this to the IEC ad showing a voting paper with a cross being put into the ballot box.

I had one or two complaints from party agents. The National Party agent complained that "the ANC agent speaks Xhosa and I can't understand what he is saying, is he telling people how to vote?" The ANC agent agreed to be quiet. An angry ANC supporter claimed: "The police called me stupid!" He could not say which one it was and the police were upset at the allegation. Me: "The police are being wonderful and I am sure there was a mistake." All forgiven, and the complainant removed by his party officials.

Party candidates were asked to remove rosettes – even when they claimed they had worn them at other stations. An NP agent was a pain, mainly I think because I refused to let her friend, who had not signed the secrecy form and had no identification, into the station. The Democratic Party were a nuisance, wanting to take photos, reminisce about past elections,

Carol Lamb

Dominique (Christopher) encourages a member of the South African Police to join in the post-voting party at Vrygrond.

and eat all our sandwiches.

Hamburgers and chips arrived on Wednesday around 03:00 when we were fainting from hunger. The local dogs got wind of this and were not so good about queueing up. We all felt bad about consuming hot food in front of the voters but it was a case of needs must. On the subject of dogs, we were visited on Thursday by a Swedish delegation: the Minister of International Relations and Human Rights (he was divine to look at), plus entourage. Before their arrival the security people took over with sniffer dogs. This set the local dogs (and cats) off and they all voiced their suspicions of the foreigners.

As Thursday was quiet, we had time to get to know each other. Our Independent Electoral Commission monitor, Nick, was a joy to have around. He knew exactly what he had to do and did it. He never left the station and was liked by everyone. Alfred admitted he could sing and gave us a song. We sat in the sun until we saw a bus, taxi or pedestrian when we leapt to our places. Only 300 voters that day, compared with 2 226 the day before. Our neighbouring station, Sea Winds Clinic, ran out of ballots and ink. We sent them some and they were grateful to find we had put the IFP stickers on. The day came to a close.The police van reversed up to the door and the ballot boxes were locked inside. And the party began!

Christopher (now Dominique) took the floor, dressed in a black leotard and net skirt, and twirled about to taped music amidst whistles and shrieks from us all. The police put aside their guns and stood shyly at the back until Dominique seized Sergeant Booysen by the hand and pulled him onto the dance floor. More shrieks from the audience, tears of mirth from the other policemen, and loud clapping – thank goodness someone had a camera!

All the young men were looking nervous and Nick tried to sneak out but Dominique made a dive and caught him around the waist. He braved it out and danced very impressively. This could have gone on until the early hours but I had ballot boxes to watch over. Reluctantly, the police loaded up and, followed by Nick and me, drove to the counting hall at Fish Hoek. I only heard afterwards that André, the DEO, was horrified that we had used the police transport. But there was no other way – no one's car was big enough.

The final wonderful thing was paying the team on Saturday morning. The Vrygrond people were dressed in their very best, with a taxi waiting. On receipt of their cheques they were off to spend, not save! It was a truly wonderful experience and I am indebted to the IEC for using me at such a momentous time in our country.

Carol Lamb

"Free and fair"

For those who never saw the inside of the Independent Electoral Commission, it is difficult to describe this hive of continuous activity – people streaming about, photocopy machines churning out mountains of paper, telephones, fax machines, computers, all the most modern technology going full tilt. There has been much criticism of the way in which the IEC fulfilled its task but when one thinks that the whole operation was put together in about six weeks – venues and people hired, monitoring operations set up, communications established throughout the world, training programmes and voter education set in motion – it was a miracle. We were immensely proud that our own Mary Burton was at the helm in the Western Cape and think it will be seen as the province where "free and fair" was best demonstrated.

Ten days before the election, Sue Cooke and I were called on to receive and record applications for enumerators for the 39 counting stations in the Cape Peninsula. To locate free phones within the IEC was no easy matter. Our immediate supervisor, Mike, had thought 500 counters would be enough but our calculations showed 2 000 were needed. As the week progressed we became more and more frantic. Counting venues were cancelled by nervous owners who feared for their security, or because we could not promise the counting would be complete in time for other functions they had booked. This meant we could not begin the mammoth task of telling the counters where they should report. Some were phoned as many as three times because of changes. But Black Sash friends rallied and the job finally was accomplished. On top of this our supervisor asked us to find and appoint 84 counting officials to take charge of the 84 counting "streams" in the whole of the Western Province. Trying to reach the worthy and respected people on his list, and identify and appoint many "unseens" was a nightmare since many were busy or out, and few phoned us back. It turned out that R450 per day was far too little to attract some lawyers and businessmen – though grossly extravagant for the less pretentious! Here too, Black Sash members really helped. Annemarie Hendrikz said she never wanted to speak to me again after five days practically without sleep at the Lansdowne Civic Centre counting venue, though Jenny de Tolly loved her time at Stellenbosch.

After our struggle to get the counting process in place it nearly killed me to be at Mowbray by 06:00 on the three voting days to work as an election official. It took the next three days to recover, at the end of all of this. But what an enriching experience!

Betty Davenport

Voter education vignettes

Shortly before the election I was walking to the Black Sash office to return some voter education materials when, on the stoep of the last house on Ayres Street, I saw four African women (it seems the new white lessee is running an illegal laundry business there). I started to talk to them about the elections and in a matter of minutes eight or nine were attending my informal voter education workshop.

One elderly woman asked me, "Which is Helen Suzman's party? Twenty years ago she helped my husband and me get our house in Langa, after waiting 19 years on a list." I told her that she belongs to the Democratic Party. "Yes", she replied, "I must be loyal to her after what she did for me."

Afterwards, when I was helping at the Independent Electoral Commission headquarters in Cape Town, a young woman selected as a counter was ecstatic when I phoned her with the news: "You mean they chose me! They must have liked my CV, hey?" The feeling of being included in the process dominated triumphantly.

Beulah Greshoff

Anecdotes from a counting officer

When Betty Davenport asked me to be a counting officer I grudgingly accepted, thinking I would be sitting at a desk busily counting and everyone should do a bit to make a success of the election. When she explained I would not actually be counting myself but in charge of a station I was not listening because I imagined I would be swanning about bearing a smart label, acting as a sort of auntie monitor.

The training session (a surprise requirement) was confusing. I wondered whether I would get the hang of the batch files, holding bays and reconciliation processes. I had to set up a meeting with my squad before the time and train my six supervisors who were to train the 52 enumerators. This was all becoming rather more complicated than I had realised. Not at all what I had expected.

On Thursday evening, at the close of voting, I, my son and another counting officer went to the Exhibition Hall at the Cape Town Civic Centre to arrange our furniture. While we dragged chairs and trestle tables about to approximate the counting station depicted in the training manual there was a flurry at the entrance. A dozen or so police officers and a motley group of other people started in with piles of ballot boxes and bundles of papers. They had been on the go for several days and seemed past caring who would take custody of the boxes – which finally remained in the hall over night under police guard.

Before 06:00 I arrived at the Civic Centre and met a couple of hundred people milling about. We could not get in. At last we gained entry and settled into five counting streams (under four other officers besides myself), took a roll call, checked identification documents, took affidavits swearing to secrecy in terms of the Electoral Act – all this as hundreds of City Council workers streamed past. Then we discovered we had no seals, which meant we could not open any of the ballot boxes which had to be "reconciled" and then resealed before opening them again to start the count. Hours went by and my credibility declined. I mollified my lot with the assurance that they would all be paid although they were sitting about, doing nothing.

Suddenly an IEC official arrived with the seals – no explanation where they had been and we were too relieved to ask. The reconciling of ballot boxes with polling stations was slow until we got the hang of it. When we had been going for about fifteen hours we packed it in. On Saturday, as we were finishing, IEC headquarters announced no reconciliation was to be done. I did not have the heart to tell the team, they had worked so hard.

By Sunday night after we had worked forty-six hours since Friday morning, everything was reconciled, counted, signed, sealed, and all reports despatched to Johannesburg. The fights with party agents had been resolved, squabbles with counters who wanted more money were at an end, and we all

went home. There was enormous cheerfulness and exhilaration at being part of this 300 year awaited election. People worked with humour, and considerable ingenuity when things did not work according to plan. I have great gratitude for the privilege of having had a little part in it. Some curiosities:

- ◊ The African National Congress party agent was a white, middle-aged, middle-class intellectual while the National Party had two working-class coloured women.
- ◊ The provincial and national counting sections were separated by a service lane in which we had set out chairs for the agents. On Sunday morning there were only three party agents, all women, collapsed on the chairs – two facing provincial fast asleep and one facing national similarly in repose.
- ◊ One of the counters was an unemployed white man of fifty. He wore a drab shirt, trousers a little too short, and had his lunch in a shabby brown hold-all with a broken zip. When we finished our Saturday night stint shortly after midnight he said in a small voice it was his birthday on Sunday. The few remaining counters sang "Happy Birthday". He looked sad and embarrassed and I fancied he went home to an empty room.
- ◊ Late on Sunday afternoon we dealt with the last batch of "disputed, rejected ballots". One had no mark in the space allotted but in quavery script under Mandela's face was the pencilled word, "uncle". I showed it to the National Party agent, a smartly dressed coloured man: "Well, after all this time we know the test, is the intention of the voter clear. I reckon the intention is pretty clear, wouldn't you agree?" "Ag, gee dit vir die uncle," he said, and turned away. ❑

Sarah Christie

Voting in Rabat, Morocco

I went to vote and was amazed! For all 14 votes cast in Rabat there were two "embassy" staff working – the "ambassador" who met me at the door, the Moroccan translator who handed out the ballot papers, plus someone else checking hands and spraying with invisible ink, four United Nations monitors, and someone manning (actually she was a woman) the ballot box which was a plastic bag! ❑

Carey Duncan Haouach

Phumlani Ximiya

Laura Best of Port Elizabeth stands next to the poster "Women stand up" produced by the region's voter education group. Posters were distributed during workshops, to community structures, and were seen on many taxis during voting days.

Free to

Eastern Cape

The women of Port Elizabeth stand up

Cape Eastern's voter education group responded enthusiastically to the challenge of the elections in April 1993. The core team of eight to ten members conducted 63 workshops, 40 of them between February and April this year.

In addition, Ivy Vazi, the translator in the advice office, gave talks every morning for a year to at least 20 clients waiting in the queue, and other staff used their lunchtimes to "blitz" the streets and hand out the *You and the Vote* booklets and the Cape Eastern posters "Giving birth to a nation" and "Make your mark peacefully". Local and rural taxis were also filled with voter education material. Ellen Ngesi, a Black Sash member and nursing sister, gave full-time voter education to staff and patients at the Dora Nginca hospital every Thursday.

Many members were active as monitors and observers on the election days. We are very proud of our co-chair Lesley Frescura who led the IEC's sub-regional monitoring department which she did with great credit to herself and the Black Sash.

The peaceful nature of the elections, the low number of spoilt papers and the percentage poll bear witness to the success of voter education generally. We are proud to have contributed to this in our region. ❑

Viki Proudlock

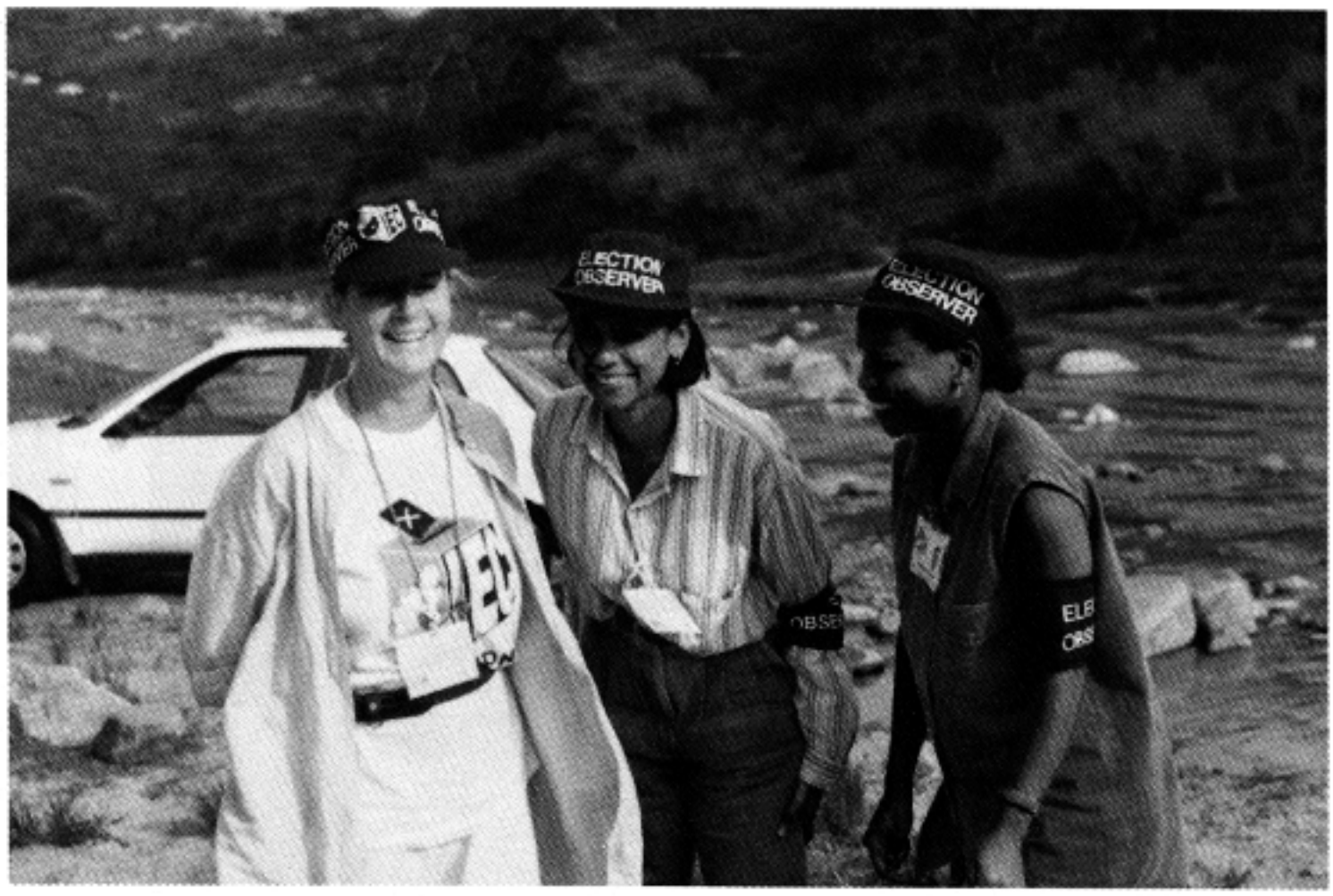
Natal

Midlands magic

Many Natal Midlands members participated actively in election work, in diverse capacities. For those who monitored or observed it was an exhaustingly exhilarating experience. For one monitor a touching moment came in an upmarket white old age home. The equalising effects were tangible in the corridor outside the voting room. White residents, some crochetily demanding, others warmly interactive, sat alongside the black domestic staff, all on demurely braided Edwardian-style chairs, all waiting expectantly to cast their votes.

On special voting day, Billy, the strapping six-foot partner of a Black Sash member, was sent on a "jolliepatrollie" with the South African Police to monitor several outlying police stations. He returned – many, many hours later – utterly exhausted. He had spent most of the day carrying disabled *gogos* (grannies) from table to table through the voting station, until the presiding officer figured it was faster to bring the different materials to each granny at a single table! ❑

Fiona Jackson



Left to right: Georgina Hamilton, Seema Naran and Ntomb'futhi Zondo observed the elections in Ndwedwe on 28 April. They are standing in front of a stream which had to be crossed to reach the Gcinimfundo voting station.

ote – three Natal experiences

Risk and reward in Ndwedwe

We got going at 04:00 on 27 April. At a Durban beachfront hotel we handed out supplies of food, water, candles, torches and matches to a team of observers setting off for the Ndwedwe district. Seema Naran and I, roving observers for the district, were assigned to brief, deploy and supervise 17 European parliamentarians who had arrived, unheralded, two days before.

I rather resented the late and unplanned appearance of this contingent. The deployment of observers in Natal was already complicated by the last-minute entry of the Inkatha Freedom Party into the contest.

It seemed alarmist to be handing out candles and matches, but next to the Independent Electoral Commission monitors with their cellular phones and bullet-proof vests our lot seemed woefully ill-prepared. It was widely assumed that Ndwedwe would be one of the more volatile districts during the election, and the IEC monitors refused to be taken to their voting stations until they were accompanied by security personnel.

When we arrived at the first voting station on our beat, shortly before 08:00, there was already a long queue of voters but no IEC monitors present. Two of the parliamentarians agreed to supervise the opening procedures – beginning a day of breaking just about every rule in the observer code of conduct. In most cases we reckoned that sticking to the rules could have caused delays that might in turn have led to violence.

At a voting station called Mashiyane one of the parliamentarians in our group, an Italian, became aware that none of the voting officials had much idea of how to proceed and that the ad hoc voting process was dangerously slow. He suggested a quick workshop to the presiding officer who agreed that something of the kind was necessary. The doors were shut and for an hour or so the electoral staff had some discussion and role playing. After that voting went more quickly and smoothly despite the presence of an impromptu shebeen within the 600 metre perimeter and attempts at provocation by some of the imbibers.

From Wednesday to Friday our group of observers ferried ballot papers from Verulam to voting stations, had long conversations with many of the voting officials, discussed possible solutions for endless problems with presiding officers, comforted impatient voters and did many of the monitoring jobs. All this despite the stringent injunctions of our observer training.

Ndwedwe was remarkably quiet and some of its stations were run extremely efficiently despite the lack of any backup whatsoever. I was amazed when we stopped at a voting station on the northern periphery of Inanda on Thursday evening to see four telephones. In most of Ndwedwe there were none and often no electricity.

Seema and I voted at Tafamasi in the middle of the morning of 27 April. It was close to where eight young men had been killed because they were carrying pro-election leaflets a few weeks earlier. The voting station was a school hall. There were flowers on the tables and a celebratory mood seemed palpable amid the crowd. There it was possible to imagine the act of casting a ballot as having some of the transforming power with which our history has invested it.

I appreciated the parliamentarians by the end of the week and we did use some of our candles to provide light when the queues of voters were longer than the day. ❑

Georgina Hamilton

Natal's quiet heroes

In March I was seconded by UMAC (an investigative monitoring agency) to Natal to assist the Network of Independent Monitors. I arrived in Durban after the two anti-election rally stadium occupations and in time for the horrific Kombi, Ndwedwe pamphlet, South Coast and Ulundi massacres, and the ineffective state of emergency.

The NIM office co-ordinated the briefing, deployment and information collection of paid and volunteer local and international violence monitors. They were young, highly committed, experienced and professional, and worked seven days a week. Two-way radios, bullet-proof vests and NIM flags were a necessity. Other NIM monitors were based in Pietermaritzburg, Vryheid, Empangeni and Port Shepstone. Pre-election reports told of threatened attacks and the intimidation of communities, the night-time movement of men on busses, massacres, rumours of arms caches, and daily murders.

The NIM monitors epitomised the quiet heroes of the election process. They sought neither press publicity nor public accolade for their work. They shrugged off the extraordinary risks they took in volatile situations to find out what was really happening, recommend where a security force presence was needed and, frequently, direct action to prevent imminent conflict on the ground. NIM worked with committed people in the IEC monitoring directorate. They rescued a maladministered process and made the election happen through sheer determination that people in Natal would vote.

I spent the election week in Ndwedwe, Bhambayi, the Durban office and northern Natal. Amidst the blur of action and frustration with inept electoral administration, I remember

- ◊ crying as I watched an elderly woman vote in a rural village in Ndwedwe,
- ◊ seeing irregularities in northern Natal and hearing of pirate voting stations and ballot box tampering.

After the presidential inauguration, I returned to Cape Town. It was difficult to relate to the euphoria of the "new" South Africa. In Natal I had left behind individuals whose task of monitoring violence and human rights abuses was not yet over, and who continue to face extraordinary challenges in making democracy work. ❑

Domini Lewis

Parliament – and hats – in the new South Africa

The Argus

***Mary Louise Peires** takes a look at the quirkier side of being a "spouse".*

The festivities in Cape Town and Pretoria were fantastic in the main although there was lots of queueing and standing around and getting up at the crack of dawn and feeling like rather VIP sheep being herded around. On 8 May we left Umtata at 04:30 to drive to East London to catch a charter flight to Cape Town. All the ladies (members and spouses), including me, were carrying plastic bags with our hats in them.

At parliament there were endless queues – all the new members and their spouses had to get identity cards (one photographer for about 600 people) and a mass of other documents. I was standing behind one of our newly appointed cabinet ministers. He asked me what all the ladies were carrying in their plastic bags. "Hats", I told him and he said: "Oh, where are they distributing hats?" We had all been handed so much bumf that he assumed the hats had been distributed too!

Up at 07:00 the next day to catch a bus (still clutching the hat) for the ceremonial opening of parliament. Ridiculously, the ANC spouses were in the gallery above their husbands/wives so could not see them. I was facing Buthelezi and watched all the reconciliation going on – an orgy of hugging by the most unlikely people. Afterwards about 3 000 people attended the reception at the City Hall. It was hard to balance food, glass and the dreaded hat, especially since most of the women had huge cartwheelish ones or else those elaborate turbans.

Up at 04:00 on the 10th to fly to Pretoria for the inauguration. It was all immensely colourful: the African statespersons in exotic robes, masses of Hawk of the Desert-type Arabs, the tiny, beautiful Queen of Thailand, all the audience in their best suits . . . and hats. It was so hot that we were glad of those hats and many men (not Jeff) fashioned clown-type hats out of the large envelopes which we had been given which contained commemorative stamps, peace badges, and other memorabilia.

After the speeches and the magnificent fly-past by the air force the feeling grew that we South Africans really are all equal now – bowed down neither by oppression nor guilt. I hope that the country will go on being in this mellow mood and that the honeymoon period for the new government will last longer than most honeymoons! ❑

Mary Louise Peires is a member of the Albany region and the spouse of Jeff Peires, member of parliament.

National conference

This year we held our national conference later than usual because we wanted to wait until after the April general elections. No one knew quite how the elections would turn out, but we did know that the country would never be the same after them. The elections have proven to be rather like stepping through a doorway into a new space. And we needed to be in that space in order to take some important decisions about the future of the organisation.

Over the past several years the Black Sash has developed into two separate organisations – the one membership-based and volunteer-driven and the other an increasingly professionalised non-governmental organisation, running nine advice offices. We decided at conference to draw together these two arms, merging the campaign work of our members and that of our advice offices. This decision was based on the recognition that it is the skills and efforts of both staff and volunteers that make the work of the Black Sash distinct. Over the next few months we will put in place appropriate and effective structures that will strengthen and enhance our work.

There is much work ahead that is challenging and exciting but we decided to concentrate our efforts on four main issues. A major focus will be constitutional – the drafting of the final constitution, and monitoring the government's adherence to the interim constitution, its guiding principles and the enshrined fundamental human rights. We will be monitoring human rights-related legislation in the national parliament as well as in the parliaments in those four provinces in which the Black Sash is located: PWV, Western Cape, Eastern Cape, and kwaZulu/Natal. Local governments and their coming elections, a campaign for demilitarisation, and gender issues are the other three main areas on which we will focus our energy.

The Black Sash's most precious resource is the energy and commitment of its talented members and staff. This was renewed at national conference. We are ready for the challenges ahead. ❑

Jenny de Tolly

National advice office workshop

The national advice office workshop was set in the context of decisions already made at national conference, vis-à-vis working towards the merger option, that is, a closer union between advice offices and regions within the Black Sash.

Certain national focuses had already been identified, and some of these – local government, the Reconstruction and Development Programme, gender and, for instance, campaigns concerning labour and welfare issues – were highlighted.

The workshop was attended by all advice office staff, and a small number of volunteers. It was an intense four days, following on national conference. The agenda involved advice office reports (and in-depth discussion on issues to be focused on nationally); strategic planning for the year ahead (including a model to use for planning, presented by Joan McGregor, who facilitated the national conference session on future options for the Black Sash), and a day of staff development where staff of the communications department of the University of Cape Town gave input on public speaking – done in a manner inclusive of all staff. It was a major challenge for all presenters at the workshop to try and include all staff in discussions, and to hold debates/ discussions at a pace that would satisfy all needs.

Staff and volunteers at the advice office workshop in Cape Town

An exciting aspect of the workshop was the extremely interesting input from relatively new members. Heidi Schoeman of the Pretoria advice office gave a very concise, clear summary of the Bill of Rights, the constitutional court, and the different commissions that are being set up such as the gender rights commission and the human rights commission. Heidi got everyone to apply this information in the form of group discussions about "test cases". This followed a wonderful session by Bastienne Klein (Cape Town advice office) on tracking legislation, using her superb book entitled *Tracking a Bill*.

Ashnie Padarath (Pietermaritzburg advice office) gave a very good resume of the problems that advice office clients face with civil pensions, and outlined possible ways of taking a campaign on this issue forward.

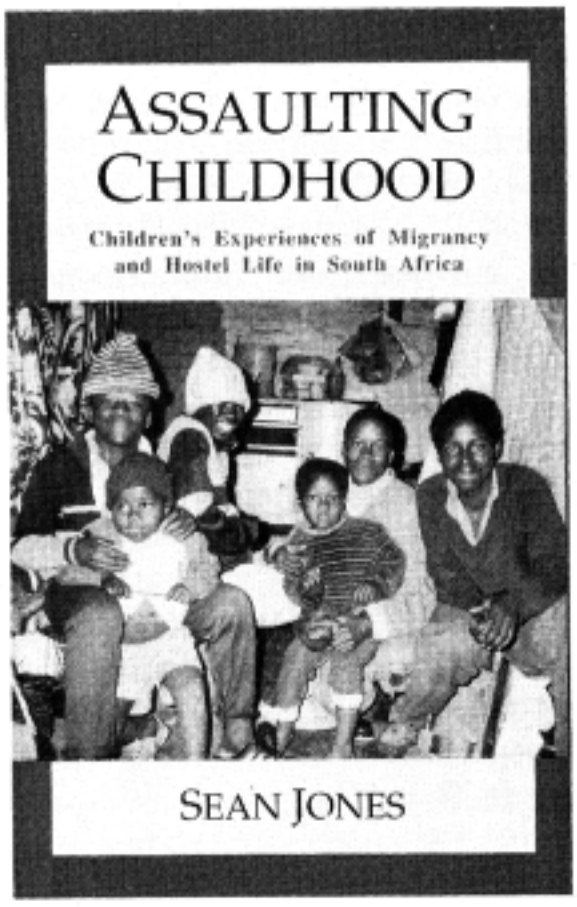
Hilda Boikanyo gave a very inspiring input on how the Cape Town advice office has been working in a much more empowering way through training women clients who come with paternal maintenance problems to run workshops on the subject in the townships. All our advice offices resolved to seek similar ways of empowering clients.

There was also discussion on forums, the future role of paralegals, and the future funding of non-governmental organisations.

It is quite remarkable to see how much work is covered by such a small group of people. In spite of being tired one came away with a sense of purpose and pride in being part of such a team. ❑

Marj Brown

BOOK REVIEWS



Assaulting Childhood: Children's experiences of migrancy and hostel life in South Africa

Sean Jones (Witwatersrand University Press, Johannesburg; 1993)

This is not a book for bedtime reading. Yet it ought to be essential reading for every South African as we enter our truth and reconciliation phase. It draws attention to one of apartheid's worst legacies, and one that is likely to be with us for a long time to come.

The book concentrates, as did Pamela Reynolds' *Childhood in Crossroads*, on children. It throws light on the effects of migratory labour on children in a way that most earlier exposé ethnography signally failed to do. By adding this dimension to descriptions of life in South Africa's hostels it complements Mamphela Ramphele's *A Bed Called Home*.

Assaulting Childhood begins with issues in the literature, on which Jones builds. Thereafter, the reader is carried into the experiences and the disrupted family lives of 24 youngsters whom he found in the Lwandle Hostel near Somerset West–Strand, and with whom he worked intensively for eight months in 1989.

"... migrancy and hostel life persist, as do the associated conditions of incessant domestic instability, extreme crowding, and micro-level violence."

One sees the extent to which children are on the move, sometimes on their own. One sees how fragile are their kinship bonds. One sees how prone to dissolution are the domestic units ("households", we used to think). One sees that it is just not true that children can be left "at home" in the care of loving grandparents in rural homesteads accommodating extended families. These children are exposed to violence among people near to them, becoming inured to it. Indeed, they play games of violence despite their parents' often enfeebled attempts to protect them from it. One sees how poverty-inscribed is their experience of education: not only are their schools inadequately resourced but their own migrancy, at the whim of desperate adults, repeatedly disrupts their school attendance.

What can be done to ameliorate such conditions and to restore to young South Africans the dignity of childhood? A broad stroke of the brush would draw attention to the country's new programme of reconstruction and development. Yet a focus on specifics is necessary. One of these is housing – but tied to an assurance of long-term security of income so that adults can recognise their future in stable domestic relations and love their children as befits valued kin deserving of nurture.

Another is education designed to accommodate the residential turbulence of children as they move about the country in waves of spasmodic migrancy. This means, among other things, revoking rules that prevent movement between schools in different parts of the country during the school year. It also means finding ways to ensure that mid-term changes of schools do not mean sudden switches in curriculum. This could entail applying a universal pedagogy that 1) encourages children to develop their skills, rather than feeds them information for regurgitation; 2) provides a balanced and nourishing education that reinforces each child's own sense of self-worth and equips them to apply those skills in later life.

The fact that Jones' book suggests such policies is not the reason why it is important. Rather, it is important because it attests to the political import of truth. If children are to be saved from being brought up under the abhorrent conditions he has documented, the truth about their lives and their interpretations of their childhood years must be understood, and accepted as truth. We cannot but face the sordid underside of the apartheid beast and its denudation of childhood.

Assaulting Childhood provides a way to grasp those awful truths. It does so by making 24 young people come alive as responsive, often calculating individuals, trying desperately to live and give meaning to life in a world no adults would readily choose – for themselves or their children. It does so by revealing how extensively children have been drawn into forms of migrancy that at times leave them separated from any caring adult, and from their own siblings for long periods of time.

While apartheid is now officially dead, migrancy and hostel life persist, as do the associated conditions of incessant domestic instability, extreme crowding, and micro-level violence. *Assaulting Childhood* documents these facts so that no one can say they could not know that children were, and are, ravaged by their effects. ❑

Andrew Spiegel

BOOK REVIEWS

Reversing Discrimination – Affirmative action in the workplace

Duncan Innes, Matthew Kentridge and Helene Perold (editors) (Oxford University Press, London; 1993)

The "new" South Africa and the "old" South Africa are not two different countries. Although a new era has dawned and new possibilities have opened up, inequality, rooted in the past, persists in the present. If the effects of discrimination yesterday are to be redressed and the engines which continue to generate inequality today are to be reversed, deliberate action has to be undertaken – affirmative action. A just and equitable future is not going to come about "naturally" and of its own accord.

Reversing Discrimination is a collection of articles which between them make a compelling case for the adoption of affirmative action – in respect of people who have suffered discrimination on the grounds not only of their race but also of their gender. They also indicate the need for a holistic approach to affirmative action. This means improving not only, for instance, recruitment and selection practices but also improving the ways in which people are helped to learn and develop at work. Further, it means improving the culture and environment of organisations so that they become places where a wide diversity of people can feel included, be optimally productive, and fulfil their potential. The book is accessible and practically orientated. It has a solid empirical foundation including some interesting international experience in the form of two Zimbabwean case studies. It does not attempt to offer any coherent theoretical framework. An unfortunate dimension is the degree of repetition which could easily have been reduced with a little more editorial work.

The one fundamental flaw in the work is the contributors' seeming (and perhaps unconscious) acceptance of the inevitability of social inequality, albeit not along lines of race and gender. It fails to pose a critical question: If the goal of affirmative action is justice and equality, are these achievable under capitalism?

Reversing Discrimination seems to take it for granted that they are. While directed mainly at employers and managers, the book makes a useful contribution to the literature around affirmative action in South Africa and deserves a wide readership. ❑

Frank Molteno

White Girl in Search of the Party

Pauline Podbrey (Hadeda Books, Pietermaritzburg; 1993)

In this unpretentious and lively book Pauline Podbrey gives us a look at the earlier years of her life. Although she starts with her family's arrival in Durban, she includes several flashbacks to life in the Lithuanian *shtetls*. She draws wonderful portraits of her parents: her mother whose unceasing labours kept the family housed and fed, and her father, not much of a breadwinner, but a Bundist who carried his ideals and political savvy to his new country, and with whom Podbrey argued and discussed endlessly. She was clearly the product of both, taking from her mother the energy and drive for a lot of hard work, and from her father a passion for politics and moral issues.

Although the story is told in the form of everyday anecdotes, it is a life woven through with the thread of idealism and moral purpose. Even in her teens in Durban where life was divided between school, the shop and the beach, she was already in search of the Party. The happy times such as her years in Cape Town, newly married and organising sweet workers, are offset against the difficulties of an inter-cultural marriage in the South Africa of the forties, and the disillusion of finding that Communism in England and especially Budapest was not going to fulfil her dreams and expectations of a better society. Despite the later disillusion, she pays high tribute to the work and leadership of the South African Communist Party.

For anyone who is interested in the hitherto obliterated history of the left in South Africa, this is fascinating reading. But essentially it is an account of one woman's experience of it, amusingly told and with an honesty not many would be prepared to match. And throughout, though not indexed(!) she comes back to women: mothers, daughters and friends. ❑

Jane Rosenthal

Several newish Afrikaans novels have recently been translated into English. Here are some brief reviews.

Compiled by Jane Rosenthal from reviews by Jean Alberts

Mad Dog and Other Stories

Etienne van Heerden

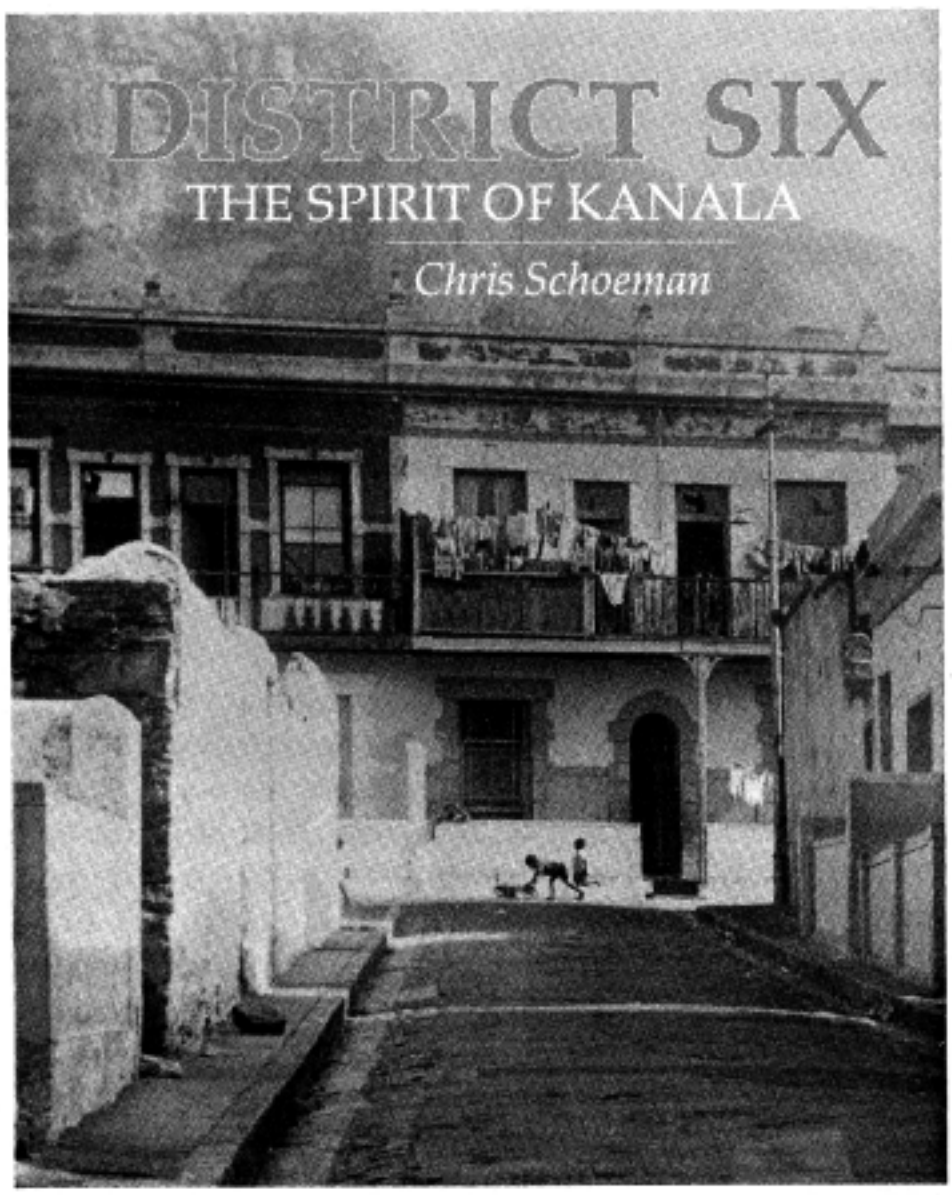
Fine, wide-ranging stories by a talented writer. Some are poignant, with a touch of Pauline Smith, others brutal and distressing, but memorable because of their evocative South African setting.

Another Country

Karel Schoeman

An excellent period novel, set in Bloemfontein in the 1870s. Development is within the main character, Versluis, a gentleman who comes to the town in the hope of curing his consumption and gradually accepts that there is no turning back on his journey.

BOOK REVIEWS



District Six, the Spirit of Kanala

Chris Schoeman (Human and Rousseau, Cape Town; 1994)

As reviewers, we come to this book with our particular experience of District Six, and despite clear evidence of evenhandedness, Schoeman's *District Six* seems to lack the warmth and passion that memory evokes for us.

However, the historical sections broaden our understanding of how this vibrant community came about. It was finally a place where respect of differences and tolerance brought happiness.

But, as in any life, the life of District Six is defined by its death. The *helpmekaar* spirit of "kanala", where commodities and services were generously given by neighbours as in one big family, was anathema to the divisive ideology of apartheid and as such had to be destroyed.

The book is elegantly produced and enriched by well reproduced photographs, particularly those by Jansje Wissema who was commissioned by the Cape Provincial Institute of Architects to record the dying of the area.

Her compassionate and beautiful studies show people of District Six located in their own *plek*, revealing intimate details of their lives: A shining corner with pots and a Dover stove, a *potjie* of *veldblomme* on a window sill, and out of the corner of the eye, graffiti saying "*Jokers Poep Rooi*"! It is felt that Jansje died of a broken heart precipitated largely by the destruction of District Six and what it signified about the system we lived under.

This book serves to remind us of what has been lost both spiritually and architecturally, and that must not be forgotten if the process of forgiveness and reconciliation is to take place.

Adam Small's words
"Die bulldozers ...
Klaar gekom het hulle
en plat gedonner
alles hierso
alles, alles
hyse, harte
die lot
alles
God!"

should be remembered by everyone as part of this process. ❑

Sue Clarke and Hoyam Gamieldien

OBITUARIES

Meg Strauss

Meg Strauss, who died in January this year, was a founder member of the Pietermaritzburg Black Sash and drove to Cape Town in the convoy which joined the Senate Act protests in 1956. She was a self-effacing person and political activism did not come easily to her, but her strong sense of justice and her compassionate heart led her to dedicated participation in Black Sash demonstrations and protests over some 30 years. She and her husband Kurt were superbly generous and hospitable, opening their house – and their pottery kiln – to very many friends, acquaintances and associates of all races throughout the years when this kind of life invited police surveillance and harassment.

Uncertain health in her last years kept her from active participation in Black Sash affairs but she remained politically alert and forward-looking at an age when many people slip into conservatism. Black Sash members in Pietermaritzburg miss her very much. ❑

Marie Dyer

Lily Herbstein

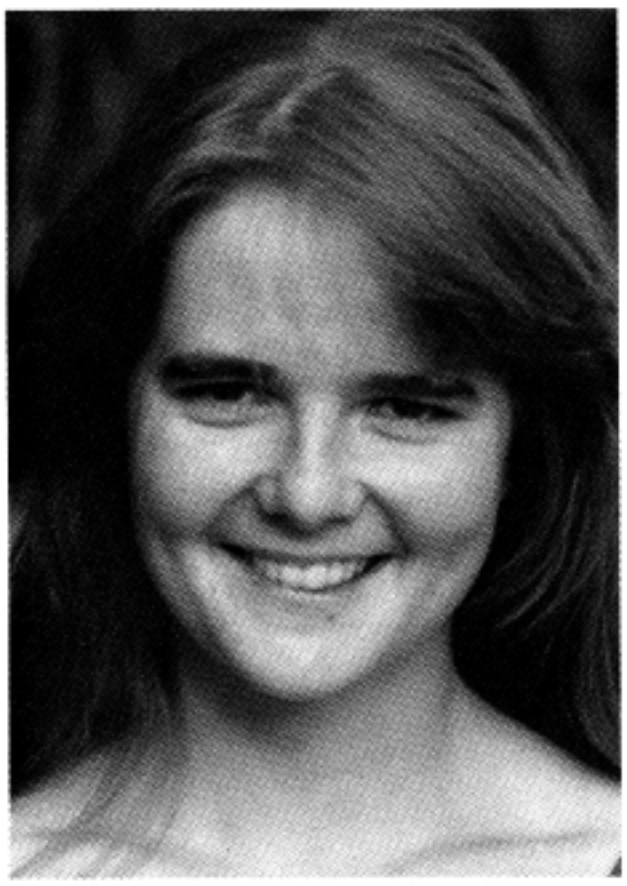
The Cape Western region of the Black Sash will remember Lily Herbstein with respect and affection. She was one of the organisation's earliest members, and a faithful worker in its advice office for nearly two decades.

Having lived in the Eastern Cape, she had a particular concern for that region, and it was she who played a major role in drawing our attention, and that of the public, to conditions in Dimbaza.

Her other special talent was for raising funds through her False Bay branch's "Connoisseur's Corner" at the annual Morning Market.

She was a valued member who retained her interest in the Black Sash despite her failing health. We extend our condolences to her family. ❑

Mary Burton



Kathy Chubb-Ouwehand

Many of you will have heard of Karin and Peter Chubb's tragic loss of their daughter, Kathy, in a car accident in Namibia in April 1994.

Kathy, one of our young members, was a newly qualified doctor doing her internship in Windhoek. She brought exceptional personal and intellectual qualities to this work, as she did to all other aspects of her life.

We joined in honouring her memory in a wonderful memorial service held in Cape Town on 2 May, and we shall continue to hold Karin and Peter in love and support as they rebuild their lives❑

Sarah-Anne Raynham

Faith Plaut

Faith Plaut, foremost South African textile artist, was a member of the Cape Western region since 1977. She died at the end of July 1994.

In the late 1970s she was among those members who braved the apartheid bulldozers in Cape Town's squatter camps. Her experiences during that phase made a profound impression on Faith; some of her outstanding art works from this period were shaped by encounters with squatter women.

Whoever met Faith would not easily forget her – as artist and human being, deeply concerned with human rights, she made an unforgettable impression on everyone. ❑

bth

NEWS-STRIP

Natal Coastal

Institution-building course

I attended a course titled "Institution building: Strategic management for the '90s" from 29 April to 4 June 1994 in Washington, USA. The course, sponsored by Private Agencies Cooperating Together (PACT), was run by the Centre for Development and Population Activities (Cedpa). Cedpa is a private organisation which runs a series of management programmes to improve managerial skills of family planning, health, social service and development administrators from developing countries.

The goal of the workshop was to strengthen the skills of senior-level managers to facilitate the development and sustainability of organisations.

Issues that were covered in the five weeks were • managerial and leadership roles in institution building, • human-resource development that contributes to organisational capacity building (job descriptions, staff orientation, team building, performance appraisals, etc.), • gender sensitivity in the workplace, • strategic planning (SWOT analysis), • linkages and marketing strategies, • visits to donor agencies, • visits to Unifem and the United Nations.

Participants of the workshop came from various developing countries (Ethiopia, Guatemala, India, Kenya, Nepal, Nigeria, Philippines, Romania, Tanzania and Turkey). There were five South Africans. The participants were almost all skilled managers themselves, so a lot of the learning in the workshop was from each other's experiences. I found this most exciting. It was also very reassuring that Black Sash members are aware of most of the issues raised and are actively engaged in addressing these. The South Africans also had a lot to offer in the workshop. They seemed to be more ahead in the development of NGOs than those in some other countries. The South African participants contributed to a panel discussion on "emerging democracies". They spoke on our experiences (personal and within our work involvement) during the elections. This was very well received. They felt it was very good for them to do this, as they all felt very removed from South Africa at that time and were frustrated at not being able to have this post-election time in South Africa. ❑

Seema Naran, advice office co-ordinator

Natal Midlands

Midlands Women's Coalition

Our region continues to be actively involved in the Women's Coalition, with two members – Else Schreiner and Anne Harley – on the regional steering committee, Else as co-chairperson.

Since the elections, the Midlands coalition has been involved in a number of areas, including commenting on the final draft of the Women's Charter. Anne was asked to organise a workshop on "Women and Community Policing" which was held on 28 May. Ann Skelton (Lawyers for Human Rights), Saras Jugwanth (Law Faculty, University of Natal, Pietermaritzburg) and Anne jointly designed the workshop. It was well attended and the participating women seemed to find it an important (and enjoyable) day. The presence of the head of the police reservists in Natal added a new dimension. Participants asked the coalition to take the initiative further.

Many women have expressed concerns about the local government negotiating process, particularly the lack of available information. The coalition was asked to find ways to inform women about what was happening as well as encourage them to participate in the negotiations. It hopes to do this through workshops run by the co-chair of the Midlands Coalition, Ruth Benghu. She will run workshops on the negotiations by the Pietermaritzburg Local Government Negotiating Forum (PLGNF) on which both the Coalition and the Black Sash are represented.

Rape booklet

The booklet is in final draft form and in circulation to the regions for comments – after intense work by its subcommittee and vigorous discussion of its content. Once regional comments are in, layout will be completed, inspired drawings inserted, and it will be hotfooted to the printers. The plan is to have it out before the year ends. ❑

Fiona Jackson

NEWS-STRIP

Cape Western

"As if we are 'heaven'"!

Hilda Boikanyo, case worker, reports on the trials (literally) of women trying to get maintenance from the fathers of their children, and how the system's inefficiency makes it harder for the women and children and easier for the men. The official process is frustrating to say the least: Fathers simply ignore the calls made by Home Affairs; cases are postponed and referred *ad infinitum*; and, between the courts and Home Affairs, there is gross maladministration. At a meeting with the officials concerned, one of the clerks commented that women run to the Black Sash as if we are "heaven". Nomahlubi Nabe, advice office organiser, reacted by saying, "We *are* heaven – those women are running away from your *hell*!" ❑

Advice Office report

Scrap this act and its regulations

At Marj Brown's request, a subgroup of Cape Western's LegiWatch Group has commented on the second draft of the proposed social assistance regulations which were published in March 1994.

The Social Assistance Act became law in 1992 but it will not be promulgated until final regulations have been promulgated which will make concrete and specific the law's general provisions governing social pensions and maintenance grants.

Bastienne Klein, advice office coordinator, Michelle Daniel, a law graduate, and Donna Ambrogi, an American lawyer – all members of LegiWatch – met several times to prepare their comments. The process involved comparing the proposed regulations line by line with the first draft (which had not been openly published for comment) as well as with the Social Assistance Act and with the existing regulations in terms of the earlier law which is to be superseded. If it sounds complicated, it was!

The new proposed regulations keep many of the worst features of the old law and regulations, for example, the difference in the age at which men (65) and women (60) are eligible for old age pensions. They make even more punitive the notorious means test by removing the exemption from the test for people over 75 and by including the total value of one's residence in the determination of whether one qualifies for a pension. This means that if an applicant's home is worth more than R45 000, he or she is not eligible for a pension at all even if he or she has no income whatsoever! The 100 per cent penalty on income above a certain level remains – a classic "poverty trap" which discourages low-income earners from saving for their old age.

The group concluded that both the Social Assistance Act and the proposed regulations should be scrapped as inconsistent with the spirit of the new government. New legislation should be developed in their place. These comments were passed on to Marj Brown for submission to the department of welfare. When there are further developments, LegiWatch will again get to work with its fine-tooth comb! ❑

Donna Ambrogi

NATIONAL

Jenny de Tolly – outgoing president

It is appropriate to pay tribute to Jenny de Tolly in the issue of SASH that is devoted to the ideals of civil society. As national president of the Black Sash, she has guided the organisation with great clarity of vision (and a refreshing sense of humour) through its transition from anti-apartheid activism to purposeful support of the concept and structures of civil society and the recognition and entrenchment of human rights.

At the same time that it has had to transform its vision, the Black Sash has also had to change its way of functioning. The tension created by increasing professionalisation of its work was a challenge to which she responded by setting in motion a process of consultation and debate which resulted in the development of management processes and strategies that have successfully moved the organisation through this transitional period.

In her presidential address to national conference in July 1994, Jenny said she looked back with pride at what members and staff were able to contribute during the elections, and that South African society would be poorer without an organisation like the Black Sash. Those privileged to work with her are as conscious of the fact that the organisation would have been the poorer without her leadership and we salute her. ❑

Sue Joynt

Farewell to Ann Moldan

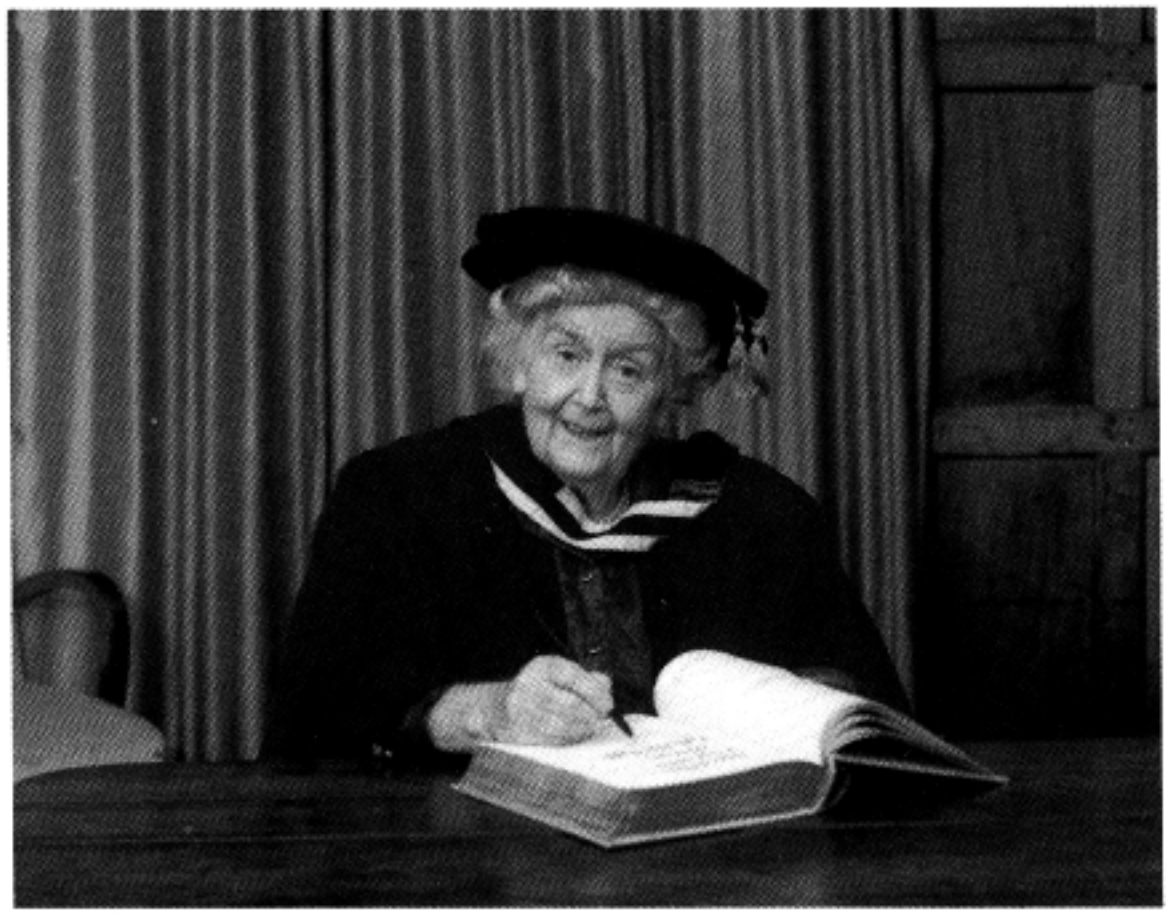
Ann Moldan, SASH magazine's distribution person is handing over this post after many years of work behind the scenes to ensure that the magazine moved smoothly from the printers to our letter boxes and bookshelves.

Ann has done wonderful work over more then seven years in an often onerous task dealing with the subscription records, the printers and mailing company, regional SASH representatitves and secretaries, overseas subscribers, libraries and academic institutions. That she has done this so generously in a volunteer capacity is a tribute to Ann and her commitment to the work of this organisation. Her "retirement" also reflects the changing nature of SASH volunteer work. It is becoming increasingly difficult for members to balance active day-time involvement in the running of the organisation with the demands of their own work environment. We hope to be able to incorporate her work into the job description of the national secretary.

Ann, thank you for your contribution to the SASH magazine. ❑

Domini Lewis

NEWS-STRIP



University of Cape Town

Noël Robb after receiving her honorary degree at the University of Cape Town.

A message from DanChurchAid

"We have no doubt that the Black Sash will prove crucial also in the years ahead in promoting civil and human rights at the policy level as well as at grassroots level through its advice offices. The need for Black Sash and the civil society at large to remain involved and provide guidance and assistance in the processes [of reconciliation, democratisation and development] is beyond question."

Ruth Noël Robb, M.A. (h.c.)

The University of Cape Town (UCT) recently awarded Noël Robb an honorary Master's Degree. The following official citation was read at the ceremony by Professor M. A. Kibel.

Noël Robb's life could have been one of leisure, comfort and domesticity, but a visit to South America altered that course. She saw that although great poverty existed, there was a blindness to colour which afforded everyone the same opportunities. This vividly alerted her to the injustices in South Africa, where people at that time could not stand in the same queue if their skin was of a different colour.

"For evil to succeed," Edmund Burke wrote, "it is enough that good men say nothing." Noël Robb decided to say something, and said it loudly and clearly. When support was first rallied to oppose the Senate Bill removing coloured voters from the common roll in the Cape, she was instrumental in planning the first public meeting of the organisation which was to become the Black Sash. She played an active role in all the early demonstrations and all-night vigils which took place country-wide. On the very first occasion that black sashes were worn in Cape Town, she was one of the five who "sashed" minister Eric Louw while he was boarding a train at the Cape Town station. No-one would have dreamt in those early days that the organisation would grow and be as vigorous as it became 40 years later.

Mrs Robb studied and actively opposed the legislation which caused so much anguish in South Africa – the Group Areas Act, pass laws and Bantu Education – and became an expert on influx control. She represented the Black Sash on many delegations to state departments, and there must have been many state officials who quaked in her presence. After one prolonged meeting with officials over the Bantu Laws Amendment Act of 1963 one man ran after her, saying, "I must shake you by the hand, Mrs Robb. You [the Black Sash organisation] are the only people ever to have read it."

Noël Robb was chairperson of the Cape Western regional council of the Black Sash on numerous occasions and was elected honorary national vice-president in 1989. Her involvement in community organisations also extended to the Marion Institute Community Centre, the South African Institute of Race Relations, the Civil Rights League and the Anglican Board of Social Responsibility.

But her greatest contribution lies in her work in the Black Sash advice office. First in Athlone and later in Mowbray, she has served continuously in a voluntary capacity since 1962 – more than 30 years of dedicated service to the disenfranchised and to victims of the pass law system. For many years these efforts must have appeared a battle without a hope of winning.

She took a course in Comparative African Government and Law at UCT to increase her knowledge and serve the advice office better. She became particularly knowledgeable about squatter settlements and fearlessly took the expertise of the office out to where the people needed it, often at considerable risk to herself. She brought many cases involving the pass laws all the way to the Appeal Court, eventually winning them, meeting the costs with what she calls "a quick whip round". Eventually a panel of lawyers from 21 legal firms was formed, who gave their services *pro deo*. The complete and meticulous records kept in the advice office and presented in court undoubtedly went some way towards the eventual abolition of the pass laws.

In this, her 81st year, Noël Robb's considerable energies seem undiminished. Happily the work at the advice office has changed, now addressing such issues as disputes over dismissal, housing debts that can't be paid, doubts about the size of pay packets, and even the plight of refugees from Rwanda.

...Noël Robb has served Cape Town and South Africa well. I have the honour to present her for the degree Master of Social Science, *honoris causa*. ❑