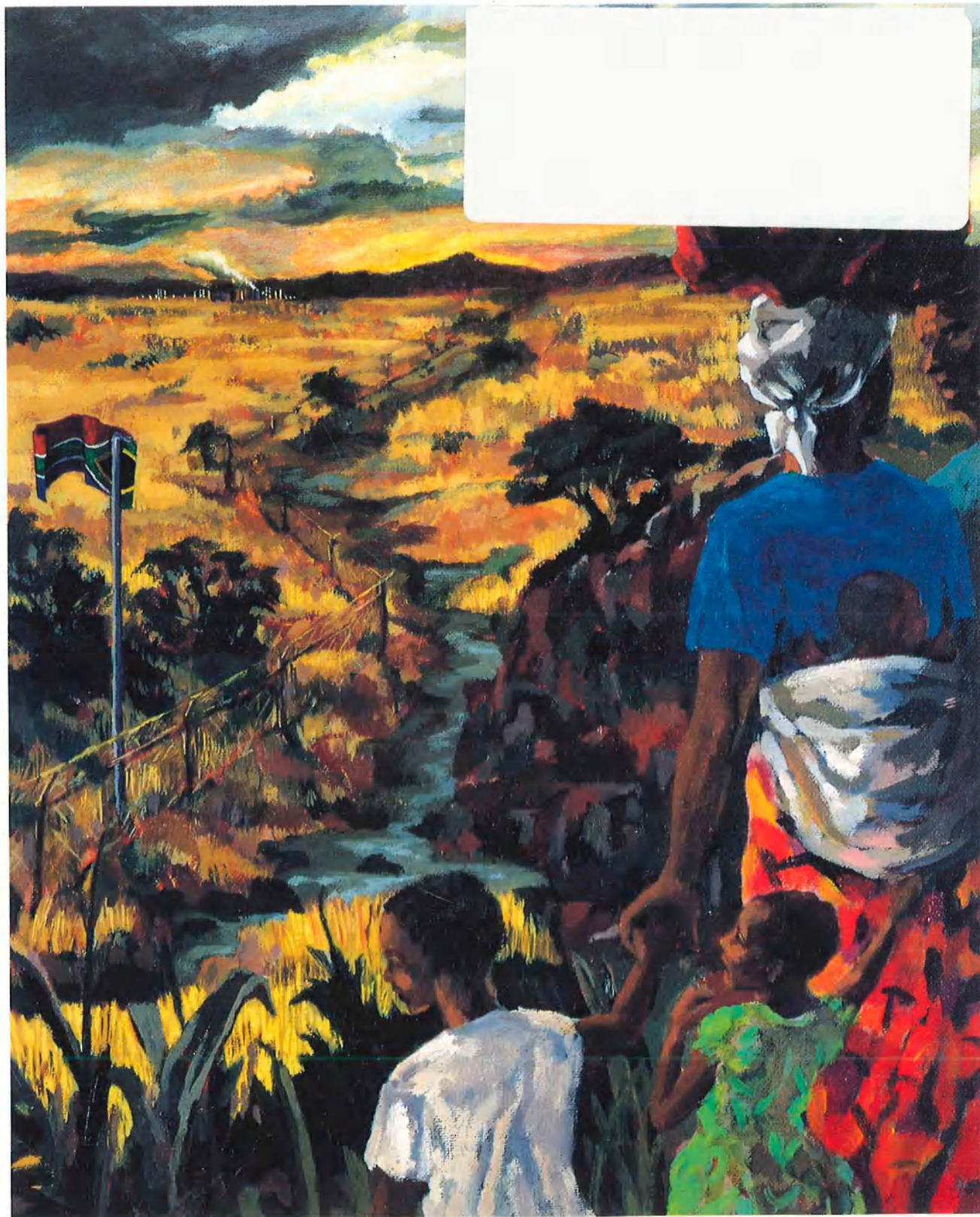


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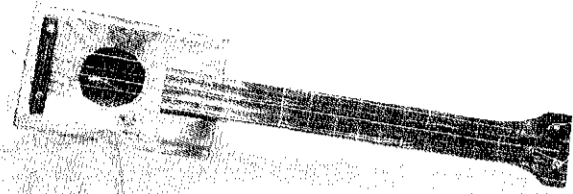
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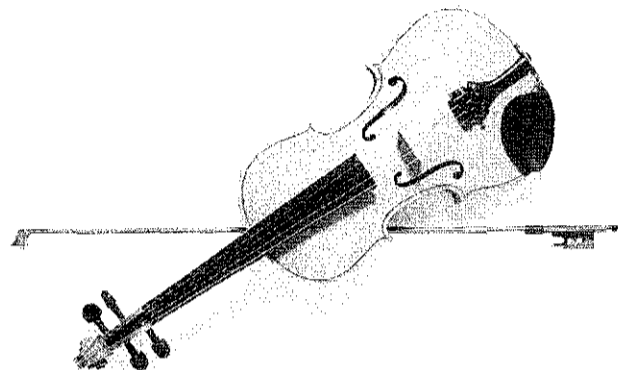
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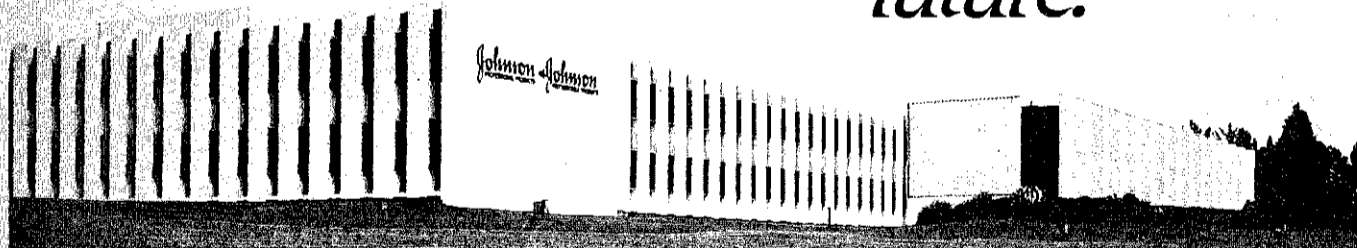
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Editorial

President Mandela in the United Kingdom, Deputy President Mbeki in the United States and Olympic gold medals – South Africa is in the world news again – happily as a result of events which make us proud. On the political front, the South African ambassadors undoubtedly had much explaining to do. Internally, continuing political violence in KwaZulu-Natal and concomitant political instability raises concerns, as does crime and industrial action.

But it is South Africa's role in the region that increasingly attracts the heat of the international spotlight. This country is under mounting pressure to provide a normative model of reconciliation and reconstruction which developing countries on the continent and beyond may learn from. Added to this formidable task, South Africa is also expected to be Southern Africa's economic powerhouse.

Under the new global order in which state boundaries have become increasingly porous, these challenges are unavoidable. This edition of Indicator SA focuses on cross-border migration and other issues pertinent to the region. Articles consider whether stronger border controls are the answer, or whether refugees deserve preferential treatment over the inappropriately named 'illegal aliens'.

But a common thread runs through all these debates: the ultimate solution will require a cooperative effort by all countries in the region to tackle the root causes of mass migrations. In her article, Ryan Sinclair warns that the potential for refugee crises in Africa is great, whether from political persecution, civil war, environmental degradation or economic ruin. But what of the short term? How should the inevitable influx of people be handled?

An analogy borrowed from Ryan Sinclair's article presents an insightful comment on short term strategies. Returning to international events, this year's Mount Everest expedition is one many South Africans feel ambivalent about. It illustrates a world in which morality is qualified by location, for these mountain climbers – over a certain elevation. Ryan Sinclair asserts that a similar ethic now characterises international refugee policy in which politics and financial costs determine humanitarian assistance.

I would like to dedicate this issue to the memory of Donna Taylor. Many of us at Indicator were touched by her brightness every so often in the office. Having brought so much energy and sun to Indicator, we wish her mother and Indicator Press editor, Karen Mac Gregor, all possible strength.

Antoinette Louw, Editor

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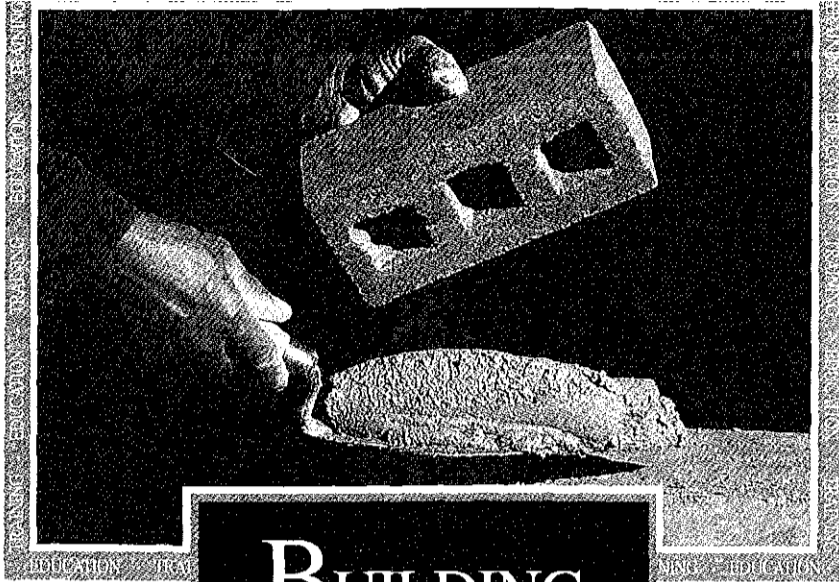
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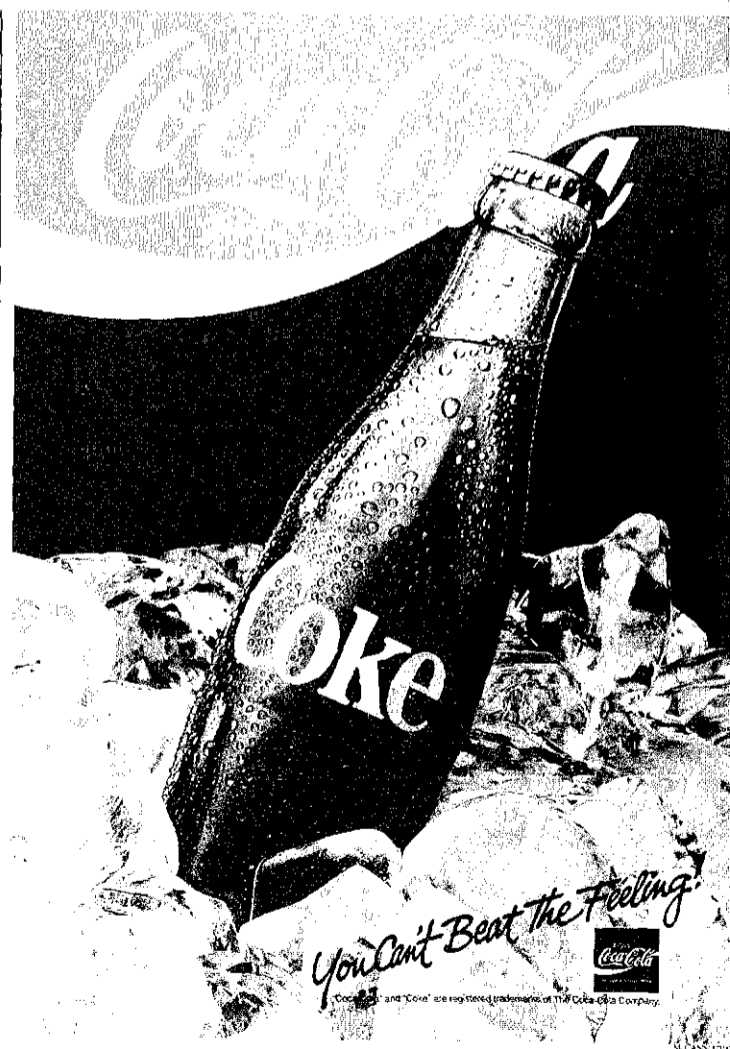
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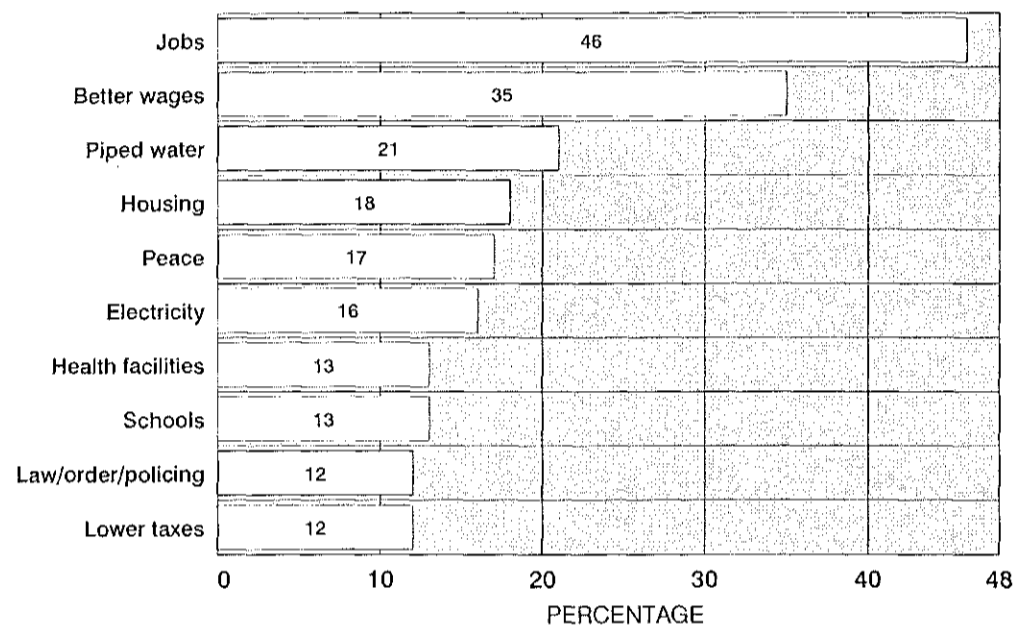


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POLITICAL

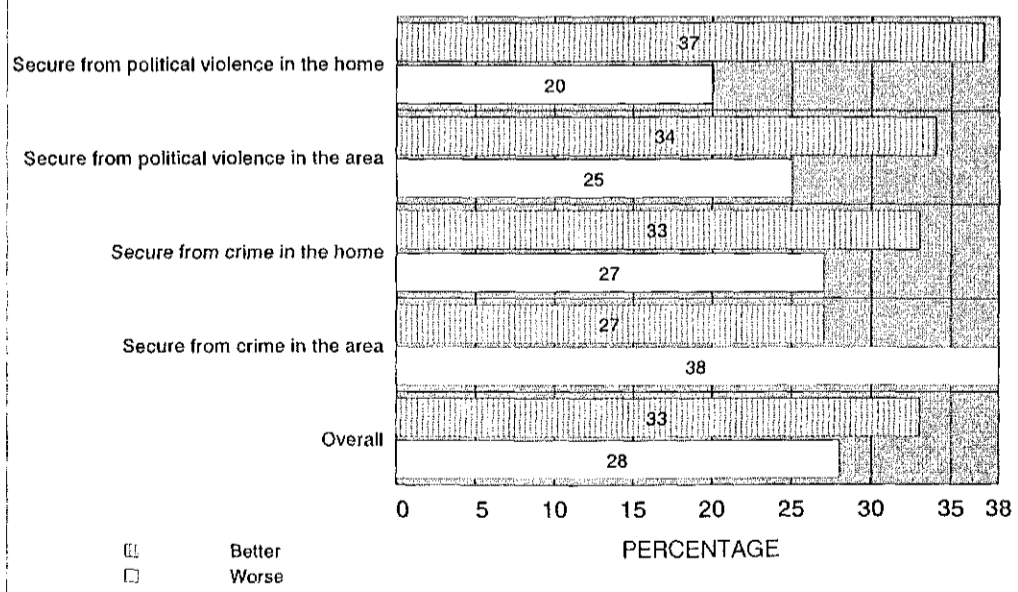
MONITOR

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Security situation in October 1995 compared to one year ago



Source: Research conducted in a joint project by the Department of Economic Affairs and Tourism, Human Sciences Research Council KwaZulu-Natal Office and Quality of Life & RDP Monitoring Unit at the University of Natal in collaboration with the KwaZulu-Natal RDP Inter-departmental Indicator Initiative

Majority Rules, OK?

The GNU and multiparty democracy

By David Welsh

Department of Political Studies, University of Cape Town

In our Winter 1995 issue, Courtney Jung and Ian Shapiro criticised the Government of National Unity because it precluded institutionalised opposition and was undemocratic. Here Welsh responds, arguing that it helped stabilise South Africa, and that the looming single party hegemony is unlikely to consolidate democracy. Consensus is vital for democracy in deeply divided societies like our own.

In their root and branch critique of the Government of National Unity (GNU) concept as enshrined in the interim Constitution, Jung and Shapiro (1995) make some telling points about the need for democracy to institutionalise space for an opposition and how the GNU served to diminish this space.

With the departure of the National Party (NP) from the GNU, the tenuous continued participation of the Inkatha Freedom Party (IFP), and the dropping of the entire concept from the final Constitution, it may seem like flogging a dead horse to put in a good word for the principle underlying the GNU. But in their enthusiasm to criticise the GNU, Jung and Shapiro appear not only to down-play its importance in helping South Africa to stabilise, but also to advocate a style of politics that is likely to be inimical to the consolidation of democracy.

As the authors acknowledge, South Africa's transition was unlikely to have proceeded unless the ANC acquiesced in power sharing arrangements. The actual provisions of the interim Constitution fell far short of what FW de Klerk and the NP originally demanded and, moreover, they were only to last for five years. Even so, these and the pseudo-federal provisions of the interim

Constitution performed the vital role of enabling de Klerk to sell the negotiating process to an increasingly apprehensive constituency.

It is difficult to imagine him winning so big a majority in the referendum of March 1992 had he been obliged to say – in effect – to white voters: 'We are democratising, and democracy means that the winner takes all'. Most whites knew intuitively that the ANC would win the first election hands down. It would not have been realistic to expect that without lowering the stakes as provided by the GNU, they would have been prepared to move from a position of complete power to (at least) formal powerlessness overnight.

GNU after 1994

What is also missing from Jung and Shapiro's article is any assessment of the role played by the GNU in the post-1994 period. They might well retort that it was not their intention to do so, but their emphatic rejection of the GNU concept leads one to suppose that its actual operation, in their view, was a failure.

It is certainly true that participation in the GNU put the NP in a bind: simultaneous membership of government and opposition

The pseudo-federal provisions of the interim Constitution enabled de Klerk to sell the negotiating process to an apprehensive constituency

is probably not tenable over the long haul. A marginal exception might be Austria in its post-war consociational phase – or Britain during the wartime ‘grand coalition’, when Labour backbenchers, led by Aneurin Bevan, vigorously attacked a government that included Labour’s leaders. Neither of these examples has much relevance to the South African case.

More relevant to the critique of the GNU concept – and it is surprising that Jung and Shapiro do not mention it – is the failure of constitutionally required coalitions in Cyprus (1960) and Northern Ireland (1973). The depth of the divisions in both these cases, to say nothing of external interference in the case of Cyprus especially, probably ensured that no democratic dispensation of any kind could have succeeded.

Jung and Shapiro assert that the April 1994 election results belie the conventional wisdom that politically South Africa is deeply divided along ethnic lines. They argue that both the ANC and the NP campaigned as non-racial parties, collecting substantial numbers of voters from various population groups. This seems to be dubious.

Indeed, the coloured and Indian vote was split, with substantial majorities in both cases going to the NP. Neither the coloured nor Indian communities can be considered ethnic groups, since both are riven by internal cultural and political differences. That most supported the NP, which had inflicted the Group Areas Act and other humiliating discriminatory laws on them, was more a case of supporting the devil they knew than a reflection of the lack of salience of race in the elections.

Moreover, the percentage of whites supporting the ANC, and the percentage of Africans supporting the NP was small, and did not constitute a promising base for the growth of genuinely multiracial parties in a genuinely competitive multiparty system. The argument that ‘race’ was only a marginal factor and that ‘interests’ were paramount instead, is unconvincing, if only for the simple reason that ‘interests’ in South Africa have invariably been enveloped by ‘race’ in popular perceptions.

Racial voting

The salience of race to a large extent eclipses or mutes the salience of ethnicity among Africans, ‘Zulu exceptionalism’

notwithstanding. This is likely to continue. It may spare South Africa the miseries of acute ethnic conflict among Africans, but it will not eliminate ‘racial’ voting. Results of the local government elections in 1995, and in Greater Cape Town and KwaZulu-Natal in 1996, appear to confirm this pattern.

So far as I can see – and possibly this is not very far – racial inequalities and memories of apartheid are likely to be the ANC’s major campaign issues for a long time to come. Given its stature as the premier African liberation movement and the heroic position of President Mandela, it is hard to see either a significant split in the ANC and/or the emergence of a serious electoral rival in the foreseeable future.

The ANC’s determination to prevent splits appears apparent from its successful insistence on retaining, in the final Constitution, the clause which requires deflecting MPs to vacate their seats. I am in complete agreement with Jung and Shapiro’s sharp criticism of this provision.

Jung and Shapiro’s generalisation that liberation movements previously held together by shared opposition, break up once their internal diversity and latent divisions come to the fore, requires supporting evidence. It does not appear to have been a common trajectory in sub-Saharan Africa, where alas, one party states and military coups (often in sequence) have been more normal. Even Botswana’s record of a functioning parliamentary democracy is based on continuing single party hegemony.

Jung and Shapiro (following Przeworski) write approvingly of ‘institutionalised unpredictability’ and a ‘genuinely competitive’ political system. The question is whether these are realistic hopes: the answer is probably not. Moreover, it is difficult to cite a single example from another diverse polity where a party system rooted in race or ethnicity has transformed into one where the basis of the party system is class or ideology (or obviously, both).

Divided society

One can agree with much of Jung and Shapiro’s argument about the need for an opposition and the importance of opposition to any credible democratic political system. A further set of considerations turns on the issue of whether a deeply divided society – *pace* the authors, South Africa is such a

The salience of race to a large extent eclipses or mutes the salience of ethnicity among Africans

A significant split in the ANC or the emergence of a serious electoral rival is unlikely in the foreseeable future

In sub-Saharan Africa, one party states and military coups have been normal

I know no deeply divided society where 'winner takes all' politics have sustained a democratic outcome

There seems little prospect of a fragmenting ANC leading to a more fluid political situation

society – can sustain competitive, confrontational and adversarial politics in which alternating government is 'normal'.

I know no deeply divided society where 'simple majoritarianism' or 'winner takes all' politics have sustained a democratic outcome. South Africa's final Constitution marks a decided move in this direction: 'simple majoritarianism' is mitigated only marginally by pseudo-federalism and a bill of rights. Could a worse constitutional form have been chosen? Probably not, but then, constitutions are not the sole determinants of how politics is conducted, and politicians may yet come to appreciate that a more consensual type of democracy is required for our particular circumstances.

It is doubtful whether South Africa has yet developed (if, indeed it can develop) the sort of political culture that could accommodate the kind of democracy that Jung and Shapiro appear to be advocating. That is more of an intuitive judgement than one that rests on evidence which, by definition, does not yet exist.

At several points in their article the authors snipe at consociational democracy – and in particular, at Arend Lijphart's encomium of the interim Constitution's consociational features. While not proposing to defend consociationalism generally, or its South African application, it would be useful – in a genuine quest for information – to know where in a deeply divided society, democracy has been sustained without having at least some consociational features? I know of no such case.

Of course, consociationalism's failures and the dangers that this system creates are

recognised – Malaysia is a case in point, whose ossified consociational system would have been additional grist for the authors' mill.

At least though, consociational theorists have done something to shift the liberal-democratic paradigm out of an intellectual rut. Jung and Shapiro are far too sophisticated as theorists to be unaware of the important differences between 'majoritarian' and 'consensual' democracies: their paper would have been more helpful if it had explored in greater depth what mechanisms exist for building consensus.

It is crucial to develop mechanisms and/or a political culture that 'lowers the stakes' of political conflict in South Africa. As matters stand now, we are headed for single party hegemony and, unlike the beliefs of the authors, there seems little prospect of a fragmenting ANC leading to a more fluid political situation.

Perhaps single party hegemony is the best guarantee of stability that we have – it could even be mitigated by a vigorous civil society and backbenchers who do not bow cravenly to the party leadership. The Sarafina 2 scandal, though, is not a promising portent. These are seductive thoughts, but ultimately they are self-defeating. Dominance creates an appetite for yet more dominance; and hegemony creeps inexorably, bringing sclerosis and deformation in its wake. [P&A]

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DEFENDING BORDERS

STRATEGIC RESPONSES TO ILLEGAL IMMIGRANTS

*By Hussein Solomon
Institute for Defence Policy*

Government has generally responded to the influx of illegal immigrants with reactive, short term policy measures. This article evaluates the various strategic responses, concluding that stronger border controls are needed. Equally necessary are bilaterals with South Africa's neighbours focusing not only on regulating population flows, but also on confronting the root causes of mass migrations.

Estimates of the number of illegal immigrants in South Africa range from two to eight million. Whatever the exact figure, it could be argued that the presence of such large concentrations of undocumented migrants seriously threatens the stability of the South African state and adversely affects ordinary South Africans' quality of life.

For instance, in 1994, 12 403 illegal immigrants were arrested in South Africa for committing serious criminal offences, including rape and murder. The negative security implications of hosting a large illegal foreign population are well documented – not only in South Africa, but in Asia, Europe, the Americas and Africa itself.

It is not the purpose of this article to analyse the factors which lead to population displacements or the effects of such mass migrations, as there is a burgeoning literature on these aspects. Rather, it evaluates the effectiveness of various strategic responses to curb the influx of illegal immigrants into the Republic and concludes with a few proposals.

Misdirected morality

There is an argument which posits that given the years of apartheid destabilisation of the region, South Africa owes a moral debt to its neighbouring countries. This debt prevents South Africa from employing coercive measures to solve its illegal alien problem. Rather – the argument goes – South Africa needs to accommodate the region's people within its borders in some form or another. This argument is not only dangerous, but its logic is extremely fallacious.

It is dangerous because, as any realist knows, if a relatively safe and prosperous country – as South Africa is within the African context – opens its borders, it risks being overwhelmed by a massive influx of immigrants from poor or violent countries. Myron Weiner (1995: 175) puts it this way:

“Any country rich or poor, that opened its borders might soon find other states taking advantage of its beneficent policy. A neighbouring country whose elite wanted a more homogenous society could readily expel its minorities; a government that wanted a more

In 1994, 12 403 illegal immigrants were arrested in South Africa for committing serious criminal offences

Does Zimbabwe owe us a moral debt as well for assisting them in their independence struggle?

The moral argument is an inadequate basis on which to build policy

International law is rather ambiguous on the question of transborder migration

egalitarian society could dump its unemployed and its poor; an authoritarian regime could rid itself of its opponents; a country could empty its jails, mental institutions, and homes for the aged. In an extreme case, an overcrowded populous country could take over a hypothetically generous country simply by transferring a large part of its population, and an aggressive country would no longer need tanks and missiles for an invasion."

But the logic of the moral argument is also fallacious, and several criticisms can be levelled against such a view. First, can the current South African government be held accountable for the actions of the previous illegitimate apartheid one? Can the current French government of Jacques Chirac be held responsible for the turmoil Napoleon Bonaparte caused in Europe in the nineteenth century?

Second, regional destabilisation was far more complicated than some commentators would have us believe. Certain of our neighbours benefited a great deal from cooperation with the apartheid state. Consider just two examples: Malawi and Swaziland. Malawi, under President-for-Life Hastings Kamuzu Banda, was one of the few African states to enjoy full diplomatic relations with South Africa. For this and for cooperating in other spheres, it received various material benefits from the apartheid pariah.

Swaziland too, benefited greatly from cooperating with the South African state. One of the alleged undertakings between South Africa and Swaziland in the 1980s was a secret security agreement. In return, Swaziland was to receive some South African territory – in the form of Ingwavuma – although this did not materialise due to strong opposition from Inkatha.

Regional destabilisation was thus far more nuanced than some would have us believe. But, extending the moral argument to Malawi and Swaziland, does this mean that we should close our borders to these states for cooperating with apartheid Pretoria, while according preferential access to South Africa to those states who suffered greatly from regional destabilisation such as Mozambique or Angola? If one accepts the moral argument, one must accept its internal consistency.

There is however, another side to South Africa's relationship with its neighbours, revolving around the relationship between its liberation movements and the Frontline States. Soldiers of the African National Congress's armed wing Umkhonto we Sizwe fought alongside Zimbabwean African Peoples Union fighters during that country's rocky road to freedom.

Does this mean that Zimbabwe owes us a moral debt as well for assisting them in their independence struggle? Does this debt then cancel out the debt caused by apartheid's regional destabilisation?

The third criticism of the moral debt argument is that while we should be concerned with the welfare of human beings everywhere, does the South African state not owe a greater moral debt to its own citizens, large numbers of whom are homeless, jobless and illiterate? And finally, how does one quantify a moral debt? While personally appealing, the moral argument is an inadequate basis on which to build policy.

International law

Some of those who embrace the moral argument also point out that there are several international norms which prevent the state from undertaking various coercive measures such as enforced repatriation to deal with illegal aliens. Once more, there are problems in this argument stemming largely from the fact that international law is rather ambiguous on the question of transborder migration.

Various global norms have evolved to deal with issues of international migration. The foremost of these is the 1948 Universal Declaration of Human Rights which provides that 'everyone has the right to leave any country, including his own, and to return to his country'. Balancing these rights granted to individuals, however, are agreements emphasising the rights of states to regulate their borders.

For example, the 1985 Declaration on the Human Rights of Individuals Who Are Not Nationals of the Country In Which They Live, approved by the United Nations General Assembly, states:

"Nothing in this declaration shall be interpreted as legitimising any alien's illegal entry into and presence in a

State, nor shall any provision be interpreted as restricting the right of any State to promulgate laws and regulations concerning the entry of aliens and the terms and conditions of their stay...."

Hence, one may conclude that the various international legal provisions regarding migration do not take away the power of the state to regulate its border: states are free to decide who should enter and in what numbers.

Control measures

There is an argument which suggests that given the 'failure' of control measures to stem the tide of illegal immigrants, we should somehow accommodate these aliens in our society. Accordingly, this 'failure' is evinced in the fact that despite enforced repatriation – the 90 692 illegal aliens repatriated in 1994 constituted a 100% increase from 1988 – the influx continues unabated: illegal immigrants are said to enter the Republic at a rate of one every 10 minutes (Reitzes 1994).

Some of these scholars who question the efficacy of control measures, argue for an alternative to control and accommodation – that of intervention. This seeks to address the root causes which give rise to population displacements. Europe's relative success in applying such an approach and the utility it holds for Southern Africa, is thus worth considering.

The goal of the interventionist approach is to provide incentives for prospective emigrants to stay within the borders of their own country. Essentially, this aims to redress the political and economic causes which give rise to mass migrations.

One line of the strategy argues that political pluralism should be encouraged in the Third World. This is generally seen in terms of liberal democracy, a multiparty system, and free, fair and frequent elections. These, the argument suggests, would stem political conflict and civil war, thereby reducing population flows.

As resumption of fighting after elections in Angola in 1992 suggests, it could have the opposite results to those desired. This point holds special relevance to Southern Africa where '... the difficulties which transitions pose are exacerbated by the overall

weakness of the polities within which change is taking place' (Vale 1993: 5).

Recognising that poverty or rather the lack of economic opportunities, is often at the root of population movements, the interventionist approach stresses the need for economic development within sending states. This is often achieved by special trade agreements, investment programmes and educational schemes. A programme of this kind has been proposed by Italy and Spain with regard to North Africa.

The hope is that these policies will result in job creation and economic stability which should reduce population movements from North Africa into Southern Europe. One criticism which can be levelled against this approach, however, is that South Africa is a Third World state whose own development needs are such that it cannot, in the foreseeable future, become a donor country.

Another weakness of this approach is that it tackles the global nature of the problem on a piecemeal basis. Globalists argue that only a restructuring of the international economy will reduce South-North and South-South flows and, until this happens the haemorrhage will continue. This too, has special relevance for South Africa which is not only facing an influx of illegal immigrants from the region, but also from as far afield as Nigeria, Algeria, Asia and Eastern Europe.

Moreover, even if such a strategy proves successful in the long run, it does have contradictory results in the short to medium term. According to Hamilton and Holder (1991: 201):

"The development process itself tends to stimulate migration in the short to medium term by raising expectations and enhancing people's ability to migrate. Thus the development solution to the problem of unauthorised migration is measured in decades – or even generations ... Any cooperative effort to reduce migratory pressures must stay the course in the face of shorter term contradictory results."

Regional integration

A more sophisticated strategy is to encourage regional integration. Proponents of such a strategy see regional integration as the key to stem migration flows and they

International legal provisions allow states to decide who should enter and in what numbers

The interventionist approach provides incentives for prospective emigrants to stay within the borders of their own country

South Africa is a Third World state that cannot, in the foreseeable future, become a donor country

Any policy to curb the inflow of illegal aliens should be the result of both control and interventionist approaches

Other countries have made use of control measures with a great deal of success

In addition to stronger border controls, what is needed is stronger internal controls

point to the European Community (EC) as a successful example. For instance, Gomel (1992) notes that the countries of southern Europe in the 1970s – Italy, Greece, Spain, Portugal – ceased exporting their ‘surplus labour’ to the more affluent countries of northern Europe. This was as a direct result of EC regional integration, which effectively decreased wage differentials and generally increased economic and social homogeneity within the EC.

On the surface, such a strategy seems workable. However, on closer inspection, various cracks are revealed. For example, the decrease in population flows from southern to northern Europe was not only the result of economic factors – demographics also played a role.

A drop in birth rates decreased the pressure on the social and economic infrastructure, increasing the overall living standards of the population and thereby diminishing the impulse to migrate.

Meissner (1992) has contested whether wage differentials between southern and northern Europe were that far in the first place. She also points out that Turkey’s application for membership of the EC was turned down for fears that with wage differentials of 10:1, economic integration might lead to substantial emigration from Turkey to Europe. She uses this as an example of migration acting as a serious deterrent to broader economic integration.

This is an important lesson for the states of Southern Africa which are considering regional integration and in which large wage disparities exist, for example, between South Africa, Botswana and Namibia on the one hand and Angola, Lesotho and Mozambique, on the other. Could such wage disparities serve as a spoke in the wheel of regional integration in Southern Africa?

The case of the EC suggests that it might. Furthermore, doubts regarding the future of the regional project are further reinforced by the weakness of the Southern African Development Community (SADC).

In addition, there is no one regional vision of integration, evinced by the plethora of regional organisations in Southern Africa: along with the SADC there is also the Southern African Customs Union (Sacu) and the Common Market for Eastern and Southern Africa (Comesa).

The alternative approaches to controlling undocumented migration put forward by the critics of control measures and evaluated here, have been found wanting. Moreover, should they work, Hamilton and Holder (1991) note that it would take generations. The question then becomes what to do in the interim?

The way forward

In an effort to turn back the tide of illegal immigrants, Pretoria’s responses have generally been reactive, *ad hoc*, short term policy measures. These have included misdirected control measures, such as deploying a further 5 000 South African National Defence Force (SANDF) troops to bolster border control security, the use of airborne camera surveillance on remote controlled drones, enforced repatriation, and the establishment by the South African Police Service (SAPS) of a Technical Subcommittee on Border Control and Policing.

Other measures also include accommodation, such as the recent cabinet decision to legalise the presence of illegal immigrants who have resided in the country for longer than five years, who have been gainfully employed, who have no criminal record, or who are married to a South African spouse.

These, however, have failed to stem the tide of illegal immigrants. A convincing argument could be made that the reason for this failure lies in the fact that neither of the above approaches takes into consideration the underlying root factors which motivate people to move in the first place. Any policy to curb the inflow of illegal aliens should be the result of both control and interventionist approaches.

South Africa’s failure to apply control measures should not be seen as a failure of control measures generally. After all, other countries have made use of control measures with a great deal of success. For instance, the United States Border Patrols along the Rio Grande have managed to reduce the flow of illegal Mexicans into the United States by 60%. This was achieved by the extensive use of floodlights, 400 motion detectors and heat sensors (CNN World News, 2 January 1996).

In addition to stronger border controls, what is needed is stronger internal controls. This includes:

- ❑ Tamper-proof identity cards.
- ❑ A system to ensure that illegals are not employed in the underground economy.
- ❑ A comprehensive national registration system (as exists in Sweden) with built in punitive measures against employers who do not check the national registry before employing anyone.

In addition to this, given the failure of the regional project in Southern Africa, South Africa needs to establish a number of bilaterals with its neighbours. The substance of such bilaterals would reflect both control and interventionist measures. Africa has a long history of bilateral treaties between countries regulating population movements. Consider the agreement between Nigeria and Equatorial Guinea and between Burkina Faso and Cote d'Ivoire regulating population flows between their respective countries.

Such bilaterals also exist between Burkina Faso and Gabon, between Gabon and Cameroon, and between Ghana and Libya. All these treaties cover issues of both entry and departure. More comprehensive bilaterals covering not only issues of entry, residence and departure, but also occupational and social rights, participation in trade unions and social security rights, also exist between France and its former colonies of Senegal, Mali and Mauritania.

Building on this long tradition, South Africa also seems to be going the bilateral way. Consider the bilaterals the Minister of Home Affairs has had with his Zimbabwean and Mozambican counterparts. Such bilaterals need not only focus on controlling and

regulating population flows, but also on proactively intervening to address the root causes of mass migrations.

In this regard it is noteworthy that Pretoria raised concerns about the lack of democracy in Swaziland with King Mswati III. The success South Africa has had in these bilaterals can be seen in the recent decision by the Swazi monarch to undertake constitutional reforms.

The merits of such an approach are that it bridges the concerns of illegal aliens and those of the state. For potential illegal emigrants who do not really want to leave their country of birth, but find that the 'push' factors are so great that they have no option but to cross national frontiers, it addresses the root causes which motivate people to migrate. From the perspective of the potential host state, it relieves the burden on the socio-economic infrastructure which illegal immigrants inevitably cause. [12]

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Bilaterals should reflect both control and interventionist measures

Building on a long African tradition, South Africa also seems to be going the bilateral way

Unwilling Aliens

Forced Migrants in the New South Africa

By Marion Ryan Sinclair

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Policy makers have made little attempt to distinguish between forced and voluntary migration. Refugees are inevitably branded 'illegals' – regardless of whether they have legal sanction to stay or not. It is important that this distinction be made. The potential for future refugee crises in Africa is great, whether from political persecution, civil war, environmental degradation, or economic ruin.

The 1996 Mount Everest climbing season will be remembered by many for years to come. Not simply because this was the first time that a South African team made the ascent, nor even because of the record number of tragic deaths that occurred, but largely because of the futility that characterised certain of these tragedies.

Media reports related the emergence of a 'code of conduct' at heights above 8000m – an unspoken agreement that success (at that height) becomes individual and desirable at all costs. This attitude to fellow climbers stands in stark contrast to the conventional code of climbing and clearly contravenes norms and standards of co-responsibility. That this new ethic is twinned in international refugee policy is an irony tragic in its consequences.

Once clearly committed to assisting refugees, international refugee management is increasingly an 'every man for himself' affair. No longer is the endorsement of the United Nations Higher Commission for Refugees' (UNHCR) principles grounds for rigid compliance with humanitarian assistance. In a world in which morality can be qualified by location – in the above example, over a certain elevation – it is inevitable that it becomes qualifiable by

other factors too, like political expediency or financial costs.

Internationally, the weakening assistance to forced migrants forms a dubious framework of influence for countries only now developing appropriate positions towards refugees. A recent signatory to the 1951 and 1969 Conventions on the Rights of Refugees, South Africa is presently looking at international precedent for guidance and at local public opinion for endorsement.

This article outlines the current and emerging positions on forced migrants in South Africa, locating them within the influences of historic policy, current public opinion, and international precedent.

Refugee policy

Since the demise of apartheid, the sub-continent has hosted an unprecedented number of forced migrants. The holocaust in Rwanda, civil disturbances and threats of death from famine and disease in Zaire, on-again-off-again war in Angola, post-war impoverishment in Mozambique and poverty in Zimbabwe have generated vast flows of involuntary migrants. Many have arrived in South Africa by intent – others more accidentally – following proven routes of escape by earlier generations of migrants.

International refugee management is increasingly an 'every man for himself' affair

Though seldom identified as a separate category of migrants in media reports or even in academic discourse, the forced migration question is an issue of growing significance to South Africa – and the region – for at least two reasons.

First, because of the increased number of international forced migrants which creates the need to deal practically and fairly with them as international refugee law facilitates.

Second, because of the current low level of assistance given forced migrants arriving in South Africa, adding to the growing reputation of this country as a xenophobic society. From both a practical and ethical position, South Africa needs to work quickly and effectively to establish a sensitive and fair policy on refugees, and to develop practical assistance programmes to those who qualify.

An official South African position on forced migrants is only gradually emerging. This country has had very little formal experience of harbouring refugees – the first significant experience was of Mozambicans fleeing civil war in their own country. These refugees were largely ignored by the South African Government, a situation that was facilitated by the multilevel system of governance through the homeland policy.

It was only when the UNHCR began repatriation efforts that the South African Government became formally involved. Refugee status was conferred on an individual level although based on national identity – Mozambique having been identified by the UNHCR as a country legitimately responsible for refugee flight. This en-bloc status allocation was not unique; it has, in fact been utilised many times in UN operations.

The more common form of status determination internationally, however, is on an individual basis, in line with the UN 1951 Convention on the Rights of Refugees. This places the responsibility of proving persecution on the individual.

In South Africa today, no one nationality has been given carte-blanche approval as a legitimate asylum seeker. A recent announcement in June 1996 made jointly by the UNHCR and the South African Government confirmed that refugee status of Mozambican refugees is to be lifted at the end of the year; rendering those who have

been here since their initial refugee flight as standard 'illegal aliens' subject to prosecution and deportation.

This is in line with the official attitude which argues that refugee status should be temporary – subject to repeated review in the short term and ultimately reversible. This attitude is antithetical to those held in many other refugee receiving nations, where 'resettlement' is considered a valid – if undesirable – solution.

Migrant policy

During the apartheid years, official South African policy on migrants (of all types) was based on a racially biased ethic of differential welcome. Prospective European migrants were evaluated on a consistently more favourable level by officialdom than were their African counterparts. Since 1991, legislation regarding migration has been encapsulated in the Aliens Control Act. According to Koch this is 'possibly the most draconian apartheid law left over in the statute book' (cited in Reitzes and Landsberg 1995). Application of the Act, by admission of the Director General of Home Affairs, is arbitrary and subjective – further weakening the Act's moral legitimacy.

Recent increases in asylum applicants have forced authorities to recognise the need for a separate policy on refugees – distinguishing them in law and in common language from 'illegal immigrants' with which they are inevitably confused. The South African Refugee Act 1994 (Working Draft) has recently been enacted, and made public. On a positive note, the draft Act aims to specify policy objectives for forced migrants, providing directives for processing and treatment of refugees and legislative backup for those deserving special consideration.

Al-Omari recently completed a useful critique of the draft legislation. The areas of weakness are: the inappropriateness of many of the international instruments that the Act founds itself on, an overemphasis on the responsibilities of institutions and procedures – rather than on developing appropriate and transparent policy – and repetitive 'duplication, institutional congestion and gaps' (Al-Omari 1994).

A further weakness might arguably be the determined emphasis on political causes of refugee flows, to the neglect of civil war, environmental degradation and economic

Current low levels of assistance given forced migrants in South Africa adds to the country's growing reputation as xenophobic

The official attitude argues that refugee status should be temporary – subject to repeated review

Recent increases in asylum applicants have forced authorities to recognise the need for a separate policy on refugees

Interviews with recent immigrants reveal the recurring theme of hostility experienced by many

It is unjustifiable to adopt a common position of hostility against all migrants

South African immigration policy and management processes are ill-equipped to deal with these problems

disaster. The Act thus builds on the myth of a clear separation between refugees and economic migrants when all experience points to the irrefutable overlap between these classes of causality.

South Africa is a recent signatory to both the UN 1951 and the Organisation of African Unity (OAU) 1969 Conventions and is hence, in principle, committed to fair treatment of forced migrants fleeing a variety of life threatening circumstances. But the country clearly has a long way to go, both in formulating a position on forced migrants and in developing policy towards their treatment that is just, internationally defensible, practical and sustainable over time.

Public opinion

Most international observers agree that South Africans have embraced the post-apartheid epoch with enthusiasm and commitment. So much so, that many Western nations are turning to South Africa for lessons on social harmony and reconstruction. But while South Africans may have a reputation for tolerance towards one another, the country is rapidly gaining an international reputation for intolerance towards non-South Africans – particularly those from Third World nations who come into the country as contract migrants, illegal immigrants or refugees.

Interviews with recent immigrants in Johannesburg and Cape Town reveal the recurring theme of hostility experienced by many, and the shocking frequency with which the word 'racism' is mentioned. Yet migrants insist on the veracity of their stories – their encounters with corrupt policemen bribed out of using violence or deportation tactics, people from local communities who attack them, damaging or destroying their property. This racism is not confined to non-South Africans – returning exiles too, share common experiences of hostility and suspicion (Trauma Centre for Victims of Violence and Torture 1995/96).

Understanding the sources of this xenophobia is not difficult. Growing anti-foreigner sentiment is propagated by media: television and newspapers carry negative reports linking migrants to unemployment, crime and disease. With such exposure, it is difficult to fault the hostility of South Africans confounded by soaring unemployment, a growing presence

of foreign workers, massive crime rates and foreign syndicate involvement. This is compounded by alarming HIV and AIDS, tuberculosis, and malaria rates, and possible additional sources of disease in the form of newly arrived people. It is, however, unjustifiable to adopt a common position of hostility against all migrants, particularly given the lack of hard evidence linking migrants to these problems.

Concern over the increasing numbers of foreign workers in South Africa has also grown. The greatest source of fear appears to be economic: South Africa's unemployment rate, given officially as 32,6%, is higher now than ever before and the country is economically vulnerable. Given this, the influx of large numbers of predominantly unskilled workers into the country is clearly a matter for concern. That there are – within this broad group – immigrants linked to international criminal groups is also serious. South African immigration policy and management processes are ill-equipped to deal with either of these problems.

Defining 'illegal'

A critical area of misinformation is that of definition. From a human rights point of view, types of migrants must be distinguished:

- Forced migrants are refugees, displaced persons, environmental and economic refugees etc. who are forced to move by circumstances beyond their control.
- Voluntary migrants are those choosing to migrate in search of better economic circumstances.

Although at times difficult to maintain, this distinction is central to the debate on migration. The two categories are used synonymously by many South Africans which denies rights of assistance to those who legitimately deserve it, and diminishes our national capacity for compassion.

The term 'illegals' refers broadly to persons residing in South Africa without official endorsement. This includes:

- South Africans born here but who have never been registered.
- Foreigners who have lived in South Africa as migrant workers.

❑ Foreigners who come in through legal channels with the requisite visas, but whose visas or travel documents expire.

❑ Foreigners who enter clandestinely, either in search of employment or, increasingly, to escape life threatening conditions in their home territories.

Distinctions between the latter two – forced and voluntary migrants – are often blurred. Mozambican refugees in South Africa are a case in point. Between 1985 and 1992, thousands of Mozambicans fled civil war in Mozambique, ending up in a neighbouring Southern African state. Those entering South Africa did so clandestinely, without the Government's approval. Almost all of the approximately 350 000 refugees were absorbed into Gazankulu, Kangwane, Lebowa and KwaZulu.

In 1993, UNHCR began a region wide effort at repatriating Mozambican refugees. An agreement was then signed by the UNHCR and the South African Government, officially recognising these refugees as a first step in formalising their repatriation. This status, although defined en-bloc, was not automatic – refugees still had to apply individually, although the process thereafter was automatic.

Very few of the estimated total of Mozambicans came forward to apply, possibly because they correctly identified the conferral of this status as the beginning of the end of their asylum period. Once registered, it would be easy for refugees to be targeted for repatriation. Only about 31 000 of the total registered for repatriation – representing the lowest success rate in the entire UNHCR regional repatriation effort.

Of the approximately 320 000 refugees that remain, important definitional and status questions persist (Dolan 1995). Should these people, victims of obvious civil and political injustice, not retain the right to treatment as refugees now that the circumstances which forced them to move are no longer in place? If not, do the altered circumstances – clearly economically hostile – not constitute another form of life threat which could legitimate continued refugee status?

These questions face policy makers around the globe – what to do with integrated refugees after the immediate threat has been removed; how to consider the needs of those fleeing economic hardships, and of those

refusing to return to their home countries because of inevitable hardship and starvation?

International precedent

The Draft Refugee Act in South Africa reflects international precedent to a certain degree. References to the 1951 and 1969 Conventions for example, ensure the adoption of the international definitions of refugees. That these definitions are largely redundant and selectively discriminatory is not the South African Government's fault as that of the international community for tolerating definitions so open to political manipulation.

The adoption of these definitions in South African policy, however, reflects an inadequate level of concern with developing effective policies. The Refugee Act is, in fact, similar in many ways to the Aliens Control Act which has spawned it. As such, it is more a product of regulatory tactics than of international humanitarian concern.

One aspect of international influence that needs mention is the dominance of organisations such as the UNHCR in international assistance. The UNHCR has largely dictated the mechanisms of aid and has taken responsibility for their implementation – often with inadequate liaison with host governments or local organisations. The result is a standardisation of refugee policy in emergency situations, which produces a model of assistance fraught with medical, social and ethical dilemmas.

Researchers at the University of Sussex recently showed the short and long term costs (financial and social) of refugee assistance to be lower in situations where refugees were subject to local controls rather than directives from the UNHCR (Black 1996). In South Africa, UNHCR policy and influence has been minimal and the termination of the Mozambican repatriation exercise also terminated UNHCR influence over refugee policy.

Conclusion

The blurring of definitions of migrants in South Africa means that little attempt has been made to distinguish between forced and voluntary migration. Even as forced migrants are beginning to be considered a separate category, there is no commitment

Important definitional and status questions persist around the 320 000 Mozambican refugees in South Africa

The Refugee Act is more a product of regulatory tactics than of international humanitarian concern

In South Africa, UNHCR policy and influence has been minimal

Since 1993, the Department of Home Affairs' offices have processed approximately 18 000 applicants for asylum

to expanding the current definition to absorb categories of non-voluntary migrants such as economic refugees, environmental refugees or displaced persons.

Both of these trends are clearly evident in the public migration debate, which inevitably includes refugees under the umbrella term 'illegals' – regardless of whether the persons in question have legal sanction to stay or not. It is important that this distinction be made, and be made unequivocally.

Until this distinction is clear, forced migrants will be regarded as a subgroup of the larger number of 'illegals' here at present. This number is itself contentious – the illegality of most newcomers renders them invisible and impossible to accurately quantify. Since 1993, figures of between 2,5 and 8 million 'illegals' have been quoted. Over the same time period, Department of Home Affairs' offices have processed approximately 18 000 applicants for asylum. Compared with the much higher figure for

'illegals', the severity of the refugee question appears doubtful.

Clearly however, these 18 000 represent the tip of a newly discovered iceberg, both in terms of the actual total of forced migrants, and also given the potential for refugee crises in Africa in the future. We can anticipate increased numbers of migrants in South Africa fleeing political persecution, civil war, environmental degradation, and economic ruin. [E&A]

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Old Habits Die Hard

Can SADC counter military intervention in Southern Africa?

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The Southern African Development Community (SADC) hopes to promote regional stability by keeping the military under civilian control in member countries. But civil-military relations are fragile in Africa and an internationally acceptable legal framework is necessary within which countries could prevent or overturn military intervention in politics. Southern Africa must be prepared for unilateral diplomatic and military action.

During January the Southern African Development Community (SADC) announced that it was to establish an Organ for Politics, Defence and Security to safeguard the region against instability, and to promote political cooperation and common political values and institutions. As such, the Organ will essentially replace and give formal structure to the former, informal Frontline States (FLS). The establishment of the Organ is expected to be finalised at the SADC Heads of State meeting during August.

There is a general expectation that the Inter-State Defence and Security Committee (ISDSC) operating under the auspices of the FLS will become the formal structure through which coordination and cooperation on preventative diplomacy and security matters will occur. A principal objective of the ISDSC is to 'prevent coup d'etats' and to promote stability.

Historically, Africa's civil-military relations have been characterised by an interventionist culture in politics, insubordination to civilian control, and a lack of transparency, accountability and professionalism. Given this, to what extent will it be possible for the Organ and the ISDSC to contribute to stability and democracy in the region?

Civil-military relations

It is a truism that civil-military relations do not exist in isolation but reflect the deeper strains and problems of society. Three factors seem to have played a prominent role in rendering civil-military relations particularly fragile in Africa.

First, the political elite of the continent sought to cultivate a close and special relationship with the military because the military has had a monopoly on the use of orchestrated large scale force. In Africa the military is also often held in awe, particularly where anti-colonial forces had fought for and gained their freedom from former colonial powers. This relationship guaranteed the military special privileges and benefits and in turn placed the politicians in a better position to use the military for political expediency.

The second factor which contributed to the erosion of civil-military relations in Africa was the creation of a situation that would discourage academics and civil society from criticising these relations. This largely occurred during the Cold War and in many cases merely reflected the lack of free expression and discourse in wider society. Governments and military staff shared the perception that security forces do not fall

A principal objective of the Inter-State Defence and Security Committee is to 'prevent coup d'etats' and to promote stability

There are now indications of a revival of the 'cult of the military'

Military intervention is not a habit easily abandoned by men with guns

Even the ANC continues to harbour considerable suspicion of the military, the police and the intelligence services

within the purview of academic or civilian scrutiny.

Security forces also tended to exaggerate sensitivity about national security questions. This kept civilians from obtaining confidential information as their motives were always considered suspect. Under these circumstances, civil society and academics applied self censorship and restraint, as the study of security forces was clearly off limits. Sensational events like coups, mutinies and strikes became the only events which exposed the security forces to scrutiny.

The third factor constitutes the fact that political competition and conflict in Africa have generally prompted attempts by the elite to gain control of the resources associated with state control. Invariably the state is the largest employer of skilled and educated personnel in many African countries. It holds the monopoly of import and export licences for international trade and is the most important generator of contracts to local and foreign business. The state is also the major fount of credit, loans and assistance to domestic businessmen and farmers. In addition, it also has almost total control over the distribution of communications, clinics, schools, sanitation and other amenities.

Given the overwhelming concentration of power and patronage, it is hardly surprising that individuals, ethnic groups and localities have often appeared utterly absorbed with jockeying for representation in, or control over, the central structures of government. Through these they have sought influence in a polity whose main function is apparently to provide handouts for its clientele.

The result of this concentration of resources has been the tendency of African citizens – civilian and military – to associate the state with limitless power, endless wealth and high prestige. As a result, armed intervention and military rule is often an attempt by the military – or a section thereof – to protect and extend its privileged position and material prerequisites through association with other social interests.

All these factors served as fertile ground for politicising the security forces and for their transformation into *de facto* armed wings of ruling parties. This in turn led these forces to demand preferential treatment to that accorded other civil servants, thus

encouraging unaccountability and a lack of transparency. This state of affairs obliterated any semblance of civil and legislative control over these forces and agencies.

Since the armed forces have an effective monopoly on the large scale organised use of coercion, and since the central political symbols and institutions in most developing countries are weak, soldiers can seize power with relative ease. Especially in a situation where the concentration of government buildings, party officials and symbols of the state in the capital city makes an armed rebellion a relatively simple matter.

Revived military role

In recent years, the salience of military intrusions into politics appeared to be on the decline as moves towards democratisation gained momentum. There are now indications of a revival of the 'cult of the military', as armed forces once again pose a serious challenge to the state. Examples are Gambia during July 1994, Nigeria, Sierra Leone and closer to home in Lesotho. Against the continued decline and impoverishment of virtually every African country and increasing competition for scarce resources, there can be little prospect for a declining role for the military.

Military intervention is not a habit easily abandoned by men with guns. Even in the absence of military threats, many governments and leaders are constantly having to glance over their shoulders to see what their armies are up to. Even in South Africa with its relatively professional security services, and even subsequent to integration, the ANC continues to harbour considerable suspicion of the military, the police and the intelligence services.

Nor have the traditional devices for safeguarding power by recruiting the armed forces from supposedly reliable ethnic groups, or deliberately politicising the senior office corps, proved reassuring in many states. Military leaders, like politicians, want to stay in power once they have the taste of it. In this respect, the African military has often mirrored the behaviour of African political elites.

To compound matters, some of the larger countries in Southern Africa are wrestling with the problem of controlling the military under conditions of fundamental and rapid domestic political change – conditions

which are often associated with revolution in the post-Cold War environment. In a number of cases, political reform has entailed a complete break with the old political order. This in turn necessitates the creation of entirely new civil-military relations.

South Africa is potentially an example of this phenomenon. The transformation will not be accomplished simply by superimposing western concepts of 'enlightened' military professionalism on African countries. These western concepts imply a perennial search for institutional autonomy which contradicts the notion of tight political control. The latter is in many instances essential for regime survival in the developing world. This is bound to create tensions in emerging civil-military relations, not least because attempts to integrate the military into the new political system profoundly affect the nature of military service and the career aspirations of the soldiery.

Transforming armies

Many African armies inherited from an era of political armed struggle are being reconstituted through the fusion of several different military groups. Integrating previously opposing groups is encountering resistance rooted in conflicts which precede integration. This is exacerbated by the personnel imperatives of constructing a new military. Any process which creates personnel turbulence in an armed force may initiate reactionary violence by the affected soldiers, as well as reinforce existing cleavages among differently defined factions within the military.

The process of force transformation is at an advanced stage in Zimbabwe and Namibia, although intra-military ethnic tensions are still evident in the former. Mozambique and South Africa have barely completed the first phase of force integration, and the real challenges of creating effective and cohesive armies still lie ahead. Angola still has to run the full course of post-conflict transition under extremely adverse circumstances.

Thus, four of the largest armies in the sub-region are at various stages of coping with some or all of the following challenges in the wake of rapid and fundamental political change towards popular rule:

- Amalgamating diverse and previously adversarial armed forces into a single national military.
- Fostering loyalty to a new political order and incumbent regime.
- Losing professional skills and experience to the private sector, other state departments and non-governmental organisations.
- Countering apathy towards military service in the absence of a credible cause.
- Facing commissions of inquiry into previous human rights abuses and concomitant fears of retribution.
- Accommodating civil and political rights in the military without undermining discipline and effectiveness.
- Ensuring the general welfare of servicemen and officers in the face of a plethora of competing developmental demands by civil society.
- Training sufficient numbers of soldiers in skilled musterings without over reliance on foreign training institutions.
- Adapting to new concepts and mechanisms of civilian control.
- Maintaining force morale in the face of diminishing defence budgets, retrenchments and demobilisation.

It is not only the countries with large armies which are faced with fundamental challenges. Civil-military relations in Lesotho are volatile, and it remains to be seen how the Swazi Defence Force will react to the mounting pressures for democratisation in their kingdom.

Given the status quo, the major challenge for regulating Africa's civil-military relations lies in designing mechanisms and practices which will effectively:

- Contain the destabilising role of the security forces in their efforts to oust democratically elected governments.
- Entrench civil and legislative control over these forces.

Western concepts of 'enlightened' military professionalism cannot simply be imposed on African countries

Any process which creates personnel turbulence in an armed force may initiate reactionary violence by the affected soldiers

It is not only the countries with large armies which are faced with fundamental challenges

Civilian defence secretariats do not appear to have improved transparency among most of South Africa's neighbours

The most important assistance that the ISDSC could provide is by assisting the debate and education on civil-military relations throughout Southern Africa

- Inculcate a culture of accountability, transparency and professionalism.

An effective democracy requires civilian control of the military, since military forces have been, and always will be, susceptible to manipulation by political groups which could use these forces to capture, replace or control parliament. Equally, individual military commanders could abuse their authority to turn components of these forces against the government and parliament and so seize power.

Such control exemplifies the principle that military force is not an end in itself but a means for the civil authority to bring about certain political objectives. As a result, in parliamentary democracies, the parliament – as supreme authority of a nation – decides on the allocation of resources for defence, as well as their control. As an additional set of security measures, the planning and provision of resources for defence at the highest level is typically designated to civilian administrative authorities as opposed to only military persons.

This form of control is more precise, direct and quantitative. It translates political and civilian control into practice. As a result, many Southern African countries including South Africa, have recently established civilian defence secretariats. Time will tell if this additional oversight will enhance accountability. At present it does not appear to have improved transparency among most of South Africa's neighbours.

International guarantees

At the regional level, for organisations such as the Organisation of African Unity (OAU), SADC or the ISDSC, civilian control can effectively be retained by providing some form of external guarantee

that military intervention in politics will not be allowed. Such guarantees have traditionally either been from a former colonial power, such as the French military policy which attracts great international attention, or from one or more neighbouring countries.

A recent example is South Africa and Zimbabwe's sabre-rattling when the military intervened in the Government of Lesotho in 1994. The important question is how far such a process of external guarantees can go before violating international law. In this vein the OAU, SADC and the ISDSC may be well advised to consider in detail, the international law governing such actions.

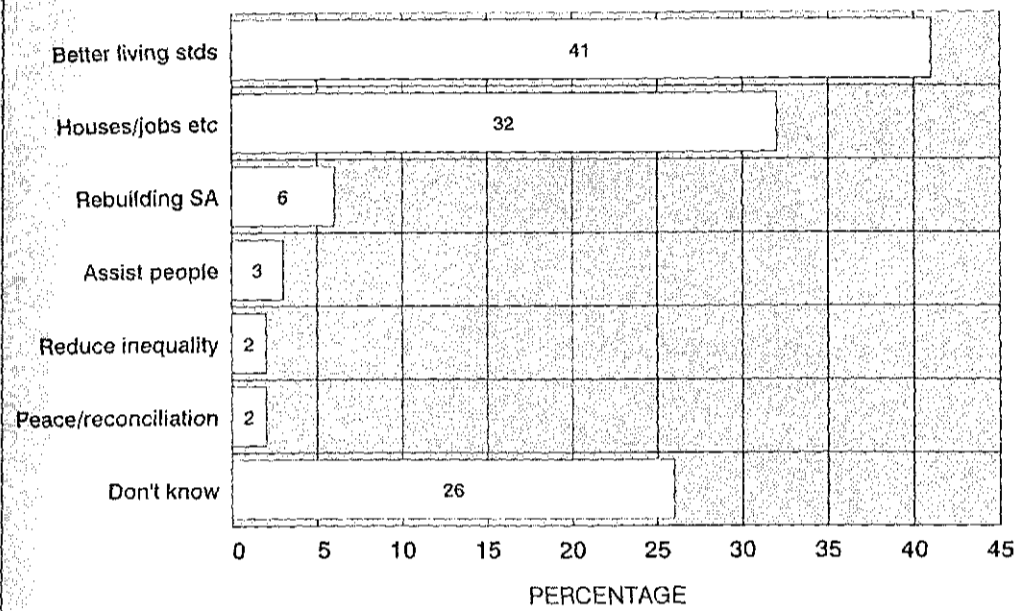
Bilateral and multilateral agreements between the constituent states of the ISDSC may be one important mechanism in this process of providing an internationally acceptable legal framework within which neighbouring countries could act to prevent or overturn military intervention in politics. This has as a prerequisite that Southern Africa must be prepared to act unilaterally on a diplomatic and military level – a bridge that the South African government must still decide to cross.

Finally, perhaps the most important (and cheapest) assistance that the ISDSC could provide in countering the threat of military intervention in domestic politics in the region, is by assisting the debate and education on civil-military relations throughout Southern Africa.

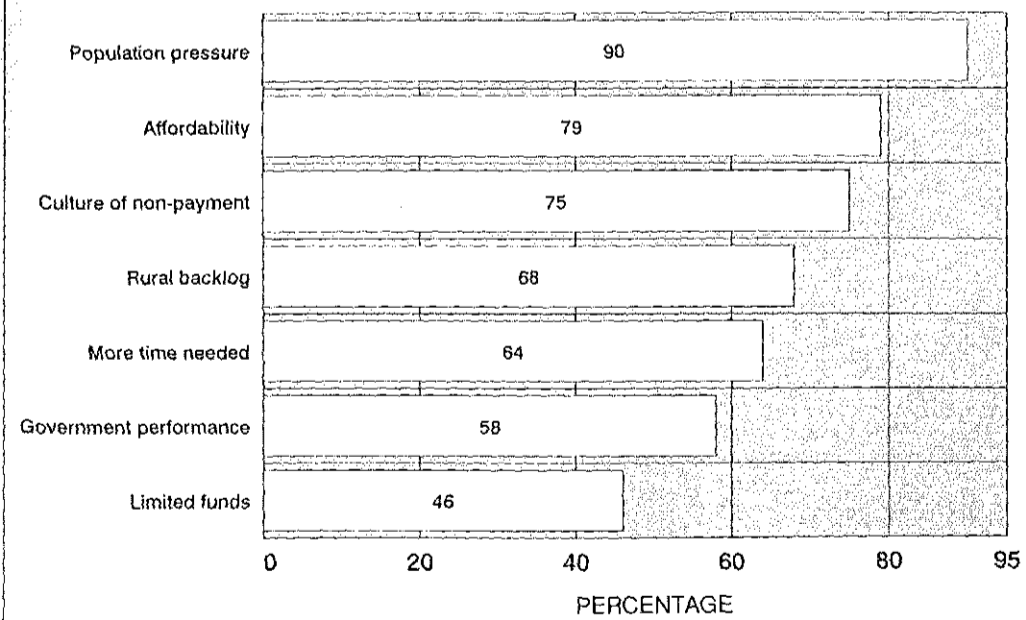
Within this context, civil society and non-governmental organisations can play an important role. Collectively there can be little doubt that most countries in the region still have a long way to go when it comes to countering the African military's tendency to intervene in politics. [PEW]

ECONOMIC MONITOR

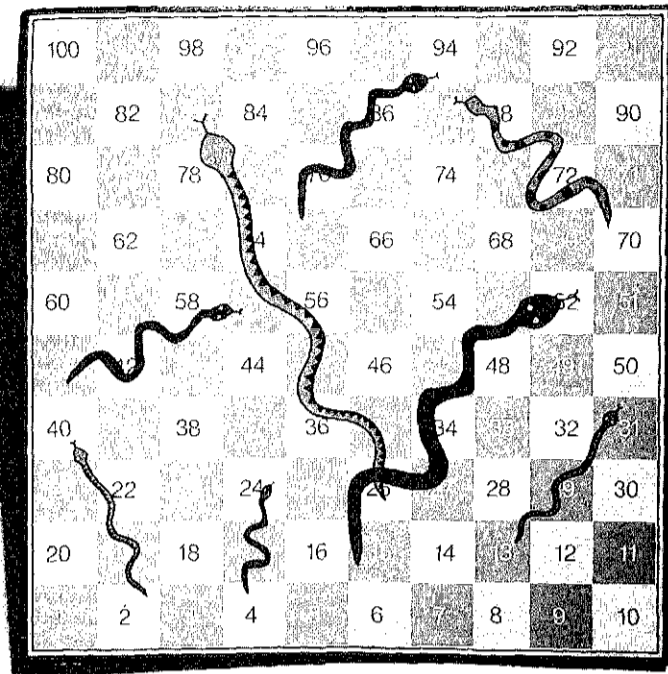
What will the RDP achieve?



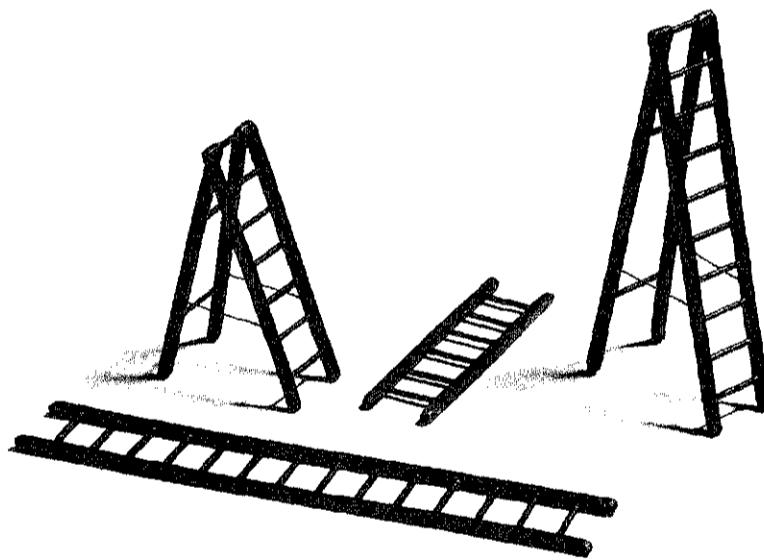
Factors holding back RDP delivery



Source: Research conducted in a joint project by the Department of Economic Affairs and Tourism, Human Sciences Research Council KwaZulu-Natal Office and Quality of Life & RDP Monitoring Unit at the University of Natal in collaboration with the KwaZulu-Natal RDP Inter-departmental Indicator Initiative

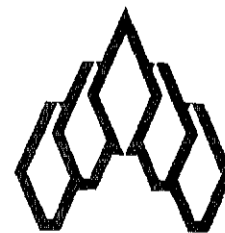


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ECONOMIC OUTLOOK

By Richard Simson
Department of Economics, University of Natal

RETROSPECT AND ANALYSIS

Over the last three months the macroeconomy has endured a major change. Foreign exchange markets have been volatile and there has been widespread concern over the impact of these developments. The value of the rand suffered considerably, especially after the Government presented its national budget. The rand's depreciation was initially severe, but has recently recovered.

The macroeconomy cannot isolate itself from this depreciation. The first effect is on capital flows. While an initial capital outflow may have precipitated the depreciation, the rand's lower value would in itself cause capital outflows. However, these international flows can easily reverse themselves, especially if government declares its commitment to credible and immediate economic policy changes.

The second effect of the depreciation falls on the current account of the balance of payments. The deficit on the current account has been reduced due to more expensive imports and to our exports being cheaper in foreign currency terms on world markets. But the employment effects of these changes are likely to be small. In order that exchange rates adjust smoothly, there has been some intervention in foreign exchange markets by the Reserve Bank. To prevent too large a depreciation, the Reserve Bank has been selling foreign currency which has meant that foreign exchange reserves have decreased.

Foreign exchange markets

In February, foreign exchange rates started depreciating to unexpected levels, given the relative calm of exchange rate markets during the course of 1995 when the rand actually appreciated against some currencies. Indeed, the real effective exchange rate had been on an upward trend in the months prior to February 1996. However, these depreciations were minor compared to the substantial depreciations in April. Many have been quick to blame these overall depreciations on rumour and speculation.

These explanations seem difficult to believe given the sophistication of South Africa's financial system. Speculators in most markets have a stabilising effect, although economists are divided on this issue. To place the blame on speculation alone seems excessive. Similar reasons were advanced for the last Mexican Peso crisis, which on closer examination was precipitated by domestic residents moving capital. It is unclear then that speculation is to blame for recent South African developments.

Higher exports and the possibility of import substitution – given the domestic response to higher import prices – will prevent further losses in foreign exchange reserves provided the Reserve Bank does not intervene too heavily in foreign exchange markets. But, given the widespread perception that large swings in exchange rates are unacceptable, the Reserve Bank reversed its policy of not intervening heavily in these markets.

When the exchange rates began falling in February, the Reserve Bank made large sales of foreign exchange. As a result, South Africa's net gold and foreign reserves, which had risen over R10 billion during the last six months of 1995, then fell by over R2 billion in 1996. Hopefully the Reserve Bank can credibly continue its independent and anti-inflationary monetary policy stance in the light of these recent interventions. This does, however, make it difficult to not intervene in future.

More importantly, most measures of the money supply have recently been increasing at faster rates. Many are quick to point out that these changes are primarily the result of the demand for money. But high and rising demand has to be met from an available supply, especially if there is widespread support for the Reserve Bank not to allow interest rates to rise.

Indeed, partly to restore credibility, the Reserve Bank has set guidelines for the growth rate of M3, a broadly defined money supply measure. Over the

Table 1: Changes in Exchange Rates of the Rand (%) 1996

	March	April	May
US Dollar	-2,9	-9,7	0,5
British Pound	-2,2	-8,9	-1,4
German Mark	-1,9	-7,1	1,0
Japanese Yen	-1,1	-11,6	4,5

Source: South African Reserve Bank

next six months, the Reserve Bank hopes to maintain a growth rate of between 6% and 10% for this aggregate. It will be indeed instructive to monitor its performance in this regard.

Capital movements

The movement of capital has meant upward pressure on interest rates. Initially, this upward pressure fell on longer term interest rates. As a result the yield curve, linking interest rates to term-to-maturity of contracts, showed higher long term rates relative to short term rates. This effect was short lived as liquidity problems arose in short term markets, especially as a result of the Reserve Bank intervention.

Given these developments, it is no surprise that the Bank Rate rose, and in early May we saw higher short term interest rates, in addition to the higher long term yields. More recently interest rates have eased.

Prices

The recent changes in foreign exchange markets will affect prices. While not strictly inflationary, the impact of higher import prices – at the consumption as well as the production level – will mean higher price levels. Future real incomes will be lower and future production costs higher. In addition, as exporters increase production, local resources serving as inputs into production will command higher prices.

Inflation is more likely to result from an increase in money supply growth rate. The latter half of 1995 saw a broad definition of the money supply (M3) show a reduction in its growth rate from more than 20% to much lower levels in September 1995. Despite this growth rate rising again in the last quarter of the year, these monetary developments were encouraging. At least the growth rates were headed towards previously proposed targets. The effect of these positive monetary developments on prices only became evident in the first quarter of this year.

The increase of the consumer price index was nearly 11% in the second quarter of 1995. By November of last year it was just above 6%. Reflecting the looser

monetary conditions, it was higher at 7% by the end of 1995. Overall, the tight but welcome monetary conditions help push the rate of increase to 5,5% by April 1996, the lowest level in nearly a quarter of a century.

The overall consumer price index should not receive exclusive focus, as it hides some significant relative price effects. Given higher fuel costs and market power, the transport industry has been able to pass on cost increases to consumers. This has raised the cost of transportation relative to other consumer expenditure items. In addition, given new housing construction, the prices of building materials have not shown the same lower rates of increase seen in the other expenditure categories.

Production prices

Fewer impediments to trade and earlier stability in exchange rates meant that production prices have declined during the first quarter of 1996. In the first quarter of 1995, the percentage change in the production price index was just below 12% and fell to just above 5% this quarter. But given the manner in which this index is collected, the recent depreciation may not be measured for another quarter, despite actual prices having risen sharply.

Gross domestic expenditure

The depreciation of the rand has reduced the postponement of expenditure. Consumers and producers have decided to purchase now rather than later suggesting an expectation of additional depreciations. Thus demands on domestic sources of finance have increased. One effect of this, partly alluded to above, is that there has been upward pressure on the already high interest rates.

However, these additional expenditures were not enough to raise the growth rate of real gross domestic expenditure. Total real gross domestic expenditure in the domestic economy declined on an annual (and corrected for seasonal variation) basis by nearly 2% this last quarter. Many firms in the domestic macroeconomy allowed stocks to decrease, or rates of increase in stock accumulation to fall. This meant a reduction in orders for replacement of inventories right through the economy.

The size of this change is remarkable: additions to stocks in the first three months of this year are roughly half of the what they were in the first quarter of 1995. And given the usual multiplier effects, real expenditures are likely to fall further and this effect may continue for some time. This may mean that the next quarter, and possible the one after, is going to be less favourable and the economy will not grow as much as expected. However, a firm prediction may be a little premature at this stage.

Table 2: Components of Real Gross Domestic Expenditure 1995

% Change (annual and seasonally adjusted)

	Last quarter	First quarter
Consumption expenditure	5,0	2,5
Government consumption	2,0	3,0
Investment	4,0	7,0
Changes in stocks	6,3	2,7

Source: South African Reserve Bank

Government expenditure

Although the timing of consumption expenditure has changed, it has not been enough to offset the reduction in the growth of consumer expenditure. This is partly due to higher interest rates reflected in greater debt service costs – especially as nominal incomes have declined – and to a reduction common to the first quarter of any year. In part, the lower increase in private consumption expenditure is a reaction to the higher real consumption expenditure of the national government, although the latter has not been at a rate sufficient to raise overall expenditure.

The government's budget did not cut expenditure as much as expected, thus government expenditure will continue to grow over the coming year. Indeed, real consumption expenditure by the central Government for this last quarter grew at an annual rate of 3%. This reflects a higher rate than for the last two quarters of 1995.

Gross Domestic Product

Despite somewhat weak domestic expenditure, the macroeconomy did improve in output terms. The rand's depreciation and growth in the economies of our trading partners has meant that the external demand for South African output, most notably minerals and diamonds, has remained strong and is improving. This has increased real Gross Domestic Product (GDP) at an annualised rate of 3,5%. Given our rates of population growth, this has meant an increase in the growth rate of per capita GDP. This rate of growth must be compared with growth rates in the previous year, where GDP grew at rates rising from 1,5% in the first quarter of 1995 to 3% in the third quarter.

In the last quarter of 1995 there was a reduction in the growth rate of GDP to 2,5%. Thus in 1996, the first quarter's growth may mean the economy is still on the upward part of the business cycle, although it is difficult to determine the role of the exchange rate depreciation and whether this trend will continue given the slow down in domestic expenditure.

Improved climatic conditions helped agricultural production and the increase in GDP partly reflects

this change. But agricultural production is changing from a relatively low base, given the difficulties experienced in previous years. What does not bode well for the future is that the contribution to output from the commercial sector, in the main retail and vehicle trade, was negative. This suggests that firms have some expectation that over the next two quarters conditions may be more difficult.

Unemployment and employment

As unemployment is largely a structural problem in South Africa, the increase in per capita GDP has not meant any substantial change for those seeking employment. Further constitutional developments concerning the relationship between firms in the important sectors of the economy and organised labour have not contributed towards a favourable climate for employment growth. In fact, many firms are substituting away from labour, in an economy that desperately needs the opposite.

Despite these adverse conditions for labour, employment has shown some improvement, although the most recent information only reflects conditions to the end of 1995. In fact employment grew by 3% in the last quarter of 1995. Less satisfactory is that it has been the public sector which has provided these gains. Private sector employment fell in the latter half of 1995.

One positive aspect of these rather dismal results when compared with the rate of recent GDP increases, is that employment levels were higher in 1995 than in the previous year. Also measures of informal and agricultural employment remain elusive, making it very difficult to obtain a picture of employment for all sectors of the macroeconomy.

Payments to workers as measured by increases in real remuneration per worker showed strong growth in the last two quarters of 1995. This alone does not mean much unless labour productivity is also considered. Measures of productivity show increases in the rate of productivity for the period in which real remuneration rose. Thus unit labour costs were falling, although the rate of decrease was slightly lower in the last quarter of 1996.

But higher productivity has an additional adverse effect. Existing labour is more productive, thus firms need not increase employment. Desired output levels can be achieved with existing resources. The macroeconomy still absorbs this more productive labour but in the so called informal sector where the gains are harder to specify and even more difficult to measure.

But the real problem for the South African macroeconomy is not remuneration or productivity, but the nature of the relationship between capital

Table 3: Remuneration, Productivity and Labour Costs 1995

% Change and quarterly change over a year

1995 Quarter	Remuneration		Productivity		Labour costs
	Real	Nominal	Real	Nominal	
First	10,9	2,0	2,3	8,4	-0,3
Second	7,4	-1,0	2,9	4,4	-3,8
Third	9,1	0,9	3,9	4,9	-2,9
Fourth	10,5	1,5	3,5	6,8	-1,9

Source: South African Reserve Bank

and labour. If that relationship is deemed by firms, or labour for that matter, to be one where the balance of power favours one party, there are consequences for the macroeconomy. This is especially true in an economy where bargaining is to become increasingly centralised.

Production in the longer term is flexible. Continued elevated tension between capital and labour is going to mean a restructuring of production towards greater capital intensity which will not help maintain increases in employment. Neither will it help the many South Africans who are unemployed and are not represented in the emerging national bargaining process.

SUMMARY AND PROGNOSIS

- Substantial depreciation of the rand against currencies of major trading partners. In real terms, however, the adjustment is less severe.
- Initial outflows of capital which did increase in intensity. Initial outflows were of a short term nature. Subsequent flows were investments of longer terms.
- Current account balance improved as a result of the depreciation and capital outflows.
- Foreign exchange reserves fell as the Reserve Bank intervened in exchange markets. This may cause it to lose some credibility. Being aware of this, the Reserve Bank has chosen to attempt to 'keep' the growth of M3 between 6% and 10% over the next six months. If it succeeds, notwithstanding a supply shock to the

macroeconomy, its credibility will be maintained. Other aspects of government policy still have to achieve a measure of credibility on world financial markets.

- Interest rates, both short and long term, moved to higher levels. More recently, however, there has been downward pressure on interest rates but not of a sufficient magnitude to raise investment.

These developments, in addition to reduced inventory investment, depressed equity and real estate markets, a lack of appreciable growth in private investment and low private savings, means performance of the macroeconomy will probably be somewhat weaker in the next quarter. It is unlikely that the economy will grow at the widely accepted projected 4% on an annualised basis.

PROSPECTS AND POLICY

The last three months have seen substantial change for the South African macroeconomy. However it is a macroeconomy without meaningful immediate government policy direction. The Government recently released a major policy document: *Growth, Employment and Redistribution A Macroeconomic Strategy*. In addition, two studies dealing largely with improving the labour market were also released.

The macroeconomic policy document takes a long term view and forecasts rates of increase in GDP of 6% by the year 2000. However, the assumptions on which this forecast is based are not specified. Furthermore, given its longer time horizon, the strategy implies gradual changes to economic policy.

Changes are not going to occur quickly, it seems. In fact, very little mention is made of the speed and process by which privatisation is to take place. Many major economies have undergone transitions

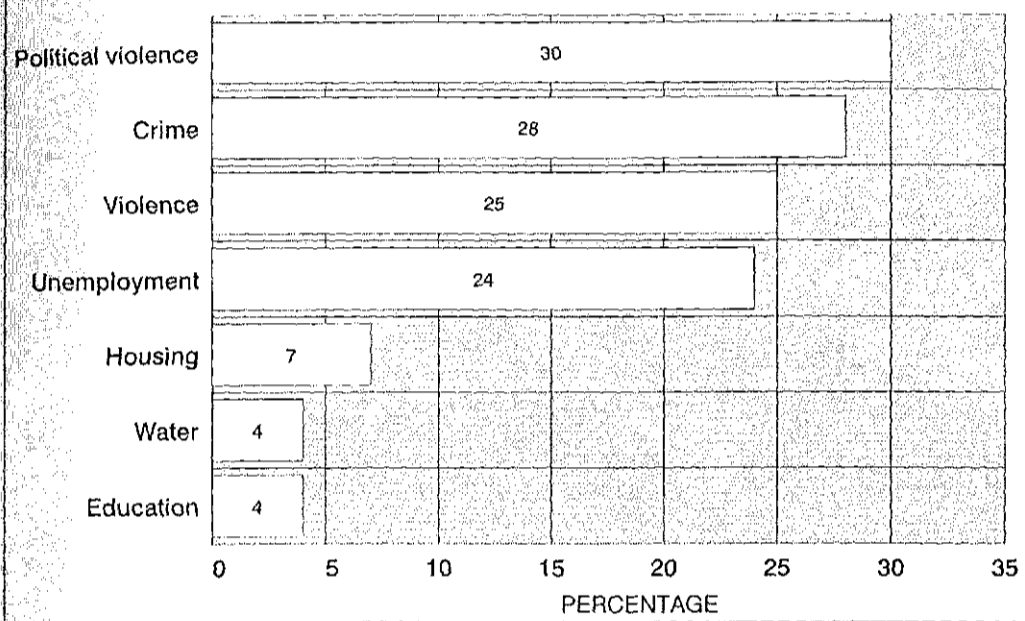
recently. The general consensus among economists is that government adopt either a gradual approach, in which policy is changed slowly, or a more immediate approach where changes are substantial and massive. The former usually works well in those countries or emerging regions that do not have a well developed and functioning financial system. Thus it is indeed surprising to see elements of gradualism in the Government's recent policy announcements, given the structure of the South African macroeconomy.

Instead, the Government should move much faster towards free and unfettered trade, adopt a far tougher stance towards inflation via credible monetary policy, allow the free flow of foreign exchange by residents, begin privatisation, and use existing legislation to break up monopolies and promote competition. If not, the Government's vision is at best a vague forecast and at worst, mere speculation. [E&E]

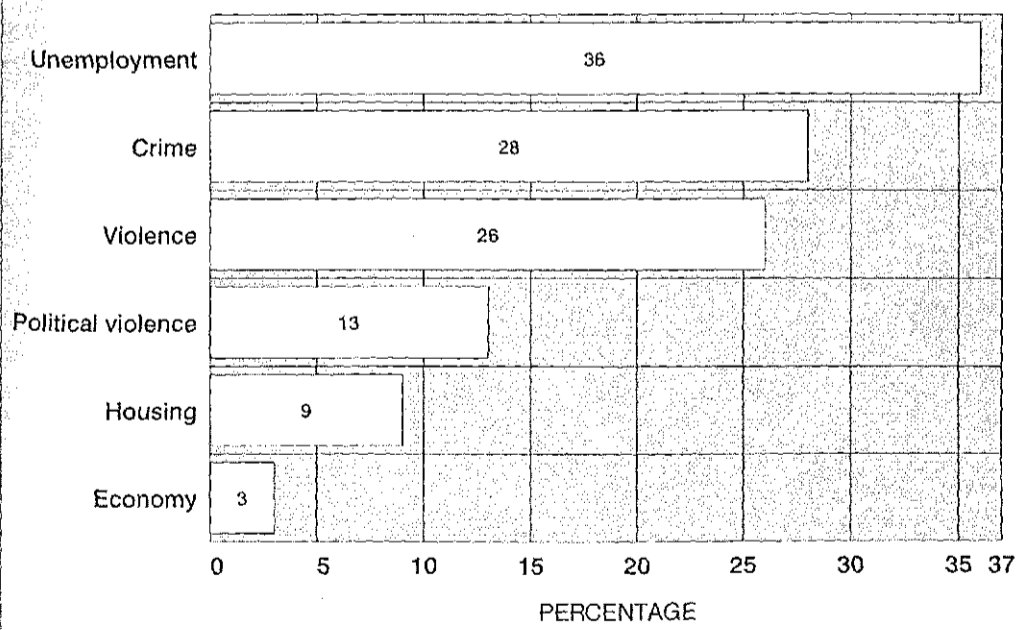
REGIONAL

M O N I T O R

Most pressing problems in KwaZulu-Natal



Most pressing problems in South Africa



Source: Research conducted in a joint project by the Department of Economic Affairs and Tourism, Human Sciences Research Council KwaZulu-Natal Office and Quality of Life & RDP Monitoring Unit at the University of Natal in collaboration with the KwaZulu-Natal RDP Inter-departmental Indicator Initiative



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KwaZulu-Natal's Constitution: Turning Point Or Footnote?

By Alexander M. Johnston
Department of Politics, University of Natal

It is tempting to see the constitution making process purely in terms of ANC/IFP rivalry, but issues like the process itself, the role of traditional authority, and definition of African nationalism are important. The bruising experience of these negotiations showed that the term 'ruling party' has limited significance. The IFP will be cautious about again attempting to form an anti-ANC coalition with minority parties.

The immediate significance of KwaZulu-Natal's provincial Constitution is not easy to assess, far less to predict the place it will occupy in the history of our times. The fate of the document which was adopted in the provincial legislature on 15 March 1996, after a protracted period of negotiation, hangs in the balance:

- ❑ The Constitutional Court has yet to pronounce on rival submissions from the African National Congress (ANC) and Inkatha Freedom Party (IFP) on its merits.
- ❑ The national Constitution itself faces similar scrutiny.
- ❑ The political conditions under which the Constitution was negotiated could be drastically affected by the local government election results and the emerging peace process between the two parties.

Any or all of these factors could affect the provincial Constitution's future. But while awaiting the verdict of the constitutional lawyers, it is still worth attempting an interim assessment of the Constitution and the process which brought it forth. In the first instance, there is a temptation to see it purely in terms of ANC/IFP rivalry.

Strategies of rivalry

- ❑ If the IFP had achieved a constitution along the lines of the 1992 *Constitution of the Kingdom of the State of KwaZulu-Natal*, which throughout negotiations remained the ideal from which concessions were grudgingly made, then its passing would have probably represented a substantial weakening of South Africa's political and territorial integrity. As such, it would have been a major political landmark.
- ❑ If the somewhat inconclusive document eventually passed is approved by the Constitutional Court, it may be a living reminder to both the ANC and IFP of the durability of its principal opponent, the existence of obstinate minority interests and, in general, the difficulties of ruling a divided province. As such, the constitution making experience could play a constructive role in an evolving accommodation between the antagonists.
- ❑ If the ANC's objections are upheld and the Constitution is rejected by the Court, the constitution making experience will rate no more than a footnote, of interest only to the more dogged and thorough of political historians.

Its passing would have probably represented a substantial weakening of South Africa's political and territorial integrity

The adoption of a provincial constitution could be seen as a partisan challenge to the final national Constitution

The IFP found itself occupying the position which it worked so hard to deny the ANC in negotiations after February 1990

The struggle over traditional authorities was a competition between the ANC and the IFP to possess something genuinely African

There is something to be said for this kind of interpretation. The whole question of a provincial constitution is indelibly associated with IFP negotiation strategies in the wider political context. The power of provinces to adopt their own constitutions was wrung by the IFP from the ANC during negotiations for the interim Constitution. Exercising this power became central to IFP strategies when the ANC declined to fulfil its pre-election commitment to international mediation on 'outstanding constitutional issues' and the IFP decided to boycott the Constitutional Assembly.

In this sense, the adoption of a provincial constitution could not be seen as a bipartisan act of regional self expression, but a partisan challenge to the final national Constitution – indeed to the thrust of the 'historic compromise' reached at national level after 1990. It could be reasonably argued that this partisan association has corrupted the issue, not only for the ANC, but also for non-partisan observers and participants in national and provincial politics.

Wider significance?

But buried in the interminable drafts, transitory press statements and ephemeral speculation, lie clues to larger issues whose significance is not confined to the parochial struggle for power in which the Constitution figured so prominently. These clues can be found in two superficial ironies attaching themselves first, to the constitution making process and second, to the substantive matters at issue.

The first involves the process. Ironically, the IFP found itself occupying the position which it worked so hard to deny the ANC in the early years of negotiation after February 1990: negotiating a constitution from the advantageous position of majority party in a legislature – the constitution making body – following a democratic election. The IFP, it transpired, had learned little from its own warnings of the temptations and dangers which accompany such a position of influence. It appeared to succumb to overconfidence and a tendency to interpret its self assigned status of 'ruling party' with undue freedom.

The second irony involves the place and role of traditional authority – the monarchy and tribal chiefs – under the Constitution. Historically and universally, constitutions have served to mark the passing of political

power from feudal and monarchical forms of authority to those grounded in rational, secular and popular claims to sovereignty.

The struggle over traditional authority in the KwaZulu-Natal Constitution, however, was less about removing the last vestiges of traditional power in a state which has in any case long been modernised, rather about the terms of its preservation. The struggle was, in fact, a finely tuned competition between the ANC and the IFP to rescue, define and possess something which is genuinely African in a political and social transformation which has conspicuously lacked an authentic indigenous element.

Each of these ironies points to a central problem of the post-apartheid political system in South Africa: the first to the question of majoritarianism and democracy, the second to the nature and definition of African nationalism.

Majorities and minorities

No other issue in South Africa's transition has been more important than how to calculate majorities and minorities and what significance to attach to them politically. The axis around which political argument turned during the era of negotiation and constitution making was that which divided the ANC's attachment to majoritarian democracy – unhelpfully and perhaps disingenuously labelled by them, 'ordinary democracy' – from various forms of concern for minority protection.

Minority positions have ranged from cultural and linguistic imperatives (the National Party (NP) and the Freedom Front) and the protection of property (the Democratic Party (DP) and the NP) to the IFP's somewhat ambivalent concern to define *all* the people of KwaZulu-Natal as a minority in the context of South Africa, while demanding that the traditional dimension of African life there be afforded special protection befitting a minority.

The political dynamics of KwaZulu-Natal have added several complications to these contested issues.

- The slim aggregate majority for the IFP in the April 1994 elections raised questions as to the status of a provincial electoral majority versus a national electoral majority. What degree of empowerment could a majority party in

a province legitimately expect? To what degree could it see itself as a 'ruling party'? Having not approved the interim Constitution, these were in the IFP's mind, though not in the ANC's, open questions.

□ The composition of this provincial majority was another complicating factor. The IFP's narrow victory was mostly attributable to large majorities among rural African voters. Its claim to represent urban interests lay not with Africans, but with whites who voted NP and DP in the national ballot and IFP in the provincial ballot. If this represented some non-racial fusion of identity and interest, then the IFP could claim to lead a substantial movement for radical provincial autonomy. If, on the other hand, it was merely a freak of tactical voting by frightened whites, the basis for such a movement was not there.

□ The demands of the provincial constitution making process forced questions about the status and composition of majorities onto the agenda in another way. A provincial constitution has to be passed by more than a two thirds majority of the provincial legislature. To achieve this, the IFP had to count on the concurring votes of every party represented in the legislature other than the ANC. As IFP leaders were fond of pointing out, other parties polled over 60% of the vote in April 1994. It remained to be seen to what degree this non-ANC majority was an anti-ANC majority and whether it could be turned into a pro-IFP majority.

These ambiguities were carried forward into the provincial constitution making process. To resolve them in the IFP's favour represented a formidable task – in fact, it required that the IFP pursue several contradictory goals:

□ The provincial Constitution had to be vigorously, even aggressively identified with the IFP to justify its stance on the national Constitution, its demand for international mediation and boycott of the Constitutional Assembly. At the same time however, the minority parties' support had to be secured. None were keen to be associated with a project which (in the beginning at least) had secessionist overtones, nor to participate in an anti-ANC crusade.

□ The IFP's rejectionist stance on the national Constitution created – even required – an atmosphere of semi-permanent crisis in which the ongoing mobilisation of its mass support was a feature. This committed the IFP's leadership to triumphalist and adversarial rhetoric designed to advertise its own status as the province's ruling party. The reverse of this coin was that the national Government – in so far as it is dominated by the ANC – is an alien and hostile presence. This atmosphere was not conducive to building a wider majority for a provincial constitution, embracing the minority parties and the mainly white and Indian voters who had backed them.

The demands of mobilising the IFP's core constituencies also encouraged an emphasis on questions of traditional leadership and contests of cultural authenticity with the monarchy and the ANC. Conflicting claims to the right to call Shaka Day celebrations, clashes over the provenance of the office of Traditional Prime Minister and rivalry over whether to pay tribal chiefs from central or provincial government coffers absorbed much of IFP (and ANC) energies. They did little to create an atmosphere in which a non-partisan groundswell of support for a constitutional statement of radical provincial autonomy could develop.

In the end, the force of these contradictions – and probably a measure of internal disagreement also – edged the IFP towards two irretrievable misconceptions about its position as majority party in KwaZulu-Natal. The first was that despite the slim, geographically skewed and by no means irreversible nature of its majority, the IFP constituted a ruling party endowed with a moral authority which would give conclusive weight to its constitutional aspirations.

The second, more important misconception was that the large non-ANC majority in KwaZulu-Natal could be deployed as a block vote. Overall, the minority parties were sceptical not only of the IFP's claims to radical provincial autonomy, but also the inclusion in early IFP drafts of matters more properly the concern of party politics and legislation, than constitutional principle. This view was confirmed by a panel of legal experts. Minority party concerns also extended to IFP negotiating tactics.

The provincial Constitution had to be vigorously, even aggressively identified with the IFP

The IFP did little to create an atmosphere in which a non-partisan groundswell of support for provincial autonomy could develop

The minority parties were sceptical of the IFP's claims to radical provincial autonomy

The IFP challenge forces the ANC to contemplate the definition of African nationalism

The ANC and the IFP share the same project: to define African nationalism in the context of globalisation and a divided society

The chances of converting the substantial non-ANC electoral majority into a durable coalition are slim

For instance, the threat to force a provincial election if minority parties failed to support an IFP constitution seemed bullying and completely unconvincing. In addition, those minority parties which have a national presence (the NP, DP and PAC) were concerned with larger considerations of co-existence with the ANC, while those that do not (the Minority Front and African Christian Democratic Party) had their own micro-agendas. All things considered, this was unpromising material for a coalition which would throw down the gauntlet to the ANC, by installing a provincial constitution which would challenge the emerging national consensus.

African nationalism

More than any other aspect of contemporary South African politics, the IFP challenge forces the ANC to contemplate the definition of African nationalism. Rhetorical flourishes apart – Thabo Mbeki's speech on adopting the Constitution is a case in point – African nationalism tends to be downplayed in the dominant party's discourse. There are compelling reasons for this.

The rainbow nation concept has been a brilliant public relations strategy for improving race relations, easing minority fears in the transition and perhaps most of all, projecting an international image of stability. In any case, there is a deeply rooted strain of secular citizen nationalism in the ANC's discourse. The spectacular failure of the PAC has left the ANC virtually unchallenged in African popular politics and as such, under no obligation to articulate just what the 'African' means in 'African National Congress'.

KwaZulu-Natal is obviously different in at least one sense. The ANC faces stiff competition from the IFP (at least in rural areas) for the African vote. But this difference is not openly configured in terms of African nationalism. Instead, the rivals collude in offering two different images of their conflict:

- The first is a modernised one, a clash of ideologies between right and left. This pits the social democratic agenda of the ANC against the strident neo-liberalism of the IFP. None of this is very convincing. The ANC's revisionism in a hostile global environment renders much of the IFP's ideological rhetoric, at best archaic, at worst bizarre. The

IFP's own policy concerns clearly come second best to its preoccupation with constitutional and cultural issues.

- The second image pits an implacably modernising and centralising ANC (in the IFP's estimation) against an irredeemably feudal and reactionary IFP (in the eyes of the ANC). The IFP's hostile image of the ANC ignores the incapacity of the South African state to impose the kind of dogmatic centralism of which the ANC stands accused, and underplays the distance travelled by the ANC towards a constitutional model which mixes elements of unitary and federal systems.

For its part, the difficulty for the ANC in attaching dismissive labels like 'feudal' to the IFP, is to avoid denigrating the institutions and customs of Zulu traditional life themselves. Such difficulties have probably helped to account for the durability of the IFP's support base by giving some credibility to its claim that the ANC is hostile to Zulu tradition and culture.

None of these images of conflict is wholly inaccurate, yet none on its own gives an adequate account of the ANC/IFP rivalry. In effect, the ANC and the IFP share the same project: to define African nationalism in the context of globalisation and a divided society, in which minorities cannot be ignored. They have, of course, gone about it in different ways. The ANC's modernised, secular and national programme has wide appeal, but is hesitant, even ambivalent, on its specifically African content. The IFP is emphatic on this score, but in too regional, ethnic and particularist a form to have wide appeal across the country and in urban areas.

The future

Between them, the constitution making process in KwaZulu-Natal and the local elections of 26 June clarified several things. Two are germane to the issue of how we configure majorities and interpret their significance. The first is that whichever is the largest party, the terms 'majority' party and more especially, 'ruling party' have very limited significance.

The second is that although there is a substantial non-ANC electoral majority in the province, the chances of converting this into a durable coalition are slim. The

violence with which Chief Buthelezi turned on the minority parties (notably the DP), accusing them of currying favour with the ANC by forcing compromises and concessions on the IFP in the final stages of the constitutional negotiations, reveals the depth of the IFP's disappointment on this score.

The preoccupation of the ANC and IFP with questions of traditional authority in the constitution making process is also instructive. Conventional wisdom says that the ANC is adopting a pragmatic, even cynical, concern for traditional African institutions in order to detach support from the IFP. There are grounds for this interpretation, but conceivably it underestimates a genuine recognition on the ANC's part that authentically African institutions should if possible, be incorporated into its vision of nationalism.

The usual interpretation of ANC 'interference' in matters of Zulu tradition is that it can only intensify conflict. In the

short term, this has probably been true. But in the longer term, shared concerns might be revealed in matters of the monarchy and other areas where the parties' common Africanness can be emphasised.

All this has a bearing on the much canvassed issue of realignment in the post-constitution, post-local election political context of KwaZulu-Natal. The absence of a decisive majority for any party will force the major contenders away from crudely majoritarian aspirations. The bruising experience of constitutional negotiation (and perhaps a residual bitterness) will make the IFP cautious about again attempting to construct an anti-ANC coalition with the minority parties.

These circumstances offer a logical basis for improved relations between the ANC and IFP which was less clear before. If this is the case, the task of reconciling traditional African institutions with democratic politics might provide a useful opening to common ground, rather than division, as in the past. [EEA]

The absence of a decisive majority for any party will force the major contenders away from crudely majoritarian aspirations

SHIFTING THE BALANCE?

LOCAL ELECTIONS IN KWAZULU-NATAL

By Charm Govender

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The elections were conducted along strong party political lines, while the electorate voted for those perceived to best serve their material and economic interests. As torchbearer of the country's transformation, the ANC is exceedingly popular with the province's urban African communities, while the IFP retains its rural dominance.

The local government elections in KwaZulu-Natal represent the completion of the democratisation of state structures at a national, provincial and local level. The political power to undertake development and transform society has now been placed in the hands of elected representatives at all three levels of government. The elections were conducted in accordance with the Local Government Transition Act that was negotiated at Kempton Park and passed as law in January 1993.

Local Government Act

The Act conceives of three phases in the transition of local government from racially exclusive structures to inclusive structures that form the local level of cooperative government structures. The first pre-interim phase which began after the 1994 national and provincial elections, required forming negotiating fora that determined the outer boundaries of local government structures. These fora included a statutory component comprising parties and organisations that had participated in local government structures and a non-statutory component that was traditionally excluded.

The history of this phase in KwaZulu-Natal was marked by acrimonious disputes around boundaries and whether certain

peripheral areas should be included in the urban local government provisions. However, these were concluded by a supreme court ruling and the next stage commenced, which involved setting up nominated councils on a 50% statutory and 50% non-statutory basis.

These nominated councils were charged with the principal responsibility of levelling the playing fields in preparation for the elections, originally scheduled for October 1995. The nominated councils were also responsible for registering voters, compiling the voters rolls, identifying polling stations and providing voting materials. Responsibility for this was given to the CEO's of the nominated councils.

The stipulation of the Act was that 50% of all wards be allocated to historically white, coloured and Indian local authority areas, and 50% be allocated to the former Black Local Authority areas. Areas deemed non-urban were to be catered for by the rural local authority model which is yet to be finalised for KwaZulu-Natal.

The holding of these elections marks the commencement of the second 'interim' phase. The next five years will be the duration of this phase, and the final phase commences when the next local government elections are held.

The Local Government Transition Act conceives of three phases in the transition of local government

Table 1: Election Results in the Durban Transitional Metropolitan Council (Metro)

Area	% Poll	Seats in council	ANC	NP	IFP	DP	FF	CP	PAC	MF	IND	Unfilled
Metro	28,00		14	7	4	1	-	-	-	2	-	-
Northern	33,94	30	12	5	2	2	-	-	-	5	3	1
North Central	44,72	70	31	21	8	6	-	-	-	3	1	-
South Central	48,02	60	27	15	6	2	-	-	-	9	1	-
South	51,89	30	16	8	2	-	-	-	-	1	3	-
Inner West	53,50	42	25	9	1	4	-	-	-	1	2	-
Outer West	53,00	41	24	2	2	8	-	-	-	-	4	1
Total	47,33	301	149	67	25	23	-	-	-	21	14	2
% Seats			49,5	22	8,3	7,6	0	0	0	7,0	4,7	0,66

Table 2: Election Results in Major Towns

Area	% Poll	Seats in council	ANC	NP	IFP	DP	FF	CP	PAC	MF	IND	Unfilled
Dundee	44,61	16	5	5	3	-	-	-	-	-	3	-
Empangeni	43,00	16	1	7	2	-	-	-	-	-	6	-
Estcourt	59,40	19	5	1	5	-	-	-	-	-	8	-
Howick	72,00	19	12	1	-	5	-	-	-	-	1	-
Ladysmith	55,34	34	21	9	1	-	-	-	-	-	3	-
Newcastle	41,72	60	25	7	12	-	-	4	-	-	10	1
PMB	52,89	60	39	13	1	6	-	-	-	-	1	-
Port Shepstone	56,32	16	4	2	2	-	-	-	-	-	8	-
Richards Bay	36,31	30	9	5	6	-	-	-	-	-	9	1
Sanger	50,13	22	9	4	4	-	-	-	-	-	5	-
Total		292	130	54	36	11	0	4	0	0	54	2
% Seats			44,5	18,0	12,0	3,8	0	1,4	0	0	18,0	0,68

Table 3: Election Results in Transitional Authorities

Transitional Authority	Seats in council	ANC	NP	IFP	DP	FF	CP	PAC	ACDP	IND	MF	Total	Unfilled
Metro	301	149	67	25	23	-	-	-	-	14	21	299	2
% per party		49,5	22,26	8,31	7,64	0,0	0,0	0,0	0,0	4,65	6,98	99,34	0,66
Urban	775	253	110	144	23	-	4	-	-	238	-	772	3
% per party		32,65	14,19	18,58	2,97	0,0	0,52	0,0	0,0	30,71	0,0	99,61	0,39
Rural	533	112	10	393	4	1	-	-	1	12	-	533	-
% per party		21,01	1,88	73,73	0,75	0,19	0,0	0,0	0,19	2,25	0,0	100,0	0,0
Total wards, PR etc.	1609	514	187	562	50	1	4	-	1	264	-	1583	-
% per party		31,95	11,62	34,93	3,11	0,1	0,25	0,0	0,01	16,41	0,0	98,3	0,0

An estimated 80% registration figure was achieved

Election challenges

The initial challenge was to ensure the registration of voters, and numerous attempts were made to encourage people to register. After many delays and re-opening the process, an estimated 80% registration figure was achieved. The second serious challenge was to address organisational issues. Experience gleaned through local elections in the rest of the country in November 1995 and May 1996 helped obviate many logistical problems. While some problems did emerge, they do not detract from the fairness of the result.

Independent candidates were compelled to take political positions on national political issues

There were serious doubts about whether there could be free and fair elections in KwaZulu-Natal due to its high political volatility and political violence. The prevalence of no-go areas also contributed to the belief that the elections would encourage heightened bloodshed. The elections were, however, conducted in a substantially free and fair environment, to the general acclaim of independent monitors.

A salient point of the elections was that they were conducted along strong party political lines. Even professed independent candidates were compelled to take political positions on national political issues. An interesting example was the raising of the death penalty and abortion issues. The only conceivable connection to local government would be if abortions were administered at local clinics or people hanged in public at municipal parks.

Results

The immediate feature of the results is that the African National Congress (ANC) emerges as the major political party in the urban areas, while the Inkatha Freedom Party (IFP) retains its rural dominance. The economic powerhouse of the Durban Transitional Metropolitan Council (Metro) is in the hands of the ANC together with the major urban centres of Pietermaritzburg/ Msunduzi, Newcastle, Ladysmith and Richards Bay.

The economic powerhouse of the Durban Transitional Metropolitan Council (Metro) is in the hands of the ANC

Empangeni was the largest town won by the National Party (NP) and the IFP's best performance was in Estcourt where it won 25% of the seats. The Democratic Party (DP) performed best in Howick and Kokstad winning with 25% and 20% of the seats respectively. The Conservative Party (CP) has been almost totally obliterated from the

political shelf, accruing only four seats in Newcastle. The Freedom Front (FF) and Pan Africanist Congress (PAC) fared the worst, winning no seats in the province.

This summary differs from the 1994 results in the province: the ANC has improved its showing and the other main thread is that the NP has succeeded in winning back its traditional supporters, while also consolidating itself in sections of the coloured and Indian communities.

The key feature of the results is that the electorate voted in a manner that conforms with their perceptions of what serves their material and economic interests best. A perfunctory look at the results shows that the voting patterns conformed to racial patterns. This, however, needs further examination lest we conclude that political affiliations are racially determined. This issue requires analysis that considers the racial divisions, preferential treatment and economic potential of the electorate on a class basis. Race, as a determinant of class under apartheid, is a useful indicator in examining the voting patterns.

Roughly speaking, the structure of South African society is pyramidal with the uppermost echelons being occupied by white people. Indians and coloureds fall somewhere in the middle and the lowest rungs are reserved for African people.

Within these broad bands there are internal class stratifications, so none of the four main racial groups in the country are homogenous in terms of class. However, this social pyramid is not set in stone and the current national project to deracialise South Africa seeks to create a society in which race is not the determinant of a person's class destiny.

Figure 1 depicts the social pyramid in South Africa which in turn illustrates the current racial distribution.

Transition

The elections were conducted in a period of political transition. This process has impacted in different ways on the different sections of our society. All people however, recognise that the main features of the transition relate to transformation. This entails deracialising society, addressing past inequalities, and redressing the imbalance in the social wage delivered to different sections of South African society.

This transformation embraces all people in the country and is being undertaken at national, provincial and local levels and indeed is the main aspect of the national project currently being undertaken. The ANC is undoubtedly seen as the leader of this transformation, having struggled for decades to gain access to political power to undertake this project.

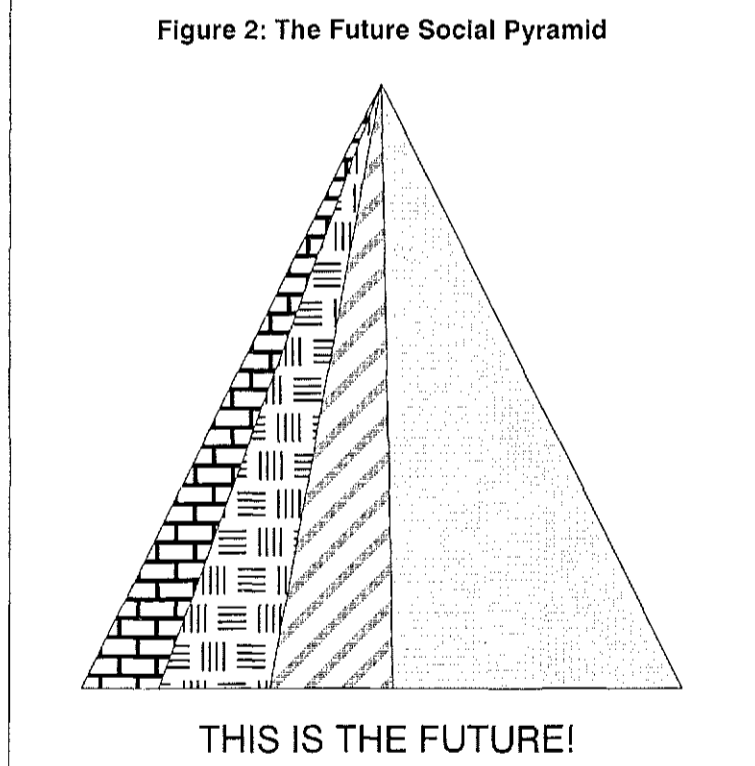
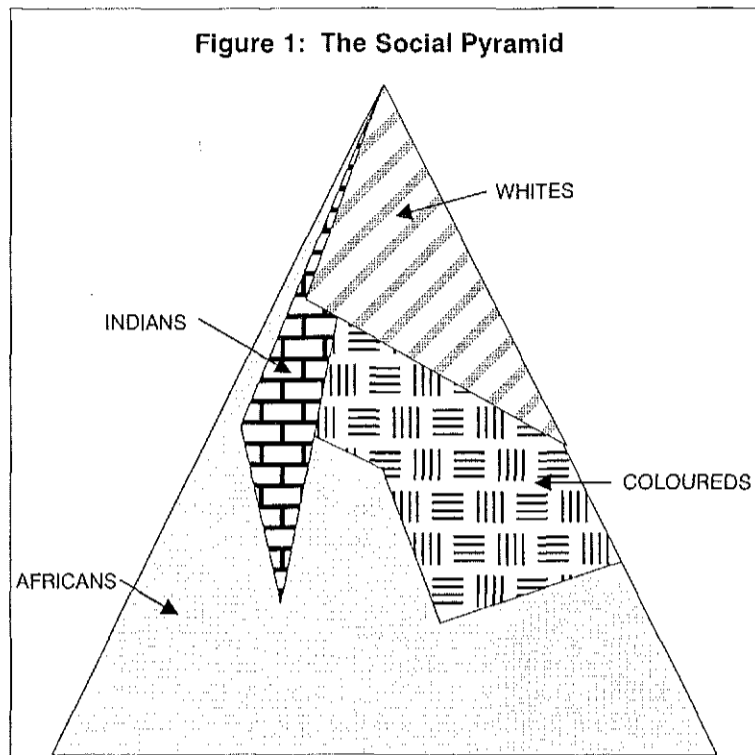
Figure 2 illustrates the position that the current national project aims to produce. It is not therefore surprising that sections of our society see the future with hope and new opportunities for economic and material progress, while others view the future with foreboding. It is noteworthy that apartheid did not treat all people of colour the same.

For some who could make economic progress, apartheid was an obstacle and for others it also provided a safety net through preferential housing and employment provision. Chief among the beneficiaries of apartheid largesse were white workers followed by Indian and coloured workers. White workers were guaranteed sheltered employment, differentiated wage rates and senior positions in the multitude of parastatals, while their coloured and Indian counterparts received state subsidised housing in mammoth townships on the urban periphery and preferential access to employment.

The perception of these communities is that the deracialisation of society will put them in direct competition for jobs and housing with Africans. This fear is accentuated by the stated affirmative action policies of the new Government. The coloured and Indian communities have therefore thrown their lot in with the National Party that dispensed this patronage and stands for the era when such preference was possible.

The ANC is therefore unsurprisingly not very popular among this social group and the election results bear testimony to this. There are other social factors associated with the transition that have made them fearful but these are generally applicable to all citizens and pertain mainly to the crime wave, the upward trend in the petrol price and the increase in mortgage rates.

Another decisive social category is the urban African community which is very politically conscious as a result of intense community struggles and high levels of membership in political, civic and trade



union organisations. Under apartheid, their potential was most suppressed and they now stand to benefit more than any other group from the changes in the country. The performance in the B wards in all TLC elections show conclusively that the ANC – as torchbearer of the transformation – is

Political intolerance in certain communities contributed to people standing as independents

exceedingly popular with the urban African communities.

The NP's withdrawal from the Government of National Unity (GNU) indicated that it was intent on resisting the pace of the transformation. By telling the electorate that it was moving into opposition politics, the NP sent a clear signal that it was no longer the bedfellow of the ANC. This signal served to galvanise the support all sections of society fearful of transformation. This ate decisively into the support base of the FF and the CP, leaving them to ponder their political futures.

It is noteworthy that the NP performed better in the elections in the Western Cape and KwaZulu-Natal in the white, Indian and coloured communities than it did while still a member of the GNU when local elections were conducted in the rest of the country.

The Minority Front won a total of 21 seats in the province, all in the Metro area

The remaining category of voters is the rural voters. The IFP, through securing this base, has retained its status as the largest party in the province. However, with the model for rural local government still to be decided, it is difficult to project the impact of introducing local government to a hitherto excluded territory. The resources at the command of rural local government, the role of the chiefs in disbursing these resources, and the role of local communities in accessing these resources, is still unclear.

Independents

There are three varieties of independent candidates that participated in these elections: those who are a part of ratepayer organisations, those who have worked in various communities in politically non-partisan ways, and those who attempted to subsume their political identities within their local community profiles. Political intolerance in certain communities contributed to people standing as independents – very few people disgruntled with internal party political processes left to stand as independents.

Today, more than ever before, there is a high percentage of women in local councils

All these independent candidates secured just under 5% of the seats in the Metro and its substructures. Excluding the Metro, independents fared better, winning 18% of seats in the urban areas. The best performance by independents was in Port Shepstone where they account for 50% of

the seats on the council. The ability of independent councillors to act in concert will be the ultimate measure of the power and influence they can command.

A final party that deserves comment is the Minority Front (MF) which won a total of 21 seats in the province, all in the Metro area. The party's stance of aggressively taking up issues of insular concern to the Indian community earned it 75% of the wards in the giant Chatsworth township. It has taken up a position of supporting the ANC and has secured the deputy mayor position in two Metropolitan Sub-structure Councils. In the run up to the elections, the MF fed on the Indian community's anxieties, but it remains to be seen whether it can allay these fears. Failure to do so will see its support base erode in favour of the NP and less substantially to the ANC.

Gender

The profile of the candidates standing for elections and the Proportional Representation (PR) lists of the parties, shows a great improvement as regards gender distribution. Today, more than ever before, there is a high percentage of women in local councils. The ANC set the pace in this regard with an organisational decision that 50% of its PR lists would go to each gender. The presence of a more representative number of women will bring a refreshingly new perspective to many of the council debates.

Delivery

The one year hiatus in local government is now over. Officials in the bureaucracy have seen councillors who command a powerful position within their respective councils come and go. New and inexperienced councillors will take time to develop their confidence and assertiveness. Officials and older councillors will hold sway over a number of decisions. Communities waiting for delivery are advised not to hold their breath.

However with focused training, ongoing support and access to information, the additional waiting period can be reduced. The challenge for political parties and the TLCs is to arrange for initial basic training that will be invaluable in getting the new councils up and running. **UEU**

Anticlimax

Cape Town's Local Elections

By Jeremy Seekings
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The stage was set for a titanic local government contest in Cape Town, but the ANC's challenge petered out and the NP limped into power. The NP's victory may be associated with the diminished role of independent candidates and the emphasis on national issues, some of which – like the ANC's education policies – have very real implications at local level. It is unwise to infer underlying electoral trends, but the NP has maintained its dominant position which will not easily be dislodged.

Amidst much hype, Cape Town's voters went to the polls on 29 May to elect the city's first democratic local government. Political parties and media alike attached great importance to this election. On the one hand, Cape Town was the capital of the only province won by the National Party (NP) in the April 1994 general election. On the other, the African National Congress (ANC) had performed well in local government elections elsewhere in the province in November 1995.

The stage was thus set for a titanic contest. The election was important both in terms of control over Cape Town and in broader, symbolic terms. It set the party of apartheid against the party of liberation, the victor of 1994 against the resurgent challenger of 1995. The struggle for the so called 'coloured vote' also served as a test of the major parties' non-racial claims: was the NP a party for white South Africans only? Was the ANC a party for African people only? In addition, the Democratic Party (DP) sought to establish its credentials as a major political player.

The results were an anticlimax: the ANC's vaunted challenge petered out; the DP's

claims fell flat; and the NP limped into power. Not even the media could conjure up an exciting angle.

Election process

Elections were held for two levels of local government: an umbrella Cape Metropolitan Council (CMC) and six substructures. The two largest substructures were Tygerberg (encompassing Bellville, Goodwood, Parow, and Khayelitsha) and Central (extending from Seapoint to Bishopscourt, and from Camp's Bay to Langa, Nyanga, Guguletu and Crossroads, and out to Mitchell's Plain).

The four smaller substructures were Northern (Milnerton, up the Atlantic coast, and inland to Atlantis), Helderberg (Strand, Somerset West and Gordon's Bay), Southern (the Peninsula south of Hout Bay and Wynberg), and Eastern (Kuils River, Brackenfell, Blue Downs).

Each voter had three votes. The first was for a ward representative on the relevant substructure, decided on a first-past-the-post basis. The second was also for the substructures, but counted towards seats allocated on a proportional representation (PR) basis from party lists. Sixty percent of

The election was important both in terms of control over Cape Town and in broader, symbolic terms

If wards had been distributed evenly in the three substructures affected, the ANC would have won between 10 and 17 fewer wards

The ANC was elected unopposed in only 12 of the 57 seats in African wards

The only good performances by PAC candidates were in parts of Crossroads where they won about one fifth of the vote

the substructure seats (or a total of 172 seats) were ward seats, and 40% (or a total of 112 seats) were PR seats.

The third vote was for the 24 seats on the CMC allocated on a PR basis from party lists. The CMC has a total of 60 seats, with the other 36 filled by representatives of the substructures.

Winners and losers

Results for Tygerberg were recounted by order of the Supreme Court. At issue was the ANC's PR vote in Khayelitsha. But minor revisions in the counting of the ANC vote in Khayelitsha did not make much difference to the overall pattern of voting in the city.

The NP won control of four of the six substructures, and are likely to just gain control of a fifth, Tygerberg. The NP won just over half of both ward and PR seats, although it won less than 50% of the PR vote. The ANC won just over one third of the ward and PR seats, with almost 38% of the PR vote. The DP won a meagre total of 12 of the 284 seats, with 7% of the PR vote. Independent candidates won seven ward seats, and the smaller parties won four PR seats between them. One ward seat remains unfilled, because the death of a candidate during the campaign requires a by-election to be held.

In three substructures (Tygerberg, Central and Helderberg) wards were demarcated under the 50/50 rule agreed in 1993. In these substructures, African townships accounted for 50% of the wards regardless of their share of the substructure's total electorate. Although this system was devised to benefit white voters on the Platteland, in the Western Cape it meant that African townships were slightly overrepresented. Overall, one third of the wards were in African townships, although African voters comprised just 28% of the total electorate (*Argus*, 25 May 1996).

In the extreme case of Helderberg, wards in white and coloured areas had an average of six times as many voters as wards in African areas. If wards had been distributed evenly in the three substructures affected, the ANC would have won between 10 and 17 fewer wards – it is impossible to be precise because the demarcation of ward boundaries has a major effect in a 'first past the post' system. The NP would have won easy

control of Tygerberg and Helderberg, and the ANC would not have won outright control of the Central substructure.

African areas

The ANC crushed all opposition in African wards, winning every ward with a majority African electorate. Besides the townships and shack settlements of Langa, Nyanga, Guguletu and Crossroads (all in the Central substructure), Khayelitsha and Mfuleni (in Tygerberg), and Lwandle and Nomzamo (in Helderberg), the ANC also won seats in the shack settlements of Marconi Beam (in Northern) and Bloekombos and Wallacedene (in Eastern). African voters in Hout Bay also played a decisive role in the ANC's only victory in the Southern substructure.

The ANC was elected unopposed in only 12 of these 57 seats. The NP had candidates in every ward in Khayelitsha, and the DP contested wards in Guguletu. The Pan Africanist Congress (PAC) stood against the ANC in 15 wards. Many wards were contested by independent candidates, some of whom were former ANC members standing against official ANC candidates.

With few exceptions the NP, DP, PAC and independent candidates won negligible votes. Even the NP's notorious shacklords could not deliver any votes. In Bloekombos, NP candidate Prince Gobingca even trailed behind two independent candidates, winning 4% of the vote. The NP's candidate in the Driftsands area – a convicted murderer and former lieutenant Johnson Ngxobongwana – won a meagre 2% of the votes.

The only good performances by PAC candidates were in parts of Crossroads where they won about one fifth of the vote. Few of the independent candidates performed much better. Former ANC shacklord Christopher Toise, for example, managed just 86 votes – or 3% – against the official ANC candidate in the Philippi area. Overall, Cape Town's African voters are solidly ANC.

White areas

Wards in predominantly white parts of Cape Town were dominated by the NP. The NP won all but eight of the approximately 55 such wards, and two of these exceptions were won by NP supported independents. The DP won five wards – four in the Central

substructure, and one in the Southern. The ANC won one – Hout Bay – on the basis of African and coloured votes in the ward.

The NP's dominance was interpreted by some ANC leaders as a 'swing to the right'. One newspaper, apparently desperate for a bold headline, proclaimed 'Stampede to the right' (*Argus*, 1 June 1996). The DP certainly lost in several areas which were traditional DP strongholds such as lower Claremont, parts of Somerset West and Cape Town's southernmost suburbs (Berglyiet, Tokai, Muizenberg). In some cases it lost narrowly – for example, in lower Claremont, where ANC and independent candidates split the non-NP vote.

The overall DP vote was, however, broadly in line with its share of the vote in the 1994 general election. In 1994 the DP won 8% of the provincial PR vote, and 5% of the national PR vote in greater Cape Town. In 1996 it won about 7% of the substructures' combined PR vote. If there has been a loss of DP support at the local level, it occurred before 1994. The white areas of the Central substructure remain solid DP territory.

The major change in local politics in white areas is the near demise of the independent councillor. As Hermann Giliomee has observed, 'the NP has made it clear that the days of independent candidates running in the place of the NP are over' (*Cape Times*, 30 May 1996). The NP stood aside for just three independent candidates in the Southern substructure, two of whom were elected. The 1996 local elections suggest that independent candidates can only win in white wards with the backing of a major party.

Coloured and Indian areas

The NP success in 1996, as in the 1994 general election in the Western Cape, was based on the votes of coloured people. The NP won about 50 of the approximately 60 wards in predominantly coloured areas. Mitchell's Plain, Atlantis, and the areas extending from Athlone to Steenberg all proved to be NP strongholds.

The ANC won five wards – three in Blue Downs (in the Eastern substructure), and two in Helderberg – together with the middle class Indian/coloured area of Rylands. The ANC was only narrowly defeated in several wards – including

Belhar, Bellville South, Macassar, and Eastridge in Mitchell's Plain. Independents won five wards, at least one of which had NP backing, and one ANC backing. Only one independent – Philip Bam in Grassy Park – ran against and defeated candidates from both the NP and ANC. The DP failed to make any significant inroads in coloured areas.

The most competitive ANC candidates – Dickie Meter in Hout Bay, Saleem Mowzer in Rylands, and Calvin Booysen in Bellville South – all had strong records in community affairs. But this track record was no guarantee of election. Cape Town's deputy mayor during the transition, Theresa Solomon, was soundly defeated in her home ward in Mitchell's Plain. She was, however, elected through the PR vote, and has since become the mayor of the new council for the Central substructure.

The contests in which the ANC performed best were generally atypical. The wards themselves were atypical – some in terms of the social class composition of the voters. Opinion polls have shown that the ANC's support is stronger in middle class than working class coloured and Indian areas in Cape Town. Rylands – the only ward won by the ANC without African votes away from the city's eastern boundary – is probably the most middle class non-white suburb of Cape Town.

Other wards where the ANC performed strongly were atypical in political terms. These were areas where local politics was dominated by divisions between very conservative white people and coloured people, generally in the absence of a large local African population – for example, in the Eastern and Helderberg substructures, where African voters comprised just 7% and 13% of the electorate respectively. The political profile of such areas is similar to the small Western Cape towns where the ANC performed strongly in November 1995 (see *Seekings in Indicator* Vol 13(2) 1995).

Second, the ANC performed strongest when its candidates were associated primarily with the local ward, perhaps even to the extent of overshadowing their party membership. Pamphlets distributed in Hout Bay by the ANC's Dickie Meter did not mention the ANC, display its logo, or use the ANC's campaign slogan! In nearby Ocean View, the ANC candidate also had a good record as a civic activist, but this seems to

The major change in local politics in white areas is the near demise of the independent councillor

The ANC's support is stronger in middle class than working class coloured and Indian areas in Cape Town

In coloured and Indian areas, the ANC performed strongest when its candidates were associated primarily with the local ward

The extent of the NP's victory was unexpected

have been negated because she was identified with the ANC more than with her ward.

Unfortunately for the ANC, these conditions existed in a minority of wards only. Furthermore, the social and political profile of the majority of Cape Town's coloured wards will change slowly at best. The ANC will therefore continue to face enormous difficulties in mounting a challenge to the NP.

Dashed predictions

Apart from perhaps the party itself, the extent of the NP's victory was unexpected. Both the ANC and DP predicted better results. The press predicted a 'swing to the ANC' on the basis of pre-election opinion polls. Expectations of a strong ANC challenge were rooted in the parties' respective performances elsewhere in the Western Cape last November. The ANC won a larger share of the coloured vote than the NP – spurring ANC leaders to declare that the 1996 elections in Cape Town 'will confirm that the local elections were the beginning of the end' for the NP (*Cape Times*, 16 November 1995).

In the run-up to the May 1996 elections however, the ANC's claims were distinctly muted. Their experiences canvassing, and perhaps information from their own opinion polls and focus groups, probably indicated that they were not progressing as planned among coloured voters. Indeed, the media's pre-election poll that predicted a tight contest overall also suggested that there had been little change in the voting preferences of Cape Town's coloured voters (*Argus*, 27 May 1996).

As the results came in the ANC claimed to have made 'dramatic gains' among coloured voters and 'inroads' among white voters. Coloured people 'have seen through the lies of 1994 when they were told [that] the ANC would take away their homes, their jobs and even eat their dogs in NP election propaganda', said ANC leader Chris Nissen (*Mail & Guardian*, 24 May 1996). Indeed, 'as the full picture emerges', the ANC said, 'it becomes clear that the elections represent a long term shift to the ANC that is of great significance for the country's future' (*Argus*, 1 June 1996).

These claims are certainly extravagant. The ANC's share of the PR vote may have

increased from about 36% in the 1994 general election, to about 38% in 1996. But the latter was the share of a much lower poll which favoured the ANC – the total number of votes cast in 1996 was only just over half the number cast in the same area in 1994.

The ANC won under 50% of the votes in the largest substructures: 46% in Central, and about 43% in Tygerberg and just one of the seven seats in the Blue Downs area. The NP's lead over the ANC in terms of shares of the vote in most coloured wards was in line with estimates of its lead in 1994, and opinion polls in between.

The DP's claims were even bolder. Defying reason, the DP announced that it expected to win control of the Southern substructure on the basis of '10 or even 12' ward seats plus PR seats (*Cape Times*, 30 May 1996). As the news came in that the DP had won just one ward and two PR seats in the Southern substructure, the party's provincial leader modestly claimed that 'our support base is staying where it was in 1994; it is definitely holding' (*Cape Times*, 31 May 1996).

The hopes of the Wienburg/Keegan Cape Independent Alliance were also dashed. They had predicted winning enough PR votes for two seats in the Central substructure (*Cape Times*, 30 May 1996) – they achieved just one twelfth of this target!

The NP kept quiet about its expected performance, telling the press before the election that their support had not declined since 1994 (*Mail & Guardian*, 24 May 1996). In fact, their share did fall marginally – from about 52% in the national PR vote and 49% in the provincial PR vote in 1994, to 48% of the substructure PR vote in 1996.

As the NP pointed out, its lower share could be attributed to the lower turnout (*Cape Times*, 4 June 1996). The NP's share remained higher than the media's pre-election poll had predicted, and there was no collapse in support like the NP had suffered elsewhere in the province in November 1995.

The one respect in which NP predictions were dashed was in its performance in wards in African areas. It had predicted it would win two such wards – in Khayelitsha Site C and Mfuleni/Driftsands (*Mail & Guardian*, 24 May 1996) – but won a derisory number of votes.

The DP announced that it expected to win control of the Southern substructure on the basis of '10 or even 12' ward seats plus PR seats

The NP's predictions about its performance in wards in African areas were dashed

Roots of NP success

The big difference between the NP's performance in Cape Town in May and its performance in the small towns of the Western Cape last November was that there was no haemorrhaging of votes to independent or civic candidates this time round, let alone to other parties.

One explanation is the elections' supposedly national focus – which encourages voting for national parties. Several observers stressed the national slant to the elections. According to Hermann Giliomee, 'National issues crowd out local politics to the absurd extent of the NP poster in this election exhorting voters to support the party in the local election to save the rand' (*Cape Times*, 30 May 1996). Idasa's Bob Mattes said that 'local elections are still dominated by national personalities, campaigns and issues; people still think about casting their vote in terms of national or provincial themes' (*Cape Times*, 31 May 1996).

The campaigns of the two major parties certainly emphasised national personalities and issues. De Klerk and Mandela walked the streets. The NP's posters and pamphlets concentrated on slamming the ANC, while the ANC also hammered away at national issues in public meetings. When the ANC, NP and DP were invited to list their 'top 10 promises' in the *Cape Times*, only the DP focused primarily on local issues (*Cape Times*, 28 May 1996).

Research is needed into why people voted the way they did. But some 'national' issues have real implications at local level. The best example is the ANC's education policies, and its determination to massively reduce the number of teachers in Cape Town's coloured and white schools to promote interprovincial equity.

With spectacularly bad timing, the ANC's national education minister announced almost on the eve of the election that the ANC would go ahead. President Mandela and other ANC leaders sought to reassure teachers, but neglected the much larger number of voters who were parents.

The results prompted patronising comments from Chris Nissen: 'I'm not disappointed in

the ANC performance, but in the fact that the coloured community out there could not see through the lies of the NP' (*Cape Times*, 31 May 1996). As a party attacking privilege, the ANC should hardly be surprised when the beneficiaries of privilege – including many working and lower middle class coloured voters – opt to vote for the NP rather than a party that promises equity. It also remains unclear how far the ANC has moved away from its image as a party for African people, to the exclusion of coloured people.

These first democratic local government elections were about transition and transformation. The key difference between local politics in Cape Town and the smaller non-metropolitan towns is surely scale. The most pressing local issues in Cape Town generally extend across the whole metropolitan area. Besides education – which is outside local government control – such issues include the distribution of resources between middle class areas and townships and shack settlements.

It would be surprising if metropolitan level issues were not at the forefront of voters' concerns at a time when almost 40 smaller transitional councils are being welded together into six larger substructures and one overarching metropolitan structure. In this situation, independents must expect to do poorly, and the ANC's successes outside African areas will remain limited to the small number of areas with the exceptional characteristics identified above.

It is unwise to infer underlying electoral trends from these local government election results. Differences in turnout, and the fact that voters need not vote the same way in elections to different levels of government, mean that the results should not be compared mechanically to those in 1994. Insofar as the May 1996 election results say anything about long term trends, it is simply this: like it or not, the NP has maintained its dominant position in the heartland of the Western Cape, and the signs are that it is going to prove very difficult to dislodge. [P.E.]

ACKNOWLEDGEMENTS

I am grateful to Zareena Parker and Cecilia van Staden for research assistance.

The campaigns of the two major parties certainly emphasised national personalities and issues

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The most pressing local issues in Cape Town generally extend across the whole metropolitan area



[Re]Settling Old Scores

Land Restitution in KwaZulu-Natal

By Cheryl Walker

Regional Land Claims Commissioner, KwaZulu-Natal

Restoring land rights is about reversing some of the most appalling injustices of the past in a way that is compatible with development. This article describes some of the major issues confronting the Commission on Restitution of Land Rights' work in KwaZulu-Natal. There are no quick solutions for redressing the wrongs of the past.

The Restitution of Land Rights Act (1994) and the establishment of the Commission on Restitution of Land Rights have created new opportunities, but also opened old wounds for the victims of racist land laws in the past.

Restitution is one of three major elements of the Government's land reform programme, the others being land redistribution (based on need rather than rights) and tenure reform. While restitution of land rights enjoys greater legitimacy than these other elements, in practice settling claims is proving to be a slow, complicated process fraught with tensions that occasionally erupt in open conflict.

Those who framed the restitution provisions of the interim Constitution and the subsequent legislation were driven largely by motives of social justice. Implementation, however, brings with it unexpected complexities and quite sobering dilemmas in the interpretation and application of the principles of justice and equity.

Land restitution is, in fact, only one of the possible forms that settlement may take

Cleavages operate not only along the racial lines of white landowners and black claimants, but also within and across claimant communities and, in some instances, between government structures and claimants. Marginalised rural people come forward to assert claims and in the process revalorise histories of land ownership that overlap and may even compete with other claims. Urban people, displaced mainly by the Group Areas Act, are claiming properties in towns around the country, but frequently find their rights circumscribed by private and public development projects.

While many claimants equate restitution with restoring their land, this is in fact, only one of the possible forms that settlement may take. Negotiations to determine the most appropriate settlement in each case lie at the heart of the restitution process. This can be time consuming, particularly where the parties have divergent interests and different understandings of land ownership, land use, and who is best equipped to decide.

The Commission

The Commission on Restitution of Land Rights manages this process, develops appropriate procedures and negotiates settlements that are 'just and equitable'. It consists of a Chief Land Claims Commissioner and Secretariat based in Pretoria and four Regional Land Claims Commissioners. The Regional Commissioners' offices are located in Pretoria (for claims in Gauteng, Mpumalanga, North West and Northern Province), Cape Town (for the Western and Northern Cape), East London (for the Eastern Cape and Free State), and Pietermaritzburg (for claims in KwaZulu-Natal).

Taking office in March/April 1995, much of its energies in the first year were consumed by seemingly endless bureaucratic and administrative problems, and setting up systems for handling the huge demands – a total of 7 095 claims were registered nationally by March 31 1996.

Not all these problems have been resolved, but some progress can be reported. Nationally, several hundred claims have been 'gazetted', meaning notice of their acceptance as valid claims in terms of the Restitution Act has been published in the Government Gazette.

Negotiations to find the appropriate settlement have begun with all interested parties, several of which are at an advanced stage. The first few settlements have been referred to the Land Claims Court for finalisation.

Progress however remains slow, which is frustrating not only for claimants and the organisations that represent them, but also for property owners facing the uncertainties of claims on their land. This translates into continuing pressure on the Commission, and one of its educational challenges is to convince the public that restitution will not and should not take place overnight.

Delays also arise because of the need to screen out fraudulent claims, check that all potential beneficiaries have been included in the process, and identify the actual piece of land that is being claimed and who all the interested parties are. Without these checks, restitution will be flawed and there is a real danger that a new set of injustices could be perpetrated.

Backing up the Commission is the Land Claims Court. It is the final arbiter in the restitution process – adjudicating on matters in dispute which cannot be resolved by the Commission; giving judicial interpretation to key concepts such as 'just and equitable compensation', 'feasibility' (if restoring land is recommended), 'the public interest' (where restoration is opposed); and making all restitution settlements legally binding in the form of Court Orders.

The Court's first rulings on pending cases can be expected in the next few months. This will assist the process enormously, by setting precedents and defining the scope and limits of the legislation.

KwaZulu-Natal

The KwaZulu-Natal regional office opened in April 1995 with an existing backlog of some 1 200 unresolved claims inherited from the former Commission on Land Allocation set up by the previous Government in 1991 with a limited mandate for addressing claims. Many more claims have flooded in, pushing the total lodged in KwaZulu-Natal to over 3 000. This province currently leads the others in terms of claims lodged and conflict over land is also particularly intense.

The claims lodged cover the full range of land rights, from registered title deed through tenancy rights to unregistered, informal rights of beneficial occupation exercised by so-called squatters on state land. Claims come from all over the province, but the Commission's attention has been drawn to several areas in particular: the metropolitan area of Durban/Pinetown, the farming districts around Ladysmith/Dundee, and central Zululand, focusing on Richards Bay and the Lake St Lucia area.

Urban claims

Three quarters of claims are urban, the rest are rural. Yet this division does not accurately reflect the actual numbers of people involved in each category, as the urban claims tend to be on behalf of individual families, while most rural claims are group claims often encompassing many hundreds of households.

In the urban areas a major challenge confronting the Commission is to determine the 'just and equitable' balance between

A total of 7 095 claims were registered nationally by March 31 1996

With over 3 000 claims, KwaZulu-Natal leads other provinces in terms of claims and conflict intensity

Three quarters of claims are urban, the rest are rural

In Cato Manor two major policy thrusts – restitution and housing – are in a state of tension

restitution and development. Often the land being claimed has been developed beyond all recognition since the claimants were removed. The original property boundaries have been completely eclipsed by subsequent consolidations and/or subdivisions, roads have been rerouted, areas rezoned, new suburbs developed and old landmarks obliterated.

Working with these claims brings home the devastating impact of the Group Areas Act, as well as the impossibility of recreating much of what was so successfully destroyed. Simply trying to identify the original piece of land on current maps can be a major exercise. In such cases, many claimants may accept that restoration is not feasible and consider alternative forms of compensation.

In the Lake St Lucia area, questions remain about forms of restitution in an area regarded as an international resource

More contentious are those areas that have lain vacant for years, but in the current era of restitution, are earmarked for new forms of development that threaten to exclude the former owners or occupants. This has caused considerable bitterness among those who wish strongly to return to their former areas. They feel dispossessed all over again by new political and economic imperatives.

In KwaZulu-Natal the prime example is Cato Manor in Durban. This area is a designated RDP presidential lead project, involving a major urban renewal initiative aimed at housing many thousands of people in mainly low cost projects subsidised by the Provincial Housing Board. Most of this land is presently owned by the City and the Province who recently applied to the Land Claims Court to rule out restoration to former landowners on the grounds that this would not be in the public interest.

The Commission has used a provision in the Act to call all people wishing to lodge claims in this particular area to do so by 23 July 1996. In this way, those with a direct interest can be identified and allowed to participate in the legal processes to determine the outcome of the court application.

Perhaps the easiest claims are those lodged by communities whose land was designated under apartheid as 'black spots'

So far some 800 claimants have come forward, including tenants who lived in the sprawling shack settlements of Umkhumbane before being forced out in the late 1950s and early 1960s.

Here two major policy thrusts of the new Government – restitution and housing – can be seen to be, if not in conflict with each other, then in a state of tension.

Conservation areas

A comparable set of policy questions has arisen with regard to land claims in areas designated as parks, forestry or other conservation areas. Generally this designation took place in the past without consulting – and at the expense of – local black people whose land was taken from them by alien laws framed by a government in which they had no representation.

But what should the value and standing of these areas be today? What responsibility should local communities have in determining their future? The best known and most demanding case before the Commission involves the Eastern Shores of Lake St Lucia, where several hundred households were removed between 1956 and 1974 when forestry reserves were proclaimed on what was legally, state land.

Many challenging issues need resolution such as the status of tribal authorities to claim on behalf of people who lived on non-tribal land; and who should own unalienated state lands designated as such after colonial conquest and annexation before 1913. The Land Claims Court will probably rule on these issues soon to enable a negotiated settlement.

Once clarified, major questions remain about the forms of restitution in an area conservationists regard as an internationally important natural resource. Not even the claimants agree on this matter, although all agree that their rights must come first. Is it in the public interest to allow settlement in such an area? Who may claim the benefits that everyone hopes will flow from developing the region?

Rural claims

Because the nature of the land rights that were lost are well documented and since landowners and claimants agree on their legitimacy, perhaps the easiest claims are those lodged by communities whose land was designated under apartheid as 'black spots'. These were black owned farms outside the scheduled and released areas proclaimed for African occupation in terms of the Land Acts of 1913 and 1936.

The first case settled in KwaZulu-Natal involves one such farm – Cremin, near Ladysmith, which was bought by a black syndicate in 1912 and then expropriated by

the state in 1977/78. Negotiations with the current landowner have proceeded smoothly, if more slowly than claimants and landowner would have liked. The community meeting at which the two parties agreed to the final Deed of Settlement – recommending restoration of the land to the claimants – was a joyous event. Such occasions vindicate the promise that restitution will bring not simply justice, but also reconciliation.

But even in legally straightforward cases, social complexities may arise. By the time they were removed, many rural freehold communities had large tenant populations. Tenant households of 10 or more years standing are also entitled to lodge claims for the land rights they lost – but finding the appropriate settlement in such cases can be very difficult. Old schisms between former tenants and landowners may re-open.

The former landowners may not agree among themselves on whether the tenants should be included in their settlement or directed to alternative forms of compensation. Tenants also, may regard their own ties to the land as far stronger than those of their former landlords, particularly where they were absentee landowners.

In the case of the former Nazareth Mission community near Dundee, the schism that threatens to split the community is between those wishing to return to their former land, and who initiated the claim on the one hand, and those who want monetary compensation on the other. In principle, restitution should accommodate the beneficiaries' different choices, but establishing the state's role in meeting preferences is not clear. Nor is it easy to equate land bought for restoration at today's prices, with monetary compensation for land rights lost three decades ago.

Settlement issues

In all cases where resettlement occurs, major development challenges face the returning community. While many claimants are committed to returning to their land, rebuilding communities is a massive task. This is well illustrated by the plight of the Sabokwe people who some 15 years ago were removed from their tribal land on what is today the outskirts of Richards Bay.

These people have now moved to alternative land identified for them close to their original land. Their return, however –

premature from an official point of view but necessary, the community insists, because of violence directed against them at the other end – has meant that clinics, schools and houses in which they invested have been left behind in the area they vacated.

The state has committed to making the compensatory land available and the community is also eligible for the settlement grant programme of R15 000 per household that the Department of Land Affairs runs. But accessing the funds and planning the area will take time. In the meantime, the community is living under the most rudimentary conditions.

Unsuccessful claims

Not all claims lodged with the Commission are valid in terms of the Restitution Act. Identifying these, explaining to claimants why they cannot be accepted and what the alternatives might be, is time consuming and sometimes hard.

The Restitution Act provides for claims that fall outside its mandate, but which warrant some form of redress, to be forwarded to the Minister of Land Affairs with recommendations for how they might be addressed. Two such claims have gone from the KwaZulu-Natal office.

Many unsuccessful claims concern private transactions that the Commission is not empowered to address. They tell sometimes tragic stories of land lost, usually from black people to white, through indebtedness, trickery, naiveté, greed, ignorance or family feuding. Others predate the 1913 cutoff point agreed to by the constitutional negotiators at Kempton Park in 1993.

Yet others involve state acquisition of land after 1913 for public purposes such as building roads, schools or public housing – projects that took place within a racially discriminatory framework – but that are unlikely to be construed by the Land Claims Court as in themselves furthering racist policies.

The Land Claims Court will probably have to make important rulings on the politically contentious 'historic claims' – those excluded from the Restitution Act's ambit because they involve the dispossession of land rights before 1913. Most of these claims have been lodged by tribal authorities or contenders for tribal authority status, and

In all cases where resettlement occurs, major development challenges face the returning community

Not all claims lodged with the Commission are valid in terms of the Restitution Act

Most 'historic claims' have been lodged by tribal authorities

Some features of the Restitution of Land Rights Act

- The Restitution of Land Rights Act provides that any person or group is entitled to enforce restitution of a right in land if they were dispossessed of such right after 19 June 1913 and the dispossession was 'effected under or for the purpose of furthering the object of a law' which would today be unconstitutional because of being racially discriminatory.
- Where land rights were expropriated and it can be shown that 'just and equitable' compensation was paid, then restitution will not apply.
- Restitution may take the form of restoration of the rights that were lost, or the provisions of alternative state owned land, or monetary compensation, or 'alternative relief', for instance preferential access to state housing.
- Where restitution is to take the form of land, the Minister of Land Affairs has to certify that it is 'feasible' to return or designate the land in question in this way.
- Where privately owned land is to be acquired for restitution purposes, the current owner is entitled to 'just and equitable' compensation that is based not simply on the current market value of the land, but takes into account factors such as the history of its acquisition.
- Section 34 of the Act provides that any level of government may apply to the Land Claims Court to rule out restoration of land as a settlement option in particular areas, on the grounds that this would not be in the public interest. If the application is upheld, the alternative forms of restitution would still apply.
- People have until 30 April 1998 to lodge land claims under this Act.

Restitution is important in the search for a more just and equitable dispensation

are invariably entwined with conceptions of traditional rights and assumptions about the powers of chiefs and tribal councils.

These are not simply of historic interest but underpin current political tensions in the province. Sometimes they compete with claims to the same land by more recently dispossessed people, such as evicted labour tenants or black landowners stripped of their hard won freehold rights in the 1960s and 1970s. The latter are not inclined to submerge those rights in a tribal claim today.

Some tribal authorities are looking to the Restitution Act to increase the area currently under their jurisdiction by reasserting nineteenth century boundaries. But these boundaries were never static nor formally fixed, and may be no less contested by other tribal groupings today than they were in the past.

In the Estcourt area, the previous Commission on Land Allocation awarded a large tract of state land to the AmaHlubi, based on their historic claim to that land.

But the Amangwe have lodged a counter claim and no settlement can occur from any side until this claim is resolved.

Deciding whether a claim is 'historic' is also not a simple task. On much of the state land in Zululand for instance, people lost any indigenous rights of ownership before 1913, but continued to live on the land undisturbed until it was alienated to white settlers in the 1920s or 1930s or – in the case of the state land around Lake St Lucia – until forestry or conservation areas were proclaimed in the 1950s and later.

In the case of the Ntambanana farms near Empangeni, state land transferred to private white ownership only in the 1920s was subsequently reacquired in the 1970s to consolidate the KwaZulu homeland. Part of this land was then used for resettling people forced to move when Reserve 6 and the Sabokwe portion of Reserve 4 on the coast were deproclaimed to make way for Richards Bay.

This land has now been claimed by neighbouring tribal authorities on the grounds that historically – before the demarcation of the Zululand reserves in 1909 – it belonged to them. As evidence, they refer to unidentified families who were evicted when the first settlers set up their farming operations in the 1920s and 1930s.

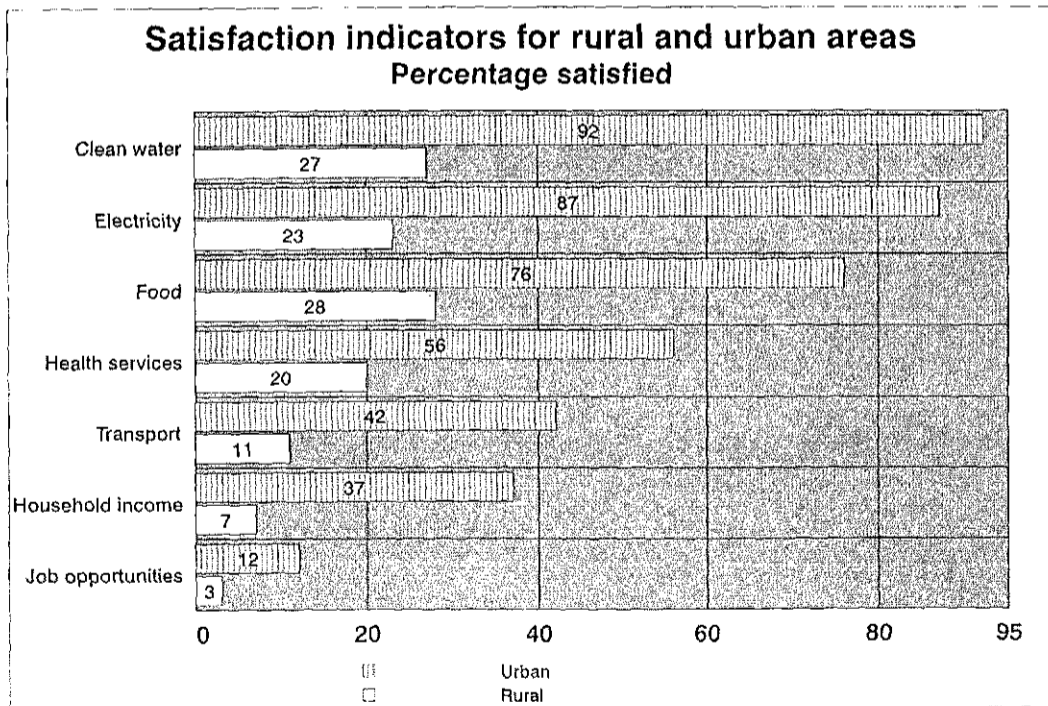
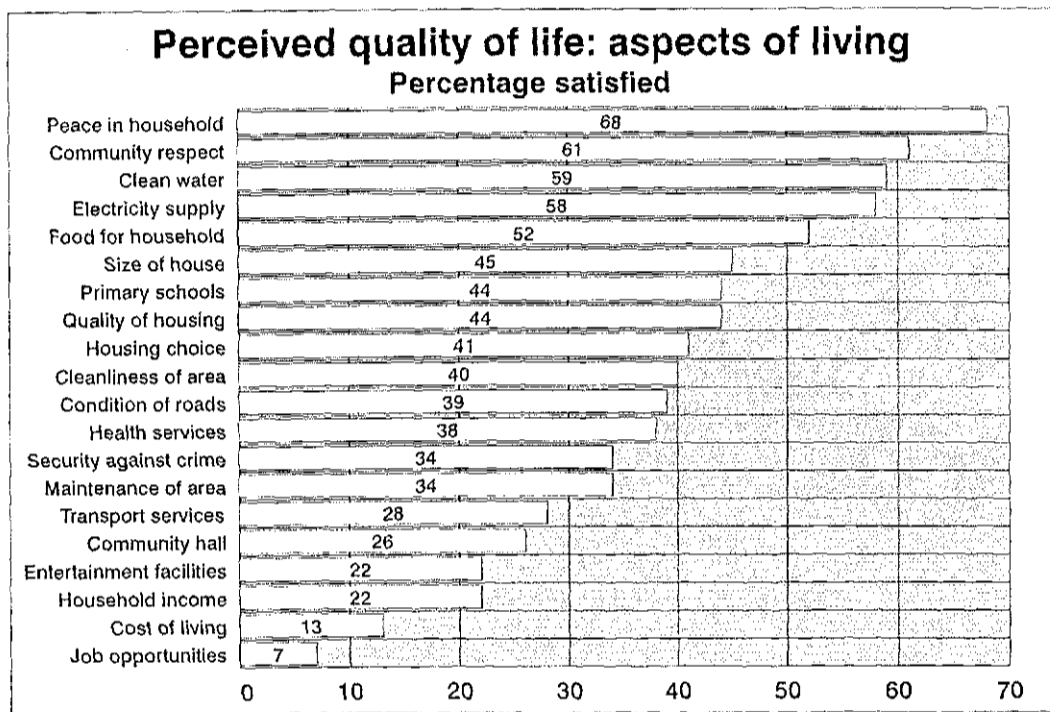
Conclusion

This is not a comprehensive account of all the issues facing the Commission, but indicates the complexity of restitution and its importance in the search for a more just and equitable dispensation. Restitution is not concerned primarily with rural development, nor with the needs of the landless. Rather it is about reversing some of the most appalling injustices of the past, by restoring or compensating for a defined range of dispossessed land rights, in a way that is not incompatible with development.

It is too early to judge the success of the restitution programme, and in any case, the best measures of success need further discussion. The work of the Commission does nevertheless touch on some fundamental questions about the nature of justice and the direction both urban and rural development should take. [1-21]

COMPARATIVE

M O N I T O R



Source: Research conducted in a joint project by the Department of Economic Affairs and Tourism, Human Sciences Research Council KwaZulu-Natal Office and Quality of Life & RDP Monitoring Unit at the University of Natal in collaboration with the KwaZulu-Natal RDP Inter-departmental Indicator Initiative

Opportunities For All Immigration to the United States



By Manuel Orozco

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Anti-immigration sentiment has increased since 1993 in the United States. The historical and political record of immigration and the sources of recent increases help in assessing this backlash and the Government's policies towards immigration. While certain immigration trends are related to foreign policy and racial identification, the global context is now important. State sovereignty and territoriality are being challenged by transnational experiences.

Proposition 187, passed in California, asked whether the state should still allow undocumented migrants to use public services

In mid-1993, at the time of California's economic recession and in the aftermath of the Los Angeles riots, an anti-immigrant sentiment emerged in California and in much of the United States. This intensified when California's Governor, Pete Wilson, claimed that undocumented migrants represented a heavy burden to the state. The states of California, Florida and Texas filed legal demands against the Federal Government concerning the states' resources on undocumented migrants; border patrol activities such as Operation Hold the Line were increased; and Proposition 187 was passed in California asking whether the state should still allow undocumented migrants to use public services.

Since 1994 – a year of high anti-immigration sentiment – the backlash has continued. In Congress there have been calls for a reduction of the annual number of admissions of legal immigrants from 800 000 to 500 000 which would involve restricting migration through family

unification to married couples and children only. Under this legislation the annual admission of refugees would be reduced from 100 000 to 50 000.

What explains this anti-immigration backlash and the practices and policies of restriction on immigration? To what extent is the argument against immigrants valid and what informs such argument? And, what does this experience mean in relation to recent events in the international context?

In order to understand current immigration issues in the United States (US) the historical and political record as well as the sources of recent increases must be considered. While certain immigration trends are related to foreign policy and racial identification, they do not exist in isolation.

The current situation needs to be explored in the global context where the conventional principles of state sovereignty and territoriality have been gradually challenged by transnational experiences.

US immigration trends

In 1994 over 700 000 immigrants arrived in the United States under the various migratory provisions. Family unification – the main source of migration – represented 60% of total migration. It is also believed that undocumented migration annually adds at least another 250 000 people. Most migration to the US comes from Asia and Latin America, particularly from Mexico (Figures 1 and 2).

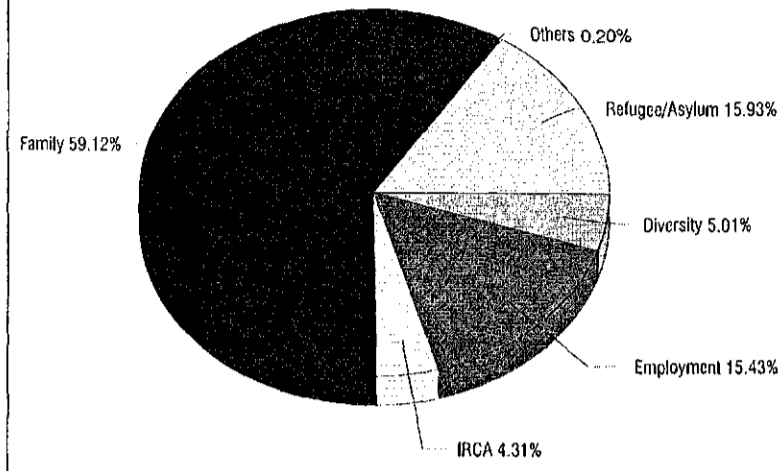
The geographic and structural composition of immigration are recent phenomena dating from the 1965 Immigration Act which introduced legislation in favour of family unification and migration from non-European countries. In part, these measures were a response to the US' early migration policies that largely focused on racial preferences – such as the National Origins legislation that denied access to Asian migration. Before the 1960s, migration to the United States was primarily European based.

In addition, emerging from the Second World War as a world power, the United States' involvement in the international sphere further changed migration policy. The Cold War, for example, largely defined the source of immigration into the United States. As people in countries like Cuba, Czechoslovakia, Hungary, and China began to suffer repression from the socialist regimes of the time, the US allowed mass migrations of people from these countries.

Also, with the advent of Third World conflicts in the 1970s and 1980s, particularly in countries in which the United States was directly involved – Nicaragua, El Salvador, Afghanistan, Iran – US policy meant inviting people to migrate to the US which portrayed itself as the representative of the free world, providing opportunities for all.

The relative international economic decline the United States suffered as a world power also played a role. As diminishing competitiveness affected the US economy, those sectors unable to compete resorted to low skilled labour to maintain their earlier position in the world market. This in turn called for cheap foreign labour, legal or illegal. Finally, the economic crises that the countries of Latin America suffered – which often coincided with political turmoil like in the Central American region and Colombia

Figure 1: Immigration to the US by category in 1994



– led to mass migrations into the United States. Many of today's Mexican migrants in particular, are an outcome of the Mexico debt crisis of 1982 (Figure 3).

These factors explain the recent changes in immigration, characterised by the arrival of more than six million legal immigrants over the past six years, almost double the number of immigrants from the early 1980s. The main sources of this increased immigration are:

- The multiplying effect that family unification policies have produced.
- Legislation providing amnesty to undocumented migrants living in the United States before 1982 or 1986. Three million undocumented migrants were legalised through Amnesty programs passed in 1986 (Figure 4).

The six million legal immigrants over the past six years are almost double the number of immigrants from the early 1980s

Figure 2: Immigration to the US by country of origin in 1994

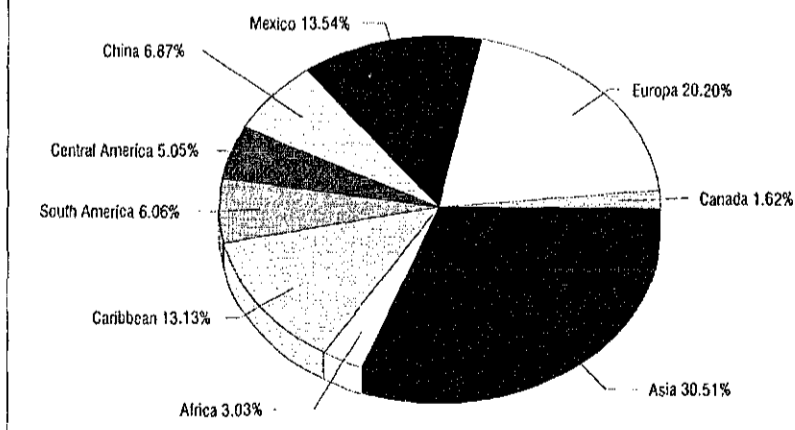
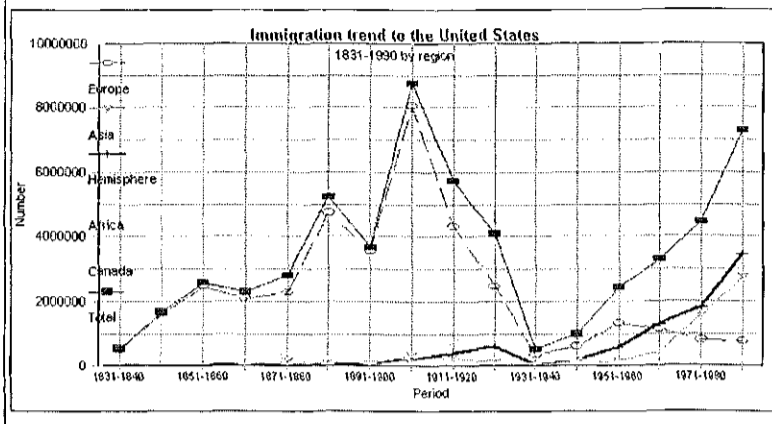


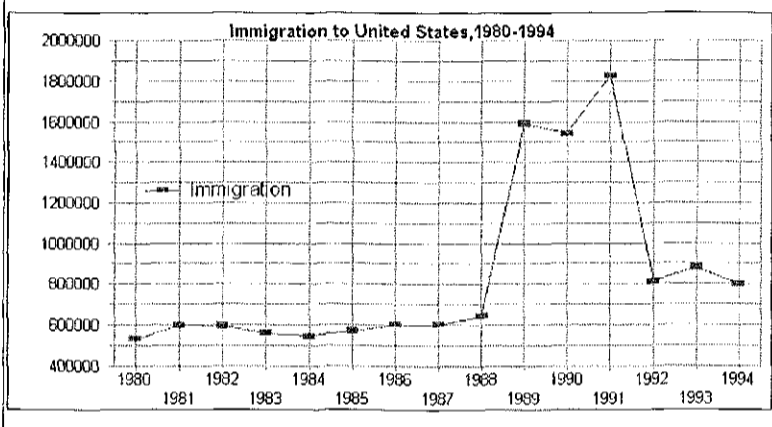
Figure 3: Immigration trend to the United States



- The number of legal immigrants is higher than ever.
- The high levels of undocumented immigration have negatively affected the national economy.
- The character of citizenship has been devalued.

A number of corrective policies have been proposed ranging from national identity cards to the complete closure of the southern border. Are these accurate assessments of, and solutions for, the immigration problem? The validity of the three arguments above must be explored.

Figure 4: Immigration to the United States, 1980 - 1994



Increased legal migration

Critics raise four issues in this regard. First, the present number of immigrants is already extremely high. Second, the population growth rate of immigrants is higher and faster than that of natives and is creating a demographic concern about the country's present and future carrying capacity. Critics ask whether the United States, after adding 60 million people over the past 25 years, can realistically accommodate another 60 million people over the next 25 years and 75 million in the 30 years thereafter (Bouvier and Martin 1994).

A second criticism relates to immigrants' ethnic composition. The increasing levels of immigration – now reaching 24 million foreign born, or 9% of total population – will change the ethnic composition of the population. This will have negative repercussions for policy design because, for example, more than one language will be spoken.

Third, influential labour economics experts have argued that in the past 10 years the wage differential between immigrants and natives has increased. Immigrants' earnings are 30% less than natives and their schooling is lower than that of natives. As long as their skill distribution differs from that of native workers, immigrants change the shape of wage distribution (Borjas 1995). In cities with large numbers of immigrants, the wages of natives are 2% lower than in cities with few immigrants.

These arguments do not adequately explain current immigration. While demographic changes are taking place, these are not all negative: there is a need to inject the ageing

- The effect of the ideological clash against communism is reflected in an American foreign policy that invites asylees from countries with whose governments the United States has conflicting relations. This explains the Cuban, Eastern European and Nicaraguan migration in the 1980s.
- Undocumented migration, estimated at between 250 000 and 500 000 people per year, has significantly increased the number of people living in the United States. This has raised not only the debate about the future of immigration policy, but also an anti-immigration backlash.

In the past few years, immigration has been considered a problem with critical repercussions for the United States in at least three ways:

US society with young immigrants. According to the Census Bureau, in the 1990s there will be a 42% growth among those aged 85 and older – six times the rate of overall population growth. As the US work force grows older, immigrants (who are mainly young) can provide a pool of young workers who would supply the ageing population.

The argument about the danger of changing the ethnic composition of the United States often reflects racial bias about the declining proportion of white Americans, rather than objective problems of a multi-ethnic society. Arguably, the capacity of the US to absorb immigrants today has more to do with economic class than race or ethnicity: poor standards of public schooling negatively affect all the poor – citizens and immigrants – as education is key to assimilation and upward mobility.

Furthermore, while the widening inequality between immigrant and native wages poses a major problem to the economy, experts rarely point to the root of the problem. Borjas (1995) for example, has found a strong relationship between the trade deficit and the wage inequality.

As the United States has lost its competitive edge in certain industries, imports have overtaken domestic production. This suggests that it is not the immigrant that lowers the wages but rather the industry's search for cheaper, labour intensive measures in an attempt to cope with international competition.

Regarding the numeric increase in immigration, it is true that legal immigration has grown in the past 15 years (Figure 4). But the increase stems not only from the traditional sources of immigration – family reunification and refugee and asylum policy – but rather from new immigration measures taken since 1986: Registry, Amnesty, and Special Agricultural Workers are different forms of legalising undocumented migrants. The Diversity visa also known as the lottery visa, likewise provides for people from adversely affected countries like Mexico.

Most of this legislation has had a temporary rather than a permanent effect on the regular immigration flow – amnesties decreased after 1992 and Registry has declined too – since the pool of people to receive legality is reaching its end. The legislation on diversity visas presents a more serious problem. Since

1992 an additional 55 000 immigrants a year have been added to the total numbers allotted for. As legislated, diversity visas are more of a political move than a solution to fairness in immigration. From 1989 to 1993 this legislation has accounted for an increase of nearly five million immigrants (INS 1994).

Thus, increased immigration has resulted from corrective measures aimed at stabilising past undocumented workers, bringing in children born in Asian countries of American descent, attempting to diversify the ethnic pattern of immigrants, and improving the country's competitive edge by bringing highly skilled labourers.

Undocumented migration

There is an assumption that undocumented people 'steal' jobs from other Americans or legal immigrants, yet little supporting evidence has been found.

Furthermore, important domestic forces might have attracted them in the first place. One is related to the decline in American international competitiveness as mentioned earlier. Employers' preferences for cheap labour do not 'discriminate' between a citizen and an illegal alien, but rather between workers who accept less payment.

Another fundamental cause of undocumented migration relates to the sheer influence of American intervention abroad – political, cultural and economic. Sassen (1992) has argued that capital mobility and foreign economic intervention have fuelled labour mobility.

Linkages between the United States and other countries have served as bridges for migration. In terms of cultural and political influence, US foreign policy has had a demonstration effect on sending countries whose population see America as the land of freedom and opportunity. Yet, this linkage has not been coordinated with immigration policy (Teittelbaum and Weiner 1995) and undocumented immigration has continued partly due to the lack of coordination.

Devaluation of citizenship

Schuck (1989) has argued that the expansion of rights to legal aliens has reduced the value of citizenship as legal aliens' incentives to naturalise have diminished. Schuck observes that a large number of

As the US work force grows older, immigrants can provide a pool of young workers who would supply the ageing population

The numeric increase in legal immigration stems from new immigration measures taken since 1986

Another fundamental cause of undocumented migration relates to the sheer influence of American intervention abroad

Undocumented immigration has continued partly due to the lack of coordination between foreign and immigration policies

Table 1: Median years of residence by year of naturalisation and region of birth 1960-91

REGION OF BIRTH	1991	1985	1980	1975	1970	1965
NATURALISED	8	8	8	7	8	7
EUROPE	9	9	10	8	9	7
ASIA	7	7	7	6	6	6
AFRICA	7	7	7	6	6	6
OCEANIA	9	8	8	7	9	8
NORTH AMERICA*	12	13	11	9	7	9
SOUTH AMERICA	9	8	9	10	7	7

*The majority for North America are Mexicans.

Source: Statistical Yearbook of INS, 1992.

That only 10% of immigrants naturalise every year may be due to structural constraints

aliens who are eligible to obtain citizenship fail to do so, and if they apply for naturalisation they wait until well after they become eligible. This claim raises two problems.

On the one hand, there is inadequate research explaining why naturalisation rates are so low, and why the right to vote is (presumably) not a sufficient incentive to naturalise. That only 10% of immigrants naturalise every year may also be due to structural constraints which keep them isolated from the polity at large, thus finding little incentive to naturalise.

On the other hand, Shuck's criticism of the delay in naturalisation is overstated. Immigrants have taken on average between seven and eight years to naturalise (Table 1). Except for Mexicans, immigrants have chosen to become citizens two to three years after becoming eligible. This raises the question about the specificity of Mexican naturalisation. Because Mexicans have constituted about 40% of immigrants in the past 20 years, their delayed decision to naturalise has affected the overall rate and number of naturalisation.

The treatment of immigrants as 'outsiders' is worse for blacks, Latins, Asians and other non-white minorities

The number of years taken to naturalise is also not new. Table 1 shows that since 1965 naturalisation has taken the same number of years. Thus, what Schuck sees as a problem has been a normal pattern, suggesting that naturalisation results from long reasoned decision making: citizenship is acquired once an immigrant feels emotionally prepared to assume allegiance to the new polity. It is thus not clear whether citizenship has been devalued, or whether immigrants choose not to naturalise without lengthy consideration.

The immigration debate

The criticisms of immigration do not correspond to the realities of immigration. The discourse seems rather to be informed by at least four forces: race and class, policy and politics.

□ Race

The United States, despite being a democracy and a nation of immigrants, has a deeply rooted racist tradition. Slavery, racism against Jews, Irish and Mexicans, the expulsion of Asians and segregation of blacks have a long tradition in the country. With such a history, the signification attached to groups regarded as 'outsiders' or foreign is contingent on the almost hierarchic racialisation that has existed among the dominant groups in the country.

Thus, the treatment of immigrants as 'outsiders', which is worse for blacks, Latins, Asians and other non-white minorities, is a result of the racial identification that has given positive weight to 'whiteness'. Becoming an 'insider' occurs as a function of their assimilation into the white world.

Even when migrants are finally admitted, the reticence to fully incorporate them is reflected through racial discrimination and social marginalisation. At the same time, the effects of marginalisation reinforce anti-immigration sentiment.

Incorporating ethnic groups and minorities also threatens the dominant white groups who associate this with a decline in their hegemonic control on society. On the one hand, critics argue that most Third World

immigrants bring a political culture affected by authoritarian practices which could undermine the American system's democratic character.

On the other, critics maintain that the country's current ethnopolitical composition will be upset by immigrants, altering the balance of power that whites have retained. Immigrants also bring criminal tendencies into the country, especially terrorism and narcotraffic.

□ Class

As immigrants are incorporated into the labour market, they are located within the confines of low skilled, low wage labour. Incorporation is transitory – there is an assumption about their limited stay in the country (Blanco 1995).

Third World migrants are no longer members of the industrial labour reserve market, they are now active members of certain manufacturing and service sectors. Even US nationals who are uncomfortable about immigrants admit that in the service industry there are immigrants (legal or illegal) working some of the lowest paid positions because consumers demand low prices based on low wages.

One of the most common cases of migrant labour exploitation occurs among women – such as those from Mexico or Central America – in the domestic work industry. These women have been employed for \$2 an hour for 15 hours a day, with no compensation or social benefits of any kind.

Immigrants consequently have limited possibilities to improve their position, but are simultaneously accused of causing the economic and social problems in the country.

□ Politics and policy

Immigration is of major relevance in US politics, used by politicians either to pursue or gain votes, or to advance their neo-conservative agenda by inciting anti-immigration feelings.

Politicians such as Pete Wilson, the Governor of California, Pat Buchanan and Lamar Alexander, a Republican from Texas, have outlined radical agendas to control immigration. They appeal to the public 'affected' by immigrants' apparent use and abuse of social services.

Alexander has called for the elimination of any social service to undocumented migrants and for a new branch of the army to patrol the border. Buchanan supports reducing migration every five years in order to maintain an annual quota of 200 000 migrants, in which only close relatives can migrate. He has also called for English to be the official language, as well as the creation of a 70 mile wall along the Mexican border (Associated Press, 17 February 1996).

Anti-immigration sentiment has also been partly shaped by sectors within the Immigration and Naturalisation Service (INS) who have not managed the policy. Overwhelmed by the increase in immigration, INS officials have called for a strengthening of their enforcement side, without acknowledging the policy contradictions between for example, foreign and immigration policy.

While the State Department has practised a foreign policy that offers an invitation to migration, the INS struggles to reduce the number of immigrants and to deal with the backlog of applications.

International trends

The elements which explain anti-immigration discourse in the US are common threads from a larger phenomenon of international dimensions. In most parts of the world immigration is an everyday experience which is part of a world event.

More than 125 million people live outside their country of origin and 35 million people migrate every year (Kane 1995). This new experience is one of an intermestic world, in which social processes challenge the conventional borders that divide the external from the internal. This reconstitution of territorial boundaries has challenged the political parameters of state sovereignty.

Culture, politics and economics for example, are no longer circumscribed into the framework of the state.

On the one hand, in practice the state is no longer the main monopoliser of power to produce political identities, such as those of citizenship and nationality. On the other, even though the state is sovereign and has the formal right to trace territorial boundaries, it is often seen as an obstacle to the development of new emerging political identities producing their own boundaries.

Immigrants work in some of the lowest paid positions because consumers demand low prices based on low wages

Immigration is of major relevance in US politics

More than 125 million people live outside their country of origin and 35 million people migrate every year

Transnational communities establish their identity and power independently of the state's territorial boundaries

The state is not disappearing – instead a new conflict is emerging within the state in which other intermestic groups redefine their nature and produce new international relations. The rise of transnational communities, of which ethnic groups are one type, shows how the state and international relations have become redefined.

Transnational communities establish their identity and power in different points of the globe, independently of the state's territorial boundaries. An important characteristic of transnational communities is that their power resources, such as mobilisation, are different to that of the state. In many cases these communities derive their stock from their mobilisation, number, and perceived idea of imaginary communities.

Another phenomenon which has influenced migratory societies in particular is 'nomadism'

Another phenomenon which has influenced migratory societies in particular is 'nomadism': an international social identity which has clashed with 'settled' societies. Enzensberger (1993) argues that the conflict between nomadic and settled tribes is as old as Cain and Abel's times and that settlement is an exception in social development. Whether this is true or not, nomadism represents a historical moment for the 21st century.

As Atali (1991) mentions, men and women of the North mobilise by plane, with cellular telephones and portable computers. Third

World people also mobilise, although by foot or canoe, from one part of the world to the other, establishing alternative points of residence. It is in this context of an intermestic nomadic world that the United States is faced with the problem of immigration. The American polity is being reconfigured by those forces within a multicultural and multi-ethnic realm. [156]

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INTEGRATION POLITICS

European Union Lessons For Southern Africa

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South Africa is committed to regional economic integration, but the evangelical acceptance of economic liberalisation may exacerbate poverty, degradation of the environment and lead to a growing security crisis in the region. In critically assessing the European Union and drawing lessons for Southern Africa, this article argues that South Africa should help create conditions that will accelerate less polarised economic development and a more democratic political environment throughout the region.

On 1 January 1993 interior market barriers to the free flow of production factors within the European Community were officially eliminated. The European Union is often cited as a 'successful example of regional integration'. Lessons can be drawn for Southern Africa, whose countries are former colonies of European Union member states.

The European Community also played an important role in supporting countries in Southern Africa during apartheid through funding but also through European expatriates and advice.

While there is some consensus in terms of its objectives, the integration of the European Community has been conflictive and contradictory, and is not a risk free model to be copied elsewhere. It has been argued that the European Union must mean more than the free flow of capital and labour across Europe, and include European political parties, interest groups, mass media and a European public opinion. Moreover, the European Union should be about 'the protection and promotion of a transnational civil society and its common standard of living' (de Beus 1995: 231).

For de Beus (1995), the ideal is an open society nationally – rejecting class society

and ethnic hierarchy, and internationally – rejecting the fortress Europe. The focus should be on problems which go beyond national and international boundaries such as global competition, destruction of the natural environment, increasing unemployment and new health hazards such as AIDS.

On paper, the European Union has some innovative policies, but government's concern with some of these important issues is at best fragile and at worst cynical lip-service (de Beus 1994).

Authors such as de Beus (1995) and Marquand (1995) suggest that the institutional structure of the European Union is at risk. This risk is associated with increasing unemployment, diverging economic performance, regional inequalities, the rise of right-wing xenophobia, racism and scape-goating.

The contradiction between market based unequal development and the absence of a distributive function at the European level is another contradiction of the Union. Although economic integration may trigger general economic growth in some areas, it may also imply that some states will lose their competitive edge and lag behind others (Curbelo and Albuquerque 1993).

The integration of the European Community has been conflictive and contradictory

Poor countries are likely to be losers as a result of rapid monetary integration and high regulatory standards

The reality of European life is of attempts by some member countries to 'sneak competitive advantages'

It has been argued that the European Community's commitment to economic growth is the primary source of environmental degradation

Lessons from Europe

The fate of the nation state has been particularly important to the debate about European integration. On the one hand, there are those who see integration as the 'withering away of the state', and on the other, those who envisage nation states as entities central to the integration process (Rosamond 1995). For federalists, the ultimate end to European integration would be a constitutional settlement in which founding nation states operate within a legal framework which delegates some powers upwards to a supranational entity.

As with federalists, functionalists begin with the idea that international conflict can be resolved through positive cooperation. Dominant models take for granted particular premises about how politics is shaped and governed. Rosamond (1995) criticises the circularity which characterises much of this theorising of regional integration. Although states may play an important role in the integration process, it is important to consider the role of informal interaction which develops without deliberate political decisions, following instead the dynamics of markets, technology, and communications networks.

A number of lessons can be drawn from the European experience of regional cooperation and economic integration:

- Poor countries are likely to be losers as a result of rapid monetary integration and the introduction of high regulatory standards, such as for pollution and social protection of workers (de Beus 1995).
- Monetary integration and harmonisation of regulation are impossible without central redistribution from the rich to the poor member states, either to compensate for loss of competitive edge or to build up new competitive advantages (de Beus 1995).
- Solidarity on some issues may not necessarily extend across national boundaries and this may cause some friction within the union.
- There are a number of differences between national economies within the European Community which may impede integration if governments do not perceive obvious advantages.

- Agreement to trade without frontiers does not necessarily develop a sense of belonging which emerges from national boundaries (Mackay 1993).

The reality of European life is of attempts by some member countries to 'sneak competitive advantages' in an increasingly cut throat world economy. This may be accompanied by growing parochial and chauvinistic drum-beating and deepening national rivalries (Marquand 1995).

For example, Britain's social chapter opt-out is seen as a classic example of free rider politics, as Britain has been allowed to escape her share of the social costs of the single market. As a result, the process of social dumping which the social charter was designed to stop, is likely to continue (Marquand 1995).

Although the end of communism in Eastern Europe was welcomed by the west, most of Eastern Europe is likely to remain outside the new European Union. Consequently, an impoverished hinterland will emerge, separated by the new kind of Berlin wall: a wall of 'patronising indifference' (Marquand 1995).

Marquand has identified four contradictions at the heart of the European Union. First, a paradox of identity. What is meant by 'Europe'? Where are its boundaries? What are the essential features of a European identity? The founding fathers never defined what they meant by 'Europe' and over the years 'Europe' was expanded.

The second paradox centres on territory. At the heart lies a coincidence between economic convergence in the core of the economy, and divergence in the periphery. Evidence suggests that polarisation within the European Union has increased somewhat. As capitalism is centripetal, the free market rewards those regions which are well endowed for the marketplace, and punishes those who are badly endowed – endowment includes geographical location.

Elsewhere, John Whitelegg (1993) has argued that the European Community's commitment to economic growth is the primary source of environmental degradation. Moreover, the European Community's economic and spatial logic underpinned by strong notions of deregulation and liberalisation has ensured that sustainability cannot be achieved.

The third paradox is that of supranationalism. Marquand (1995) argues that supporters of the European Union customarily proclaim that the aim is to transcend the nation state or national sovereignty. However, the founding fathers of the European Union wished to transcend nation states in certain crucial areas of policy only.

Nation states remain sovereign and are still the most important focus for political loyalty and activity. Nevertheless, the persisting notion of sovereignty is increasingly at odds with the reality of the global, economic and cultural exchange (Rosamond 1995).

The fourth paradox is that so long as there is no political authority to ensure territorial justice to overcome the centripetal tendencies inherent in a capitalist free market economy, the periphery will be unable to sustain the monetary union which will be incomplete. Marquand (1995: 228) argues that there is a contradiction between the monetary ambitions of the Union and its territorial divergence. The resolution can only come about through political institutions, something which the Economic Union did not adequately resolve:

"Maastricht was rooted in technocratic economism of the Community's salad days. It was based on assumption that a single market would lead ineluctably to monetary union, and a monetary union to a political union. There was no need to mobilise concert for the eventual political union; it would emerge, of its own accord, from the bosom of history. By the same token, there was no need to examine the political obstacles to monetary union or to try patiently to overcome them. Monetary union was a technical matter, to be achieved by technical means."

A number of valuable lessons can be drawn from the European Community. For economic integration to succeed in Southern Africa, there is a need to espouse trans-boundary civil society, and allow democratic participation by non-state actors – such as women, environmental groups and trade unions – in regional policy formulation through new institutional arrangements of governance. As trans-boundary programmes are developed, the centrality of meeting basic needs, protecting the environment and promotion of the cultural diversity should remain intact.

Regional destabilisation

In Southern Africa, the destabilisation of the transport corridors and other communication routes by military acts and economic measures caused serious difficulties both for the transit countries and for the countries in the interior. Apart from the loss of life and the devastation caused by war, there were persistent interruptions to the circulation of goods, and stoppages of production activities during the era of destabilisation.

In order to perpetuate economic dependency and political compliance, apartheid South Africa adopted a strategy of destabilisation as her regional policy. Whereas the countries of Southern African Development Coordinating Conference (SADCC) made efforts to develop their own transport systems and to increase their independence from external factors, South Africa did all in its power to maintain its dependence on other southern African countries. It is estimated that the destabilisation policy caused SADCC countries around \$60 billion (Valigy and Dora 1992).

Through its own military actions, and through its support for Unita in Angola and Renamo in Mozambique, South Africa waged war against the corridors and other transport infrastructures that were vital to the countries of the region. Sabotaging the transit trade through the corridors was accompanied by loss of confidence by the carriers, who then diverted their cargoes to the railways and roads of South Africa (Valigy and Dora 1992).

The policy of destabilisation resulted in considerable displacement of cargo flows. For example, between 1979 and 1988 in Mozambique, the amount of cargo handled dropped from 6 million to 2,7 million tonnes, while in Angola transit traffic came to a complete halt (Saasa 1994). In 1988, the land locked countries of SADCC transported about 50% of their maritime foreign trade (by tonnage) through South African ports. South Africa's destabilisation policy also led other countries to a similar situation.

In 1988 Malawi was obliged to spend 43% of her export earnings to transport foreign trade cargoes on the lengthy route to the South African ports. In the process, South Africa viewed the Southern African transit corridors in two ways: on the one hand, as a locus of destabilisation and economic and

The persisting notion of sovereignty is increasingly at odds with the reality of the global, economic and cultural exchange

There is a contradiction between the monetary ambitions of the European Union and its territorial divergence

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The model of free market integration is not ideal for the SADC

A multi-speed approach allows a group of countries to move faster than others in the implementation of economic integration

South Africa has, since April 1994, declared her commitment to economic integration

political pressure, and on the other, as an opportunity to play 'big brother' (Valigy and Dora 1992).

Valigy and Dora (1992) note that South Africa's regional policy was in harmony with the intentions of a handful of large scale transport companies who operate in most of the region's transport corridors, and in maritime transport. Their corporations and firms possess ships, land transport and maintenance resources, their own containers, and a vast network of highly experienced agencies and representations. Moreover they control much of the transit traffic in Southern Africa.

New security regime

The 12 member states of the Southern African Development Community (SADC) have for the past 10 years been undergoing far reaching socio-economic and political transformation. Countries which in the wake of independence had opted for Marxist-Leninist inspired economic models have today turned towards economic liberalisation and are implementing structural adjustment programmes.

In parallel with this economic liberalisation, the region is also witnessing major political reforms. In the 1960s, Botswana was the democratic exemption in Southern Africa. Today it is only in Angola and Swaziland that fully fledged multiparty systems do not exist. The most important milestone in this wave of democratisation is undoubtedly the ending of apartheid in South Africa.

Given the economic superiority of South Africa in the region, the model of free market integration is not ideal for the SADC, as this would lead to unequal and unsustainable development, with a strong tendency towards polarisation. Previous attempts at regional collaboration and economic integration have been poor and the overall performance unimpressive.

Conflicts between member states or vague economic benefits of members through the economic process have contributed to this.

A more appropriate approach would be an integrated, coordinated and sustainable development model. A number of key features are central to this approach. First, sector cooperation, coordination and harmonisation can proceed in one sector as fast as circumstances allow. Second, the importance of institutional rationalisation to

facilitate economic integration particularly in respect of SADC, South African Customs Union (SACU) and the Common Market of Eastern and Southern Africa (COMESA). Third, there is a need to adopt a multi-speed approach that allows a group of countries to move faster than others in the implementation of economic integration (African Development Bank 1993).

The multi-speed approach has received support from President Mandela as one which takes into consideration 'the complexity of the situation' in Southern Africa:

"If we move with undue speed towards the noble ideals of full integration and trade liberalisation, negative migration trends in capital, skills and labour might well set in. We would wish to see balanced and equitable development throughout the region, to the mutual benefit of all its people" (Mandela 1995: 2).

Implicit in this argument is the realisation that South Africa is attracting an increasing number of migrants from Southern Africa in search of better employment opportunities. Moreover, the democratic South Africa has a priority also to improve the well being of her citizens through the Reconstruction and Development Programme (RDP) in order to eliminate current poverty, wage imbalances and the provision of bulk services.

South Africa has, since April 1994, declared her commitment to economic integration. As Mandela affirmed at the Summit meeting of the SADC Heads of State: 'South Africa supports the goal of full economic integration of the SADC region' (Mandela 1995: 2). This theme has been echoed on numerous occasions:

"Our vision extends to Africa as a whole. A prosperous SADC region and strong region-to-region economic linkages will give life to the vision, captured in the Abuja Declaration, of a united and integrated African continent." (President Nelson Mandela, Second Afro-Arab Trade Fair, Sapa, 9 October 1995)

However, the hard question of what kind of sustainable development path is to be followed cannot be avoided by SADC forever. The evangelical acceptance of economic liberalisation through

deregulation, privatisation, commercialisation and deregulation in some states in Southern Africa – Zambia and Mozambique are two examples – may exacerbate poverty, degradation of the environment and lead to a growing security crisis in the region.

There is a need for countries in Southern Africa to convene a summit to spell out the economic and political vision for the region. So far most meetings of SADC have been more symbolic and less visionary, leaving the nuts and bolts to member states to develop their own macro-economic policies. It would be in the interest of South Africa to help create the conditions that will accelerate less polarised economic development and a more democratic political environment throughout the region.

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So far most meetings of SADC have been more symbolic and less visionary, leaving the nuts and bolts to member states

Trading Places

SOPELA BUIPELL

Nigeria and South Africa

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Since the 1960s when apartheid South Africa was marginalised in Africa and beyond, Nigeria was the undisputed 'hegemon' of Africa. But these roles have now been reversed. In future, Africa will be waging a war against poverty and in favour of political liberalisation. On both counts, South Africa is better positioned than Nigeria to lead the continent.

The notion of African marginalisation is no academic exercise – it is real. Africa is therefore in desperate need of continental leadership. Nigeria and South Africa it seems, are trading places in an undeclared contest for leadership in Africa. Nigeria's highly regarded permanent ambassador to the United Nations, Ibrahim Gambari (1994) remarked:

"...the glory of the new South Africa contrasts sharply with the present state of my own country, Nigeria. The most populous black nation of such proud people, Nigeria, is now in a state of decay if not despair."

Gambari believes that Nigeria, by acts of omission or commission, is about to be overtaken in the leadership role in Africa, a role which their 'human resources and destiny' enabled them to play in the past and perhaps in the future. The challenger is South Africa.

For much of the post-1960 era, when South Africa's ruling elite was preoccupied with apartheid, Nigeria was masquerading as the undisputed 'hegemon' of Africa. The glue that secured Nigeria's leadership – apartheid – has come unstuck. In this post-apartheid,

post-Cold War era, the tide is turning. Archbishop Desmond Tutu recently likened talking to General Sani Abacha to a conversation with the old white rulers of the apartheid establishment. Yesterday's pariah has become the new prophet; and yesterday's prophet – today's pariah.

Nigeria

The stage for Nigeria's position was already set in 1960. The *annus mirabilis* of African independence in 1960 saw the birth of Nigeria amidst great hopes for a political and economic leader. In the same year, South Africa, the 'giant' on the other side of the Limpopo river, was compelled to engage in forced self expulsion from the Commonwealth. In the three decades that followed, both 'leviathans' failed to achieve their leadership aspirations in their respective sub-regions for very different reasons.

For Nigeria, its West African sphere of influence was littered with francophone states who looked to France for protection against the potential neighbourhood bully. France intervened in the region with reckless abandon, landing *gendarmes* in Gabon, Mauritania and Chad, and

Nigeria and South Africa are trading places in an undeclared contest for leadership in Africa

effortlessly shuffling regimes around. A French Foreign Minister, Louis de Guiringaud, once arrogantly remarked that, 'Africa is the only continent where we can still, with 500 men, change the course of history' (quoted in Adebajo, 11 September 1995).

Paris kept bases in Senegal, Cote d'Ivoire and Gabon, and President de Gaulle even supplied arms to – and nearly approved diplomatic recognition of – the Biafran secessionists during Nigeria's civil war of 1967-1970. Francophone Gabon and Cote d'Ivoire also recognised Biafra in an attempt to weaken the Nigerian colossus.

Nigeria's attempts at greater political influence in the sub-region through economic means were also frustrated by the French. In an effort to dilute Nigeria's economic strength in the Economic Community of West African States (Ecowas), French President Georges Pompidou encouraged the francophone states to create a 'community within a community' in the form of the six member *Communauté Economique de l'Afrique de l'Ouest*. This continues to exist within Ecowas, and Paris tied the currencies of the francophone states to its own French *franc* (Adebajo 1995).

In its two decades of existence, Ecowas has not come close to its goals of establishing a common market and a common external tariff. Most trade is still tied to the West, intra-community trade is minute, and smuggling is rampant. Nigeria did give some aid to West African neighbours, but this was little more than pocket money for corrupt autocrats like Togo's Eyadema and Benin's Kerekou in an era when potential aid donors included the US, the USSR and France, as West vied with East for the attention of African states.

There remains a pervasive fear of Nigeria in West Africa, most recently evidenced by the support of Cote d'Ivoire and Burkina Faso for Charles Taylor's anti-Nigerian NPFL in Liberia, and Senegal's withdrawal from Ecomog in 1992 (*West Africa*, 22-28 August 1994). Despite the initial support of all Ecowas members for the Nigeria dominated Ecomog, sub-regional politics continues to hamper peacemaking efforts in Liberia.

Nigeria must also take part of the blame for its suspect reputation in the sub-region: Lagos did not endear itself to its neighbours

by expelling millions of Ecowas citizens – termed 'illegal aliens' – in 1983 and 1985. Despite the claims of boastful jingoists, Nigeria's leadership aspirations in the sub-region were in fact rendered a hegemonic illusion by the presence of France.

South Africa

South Africa in contrast, was able effortlessly to subdue its neighbours both economically and militarily during its boastful era of destabilisation. Pretoria even threatened its weak neighbours with the atomic bomb (Landsberg and Masiza 1995). It used a flourishing arms industry, some world class manufacturers and the tenth largest stock exchange in the world to assert its hegemony in its theater of operation.

The economies of neighbouring countries were so dependent on South Africa that cheap labour from Swaziland, Lesotho and Mozambique flooded to South African mines. Pretoria dominated the Southern African Customs Union involving Botswana, Lesotho and Swaziland – Namibia recently joined – establishing the free flow of goods and common external tariff that would benefit the white ruled Republic (Friedman *et al* 1996). This prospect had eluded Ecowas.

South Africa's exports to the region were eight times more than regional imports and land locked Zambia, Zimbabwe and Botswana depended on South Africa's ports. The South African Gulliver's infrastructure and capital also proved irresistible magnets for regional Lilliputians. The Republic's neighbours tried to check South Africa's hegemony by establishing the Southern African Development Coordination Conference (SADCC). But despite their attempts at lessening dependence on Pretoria, many of the region's states still traded covertly with, and depended on, South Africa (Friedman *et al* 1996).

Militarily, the notorious South African Defence Force (SADF) ran riot in the sub-region, bombing seven of its neighbours, supporting Renamo rebels in Mozambique and Unita in Angola, and occupying Namibia till 1989: all at an estimated cost of \$100 million to the region. This amount represents the estimated direct costs – the figure for indirect, extended costs runs into billions of rands (Friedman *et al* 1996). But despite its strength, Pretoria was

There remains a pervasive fear of Nigeria in West Africa

Nigeria's leadership aspirations in the sub-region were rendered a hegemonic illusion by the presence of France

South Africa subdued its neighbours both economically and militarily during its boastful era of destabilisation

Nigeria did make some progress through its leadership of the anti-apartheid and decolonisation struggles

denied any leadership status by its near total diplomatic ostracism in the region. It therefore also suffered from its own bout of hegemonic illusion.

Prophet and pariah

Thus, while Nigeria struggled militarily and economically, failing especially to overcome the suspicions of its francophone neighbours, South Africa militarily and economically dominated its region, not even pretending to seek a 'good neighbour' policy. In short, South Africa's economic and military power was real but used destructively, while Nigeria's economic and military power remained only potential and could not be used creatively.

While the military proliferates in West African countries, South Africa provides a democratic model for its region

Nigeria did make some progress through its leadership of the anti-apartheid and decolonisation struggles. Lagos backed liberation movements, and its contributions were recognised by invitations to meetings of the Front Line States (FLS) of southern Africa; its permanent chairmanship of the United Nations' Special Committee Against Apartheid; and its hosting of the UN anti-apartheid conference in 1977.

While South Africa was denied a global stage, Nigeria spoke loudest for African concerns during the continent's 30 years war against colonialism and apartheid.

But that was then, and this is now. Africa's next 30 years war will be waged against poverty and in favour of political liberalisation. On both counts, South Africa is better positioned than Nigeria to become the continent's hegemon.

Should there be a permanent African seat on the UN Security Council, it is more likely to go to Pretoria, which has in Nelson Mandela a globally revered statesman, one of the most representative political systems on the continent, arguably its best army, and its largest economy.

Mandela's legitimacy is based on ballots, Abacha's on bullets

Nigeria's Ambassador to the UN, Ibrahim Gambari, recognised the irony of this situation when he wrote, shortly after attending Mandela's inauguration last May:

"[We], who have championed the cause of the oppressed majority in South Africa, with such great credibility and eventual success, now find ourselves in a state of domestic despondency and international scorn."

Nigeria is now becoming the pariah and South Africa the prophet. The contrast between the political and economic fortunes of the two giants could not be more stark. While the military proliferates in West African countries like Nigeria, Sierra Leone and Gambia, South Africa provides a democratic model for its region. Pretoria has supported the spread of democracy in neighbouring countries. Indeed, many of the world's leading industrialised powers now recognise southern Africa as Africa's future engine – instrumental in stemming the continent's peripherilisation. Nigeria is now its region's leading autocracy – South Africa its region's leading democracy.

South Africans are embracing reconciliation – albeit grudgingly at times – while in Nigeria disintegration looms, with ghastly consequences. South Africa has Mandela – recognised worldwide as a beacon of hope and revered by his own people. Nigeria has Abacha – an internationally unknown general with a domestic, and growing foreign, reputation for ruthlessness, who is largely despised by his own people. Mandela's legitimacy is based on ballots, Abacha's on bullets.

Human rights

South Africa has just concluded an historic (but troubled) agreement between organised labour and business in the form of the Labour Relations Act. Nigeria by contrast has emasculated its own trade unions, foisting hand picked stooges on them. As South Africa's apartheid era press is unshackled by the proposed Freedom of Information Act, Nigeria's formerly impressive press freedoms are trampled by draconian decrees as newspapers are proscribed and journalist jailed.

Even as South Africa abolishes its death penalty, Nigeria ties armed robbers and drug traffickers to the stake and publicly executes them. South Africa's parliament recently adopted its permanent Constitution, including a Bill of Rights. Nigeria's promised transition from autocratic to democratic rule seems both a journey without end, and a bluff.

Economics

Economically, the difference between the two 'giants' is clear: South Africa is Africa's largest economy, currently enjoying its lowest inflation rate in 22 years

at 9%. Per capita GDP is \$2,940 – although with glaring inequalities between races, making it one of the most divided societies in the world – and a GDP of \$120 billion, which is the same size as Norway's, and greater than that of Finland, Greece or Ireland – all European Union members (Adebajo 1995).

Nigeria has a meager GDP of \$66 billion and its erratic economic policies are in a greater shambles due to uncertain political vicissitudes and political corruption that have helped amass a \$37 billion foreign debt. Yearly inflation runs at over 50%, and its per capita GDP of \$690 is the size of Haiti's. Nigeria also has a mono-crop economy virtually entirely dependent on oil revenues (*West Africa*, 27 November 1995).

While South Africa has for years had a steel industry that feeds its arms manufacturers, Nigeria's Ajaokuta steel complex, planned since the early 1970s, has become a white elephant, with millions of dollars lost to corruption. While Pepsi Cola, Hyatt, IBM, Ford, Chase Manhattan, Citibank, Samsung, Nestle, Levi Strauss and MacDonaldis are investing in South Africa, UAC and ICI are divesting from Nigeria.

South Africa's Eskom provides 50% of Sub-Saharan Africa's energy needs and has brought electricity to an estimated 250 000 more black South African homes in the last year. Nigeria's inefficient NEPA, erratic at the best of times, is derided with the acronym 'Never Expect Power Always'.

Reluctant leader

Nigeria is being left behind by South Africa, politically and economically, in an age when the continent needs strong and credible leadership. The danger is that Nigeria could easily follow the path of Zaire: disjointed, almost ungovernable, and abandoned by the rest of the world except for a few companies interested in extracting its mineral wealth (Adams 1995).

South Africa's problem is its unwillingness to lead – at best it is the reluctant redeemer. Many of South Africa's neighbours believe the great role anticipated for a liberated South Africa has been dashed. South Africa is now not bullying its neighbours, but is reluctant to embrace them.

In articulating wariness of their destructive past, South African's have been coy in

defining their continental ambitions under the rubric of serious domestic backlogs and limited capacity to be the sub-continent's developer and provider.

South African politicians and diplomats emphasise the enormous domestic challenges confronting them in correcting past inequities. To critics, however, this sounds like a quick flight from responsibility. They maintain that South Africa will have to find the proper balance between domestic challenges and sub-continental responsibilities.

Similarities

Some similarities do exist between the two leviathans. Both are violent and crime-ridden. The Republic's murder rate is two and a half times worse than America's and while South Africa has car-jacking, Nigeria has car-snatching. Rich classes, the so-called *wabenzi* in both societies increasingly barricade themselves behind high walls, while the poor face the brunt of the crime onslaught.

Just as Nigeria cracked down on illegal immigrants during the late 1980s and early 1990s, so South Africa is experiencing growing xenophobia against 'illegal aliens' from the north. The treatment of immigrants by South Africa's new ruling elite is in line with that of the former white governments. The tendency is to criminalise foreign Africans flocking into the country.

Yet both South Africa and Nigeria are the hubs of their regions. Both have a disproportionate share of their regions' wealth and population and are perceived as 'promised lands' in the surrounding states. Migrant workers are attracted from those quarters: Mozambicans and Zimbabweans flock to South Africa – Ghanaians, Togolese and Beninois remain in Nigeria even after the end to the oil boom.

But in many ways, Nigeria is moving closer to the treacherous past of South Africa: its military Provisional Ruling Council threatens to transform itself into a Permanent Ruling Council. Its politician with the most popular legitimacy, Chief Abiola, languishes in jail as did Mandela. Nigeria's military junta harasses and imprisons pro-democracy campaigners – acts so common during the dog days of apartheid.

Nigeria's per capita GDP of \$690 is the size of Haiti's

South Africa is now not bullying its neighbours, but is reluctant to embrace them

Both South Africa and Nigeria are the hubs of their regions, but Nigeria is moving closer to SA's treacherous past

Some features of the Restitution of Land Rights Act

- The Restitution of Land Rights Act provides that any person or group is entitled to enforce restitution of a right in land if they were dispossessed of such right after 19 June 1913 and the dispossession was 'effected under or for the purpose of furthering the object of a law' which would today be unconstitutional because of being racially discriminatory.
- Where land rights were expropriated and it can be shown that 'just and equitable' compensation was paid, then restitution will not apply.
- Restitution may take the form of restoration of the rights that were lost, or the provisions of alternative state owned land, or monetary compensation, or 'alternative relief', for instance preferential access to state housing.
- Where restitution is to take the form of land, the Minister of Land Affairs has to certify that it is 'feasible' to return or designate the land in question in this way.
- Where privately owned land is to be acquired for restitution purposes, the current owner is entitled to 'just and equitable' compensation that is based not simply on the current market value of the land, but takes into account factors such as the history of its acquisition.
- Section 34 of the Act provides that any level of government may apply to the Land Claims Court to rule out restoration of land as a settlement option in particular areas, on the grounds that this would not be in the public interest. If the application is upheld, the alternative forms of restitution would still apply.
- People have until 30 April 1998 to lodge land claims under this Act.

Restitution is important in the search for a more just and equitable dispensation

are invariably entwined with conceptions of traditional rights and assumptions about the powers of chiefs and tribal councils.

These are not simply of historic interest but underpin current political tensions in the province. Sometimes they compete with claims to the same land by more recently dispossessed people, such as evicted labour tenants or black landowners stripped of their hard won freehold rights in the 1960s and 1970s. The latter are not inclined to submerge those rights in a tribal claim today.

Some tribal authorities are looking to the Restitution Act to increase the area currently under their jurisdiction by reasserting nineteenth century boundaries. But these boundaries were never static nor formally fixed, and may be no less contested by other tribal groupings today than they were in the past.

In the Estcourt area, the previous Commission on Land Allocation awarded a large tract of state land to the AmaHlubi, based on their historic claim to that land.

But the Amangwe have lodged a counter claim and no settlement can occur from any side until this claim is resolved.

Deciding whether a claim is 'historic' is also not a simple task. On much of the state land in Zululand for instance, people lost any indigenous rights of ownership before 1913, but continued to live on the land undisturbed until it was alienated to white settlers in the 1920s or 1930s or – in the case of the state land around Lake St Lucia – until forestry or conservation areas were proclaimed in the 1950s and later.

In the case of the Ntambanana farms near Empangeni, state land transferred to private white ownership only in the 1920s was subsequently reacquired in the 1970s to consolidate the KwaZulu homeland. Part of this land was then used for resettling people forced to move when Reserve 6 and the Sabokwe portion of Reserve 4 on the coast were deproclaimed to make way for Richards Bay.

This land has now been claimed by neighbouring tribal authorities on the grounds that historically – before the demarcation of the Zululand reserves in 1909 – it belonged to them. As evidence, they refer to unidentified families who were evicted when the first settlers set up their farming operations in the 1920s and 1930s.

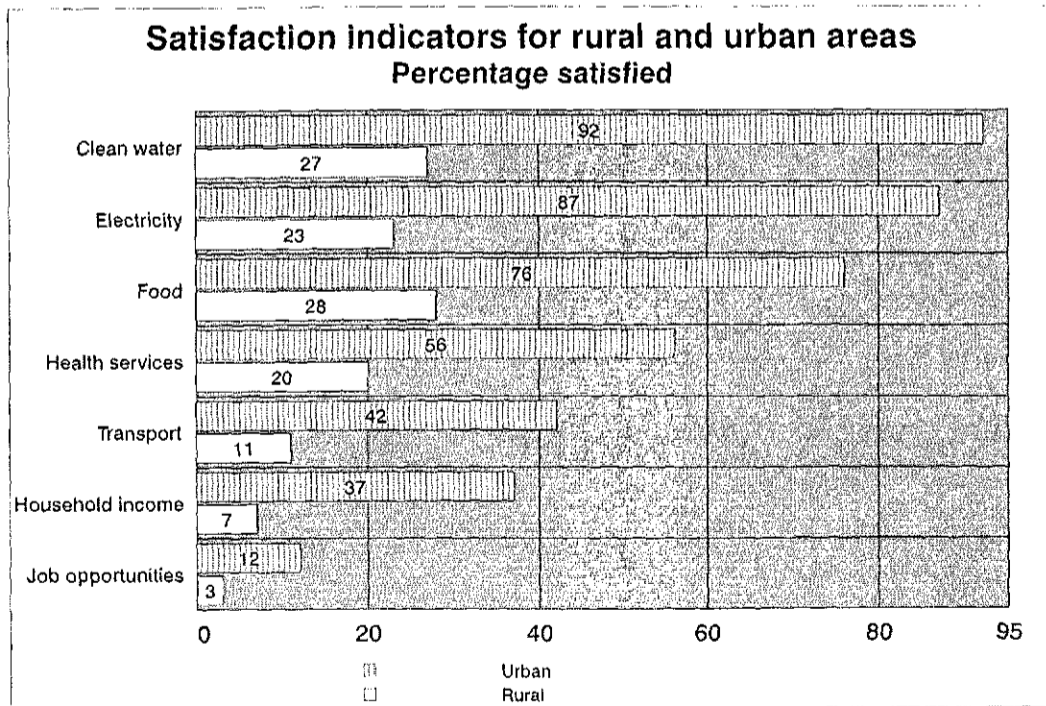
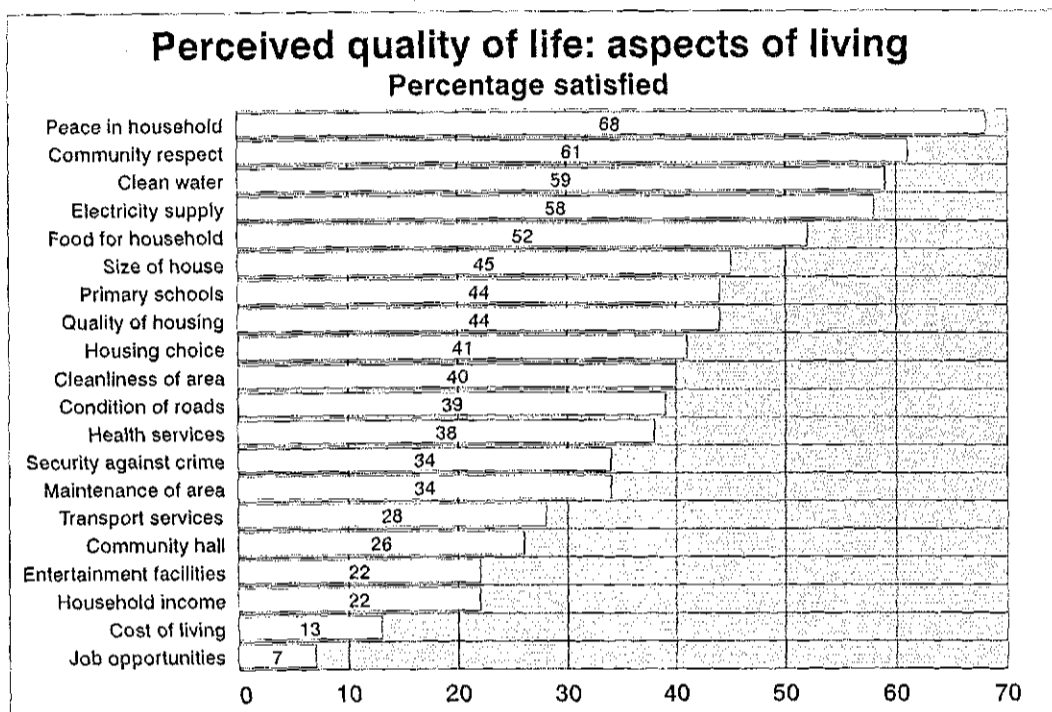
Conclusion

This is not a comprehensive account of all the issues facing the Commission, but indicates the complexity of restitution and its importance in the search for a more just and equitable dispensation. Restitution is not concerned primarily with rural development, nor with the needs of the landless. Rather it is about reversing some of the most appalling injustices of the past, by restoring or compensating for a defined range of dispossessed land rights, in a way that is not incompatible with development.

It is too early to judge the success of the restitution programme, and in any case, the best measures of success need further discussion. The work of the Commission does nevertheless touch on some fundamental questions about the nature of justice and the direction both urban and rural development should take. [E] [E] [E]

COMPARATIVE

M O N I T O R



Source: Research conducted in a joint project by the Department of Economic Affairs and Tourism, Human Sciences Research Council KwaZulu-Natal Office and Quality of Life & RDP Monitoring Unit at the University of Natal in collaboration with the KwaZulu-Natal RDP Inter-departmental Indicator Initiative

Opportunities For All



Immigration to the United States

By Manuel Orozco

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Anti-immigration sentiment has increased since 1993 in the United States. The historical and political record of immigration and the sources of recent increases help in assessing this backlash and the Government's policies towards immigration. While certain immigration trends are related to foreign policy and racial identification, the global context is now important. State sovereignty and territoriality are being challenged by transnational experiences.

Proposition 187, passed in California, asked whether the state should still allow undocumented migrants to use public services

In mid-1993, at the time of California's economic recession and in the aftermath of the Los Angeles riots, an anti-immigrant sentiment emerged in California and in much of the United States. This intensified when California's Governor, Pete Wilson, claimed that undocumented migrants represented a heavy burden to the state. The states of California, Florida and Texas filed legal demands against the Federal Government concerning the states' resources on undocumented migrants; border patrol activities such as Operation Hold the Line were increased; and Proposition 187 was passed in California asking whether the state should still allow undocumented migrants to use public services.

Since 1994 – a year of high anti-immigration sentiment – the backlash has continued. In Congress there have been calls for a reduction of the annual number of admissions of legal immigrants from 800 000 to 500 000 which would involve restricting migration through family

unification to married couples and children only. Under this legislation the annual admission of refugees would be reduced from 100 000 to 50 000.

What explains this anti-immigration backlash and the practices and policies of restriction on immigration? To what extent is the argument against immigrants valid and what informs such argument? And, what does this experience mean in relation to recent events in the international context?

In order to understand current immigration issues in the United States (US) the historical and political record as well as the sources of recent increases must be considered. While certain immigration trends are related to foreign policy and racial identification, they do not exist in isolation.

The current situation needs to be explored in the global context where the conventional principles of state sovereignty and territoriality have been gradually challenged by transnational experiences.

US immigration trends

In 1994 over 700 000 immigrants arrived in the United States under the various migratory provisions. Family unification – the main source of migration – represented 60% of total migration. It is also believed that undocumented migration annually adds at least another 250 000 people. Most migration to the US comes from Asia and Latin America, particularly from Mexico (Figures 1 and 2).

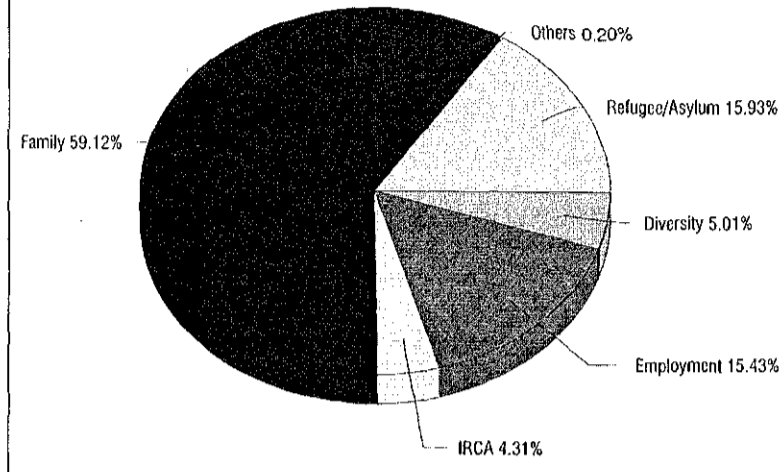
The geographic and structural composition of immigration are recent phenomena dating from the 1965 Immigration Act which introduced legislation in favour of family unification and migration from non-European countries. In part, these measures were a response to the US' early migration policies that largely focused on racial preferences – such as the National Origins legislation that denied access to Asian migration. Before the 1960s, migration to the United States was primarily European based.

In addition, emerging from the Second World War as a world power, the United States' involvement in the international sphere further changed migration policy. The Cold War, for example, largely defined the source of immigration into the United States. As people in countries like Cuba, Czechoslovakia, Hungary, and China began to suffer repression from the socialist regimes of the time, the US allowed mass migrations of people from these countries.

Also, with the advent of Third World conflicts in the 1970s and 1980s, particularly in countries in which the United States was directly involved – Nicaragua, El Salvador, Afghanistan, Iran – US policy meant inviting people to migrate to the US which portrayed itself as the representative of the free world, providing opportunities for all.

The relative international economic decline the United States suffered as a world power also played a role. As diminishing competitiveness affected the US economy, those sectors unable to compete resorted to low skilled labour to maintain their earlier position in the world market. This in turn called for cheap foreign labour, legal or illegal. Finally, the economic crises that the countries of Latin America suffered – which often coincided with political turmoil like in the Central American region and Colombia

Figure 1: Immigration to the US by category in 1994



– led to mass migrations into the United States. Many of today's Mexican migrants in particular, are an outcome of the Mexico debt crisis of 1982 (Figure 3).

These factors explain the recent changes in immigration, characterised by the arrival of more than six million legal immigrants over the past six years, almost double the number of immigrants from the early 1980s. The main sources of this increased immigration are:

- The multiplying effect that family unification policies have produced.
- Legislation providing amnesty to undocumented migrants living in the United States before 1982 or 1986. Three million undocumented migrants were legalised through Amnesty programs passed in 1986 (Figure 4).

The six million legal immigrants over the past six years are almost double the number of immigrants from the early 1980s

Figure 2: Immigration to the US by country of origin in 1994

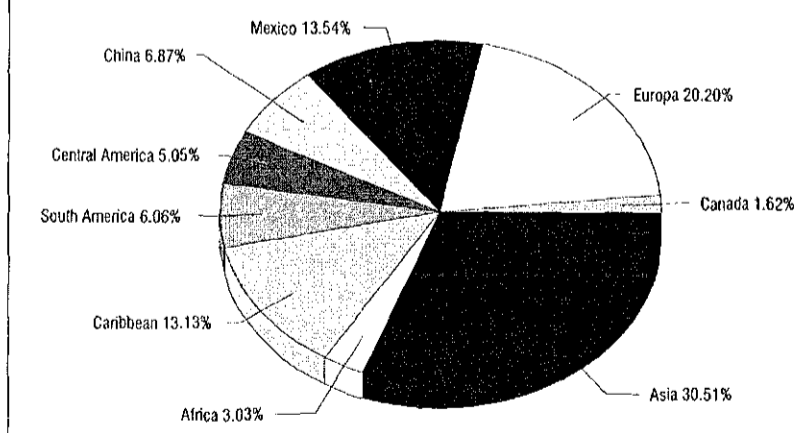


Figure 3: Immigration trend to the United States

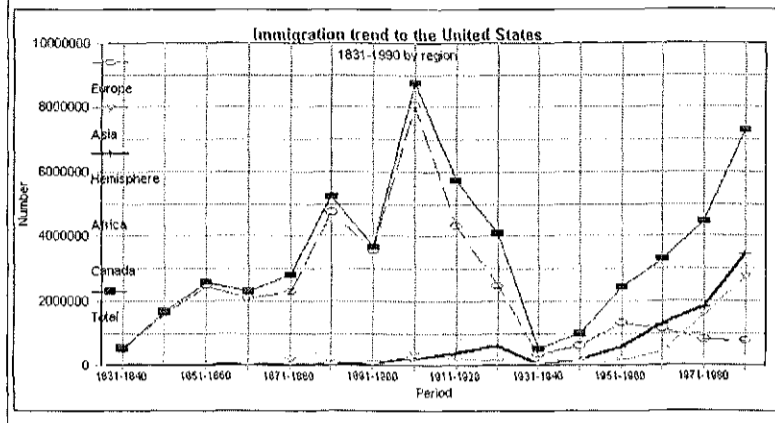
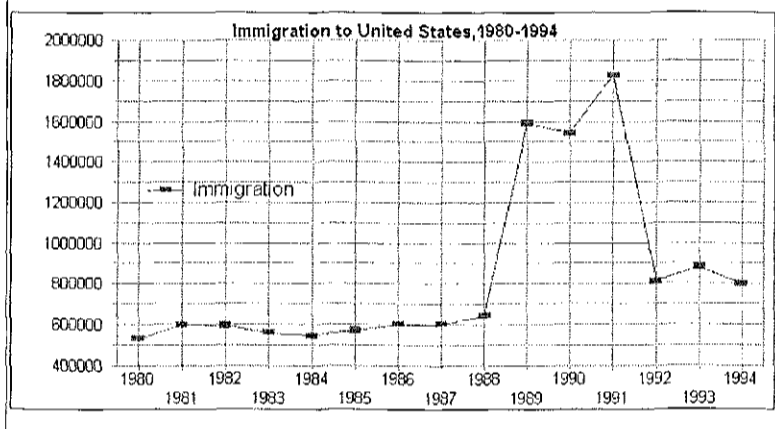


Figure 4: Immigration to the United States, 1980 - 1994



- The effect of the ideological clash against communism is reflected in an American foreign policy that invites asylees from countries with whose governments the United States has conflicting relations. This explains the Cuban, Eastern European and Nicaraguan migration in the 1980s.
- Undocumented migration, estimated at between 250 000 and 500 000 people per year, has significantly increased the number of people living in the United States. This has raised not only the debate about the future of immigration policy, but also an anti-immigration backlash.

In the past few years, immigration has been considered a problem with critical repercussions for the United States in at least three ways:

- The number of legal immigrants is higher than ever.
- The high levels of undocumented immigration have negatively affected the national economy.
- The character of citizenship has been devalued.

A number of corrective policies have been proposed ranging from national identity cards to the complete closure of the southern border. Are these accurate assessments of, and solutions for, the immigration problem? The validity of the three arguments above must be explored.

Increased legal migration

Critics raise four issues in this regard. First, the present number of immigrants is already extremely high. Second, the population growth rate of immigrants is higher and faster than that of natives and is creating a demographic concern about the country's present and future carrying capacity. Critics ask whether the United States, after adding 60 million people over the past 25 years, can realistically accommodate another 60 million people over the next 25 years and 75 million in the 30 years thereafter (Bouvier and Martin 1994).

A second criticism relates to immigrants' ethnic composition. The increasing levels of immigration – now reaching 24 million foreign born, or 9% of total population – will change the ethnic composition of the population. This will have negative repercussions for policy design because, for example, more than one language will be spoken.

Third, influential labour economics experts have argued that in the past 10 years the wage differential between immigrants and natives has increased. Immigrants' earnings are 30% less than natives and their schooling is lower than that of natives. As long as their skill distribution differs from that of native workers, immigrants change the shape of wage distribution (Borjas 1995). In cities with large numbers of immigrants, the wages of natives are 2% lower than in cities with few immigrants.

These arguments do not adequately explain current immigration. While demographic changes are taking place, these are not all negative: there is a need to inject the ageing

US society with young immigrants. According to the Census Bureau, in the 1990s there will be a 42% growth among those aged 85 and older – six times the rate of overall population growth. As the US work force grows older, immigrants (who are mainly young) can provide a pool of young workers who would supply the ageing population.

The argument about the danger of changing the ethnic composition of the United States often reflects racial bias about the declining proportion of white Americans, rather than objective problems of a multi-ethnic society. Arguably, the capacity of the US to absorb immigrants today has more to do with economic class than race or ethnicity: poor standards of public schooling negatively affect all the poor – citizens and immigrants – as education is key to assimilation and upward mobility.

Furthermore, while the widening inequality between immigrant and native wages poses a major problem to the economy, experts rarely point to the root of the problem. Borjas (1995) for example, has found a strong relationship between the trade deficit and the wage inequality.

As the United States has lost its competitive edge in certain industries, imports have overtaken domestic production. This suggests that it is not the immigrant that lowers the wages but rather the industry's search for cheaper, labour intensive measures in an attempt to cope with international competition.

Regarding the numeric increase in immigration, it is true that legal immigration has grown in the past 15 years (Figure 4). But the increase stems not only from the traditional sources of immigration – family reunification and refugee and asylum policy – but rather from new immigration measures taken since 1986: Registry, Amnesty, and Special Agricultural Workers are different forms of legalising undocumented migrants. The Diversity visa also known as the lottery visa, likewise provides for people from adversely affected countries like Mexico.

Most of this legislation has had a temporary rather than a permanent effect on the regular immigration flow – amnesties decreased after 1992 and Registry has declined too – since the pool of people to receive legality is reaching its end. The legislation on diversity visas presents a more serious problem. Since

1992 an additional 55 000 immigrants a year have been added to the total numbers allotted for. As legislated, diversity visas are more of a political move than a solution to fairness in immigration. From 1989 to 1993 this legislation has accounted for an increase of nearly five million immigrants (INS 1994).

Thus, increased immigration has resulted from corrective measures aimed at stabilising past undocumented workers, bringing in children born in Asian countries of American descent, attempting to diversify the ethnic pattern of immigrants, and improving the country's competitive edge by bringing highly skilled labourers.

Undocumented migration

There is an assumption that undocumented people 'steal' jobs from other Americans or legal immigrants, yet little supporting evidence has been found.

Furthermore, important domestic forces might have attracted them in the first place. One is related to the decline in American international competitiveness as mentioned earlier. Employers' preferences for cheap labour do not 'discriminate' between a citizen and an illegal alien, but rather between workers who accept less payment.

Another fundamental cause of undocumented migration relates to the sheer influence of American intervention abroad – political, cultural and economic. Sassen (1992) has argued that capital mobility and foreign economic intervention have fuelled labour mobility.

Linkages between the United States and other countries have served as bridges for migration. In terms of cultural and political influence, US foreign policy has had a demonstration effect on sending countries whose population see America as the land of freedom and opportunity. Yet, this linkage has not been coordinated with immigration policy (Teittelbaum and Weiner 1995) and undocumented immigration has continued partly due to the lack of coordination.

Devaluation of citizenship

Schuck (1989) has argued that the expansion of rights to legal aliens has reduced the value of citizenship as legal aliens' incentives to naturalise have diminished. Schuck observes that a large number of

As the US work force grows older, immigrants can provide a pool of young workers who would supply the ageing population

The numeric increase in legal immigration stems from new immigration measures taken since 1986

Another fundamental cause of undocumented migration relates to the sheer influence of American intervention abroad

Undocumented immigration has continued partly due to the lack of coordination between foreign and immigration policies

That only 10% of immigrants naturalise every year may be due to structural constraints

The treatment of immigrants as 'outsiders' is worse for blacks, Latins, Asians and other non-white minorities

Table 1: Median years of residence by year of naturalisation and region of birth 1960-91

REGION OF BIRTH	1991	1985	1980	1975	1970	1965
NATURALISED	8	8	8	7	8	7
EUROPE	9	9	10	8	9	7
ASIA	7	7	7	6	6	6
AFRICA	7	7	7	6	6	6
OCEANIA	9	8	8	7	9	8
NORTH AMERICA*	12	13	11	9	7	9
SOUTH AMERICA	9	8	9	10	7	7

*The majority for North America are Mexicans.

Source: Statistical Yearbook of INS, 1992.

aliens who are eligible to obtain citizenship fail to do so, and if they apply for naturalisation they wait until well after they become eligible. This claim raises two problems.

On the one hand, there is inadequate research explaining why naturalisation rates are so low, and why the right to vote is (presumably) not a sufficient incentive to naturalise. That only 10% of immigrants naturalise every year may also be due to structural constraints which keep them isolated from the polity at large, thus finding little incentive to naturalise.

On the other hand, Shuck's criticism of the delay in naturalisation is overstated. Immigrants have taken on average between seven and eight years to naturalise (Table 1). Except for Mexicans, immigrants have chosen to become citizens two to three years after becoming eligible. This raises the question about the specificity of Mexican naturalisation. Because Mexicans have constituted about 40% of immigrants in the past 20 years, their delayed decision to naturalise has affected the overall rate and number of naturalisation.

The number of years taken to naturalise is also not new. Table 1 shows that since 1965 naturalisation has taken the same number of years. Thus, what Schuck sees as a problem has been a normal pattern, suggesting that naturalisation results from long reasoned decision making: citizenship is acquired once an immigrant feels emotionally prepared to assume allegiance to the new polity. It is thus not clear whether citizenship has been devalued, or whether immigrants choose not to naturalise without lengthy consideration.

The immigration debate

The criticisms of immigration do not correspond to the realities of immigration. The discourse seems rather to be informed by at least four forces: race and class, policy and politics.

□ Race

The United States, despite being a democracy and a nation of immigrants, has a deeply rooted racist tradition. Slavery, racism against Jews, Irish and Mexicans, the expulsion of Asians and segregation of blacks have a long tradition in the country. With such a history, the signification attached to groups regarded as 'outsiders' or foreign is contingent on the almost hierarchic racialisation that has existed among the dominant groups in the country.

Thus, the treatment of immigrants as 'outsiders', which is worse for blacks, Latins, Asians and other non-white minorities, is a result of the racial identification that has given positive weight to 'whiteness'. Becoming an 'insider' occurs as a function of their assimilation into the white world.

Even when migrants are finally admitted, the reticence to fully incorporate them is reflected through racial discrimination and social marginalisation. At the same time, the effects of marginalisation reinforce anti-immigration sentiment.

Incorporating ethnic groups and minorities also threatens the dominant white groups who associate this with a decline in their hegemonic control on society. On the one hand, critics argue that most Third World

Immigrants bring a political culture affected by authoritarian practices which could undermine the American system's democratic character.

On the other, critics maintain that the country's current ethnopolitical composition will be upset by immigrants, altering the balance of power that whites have retained. Immigrants also bring criminal tendencies into the country, especially terrorism and narcotraffic.

□ Class

As immigrants are incorporated into the labour market, they are located within the confines of low skilled, low wage labour. Incorporation is transitory – there is an assumption about their limited stay in the country (Blanco 1995).

Third World migrants are no longer members of the industrial labour reserve market, they are now active members of certain manufacturing and service sectors. Even US nationals who are uncomfortable about immigrants admit that in the service industry there are immigrants (legal or illegal) working some of the lowest paid positions because consumers demand low prices based on low wages.

One of the most common cases of migrant labour exploitation occurs among women – such as those from Mexico or Central America – in the domestic work industry. These women have been employed for \$2 an hour for 15 hours a day, with no compensation or social benefits of any kind.

Immigrants consequently have limited possibilities to improve their position, but are simultaneously accused of causing the economic and social problems in the country.

□ Politics and policy

Immigration is of major relevance in US politics, used by politicians either to pursue or gain votes, or to advance their neo-conservative agenda by inciting anti-immigration feelings.

Politicians such as Pete Wilson, the Governor of California, Pat Buchanan and Lamar Alexander, a Republican from Texas, have outlined radical agendas to control immigration. They appeal to the public 'affected' by immigrants' apparent use and abuse of social services.

Alexander has called for the elimination of any social service to undocumented migrants and for a new branch of the army to patrol the border. Buchanan supports reducing migration every five years in order to maintain an annual quota of 200 000 migrants, in which only close relatives can migrate. He has also called for English to be the official language, as well as the creation of a 70 mile wall along the Mexican border (Associated Press, 17 February 1996).

Anti-immigration sentiment has also been partly shaped by sectors within the Immigration and Naturalisation Service (INS) who have not managed the policy. Overwhelmed by the increase in immigration, INS officials have called for a strengthening of their enforcement side, without acknowledging the policy contradictions between for example, foreign and immigration policy.

While the State Department has practised a foreign policy that offers an invitation to migration, the INS struggles to reduce the number of immigrants and to deal with the backlog of applications.

International trends

The elements which explain anti-immigration discourse in the US are common threads from a larger phenomenon of international dimensions. In most parts of the world immigration is an everyday experience which is part of a world event.

More than 125 million people live outside their country of origin and 35 million people migrate every year (Kane 1995). This new experience is one of an intermestic world, in which social processes challenge the conventional borders that divide the external from the internal. This reconstitution of territorial boundaries has challenged the political parameters of state sovereignty.

Culture, politics and economics for example, are no longer circumscribed into the framework of the state.

On the one hand, in practice the state is no longer the main monopoliser of power to produce political identities, such as those of citizenship and nationality. On the other, even though the state is sovereign and has the formal right to trace territorial boundaries, it is often seen as an obstacle to the development of new emerging political identities producing their own boundaries.

Immigrants work in some of the lowest paid positions because consumers demand low prices based on low wages

Immigration is of major relevance in US politics

More than 125 million people live outside their country of origin and 35 million people migrate every year

Transnational communities establish their identity and power independently of the state's territorial boundaries

The state is not disappearing – instead a new conflict is emerging within the state in which other intermestic groups redefine their nature and produce new international relations. The rise of transnational communities, of which ethnic groups are one type, shows how the state and international relations have become redefined.

Transnational communities establish their identity and power in different points of the globe, independently of the state's territorial boundaries. An important characteristic of transnational communities is that their power resources, such as mobilisation, are different to that of the state. In many cases these communities derive their stock from their mobilisation, number, and perceived idea of imaginary communities.

Another phenomenon which has influenced migratory societies in particular is 'nomadism'

Another phenomenon which has influenced migratory societies in particular is 'nomadism': an international social identity which has clashed with 'settled' societies. Enzensberger (1993) argues that the conflict between nomadic and settled tribes is as old as Cain and Abel's times and that settlement is an exception in social development. Whether this is true or not, nomadism represents a historical moment for the 21st century.

As Atali (1991) mentions, men and women of the North mobilise by plane, with cellular telephones and portable computers. Third

World people also mobilise, although by foot or canoe, from one part of the world to the other, establishing alternative points of residence. It is in this context of an intermestic nomadic world that the United States is faced with the problem of immigration. The American polity is being reconfigured by those forces within a multicultural and multi-ethnic realm. *LEO*

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INTEGRATION POLITICS

European Union Lessons For Southern Africa

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South Africa is committed to regional economic integration, but the evangelical acceptance of economic liberalisation may exacerbate poverty, degradation of the environment and lead to a growing security crisis in the region. In critically assessing the European Union and drawing lessons for Southern Africa, this article argues that South Africa should help create conditions that will accelerate less polarised economic development and a more democratic political environment throughout the region.

On 1 January 1993 interior market barriers to the free flow of production factors within the European Community were officially eliminated. The European Union is often cited as a 'successful example of regional integration'. Lessons can be drawn for Southern Africa, whose countries are former colonies of European Union member states.

The European Community also played an important role in supporting countries in Southern Africa during apartheid through funding but also through European expatriates and advice.

While there is some consensus in terms of its objectives, the integration of the European Community has been conflictive and contradictory, and is not a risk free model to be copied elsewhere. It has been argued that the European Union must mean more than the free flow of capital and labour across Europe, and include European political parties, interest groups, mass media and a European public opinion. Moreover, the European Union should be about 'the protection and promotion of a transnational civil society and its common standard of living' (de Beus 1995: 231).

For de Beus (1995), the ideal is an open society nationally – rejecting class society

and ethnic hierarchy, and internationally – rejecting the fortress Europe. The focus should be on problems which go beyond national and international boundaries such as global competition, destruction of the natural environment, increasing unemployment and new health hazards such as AIDS.

On paper, the European Union has some innovative policies, but government's concern with some of these important issues is at best fragile and at worst cynical lip-service (de Beus 1994).

Authors such as de Beus (1995) and Marquand (1995) suggest that the institutional structure of the European Union is at risk. This risk is associated with increasing unemployment, diverging economic performance, regional inequalities, the rise of right-wing xenophobia, racism and scape-goating.

The contradiction between market based unequal development and the absence of a distributive function at the European level is another contradiction of the Union. Although economic integration may trigger general economic growth in some areas, it may also imply that some states will lose their competitive edge and lag behind others (Curbelo and Albuquerque 1993).

The integration of the European Community has been conflictive and contradictory

Poor countries are likely to be losers as a result of rapid monetary integration and high regulatory standards

The reality of European life is of attempts by some member countries to 'sneak competitive advantages'

It has been argued that the European Community's commitment to economic growth is the primary source of environmental degradation

Lessons from Europe

The fate of the nation state has been particularly important to the debate about European integration. On the one hand, there are those who see integration as the 'withering away of the state', and on the other, those who envisage nation states as entities central to the integration process (Rosamond 1995). For federalists, the ultimate end to European integration would be a constitutional settlement in which founding nation states operate within a legal framework which delegates some powers upwards to a supranational entity.

As with federalists, functionalists begin with the idea that international conflict can be resolved through positive cooperation. Dominant models take for granted particular premises about how politics is shaped and governed. Rosamond (1995) criticises the circularity which characterises much of this theorising of regional integration. Although states may play an important role in the integration process, it is important to consider the role of informal interaction which develops without deliberate political decisions, following instead the dynamics of markets, technology, and communications networks.

A number of lessons can be drawn from the European experience of regional cooperation and economic integration:

- Poor countries are likely to be losers as a result of rapid monetary integration and the introduction of high regulatory standards, such as for pollution and social protection of workers (de Beus 1995).
- Monetary integration and harmonisation of regulation are impossible without central redistribution from the rich to the poor member states, either to compensate for loss of competitive edge or to build up new competitive advantages (de Beus 1995).
- Solidarity on some issues may not necessarily extend across national boundaries and this may cause some friction within the union.
- There are a number of differences between national economies within the European Community which may impede integration if governments do not perceive obvious advantages.

- Agreement to trade without frontiers does not necessarily develop a sense of belonging which emerges from national boundaries (Mackay 1993).

The reality of European life is of attempts by some member countries to 'sneak competitive advantages' in an increasingly cut throat world economy. This may be accompanied by growing parochial and chauvinistic drum-beating and deepening national rivalries (Marquand 1995).

For example, Britain's social chapter opt-out is seen as a classic example of free rider politics, as Britain has been allowed to escape her share of the social costs of the single market. As a result, the process of social dumping which the social charter was designed to stop, is likely to continue (Marquand 1995).

Although the end of communism in Eastern Europe was welcomed by the west, most of Eastern Europe is likely to remain outside the new European Union. Consequently, an impoverished hinterland will emerge, separated by the new kind of Berlin wall: a wall of 'patronising indifference' (Marquand 1995).

Marquand has identified four contradictions at the heart of the European Union. First, a paradox of identity. What is meant by 'Europe'? Where are its boundaries? What are the essential features of a European identity? The founding fathers never defined what they meant by 'Europe' and over the years 'Europe' was expanded.

The second paradox centres on territory. At the heart lies a coincidence between economic convergence in the core of the economy, and divergence in the periphery. Evidence suggests that polarisation within the European Union has increased somewhat. As capitalism is centripetal, the free market rewards those regions which are well endowed for the marketplace, and punishes those who are badly endowed – endowment includes geographical location.

Elsewhere, John Whitelegg (1993) has argued that the European Community's commitment to economic growth is the primary source of environmental degradation. Moreover, the European Community's economic and spatial logic underpinned by strong notions of deregulation and liberalisation has ensured that sustainability cannot be achieved.

The third paradox is that of supranationalism. Marquand (1995) argues that supporters of the European Union customarily proclaim that the aim is to transcend the nation state or national sovereignty. However, the founding fathers of the European Union wished to transcend nation states in certain crucial areas of policy only.

Nation states remain sovereign and are still the most important focus for political loyalty and activity. Nevertheless, the persisting notion of sovereignty is increasingly at odds with the reality of the global, economic and cultural exchange (Rosamond 1995).

The fourth paradox is that so long as there is no political authority to ensure territorial justice to overcome the centripetal tendencies inherent in a capitalist free market economy, the periphery will be unable to sustain the monetary union which will be incomplete. Marquand (1995: 228) argues that there is a contradiction between the monetary ambitions of the Union and its territorial divergence. The resolution can only come about through political institutions, something which the Economic Union did not adequately resolve:

"Maastricht was rooted in technocratic economism of the Community's salad days. It was based on assumption that a single market would lead ineluctably to monetary union, and a monetary union to a political union. There was no need to mobilise concert for the eventual political union; it would emerge, of its own accord, from the bosom of history. By the same token, there was no need to examine the political obstacles to monetary union or to try patiently to overcome them. Monetary union was a technical matter, to be achieved by technical means."

A number of valuable lessons can be drawn from the European Community. For economic integration to succeed in Southern Africa, there is a need to espouse trans-boundary civil society, and allow democratic participation by non-state actors – such as women, environmental groups and trade unions – in regional policy formulation through new institutional arrangements of governance. As trans-boundary programmes are developed, the centrality of meeting basic needs, protecting the environment and promotion of the cultural diversity should remain intact.

Regional destabilisation

In Southern Africa, the destabilisation of the transport corridors and other communication routes by military acts and economic measures caused serious difficulties both for the transit countries and for the countries in the interior. Apart from the loss of life and the devastation caused by war, there were persistent interruptions to the circulation of goods, and stoppages of production activities during the era of destabilisation.

In order to perpetuate economic dependency and political compliance, apartheid South Africa adopted a strategy of destabilisation as her regional policy. Whereas the countries of Southern African Development Coordinating Conference (SADCC) made efforts to develop their own transport systems and to increase their independence from external factors, South Africa did all in its power to maintain its dependence on other southern African countries. It is estimated that the destabilisation policy caused SADCC countries around \$60 billion (Valigy and Dora 1992).

Through its own military actions, and through its support for Unita in Angola and Renamo in Mozambique, South Africa waged war against the corridors and other transport infrastructures that were vital to the countries of the region. Sabotaging the transit trade through the corridors was accompanied by loss of confidence by the carriers, who then diverted their cargoes to the railways and roads of South Africa (Valigy and Dora 1992).

The policy of destabilisation resulted in considerable displacement of cargo flows. For example, between 1979 and 1988 in Mozambique, the amount of cargo handled dropped from 6 million to 2,7 million tonnes, while in Angola transit traffic came to a complete halt (Saasa 1994). In 1988, the land locked countries of SADCC transported about 50% of their maritime foreign trade (by tonnage) through South African ports. South Africa's destabilisation policy also led other countries to a similar situation.

In 1988 Malawi was obliged to spend 43% of her export earnings to transport foreign trade cargoes on the lengthy route to the South African ports. In the process, South Africa viewed the Southern African transit corridors in two ways: on the one hand, as a locus of destabilisation and economic and

The persisting notion of sovereignty is increasingly at odds with the reality of the global, economic and cultural exchange

There is a contradiction between the monetary ambitions of the European Union and its territorial divergence

It is estimated that the apartheid destabilisation policy caused SADCC countries around \$60 billion

The model of free market integration is not ideal for the SADC

A multi-speed approach allows a group of countries to move faster than others in the implementation of economic integration

South Africa has, since April 1994, declared her commitment to economic integration

political pressure, and on the other, as an opportunity to play 'big brother' (Valigy and Dora 1992).

Valigy and Dora (1992) note that South Africa's regional policy was in harmony with the intentions of a handful of large scale transport companies who operate in most of the region's transport corridors, and in maritime transport. Their corporations and firms possess ships, land transport and maintenance resources, their own containers, and a vast network of highly experienced agencies and representations. Moreover they control much of the transit traffic in Southern Africa.

New security regime

The 12 member states of the Southern African Development Community (SADC) have for the past 10 years been undergoing far reaching socio-economic and political transformation. Countries which in the wake of independence had opted for Marxist-Leninist inspired economic models have today turned towards economic liberalisation and are implementing structural adjustment programmes.

In parallel with this economic liberalisation, the region is also witnessing major political reforms. In the 1960s, Botswana was the democratic exemption in Southern Africa. Today it is only in Angola and Swaziland that fully fledged multiparty systems do not exist. The most important milestone in this wave of democratisation is undoubtedly the ending of apartheid in South Africa.

Given the economic superiority of South Africa in the region, the model of free market integration is not ideal for the SADC, as this would lead to unequal and unsustainable development, with a strong tendency towards polarisation. Previous attempts at regional collaboration and economic integration have been poor and the overall performance unimpressive. Conflicts between member states or vague economic benefits of members through the economic process have contributed to this.

A more appropriate approach would be an integrated, coordinated and sustainable development model. A number of key features are central to this approach. First, sector cooperation, coordination and harmonisation can proceed in one sector as fast as circumstances allow. Second, the importance of institutional rationalisation to

facilitate economic integration particularly in respect of SADC, South African Customs Union (SACU) and the Common Market of Eastern and Southern Africa (COMESA). Third, there is a need to adopt a multi-speed approach that allows a group of countries to move faster than others in the implementation of economic integration (African Development Bank 1993).

The multi-speed approach has received support from President Mandela as one which takes into consideration 'the complexity of the situation' in Southern Africa:

"If we move with undue speed towards the noble ideals of full integration and trade liberalisation, negative migration trends in capital, skills and labour might well set in. We would wish to see balanced and equitable development throughout the region, to the mutual benefit of all its people" (Mandela 1995: 2).

Implicit in this argument is the realisation that South Africa is attracting an increasing number of migrants from Southern Africa in search of better employment opportunities. Moreover, the democratic South Africa has a priority also to improve the well being of her citizens through the Reconstruction and Development Programme (RDP) in order to eliminate current poverty, wage imbalances and the provision of bulk services.

South Africa has, since April 1994, declared her commitment to economic integration. As Mandela affirmed at the Summit meeting of the SADC Heads of State: 'South Africa supports the goal of full economic integration of the SADC region' (Mandela 1995: 2). This theme has been echoed on numerous occasions:

"Our vision extends to Africa as a whole. A prosperous SADC region and strong region-to-region economic linkages will give life to the vision, captured in the Abuja Declaration, of a united and integrated African continent." (President Nelson Mandela, Second Afro-Arab Trade Fair, Sapa, 9 October 1995)

However, the hard question of what kind of sustainable development path is to be followed cannot be avoided by SADC forever. The evangelical acceptance of economic liberalisation through

deregulation, privatisation, commercialisation and deregulation in some states in Southern Africa – Zambia and Mozambique are two examples – may exacerbate poverty, degradation of the environment and lead to a growing security crisis in the region.

There is a need for countries in Southern Africa to convene a summit to spell out the economic and political vision for the region. So far most meetings of SADC have been more symbolic and less visionary, leaving the nuts and bolts to member states to develop their own macro-economic policies. It would be in the interest of South Africa to help create the conditions that will accelerate less polarised economic development and a more democratic political environment throughout the region.

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So far most meetings of SADC have been more symbolic and less visionary, leaving the nuts and bolts to member states

Trading Places

Nigeria and South Africa

by Adekeye Adebajo, St Anthony's College, Oxford
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Since the 1960s when apartheid South Africa was marginalised in Africa and beyond, Nigeria was the undisputed 'hegemon' of Africa. But these roles have now been reversed. In future, Africa will be waging a war against poverty and in favour of political liberalisation. On both counts, South Africa is better positioned than Nigeria to lead the continent.

The notion of African marginalisation is no academic exercise – it is real. Africa is therefore in desperate need of continental leadership. Nigeria and South Africa it seems, are trading places in an undeclared contest for leadership in Africa. Nigeria's highly regarded permanent ambassador to the United Nations, Ibrahim Gambari (1994) remarked:

"...the glory of the new South Africa contrasts sharply with the present state of my own country, Nigeria. The most populous black nation of such proud people, Nigeria, is now in a state of decay if not despair."

Gambari believes that Nigeria, by acts of omission or commission, is about to be overtaken in the leadership role in Africa, a role which their 'human resources and destiny' enabled them to play in the past and perhaps in the future. The challenger is South Africa.

For much of the post-1960 era, when South Africa's ruling elite was preoccupied with apartheid, Nigeria was masquerading as the undisputed 'hegemon' of Africa. The glue that secured Nigeria's leadership – apartheid – has come unstuck. In this post-apartheid,

post-Cold War era, the tide is turning. Archbishop Desmond Tutu recently likened talking to General Sani Abacha to a conversation with the old white rulers of the apartheid establishment. Yesterday's pariah has become the new prophet; and yesterday's prophet – today's pariah.

Nigeria

The stage for Nigeria's position was already set in 1960. The *annus mirabilis* of African independence in 1960 saw the birth of Nigeria amidst great hopes for a political and economic leader. In the same year, South Africa, the 'giant' on the other side of the Limpopo river, was compelled to engage in forced self expulsion from the Commonwealth. In the three decades that followed, both 'leviathans' failed to achieve their leadership aspirations in their respective sub-regions for very different reasons.

For Nigeria, its West African sphere of influence was littered with francophone states who looked to France for protection against the potential neighbourhood bully. France intervened in the region with reckless abandon, landing *gendarmes* in Gabon, Mauritania and Chad, and

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effortlessly shuffling regimes around. A French Foreign Minister, Louis de Guiringaud, once arrogantly remarked that, 'Africa is the only continent where we can still, with 500 men, change the course of history' (quoted in Adebajo, 11 September 1995).

Paris kept bases in Senegal, Cote d'Ivoire and Gabon, and President de Gaulle even supplied arms to – and nearly approved diplomatic recognition of – the Biafran secessionists during Nigeria's civil war of 1967-1970. Francophone Gabon and Cote d'Ivoire also recognised Biafra in an attempt to weaken the Nigerian colossus.

Nigeria's attempts at greater political influence in the sub-region through economic means were also frustrated by the French. In an effort to dilute Nigeria's economic strength in the Economic Community of West African States (Ecowas), French President Georges Pompidou encouraged the francophone states to create a 'community within a community' in the form of the six member *Communauté Economique de l'Afrique de l'Ouest*. This continues to exist within Ecowas, and Paris tied the currencies of the francophone states to its own French *franc* (Adebajo 1995).

In its two decades of existence, Ecowas has not come close to its goals of establishing a common market and a common external tariff. Most trade is still tied to the West, intra-community trade is minute, and smuggling is rampant. Nigeria did give some aid to West African neighbours, but this was little more than pocket money for corrupt autocrats like Togo's Eyadema and Benin's Kerekou in an era when potential aid donors included the US, the USSR and France, as West vied with East for the attention of African states.

There remains a pervasive fear of Nigeria in West Africa, most recently evidenced by the support of Cote d'Ivoire and Burkina Faso for Charles Taylor's anti-Nigerian NPFL in Liberia, and Senegal's withdrawal from Ecomog in 1992 (*West Africa*, 22-28 August 1994). Despite the initial support of all Ecowas members for the Nigeria dominated Ecomog, sub-regional politics continues to hamper peacemaking efforts in Liberia.

Nigeria must also take part of the blame for its suspect reputation in the sub-region: Lagos did not endear itself to its neighbours

by expelling millions of Ecowas citizens – termed 'illegal aliens' – in 1983 and 1985. Despite the claims of boastful jingoists, Nigeria's leadership aspirations in the sub-region were in fact rendered a hegemonic illusion by the presence of France.

South Africa

South Africa in contrast, was able effortlessly to subdue its neighbours both economically and militarily during its boastful era of destabilisation. Pretoria even threatened its weak neighbours with the atomic bomb (Landsberg and Masiza 1995). It used a flourishing arms industry, some world class manufacturers and the tenth largest stock exchange in the world to assert its hegemony in its theater of operation.

The economies of neighbouring countries were so dependent on South Africa that cheap labour from Swaziland, Lesotho and Mozambique flooded to South African mines. Pretoria dominated the Southern African Customs Union involving Botswana, Lesotho and Swaziland – Namibia recently joined – establishing the free flow of goods and common external tariff that would benefit the white ruled Republic (Friedman *et al* 1996). This prospect had eluded Ecowas.

South Africa's exports to the region were eight times more than regional imports and land locked Zambia, Zimbabwe and Botswana depended on South Africa's ports. The South African Gulliver's infrastructure and capital also proved irresistible magnets for regional Lilliputians. The Republic's neighbours tried to check South Africa's hegemony by establishing the Southern African Development Coordination Conference (SADCC). But despite their attempts at lessening dependence on Pretoria, many of the region's states still traded covertly with, and depended on, South Africa (Friedman *et al* 1996).

Militarily, the notorious South African Defence Force (SADF) ran riot in the sub-region, bombing seven of its neighbours, supporting Renamo rebels in Mozambique and Unita in Angola, and occupying Namibia till 1989: all at an estimated cost of \$100 million to the region. This amount represents the estimated direct costs – the figure for indirect, extended costs runs into billions of rands (Friedman *et al* 1996). But despite its strength, Pretoria was

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Nigeria did make some progress through its leadership of the anti-apartheid and decolonisation struggles

While the military proliferates in West African countries, South Africa provides a democratic model for its region

Mandela's legitimacy is based on ballots, Abacha's on bullets

denied any leadership status by its near total diplomatic ostracism in the region. It therefore also suffered from its own bout of hegemonic illusion.

Prophet and pariah

Thus, while Nigeria struggled militarily and economically, failing especially to overcome the suspicions of its francophone neighbours, South Africa militarily and economically dominated its region, not even pretending to seek a 'good neighbour' policy. In short, South Africa's economic and military power was real but used destructively, while Nigeria's economic and military power remained only potential and could not be used creatively.

Nigeria did make some progress through its leadership of the anti-apartheid and decolonisation struggles. Lagos backed liberation movements, and its contributions were recognised by invitations to meetings of the Front Line States (FLS) of southern Africa; its permanent chairmanship of the United Nations' Special Committee Against Apartheid; and its hosting of the UN anti-apartheid conference in 1977.

While South Africa was denied a global stage, Nigeria spoke loudest for African concerns during the continent's 30 years war against colonialism and apartheid.

But that was then, and this is now. Africa's next 30 years war will be waged against poverty and in favour of political liberalisation. On both counts, South Africa is better positioned than Nigeria to become the continent's hegemon.

Should there be a permanent African seat on the UN Security Council, it is more likely to go to Pretoria, which has in Nelson Mandela a globally revered statesman, one of the most representative political systems on the continent, arguably its best army, and its largest economy.

Nigeria's Ambassador to the UN, Ibrahim Gambari, recognised the irony of this situation when he wrote, shortly after attending Mandela's inauguration last May:

"[We], who have championed the cause of the oppressed majority in South Africa, with such great credibility and eventual success, now find ourselves in a state of domestic despondency and international scorn."

Nigeria is now becoming the pariah and South Africa the prophet. The contrast between the political and economic fortunes of the two giants could not be more stark. While the military proliferates in West African countries like Nigeria, Sierra Leone and Gambia, South Africa provides a democratic model for its region. Pretoria has supported the spread of democracy in neighbouring countries. Indeed, many of the world's leading industrialised powers now recognise southern Africa as Africa's future engine – instrumental in stemming the continent's peripherilisation. Nigeria is now its region's leading autocracy – South Africa its region's leading democracy.

South Africans are embracing reconciliation – albeit grudgingly at times – while in Nigeria disintegration looms, with ghastly consequences. South Africa has Mandela – recognised worldwide as a beacon of hope and revered by his own people. Nigeria has Abacha – an internationally unknown general with a domestic, and growing foreign, reputation for ruthlessness, who is largely despised by his own people. Mandela's legitimacy is based on ballots, Abacha's on bullets.

Human rights

South Africa has just concluded an historic (but troubled) agreement between organised labour and business in the form of the Labour Relations Act. Nigeria by contrast has emasculated its own trade unions, foisting hand picked stooges on them. As South Africa's apartheid era press is unshackled by the proposed Freedom of Information Act, Nigeria's formerly impressive press freedoms are trampled by draconian decrees as newspapers are proscribed and journalist jailed.

Even as South Africa abolishes its death penalty, Nigeria ties armed robbers and drug traffickers to the stake and publicly executes them. South Africa's parliament recently adopted its permanent Constitution, including a Bill of Rights. Nigeria's promised transition from autocratic to democratic rule seems both a journey without end, and a bluff.

Economics

Economically, the difference between the two 'giants' is clear: South Africa is Africa's largest economy, currently enjoying its lowest inflation rate in 22 years

at 9%. Per capita GDP is \$2,940 – although with glaring inequalities between races, making it one of the most divided societies in the world – and a GDP of \$120 billion, which is the same size as Norway's, and greater than that of Finland, Greece or Ireland – all European Union members (Adebajo 1995).

Nigeria has a meager GDP of \$66 billion and its erratic economic policies are in a greater shambles due to uncertain political vicissitudes and political corruption that have helped amass a \$37 billion foreign debt. Yearly inflation runs at over 50%, and its per capita GDP of \$690 is the size of Haiti's. Nigeria also has a mono-crop economy virtually entirely dependent on oil revenues (*West Africa*, 27 November 1995).

While South Africa has for years had a steel industry that feeds its arms manufacturers, Nigeria's Ajaokuta steel complex, planned since the early 1970s, has become a white elephant, with millions of dollars lost to corruption. While Pepsi Cola, Hyatt, IBM, Ford, Chase Manhattan, Citibank, Samsung, Nestle, Levi Strauss and MacDonalds are investing in South Africa, UAC and ICI are divesting from Nigeria.

South Africa's Eskom provides 50% of Sub-Saharan Africa's energy needs and has brought electricity to an estimated 250 000 more black South African homes in the last year. Nigeria's inefficient NEPA, erratic at the best of times, is derided with the acronym 'Never Expect Power Always'.

Reluctant leader

Nigeria is being left behind by South Africa, politically and economically, in an age when the continent needs strong and credible leadership. The danger is that Nigeria could easily follow the path of Zaire: disjointed, almost ungovernable, and abandoned by the rest of the world except for a few companies interested in extracting its mineral wealth (Adams 1995).

South Africa's problem is its unwillingness to lead – at best it is the reluctant redeemer. Many of South Africa's neighbours believe the great role anticipated for a liberated South Africa has been dashed. South Africa is now not bullying its neighbours, but is reluctant to embrace them.

In articulating wariness of their destructive past, South African's have been coy in

defining their continental ambitions under the rubric of serious domestic backlogs and limited capacity to be the sub-continent's developer and provider.

South African politicians and diplomats emphasise the enormous domestic challenges confronting them in correcting past inequities. To critics, however, this sounds like a quick flight from responsibility. They maintain that South Africa will have to find the proper balance between domestic challenges and sub-continental responsibilities.

Similarities

Some similarities do exist between the two leviathans. Both are violent and crime-ridden. The Republic's murder rate is two and a half times worse than America's and while South Africa has car-jacking, Nigeria has car-snatching. Rich classes, the so-called *waBenzi* in both societies increasingly barricade themselves behind high walls, while the poor face the brunt of the crime onslaught.

Just as Nigeria cracked down on illegal immigrants during the late 1980s and early 1990s, so South Africa is experiencing growing xenophobia against 'illegal aliens' from the north. The treatment of immigrants by South Africa's new ruling elite is in line with that of the former white governments. The tendency is to criminalise foreign Africans flocking into the country.

Yet both South Africa and Nigeria are the hubs of their regions. Both have a disproportionate share of their regions' wealth and population and are perceived as 'promised lands' in the surrounding states. Migrant workers are attracted from those quarters: Mozambicans and Zimbabweans flock to South Africa – Ghanaians, Togolese and Beninois remain in Nigeria even after the end to the oil boom.

But in many ways, Nigeria is moving closer to the treacherous past of South Africa: its military Provisional Ruling Council threatens to transform itself into a Permanent Ruling Council. Its politician with the most popular legitimacy, Chief Abiola, languishes in jail as did Mandela. Nigeria's military junta harasses and imprisons pro-democracy campaigners – acts so common during the dog days of apartheid.

Nigeria's per capita GDP of \$690 is the size of Haiti's

South Africa is now not bullying its neighbours, but is reluctant to embrace them

Both South Africa and Nigeria are the hubs of their regions, but Nigeria is moving closer to SA's treacherous past

Nigeria is threatened with the same universalistic crusade against its domestic politics as was South Africa

Nigeria, like South Africa in the past, is governed by a small clique. Nigeria's legal system, like that of apartheid South Africa, is made to enforce ever more draconian measures against its own citizenry. As a result, Nigeria is threatened with the same universalistic crusade against its domestic politics as was South Africa. Indeed, the execution of Ken Sarowiwa elicited the same international chastisement as the death in detention of Steve Biko in 1977.

Nigeria's current disregard for democracy smacks of Pretoria's at the height of apartheid. In an ironic twist of history, Nelson Mandela, especially in the context of the Commonwealth, is called upon to do to Nigeria what it so successfully did to the Republic during apartheid: spearhead the international campaign against the Abacha military junta, and squeeze the Nigerian economy until the pips squeak.

It is uncertain whether South Africa has the stomach to rise to this uncomfortable occasion. One thing seems certain: Nigeria's slope into international unpopularity will be

a long, drawn out one, reminiscent of South Africa's years of international scorn. UPEA

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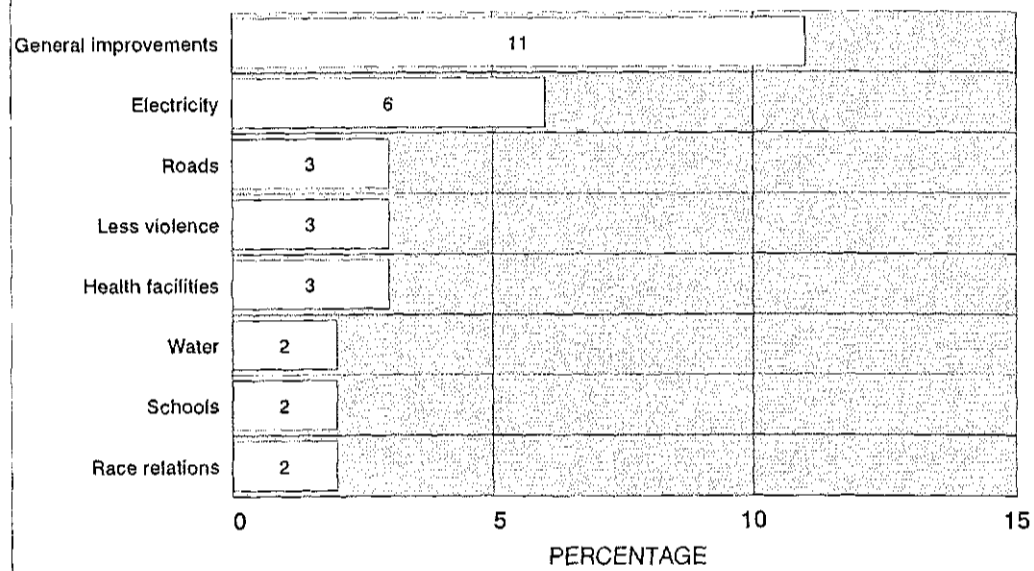
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DEVELOPMENT

M O N I T O R

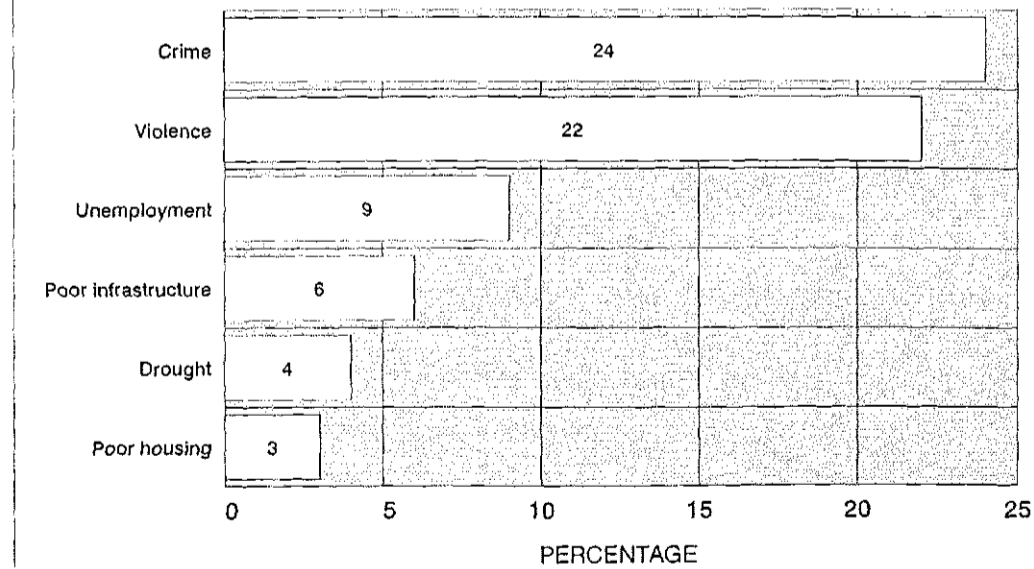
Positive developments in my area in the past year

39% of people recalled positive developments in their area



Negative developments in my area in the past year

61% of people recalled negative developments in their area



Source: Research conducted in a joint project by the Department of Economic Affairs and Tourism, Human Sciences Research Council KwaZulu-Natal Office and Quality of Life & RDP Monitoring Unit at the University of Natal in collaboration with the KwaZulu-Natal RDP Inter-departmental Indicator Initiative

THE DEVELOPMENT CORRIDOR ROUTE

New Highways or Old By-ways?

*By Philip Harrison and Alison Todes
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This article locates the recently revived concept of development corridors at a regional level, considering the Witbank-Maputo Corridor and the proposed KwaZulu-Natal corridors. While the notion of corridor development may provide a useful framework for regional development, the idea is conceptually crude and needs to be refined and attuned to the complex dynamics of evolving spatial systems.

The concept of development corridors has recently become popular in provincial development planning and national spatial development planning in South Africa. The idea essentially refers to development along major roads with significant existing or potential movement. This inevitably occurs along routes which connect major 'attractors' – large cities, towns and other movement which generates economic activity.

The high density of movement produces markets for a range of activities, and in a sense 'privileges' places along its route. Corridors, however, are not just a narrow band immediately along a highway or main road. They refer to major areas around significant routes in which development is, or potentially could be, concentrated.

The idea of corridors is not new. It has a chequered history ranging from architecture and town planning to economic geography and regional economics. It has been used in different ways in several contexts, including in South Africa under apartheid.

An important distinction in the use of corridors for regional and national spatial planning lies in whether corridors build on existing and planned economic development activities, or whether the building of roads (or rail) alone is seen as generating

development. Many weaker attempts to develop corridors have fallen into this trap – being ultimately no more than lines on a map.

International origins

With the decline of the feudal city states and the rise of merchant capitalism in Europe as far back as the twelfth century, linear cities straddling transportation lanes emerged along Europe's major trading routes. The communication network became the connective tissue linking urban centres. This notion of linearity informed the work of pioneering city planners in the early twentieth century.

These theorists saw the space economy as organised into a system of nodes and networks – or towns and communication routes. Large cities were seen as centres of economic growth, but development impulses could diffuse down the urban hierarchy to smaller centres and to rural areas. The role of roads as 'carriers' of innovation and growth impulses was critical, and several regional plans included major road building to integrate peripheral areas into development.

The French geographer, Poittier, coined the term 'corridors' to describe lines of existing or potential growth. Development would

Corridors have been used in different ways in several contexts, including South Africa under apartheid

occur along these as a result of interaction between major centres. Intermediate centres along the corridor would grow as a result.

Recent international literature has pointed to spatial patterns of economic development – associated with the 'Post-Fordist' economic regime – that are structured around major communication routes. Examples are the new corridors of high tech growth centred around information technology industries. The most commonly cited example is Silicon Valley in California's Santa Clara County.

In the United Kingdom, high tech growth is found along corridors of high accessibility to London with national intercity motorways and rapid intercity trains. Examples include the M4 route to Bristol, the M1 to Leeds and the M11 to Cambridge. Hall (1991) refers to a resultant spatial structure which represents the deconcentration of a dominant metropolitan city into a polycentric city region.

Interestingly, what is now happening rather spontaneously was prefigured by major planning studies in the late 1960s and early 1970s, that argued for growth along the main lines of communication outward from London. In South Africa, the prime example is the development of a high tech network parallel to the major freeway between Pretoria and Johannesburg.

It can be argued that the increasing shift toward Just-in-Time (JIT) manufacturing and inventory control with its need for rapid speed-to-deliver, is placing a greater premium on accessibility and is strengthening the relationship between enterprise location and access to high speed transport routes. In Europe for example, areas of recent growth and economic dynamism are to be found in a broad 'banana shaped' band stretching from southeast England, through France into Northern Italy and Southern Germany.

South African experience

The concept of development corridors was first used in South Africa in the 1975 National Physical Development Plan (NPDP). The Plan was the first attempt to propose a comprehensive spatial plan for the country, although drawing on many elements which were already present, such as industrial decentralisation points. The Plan delineated a number of existing

development axes, but also proposed a set of new ones, such as the Witbank-Richards Bay axis, and an axis running from Bloemfontein to Cape Town through Kimberley, Upington and Springbok. Nothing has really come of a number of these axes.

The concept of corridors was also taken up by Dewar and colleagues at the University of Cape Town. Their idea of 'activity spines' described the way major high friction routes (not high speed freeways) gathered economic activity and higher density residential development along them, simply because they were lines of high accessibility. Corridors are the broader movement systems and areas in which these spines occur.

Work towards a National Spatial Development Framework also uses the idea of development corridors. In contrast to the 1975 NPDP, however, the economic basis of corridors is stressed. It is recognised that lines on a map do not 'create' development. A draft document states that:

" the viability of the corridor concept is contingent upon a sound economic strategy...and potential for the intensification of a range of economic activities e.g. SMME's, agriculture, industry along the length of the corridor. The corridor concept is more than simply high volume transport...It implies clustering of public investment in a range of sectors such as land, housing, SMME's, agr' culture, water, in order to build on the opportunities offered by linking nodes of development. Thus, corridors of development should be determined by the complexity and diversity of activity located along them." (October 1995)

The document went on to say that corridors could be developed at different scales, playing different roles.

Witbank-Maputo Corridor

This is the most important example of a development corridor currently being promoted in South Africa by departments such as Transport, and Trade and Industry. This project is linked to broader concerns with the reconstruction of Mozambique, Southern African cooperation and perhaps most important, securing a reliable outlet for Gauteng's exports.

In South Africa, the prime example is the high tech network parallel to the major freeway between Pretoria and Johannesburg

The concept of development corridors was first used in South Africa in the 1975 National Physical Development Plan

The Witbank-Maputo Corridor is the most important example of a development corridor currently being promoted in South Africa

The Witbank-Maputo corridor links within a single programme some 140 essentially separate projects

The major anchoring project is the joint upgrading of the Maputo harbour between Transnet, the Mozambique Government and a private South African firm. Witbank and Maputo would be connected by a high standard toll road that would be privately funded and operated, while the road distance between Komatipoort and Maputo would be shortened.

This infrastructural development is linked to a programme of economic development in the manufacturing, mining, tourism and agricultural sectors. The development corridor concept links within a single programme some 140 essentially separate projects.

In manufacturing, one of the most significant likely projects is an Alusaf smelter at Maputo that could be operational by the year 2000. The existing petrochemical plant at Secunda provides the opportunity for major downstream developments in related industries that could become viable with a good export route through Mpumalanga to an upgraded Maputo harbour.

Other potential projects include a phosphoric acid plant, a fertiliser plant and an iron-carbon plant financed by the Industrial Development Corporation (IDC) and international investors.

In mining there are a number of investment opportunities around Barberton and Phalaborwa that could become viable with the proximity of an efficient operating port. In terms of tourism, the idea is to expand the Kruger National Park into Mozambique, linking the park to Mozambican beaches. Opportunities for developing agriculture within the corridor are also being explored.

The idea of the corridor is to provide an efficient transport network between Gauteng and a redeveloped port, and then maximise the potential of an upgraded infrastructure for economic development. The development corridor provides a spatial framework for establishing an integrated development programme.

KwaZulu-Natal corridors

The recent Growth and Development Strategy for KwaZulu-Natal also uses the idea of development corridors. The approach adopted here essentially followed the thinking in the National Spatial

Development Framework that corridors must build on existing and potential areas of growth.

Following an analysis of future economic development in the province, it proposed that the North-South coastal axis and the Durban-Pietermaritzburg corridor would be the most important areas of future growth. The coastal axis would be strengthened by:

- Proposals to reinforce the ports in Durban and Richards Bay.
- The shift to an export oriented strategy nationally.
- The emphasis on food and beverage, pulp, paper and wood, plastics, and non-ferrous metal as lead industrial sectors.
- Proposals for a major petrochemicals complex in Richards Bay.
- The location of opportunities for the development of agriculture and especially small scale agriculture are along this axis.
- The location of the major potential tourism opportunities along the axis.

Although the Durban-Gauteng N3 route was also significant, development within towns along the road was much less certain than on the other axis. A number of towns along the N3 were vulnerable in various ways. While this vulnerability was an important concern for policy, it meant that this axis would be less dynamic than the coastal axis.

In KwaZulu-Natal, the two corridors concentrate some 90% of GGP and half the population (80% if districts immediately adjacent in old KwaZulu areas are added – the 'shadow' of the corridor). They connect most of the major centres and areas of high economic potential. Three quarters of the cost of addressing the backlogs is in the districts of the corridor and its shadow.

Strategies to develop the coastal axis include:

- Addressing needs in terms of access to land, housing and infrastructure.
- Developing links and providing services to adjacent rural areas in the shadow of the corridor.

In KwaZulu-Natal, the North-South coastal axis and the Durban-Pietermaritzburg corridor would be the most important areas of future growth

In KwaZulu-Natal, the two corridors concentrate some 90% of GGP and half the population

- ❑ Including the development of low income housing in planning for the airport.
- ❑ Considering ways to reorient the development of Isithebe, linking it to major developments in Durban and Richards Bay.
- ❑ Incorporating potentials for sugar and eco-tourism into regional plans being developed.
- ❑ Developing small scale agriculture, linked to markets along the route.
- ❑ Facilitating the development of small and medium enterprises (SMMEs) at nodes or points along the route, including potentials for agro-related activities (e.g. haulage), crafts and accommodation linked to tourism.
- ❑ Creating linkages to Mozambique and the Eastern Cape.
- ❑ Reviewing the effect of land ownership and planning regulations as a constraint on development, but recognising the importance of environmental management in the planning for the corridor.

The Strategy also pointed to the potential for smaller corridors, where less significant development might be expected, for example tourism routes.

The Strategy highlighted one of the potential contradictions in planning for corridors: the most important ones occur along high speed freeways. Although these provide access, the development of markets is limited by national restrictions on building within 500m of the freeway. This lends itself to concentrated and highly monopolised developments such as Ultra-Cities. Freeways often undermine towns by bypassing them, but enabling traffic flow is important in terms of other aspects of the Strategy. These elements will have to be resolved in detailed planning.

Planning implications

If proposed corridors are sensitive to where economic activity is, they provide an indicator of where the need for future development is likely to be. This facilitates planning to provide the necessary infrastructure and to release land necessary

for development. It also provides opportunities for SMMEs of various types.

But there are distinct dangers. The most important is the assumption that all development must occur within the corridors. For example, the KwaZulu-Natal Strategy argues that land reform should occur close to towns and corridors. This is in order to improve access to markets. But to say that no such development will be supported (in terms of finance and infrastructure) outside these areas is highly debatable, and may lead to the abuse of spatial planning as occurred during the apartheid era.

Given the current enthusiasm for corridor development in South Africa and the vast expenditure earmarked for projects within corridors, the concept needs critical evaluation. At one level there are elements of populist policy attached to the rather fuzzy concept. However, at another level the concept does have intuitive appeal for those seeking a meaningful framework for regional development.

Strengths

Clearly, the idea of a development corridor has important political value. It is a concept around which to mobilise development, capture popular imagination and market regions and localities. The Mpumalanga Government must be grateful to find its province so neatly positioned within South Africa's pre-eminent development corridor.

Bold lines on maps have far more appeal than more abstract notions of regional development. As with the RDP, the development corridor has virtue as a populist instrument to generate enthusiasm for development. But the developmental value of the notion goes beyond the mere political.

The development corridor links localities and projects within common programmes. The corridor intersects political boundaries, facilitating inter-locality, inter-provincial and international cooperation. It also links disparate projects that might benefit from the synergy's of networking and cooperation.

For example, transport investment on the Witbank-Maputo corridor is likely to make a number of marginal manufacturing and mining projects economically viable and facilitate the type of networking between

One potential contradiction is that the most important corridors occur along high speed freeways

It is dangerous to assume that all development must occur within the corridors

The corridor integrates infrastructural and economic development

Planners and politicians might fall into the trap of believing that by drawing lines they change reality

For a corridor to work it must be rooted in existing patterns of economic activity

Corridors inevitably reinforce existing patterns of spatial inequality

firms that will allow downstream development in the petrochemical industry.

The corridor integrates infrastructural and economic development. A potential criticism of the corridor is that the exact relationship between road, rail and harbour development, and location of economic enterprise is debatable. Further, there are arguments that economic activity has increasing locational flexibility. However, there are at least two types of activity which remain strongly tied to major communication routes.

The first is heavy industry and mining with bulk products. It is no coincidence that the development of the Witbank-Maputo Corridor is of immense importance to the locational decisions of, for example, an Alusaf smelter and new petrochemical and fertiliser plants and the opening of new copper, platinum and iron-ore mines. The second is the locational advantages for small scale and informal activities which do require market access, and generally depend on road transport. But opportunities for trading are likely to be restricted on high speed movement channels, limiting potentials here.

The usefulness of the corridor concept depends partially, however, on how they are done. Simply drawing lines on a map is pointless. Strategies which build on real strengths and potentials are more likely to succeed since they work with the more powerful spatial effects of both the market and other government policies.

Weaknesses

The first problem with the concept of development corridors is conceptual. It has never been clearly defined and is used to describe different spatial formations at different geographic levels. As a notion is popularised so it loses whatever precision it may have had and becomes an obscure catch all term.

Corridor concepts also become muddy when ideas developed for one scale (such as within cities) are used interchangeably with those at another scale (such as the provincial level). The density of potential development is obviously very different, as is the kind of activities at stake.

Second, the corridor is a rather crude and broad concept that necessarily imposes a

particular notion of spatial organisation on a complex mosaic of economic activity. The diverse sectors that make up an economy each have their own patterns of spatial development that may or may not resemble a corridor.

While the development corridor may be broad enough to encompass many different patterns of spatial restructuring, it may be so abstract that it has little meaning. In focusing on promoting this general idea, the possibilities for supporting locationally clustered and networked industrial districts that are more concrete in nature may be missed.

Third, there is the real danger that planners and politicians might fall into the trap of believing that by drawing lines they change reality. Clearly this was the problem with the 1975 National Physical Development Plan where corridors were drawn across vacuous space. For a corridor to work it must have a strong 'reason for being' and must be rooted in existing patterns of economic activity.

Fourth, while we have argued that transportation networks remain important to industrial location, it is also true that the digital telecommunication networks may be undermining the locational significance of the transportation infrastructure around which linear corridors are organised. Castells (1993: 252) for example, refers to the 'space of flows' superseding the 'space of places':

"the business centre is the abstract space constituted by networks of exchange of capital flows, information flows and decisions that link directional centres throughout the globe...localities do not exist by themselves but by their connection to other similar localities organised in a network..."

For some industries, digital highways are becoming as important as the roads and the rail lines.

Finally, although corridors offer to spread development, they inevitably reinforce existing patterns of spatial inequality – at least if they work with existing strengths in the South African context. Unless there are major development potentials which can be exploited outside of older growth areas, corridors can result in a new form of spatial marginalisation.

This is of course one of the critical dilemmas that all spatial planning in this country faces – the disjuncture between where people and jobs are, and between need and economic potential.

The way the concept has been developed in KwaZulu-Natal may overcome this problem to some extent by integrating development within these growth areas, and servicing adjacent rural areas in 'the shadow', although how this occurs is rather vague. The spatial marginalisation of deep rural peripheral areas however remains.

Conclusion

The corridor development notion may provide a useful framework for structuring current regional development initiatives. However, the idea is conceptually crude and needs to be refined and attuned to the dynamics of evolving spatial systems. The renewed interest in economic and spatial networks which recognise the links between

linear infrastructures and the inter-relationships between different geographic scales and economic actors may lead to a more sophisticated notion of development corridors.

However, it is likely that in endeavours to develop more meaningful frameworks for regional development, we will be seriously limited by a generally poor understanding of the relationship between economic development and spatial processes. [DEG]

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Corridor development may provide a useful framework for structuring current regional development initiatives

Learning the Home Way

Home Schooling and the SA Schools Bill

By Kate Durham
National Coalition of Home Schoolers

Few countries spend more on education than South Africa. But large pupil teacher ratios, poor quality schooling, lack of discipline, and violence are causing parents to consider other models. Greater school choice and parental involvement are the trend internationally. Home schooling is a valid option, unduly restricted in the draft SA Schools Bill.

Several crucial decisions concerning the nature of school education will shortly have to be made in the new South Africa. One of these involves the issue of home schooling and under what conditions it should be allowed. The outcome of this debate will shed light on likely future developments in school education and specifically on the degree of school autonomy that a new educational dispensation will allow.

At a time when education is receiving an ever larger portion of the national budget and few countries spend more per child on education than South Africa, parents are becoming concerned about public school education. Problems like large pupil teacher ratios, lack of attention to the quality of education, lack of discipline in the classroom, and violence and gangsterism in schools, increasingly cause parents to consider other models of schooling.

The home school debate will shed light on the degree of school autonomy that a new educational dispensation will allow

For many parents, private schools would be the first choice, but these have always been expensive and will probably become more so. Families are under financial pressure and many parents struggle to pay even the Model C school fees. Parents paying R4 000 per annum per child soon wonder if they could not provide more value for money in a home school environment where the child

would benefit directly while saving money on uniforms and transport. These are just some of the reasons why a growing number of South African parents are beginning to enquire about home schooling.

Home schooling is the education of children at home by a parent or parents, who may educate their children until matric. Alternatively, the child is educated at home in the early years or during critical phases of development and later returns to formal school. Families usually buy curricula and materials designed for home schooling – others obtain their province's curriculum. The curricula designed in South Africa are based on the SA core curriculum and providers either supply or recommend local or overseas textbooks. A few families obtain curricula and textbooks from overseas.

Home schooling families generally set aside a schoolroom in their house. Most have regular hours in the mornings for school. However, the flexibility allows deviation from routine to accommodate field trips, research in the local library or hands-on projects in different environments.

Some home schoolers make use of tutors for certain subjects. Many home schooling families share skills and resources in cooperative ventures with other home

schooling families. Because home schoolers are concerned about academic standards, they usually consult regularly with teachers or other professionals about the progress of their child.

Many parents are already involved in a type of supplemental home schooling, spending hours assisting their children with schoolwork when they return from formal schools. The low pupil teacher ratio allows for extensive personal tutoring and individual attention and home schooling is thus also an effective method of education.

In South Africa at present, home schooling without exemption from the compulsory school attendance is illegal. Prosecutions appear, however, to have been suspended pending the establishment of a new school system and the passage of the new national Schools Bill. An estimated 1 300 South African children are currently being taught at home, although given the legal uncertainty surrounding this option, this figure contains a large 'underground' component, making accuracy difficult.

SA Schools Bill

The draft South African Schools Bill which will be tabled in parliament during the next session is a step in the right direction in that it acknowledges home schooling as a schooling option. It does, however, give the heads of provincial education departments excessive discretionary powers.

Clause 39 of the Bill states that 'a parent of a learner may apply to the Head of Department for the registration of the learner to receive education at his or her home' and that the 'Head of Department may only register...if satisfied that' home schooling is in the interest of the child, and that the education meets the minimum requirements of public school curriculums and is not inferior in standard to public school education.

These stipulations effectively place the onus on the learner – guided and directed by his or her parents – to prove that the registration will be in his or her interest. This militates against the assumption in common law, in the Constitution, and in international instruments of human rights, that the individual knows his or her best interest, and that in the case of children, parents are assumed to act in the interest of their children unless proven otherwise.

Equally unacceptable is clause 39(2)(c) which allows the Head of Department to stipulate any other conditions for registration that s/he may deem fit. So while it appears that home schooling has been recognised as a legitimate education alternative, the practical implementation by families will be no different from the past.

Home schoolers will still be dependant on the whim and subjective opinion of a government bureaucrat. In addition, when compared with the corresponding stipulation in clause 34(2)(c) applicable to independent schools, clause 39(2)(c) empowers the Head of Department to legislate, and to legislate differently for different individuals. This is incompatible with the constitutional requirement for division of powers.

The power to determine conditions for home schooling should properly, as for other schools, rest with the Member of the Executive Council (MEC) for education in the province. Such conditions should furthermore, be published in the Provincial Gazette, making them applicable to all home schoolers equally, and visible and transparent.

The most serious concern about this draft clause is that the Head of Department is not obliged to register the child for education at home. The present draft Bill does not provide for procedurally fair administrative action should the Head of Department refuse to register a learner for home schooling or withdraw a registration. Nor does it provide for appeal, which may be incompatible with the right to administrative justice.

In the light of this, it appears that the recognition of home schooling in the draft SA Schools Bill is no gain for educational reform at all, but mere window dressing.

There are some understandable concerns about home schooling. These do not, however, justify such discretionary powers on the side of the authorities. Concerns are generally of two types: first, that home schooling compromises educational standards, and second, that it deprives home schooled children of 'normal' socialisation.

Education standards

Home schooling has not been found to compromise educational standards. The pedagogical value of home schooling is substantiated by many studies. In 1991 the Home School Legal Defence Association in

An estimated 1 300 South African children are currently being taught at home

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The draft Bill does not provide for fair administrative action should the Head of Department refuse to register a learner for home schooling

Research in the US indicates that home schooled children generally outperform public school educated children

A genuine outcomes based educational system will have no interest in whether a child was educated at school or at home

The real question should be why the social adjustment of schooled children is so poor

America in cooperation with the Psychological Corporation, collected one of the largest compilations of standardised test scores of home schooled children.

The study involved administering the Stanford achievement Test to 5 124 students taught at home from all 50 states in the country, through grades K to 12. These home schoolers' composite scores on the basic battery of tests in reading, math and language arts ranked 18 to 28 percentile points above public school averages. Other studies have found the typical home schooled child to be one to two grades ahead of peers in public schools.

In fact, research in the United States indicates not only that home schooled children generally outperform public school educated children, but that there is also no correlation between parent/teacher qualifications and the educational performance of children. Only one American state requires home school parents to be certified teachers.

Parents have a vested interest in educating their children in the best possible way, and thus are usually willing to sacrifice time and energy that many teachers simply do not have.

The learning way of life becomes a family mission and sets the stage for close relationships because of the hours spent teaching and interacting. The attitude of lifelong learning which is one of the stated goals of the first White Paper on education, is established early in the home schooled child.

As long as children schooled at home have to comply with minimum requirements of the national curriculum or meet the minimum requirements of the curriculum of any registered independent school, home schooling does not compromise any standards. The shift from an input to an outcomes based educational system in South Africa also dovetails neatly with home schooling. A genuine outcomes based educational system will have no interest in whether a child was educated at school or at home.

Socialisation

There is also no evidence that home schooled children are socialised in a manner detrimental to society. In fact, a strong case can be made that being educated in a class of 40 other 12 year olds is more 'unnatural' for a child than being schooled at home with

his or her 10 year old sibling. To say nothing of the risk of being exposed to poorly behaved children, violence, drugs, precocious sexual behaviour and overstressed teachers resorting to verbal abuse and humiliation tactics in an effort to maintain control in the classroom.

Concerning social skills, a study by Shyers (1992) found that home schooled students received significantly lower problem behaviour scores than schooled children. He also found that children taught at home are socially well adjusted, as opposed to their less well adjusted school going counterparts. Shyers concluded that instead of asking about the social development and social skills of home schooled children, the real question should be why the social adjustment of schooled children is so poor.

Another study used different test instruments but came to the same conclusions. According to Smedley (1992), home educated children are generally more mature and better socialised than those attending school. Smedley suggests several possible reasons:

- The classroom is mostly one way communication, often of a stilted kind, and few meaningful interchanges occur. In home education, the opposite is true.
- Schools are products of the factory age, with batches of uniform products running on the conveyor belt in lockstep motion towards the standardised diploma. It therefore socialises into this kind of mentality. Home education in contrast, works to more personalised educational outcomes.
- Age segregation in schools is unnatural. Learning to get along only with peers does not prepare students for varied interactions with older and younger people in life. Home education avoids this trap: in home school learning programmes, people of various ages are encountered in a way that more accurately mirrors the variety of society.
- Home education's emphasis on self discipline and self directed learning, and the personal confidence this produces, creates young people who can adapt to new situations and new people.

Another study of 53 adults who experienced home education was conducted by Knowles

(1993) of the University of Michigan. He found that more than three quarters of the sample felt that being educated at home had actually helped them interact with people from different levels of society. When asked if they would choose to be educated at home if they had their lives over, 96% replied that they would.

Factors that were commonly highlighted by the adults concerned were the self directed curriculum, the individualised pace of working and the flexibility of the home study programme. None of the sample was unemployed or on welfare assistance, and two thirds were married – the norm for the age group. Knowles concluded that the evidence did not support the suggestion that there are social disadvantages to home based education – rather it favoured the reverse.

Family oriented

In this day and age when too many parents simply equate their children's education with government owned and run schools, it is easy to forget that until the middle of last century, children's education was largely a family affair. And, as Gary Bauer of the Washington based Family Research Council said, even if a family decided to delegate some of its authority to a schoolmaster or a community owned school, 'control continued to reside in the hands of the family.'

As the state became increasingly involved in the provision of education in countries like the United States and England during the second half of the nineteenth century, parents were generally reluctant to acquiesce. Their concern was and still is, that what children are taught in public schools may conflict with the family's beliefs.

In America today, home schooling is legal in all 50 states and the most highly regulated states are constantly reforming and relaxing their home school laws. An estimated one million American children are currently being home schooled in grades one to 12.

Home schooling is unlikely to ever become the mainstream, but is growing quickly from a relatively small base. The increasing availability of personal computers in homes and computer based educational systems makes home schooling available to an ever growing pool of people. The resources and home school networks available throughout the world via the Internet are also impressive.

The information age and the ever advancing technology of our society is constantly opening new doors on education. The Department of Education should seriously consider utilising the home schooling concept to adapt the South African curriculum to be user friendly to the home schooling family and should cooperate with the SABC to make education more accessible.

The cost savings for the state demand that the Department of Education look at this alternative. Home schooled children make space available in the present public school system – the 1 300 children currently being home schooled in the country equal the size of a large school – and this is money that the state is saving, since these children are not being subsidised in any way by the government.

Home schooling is a valid educational option which parents in South Africa should be free to choose for their children and which should be subjected to limited regulation by the state. One way of enhancing the quality of public or state provision of education is to allow alternative models, including home schooling, to compete in the market place.

Greater school choice and parental involvement would be in line with international educational developments and are certainly goals to be applauded. Anything that reinforces family cohesion should be actively encouraged by the state, and home schooling certainly does that for the family.

The new Constitution protects:

"the right to establish and maintain, at their own expense, independent educational institutions that...are registered with the state [and that] maintain standards that are not inferior to standards at comparable public educational institutions".

However, the proposed SA Schools Bill needs to be amended to limit the discretionary power of government bureaucrats regarding home schooling. It must also allow South Africa to develop a truly new, bottom up, family friendly and pluralistic educational dispensation – rather than a top down, family unfriendly bureaucratic one. [12:46]

Too many parents simply equate their children's education with government owned and run schools

In America today, home schooling is legal in all 50 states

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POWER FOR THE GREEN PEOPLE?

THE CONSTITUTION AND THE ENVIRONMENT

By Michael Kidd

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Will South Africa's final Constitution assist those seeking to defend the environment against state or private sector abuse? An environmental right is entrenched in the Constitution, but may be sidestepped by the limitations clause or conflict with other rights in the Constitution. Despite these flaws, the Constitution is an improvement over the common law position.

What would have happened at St Lucia and Saldanha if there had not been a concerted effort by the public to ensure that the environment received protection? Although most of South Africa's environmental laws rely on the state for their enforcement, citizen action is an essential supplement to the efforts of the administration. This is especially true at a time when state resources are tight and less and less is being channelled into the environmental sphere.

The new Constitution of the Republic of South Africa ought to be of significant assistance to those citizens and non-governmental organisations who take up the cudgels on behalf of the environment. In some ways, however, certain of the provisions can be seen as a mixed blessing.

Environmental right

Section 24 of the Constitution provides that:

*"Everyone has the right -
(a) to an environment that is not harmful to their health or well being; and
(b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that -*

- (i) prevent pollution and ecological degradation;*
- (ii) promote conservation; and*
- (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development."*

At first glance, this is something which environmentalists everywhere would welcome: an environmental right entrenched in a constitution. Certainly, South Africans should appreciate this, since in the early stages of constitutional development, it looked as though the environment would not be recognised in the list of fundamental rights to be protected. On the other hand, there are some areas of concern about the way the right is phrased. Before discussing these problems, it will be useful to examine how the right will operate.

Historically, one of the biggest obstacles facing the environmentalist in his or her efforts at challenging action detrimental to the environment has been the common-law requirement of standing, or *locus standi*. This is an inquiry by the court, preliminary to any argument or consideration of the merits of the case, as to whether the applicant has a sufficient personal and direct interest in the matter being complained about.

There are some areas of concern about the way the environmental right is phrased

If the applicant is held not to have *locus standi*, then the merits of the matter are not even canvassed. If, as is often the case, the applicant is someone like the Wildlife Society representing the interests of its members, it would be faced with a wealth of precedent to the effect that organisations representing their members' interests do not satisfy the *locus standi* requirement.

The same is true of action in the public interest. Since most environmental issues relate to the interests of the public as a whole rather than of certain individuals or groups, *locus standi* has probably ensured that there has been very little in the way of court action aimed at protecting the environment.

The Constitution brings significant relief. All the rights contained in Chapter 2 of the Constitution must be read in conjunction with section 38, which deals with the enforcement of rights. It reads:

"Anyone listed in this section has the right to approach a competent court, alleging that a right in the Bill of Rights has been infringed or threatened, and the court may grant appropriate relief, including a declaration of rights. The persons who may approach a court are -

- (a) anyone acting in their own interest;*
- (b) anyone acting on behalf of another person who cannot act in their own name;*
- (c) anyone acting as a member of, or in the interest of, a group or a class of persons;*
- (d) anyone acting in the public interest; and*
- (e) an association acting in the interest of its members."*

The effect of this section, since it gives *locus standi* to the types of persons listed above, is to ameliorate the common law *locus standi* requirement in cases where there is an infringement or threat to a right in the Constitution. Note in particular that it allows access to court in the public interest. The common law situation remains, however, where the right or interest being relied upon is not contained in Chapter 2 of the Constitution (i.e. the Bill of Rights).

If a person were to rely on the right contained in section 24, he or she would have to show that there is a situation which affects the environment in such a way that it

is harmful to their health or well being. A person complaining of an infringement or threat to health would probably have had *locus standi* under the common law.

Yet the Constitution is an improvement on the common law in the event that the aggrieved party is represented by another person or an organisation, alone or together with other affected persons. The health aspect of the right is more likely to be of assistance to people in lower socio-economic circumstances: for example, people without access to piped water who drink water from a polluted water source.

The concept of 'well being', on the other hand, is probably of more relevance to the average middle class person who is concerned about events which threaten the environment, but who is not able to show that there is a threat to his or her health. As Glazewski has argued:

"the term 'well being' is far broader and is wide enough to be interpreted by the constitutional court as including the aesthetic and spiritual dimension of the natural environment ... both the squatter's and the Sandton resident's well being arguably depend on the maintenance of wild places even though neither may frequent them." (Glazewski 1994: 5)

Much of the effectiveness of the environmental right in the Constitution will depend on how the courts interpret this concept. People like those who opposed the mining at St Lucia might not be able to rely on an infringement of their right to well being if the court interprets this right narrowly. This would render them subject to the common law *locus standi* requirements and unable to litigate in the public interest.

The second part of the right gives people the right to have their environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that are aimed at certain specified purposes. This right is important as it can be used to force the government to take steps to protect the environment in cases where the state is inactive.

The right may, however, be severely curtailed in that the measures must be 'reasonable'. If 'reasonable' is considered from the state's perspective, it may well be that lack of resources could be cited as

The Constitution allows access to court in the public interest

Much of the effectiveness of the environmental right in the Constitution will depend on how the courts interpret the concept of well being

The right may however be severely curtailed in that protective measures must be 'reasonable'

Reference to 'promoting justifiable economic and social development' is an inappropriate inclusion in an environmental right

reasons for the state failing to take the desired measures. Moreover, the right – like all others in the Constitution – is subject to the limitations clause (discussed below), which also limits rights in given situations.

The list of purposes for which the measures discussed above are to be taken (section 24(b)(i)-(iii)) is cause for concern for a number of reasons. First, the list is not comprehensive and is even vague. It speaks of the prevention of pollution and ecological degradation, but not of rehabilitation of already polluted environments. Measures are to be taken to 'promote conservation' – conservation of what?

The limitations clause will be used to justify certain actions detrimental to the environment

The third item's reference to 'promoting justifiable economic and social development' is at worst an inappropriate inclusion in an environmental right provision. At best it is badly phrased, since environmental legislative or other measures are not concerned with promoting development. That such measures ought not to hinder development unreasonably is another matter altogether, and if that was the idea, the wording should have reflected this.

A second shortcoming is that the list's lack of comprehensiveness means that it may fall foul of the *expressio unius est exclusio alterius* rule of interpretation. This rule provides that if a list of considerations are given, the judicial officer interpreting the section may not 'read in' to the provision considerations which are not specified.

The effect of this is that people do not have the right to have their environment protected by measures which do not fall within the given list – for example, measures aimed at preserving (rather than conserving) biodiversity. This could have been avoided by omitting the list altogether, or by including the phrase 'inter alia' before the list.

The environmental right may conflict with other rights in the Constitution, like the property clause

Limitations clause

As is the case with all the rights in Chapter 2 of the Constitution, the environmental right is subject to the limitations clause, section 36 which states:

"(1) The rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom,

taking into account all relevant factors including-

- (a) the nature of the right;*
- (b) the importance of the purpose of the limitation;*
- (c) the nature and extent of the limitation;*
- (d) the relation between the limitation and its purpose; and*
- (e) less restrictive means to achieve the purpose.*

(2) Except as provided in subsection (1) or in any other provision of the Constitution, no law may limit any right entrenched in the Bill of Rights."

It may well be possible that the limitations clause will be used to justify certain actions detrimental to the environment on the basis that such actions constitute 'reasonable and justifiable' limitations of the environmental right. A possible example would be the siting in an ecologically sensitive area of a factory which would create large scale employment, where it would not be feasible to locate elsewhere.

Not only is the right subject to the limitations clause, but there is also the possibility that it may conflict with other rights in the Constitution in certain circumstances – the property clause, for example. In this respect the wording of the right is cause for concern to some commentators. Winstanley (1995: 93) argues that:

"Should a court be called upon to assess two competing rights and one is phrased negatively, it may well be that the environmental right will, on that basis alone, have to bow to the other right at stake. However, were it framed positively, it would compete equally with all other potentially competing rights, without in any way conferring an unlimited right to environmental quality."

There appears to be no legal authority for this proposition, which may, therefore, be unduly pessimistic. Since however, it seems that it was possible to frame the right in positive terminology, this would have avoided any possible problem of the sort that Winstanley raises. A right to an environment 'conducive to health and well being' means substantially the same thing as the right phrased as it is presently, with the benefit of positive phraseology.

Protection

A further complicating factor is the issue of whether the Constitution applies vertically or horizontally. This is constitutional jargon denoting application in such a way that the Bill of Rights binds only organs of state (vertical) or all persons (horizontal). Section 8 of the Constitution provides that a provision of the Bill of Rights binds natural and juristic persons if it is applicable, taking into account the nature of the right and of any duty imposed by the right.

It would appear therefore, that the nature of the right in section 24(a) is such that it would bind all persons (horizontal application), but this is not beyond question at this stage. In section 24(b), the legislative measures can only be secured by the state, meaning that this aspect is of vertical application only. It is however, possible that 'other measures' could be adopted by entities outside the government sector.

This lack of certainty is a worry, since much environmental degradation is brought about by non-state entities, who would not be bound by the right were it held to be of vertical application only. Although a Bill of Rights is thought by many constitutional lawyers to be a shield protecting citizens against state power, and therefore not to be applied horizontally, the environmental sphere is one area where the power of the government to do damage is matched if not exceeded by that of other bodies.

The problem could have been avoided by the incorporation into the Bill of Rights of an environmental duty, imposing a duty on all persons (including the state) either not to harm the environment or to protect the environment. This would in no way be a unique constitutional provision since several other countries impose constitutional obligations in respect of the environment on state and individuals (Winstanley 1995).

Other rights

There are a number of other provisions in the final Constitution which are of importance to the environment. Space prevents addressing all of them, including the provisions in Chapter 6 dealing with the distribution of responsibility between national, provincial and local government. It is however, worth mentioning two rights in Chapter 2 which should also prove important weapons in the environmentalist's

arsenal. Section 32 deals with access to information and provides in subsection 1 that:

"Everyone has the right of access to -
(a) any information held by the state;
and
(b) any information that is held by another person and that is required for the exercise or protection of any rights."

The noteworthy aspect of this right is that it can be enforced against private individuals as well as the state, which could be of great concern to polluters. Section 33 provides:

"(1) Everyone has the right to administrative action that is lawful, reasonable and procedurally fair.

(2) Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons.

(3) National legislation must be enacted to give effect to these rights, and must -

(a) provide for the review of administrative action by a court or, where appropriate, an independent and impartial tribunal;
(b) impose a duty on the state to give effect to the rights in subsections (1) and (2); and
(c) promote an efficient administration."

Since the administration is involved significantly in environment management through the granting of permits, licences, planning permission etc., this provision is also clearly of great relevance as far as scrutiny of the state by environmentalists is concerned.

The final Constitution, despite the flaws identified in this article, is an improvement over the common law position and is thus to be welcomed. It is likely to be of great benefit to those individuals and non-governmental organisations who are concerned about the environment and are prepared to take a stand to protect it. **LEA**

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The power of the government to damage the environment is matched if not exceeded by that of other bodies

An environmental duty should have been incorporated into the Bill of Rights

The right of access to information can be enforced against private individuals as well as the state

The 'Brown Agenda'

Environment and Development in Cato Manor

By Zarina Patel

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The international environmental focus on natural resource or 'green agenda' issues has widened as urbanisation in Third World cities causes additional environmental problems – the 'brown agenda' – that undermine quality of life, particularly among the poor. This review of threats posed to the natural environment by developing Cato Manor raises issues central to urban management in South Africa.

Humanity is presently undergoing a great migration from rural to urban areas. Some 20 million people move to cities every year, a human transmigration unprecedented in history (Girardet 1992). Today, 19 of the world's 25 largest cities are in developing countries. Humanity is rapidly evolving from a species of rural hunter-gatherers to urban consumers. The city has become a symbol of control, especially over the natural environment.

This manipulation of the natural environment has led to cities becoming the focal points in the conflict between humanity and nature. The natural environment provides a source of resources upon which city functioning depends, as well as a sink for pollution emanating from urban activities. This results in cities posing a threat, not only to the survival of the natural landscape, but also to the very existence of urban society as we know it (Roberts 1994).

Today, 19 of the world's 25 largest cities are in developing countries

It is therefore evident that a prerequisite for the continued survival of 'urbanites' is the holistic inclusion of environmental consideration in urban planning. A country's development typically incorporates at least two major components: growth in aggregate

wealth and per capita production; and the improvement in the quality of life of all citizens (Clark 1994). Since the 1980s, a third component – sustainability – has been added to the development discourse.

Agenda 21, which was presented at the United Nations Conference on Environment and Development in Rio de Janeiro in 1992 was the first successful attempt to link environment and development concerns through its action plans for global sustainability. Furthermore, the inclusion of urban concerns in Agenda 21 and the adoption of Local Agenda 21 is a clear commitment towards addressing environmental problems in the urban arena. The traditional tenets upon which most modern cities are planned – economic, political and social – need to make a space for environmental considerations before holistic planning can be achieved.

Sustainable cities

It was recognised at the 1992 Earth Summit in Rio that the international focus in environmental issues was mainly on natural resource issues and the intergenerational equity issues of global warming, the ozone layer and acid rain (Bartone 1991). These

issues have collectively been called the 'green agenda'. However, increasing rates of urbanisation in Third World cities have resulted in an additional set of environmental problems that undermine urban dwellers' quality of life, particularly the poor. These include:

- The lack of safe water supply, sanitation and drainage.
- Inadequate solid and hazardous waste management.
- Uncontrolled emissions from motor vehicles, factories, and low grade domestic fuels.
- Accidents linked to congestion and crowding.
- The occupation and degradation of environmentally sensitive lands.
- The inter-relationships between these problems.

These environmental problems that are directly linked to the development process have been dubbed the 'brown agenda' (World Bank 1993).

Following the Earth Summit, it became increasingly clear that an environmental agenda that recognises the cycle of poverty, resource depletion, and environmental degradation in urban areas had to be developed separately. As a result, a separate conference, Global Forum '94, with a single theme – Cities and Sustainable Development – was held during June 1994 in Manchester. Taking its lead from Agenda 21, the aim of Global Forum '94 was to formulate practical solutions and action plans for addressing the 'brown agenda', thereby fostering sustainable cities worldwide.

The concept of a 'sustainable city' is in fact misleading, as no city can sustain itself by drawing only on the resources within its boundaries. According to Mitlin (1992) what is sought is not 'cities that can sustain themselves' but cities where the inhabitants' development needs are met without imposing unsustainable demands on local or global natural resources and systems.

Furthermore, it is the specific production and consumption patterns within cities that threaten ecological sustainability. It is hence

these patterns that must be made more sustainable, and not cities *per se*.

Any consideration of sustainable city development in the developing world must in addition have as a central focus the improvement of the housing, living, and working environment of poorer groups. As the concept of sustainable development brings together development priorities (meeting human needs) and environmental priorities (controlling or limiting the harmful impacts of human activities on the environment), it is well placed to simultaneously achieve these social, economic, political and ecological goals (Hardoy *et al* 1993).

South African cities

Historically, the management of South African cities has been driven by the ideology of 'separate development' rather than by a concern to create a healthy, viable urban environment (Ramphele 1991). This has resulted in inefficient city functioning. The legacy of this policy is the core of the urban environmental crisis in South Africa. However, despite the apparatus of influx control and apartheid ideology, South African cities have witnessed an unprecedented increase in the number of squatters and informal settlements on the urban fringe.

Informal settlements, together with trends of suburbanisation have resulted in the fragmentation and sprawling of the city, which in turn increases the strain on the natural environment. Furthermore, the greatest urban explosion is occurring among the poorest people, resulting in high and increasing levels of poverty, unemployment and inequality within the cities (Ramphele 1991).

The Reconstruction and Development Programme (RDP) stresses that sustainable urbanisation must be part of the process of post apartheid reconstruction. By adopting the aims of the RDP as a guideline for policy, the Government of National Unity has committed itself in principle to using South Africa's resource base in a sustainable manner, as well as promoting the development and upliftment of society.

Cato Manor

The necessity of providing inner city formal housing and employment for the

Specific production and consumption patterns in cities must be made more sustainable, and not cities per se

In the developing world a central focus on the improvement of the housing, living, and working environment of poorer groups

In South Africa the greatest urban explosion is occurring among the poorest people

These brown agenda problems are inextricably linked to poverty and productivity

Solving 'brown' issues for Cato Manor has crucial implications for resolving many of the 'green' problems

Administrative fragmentation could undermine a successful holistic development

disadvantaged race groups has become an urgent reality for South Africa. With this comes the redistribution of resources and the repossession of land for those who have been removed from inner city areas as a result of the mass removals that occurred during apartheid (Cock 1991).

The redevelopment of Cato Manor, west of Durban, is an important case in point. It demonstrates the Government's attempt at redistributing land and resources among urban South Africans after many years of stagnation in the apartheid era.

The development of Cato Manor is a response by the city to provide an orderly, integrated and compact development in the heart of the Durban Functional Region to meet the demands of the post-apartheid city. According to the policy document drawn up by the Cato Manor Development Forum (1992), they endeavour to provide a range of lifestyle, residential, recreational and employment opportunities, particularly for those originally removed from the area and the poorer residents of the Durban Functional Region.

The achievement of sustained and equitable development, which maintains a healthy balance between environmental and development priorities for Cato Manor – and future developments of this nature in South Africa – presents a great challenge to urban planners. Recent years have witnessed rising concern about whether environmental constraints will limit development, and more importantly, whether development will cause serious environmental damage, in turn impairing the quality of life of this and future generations.

Historically, development has too often ignored environmental values. The long term consequences of ignoring the integral link between development and the environment has hidden pecuniary repercussions, and should hence be an important part of the planning process.

Threatened resources

Greater Cato Manor is traversed by both the N2 and N3 national routes, straddling the local authorities of Durban, Westville and Queensburgh. It occupies the most accessible location in the entire metropolitan region and as such embodies a valuable land resource. The effective planning and development of the area could render

Greater Cato Manor one of the keys to Durban's future socio-economic prosperity.

Greater Cato Manor has the capacity to accommodate a population of up to 200 000 people (Day and Chetty 1993). The policy framework for developing the area specifies that the form of development will be primarily low income housing. The environmental resources in Cato Manor that are threatened by the demands of urbanisation are land, water, air and natural vegetation. More specifically, without holistic environmental planning and management, Cato Manor could fall prey to the 'brown agenda' environmental problems that face most other cities in the developing world.

These brown agenda problems are inextricably linked to poverty and productivity as well as broader macroeconomic performance (World Bank 1993). It is important to note that an examination of 'brown' environmental concerns cannot be done in isolation, as the solving of 'brown' issues for Cato Manor has crucial implications for resolving many of the 'green' problems (those related to the management and use of natural resources) extending beyond the boundaries of the Durban Metropolitan Region, as well as the 'global' problems facing future generations.

□ Land

Administrative fragmentation is one of the most crucial factors that could undermine a successful holistic development plan for Cato Manor. This could lead to large socio-economic disparities which will result in the development of a dependency relationship between various pockets within the Greater Cato Manor (GCM) area. This is compounded by the fact that GCM is largely surrounded by traditionally white, affluent residential areas.

Huge socio-economic disparities already exist within GCM with the presence of informal settlements, the township of Chesterville and the middle class Wiggans and Bonella developments. The negative consequences of development of this nature has already become apparent with the various land and house invasions that have been staged in the area over the past three years.

Within the context of metropolitan Durban, the development of Cato Manor could prove

to be a very positive initiative as it will compact Durban's growth and could hence serve to catalyse economic growth strategies for the region. Development in Durban has occurred rapidly, fuelled by low density formal development along the coastal and inland axes, and sprawling unplanned settlement on the metropolitan periphery, resulting in a highly inefficient spatial form (Day and Chetty 1993).

The urban poor, who are in the greatest need for employment, shelter, infrastructure and services are located on the metropolitan periphery, yet ironically most of the opportunities to address these needs are currently to be found in the metropolitan core. In terms of accessibility therefore, the development of Cato Manor has the potential to increase the quality of people's lives.

□ Water

Both the quality and quantity of water are threatened by the development of Cato Manor which is to accommodate roughly 200 000 people as well as other industrial and commercial activities. South Africa is a fairly dry country, with rainfall below the world average. The overall South African demand is predicted to outstrip the conventional sources of supply by the year 2020 (Ramphela 1991). As a direct result of the potential seriousness of the water quantity problem, an effective management plan will have to be implemented for Cato Manor.

The threat of water quality should be a priority issue for planners in the development of Cato Manor. The area is traversed by the Umkumbaan catchment and the potential pollution of this river system has repercussions for the rest of metropolitan Durban, as well as the KwaZulu-Natal coastline.

The high incidence of squatting in the area also poses a serious threat to water quality. When urban water supplies are not provided, people naturally gravitate towards natural water sources – such as the Umkumbaan canal. When sewerage facilities are inadequate, chronic pollution quickly occurs. There is a real and increasing possibility of epidemics of cholera, gastroenteritis, dysentery, parasitic infections, typhoid and bilhazia affecting millions of people outside the GCM area.

□ Air

Air pollution is already a serious problem in and around South African cities. The effects of increased levels of air pollution in Cato Manor have important repercussions for the rest of Durban as well as the KwaZulu-Natal coastline and areas inland beyond Durban, due to the wind systems that prevail in the region.

There are three main potential sources of air pollution in Cato Manor. First, the inefficient control over industrial emissions. Second, the extensive use of coal for heating and cooking purposes. If clean energy sources are unavailable or too expensive, people have no option but to use coal fires. This is already an extensively used option in Chesterville and the informal settlements in GCM.

The third cause is emissions for motor cars, which constitute the largest source of air pollution in all major cities. However, it is predicted that most people in GCM will not be car owners, hence the source of air pollution will be mostly from public transport and the informal taxi industry.

□ Natural vegetation

The natural vegetation in South African cities is under constant attack. Vast areas of ecologically significant open space are cleared for lateral growth of cities. In the absence of energy or building materials, the natural environment is utilised.

Cato Manor Park has a vital ecological role to play for the Durban Metropolitan Open Space (D'MOSS) plan, which aims to create an open space system which 'integrates the needs of recreation, conservation, amenity, engineering services and security with a low cost structure' (Director, Parks; Gardens and Recreation Department 1989). Cato Manor Park serves as a linking park designed to unite the parks in the southern and northern areas into one system.

According to Roberts (1992), this 'linking is important to ensure floristic continuity across the urban landscape.' In the planning of GCM, cognisance must be taken of the fact that Cato Manor Park represents the last and only opportunity to establish north-south biogeographical and landscape continuity in the municipal area.

The high incidence of squatting in Cato Manor poses a serious threat to water quality

Increased levels of air pollution in Cato Manor have important repercussions for the rest of Durban

Cato Manor Park represents the last opportunity to establish biogeographical and landscape continuity in the municipal area

Poverty and inequality force people to use their environment in an unsustainable way

Conclusion

This brief review of some of the major threats to the natural environment posed by the development of Cato Manor raises a number of issues central to urban management in South Africa. Foremost among these is the lack of effective environmental policy to guide development in Durban and regionally, which detracts from the attainment of a holistic approach to development. There is no baseline from which to work, resulting in an *ad hoc*, and often reactionary approach towards the environment.

Enabling all people to be citizens of South African cities is the first step towards sustainable urban development. As long as poverty and inequality persist, people will be forced to continue using their environment in an unsustainable way. Providing a minimum level of basic rights and services to the population is a first step towards addressing the 'brown agenda' and ensuring sustainability in South Africa's cities.

The period of transition in South Africa has provided the opportunity for the

incorporation of a sustainable development framework in the Cato Manor development, as well as other developments of a similar nature. However, the road to sustainability will not be a smooth one. Policy regarding urban restructuring will have to take on board – as priority issues – the challenges of partnerships with communities, environmentally sensitive planning, and the legacy of institutional fragmentation. [12]

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INDICATOR

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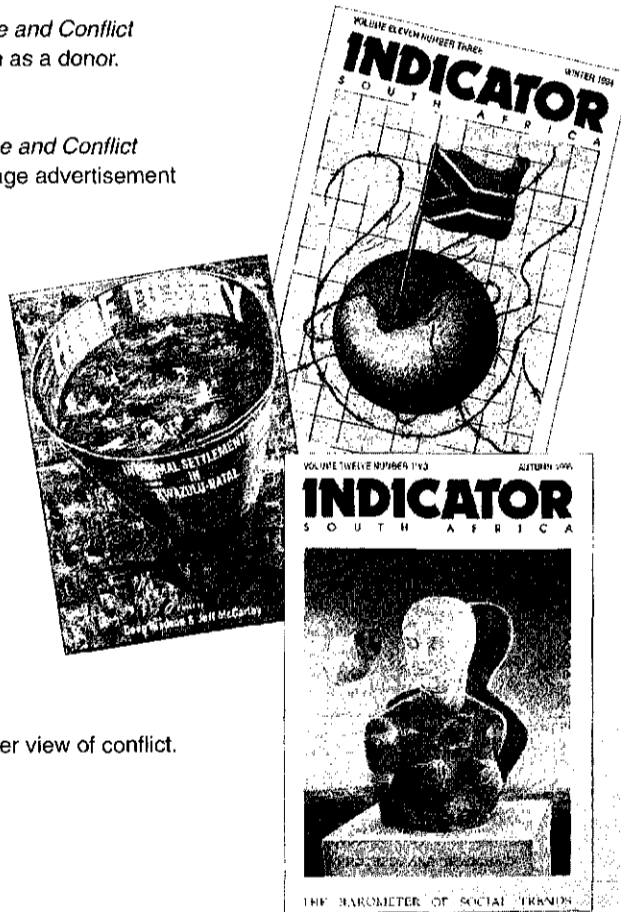
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