

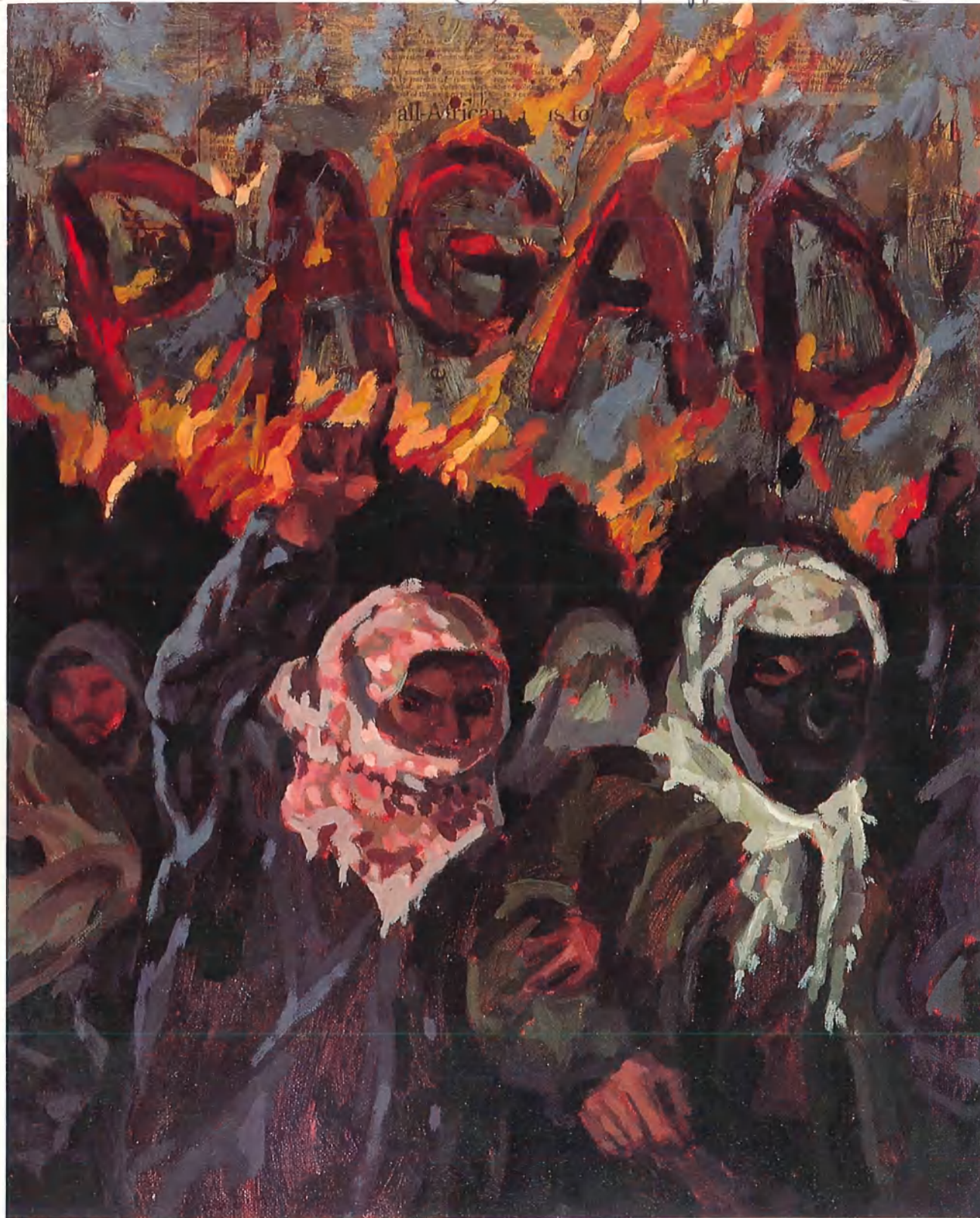
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SPRING 1996

# INDICATOR

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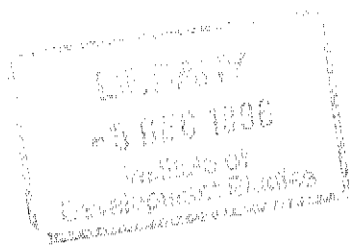
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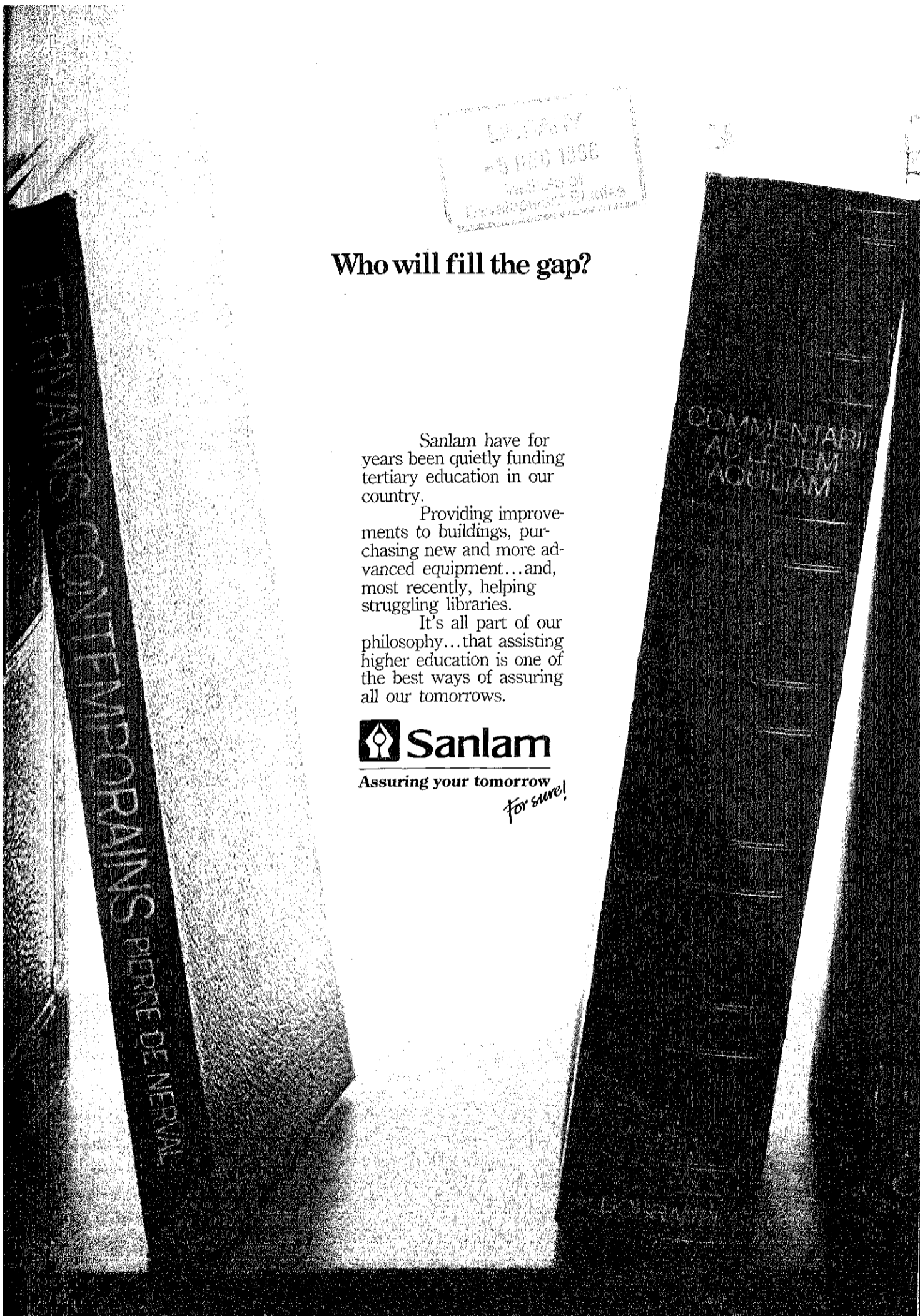
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## Editorial

The long queues, the exhilaration and the chaos of the elections in April 1994 seem further away than their mere two and a half years. Indeed, so much has since happened that the African National Congress led government is fortunate that it has only recently reached the half way mark of its first term of office. Fortunate, because although progress has been remarkable in some respects, it has been slow and virtually absent in many others.

Bill Johnson in the latest *Helen Suzman Foundation Focus Letter* aptly describes these as 'the best and worst of times'. There have been several predictable developments since the elections in 1994: it is not surprising that the RDP has quietly been allowed to slip from Government's previously triumphantly publicised agenda.

As the realities of the development challenge settle, election promises – particularly relating to housing – remain unfulfilled. Problems with the new Housing Subsidy Scheme, and stereotypes about people's needs and how to meet them are not surprising. They confirm the danger of election promises which hinge on development – a drawn out, complex and undramatic process, illustrated by the Cato Manor project in Durban. This, the largest RDP project in the country, is reported on in this issue.

Another 'predictable' is the extent of corruption which threatens to unite South Africa with several neighbours on the continent. Mopping up after its ministers, the ANC's response to Sarafina II and Bantu Holomisa's revelations mesh with this mood. Crime levels are also more worrying than surprising, and the Nedcor survey shows that even for black South Africans, crime has surpassed unemployment as the primary concern.

This raises the 'unpredictables'. Many events in 1996 confirm that nothing is certain: for those convinced the ANC had been irretrievably seduced by a human rights imperative – its response to Pagad was a surprise – and articles in *Indicator SA* and *Crime and Conflict* explain why.

Also, the ANC's conservative macroeconomic plan according to Johnson, is politically 'gravity defying'. And while catching the big fish was never going to be easy, who would have predicted that all the accused in the Magnus Malan trial would be acquitted and the state witnesses refused indemnity? Indeed, just when we think we know what apartheid was all about and we grow accustomed to the notion of a third force and the brutality of our past, startling revelations in the Eugene de Kok trial – and not the Truth Commission – remind us how much there still is to know.

**Antoinette Louw**  
Editor

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# INDICATOR

## CONTENTS

### POLITICAL MONITOR

#### Pagad and Islamic Radicalism: Taking on the State? 7

**Farid Esack**

*People Against Gangsterism and Drugs is an entirely South African Muslim phenomenon. Alone, however, it presents no significant threat to the state because the forces behind it are too disparate and divided.*

#### After Apartheid: Shaping a New Afrikaner 'Volk' 12

**Courtney Jung**

*Afrikaner identity is being reinvented as hardline and liberal Afrikaners battle over the definition of Afrikanerdom.*

#### The Policy Making Predicament 17

**Simon Bekker**

*Public policy makers' activities are confined by their political masters and budgets. Policy represents government's values and intentions and demands evaluating what government does against what it intends.*

#### South Africa's New Upper House: The National Council of Provinces 21

**Richard Humphries and Jens Meierhenrich**

*Under the final Constitution, the National Council of Provinces will replace the Senate, giving provinces the potential to counter the dominant influence of the national government in the legislative arena.*

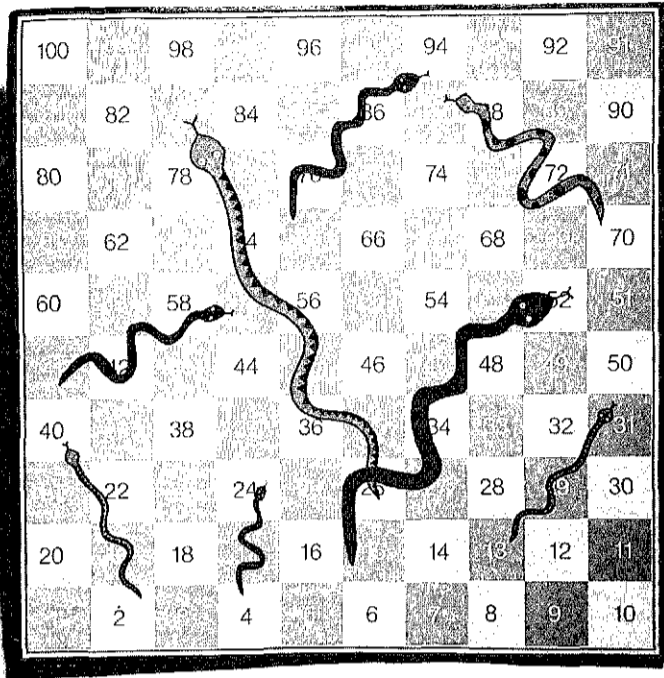
#### Grassroots Foreign Policy? A Case for Provincial Participation 25

**Glenda White**

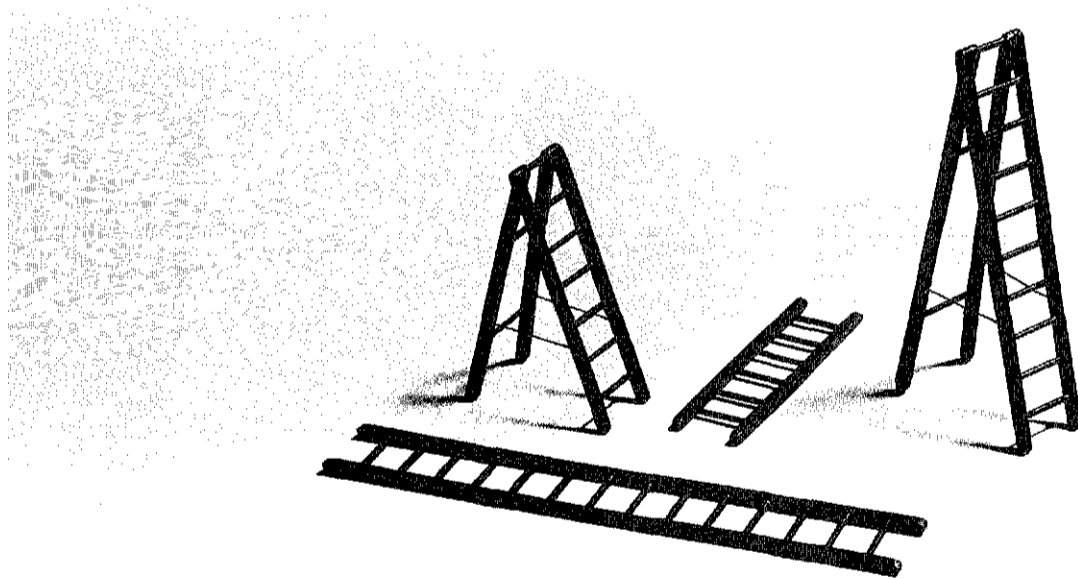
*Considering their proven capacity to conclude agreements, and the expected role of the National Council of Provinces, provinces can play a crucial role in formulating foreign policy. Gauteng provides a good example.*

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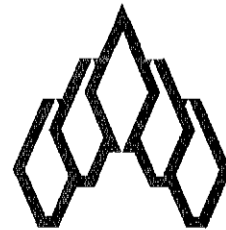


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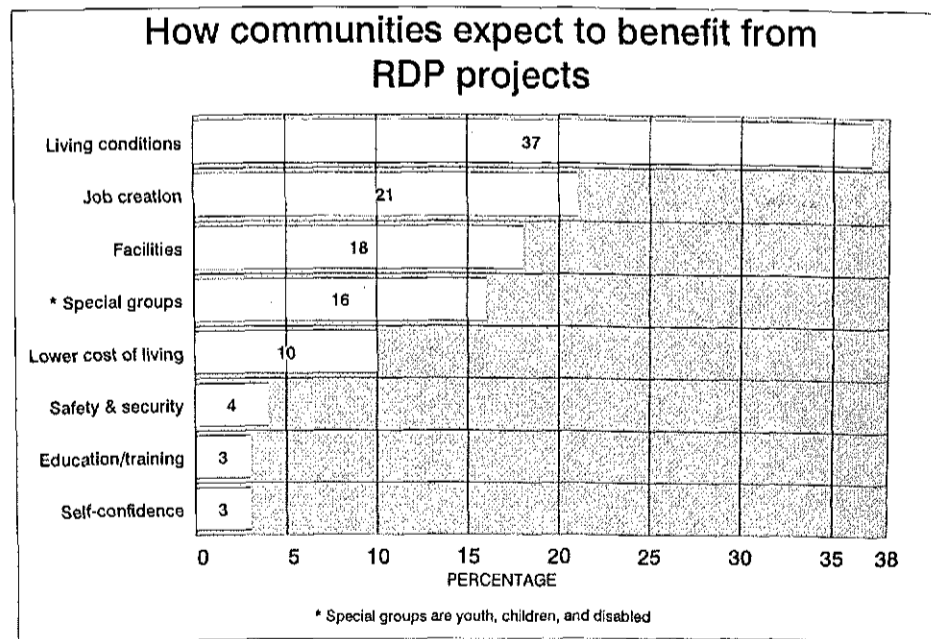
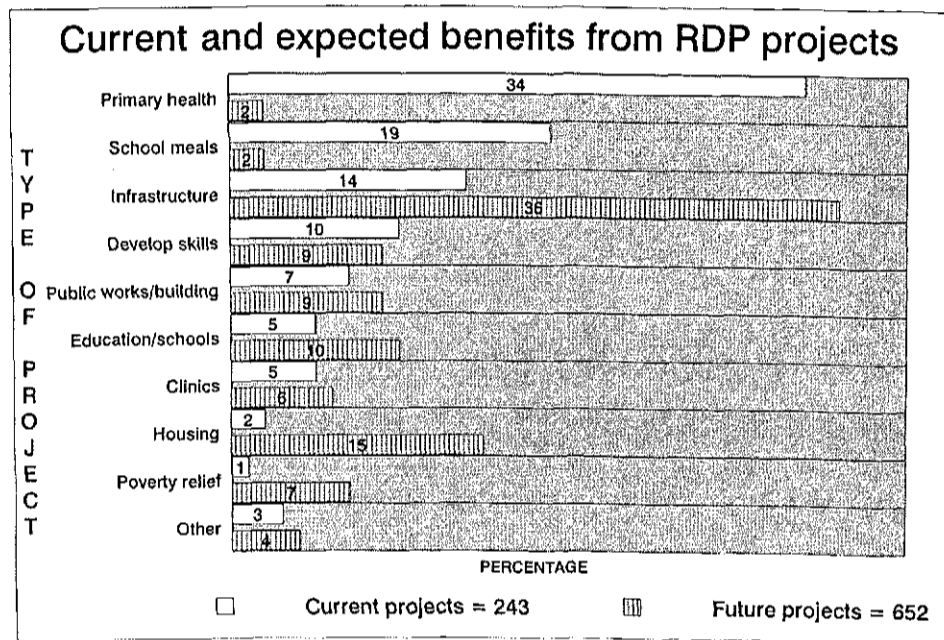


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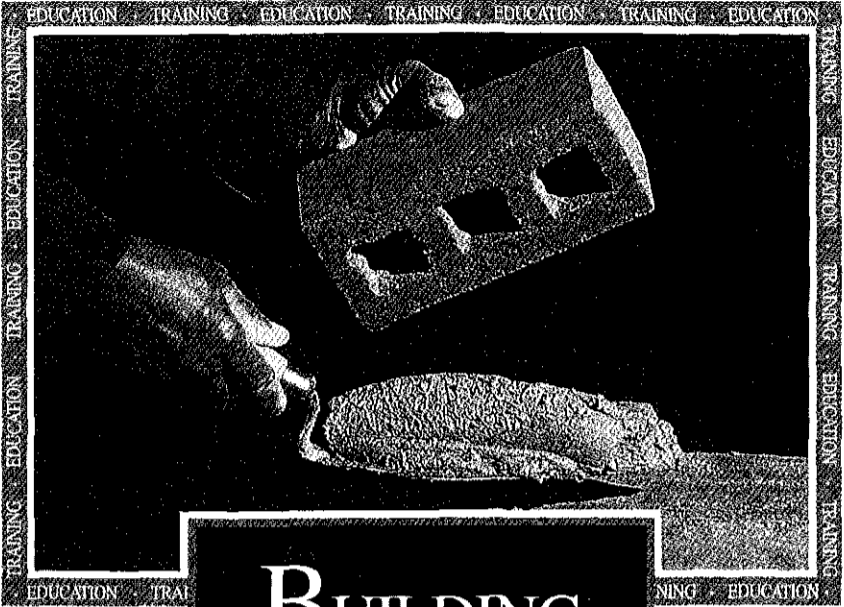
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# POLITICAL MONITOR



Source: *Perceptions of Development in KwaZulu-Natal, A Subjective Indicator Study*, Valerie Moller, Published by Indicator Press, in conjunction with the Human Sciences Research Council KwaZulu-Natal Office, September 1996



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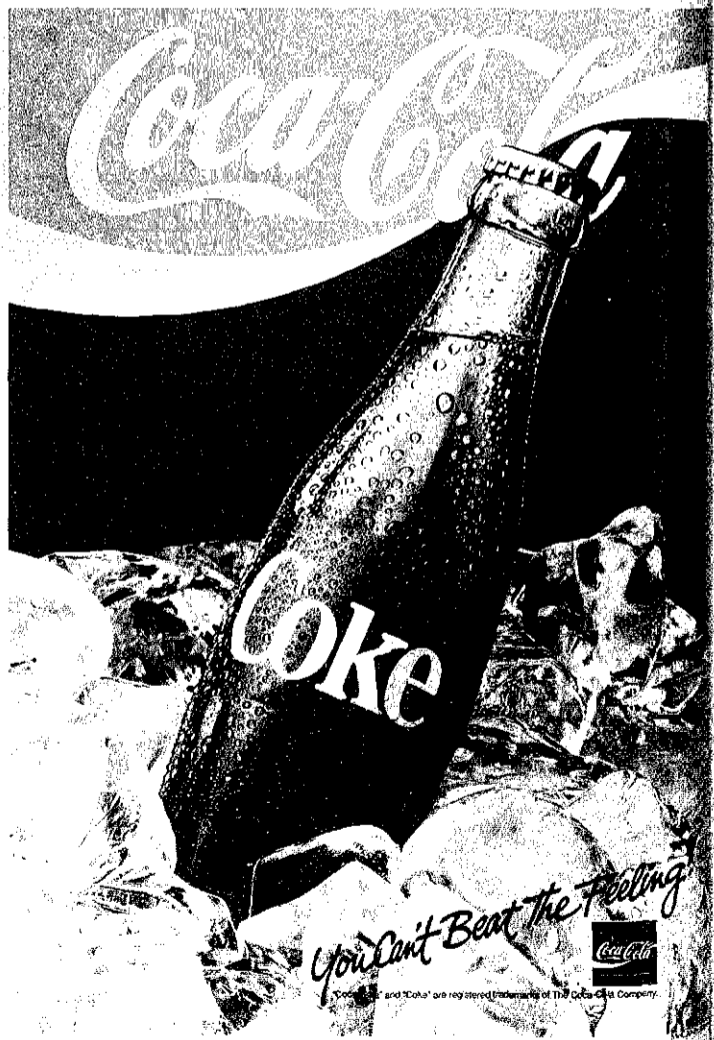
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# T Pagad and Islamic Radicalism? aking on the State

By Farid Esack, Department of Religious Studies  
University of the Western Cape

*Inspired by recent events in Cape Town, this article examines the country's Muslim community. Despite People Against Gangsterism and Drugs' insistence that it is not a Muslim entity, Pagad is an entirely South African Muslim phenomenon. Alone however, it presents no significant threat to the state because the forces behind it are too disparate and divided. In the latest edition of Indicator's Crime and Conflict, related issues of vigilantism and popular justice are discussed with reference to Pagad.*

This article examines People Against Gangsterism and Drugs' (Pagad) hinterland – the local Muslim community. Despite the use of Islamic symbols which first came to prominence in what is now universally described as 'Islamic fundamentalism', this article locates Pagad within its peculiarly South African matrix. The group's putative international links will be considered, as well as whether Pagad poses a threat to this country's democratic state.

## South African Muslims

According to available evidence, Muslims entered South Africa from three directions and during different periods. The first stream arrived either in the company of, or shortly after, the first colonists landed at the Cape in 1652. They hailed from various parts of the East and comprised labourers, political exiles or prisoners and slaves.

Together with local converts to Islam, they were referred to as 'Malays' despite the fact that less than one percent came from today's Malaysia. In the Cape, this community

gradually formed a sub-group of the 'coloured community' and have an essentially working or professional social class base.

A second stream of Muslims arrived as indentured labourers in 1860 from India along with some Hindus. Their descendants are today concentrated in the northern provinces of Gauteng, North West, Mpumalanga, Northern and KwaZulu-Natal. Small pockets of this stream – almost entirely business and professional class based – are located in the Cape in areas such as Gatesville and Cravenby.

The present generation of this community is really the first to see significant numbers integrating with the 'Malay Muslim'. A third and numerically insignificant stream arrived between 1873 and 1880, when about 500 liberated slaves were brought to Durban. Known as Zanzibaris, this group settled in and around Durban.

Despite comprising only 1,3% of South Africa's population, Muslims play a large role in socio-economic and political affairs,

*The Muslim community gradually formed a sub-group of the 'coloured community' and have an essentially working or professional social class base*



More than 10% of all members of Parliament and Cabinet Ministers, and 12% of participants in the Codesa talks are or were Muslims

The dominant Muslim voice is committed to gender equality, freedom of speech and association and the separation of religion and state

At a popular level, the influence of progressive Islam is slowly being eroded

and a comparison with the Jewish community of the United States is not out of place. A few examples are:

- For 40 years the premier political organisation in the Cape Province, the African People's Organisation, was led by a committed Muslim, Dr Abdullah Abdurahman. All major splits from this organisation to the left were led by Muslim intellectuals, and to the right by Christian clerics.
- More than 10% of all members of Parliament and Cabinet Ministers, and 12% of participants in the Codesa talks are or were Muslims.
- Among the many Muslims in influential positions are Mandela's legal advisor, autobiographer, and political adviser, the head of the Truth and Reconciliation Commission Amnesty Committee, the secretary of the South African Police Services, the director general of the Constitutional Assembly, the deputy president of the Constitutional Court, and the outgoing director general of the National Intelligence Service.

Despite all of the above, concern has, with few exceptions, never been expressed about the role and influence of Muslims in South Africa until very recently. Some of the reasons why this influence is largely met with indifference are:

- Muslims have been in this country for 340 years and are part of the landscape. No one views them as alien or foreign, nor – with some recent exceptions – do they have any external allegiances or connections.
- Their role in the country has been positive in the fields of law, health, education and business – in the latter, Muslims regarded as 'Indians' have been the object of resentment by many black people, particularly in the northern parts of the country.
- They have seldom, if ever, used their position to entrench their own influence or to bring others 'of their kind' into positions of power.
- While religion has, at times, influenced their socio-political commitments, it has seldom played a significant role in their political positions.

## Religion and politics

The Muslim community is one of the most religious, it is more traditional than conservative, and certainly not fundamentalist. There is a casual and all pervading religiosity among most Muslims who would, nonetheless, balk at describing themselves as 'religious'. While many do not live according to the tenets of Islam, most are prepared to die for it.

The progressive formations of the 1980s such as the Call of Islam and the Muslim Youth Movement which played a pivotal role in destroying apartheid, are in a state of disarray. Many of their senior activists are now in government, funding sources have dried up, and most anti-apartheid energy has dissipated. There is also an inability to develop a theology of reconstruction after the Islamic theology of liberation.

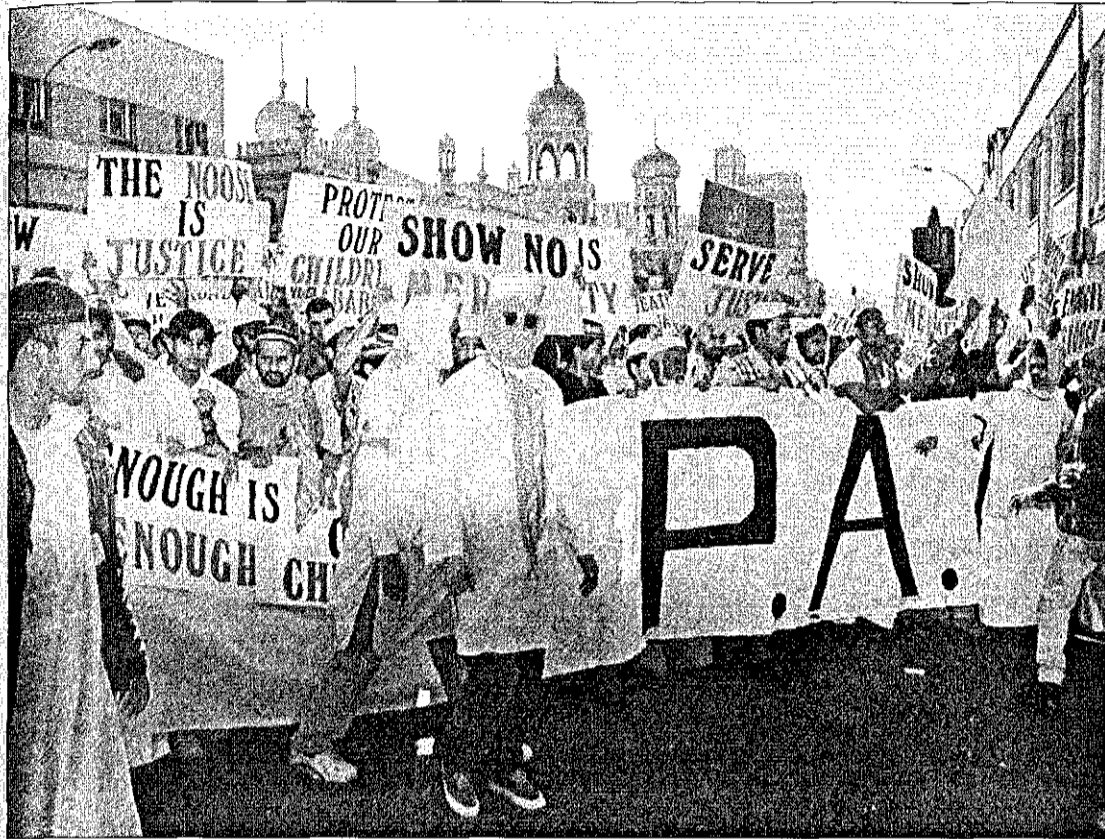
At some levels though, the influence of these progressive elements continues to be felt. In the mass media, in government and in non-government circles, the dominant Muslim voice is one committed to gender equality, freedom of speech and association and the separation of religion and state. This influence is largely due to the location of progressive Muslims in these circles, rather than any kind of organic leadership within the Muslim community.

While Muslims do not exercise an undue influence on government policy, in seeking to accommodate as many players as possible, Government promised the implementation of Muslim Personal Law on the eve of the last elections. A board was set up with ANC backing to achieve this, but the inability to agree on a common approach regarding gender equality led to the board's dissolution.

Conservatives subsequently made their own submission to the Constituent Assembly requesting that religious and traditional law be exempt from the Bill of Rights. The final Constitution, however, specifies that the Bill of Rights – and the gender equality clause – cannot be overridden by traditional or religious law.

At a popular level, in the relative absence of organised Muslim activity, the influence of progressive Islam is slowly being eroded. Remnants of this trend are found in Al Qalam, a progressive national Muslim monthly; the Claremont Main Road Mosque

Photograph courtesy of Natal Newspapers



Pagad march in Durban

in Cape Town, which made history two years ago by being the first Mosque in the history of Islam to have had a woman preacher on Friday; the Johannesburg based Gender Desk of the Muslim Youth Movement; and a group of liberal and progressive Muslim scholars of international repute based in the Cape Town area.

### Fundamentalist forces

There has been a general rise of conservative religio-ideological forces seeking to protect the new South Africa from the 'scourge of democracy and liberalism'. Recent examples in the Muslim community are the conference on 'Islam and the West' attended by about 2 000 people in Pretoria, and the founding of the Islamic Unity Convention (IUC). Claiming to be a union of 200 groups – a number which it refuses to open to scrutiny – it has rapidly become a front for marginalised religious figures and a few small organisations who accept the pre-eminence of Qibla and its leader Achmat Cassiem.

Inspired by the 1979 events in Iran, Qibla emerged in the 1980s as a militant, fundamentalist force. It simultaneously supported Black Consciousness, Pan

Africanism and the new European Unity Movement on the one hand, and the notion of an Islamic revolution for South Africa, on the other.

Qibla was driven by inflexible and doctrinaire positions which defied any attempt at political analysis. It defended the political positions of Black Consciousness and Pan Africanism, presenting all its arguments in Islamic revolutionary terms. But the key to understanding Qibla, and by extension Pagad, may be the personality of its founder.

The phenomenon of the charismatic and supreme leader is quite common to Islam, particularly Shi'ah Islam. Although the vast majority of Qibla supporters may not regard themselves as Shi-ites, they are deeply attracted to the model of a single Khomeini-ist charismatic figure – a model which Cassiem has assiduously cultivated. He has long insisted on being referred to as 'Imam', initially to enhance his community standing with the apartheid security and judicial apparatus. It is not uncommon to hear his supporters referring to him simply as 'the Imam'.

The control of Radio 786 in the Cape by the Islamic Unity Convention (IUC) and by

*The key to understanding Qibla, and by extension Pagad, may be the personality of its founder*

*Several of Qibla's militant elements moved sideways to form the core of Pagad*

*There are a myriad of seemingly discordant voices coming from the public Pagad leadership*

*Pagad is a disparate group with several often conflicting perspectives*

*Pagad discourse is essentially an anti-state one which feeds on deeply felt community concerns*

*In Pagad there is a strong sense of identification with any movement based on Islam which assumes political power*

extension, Qibla, has been an important means of popularising their message and mobilising Muslims towards their causes. Qibla's militancy was however, blunted by its engagements with ideology-less allies in the IUC.

Qibla's radio links also compelled it to conform to the comparatively liberal standards of the Independent Broadcasting Authority. As a result, several of Qibla's militant elements moved sideways to form the core of Pagad. Qibla, and now Pagad, remain under the ideological guidance and inspiration of Cassiem and retain control over Radio 786.

### **Pagad leadership**

There are a myriad of seemingly discordant voices coming from the public Pagad leadership, limited as it is to two or three people. On one day they could be 'willing to die tonight' for the 'One Solution, Islamic Revolution'. By the next, they could be 'sensible, ordinary community people fed-up with drugs', who dismiss the idea of an Islamic state as 'laughable'.

This reflects the tension between leadership being exercised from a safe distance – probably for security reasons – and the ostensible leadership which is exposed to the public. The latter incidentally, has no historical or ideological relationship with Qibla.

The exact nature of this relationship is somewhat uncertain, and Cassiem's absence from Pagad events fuelled speculation around this question. It is however, evident that at the core of Pagad's leadership are individuals committed to Qibla.

They play an active role in both the IUC and Radio 786, and with the exception of Pagad leaders using the *nom de guerre* of 'the Amir' (Arabic for leader), none of Pagad's public faces display the ideological coherence characteristic of Qibla. If anything, they seem to echo a number of discordant notes.

This also reflects the convergence of several different strands in the Cape's Muslim community. For most of the ordinary participants in marches and rallies, Pagad represents a gut response by a community exasperated with, at best, the police's inability to arrest crime and, at worst, their active collusion with drug lords and gangsters.

### **Converging beliefs**

Pagad is a disparate group with several often conflicting perspectives. These are buried under a wave of emotionalism and a belief in essentialist notions of an ahistorical truth encapsulated in an Islam which consistently defies intellectual scrutiny.

A number of strands converge at this level with no coherent distinction, and supporters can simultaneously belong to more than one stream. The Africanists believe that the Pan Africanist Congress (PAC) sold out by participating in the 1994 elections and that the state is essentially illegitimate.

The morally outraged believed that the values of a liberal democratic state are repugnant to human decency and subversive of all religious value. There are also those who believe that there is only one solution for South Africa and the world: an 'Islamic' revolution along the lines of Iran. At all of these levels the discourse is essentially an anti-state one which feeds on deeply felt community concerns.

When confronted with the fact that Muslims are only 1,32% of the population and the consequent absurdity of an Islamic option for the country, followers respond with the Qur'anic text, 'How many a time hath a small force not vanquished a large force with the permission of God?' And as for the will of the people and democracy, the majority cannot determine what is true and what is false – the Qur'an does so.

But the Qur'an does not sanction killing by fire as was the case with Staggie; bypassing the rule of law in a just state; or the death penalty for drug pushing – the Scripture is sidestepped. In response, followers resort back to the will of 'the community' (the majority) to legitimise their activity.

### **Foreign connections**

Much has been made in the popular, particularly Afrikaans, press of Pagad's foreign links. These ideas were fuelled by an announcement by Ali Parker, a Pagad spokesman, of the group's willingness to summon airplane loads of Hamas and Hizbollah supporters.

This statement is rooted more in misplaced bluster and bravado than in any strategic earnestness, and displays considerable

ignorance about the way that Hamas and Hizbollah operate. Nonetheless, it contributed to the sensationalist notion that we are dealing with an essentially alien phenomenon.

Here the Muslim sense of being a part of a universal community – the *ummah* – is relevant. Muslims feel a deep sense of belonging to the world community of Muslims, and particularly with those living in situations of injustice. This is especially the case in Indian-occupied Kashmir and Palestine where solidarity fuses with anti-Hindu chauvinism and anti-Jewish racism respectively.

Furthermore, because of the remarkable similarities between apartheid South Africa and political Zionism, many South African Muslims have been particularly sensitive to the oppression of the Palestinians, and have consistently identified with liberation movements there.

Furthermore, the vast majority of Muslims, however feeble their personal faith, have an abiding belief in the potential of Islam to be the singular ideological force which will save the world from every injustice and immorality.

This means that there is a strong sense of identification with any movement based on Islam which assumes political power such as in Iran, or which attempts to do so, such as the opposition in Algeria. While this may be regarded as fundamentalist, for Muslims it is simply an extension of the eternal validity of their faith.

### Negative images

The nature of local Muslims' relationship between with the universal *ummah* can be confusing for those who do not share a similar affinity with a religious community. When the dominant image of that universal community – however incorrect – is one of terrorism, bombs and female genital mutilation, this relationship is understandably a cause for concern.

The ignorance of the media and the residue of a now discredited *slamsegevaar* as a corollary of *swaartgevaar*, *rooigevaar* and *roomsegevaar*, exacerbated matters. This resulted in some absurd intelligence reports distorting the extent of the relationship with international Islamic fundamentalism.

There are indications that paramilitary training with a radical Islamist tenor have taken place in the Cape, involving the use of small weaponry, scouting, basic fitness and much ideological consolidation. But none of the sense of shared victimhood with the Palestinians, solidarity with the universal *ummah* or the inspiration of events in Iran have translated into concrete support for local initiatives such as Pagad.

### A serious threat?

How serious is the threat posed by Pagad to the authority of the democratic state? (See also Nina in the latest issue of Indicator SA *Crime and Conflict*.) According to a recent Idasa survey, 29% of respondents have problems accepting the legitimacy of state laws. Pagad alone however, does not present any significant threat to the state because the forces behind it are too disparate and divided.

Furthermore, any fascist discourse inevitably erodes its own base which leads to tensions in the organisation. In Pagad's case, when the current wave of emotionalism passes, recriminations will follow as the underlying ideological differences and personality clashes surface.

The problem, however, is the growing alienation that people are experiencing from a liberal democratic state which affords human rights to all, but which is effectively only enjoyed by criminals with their access to ill-gotten money and private armies.

If Pagad continues to grow, it will not be because of the inherent strength of religious zealotry, but because of the state's inability to fulfil its primary function – to protect the rights of all its citizens. [P&G]

*There are indications that paramilitary training with a radical Islamist tenor have taken place in the Cape*

*A problem is the growing alienation that people are experiencing from a liberal democratic state which affords human rights to all even to criminals*

# After Apartheid

## Shaping a New Afrikaner 'Volk'

By Courtney Jung  
Department of Political Science, Yale University

*This is the second of a three part series comparing the reconstruction of identity among coloureds, Zulus and Afrikaners in the transition to democracy. It argues that Afrikaner identity is being reinvented as hardline and liberal Afrikaners battle over the definition of Afrikanerdom. The division stems from the two groups' willingness to politicise ethnicity.*

*South Africa's transition from apartheid has opened and transformed its political system, rendering political, and politically mobilised ethnic identity more fluid than usual. As the state moved from a white minority government which excluded blacks, Indians and coloureds from political participation to a black majority dominated power sharing system, political parties have sought to reconstruct their constituencies to maximise their share of the vote.*

*Three parties in particular, the Freedom Front, the National Party, and the Inkatha Freedom Party, tried to mobilise an ethnically based constituency. Because of the changing circumstances of South African politics, however, as well as competition from ethnically overlapping parties, they have been forced to partially reinvent the ethnic groups they are trying to mobilise.*

*Identity in general, and political identity in particular, is never static. In a political transition however, it is more fluid than usual. Transitions are attended by a high degree of uncertainty and realignment. Traditional alliances may disappear or shift as laws governing political competition are*

*adjusted to accommodate the previously disenfranchised. Moreover, the previously disenfranchised become a political commodity that parties vie for.*

*Although the reconstruction of ethnic identity in the post apartheid era is still very much a work in progress, it is possible to identify changes in collective identity and strands of new legitimisation and ideology that support it.*

*It is a mistake to assume that any identity has reached a stable point. Those identities that have emerged, or are emerging, from the transition period will not necessarily form the basis of South Africa's democratic experiment.*

*On the contrary, the aim here is to highlight the changes that have taken place in the context of transition and the first democratic election in order to demonstrate more broadly that collective identities cannot be assumed and should not be accommodated as if they were static aspects of the landscape that will not change.*

*This paper, which is part of a dissertation that compares the reconstruction of identity among coloureds, Zulus and Afrikaners in*

*South Africa's transition from apartheid has rendered politically mobilised ethnic identity more fluid than usual*

South Africa's transition to democracy, focuses on Afrikaner identity. It is based on interviews conducted between October and December 1994 with political elites from 'white' political organisations and parties, including representatives of the National Party (NP), the Freedom Front (FF), the Conservative Party (CP), the Herstigte Nasionale Party (HNP), the Transvaal Agricultural Union, the Boerestaat Party, the Afrikaner Weerstandsbeweging (AWB), and the Volkstaat Council.

### Political divisions

A preliminary analysis suggests that Afrikanerdom is being reinvented to accommodate and legitimate a political split between moderate and conservative Afrikaners that began in the 1980s but became irreconcilable after the NP embarked on negotiations to end apartheid. The definition, meaning, and boundaries of Afrikanerdom have become highly contested as the white right attempts to co-opt Afrikanerdom for its own purposes.

For the time being, it has succeeded in dominating the discourse, although it faces a challenge from Afrikaners who would like to detach Afrikaner ethnicity from right wing ideology. It is the white right, however, that have mobilised an Afrikaner identity politically, making Afrikanerdom synonymous with right wing sentiments and separatist nationalism.

Other Afrikaners hope either to depoliticise Afrikanerdom or, like the NP, to substitute Afrikaans for Afrikaner identity. In this way, Afrikanerdom is reconstructed on the basis of language to broaden the traditionally racially based definition of Afrikaners to include coloureds. Although the NP did not contest the 1994 election on an exclusively Afrikaans platform, it did use ethnicity and language to significant advantage to attract over 50% of coloured voters. Thus the NP's new constituency is made up of both coloureds and whites, but is dominated by Afrikaans speakers.

Finally, I would like to make two disclaimers. The first is that this is not the first time Afrikaner identity has been reinvented. It is, rather, a continuous process. As such, there are precedents for many of the arguments that are resurfacing today and for alignments and divisions along class, ideological, and regional lines,

such as those of Adam and Giliomee, du Toit and Giliomee, and O'Meara.

Secondly, by loosely defining politics as a power struggle, it is easy to see why political parties would try to mobilise ethnically based constituencies. However, although political entrepreneurs often use ethnicity and language to generate constituent support, their success is largely contingent: ethnic appeals do not always resonate at the mass level.

### Political participation

Afrikaner history has been chequered with subjugation and dominance. The last 46 years, however, have been characterised by almost total Afrikaner dominance in South Africa. Most importantly, Afrikaners dominated the discourse around political possibility, albeit with significant challenges from an increasingly powerful internal opposition.

It is impossible to pinpoint when Afrikaners began to lose their monopoly on South Africa's political discourse. At what point the discourse of apartheid began to crack is arguable – that it had cracked irrevocably by February 1990 is certain. And on April 27 1994 Afrikaners lost the remaining symbols of privilege and power that supported their hegemony.

This move from dominance to opposition is surprising in that it was accompanied by very little resistance from the people it most negatively affected. By 1994 most Afrikaners, and whites more generally, had probably come to accept that transition was inevitable. Many even supported a transition to democracy – despite its attendant loss of privilege – as a way of averting potential disaster.

Others, however, rejected compromise. They appropriated the prior discourse and legitimation of the state, as well as others even more ethnically pure and nationalistically zealous than that. A segment of this group refused to participate in what it considered its own demise – those who did participate struggle to find their niche.

The move from dominance to marginalised opposition is not only one of position. Being in opposition is not just like being in power with less access to state resources. Opposition involves a different manner of conceptualising both movement and self,

*The white right has made Afrikanerdom synonymous with right wing sentiments and separatist nationalism*

*The last 46 years have been characterised by almost total Afrikaner dominance in South Africa*

*By 1994 most Afrikaners, and whites more generally, had probably come to accept that transition was inevitable*

Opposition involves a different manner of conceptualising both movement and self and different mobilisation strategies

The most salient current debate in the white right revolves around participation

For those who did not participate, it was important to delegitimise the elections

different goals, and different mobilisation strategies.

Perhaps the most salient current debate in the white right revolves around participation. The National Party was a populist organisation that controlled and mobilised support through trade unions, cultural organisations, churches, universities, and youth groups. During the apartheid era, there was a high level of political participation among Afrikaners. Voting was seen as a civic and even a Christian obligation.

Participation, moreover, followed pre-approved patterns: it was within the system. Non-collaboration has not formed part of the repertoire of Afrikaner political expression for at least 60 years, and more likely not since the aftermath of the Anglo-Boer War at the turn of the century.

Although the Volksfront – the group of Afrikaner hardliners who united to form a front in opposition to transitional negotiations – had agreed to boycott elections, a substantial segment under the leadership of Constand Viljoen reversed their decision at the eleventh hour, registered a party, and fielded candidates in the April 1994 election. They have framed their decision in scientific terms: those who oppose them and boycotted elections, do so on moral grounds:

*“We had to take part. There was no choice. If you couldn’t stop or prevent the election, or get a full Afrikaner state before the election, then you had to take part...And the decision of the CP now to enter local elections, third level government elections planned for October, shows that...we were correct.”* (Joseph Chiole, chief whip, Freedom Front)

For those who did not participate, it was important to delegitimise the elections. Boycotters focused heavily on irregularities and corruption in the electoral process and claimed to have inside knowledge that the results were concluded before a single ballot was cast. Their decision not to participate is thus legitimised:

*“Look, the outcome of the election in April was decided on before the elections. Let me tell you there was not one ballot paper that came into account for the result. The result was put out*

*before the election.”* (Tienie Loots, AWB)

Any type of political participation within the system would be corrupt because the system is illegitimate. Political action in opposition to the system is defiant, in pursuit of a higher ideal – that of freedom. Nationalist Afrikaners believe that the move from apartheid to democracy has robbed them of their freedom. They are now a subjugated minority ruled by a potentially ruthless majority – an indigenous people whose culture and language are threatened by a hostile majority that holds power. They are, in short, freedom fighters:

*“It was very difficult for us, very difficult. Losing your freedom, having a communist government, and have the traitors be Cain Afrikaners like de Klerk... We want to keep our own identity... That is what apartheid actually is. And we want our sovereignty, we want to govern ourselves... Now we are forced into one integrated society with Mandela, a terrorist, governing us. He is a communist. We’re not going to accept that.”* (Daan van der Merwe, former CP MP)

## The volkstaat

The volkstaat idea reaches back to the 1960s, but Afrikaners admit that it had little support until recently. Early theorists believed that a volkstaat was the natural culmination of Verwoerd’s ideal of grand apartheid. Afrikaners, as an ethnic group, would eventually have an Afrikaner homeland. Proponents of the volkstaat idea, however, were ideologically sidelined throughout the 1970s and 1980s.

Until the middle of 1992, the primary strategy of the right wing was to force another whites only election, topple the National Party, and reverse the recent reforms. Their goal was the strict reimplementation of Verwoerdian grand apartheid. Their demands were based on a string of right wing victories in by-elections held in former NP strongholds.

In order to sidestep demands for an election, the NP announced a whites only referendum on continuing negotiations in March 1992. The CP debated whether to participate, eventually uniting to campaign for a ‘no’ vote. Although they received almost

900 000 votes, 66% of white South Africans voted to continue negotiations with the ANC to end apartheid. This was a clear victory for the NP and a stunning defeat for Afrikaner hardliners. Soon thereafter, CP leader Andries Treurnicht died, and the party was thrown into turmoil.

Thus it was only after the goal of returning to apartheid became strategically impossible that they embraced the concept of a volkstaat. The volkstaat serves a treble purpose for Afrikaner nationalism. First, it is a tangible goal, a seemingly viable alternative to apartheid.

Second, the volkstaat can be legitimated through comparison to other internationally recognized struggles for ethnic self-determination – Israel tends to be the most common comparative example. Third, it presumes a volk, which provides a nationalistically based ideology and an ethnically coherent constituency with preexisting lines of affect:

*“Where did the Israelis get their state from, the state of Israel? Where the people were prepared to fight for it. ...And you can see all over the world, even in Russia, where...today they are fighting on an ethnic basis. Same in Yugoslavia. In Britain, religious. So unless you draw boundaries in this country now, history will draw boundaries for us. I mean I wouldn't allow myself to be ruled by a black man. Not that I think he's incapable. It's just that with my own people I can trust them. (Fred Rundle, AWB)*

### **'Volk' boundaries**

One interesting aspect of a strategic move from the goal of apartheid to the goal of a volkstaat is that it requires a redefinition of who 'the volk' comprises. Although in theory apartheid divided people on the basis of ethnic group, in practice the divisions were made along racial lines. English and Afrikaans speaking people were allowed to marry and have children. Whites and coloureds were not.

Who 'the volk' are is at this point fairly unclear. Nationalist leaders recognise that they cannot afford to alienate anybody who might sympathise with their cause. Thus they resist defining any white person out of their group. Simultaneously, they recognise that 'white people' do not constitute an

ethnic category that might receive international sympathy or legitimacy in its efforts to achieve a homeland and self-determination.

Thus they vacillate and struggle to establish a historical precedent for incorporating other 'Europeans' into the Afrikaner nation. Some Afrikaners have elaborated a theory that non-Afrikaner whites can be integrated into Afrikanerdom and their descendants will be Afrikaners, just as the ancestors of the Afrikaners were Dutch, German and French.

Afrikaners are bound together by a common culture and language, both of which are products of South Africa and which therefore tie them to the land and to each other. South Africa created the Afrikaner. The volk may include any white South African who shares the ideological stance of nationalist Afrikaners regardless of their ethnic or linguistic heritage.

The idea that Afrikaners can include any white people that are ideologically in tune with nationalist politics and adhere to Afrikaner cultural values, may resonate among Afrikaners: the National Party started moving away from its strictly ethnic roots under the guidance of Prime Minister Vorster in the 1960s.

A political coalition was built among English and Afrikaans speaking whites to minimise the potential power base of the official opposition – the English based Progressive Party. For latter day Afrikaners, there is little threat in including English speakers. Those that do join are likely to be small in number and will probably not challenge Afrikaners' ethnic dominance in a new state:

*“And I say that if your skin is white and you're white you must stand together no matter what your language is.” (Louw Hartzenberg, CP)*

At the same time, ideologically unsound Afrikaners are being defined out of the group. Afrikaners no longer include liberal 'traitors', although they may share a common ancestry. This renegotiation of Afrikanerdom is accompanied by historical references to inherent and genetic differences between (at least) two groups of Afrikaans speaking whites which serve to legitimate and 'ethnicise' this split:

*“And within the Afrikaner line...I don't know whether you know the bible, the*

*Nationalist Afrikaners believe that the move from apartheid to democracy has robbed them of their freedom*

*After the goal of returning to apartheid became strategically impossible, some Afrikaners embraced the concept of a volkstaat*

*Who 'the volk' are is at this point fairly unclear*



Some people have begun to call themselves Boere Afrikaners, or just Boere, to differentiate themselves from liberal Afrikaners

Today's Afrikaner nationalists claim they are genetically linked to those who embarked on the Great Trek

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*Cain and Abel. I think there were two peoples born in southern Africa because I cannot understand, I've analysed the difference between me and FW de Klerk. We come from the same mother and father, Africa and Europe, and we are a twin. But he is the Cain Afrikaner because from the beginning he sides with the enemies of the Abel Afrikaners to kill us, to wipe us out.*" (Daan van der Merwe, CP)

What are more ideological, class, and regional differences are being remade into ethnic differences. Some people have begun to call themselves Boere Afrikaners, or just Boere, to differentiate themselves from liberal Afrikaners. Boere Afrikaners are hardline nationalists (not liberals), they are working men and farmers (not doctors and lawyers), and they live north of the Orange River (not in the Cape).

Afrikaner nationalists have justified internal divisions along ethnic lines by retrieving selective segments of Afrikaner history such as the Great Trek. Today the Great Trek stands as the marker between those who submitted to alien (British) rule and those who, through great personal sacrifice and hardship, stood up for what they believed in and set off to find a territory of their own where they could govern themselves. Today's Afrikaner nationalists claim they are descended from, and genetically linked to, those who embarked on the Great Trek. Reformers are from the stock of Afrikaners that remained in the Cape.

In 1938, celebrations of the 100th anniversary of the Great Trek were used for political purposes to unite Afrikaners divided along class, ideological, and regional lines. The 1988 commemoration of the Great Trek also served a role in defining the group. There were two sets of celebrations in 1988: one organised under official NP auspices, the other organised by the right wing.

Organisers of the two events were locked in a battle over venues, with the government winning access to the most sacred spots. Nevertheless, the right wing ceremonies were much better attended and more elaborate. The divided Great Trek celebrations served to move political and ideological divisions between the two groups into the realm of identity:

*"So there's a big difference which I always make between a Boer and an*

*Afrikaner. An Afrikaner is anyone who speaks Afrikaans. That includes the coloured people and the Cape Dutch people as we call them, you know, they speak Afrikaans but they're not Boere.*" (Robert van Tonder, Boerestaat Party)

## Conclusion

Hardline and liberal Afrikaners are locked in a battle for the definition of Afrikanerdom. The contest is complicated by the fact that the division between the two groups stems from their willingness to politicise ethnicity. Hardliners are not conservative in a western sense, where conservatism depends largely on economic policy. The ideological spectrum ranges rather from separatist nationalism to unitary statehood.

Liberal Afrikaners, most of whom now find a political home in the National Party, resist the right wing takeover of Afrikaner symbols. However, they have been forced to cede the politics of Afrikaner nationalism to the white right in order to retain a sufficient constituency to challenge the ANC government.

The volkstaat forms an intrinsic part of new Afrikaner discourse as it promises a safe haven for those who fear majority rule in South Africa. Many white people feel threatened by affirmative action, predictions that the standards of education and health care will fall, language policies that marginalise Afrikaans, and (apparently) increasing violence directed against whites.

The right wing has a constituency that can be described in terms of class, regional, and urban/rural cleavages. The poor, the northern, and the rural are most vulnerable to the end of white supremacy in terms of job reservation, patronage, and the protection of racial purity. Rather than mobilise a constituency on a class or regional basis, however, political entrepreneurs have chosen to remake these people into a coherent ethnic group.

They hope that Afrikaner nationalism, which has been used in South Africa for political purposes throughout this century, will continue to resonate at a time of extreme social, economic, and political dislocation and insecurity. And this will in turn partially depend on their success in framing race, and not class, as South Africa's salient cleavage. [L:EG]

# The Policy Making Predicament

By Simon Bekker

Department of Sociology, University of Stellenbosch

*Public policy makers are not free agents. Their activities are confined by their political masters and budgets. Policy represents government's values and intentions. It also demands evaluating what government does against what it intends. Recent radical changes to the RDP's implementation is the consequence of such stock taking. Deeper policy evaluation is now a vital role of government.*

Few leaders or intellectuals in South Africa today can claim not to have joined together at some time or another with state, community, business or labour in a process of public consultation. The outcomes of these discussions usually find their way to government offices. New governments are now in place – at national and provincial levels and more recently, at local level. Public policy making has become the name of the game – though, of course, new policy in most organisations has also become essential.

Understanding and improving on how policy is made is no easy task. There are numerous think-tanks in the United States whose sole purpose it is to try to do this. South Africa is moving in a similar direction, with the number of policy relevant NGO and research bodies increasing.

Universities also, vie with one another to establish and launch policy relevant schools, courses, or units – chiefly at graduate level where potential students are targeted whose jobs it will be to make and implement policy.

What is public policy? First, it communicates what a government values and thereby provides direction to those who make and take decisions in government. Second, it is a measure against which government is held accountable – a way of monitoring how well local government, for example, is doing.

When described in this way, public policy reflects both the values and the interests of

the government. With a little more reflection, it becomes evident why understanding policy is not that easy: it is necessary to identify not only what a government values and what its interests are, but also how it is prepared to be held accountable for implementing these values and interests. Which standards that measure actions against promises is it prepared to accept?

Still, no government is wholly free to make and communicate policy at will. It is limited by a number of constraints, and identifying these enables a discussion of public policy within a sort of arena – a bounded area out of which policy is unlikely to err. And when it does err, it signals a possible change of constraint. Hence the aim of this article. Four types of constraints on government in its public policy making role will be discussed. Though not fixed, they are currently important:

- The first – the 'new and the old' arises from the nature of this country's political transition.
- The second embraces institutional rules of the game to which the government needs to conform.
- The third involves bread-and-butter issues of high significance in the country.
- The fourth arises from general long term constraints on government – nationally and internationally – over which it has little, if any, influence.

*There are numerous think-tanks in the United States whose sole purpose is to understand and improve policy making*

Today public policy making involves the values and attitudes of both the new and the old policy making communities

South Africa's new democracy is still mostly theoretical; the rules of which are typically without precedent

Rules about consultation with civil society are well entrenched

## New and old

The process of political transition here bears the tag of 'miracle' rather than the weighty identification of 'revolution'. It was miraculous rather than revolutionary in that a distinct shift took place from conflict and violence to compromise and negotiation. This shift took place in the minds and actions of the two main political adversaries of the 1980s – the mass democratic movement and the apartheid regime; the ANC and the NP, each with its allies; in the minds and actions of Mandela and of de Klerk.

This shift enabled a number of unexpected developments. Parties falling outside the ambit of these two main camps, such as the Africanist and Afrikaner separatist groups, were drawn into negotiations through bilateral discussions and public exposure. New governments at national, regional and local levels were established as governments of unity, bringing together both new and old politicians.

This combination also took place in state and parastatal organisations where new civil servants today work side by side with functionaries of the previous administration. In short, an important part of the miracle has been the measure to which political transition implied just such a mixture of change and continuity, transforming the foundations of the political system through negotiation rather than by force.

Today therefore, the process of public policy making involves – almost by definition – people from both sides. It involves the values and attitudes of both the new and the old policy making communities and is guided – at least partially – by those lessons learnt by past public policy makers that are passed on to present policy makers. The language used in this community refers to 'new' political masters and 'new' values, and to 'old' experience and 'old' expertise. Policy making is bounded by this relationship – by the technical experience of the past; by the innovation, idealism and quest for universality of the new; and by the tensions and differences generated by these influences.

## Rules of the game

The making of public policy is governed by a number of rules. There are two new sets

which restrict the nature of the game in specific and potentially divergent ways. The first set derives directly from recently established institutions of democratic governance, including, for instance, the formal responsibilities of constitutional judge, attorney general and public protector. The second set of rules has evolved from the 'forum movement' and reflects the expectation that public policy needs to bear the stamp of the people's approval.

Rules of the first set are still generally found only on paper, and take on weight only to the extent that they are tried and tested through contestation and controversy. Rules of the second set have been forged over the past five years through wide ranging advocacy, emotion and experience.

Democratic practice – particularly within the public sector – does not appear fully born once formal institutions have been established. Countervailing influences within political parties and within political cultures that developed before these institutions were established, exist in parallel with this new set of rules. As Steven Friedman recently commented on the Sarafina 2 affair:

*"there are ... critical moments in which public watchdogs have to decide whether to take on parts of government – and in which it is not at all certain that government will accept their authority."*  
(*Business Day*, June 10 1996)

South Africa's new democracy is still mostly theoretical and academic, the rules of which – spelled out as they are in legal and procedural documents – are typically without precedent or practical example. Though often employed to justify and legitimise government decisions, they have yet to carry the weight of justice and sanction that such rules carry in mature democracies.

Rules about consultation with civil society, on the other hand, are well entrenched. Inclusivity, participation and transparency together with a greater scepticism towards politicians are firmly rooted in the game. Fair play requires that the voice of the people – the voice of the community, is called for and listened to. Under these rules, public policy making becomes a populist game.

The antecedents of this game may be found immediately before and after the 1994

general election when a wide spectrum of South African interest groups, including labour and business, NGOs and CBOs, state bodies, political parties and civics, entered into a series of meetings with a view to addressing issues of direct concern to them. These activities took place at local, provincial and national levels, and became known as the forum movement. The forums these interest groups brought into being developed as a result of three factors:

- Acknowledgement by the pre-April 1994 Government that its illegitimacy precluded effective unilateral decision making.
- Abandonment of the old pattern of struggle politics in which non-participation was elevated to binding principle.
- A growing understanding – fuelled by constitutional negotiations – that an array of stakeholders needed to be drawn into the decision making process.

Forums displayed a strong belief in the need for inclusivity of representation, considerable variation in membership, a widely held perception that the role of forums was to formulate policy rather than implement projects, and a desire to address the broader picture rather than issues solely of local concern. A further striking feature of forums was that in general, they were not state initiated but developed each in their own way, rarely following a pre-determined pattern.

### Inequality and poverty

In the preamble to the Reconstruction and Development Programme White Paper, President Mandela is quoted as declaring that 'at the heart of the Government of National Unity is a commitment to effectively address the problems of poverty and the gross inequality evident in almost all aspects of South African society.' It is from this conviction that the primary substantive focus of public policy making in the country obtains.

There are two ways in which this focus is translated into policy guidelines. The one centres on those goods and services that need to be delivered in order to address inequality and poverty. The accent is on tangible results – shelter, services, land and jobs, delivered via the market and the Government, via efficient planning and

implementation, via capacity building and affirmative action. This accent implies an equivalent form of evaluation whereby houses, clinics, jobs and hectares of land are counted in order to assess how well governments have performed.

The other interpretation centres on capacity building and sustainable development, where the policy accent falls particularly on training and on access by people and communities to information appropriate to their needs. Inclusivity, participation and transparency are values intimately combined with this latter policy approach.

Though differences in accent have often been important to policy makers in different domains, the two approaches are clearly related. The requirement to be able to motivate proposals in terms of their contribution to this focus – the RDP – is quite simply a policy imperative, a principle of the game, as it were. Simultaneously, the cake can only be distributed fairly and generously if it continues to grow. The presidential quote from the RDP White Paper argues that poverty and gross inequality can only be addressed 'if the South African economy can be firmly placed on the path of high and sustainable growth.' Clearly, both business and labour need to be convinced to remain committed to this game.

### Cultural imperatives

South Africa is a culturally diverse society. Its different groups have experienced divisions – shifting though they may have been – along lines of language, territory, felt racial difference, and relationships to the South African economy and state. Today, two related currents in the country are apparent – one promoting a new form of nationhood based on territory rather than on cultural coherence; the other claiming the right to celebrate cultural uniqueness, a right that sometimes tends toward claims for self determination. The dialectics created by these two potentially divergent currents are inherent to the politics of culturally plural societies. These dialectics moreover are complicated even further by the racial consciousness that persists in the country.

In reaction to this predicament, the South African Government is developing a position regarding these two allied challenges: to build a single nation on the one hand, and to enable changing cultural forms to express themselves and flourish, on

*Forums, in general were not state initiated but developed each in their own way*

*The requirement that proposals contribute to the RDP is quite simply a policy imperative*

*The primary focus of public policy making is based on the RDP's commitment to addressing poverty and inequality*

*Policy making on capacity building and affirmative action in a non-racial context appears extremely difficult to justify*

*The new world order takes South African policy makers into unfamiliar and daunting territory*

*Policy makers addressing trade policy and industrial relations are placed in exceedingly uncomfortable straitjackets*

the other. These emergent policies relate both to nation building and to language, religion, education, arts and culture, the proposed role of traditional authorities, and to land tenure. Simultaneously, non-racialism remains a national goal of the highest priority to government.

That these circumstances create constraints for policy makers is self evident. First, the rules of the cultural game are anything but clear. Second, the game evokes high emotions among players and spectators alike. In particular, the technological and scientific predominance of Eurocentric forms of thought invades and corrodes other systems of knowledge and thereby nourishes resistance to Western ways. Third, policy making on capacity building and affirmative action in a non-racial context appears extremely difficult to justify.

In short, the game appears fraught with difficulty and many policies simply avoid the issue. One result is that much development policy is devoid of cultural content, implying that all South Africans share a common view of what is valued most and what least.

### **Global position**

Since the end of the Cold War, a new world order has come into being. Global interdependence proliferates and the global economy increases steadily. There is growing international mobility of financial instruments, information, investment, and of some kinds of elite labour. International economic organisations, both formal – such as the IMF and the GATT (now succeeded by the World Trade Organisation) and informal – such as the G-7, gain in influence and authority. Within the European Community, the North American, and the Pacific Rim regions – the Big Three – member nations enjoy special treatment.

This new order takes South African policy makers into unfamiliar and daunting territory, particularly since it implies rules over which South Africa has little, if any, say. As a semi-industrialised, medium sized country with an inherited industrial strategy of import substitution, the country is struggling both to attract significant volumes of offshore investment and to find niches in the international industrial market.

As mentioned earlier, growth is a prerequisite for the implementation of the

country's policy imperative of addressing inequality and poverty. Conforming to the rules of this global economy, policy makers addressing trade policy and industrial relations, for example, are placed in exceedingly uncomfortable straitjackets. Populist rules requiring that the people's will is realised, or redistributive rules requiring equity in the short term, collide with the seemingly intractable rules of the global economy and of the Big Three in the northern hemisphere.

### **Conclusion**

Public policy makers are not free agents. Their activities are confined both by their political masters and by budgetary allocations that oblige them to prioritise, often against their better judgement. Constraints specific to this country's present period of history are:

- The new-and-old mix in the policy making institutional culture.
- The untested democratic and tested populist rules of the game.
- The policy imperative to combat inequality and poverty.
- The culturally diverse society in which South Africans live.
- South Africa's role in the new global economy.

Taken together, these constraints make for a web of divergent, potentially colliding rules of the policy making game. Or, viewed another way, they make for a system of checks and balances in the game of governance.

Two years after the establishment of the present South African Government, much policy has been made and much is still in the making. Stock taking however, is only just beginning. Policy encompasses what government values. It gives direction to what government intends. But it also demands – fundamentally – evaluating what government does against what it intends.

Recent radical changes to the implementation of the RDP is an example of the consequences of stock taking. Deeper policy evaluation across more areas of government activity sharpens policy outcomes. This is now most needed in the policy making role of government. [L&G]

# South Africa's New Upper House

## The National Council of Provinces

By Richard Humphries and Jens Meierhenrich  
Centre for Policy Studies

*Under the final Constitution, the National Council of Provinces will replace the senate, giving provinces the potential to counter the dominant influence of the national government in the legislative arena. But the standing of provinces will depend as much on the evolution of a regional political identity as on the allocation of constitutional powers.*

Fundamental changes to intergovernmental relations practices will be ushered in once the Constitutional Court approves a revised draft of the final Constitution. These changes will take place under the broad rubric of cooperative governance, particularly as it relates to the role of the National Council of Provinces (NCOP) in the national legislative process.

The NCOP will replace the senate, which is universally regarded as having failed to allow for direct provincial input into the national decision making process. The Council is a potentially key mechanism for the provinces to counter the dominant influence of the national government in the legislative arena.

But whether this will happen depends on two issues – whether the provinces make adequate advance preparations for the new processes and whether internal political dynamics within the African National Congress (ANC) will allow for the expression of more vocal provincial perspectives in the policy and legislative arena.

### The senate's role

Historically, South Africa has had consistent problems in defining a working role for the senate. After not having had an upper house for almost 10 years, a senate was reintroduced in the wake of the 1994

elections. Like its predecessors, it was said to represent provincial interests in the national decision making process.

But it soon became a controversial institution as the new provinces found common ground in arguing that it inadequately represented their particular interests. One explanation for their discontent lay in the lack of a clear link between the provinces and the senate. The senators were appointed by the political parties in each province on a basis of proportional representation, and not by the provincial government. In fact, the interim Constitution specifically prevented dual membership of a provincial legislature and the senate.

The effect, as the Constitutional Court wrote in its recent judgement, was that 'as an institution it is more a House in which party political interests are represented than a House in which provincial interests are represented'.

Provincial premiers had little, if any, formal control over or direction of the activities of senators from their province. The senators, at least in the case of the ANC, did not form a separate caucus, but were absorbed as part of the parliamentary caucus.

The design of the NCOP, and its role in national decision making, is supposed to remedy these shortcomings.

*The National Council of Provinces is a potentially key mechanism for the provinces to counter the dominant influence of the national government in the legislative arena*

*It can be queried to what extent the NCOP will in fact be an orthodox upper house*

## Composition

The negotiations on the new upper house in the Constitutional Assembly were preoccupied with the German *Bundesrat* which many saw as a desirable model for South Africa. Senior members of the Constitutional Assembly in fact visited Germany in early 1996 to gain insights into working of the German federal system.

However, the NCOP is quite distinct from the *Bundesrat*, and it could also be queried to what extent the NCOP will in fact be an orthodox upper house.

One important difference between the *Bundesrat* and the NCOP relates to its composition. While the *Bundesrat* consists of members of the state governments, South Africa's dispensation, in contrast, favours the provincial legislatures at the expense of the executive.

*The NCOP favours the provincial legislatures at the expense of the executive*

The NCOP will comprise 10 delegates from each province, four of which will serve as 'special delegates' together with six 'permanent delegates'. The 'special delegates' will be designated from among the provincial legislature and will include the Premier in the case of his or her availability; these delegates will clearly be rotating members of the NCOP in the sense that different delegates will be sent to the NCOP depending on the policy issue at stake.

The 'permanent delegates' are to be appointed by the legislature, taking into account the number of seats a political party holds in the provincial assembly. The delegates will be subject to recall by the parties they represent. This provision meets the concern about the lack of accountability between existing senators and the provinces. It should also be noted that the *Bundesrat* is sometimes criticised for the same point in that its members are only indirectly legitimised (Reuter 1989: 1549).

*Although the NCOP does not have the absolute power to block legislation, it enjoys a suspensive veto on Schedule 4 legislation*

## Powers

In terms of voting procedure, each provincial delegation will have one vote on behalf of its province. During deliberations before the Constitutional Court the State Attorney argued that this bloc voting would strengthen the impact of provincial representation since the 10 delegates would not vote on a solely party political basis, as happens with the current senators.

However, the principle of unanimous voting does favour the majority party in the delegation and does not allow for minority party MPLs to adopt a different casting behaviour from the delegation – except for Bills outside Schedule 4 legislation when each delegate in the provincial delegation has one vote.

The most significant increase in provincial power in the legislative process follows from the concurrent competencies laid out in Schedule 4 of the new Constitution. Schedule 4 encompasses areas such as agriculture, education, environment and housing. Legislation affecting these competencies can be initiated by either the National Assembly or the NCOP.

Schedule 4 laws will be dealt with separately in both Houses of Parliament. If the National Council of Provinces rejects a Bill pertaining to Schedule 4 matters, or if the National Assembly refuses to pass an amended Bill, the Bill in question will be referred to a Mediation Committee consisting of nine members of the National Assembly and one representative from each provincial delegation in the Council.

If the Committee fails to reach agreement within 30 days or the Council rejects a Bill which is supported by the Mediation Committee, the Bill will lapse unless the National Assembly overrides the Council's decision with a two thirds majority of its members.

Although the NCOP does not have the absolute power to block legislation, it enjoys a suspensive veto on Schedule 4 legislation. In spite of the fact that the threshold of a two thirds majority can easily be overcome given that the ANC holds 62,6% of the seats, the political cost of continually overriding provincial views would be high.

The role of the NCOP in constitutional amendments, however, has been diminished. While the interim Constitution required a two thirds majority at a joint sitting of both houses of parliament, in the new text a two thirds majority in the National Assembly is sufficient. The only exception is if the Bill affects the Council or provincial boundaries, powers and functions. Then the approval of at least six provinces is required in the Council. If a Bill only applies to a particular province or provinces, the relevant provincial legislature must give its assent.

One vital aspect to the NCOP's functioning however, remains unclear, namely the basis on which the voting mandates to the provincial delegations will be established. This procedure will be established in terms of a new law, but the importance of the issue is to be found in the old debate about executive-legislature relationships in the policy making process.

### NCOP dynamics

Since the voting mandate will be determined at the provincial level, it will loosen the impact of national caucusing within the ANC on major policy issues. If national government, or the National Assembly, intends to rush a piece of legislation affecting provincial interests through the parliamentary process, it will have to lobby the provinces, whether it be the provincial government executives or caucus structures within the legislature.

The need for the national and provincial levels to cooperate is apparent given the differences which exist in the provinces over their most immediate interests and needs. Observers may suggest that South Africa's current provincial governments are, with two exceptions, tightly controlled by the ANC.

But even senior ANC strategists acknowledge that within the ANC and in other parties, distinct provincial dimensions exist alongside national party interests (Gordhan 1996). That the ANC party lines are not firmly closed can be detected from the rows which are often exchanged between some provincial MECs and their national counterparts. One case in point has been the conflict over policing powers between Gauteng Safety and Security MEC Jessie Duarte and National Minister Sidney Mufamadi.

Hence, as one prominent ANC MP pointed out, the new institutions of cooperative governance will require changes in the way in which the ANC itself works (Gordhan 1996).

Inter-provincial dynamics, including those between ANC controlled provinces, will also impact on the NCOP. Again, the example of Germany – claimed often as a model for South Africa in terms of cooperative governance – can be cited. From time to time premiers from different parties cross the divide on a particular policy issue and strike an *ad hoc* pact to serve provincial interests as opposed to party interests.

Several scenarios for inter-provincial dynamics can be made. It is important to note that these scenarios are not meant as absolute cases, but that they would vary between policy issues:

- The most obvious scenario is a polarity of interests along the lines of majority versus minority party controlled provinces. Clearly this will be a major likelihood, if ANC provinces feel restrained from striking alliances with non-ANC provinces.
- A variation on the first is that dynamics in the NCOP will be shaped by the interplay of responses generated by the Western Cape, KwaZulu-Natal and Gauteng – the latter being the ANC province with the most capacity to respond quickly to policy initiatives.

The two opposition controlled parties have an incentive to utilise the NCOP for major policy debating purposes, while Gauteng has played a central role during the last 30 months in responding quickly to central government initiatives; as indeed it did within an ANC context in formulating key parameters for cooperative governance.

From issue to issue, Gauteng might find itself somewhat isolated from fellow ANC provinces. Gauteng officials already refer to the 'Gauteng bashing syndrome' which has developed within existing inter-governmental structures where the province is accused, for example, of being a rich province and thereby not in need of the levels of grants it claims.

A variation of this is the more predictable divide, at least on policy issues with a clear financial aspect, that provinces divide along 'rich' versus 'poor' lines. Western Cape and Gauteng are the two provinces with much higher per capita wealth than the other provinces.

### Legislative duties

With a wider terrain for cooperation, the new dispensation imposes considerable legislative duties and responsibilities on the provinces.

Where laws passed at the national level since the 1994 elections have not had an immediate impact on the functioning of the provincial legislatures, this will change with cooperative governance.

*The new institutions of cooperative governance will require changes in the way in which the ANC itself works*

*Inter-provincial dynamics, including those between ANC controlled provinces, will also impact on the NCOP*

*The two opposition controlled parties have an incentive to utilise the NCOP for major policy debating purposes*



The legislature driven nature of the NCOP might provide a valuable asset for establishing strong institutions

Whenever the NCOP is required to comment or decide on Schedule 4 laws coming from the National Assembly, provinces will be required to provide its delegation with a mandate as how to respond. Effectively, this means that members of the provincial legislatures will have to consider matters which have not yet been a part of their work.

The *de facto* participation of the provincial legislatures as a whole in the national legislative process will become a central focus of their work. It is highly likely that provincial legislatures will feel the need to thoroughly discuss delegations' mandates to the NCOP – the more so since the NCOP will not be a debating chamber in which responses can be formed alongside debates.

This extra load on provincial legislatures implies that the legislative programmes of provincial legislatures will require review (Moosa 1996).

The new system will also strain the provincial executives and their departmental structures. Back-up facilities of both provincial branches of government will have to be increased significantly. Timing and coordination are going to be crucial – especially with regard to possible joint provincial actions in the Council.

The legislature driven nature of the NCOP's composition and structure might provide a valuable asset for establishing strong institutions. Strong institutions, it is often argued, are a key factor in the consolidation of democracy (Diamond 1994).

### Other implications

Making South Africa's new upper house work, however, will also have financial implications for the provinces. To enhance provincial policy making capacity in order to effectively engage in the new process, for instance, will require additional funds from the provincial fiscus.

Moreover, the provinces might regard it necessary – inspired by the German example – to establish permanent representations in Cape Town in order to safeguard, lobby and coordinate provincial interests in closer proximity to the national centres of power.

Another issue that needs strategic planning is how a provincial mandate will be derived.

What role will the permanent delegates to the NCOP play in the process? What intra-provincial and inter-institutional processes will it involve?

This raises key questions about provincial executive-legislature relations. Up to now this relationship has generally been under developed in the provinces. One reason may be that the first two years of democracy have witnessed a general confusion of roles and responsibilities among parliamentarians and civil servants alike which have arguably hampered a functioning of the new structures.

Provincial legislatures need to develop a much more assertive attitude in dealing with the executive and also with their constituencies. One potential danger of the new system might well be that as the gap between the national and provincial spheres of government is bridged, the gap between the provincial governments and the electorate will inevitably be widened.

### Conclusion

Federalist theoreticians often argue that federalism is as much a political process as it is about constitutional structures (Elazar 1972). In this respect, South Africa's future experience of cooperative governance might develop in ways similar to that of Italy's regionalism.

In 1970, 15 new regional governments were created in Italy, which bore little similarities to previous structures. Two decades later, as Robert Putnam points out, 'despite continuing complaints from regionalists about constraints imposed by the central authorities, all the new institutions had acquired enough authority to test their mettle' (Putnam 1993: 6).

This suggests that the standing of provinces will depend as much on the evolution of a regional political identity as it will on the allocation of constitutional powers. Or, as one provincial MEC recently put it:

*'The meaning of cooperative governance will finally be determined by different leadership styles in the provinces. You can have a framework labelled cooperative governance but what it comes down to in the end is the people who govern'* (Interview with Mary Metcalfe, MEC for Education, Gauteng Province). [P]E[O]

**ACKNOWLEDGEMENT**  
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# Grassroots Foreign Policy?

## A Case For Provincial Participation

By Glenda White, Policy Research Unit  
Office of the Premier, Gauteng

*The South African Foreign Policy Discussion Document calls for transparent, active debates through mechanisms still to be explored. Considering Gauteng's progress, one mechanism could be via the provinces. Given their proven capacity to conclude agreements, their legislatures and the expected role of the National Council of Provinces, provinces can play a crucial role in formulating foreign policy.*

The South African Foreign Policy Discussion Document issued by the Department of Foreign Affairs in June 1996 debates how bilateral and multilateral relations should be conducted. While the role that provinces could play in directing foreign policy is not dealt with specifically, interaction with groups beyond the department, and the part they could play in forming policy, is outlined broadly:

*"The process of policy formation must be as transparent as possible to ensure maximum support for the Government's international activities. In addition to its ever increasing interaction with Parliament, universities and institutions, the Department of Foreign Affairs should actively stimulate debate on international affairs and foreign policy... Further mechanisms can be explored." (Section 5.6)*

This article examines one possible further mechanism – the role of the provinces in formulating foreign policy. The changes in the provinces' involvement in national processes as detailed in the new Constitution will be considered, as will current provincial interactions with foreign states, through the example of the province of Gauteng.

### New strategies

South Africa has emerged from decades of isolation into an era of global acceptance. Spearheaded by our sought after President, South Africa has taken its first steps into the community of nations. Whether these have been the tentative first steps of an uncertain child, or leaps of confidence, is debatable.

What is certain is that South Africa lacks a cohesive and strategic foreign policy. No clear guidelines inform the country's steps, except perhaps an all embracing goodwill, especially towards those countries which assisted South Africa in the liberation struggle. This is clearly not enough. Being a key roleplayer in southern Africa, South Africa's actions abroad have implications for the region.

Some argue that formulating new policy is simply a matter of getting the job done – of gathering strategic thinkers to hammer out a broadly acceptable policy. There is, however, another way to make policy which is more organic and takes into account the realities of the country today.

While foreign policy remains the prerogative of national government, the

*The South African Foreign Policy Discussion Document urges wide debate on international affairs and foreign policy*

Several provinces are already conducting foreign relations in a variety of spheres

If there was greater recognition of the provinces' role in foreign policy formulation the legislatures would find an added dimension to their role of provincial law makers

A mechanism should be found for widening provinces' capacity in the realm of foreign policy formulation

reality is that several provinces are already conducting foreign relations in a variety of spheres. Twinning agreements, economic partnerships and memoranda of mutual understanding are being undertaken regularly. These activities have received the blessing of national government, but show that regional initiatives can inform the overall framework of foreign affairs policy.

The notion of grassroots policy for international undertakings sounds inappropriate, but may be profitable if practical observations can indicate desirable policy. Provinces cannot act outside the realm of national priorities and directives. It is nevertheless important to investigate how provincial initiatives can be consolidated and the foreign policy formation process become more inclusive and less top down.

### Provincial powers

The new Constitution brings about changes in the structures of governance which may impact on the policy formation process. The Constitution (1996: s231(1)) is clear that the 'negotiating and signing of all international agreements is the responsibility of the national executive'.

However, such agreements only bind the country once they have been approved by both the National Assembly and the National Council of Provinces, unless of a technical, administrative or executive nature. Generally then, international agreements must come before the National Council of Provinces for approval. Is this a substantive power which can empower provinces in the formulation of foreign policy?

According to the Constitution, the National Council of Provinces is established to:

*"...ensure that provincial interests are taken into account in the national sphere of government. It does this mainly by participating in the national legislative process and by providing a national forum for public consideration of issues affecting the provinces."*

The Council comprises 10 delegates from each province and is, along with the National Assembly, responsible for the legislative process in the country. This is a powerful role, giving substantially more power to the provinces in terms of legislation. But do provinces have a greater

voice in the policy formation process? The limitations relating to Parliament and the formulation of foreign policy may also apply to the new legislative structures.

Raymond Suttner (1995) has questioned the reduced role that Parliament has traditionally played in this process. He contends that the legislature should be drawn further into the formulation of foreign policy, rather than simply ratifying it. While the *Foreign Policy Discussion Document* has been widely circulated to all interest groups, the role of Parliament itself has not been satisfactorily addressed.

This debate can be broadened to draw in the provincial legislatures. If greater recognition of the provinces' role in foreign policy formulation could be given, the legislatures would find an added dimension to their role of provincial law makers. They could engage more fruitfully in the debate around foreign interactions and how these are conducted.

While foreign policy does not fall within the competence of provincial legislatures, several areas which may be affected by foreign agreements do – regional planning, nature conservation, education, environmental protection, and agriculture to name but a few (De Villiers 1995). Should the process around foreign policy development not therefore be extended to these bodies?

The National Council of Provinces and the National Assembly constitute the new structure of Parliament, within which the approval of international agreements has to be given.

But it is uncertain whether more substantive powers will be conferred on Parliament than in the past, or what role provincial legislatures can play. In fact, permanent delegates to the National Council of Provinces cease to be members of the provincial legislature which nominated them.

Presumably debate in the provincial legislatures should be reflected in the Council of Provinces, but how this will take place is unclear. A mechanism should be found for widening provinces' capacity in the realm of foreign policy formulation. The National Council of Provinces would be the obvious structure within which this could take place.

## International trends

The question of the role of provinces or states in conducting foreign relations has been raised elsewhere in the world when the country's governing structure has been developed. De Villiers (1995) in his examination of international relations and provinces, cites Germany, the United States, Switzerland and Australia as some examples of countries which have grappled with this issue and found a resolution. South Africans need to develop a more critical approach to policy formulation which is careful to include key roleplayers and which is as participatory as possible.

An acute understanding of South Africa's role in the global community is important: the country is broadly accepted with magnanimity, although not regarded as a player of critical importance. An understanding of international affairs which extends beyond the constraints of the present and looks towards the challenges of the next century is necessary.

After the isolation of the past, South Africa is now a nation among friends – albeit competitive friends who in the world of markets and exchange rates, have time for a handshake but little else.

## International role

South Africa has the potential to become a regional superpower, but the country cannot prosper without the region's backing. Foreign policy must therefore be guided by a commitment to African development and support, which is clearly outlined by the Department of Foreign Affairs (1996):

*"The Southern African region expects a positive contribution from South Africa in terms of their own development. They do expect that we interact with them as a partner and an ally, not as a regional superpower, so that what we achieve, in terms of political, security and economic relations, may be balanced and mutually beneficial."*

The concept of regional cooperation must however, be extended beyond the geographical confines of the continent. This is illustrated by discussions around forming an Indian Ocean Rim cooperative group which will consider south-south development, in the context of the global market.

Including the seven core states of India, Australia, Singapore, Oman, Kenya, Mauritius and South Africa, the group aims to seek globally compatible agreements around trade and development. This provides a good opportunity for South Africa to move into the international arena in a slightly protected manner and to develop good working relations with countries around the world. South Africa's ability to transfer the economic spinoffs back into the region must be explored.

South African foreign policy has attempted to respond to, albeit in an *ad hoc* fashion, the dominant trends in world politics. In his address to the Heads of Missions in September 1995, Foreign Minister Alfred Nzo highlighted the difficulties of formulating foreign policy in the 1990s, beyond the polarities of the Cold War. He outlined South Africa's foreign policy objectives:

- "A commitment to the protection of human rights,
- A commitment to the promotion of democracy,
- A commitment to justice and international law in the conduct of relations between nations,
- A commitment to international peace, and to internationally agreed upon mechanisms for the resolution of conflicts,
- A commitment to the interest of Africa in World Affairs,
- A commitment to economic development through regional and international cooperation in an independent world."

The *Foreign Policy Discussion Document* adds several other important criteria:

- The importance of considering economic development and the principles of trade and economic exchange which may be conducive to promoting such development.
- The importance of building principles of cooperation and confidence boosting into African policy and avoiding any behaviour suggestive of the country aspiring to become a regional superpower.
- The necessity for South Africa to participate in global activities devoted to disarmament and the cultivation of world peace.

*South Africans need to develop a more critical approach to policy formulation which is as participatory as possible*

*South Africa has the potential to become a regional superpower, but needs the region's backing*

*South Africa's ability to transfer the economic spinoffs back into the region must be explored*

Seven out of South Africa's nine provinces have international borders

- The control of nuclear weapons.
- Support for refugees and environmental protection.

South Africa's interactions with countries of the region are of particular interest. Seven out of South Africa's nine provinces have international borders (De Villiers 1995). Their capacity to conduct international relations is therefore heightened because provinces such as Northern Province and Mpumalanga are dealing with issues like smuggling illegal vehicles across borders and the entry of illegal immigrants on a daily basis – whether or not these are national competencies.

The *Foreign Policy Discussion Document* recognises this position in its considerations of relations with SADC countries:

*“Mission objectives [for those based in southern Africa] should focus on coordinating mechanisms, promotion of trade and investment, regional development and interaction with South African provinces bordering SADC countries.”*

Gauteng has the resources, infrastructure and expertise to be very attractive to foreign states or provinces

However, this does not indicate the extent to which provinces may involve themselves in proactive programmes with foreign states.

While the important role of the provinces is clearly alluded to, it is not explored and the question of competencies is not raised. If provinces have clear objectives regarding international relations, they should make a more structured input into foreign policy determination. And since this is considered important for the region, why not beyond southern Africa and the continent?

### Gauteng

South Africa's nine provinces have defining characteristics which may make them more or less desirable to regions around the world for making foreign agreements. Gauteng has been selected here because it is often referred to as the 'Gateway to Africa' – the engine room driving the southern African economy. Its growth rate for 1995 was a full 1% higher than that of the country.

In fact, Gauteng is responsible for nearly 40% of the country's GDP and 60% of its fiscal revenue. It is home to most of South Africa's major corporations, and multi-nationals investing in the country

choose, almost without exception, to locate their premises in Gauteng. The Johannesburg Stock Exchange is rated one of the top exchanges in the world and the province's financial sector is highly developed.

Gauteng has the resources, infrastructure and expertise to be very attractive to foreign states or provinces seeking agreements of mutual goodwill and understanding. At present, Gauteng has twinning agreements with four states or provinces around the world – Malaysia, the Kyonggi Province of South Korea, the Free State of Bavaria and North Rhein Westfalia in Germany and Havana City Province in Cuba.

The agreements differ in intent, while being similar in spirit. The Malaysian government chose to concentrate solely on assistance with housing developments. The Kyonggi Province of South Korea on the other hand, concluded a broad agreement for cooperation in the economy, education and training, housing and development planning, tourism and technology transfer.

Through understanding each other's strengths and weaknesses, and through the exchange of information and contacts, trade and investment between Gauteng and Kyonggi would be facilitated, as well as political relations deepened. This commitment extends beyond governments to links between governmental agencies, research centres, universities and enterprises.

These links with Asia are critical to the province's growth and development as an international competitor. Exposure to 'best practice' in these countries has facilitated a learning process for the province and the people involved in the information exchange. The manner in which these countries have rebuilt their economies around certain fundamental growth principles provides valuable lessons for the province.

The focus of the agreement with the Free State of Bavaria in Germany is on trade, investment, tourism, science, technology and policing. Again, an exchange of information and contacts has been facilitated, along with an undertaking on the Germans' side to assist the provincial government with establishing administrative and decision making structures 'to promote efficient and effective provincial governance' (Joint Communique 1995).

Gauteng's links with Asia are critical to the province's growth and development as an international competitor

The assistance that South Africa has received from Germany around structures in government, drafting the Constitution, and expert opinion on federalism is reflected in national processes and structures. Establishing such links at provincial level illustrates both the continuity of relations from national to provincial level, and the autonomy of the province as an executive and legislative authority.

The agreement concluded in February 1996 with Havana City Province differs from those discussed above. While undertaking to promote economic and commercial links, it emphasises the exchange of experiences and information in the social and cultural realms, 'thus facilitating a deeper knowledge of the histories, social life, culture and traditions of the populations of the respective provinces' (Gauteng-Havana City Province Twinning Agreement 1996). This reflects the long standing ties between Government leadership and Cuba and is therefore, as much a political show of solidarity as a forging of economic ties.

These agreements indicate that internationally, Gauteng has an identity of its own and states wish to deal with the province on this footing. They wish to enter into agreements relating to a broad range of issues to be undertaken at provincial level and not through national structures. This 'hands on' contact is invaluable for developing skills, furthering knowledge of international processes and shaping the character of provinces as individual entities.

### Conclusion

If provinces have the capacity to define and conclude agreements such as those outlined above, they must have a valuable input to make in the policy formation process. Notwithstanding the country's new

democratic culture, something more structural which brings provincial legislatures and Cabinets into the policy formation process in a clearly defined manner, is needed.

South Africa should not continue with processes which do not reflect the country's unique conditions and needs. Rather it should explore those processes which reflect reality and can provide input on what is actually happening in the area the policy is meant to define.

Provinces, through their inclusion in the legislative process in the National Council of Provinces, as well as through their legislatures and *de facto* interactions with foreign states, have an important role to play in formulating foreign policy. These roles may as yet be undefined, but are worthy of consideration. [E&G]

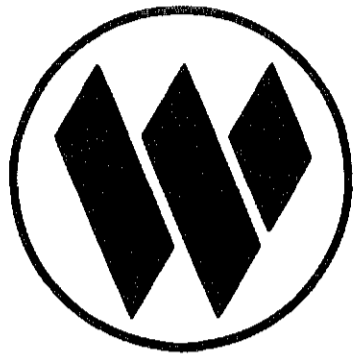
Note: This paper does not reflect the views of the Office of the Premier.

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*Establishing links at provincial level illustrates the continuity of relations from national to provincial level*

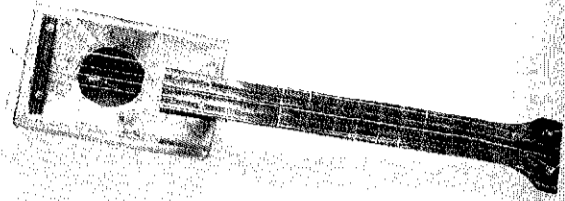
*Gauteng's Havana City agreement is as much a show of political solidarity as a forging of economic ties*



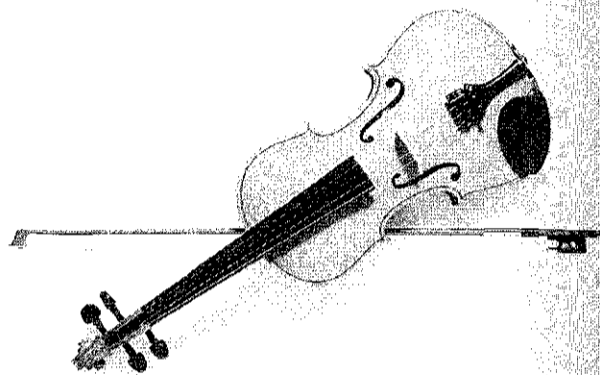
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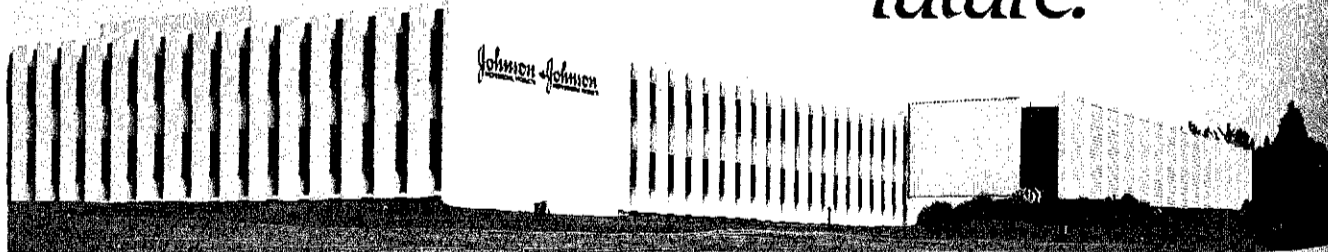
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# REGIONAL

## M O N I T O R

### Expert-defined development goals for KwaZulu-Natal

#### In order of importance for ordinary people

Education and training	"very important" for 75%
Security from crime and violence	
Clean water	
Basic health care	
Healthy environment	<b>HIGHEST PRIORITY GOALS</b>
Affordable housing	
Less teenage pregnancy	
Culture of learning	
Social security	
Road safety	
Environment for future generations	
Nutrition	
Less corruption and graft	
Sanitation	<b>INTERMEDIATE</b>
Efficient government departments	<b>PRIORITY</b>
Quality housing	<b>GOALS</b>
Electricity	
Literacy	
Balance between population and resources	
Gender and racial equality in the workplace	
Security of tenure (residential land)	
Security of tenure (arable and grazing land)	
Provincial transport system	<b>LESSER</b>
Community roads	<b>PRIORITY</b>
Community empowerment	<b>GOALS</b>
All weather main roads	
Land redistribution and restitution	
Reduce welfare dependency	"very important" for 48%

Source: *Perceptions of Development in KwaZulu-Natal, A Subjective Indicator Study*, Valerie Moller, Published by Indicator Press, in conjunction with the Human Sciences Research Council KwaZulu-Natal Office, September 1996



# CATO MANOR

## LESSONS FROM THE LARGEST RDP PROJECT

*By Peter Robinson, Department of Town Planning  
University of Natal and Cato Manor Development Association Chairperson  
and Clive Forster, CMDA Chief Executive Officer*

*The Cato Manor Special Presidential Project is fraught with difficulties, in particular the breakdown of law and order in the area. But significant progress has been made. The project offers many lessons for urban reconstruction, and this article presents a concise overview of the project's structure and progress up to August 1996, as a context for discussing the issues that are blocking delivery.*

**D**uring 1995 Cato Manor was designated as a Special Presidential Project. Substantial funding commitments have been made by the Reconstruction and Development Programme (RDP), the European Union, Durban local authority and, to a lesser degree, the Provincial Housing Board. At the same time the initiative progressed from its planning to implementation phase.

All this occurred amidst prolonged uncertainty and instability in the operating environment, occasioned partly by the delayed local government elections in KwaZulu-Natal and by the extreme pressure for housing and associated attempts at land invasion. The situation was exacerbated by continuing high unemployment and lawlessness coupled with indecisive government.

In coping with this volatile situation and under intense pressure to deliver, the Cato Manor project has continually been forced to break new ground in terms of planning, institutional arrangements and delivery methods. As a consequence, it is replete with lessons for urban reconstruction in South Africa.

*CMDA's role is primarily one of facilitating development – it has only taken on the role of 'developer' as a last resort*

### Structure and progress

The initial phase of the Cato Manor project (1990-1992) focused largely on negotiating a common vision and formulating a Policy Framework to guide planning and development of this mainly unoccupied area.

A wide variety of stakeholders participated in this process within the Greater Cato Manor Development Forum. In 1993 the Forum restructured itself to become the Cato Manor Development Association (CMDA) – a Section 21 Company whose function was to facilitate the development of Cato Manor in a manner consistent with the Policy Framework.

The Association, which embraces a range of organisations with a direct interest in Cato Manor, is intended to fulfil a representative role. The Board, elected by and accountable to the Association, has a policy making role, while the management team, headed by the Chief Executive Officer, is responsible for executing policy. Overall, CMDA's role is primarily one of facilitating development – it has only taken on the role of 'developer' as a last resort.

Since their inception, the Association and Board have been restructured, partly in response to the momentous political and institutional transformation that was taking place, and partly to build support among the major stakeholders on the ground.

During 1995 further restructuring took place to extend political accountability to provincial government and the Transitional Local and Metropolitan Councils via the formation of the Provincial Special Presidential Projects Committee (PSPPC).

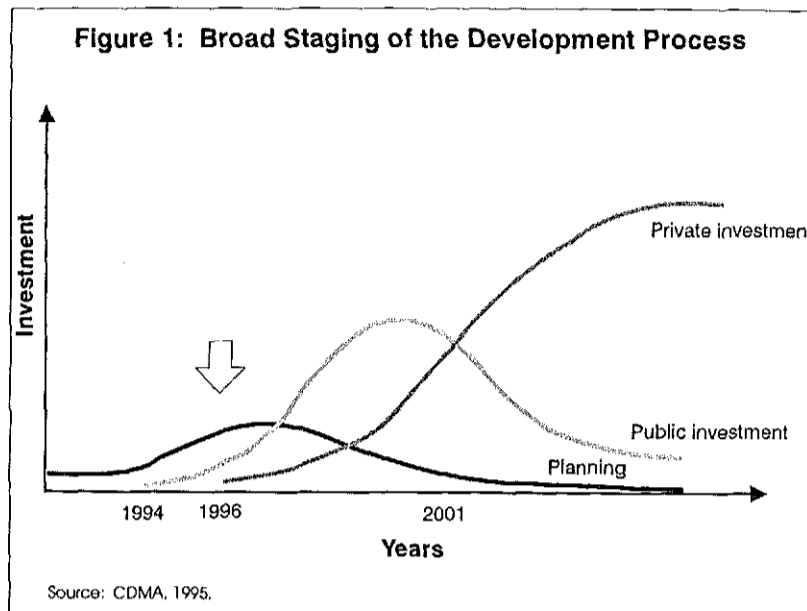
CMDA's Board, represented by its Chairperson, reports to this committee comprising the Provincial Minister of Local Government and Housing, the Minister of Economic Affairs and Tourism, the Mayors and Executive Committee Chairpersons of the Metropolitan and Central Sub-structure Councils.

The advent of democratic local government has been acknowledged by the manner in which CMDA's Board was elected in July 1996. Board members are now identified on the following basis:

- Three Board members from provincial government are nominated by provincial members of the PSPPC.
- Two members are nominated by the Metropolitan Council.
- Two members are nominated by the South Central Local Council and one by the Inner West.
- Six members from the significant investors in the project and or specialists are nominated by the outgoing Board and approved by the PSPPC.
- Six members are elected by the Association or forum of local community organisations.

During the course of 1995 CMDA produced a Structure Plan – based on the earlier Policy Framework – and several Business Plans. These marked the culmination of the project's planning phase and, after securing substantial funding from various public sector sources, the project moved into its implementation phase.

To manage this phase, CMDA began expanding its management team early in 1996 towards a target complement of 36.



The project has three broad dimensions as illustrated in Figure 1:

- Establishing the preconditions for rapid delivery at scale (planning and laying the foundations).
- Developing the physical and social infrastructure (public investment to construct the shell).
- Private investment and capital formation.

The magnitude of the Cato Manor project and its main components are summarised in Figure 2. Programming the implementation is managed through an Annual Work Programme, against which monthly progress reports are made to the Board, the PSPPC and other public sector investors in the project.

Over the last year, emphasis in managing the Cato Manor project has shifted from strategic concerns to policy and operational concerns. Figure 3 illustrates overlapping fields of concern and the associated planning elements that relate to each.

This is inherently a cyclical process that seldom proceeds smoothly. In many instances the need for more explicit policy formulation has become apparent when individual projects run into implementation difficulties. This interplay between policy and practice provides the context for discussing the lessons from Cato Manor that are applicable to other large scale urban

*The advent of democratic local government has been acknowledged by the manner in which CMDA's Board was elected in July 1996*

*Emphasis in managing the Cato Manor project has shifted from strategic concerns to policy and operational concerns*

*CMDA has devoted a substantial amount of resources to translating the Policy Framework into a Structure Plan, Precinct Plan and Procedures*

reconstruction projects in South Africa (Robinson and Smit 1994).

### Policies and plans

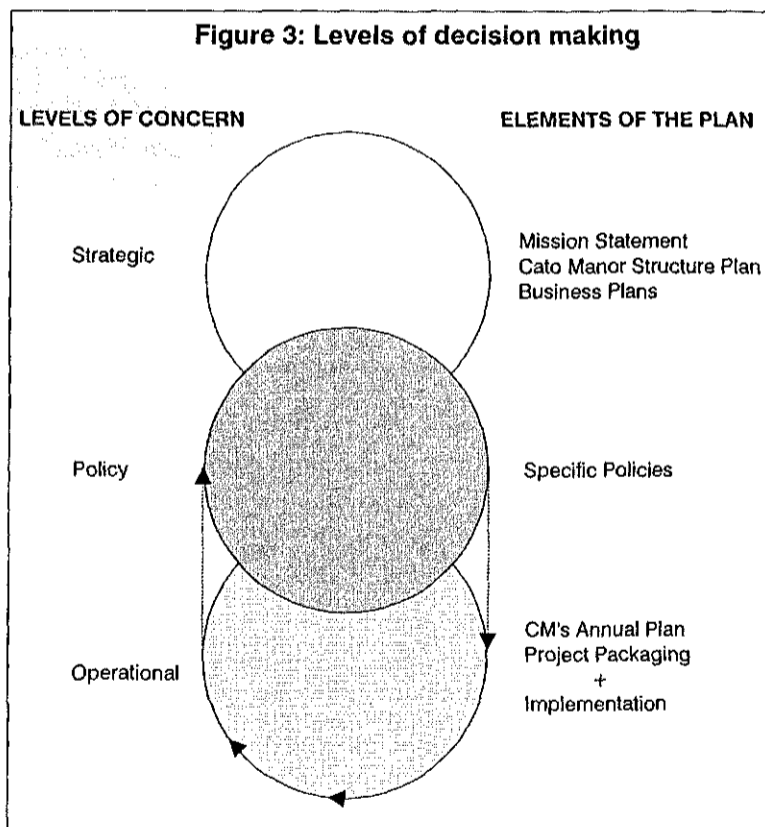
CMDA has devoted a substantial amount of resources to translating the Policy Framework into a Structure Plan, Precinct Plan and Procedures. Notwithstanding the consistency of these projects through national policy, the experience gathered through public participation with internal and adjacent communities, as well as implementing pilot projects, indicates that popular 'buy-ins' to these by communities cannot be taken as given.

This has placed CMDA in the difficult position of trying to ensure that government policy is implemented, while political leaders have not always been willing to defend and sell government's policies on the ground. With the advent of elected metropolitan and local government, a large scale initiative will be required to test current policy and planning frameworks with the new political leadership.

**Figure 2: The Cato Manor Project**

* Total area	1 800 ha
* Developable area	900 ha
* Present population	20 700 people
* Projected residential units	30 000 - 35 000
* Projected population	157 000 - 180 000 people
* Projected schools	55 - 62 (primary and secondary)
* Employment estimates	25 000 - 36 000 jobs (excluding construction and employment outside Cato Manor)
* Projected industrial/commercial	114 ha
* Land use:	
Residential	51%
School facilities	12%
Business/Industrial	12%
Roads	25%
* Funding committed over next 2 years	R130 million (RDP) R110 million (European Union)
* Other major funding sources	Provincial Housing Board Durban Metro and Substructure Provincial Line Departments
* Projected total public investment	R1.2 billion
* Projected total private investment	R2.5 billion
* Budgeted expenditure 1996/97	R200 million

**Figure 3: Levels of decision making**



Source: Adopted from AC Hickling, 1978

### Policy frameworks

The delivery process requires that several roleplayers – for example, the community, developers, contractors, and authorities – work together. Policy defines the 'rules of the game' for their interaction and expectations of one another. Roleplayers use policy to calculate how to make their respective inputs most effectively. A lack of policy, or a constantly changing policy, results in a chaotic and unstable development climate, which inevitably retards delivery (Smit 1996).

The Cato Manor experience has been characterised by the absence of a legitimate

policy base and a policy vacuum in several crucial fields. In the face of pressure to deliver, CMDA has been forced to establish policies for matters such as the allocation of residential and business rights, award of tenders and the allocation of employment opportunities.

Although this has been undertaken in close consultation with the relevant provincial and local government agencies, at the end of the day such policies and procedures are not fully 'owned' by government, lack enforceable authority, and will ultimately be unstable.

### Accountability

While Cato Manor's accountability arrangements have been dynamic over the past four years, they have undoubtedly provided sufficient institutional stability to allow a great deal of work to occur. Consequently, the Cato Manor project is significantly further ahead of comparable projects in the Province.

However, it is also clear that the pre-June 1996 institutional arrangements were neither sufficient to mobilise unambiguous political support and commitment, nor able to give the managers charged with executing the project necessary political support and legitimacy.

It is a moot point to what degree changes to the project's institutional arrangements will be able to mobilise political leaders with the ability to gain ascendancy over those elements prepared to hold the development process hostage to their criminal or sectional interests. What is clear is that the success of the Cato Manor project will be largely dependent on interventions of this sort.

### Institutional arrangements

Along with several large scale RDP projects, Cato Manor has been conceived and planned as an integrated development project. Yet questions are being raised about the degree to which integrated approaches are possible with the prevailing institutional environment at national, provincial and local levels. Two aspects need to be addressed:

- What institutional preconditions are needed to manage urban development in an integrated way?
- What is the appropriate institutional structure for a large scale project like Cato Manor?

The main institutional preconditions are, first, government's ability to set the 'rules' and act as a referee in their application, and second, government's executive capacity.

The transition period has been and remains, characterised by an absence of clear policies to guide urban development and by, at best, tentative refereeing in situations where policies or procedures are contested.

As far as executive capacity is concerned, there are several structural obstacles at provincial and local government levels to integrated development approaches. These include the structure of departments around line functions and the absence of multi-year budgeting.

Shortages of staff with housing experience and the absence of coordination structures that operate across departmental lines exacerbate the problem. To these constraints must be added the very recent losses of experienced staff to early retirement and the difficulties of absorbing staff from different departments and institutions into the new provincial and local government structures.

In the light of short and medium term structural and capacity constraints – not only in Durban and KwaZulu-Natal but also in other parts of the country – it is relevant to debate the appropriate institutional structures for Cato Manor and similar large scale urban reconstruction projects.

Research is currently being undertaken to examine the implications of various options ranging from incorporation into local government structures, to restructuring as a public sector corporate, to remaining more or less unchanged. While the options are still under investigation, a broad agreement is emerging that accountability needs to be extended to metropolitan and local government.

### Executive arrangements

From the outset, CMDA's role has been to facilitate and coordinate. The specific functions assigned to the Association as overall project facilitator are:

- Formulating policies specific to the development of Cato Manor for acceptance by the relevant political authorities.
- Formulating the requisite plans and

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*What is the appropriate institutional structure for a large scale project like Cato Manor?*

*A broad agreement is emerging that accountability needs to be extended to metropolitan and local government*

*Cato Manor projects have to compete for management attention and resources along with other provincial and metropolitan projects*

programmes to guide the project for approval by the relevant authorities.

- Identifying and programming the resources necessary to implement the project and the execution of those functions necessary to mobilise these resources.
- Identifying and mobilising these public and private sector agencies with the capacity to implement these projects.
- Developing systems to coordinate the activities of the many agencies to be involved in implementation, and the ongoing management and maintenance of these systems.
- Establishing and operating an information system orientated towards monitoring and reporting on the progress of all the projects being implemented in Cato Manor on a time, cost and performance against objectives basis.

*Popular pressure for delivery is directed at CMDA and not the appointed implementing agency*

While CMDA has executed all these functions competently and for the most part on programme, experience proves that while these functions are necessary for achieving integrated urban development, they are by no means sufficient to ensure the implementation of rapid and holistic urban development.

### **Public sector delivery**

The main implementing agencies for developing Cato Manor's physical and social infrastructure are among others, provincial and local government departments of Education and Training. It is therefore worth examining certain structural inadequacies inherent in the project's current organisational set up.

*The rapid resolution of the Land Claims blockage is the key to unlocking private sector capacity for developing*

While CMDA managers are held accountable to the Board and in turn PSPPC, the current arrangements do not hold managers in the implementing authorities accountable in an equivalent manner. As a result, Cato Manor projects are simply inserted into the existing management arrangements of the line departments and have to compete for management attention and resources along with other provincial and metropolitan projects.

This situation is further compounded by the popular perception that CMDA is the

implementing agency for all projects in Cato Manor. As a result, popular pressure for delivery is directed at CMDA and not the appointed implementing agency.

### **Private sector delivery**

The strategic, contractual and institutional arrangements for Cato Manor envisage that delivery of residential, commercial and industrial projects will be undertaken by the private, 'not-for-profit' and community sectors, either autonomously or in partnership. CMDA only acts as a developer in situations where no other options exist.

The scale and value of these residential, commercial and industrial developments far outweigh the planned public sector investment in social and bulk infrastructure as the statistics in Figure 2 reveal – 30 000 to 35 000 residential units; 114ha of commercial and industrial land; 25 000 to 36 000 jobs.

The principal factor preventing the use of the private sector as delivery agencies is the large number of actual and potential Land Claims under the Restitution of Land Rights Act. This Act requires that should the Commissioner deem any claim to be potentially valid, a freeze be placed over the title deed – effectively preventing any subdivision and/or transfer of the property until the claim has been resolved – unless the Land Claims Court makes a special ruling.

Since a Land Claims Court ruling has not as yet been obtained, private sector developers are generally not prepared to embrace the Land Claims related risks associated with residential and industrial/commercial development in Cato Manor.

This has significantly impeded delivery and has required that CMDA act as a developer or co-developer on priority development projects. CMDA views this as an undesirable role extension. The rapid resolution of the Land Claims blockage is the key to unlocking private sector capacity for developing Cato Manor. A Land Claims Court ruling is expected in March or April 1997.

### **Delivery pressures**

One of the unique features of the Independent Development Trust (IDT) Capital Subsidy Scheme was the in-built

tension between process and product delivery (Robinson, Sullivan and Lund 1994). Much experience has been gained in housing delivery since 1991, but the issue remains as problematic as ever. In Cato Manor, pressure for delivery – particularly of affordable housing but also recently for economic opportunities – comes from several sources:

- Residents of informal settlements in Cato Manor – the products of land invasions.
- Residents of the overcrowded Chesterville township.
- Residents of neighbouring suburbs.
- The metropolitan community at large.
- Local and provincial governments.
- The RDP office for whom Cato Manor is a lead Presidential Project.

For all these groups, delivery delays have led either to disillusionment, or concern that manifests itself in a variety of pressures on CMDA.

At the same time, the need to adhere to due process is a fundamental tenet of the RDP – it is entrenched in funding arrangements and in social compacts with different community organisations. In Cato Manor there have been an alarming number of cases of abuse of such compacts by local roleplayers for their own ends – in each case holding up the project, sometimes for a considerable time.

In certain cases the breakdown of social compacts is attributable to non-representativeness of community leaders, or to lack of mature leadership in newly established communities. However, in others, leaders proceed with negotiations until they can no longer get their own way. They then break off negotiations in disregard of previously reached agreements. The potential for this is exacerbated by the absence of effective local government.

The product-process balance is destined to be elusive, but experience from Cato Manor points back to the need for clear policy framework to set enforceable parameters to guide the implementation of projects.

## Law and order

The introduction of development resources inevitably generates conflicts over the control of these assets and threatens established modes of exploitation. A combination of enforceable legal frameworks and concerted police action, supported by political and community determination, are required to regulate such conflicts.

At face value, maintaining law and order in Cato Manor is the state's responsibility, carried out by the South African Police Service (SAPS) and Durban City Protection Services. However, different areas of Cato Manor – notably Cato Crest and Old Dunbar Road – have experienced prolonged breakdowns in law and order to the extent that development has been halted.

Because local police are unable to contain crime, local warlords have assumed dominant positions. Their interests are substantially anti-developmental, as they seek to extend their control over the allocation of rights and of resources.

Sometimes this renders decision making structures ineffectual or forces complete closure. Responsible decision making is then also stalled and with it, project implementation. Another effect is the real physical danger to staff operating in the area and to resident development leaders in the informal settlements.

In early 1996, CMDA had to enter Cato Crest and initiate and coordinate security activities by the very agencies whose responsibility it is to keep law and order. In the face of rapidly escalating violence and complete breakdown of the project, this became the only way of retrieving a fast deteriorating situation.

Over time, a sufficient level of law and order has been re-established to enable the project to proceed. However, this draws attention to the vulnerability of CMDA – or any development agency – to the breakdown of law and order.

Land invasions are another dimension of this problem. Between July 1993 and November 1994, approximately 88ha were invaded under circumstances where CMDA was powerless either to stop or contain the invasions. Government authorities were similarly ineffective.

*In certain cases the breakdown of social compacts is attributable to the non-representative nature of community leaders*

*Leaders proceed with negotiations until they can no longer get their own way*

*Cato Crest and Old Dunbar Road have experienced prolonged breakdowns in law and order to the extent that development has been halted*

In early 1996, CMDA had to coordinate security activities by the very agencies whose responsibility it is to keep law and order

The Cato Manor project is fraught with difficulty and uncertainty, yet significant progress has been made

Securing political and bureaucratic support particularly in local and provincial government is an important success factor for the Cato Manor project

**Figure 4: Dimensions of the deteriorating law and order situation in Cato Manor**

- High level of both petty and serious inter community crime. This represents a significant shift from a situation where 12 months ago community structures in a number of communities were able to regulate the extent of inter community crime.
- Increasing levels of crime whereby criminals in one community prey on residents from surrounding communities.
- The increasing number of incidents where agents involved in construction and allied activities are robbed, hijacked and even assaulted.
- A declining ability of legitimate community based development structures to secure the conditions necessary for development projects in the face of opposition from internal elements. The most significant dimension of this problem is the continuing settlement of land by those elements involved in shack farming, which debilitates initiatives to introduce infrastructure and undertake settlement upgrading projects, notwithstanding agreements to 'freeze' settlement secured between development agencies and community leadership.
- Violent conflicts between 'informal' economic interests over control of local resources or markets. The Cato Crest Taxi war which raged over the first half of this year and left over 30 persons dead is the largest but by no means only example of such problems.
- A high degree of population instability as honest citizens leave Cato Manor in order to escape the violence or crime - on a temporary or permanent basis.
- Unstable, insecure and often weak developmentally orientated community structures.
- A reluctance on the part of development agents and local government to operate in the area.
- An unwillingness on the part of the private sector to invest in Cato Manor.
- The increasing empowerment of 'informal' economic interests particularly the 'shack lords' whose interests are threatened by the formulation and development of the area.
- Reluctance of SAPS and other emergency services to enter the area except under security blankets.
- Victimisation of persons giving evidence to SAPS or courts leading to lack of evidence and resultant failures in prosecutions.
- Dislocation of community leaders.

Since then, due to a combination of finding appropriate legal procedures, the emergence of a firmer policy position against land

invasions, and strong operational support from Durban City Protection Services, CMDA has successfully repelled a number of attempted invasions in different parts of Cato Manor. There has been less success, however, in containing infill into existing informally settled areas, despite establishing occupants lists and agreed 'cut off' dates.

The general situation in Cato Manor, with few exceptions, is not conducive to development and has deteriorated significantly over the last year. Figure 4 summarises the dimensions of the law and order situation. Reversing this trend will require decisive intervention.

## Conclusions

The Cato Manor project is fraught with difficulty and uncertainty, yet significant progress has been made. The extent to which the initiative will achieve its implementation targets depends on how successful CMDA and other stakeholders are in addressing the blockages discussed above.

The critical success factors to monitor over the next year or so are:

- Establishing effective and consistent policy frameworks.
- Securing political and bureaucratic support particularly in local and provincial government.
- Resolving land claims in a constructive manner.
- Re-establishing law and order in Cato Manor.

Delivery of housing and economic opportunities at scale will be largely determined by these factors. [P&G]

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# Poor Paradise

## Port St Johns: Potential for Revival and Growth

By Aki Stavrou, Land and Agriculture Policy Centre  
and Ingrid Woolard and Gwen Ridsdale, Data Research Africa

Several development proposals have been formulated for uplifting this impoverished area, but most are uncoordinated, narrowly focused and duplicate one another. Tourism offers the most potential, but development is multi-faceted, and tourism alone cannot place Port St Johns on the road to prosperity.

Generations of white South Africans remember Port St Johns as the mecca of adventure family holidays during the 1960s and early 1970s. The independence of Transkei in 1976 brought these vacations and their accompanying cash flows into the area to an abrupt end.

This, together with the exodus of many of its more affluent (white) residents, caused a decline in the commercial and municipal revenue base, eventually resulting in what is now a state of advanced deterioration in both the infrastructure and level of service provision.

### Poor town

Today, Port St Johns is a very poor town. Its demography and economy are a perfect microcosm of the under-developed parts of South Africa. Under-educated and under-resourced, the area's population is dominated by women and children, who depend on external wealth transfers for survival.

Previously an exporter of agricultural production, the town now depends on Umtata and Durban for its food sources. The local economy is undeveloped, with some commercial trading, limited agricultural production and a nascent tourism market. Local government is ineffective, there is no

municipal tax base, and therefore few economic opportunities in the civil service.

The vast majority of income generation is through social transfers – primarily state pensions. Average household incomes are one third of those in the Eastern Cape, which itself is the second poorest province in the country. As a labour export region, households traditionally reproduced themselves through migrant remittances.

Mine closures and the freedom of movement for all South Africans have altered that dichotomised nature of rural households, and in the process changed the socio-economic base upon which they functioned. Today, remittances are received by a small minority of households, of which very few get more than R1 000 per annum.

Since the 1994 elections, there have been no attempts at social or economic development. Spared the political turbulence experienced by other regions, Port St Johns has been hostage to the 'one party' syndrome in which candidates for local elections stood unopposed. Lacking a democratic forum and constituent accountability, councillors have moved from one corruption scandal to the next. These have derailed most recent efforts at governance: at the last count, most of the local council had fired itself for corruption.

*Port St Johns' demography and economy are a perfect microcosm of the under-developed parts of South Africa*



*Port St Johns is considered by some to be a potential gold mine*

### **Growth strategies**

In order to ensure long term survival at acceptable living standards, there is an urgent need either to regenerate or create new local economic opportunities. In most instances this means upgrading human resources, investing in infrastructure and services, and creating a commercial base to sustain these improvements.

A key factor to such a vision must be identifying viable economic opportunities and developing the necessary strategies to unlock the inertia that constricts progress in the region. For Port St Johns, this means taking advantage of its natural environment through rejuvenating its tourism industry.

In this respect, Port St Johns is considered by some to be a potential gold mine. These developers claim that with good marketing, tourists will flock to the area and the accompanying injection of income cash flows will create economic wealth for all.

*Port St Johns' lack of commercialism lends an aura of 'third world' attractiveness which is unique among*

But the growth potential from tourism is limited. Moreover, the prosperity produced is unlikely to be shared equally among all people in the area. The free market alone will not provide. Government interventions will be required to address the inequities of the past and break the cycle of poverty.

Any development strategy will have to simultaneously address human and infrastructural development along with institutional factors and governance. This article cannot cover all these areas comprehensively, and the focus is therefore on the possible effects and inadequacies of a tourism led development strategy.

### **Adventure tourism**

Given the level of under-development in the area, and the numerous high class coastal resorts along the Wild Coast, the type of tourism that could be attracted to the Port St Johns area is adventure based rural tourism.

*Among locals there is little concept of tourists as South Africans, especially black South Africans*

This type of tourism includes: camping, game viewing, visiting historic sites, museums and art/craft galleries, attending festivals and local sporting events. People could also participate in sport, hiking, rafting, horse riding, skiing, sailing and caving.

The Port St John's area is particularly rich in natural resources which provide scope for

development. It has some of the best examples of coastal forests, which are home to many rare plant, bird and animal species. The mangroves, beaches, rivers, grasslands and special conservation areas are all valuable.

The area at the mouth of the Umngazana river has been described as the most outstanding estuary along the South African coastline from a scientific and conservation viewpoint. The sea is rich in marine life and endowed with an attractive coastline. In most instances, little infrastructural development is required to expose these natural resources to tourists.

In addition to environmental advantages, Port St Johns' traditional ways of life and local crafts of beadwork, clothing and basketwork present a rich cultural heritage. The area's lack of commercialism lends an aura of 'third world' attractiveness which is unique among coastal towns in South Africa.

There are no 'African indigenous' towns south of Mozambique and Angola that resemble Port St Johns. Given that most European, North American and Oriental tourists come to South Africa to experience an 'African adventure', careful planning can create a highly sought after environment.

### **Local attitudes**

A survey conducted in the area suggested that tourists are perceived as foreign, wealthy and predominantly white. There was little concept of tourists as South Africans, especially black South Africans. During focus group discussions, community members suggested that tourists might be occupied by the area's natural features. In terms of cultural attractions, people recalled cultural dancing, meals and feasts.

Most of those interviewed identified tourism as crucial to creating jobs and improving living standards, but there was also a recognition that this alone would not solve all the problems. Many respondents said they were so desperate for employment that they would accept 'any job'. A wage of R400 per month was regarded as substantial.

Interestingly, interviewees thought it would be preferable to employ many people at low wages than to employ a select few at higher wages. This may have been prompted by egalitarianism, but another reason given was

that this would reduce crime. Crime was perceived as the direct consequence of poverty and deprivation.

Asked about the dangers of tourism, respondents perceived little threat. Tourists are generally regarded as economically important and should be tolerated. Tourism was seen as instrumental for initiating infrastructural development, as this strategy would require the basic upgrading of services.

People believed that it was government's role to support and promote tourism. Although most interviewees were willing to participate, they felt that it was local government's responsibility to provide tourist facilities and market Port St Johns as a tourist attraction. There was widespread faith in the ability of the government to provide, with little understanding of affordability or the need for generating government revenues.

### Benefits for locals

Tourism development in Port St Johns must be sustainable if it is to yield long term social, economic and environmental gains. To survive as a viable industry, tourism must be developed with the needs of the community and environment in mind, and be in line with regional development plans.

Port St Johns and its neighbouring communities can gain significant benefits from adventure based rural tourism, provided that it is properly planned and managed. Benefits beyond the re-creation and diversification of the region's economic base include:

- The use of visitor facilities for community purposes.
- Greater community cohesion with fewer young people drifting to the cities to find work.
- Opportunities for interaction with people from differing socio-economic and cultural backgrounds.
- The recognition of the need to preserve the 'natural' landscape for both tourists and others.

The positive social impacts can be significant, provided that appropriate community consultation and education is undertaken. The sense of community pride when residents consider the attention of

tourists to be indicative of their area's natural, cultural or historical attractiveness, cannot be underestimated.

Not surprisingly, the survey revealed unemployment and poverty as the most pressing problems. People – particularly young men – are presently employed as tour guides, to carry fishing tackle and to watch cars. Others sell fish and shellfish to tourists to supplement meagre household incomes or engage in paid sex.

The community believes the major potential employment opportunities will be jobs in the domestic sector. There would, however, also be opportunities for entrepreneurial activity. With the necessary support, locals could set up small enterprises to provide goods and services to tourists.

While tourism undoubtedly creates jobs, the number and sustainability of these livelihoods needs to be considered. Jobs associated with the provision of infrastructure, for example, would not be permanent, although some workers would be required for ongoing maintenance. Other jobs directly associated with tourism – such as working in the resorts and acting as tour guides – are subject to seasonal fluctuations, leaving many households vulnerable to poverty at certain times of the year.

Employment which is indirectly dependent on tourism such as the manufacture and sale of handicrafts, would benefit, but the danger exists that increased tourism will lead to the introduction of trading permits and thereby a loss of livelihood for many marginalised informal workers.

Most operators in the tourism industry are small businesses. As a result, the constraints to small business are also relevant in Port St Johns. Macro-economic issues such as interest rates, inflation, taxation and government charges, and growth within the national and local economy will continue to be areas of concern for all small operators.

### Drawbacks for locals

The impact of tourism is not always positive. Unwelcome effects could include:

- Disruption to daily life owing to invasion of privacy, including invasion of traditional community events and activities causing loss of heritage and overcrowding.

*Most interviewees felt that it was local government's responsibility to provide tourist facilities and market Port St Johns*

*The community believes the major potential employment opportunities will be jobs in the domestic sector*

*Macro-economic issues will continue to be areas of concern for all small operators*

A successful tourism strategy requires a multi-dimensional approach and a combined negotiation process

Development in 'patches' enriches a few but departs from a people driven plan and must be avoided

If Port St Johns had no tourism potential, there would still be an urgent need for redressing the inequities of the past

- Cost burdens on the local council to meet the needs of non-residents.
- Site use conflicts where tourism developments may adversely affect community leisure and recreation opportunities and where, for example, local sports facilities become congested and overpriced.
- Environmental degradation as a result of exceeding carrying capacities.
- Increased prices of facilities, food and services, making these more expensive than elsewhere and thus out of reach of the local community.
- Rent increases, accommodation shortages.
- Inflated real estate values and high council rates.
- The perception of increased crime rates due to the presence of tourism.

Many of these negative effects can be minimised or avoided if, in the initial stages of planning tourism development, a community consultation process is put in place and community perspectives are obtained.

A successful tourism strategy requires a multi-dimensional approach and a combined negotiation process. A strategy which does not take into account the needs and expectations of the community is doomed to create conflicts which undermine growth.

Evidence in countries such as Kenya, has shown the danger of tourism developing in 'patches'. Locals became frustrated by the affluence of visitors in the enclaves of tourist resorts when compared to their own poverty.

The Sun City resort is a local example of this. In some cases, this results in increased crime against tourists which harms the industry.

Development in 'patches' enriches a few but departs from a people driven plan and must be avoided. At least some of the income generated by tourism must be reinvested in the community through providing for basic needs. Tourism must be promoted as being beneficial to all.

## Other priorities

### Infrastructure

While infrastructure will need to be upgraded if tourism is boosted, this should not be the sole motivation for improvements. If Port St Johns had no tourism potential, there would still be an urgent need for redressing the inequities of the past. Development is multi-faceted, and tourism alone cannot place Port St Johns on the road to prosperity.

A tourism strategy will concentrate on providing services to hotels and resorts. For instance, Telkom has undertaken to provide telephone lines to coastal hotels, and the RDP Fund has allocated money for improving toilet facilities at Second Beach. At best, communities may share in limited spin-offs from these initiatives. At worst, attention will be deflected from the gross lack of services to local households.

Survey respondents highlighted the pressing need for improved access to piped water. It is unlikely that a tourism strategy will directly result in the supply of piped water to areas outside the municipal commonage. Improvements to the town reticulation system for the benefit of hotels and resorts may, however, result in communities close to Port St Johns being connected at a lower cost than if the system were provided without the tourism focus and funding.

The absence of electricity in schools and clinics was also noted by interviewees as a major constraint on economic development. A tourism strategy is likely to bring electricity to tourist facilities, but not to local communities. Locals should, however, have easier access once the basic networking is in place.

### Human development

Government has committed itself to investment in human capital and nowhere is the need for improved educational and health facilities more clear than in poverty stricken areas such as Port St Johns.

Communities believe that tourism will stimulate demand for skilled workers and that this in turn would result in the government providing improved access to education and vocational skills. This is an unrealistically optimistic scenario. The supply of public goods does not flow

directly from demand, especially where there is a considerable lag of several years before those being educated reach the labour market.

#### □ Institutional factors

Until recently, there has been no comprehensive development strategy for Port St Johns. The lack of institutional capacity to implement development is a highly constraining factor. Local government is weak and there is a lack of administrative and management expertise around development. Government will have to address these deficiencies and lead development at the local level.

In addition, tourism has not been situated in a regional context, which prevents useful linkages with adjacent areas in the Eastern Cape. The Eastern Cape Administration has no clear planning direction for Port St Johns, or any other areas in the province. The Bisho administration appears to have adopted a reactive stance – responding to initiatives from lower tiers of government, without actually initiating activity.

The Department of Land Affairs also has a critical role to play in developing the region. With the exception of privately owned land in Port St Johns itself, land is either former 'Development' or 'Bantu' Trust Land, or land under the administration of the traditional authorities.

The *White Paper on Land Reform* indicates that national government is to provide security of tenure to people currently living in the traditional authority areas. This will affect many households in the Port St Johns region, and handling the land issue will affect the success of any development initiative.

The expansion of tourism in Port St Johns will undoubtedly be of the eco-tourism variety. The conservation lobby is showing considerable interest in the area, but tensions exist between them, the Department

of Nature Conservation and local communities over the need to limit fishing and conserve the forests and mangrove swamps.

There is ignorance from both sides – the community needs to be educated about the long term effects of environmental degradation, while the conservationists need to understand the issues of food security and the desperate nature of many local livelihoods. Clearly, there needs to be extensive community consultation.

#### Conclusion

Tourism is only one option for diversification, but for Port St Johns it remains the sector that could offer the most potential for development. The best way to propel tourism into an efficient employment creating sector is to address the structural problems in the local economy and work towards a strategy which is integrated with the provincial and national frameworks.

The next step is to address the interrelationship between coastal tourism development, local communities and the natural environment. It is imperative that the poor be included in any coastal strategy if it is to succeed.

If the economic benefits of tourism are seen to be confined to a minority, conflict may develop between the tourists and the host population. Therefore, shared ownership – both in terms of accessibility to tourist destinations and economic benefits – is essential.

Port St Johns is currently the focus of several private and public sector development initiatives. Several proposals have been formulated – most are uncoordinated, narrowly focused and duplicate one another. Unless a coordinated strategy is planned and implemented, it is likely that the area will continue to deteriorate under *ad hoc* and ill-conceived development projects. [FEE@

*The lack of institutional capacity to implement development is a highly constraining factor*

*The interrelationship between coastal tourism development, local communities and the natural environment must be addressed*

# Rural Local Government in KwaZulu-Natal: Development Dilemma or Disaster?

By Mary Galvin

*Regional Consultative Forum on Rural Development, KwaZulu-Natal*

*There were critical flaws in the process of deciding on local government for rural areas and of educating rural voters in KwaZulu-Natal. Their repercussions threaten rural development and potentially undermine the Province's Growth and Development Strategy. The Province must attend to four areas: developing and strengthening local government structures, improving service delivery, and civic education.*

**I**mplementing the Reconstruction and Development Programme (RDP) has been an enormous challenge. Slow delivery has been blamed on a lack of appropriate local government structures – in urban areas, apartheid based structures remained, and in rural areas there was a complete absence of structures.

As then Minister without portfolio Jay Naidoo frequently said, local government was needed to serve as 'the hands and feet of the RDP'. While raising expectations with rhetoric, politics dominated the transition process and failed to build local government structures for rural areas.

## Urban emphasis

From the beginning, the local government transition process was considered from an urban perspective. The Local Government Negotiating Forum, a forum of statutory and non-statutory bodies, made agreements which resulted in the Local Government Transitional Act (LGTA) of 1993.

Non-statutory bodies were largely represented by civics which did not reflect rural interests. Thus the resulting LGTA provided for Transitional Local Councils (TLCs) to be established in urban areas and to govern until elections were held. No

provision was made for a comparable transitional process in rural areas.

Provincial governments were left to devise primary structures for rural areas. Meanwhile national structures including the Department of Constitutional Affairs, MinMec (Ministers and MECs), and the Advisory Committee on Local Government offered advice.

It was not until October 1995 that the LGTA was amended to provide for rural local government. By the time of elections, provinces had made little progress around transitional arrangements for rural areas.

It is now evident that the structures elected to represent rural areas will not meet communities' expectations of delivery. All provinces elected an upper tier of local government called District Councils; in KwaZulu-Natal these were called Regional Councils.

However, the situation with primary structures varied. In some provinces, these structures were elected, but were crippled as they had no budget and/or no executive powers. In most provinces the capacity of the elected structures can be developed and, until this is done, alternate mechanisms can be found to deliver.

*It is evident that the structures elected to represent rural areas will not meet communities' expectations of delivery*

In KwaZulu-Natal, no primary structures were elected for rural areas. In order to avoid a potentially explosive situation and to address pressing needs, the Province must urgently attend to four areas: developing and strengthening local government structures, improving service delivery, and civic education.

### Rural local government

*"When two bulls fight, the grass underneath gets destroyed."*

The rural model became a major point of misunderstanding, contestation and delay by the two major political parties. Even within parties there was significant disagreement at times.

This was further complicated by having two ministries responsible for local government: the Ministry of Traditional Affairs was responsible for traditional authorities and the Ministry of Local Government and Housing for the remainder of the Province. Neither the provincial Government nor political parties seriously attempted to ascertain the positions of rural communities. Instead, civil society organisations were simply informed that the election date had once more been moved forward.

### Traditional authorities

The interim Constitution ensures a system of democratically elected local government while recognising traditional leaders. Historically, amakhosi (chiefs) – with izindunas (headmen) – resolved disputes, allocated land and maintained law and order. Thus, the LGTA provided for ex officio representation for amakhosi without explaining their role. This resulted in confusion that was unrelentingly exploited by political parties in KwaZulu-Natal.

The original position of the Inkatha Freedom Party (IFP) was that amakhosi structures should be the local government in their areas. Eventually the Department of Traditional Affairs proposed that amakhosi remain primary administrators, exercising relevant local government powers by means of traditional councils. They would serve with elected members on a 50/50 basis on the Regional Councils, which would then be assigned the powers and functions of local government.

This proposal exacerbated the politicking between the two political bulls in the province: the African National Congress (ANC) insisted on *ex officio* status for traditional leaders. The IFP and most amakhosi threatened to boycott local elections unless the ANC-National Party-IFP agreement on international mediation was honoured.

As the conflict intensified, the KwaZulu-Natal Demarcation Board – a body appointed to advise the Minister of Local Government and Housing on local government boundaries – was caught in the crossfire. With many amakhosi withdrawing from the process, particularly in areas originally earmarked for the TLCs and the Metro, boundary related questions became a dilemma.

The Demarcation Board attended countless hearings which debated the inclusion of amakhosi areas in the TLCs/Metro. Their inability to reach a conclusion contributed to postponement of the elections in November 1995.

In the end, amakhosi areas were largely left outside TLCs and the Metro – thus they maintained their desired autonomy at the expense of larger fiscal bases to address the backlog in service delivery. Relative to other rural areas outside TLCs, these areas are well off and may be given a low priority; relative to areas in the TLCs, these are among the worst off and may have been given high priority.

Debates also ensued around whether all amakhosi or a given percentage should sit on the Regional Councils. Finally, in order for elections to proceed, it was agreed that the amakhosi's representation be decided by the Electoral Court. It is unlikely that local government will be able to operate before this is resolved. This critical issue, which can determine the success or failure of local government, has since been left hanging.

Political parties ironically pursued their own agendas and failed to obtain the opinions of rural constituents. One non-governmental organisation (NGO) made the following submission to the Constitutional Assembly on Local Government:

*"Our contribution is to emphasise the reality for most of our rural constituents. This reality is that the majority of rural people live in an area*

*In KwaZulu-Natal, no primary structures were elected for rural areas*

*The rural model became a major point of misunderstanding, contestation and delay by the two major political parties*

*Debates ensued around whether all amakhosi or a given percentage should sit on the Regional Councils*

Traditional authority is a complex part of people's lives which needs to be accommodated rather than dismissed as part of the national-provincial struggle

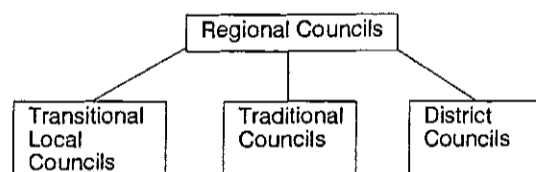
administered by amakhosi. The institution of traditional authorities is an old institution with a lot of influence on its people. This will not change overnight and will not change because of any law, proclamation or constitutional clause.

"In other words, the issue is not simply a question of political patronage, but a complex part of people's lives which needs to be taken seriously and accommodated in some way, rather than dismissed as part of the national-provincial struggle. We have already seen the disadvantages caused to rural people by conflicts relating to this question. The point we wish to emphasise is that the actions of people who support this institution – and those who are against it – should not be allowed to disadvantage the lives of ordinary rural citizens". (Regional Consultative Forum on Rural Development, August 1995)

KwaZulu-Natal became the only province where no rural local government would be established during the first elections

### No primary structures

From mid-1995, the Minister of Local Government consulted with stakeholders around a 'three-legged pot' model. Each of the legs would cover a geographically specific area depending on whether it was an amakhosi area, a farming area, or part of the TLC. The model envisioned traditional councils (TCs) and district councils (DCs) forming primary tiers of local government in traditional authority and freehold areas respectively:

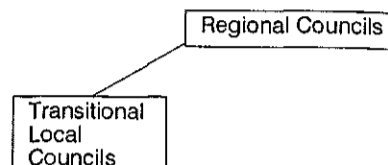


Two months before the elections, there was still disagreement about these structures, and time to form rural structures properly had run out. Thus, due to the failure of political parties and other stakeholders to resolve their differences, KwaZulu-Natal became the only province where no rural local government would be established during the first elections.

Large councils make it difficult to deal with any substantive issues

In contrast to urban areas where Transitional Local Councils (TLCs) form the primary tier of local government, rural people would only be represented on the Regional Councils. Rural areas therefore have no

local elected structures. Seven Regional Councils cover the entire province.



### Composition

Regional Councils will be composed of 'remaining areas' or rural representatives elected on the basis of proportional representation, interest groups of landowners/levypayers and women, TLCs, and traditional authorities on an ex officio basis. Some of the problems arising from this composition include:

#### Size

With some Regional Councils comprising over 250 members, they would meet only a few times per year and would delegate responsibilities to an Executive Committee. Clearly such large councils would make it difficult to deal with any substantive issues and would remain dependent on former Joint Services Board (JSB) officials who handle the daily administration of the Regional Councils.

#### Party politics

There was little, if any, scope for independent rural candidates. In addition to having no ward delineation in rural areas, the system of proportional representation was utilised. Candidates on the list of widely recognised political parties and groupings were much more likely to obtain enough votes to win a seat.

#### Interest groups

Land owners/levypayers were assured of special representation on Regional Councils as an interest group. NGOs argued vehemently that this was a perpetuation of white farmer domination and suggested farmworkers also be recognised as an interest group.

Women's groups were identified as an interest group, but organised groups did not seem to exist until there were reports that farmers in certain areas had organised their wives. Most rural constituents remained

unaware of interest groups or were mystified by the means of identifying representatives.

### Educating rural voters

Although the provincial Government's Election Task Group was well organised, it was constrained by the delays. In particular, this made it difficult for the Voter Education Task Team to implement election education programmes. However, several factors weakened the effectiveness of its approach:

- The campaign of the advertising group selected to implement voter education included inappropriate posters and adverts. Posters were professional, multi-coloured and glossy, clearly at a cost. Rural people, unfamiliar with the concept of local government, had difficulty connecting idioms on posters with elections.
- Due to the tight timeframe, it was critical to provide basic essential information. With so many undecided factors, there was little information to convey to rural people. The opportunity could have been used to begin civic education.
- The voter education strategy relied on JSB election committees, thus encountering some of the JSBs' limitations. Communities suspected a hidden agenda in their involvement, and areas with a history of working with JSBs were seemingly favoured.
- NGOs/CBOs were invited to tender for voter education activities. Apparently due to an insufficient budget and the pace of events, there was inadequate response from the Provincial Elections Task Group which caused confusion and frustration among NGOs/CBOs.
- Until January 1996, there was almost a total lack of coordination and communication between the Elections Task Group and NGOs/CBOs in the province.

Many NGOs perceived a bias against their organisations as a result of alleged political agendas and a lack of capacity. Ironically, election education was a key area in which NGO funding had not dried up and in which NGOs made notable achievements. For example, with relatively minor funding, the Regional Consultative Forum on Rural

Development (RCF) implemented voter education activities from April 1994 which included:

- Research on stakeholders' perspectives on the rural model.
- Eight sub-regional workshops reaching delegates from over 500 community structures from which input was made into national and provincial processes.
- Preparation of two 10 page pamphlets in Zulu disseminated to over 40 000 community delegates.
- Ten segments on Radio Zulu discussing rural local government in terms of development and briefing of SABC journalists.
- Bi-annual civil society strategising workshops with rural NGOs.
- A women's voter education programme during the countdown period.

In particular, through the Sizobhukula programme, the Regional Consultative Forum reached over 3 200 community structures and trained over 5 500 rural people. It also provided information on the role of local government and the models under debate.

Community structures in each Regional Council area organised training, managed finances and identified local trainers to implement the programme. With this approach and with the experience of the NGO, the programme was able to:

- Utilise appropriate, accessible information.
- Ensure that information reaches deep rural areas throughout the province, including generally inaccessible areas.
- Use and build the capacity of CBOs and rural trainers from deep rural areas.
- Create spin-offs such as strengthening local organisations.
- Utilise funds in rural areas.
- Gain feedback on issues.

NGOs have a wide reach into rural areas and ongoing relationships with communities,

*Election education was a key area in which NGOs made notable achievements*

*Voter education activities included a women's voter education programme during the countdown period*

*The Regional Consultative Forum reached over 3 200 community structures and trained over 5 500 rural people*



*NGO's are frustrated by the failure of the Provincial Government to build on their strengths*

and are familiar with approaches sensitive to rural needs. They are frustrated by the failure of provincial Government to build on their strengths and cooperate to reach common goals.

In response to NGO resolutions calling for greater involvement and education of rural communities, the Minister of Local Government and Housing replied that 'rural people cannot be spoonfed'. Provincial leaders must recognise that ongoing civic education is critical for delivery and for developing rural local government structures.

### Conclusion

Regional Councils are meeting for the first time and there is a high level of uncertainty on the part of councillors as well as civil society organisations. Once structures are fully institutionalised, it will be very difficult to introduce change. The Province should take advantage of this time of flux to:

#### □ Develop structures

- Introduce a primary level of local government in rural areas. The Province should learn from the experience of other provinces and specify a mechanism to transfer authority to the primary level.
- Consider means of minimising political party domination in the next local government election.
- Consider the issue of traditional authorities from a development rather than political perspective. Clarify the role of traditional authorities in local government and introduce appropriate training.

#### □ Strengthen structures

- Consider means of preventing a potential divide between the politicians and the bureaucracy of the Regional Councils. The new councillors may become protective of their role as they interact with former JSB officials.
- Provide a provincial framework for Regional Councils to organise sub-structures within Regional Councils, in relationship with the Executive Committee (ExCo). This will be essential in order to make such large Regional Councils operational. It will also minimise confusion if the Province

ensures that there is some compatibility in how Regional Councils are structured.

- Prioritise councillor training.

#### □ Improve delivery

- Analyse the impact of fiscal arrangements in Regional Council areas and strategise around avoiding the worsening of the rural/urban divide. This needs to take into account the flow of financial resources from national and provincial level to local government and the allocation of resources to areas in each Regional Council.
- Create a mechanism for communities to relate to councillors and to hold them accountable.
- Provide clarity for government departments and NGOs/CBOs on what issues must go through local government structures. Many organisations are waiting for Regional Councils before embarking on development. Many councillors believe they should be responsible for all implementation and that nothing should happen in their area without their involvement.
- Recognise the need for strong civil society organisations to assist with consultation and communication with grassroots constituents.

#### □ Civic education

- Utilise the capacity of NGOs/CBOs and build on their strengths.
- Provide information to rural communities on an ongoing basis.
- Introduce ongoing civic education programmes.

Significant energy and resources have already been utilised in establishing local government structures. Although elections themselves were a notable achievement, the process is not yet complete.

By attending to the areas noted above, it is within the reach of the Provincial government to ensure that local government structures in KwaZulu-Natal are able to respond to the needs of rural as well as urban constituents in the years to come. [12/96]

#### ACKNOWLEDGEMENTS

I wish to thank S'duduzo Simelane for his summary of developments around the rural local government model.

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# INDUSTRIAL

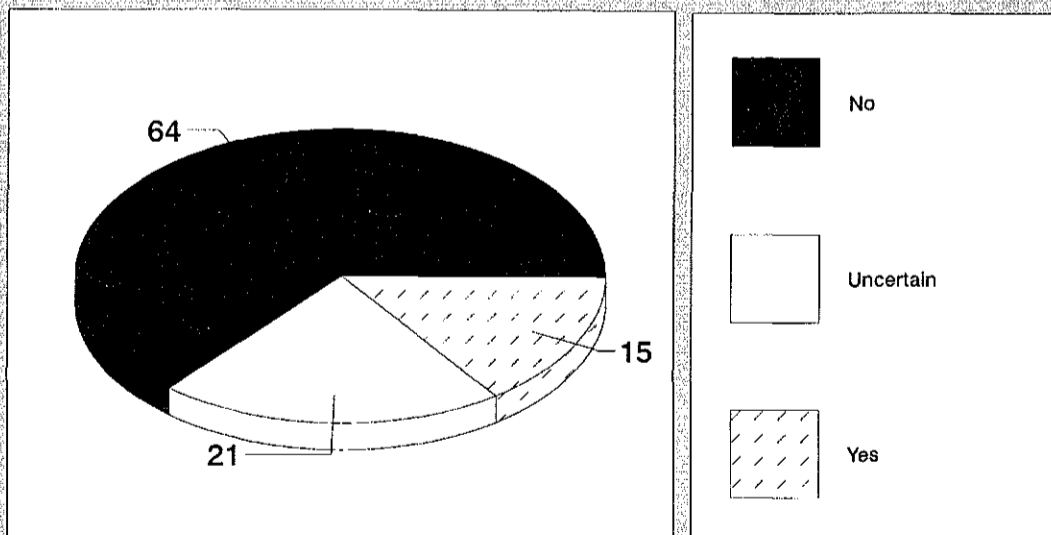
M O N I T O R

## Popular perceptions of the Reconstruction and Development Programme (RDP)

Percentage agreement	%
Will succeed if all play their part	80
Needs peace and security to succeed	76
Opportunities for the disadvantaged of the past	71
Services for the poor	70
People shaping their own future	65
Increased economic output	63
Paid for with higher taxes	61
Eliminates injustices of the past	61
A non-starter in KwaZulu-Natal	60
Less inequalities between provinces	57
South Africa is doomed if RDP fails	51
Won't benefit white people	48

(Items shortened and paraphrased)

## Local RDP and Development Committees operating in the area



Source: *Perceptions of Development in KwaZulu-Natal, A Subjective Indicator Study*, Valerie Moller, Published by Indicator Press, in conjunction with the Human Sciences Research Council KwaZulu-Natal Office, September 1996

# Working Women Equity and Affirmative Action

By Urmila Bhoola  
Cheadle, Thompson and Haysom

*Women are confined to careers with limited promotional prospects and lower salaries than men. This will have to change with the promotion of equity in the Constitution and the Labour Relations Act. Job applicants are now protected, and discriminating against pregnant women can be challenged under both the LRA and the Constitution. This article suggests proactive ways of achieving equity for women.*

**E**quality and anti-discrimination are primary principles underpinning the new democracy in South Africa. This is upheld in the interim Constitution and reaffirmed in the final Constitution. However, the arduous task of redressing the structural gender and race inequality that pervades our workplaces must still be tackled.

Affirmative action is a powerful mechanism for redressing structural and systematic discrimination which is often hidden in workplace practices. This article focuses on affirmative action, or employment equity, as an imperative component for achieving equality, with particular emphasis on women in the workplace.

*The interests of black and white women, and working class and middle class women, will not always coincide*

The Constitutional safeguard for employment equity is meaningless unless bolstered by effective legislation. The recently released *Green Paper on Employment and Occupational Equity* produced by the Ministry of Labour provides proposals for translating the constitutional safeguard into equality in the workplace.

In considering employment equity measures, it must be borne in mind that

women are a diverse, heterogeneous group with different race and class interests. This implies that the interests of black and white women, and working class and middle class women, will not always coincide.

In assessing the appropriate applicant for a job, an employer will often have to distinguish between a white woman from a middle class background who has not been disadvantaged, and a black working class woman who has succeeded despite apartheid and Bantu education. However, it is in the interests of all women in the labour market that discrimination is eliminated and measures are taken to improve their position at work.

## Employment equity

It is important to clarify what is meant by affirmative action and employment equity. These terms refer to initiatives to redress employment disadvantage suffered by members of specific groups as a result of discrimination. Affirmative action policies range from quotas – the most controversial, requiring that a certain number of jobs be reserved for disadvantaged groups – to giving disadvantaged groups preference in employment.

The Abella Commission in Canada, because of the unfortunate confusion of affirmative action with quotas, recommended using the term 'employment equity'. This refers to removing barriers to make recruitment, hiring, promotion and benefits more equitable, but also concerns ensuring that employees are given the opportunities for which they are qualified.

It therefore encompasses removing barriers and providing fair opportunities, with the proviso that merit is not undermined. Barrier removal measures might include:

- Child care services and flexible work schedules for women employees.
- Modifying the workplace to accommodate workers who are physically disabled.
- Providing equal promotion and training opportunities.
- Generally utilising measures aimed at breaking down sexual, ethnic or racial ghettos within an organisation.

Employment equity thus includes institutional and societal mechanisms to transform the workplace, making it more diverse and responsive to the needs of disadvantaged groups.

### Current status

The South African labour market is characterised by occupational inequality. In the case of women, this is reflected in their distribution across job categories and up and down the job hierarchy.

While most women of working age are now in the labour force, they are confined to a narrow range of careers with limited promotional prospects, and their average pay still lags far behind their male counterparts. For example, women are concentrated in the service and administrative sectors and are under-represented in the managerial and technical sectors.

Reasons for this include complex social factors like discrimination by employers who fail to hire, promote or train women because of stereotypes about women being unable to succeed in 'a man's world'. However, there are underlying factors linked to the unequal division of labour in the

home. This makes women primarily responsible for the home and childcare, which reduces their employment opportunities.

Anti-discrimination legislation which attempts to change employer behaviour, is not therefore enough to change women's subordinate status in society. Remedial initiatives have to go beyond prohibiting discrimination to actually address the social pattern of disadvantage and discrimination which combine to render women subordinate in the workplace.

### The Constitution and equality

The draft final Constitution guarantees in clause nine, the right to equality before the law and equal protection and benefit of the law. It provides further that:

*"Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken."*

This is the constitutional safeguard for affirmative action. It emphasises that affirmative action is not an exception to, but rather a necessary means to achieve equality.

The equality clause prohibits unfair discrimination, directly or indirectly, on a number of grounds including: race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. Pregnancy, marital status and birth are new grounds which do not appear in the interim Constitution.

These provisions apply to everyone, and are therefore applicable to employers and can be enforced against them. The Constitution also provides that legislation must be enacted to prevent or prohibit unfair discrimination.

The constitutional safeguard of equality and affirmative action has been translated by the Labour Relations Act No 66 of 1995, (the LRA) into specific protection for employees in the workplace. The unfair labour practice definition in the LRA prohibits discrimination in terms very similar to the new Constitution. In addition to the grounds listed in the Constitution, it also prohibits

*Most women of working age are confined to a narrow range of careers with limited promotional prospects*

*The unequal division of labour in the home reduces women's employment opportunities*

*Pregnancy, marital status and birth are new grounds for unfair discrimination which do not appear in the interim Constitution*

One of the significant advances of the LRA is that applicants for jobs are also protected from discrimination

discrimination on the basis of political opinion and family responsibility.

One of the significant advances of the LRA is that applicants for jobs are also protected from discrimination. Victims of discrimination can lodge a complaint with the CCMA, the body established under the LRA to conciliate workplace disputes. The LRA and the Constitution therefore provide the impetus to employers to immediately begin redressing inequality through appropriate measures.

### Discrimination

One of the concepts in the anti-discrimination provision in the LRA and the Constitution is direct and indirect discrimination. Discrimination generally refers to the failure to treat people as individuals, but to assign to them group stereotypes, for example, all women are unreliable workers.

Where something is an inherent requirement of the job, it is not unfair discrimination

Direct discrimination refers to the unfavourable treatment of an employee on the basis of a prohibited ground, such as gender. It is manifested for example, in job adverts that say 'Male technician required'. Often there is an intention on the part of the employer to exclude women.

Indirect discrimination refers to neutral practices which have a more severe impact on a certain group, because of their position in society. It occurs in requirements that applicants, say for police jobs, have to be of a certain height or weight. It has a more detrimental effect on women because fewer women than men can comply with the job requirement. The employer's intention is irrelevant because the requirement discriminates against women by denying them access to those jobs.

Sexual harassment must be dealt with effectively through disciplinary measures to create a supportive environment for women employees

This type of requirement would be discriminatory unless the employer can justify the need for a female nurse for an obstetrics ward, for example, or a Catholic teacher for a Catholic school. In the United States this is referred to as justification on the grounds of 'business necessity', and is not discriminatory.

Thus if the practice is justified irrespective of the person to whom it is applied, it is not discriminatory (see *Griggs v Duke Power Co* 401 US 424 (1971) and *Dothard v Rawlinson* 433 US 321 (1977)). The new LRA incorporates a similar defence by

providing that where something is an inherent requirement of the job, it is not unfair discrimination.

### Proactive measures

Merely prohibiting discrimination is unlikely to improve the status of women substantially. Positive measures are required in the form of employment equity, and can take various forms. These range from legislation which obliges employers to employ a specific number of women in specific jobs through fixed quotas and preferential treatment.

Employment equity legislation on the other hand, requires employers to identify barriers to the employment of women in certain occupational categories and to remove them. It emphasises flexible goals for the employment and promotion of women and targets for meeting those goals.

Employment equity legislation defines different disadvantaged or target groups and requires employers to review their workforce composition, and to draw up plans for the achievement of employment equity. It does not mean merely employing a few women in top positions, irrespective of their qualifications or experience, as most corporations are inclined to do.

A critical mass of women must be created in occupations in which they are under-represented, but women must also be advanced through accelerated training, career-pathing or mentoring in order that they function effectively in those positions.

Placing unqualified women in top positions merely to enhance a corporation's profile is retrogressive. It results in a greater stereotyping of women as it reinforces the notion that women cannot succeed. Relevant training and support must be given, but the employer must also create an environment that is conducive to women's advancement.

Sexual harassment and abuse of women must be dealt with effectively through disciplinary measures to create a supportive environment for women employees. Developing sexual harassment codes is another mechanism for highlighting and dealing with behaviour that undermines women's equality.

The Canadian Supreme Court has held, for instance, in the context of a quota for

Working women not only have issues of wage discrimination to deal with, but suffer exploitation both at work and within their homes



Employers are reluctant to invest in women because they feel the value is wasted when women leave to have or take care of children

women on the Canadian National Railways, that 'to combat systemic discrimination, it is essential to create a climate in which both negative practices and negative attitudes can be challenged and discouraged' (*Action Travail des femmes v Canadian National Railway Co* 40 DLR (4th) 193 SCC at 210).

### Areas for implementation

#### □ Recruitment

Changes in recruitment practices are imperative. The Supreme Court of Canada has affirmed that a quota for employing women in jobs previously reserved for males in the Canadian National Railways was consistent with equality because it sought to redress systemic discrimination suffered by women.

In workplaces where there is an under-representation of women generally or in senior positions, attempts should be made to promote women already in the workplace and to train them where necessary. External recruitment should only be embarked upon when the internal pool of qualified applicants has been exhausted.

Where the under-representation of women is serious, employers may have to give preference to women over men. Therefore, implementing equity for women would involve re-evaluating recruitment practices

and eliminating those which foster discrimination. This might mean reconsidering the newspapers and magazines in which jobs are advertised, the placement of adverts in the Vacancies-Male column, interview questions that reflect gender discrimination such as 'do you plan to have children', and questions about marital status.

#### □ Training

This does not mean training women *en masse* for the same jobs, but developing individual career paths in consultation with the employees concerned. Employers are often reluctant to invest in women through training because they feel the value is wasted when women leave to have or take care of children. These attitudes have to change.

#### □ Removing barriers

Employers have to analyse and remove all workplace practices or policies that could prevent the employment and advancement of women. Examples are requiring that all employees be full time, and that no flexitime is permitted.

Discrimination is a significant barrier, and manifests itself in for instance, the unequal provision of benefits. A company's pension and provident fund scheme may, for example:

The jobs women are often confined to – clerical, secretarial and administrative – must be re-valued and paid accordingly

Dismissal on the grounds of pregnancy or intended pregnancy is automatically unfair under the LRA

Support measures could include child care, flexible working hours, transport and counselling

provide that women pay higher contributions because they are expected to live longer; have different retirement ages for men and women; not allow women time off to attend to child care responsibilities or care for sick children, which could be discrimination on the grounds of family responsibility.

Employers' attitudes constitute significant barriers and until they re-evaluate the work women do, and are capable of doing, women will still to be restricted to underpaid jobs with limited prospects. Eliminating discrimination means eliminating one of the most significant barriers to women's advancement.

#### Equal pay for equal work

Because women's work is often undervalued, they earn less than men for comparable jobs. Equal pay policy does not mean all employees doing the same work should get the same pay. Instead, there should be no discrimination on illegitimate grounds, such as race or sex. Also, the jobs women are often confined to – clerical, secretarial and administrative – must be re-valued and paid accordingly.

#### Pregnancy

This is one of the major areas of discrimination. In the United Kingdom the House of Lords has confirmed that to dismiss or refuse to employ a woman due to possible pregnancy is unlawful discrimination (see *Webb v Emo Air Cargo* [1992] 2 AER 43 (CA)). Also, to select a woman for retrenchment because she is pregnant and would in any event require maternity leave, constitutes discrimination against women.

Employers should be aware that any disadvantageous treatment of women on account of pregnancy is discrimination under both the LRA and the new Constitution. In particular, dismissal on the grounds of pregnancy or intended pregnancy is automatically unfair under the LRA. The concerns of women employees in this regard must be addressed and plans developed

Ensuring equality for women in the workplace means recruiting women into the fullest range of employment opportunities

around leave which accommodate pregnant women.

#### Employment equity plan

An employment equity programme should aim to remove systemic barriers which impede the full employment of women.

Also, to ensure equitable representation of women, remedial measures to benefit women for a specific period of time should be undertaken. These could include providing accelerated training for women, especially those in dead-end jobs; recruiting women specifically; and support measures to assist women.

Support measures could include child care, flexible working hours, transport and counselling. The employer should set goals for the recruitment, training, promotion of women and the timetables for achieving these goals.

Whatever employment equity policy is implemented, however, it must not be done in isolation from a general human resource development plan. The policy should not mean that women who are not suitably qualified are employed or promoted, which would mean lowering standards. It is a temporary measure to facilitate equal opportunity, eradicate race and sex discrimination, and realise the potential of all participants in the workforce.

### Conclusion

Ensuring equality for women in the workplace means recruiting women into the fullest range of employment opportunities; equal pay for work of equal value; fair consideration for promotions; participation in corporate policy and decision making; paid parental leave; and equal pensions and benefits.

Changed attitudes towards women so that they are taken seriously as workers rather than being marginalised, and improved access to education and training to permit women to compete for the widest possible range of options, are essential. [PE@

# DEVELOPMENT

M O N I T O R

## Top ten priority development goals

### Urban dwellers

Less crime & violence  
 Education & training  
 Basic health care  
 Less teenage pregnancy  
 Affordable housing  
 Clean water  
 Healthy environment  
 Social security  
 Culture of learning  
 Efficient government departments

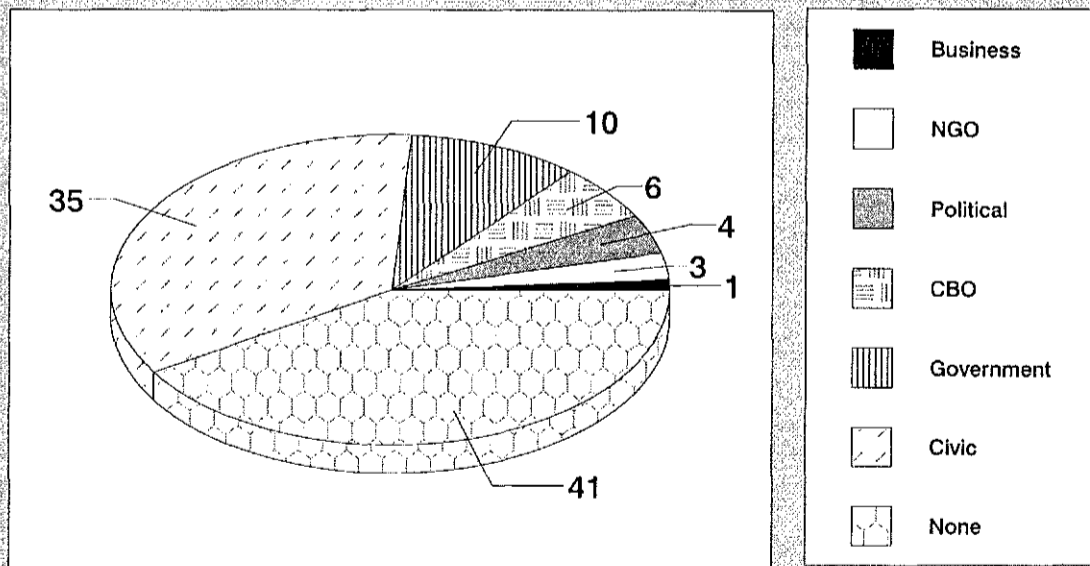
### Rural dwellers

Clean water  
 Education & training  
 Healthy environment  
 Basic health care  
 Less crime & violence  
 Culture of learning  
 Environment for future generations  
 Road safety  
 Affordable housing  
 Security of tenure (arable/grazing land)

### Rural black women

Clean water  
 Education & training  
 Healthy environment  
 Culture of learning  
 Less crime & violence  
 Basic health care  
 Social security  
 Road safety  
 Nutrition  
 Environment for future generations

## Most active community development organisations in my area



Source: *Perceptions of Development in KwaZulu-Natal, A Subjective Indicator Study*, Valerie Møller, Published by Indicator Press, in conjunction with the Human Sciences Research Council KwaZulu-Natal Office, September 1996



# Poor Housing

By Stefano Mainardi

Department of Economics, University of Natal, Pietermaritzburg

*The shortage and inadequacy of housing affects many South African households, especially in black communities. Besides representing one of many facets of a dualistic economy, as in other middle income countries, the housing problem in South Africa is associated with its past institutional experience and differences among and within regions and racial groups.*

One out of five South Africans live in informal housing, constituted mainly by shacks around urban areas, often lacking electricity, an adequate supply of water and sewerage facilities. The 1986 removal of influx control probably allowed for an easing off of overcrowding in formal black townships and better job prospects for some domestic migrants.

But the related rapid growth of informal settlements has also been accompanied by high unemployment, a high crime rate, and friction between communities living in close proximity. The shortage of transport, health and sanitation services for these settlements tends to have more severe consequences as their size grows.

## The housing gap

The annual building requirements until the end of the century are estimated at 400 000 units a year. But despite the specific efforts of the present government, this demanding target is not being met, while the widespread presence of informal housing and high average room density endures.

Besides representing one of many facets of a dualistic economy, as in any other middle income country, the housing problem assumes particular features in South Africa,

associated with its past institutional experience and differences among and within regions and racial groups.

As in other parts of Africa, the urban economy has proved unable to absorb migration flows from rural areas, and demographic pressures have outpaced the growth of the local economy. As in other developing economies, infrastructure development and urban planning have not succeeded in coping with urban growth, especially in large conurbations. Some distinctions should, however, be made.

## African background

Compared with other African countries, the phenomenon of urban-rural migration has been relatively more contained. Sub-Saharan Africa is estimated to have undergone extremely high urbanisation rates. The number of urban dwellers increased from 33 to 90 million between 1960 and 1980, and is expected to rise to nearly 260 million by the year 2000, representing 40% or more of the total population of the continent (Mabogunje 1992).

Urbanisation growth rates of sub-Saharan African countries are expected to be the highest in the world in the next 10 to 20

*Urbanisation growth rates of sub-Saharan African countries are expected to be the highest in the world in the next 10 to 20 years*



Picture courtesy of Mark Napier

The population living in slums and squatter settlements in Africa has risen to four times that of cities as a whole

years – on the order of between 4% and 7% per year (World Bank 1993). The flow of migrants into cities is believed to have at least matched, if not even exceeded, the natural growth of the urban population.

This flow has often been exacerbated by wars and famines, and can partly be seen as the consequence of developing policies biased against agriculture – especially subsistence farming – and favouring manufacturing and service sectors concentrated in urban areas. Recent estimates reflect that the population living in slums and squatter settlements in Africa has risen to four times that of cities as a whole.

South Africa is, however, experiencing a high population growth, equal to between 2,5% and 2,7% per year over the last decade: this demographic growth is more similar to the average figure of low income economies than to the respective rate typical of middle income economies (1,7%), which are those closer to South Africa in terms of income per capita.

Meanwhile, the domestic economy has failed to achieve a satisfactory growth, by recording only 0,9% annual GDP growth between 1980 and 1993. In several African countries the flow of migrants into cities is believed to have at least matched, if not even exceeded, the natural growth of the urban population.

By contrast, in South Africa, and according to some analysts in several other developing economies, a 'circular migration' pattern has taken place between and within cities and rural areas. In this view, besides the insufficient absorption of a rapidly growing labour force, the real problem for South African housing would arise out of institutional factors associated with the circularity (Mabin 1990), or with circulatory flows superimposed on the basic gravity pattern from rural to urban areas (Bekker et al 1992).

### Institutional inheritance

Aside from the financial and cultural shocks of moving into cities, as opposed to cultural ties with and reduced service charges in rural areas, in the specific case of South Africa, this circularity is explained in view of the former application of the pass system and laws such as the Group Areas Act and influx control.

Until the late 1980s these practices restricted the movement of blacks within the country and limited their permanent migration into cities, and are therefore considered to have been equivalent to an artificially imposed backlog on the black population. While population groups other than blacks are already highly urbanised, 56% of the black population was estimated to be urbanised in 1991, and is projected to increase up to 84% by the end of the century (DBSA 1991: 26).

*The population living in slums and squatter settlements in Africa has risen to four times that of cities as a whole*

*The real problem for South African housing would arise out of institutional factors associated with the circularity of migration*

*The black population's urbanisation is projected to increase up to 84% by the end of the century*

Rural housing poverty affects KwaZulu-Natal and Northern Province in particular.

The housing problem in rural areas can to a great extent be redressed by upgrading the existing stock

Specific measures in support of employment generating development are needed in both urban and rural areas

Whereas white and Indian migration is mainly an inter-urban phenomenon, in the case of coloured people it is both inter-urban and rural-urban and for blacks it is considered to be chiefly rural-urban and, to some extent, urban-rural.

Statistics for the late 1980s and early 1990s show that coloureds and blacks have tended to move out of drier and drought affected Cape interior areas and into other areas of the Cape province or the Transvaal – especially the industrial area of the Pretoria-Witwatersrand-Vaal Triangle.

The removal of apartheid laws may have fuelled the potential for an even quicker pace of urbanisation within the black community, although the presence of a high urban unemployment and underemployment is likely to facilitate the persistence of a circular pattern.

### Critical areas

Within South Africa the highest population increases are registered in the three major industrial poles of the Pretoria-Witwatersrand-Vaal (PWV) area, Durban-Pinetown and the Cape Peninsula. A fourth metropolitan and industrial pole is the Port Elizabeth-Uitenhage area.

The PWV metropolitan complex is estimated to include the largest population living in informal settlements in South Africa, possibly amounting to 2,5 million. Durban is among the fastest growing cities in the world, with possibly 1,7 million people living in informal settlements (Spier 1991).

According to 1991 census data, the inadequacy of rural and urban housing is not concentrated in the same regions: the relative incidence of shacks across regions even appears to be slightly negatively correlated with that of huts, with the former dwelling being representative of urban poverty, and the latter of rural poverty.

Rural housing poverty affects KwaZulu-Natal and Northern Province in particular. Relatively recent forms of poor housing, such as boarding houses and shacks, are found to be associated not only with a high rate of urbanisation, but also with high levels of unemployment among blacks.

Within the black community, the most widespread presence of people living in shacks is registered in the West Coast and the South Cape, with nearly 44% of this population group being affected.

In a country such as South Africa with as much as one third of its labour force being unemployed, large scale housing programmes could represent a relevant means for creating employment, spillover to other sections of the economy – without straining the import dependency of the country – and stimulating domestic savings.

The housing problem in rural areas can to a great extent be redressed by upgrading the existing stock. But in urban areas the severe backlog in conventional housing is envisaged to worsen and bring about the need for specific measures in support of employment generating development in both urban and rural areas.

The high cost of building materials, land and infrastructure in cities implies that the most pressing housing problems will continue to be concentrated in major urban areas. Development strategies geared to foster alternative industrial and service centres could be pursued and implemented.

The maintenance of the economic recovery achieved in the last two years, reflected by the annual GDP growth of nearly 3%, would hopefully provide favourable conditions for a more effective industrial and infrastructure policy, suited to the need for improvements in housing standards. [E&W]

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# PLANNING FOR INFORMAL HOUSING: MORE LAND, LESS HOUSING?

*By Pieter Smoor, Building Design Group, Swaziland  
and David Pentz, Vines Mikula Associates, KwaZulu-Natal*

*This article proposes a radical shift in official policy and public attitudes about land allocation and urban planning. The arguments are based on observations of the housing scene in South Africa, Lesotho, Swaziland and other African countries, and on direct participation in several low cost housing projects.*

**S**outh Africa is embroiled in a housing crisis of daunting proportions. Many believe the difficulties underlying the housing shortage are a lack of access to land and to affordable finance, while others blame the controlling authorities and the absence of a coherent land utilisation and housing policy.

Many diverse solutions have been offered for the housing shortage. Should state funds be pumped into public housing or should the policy could remain self-help? Should subsidies be on bond repayments and linked to income or should there be a capital subsidy on land and services? Should one-house-one-plot give way to higher densities and cheaper services? Perhaps the answer to the housing crisis is much more simplistic and much less profitable to the housing industry.

## **Affordable housing**

Those familiar with institutional efforts to provide houses for the poor know that this cannot be achieved without massive subsidies or aid. It is frustrating that subsidies rarely go directly to the needy urbanite, but are channelled via and absorbed by those helping to deliver the affordable product, namely the consultants, the developers, the contractors and the lending institutions.

Even more frustrating is that when the product is finally delivered it is, without

exception, beyond the reach of the poorer percentiles of the population – the group whose plight initiated the project in the first place! Where should these people go, since it is clear that even with a subsidy, the proposed R45 000 model house is strictly a middle class luxury.

What causes this persistent pattern of failure to provide housing solutions for the poor? Perhaps this problem is being dealt with in an outdated, doctrinaire manner, founded in the European town planning tradition, which has as its central feature the exercise of control.

According to this approach, it is not acceptable that a man can move onto a site and build a house for his family. Planners want to know exactly who he is, what he is going to build, how he will build it, how he is going to use it, and how it looks.

Control has been a feature of town planning since late in the last century and was mostly directed at restricting abuse – not abuse by the poor, but by the landlords and developers who exploited them.

It was reputedly Hendrik Verwoerd, in a moment of enlightenment, who first introduced the site-and-service concept to South Africa. In principle, this seemed like a good idea because it eliminated two expense items – the architect and the building contractor – from the low cost housing scene.

*Control has been a feature of town planning since late in the last century and was mostly directed at restricting abuse*

*Absurdly small plots are not the only phenomenon associated with current affordable housing*

On the down side, however, it planted another set of experts – the civil engineers – firmly in the driver's seat of township development. This situation inevitably led to an emphasis on services and roads at the expense of much needed land. The question, 'how small can we make a plot?' constitutes the last great debate in these infrastructure obsessed planning circles.

Minimum plot sizes have been crashing through various bottom limits in recent times. Plots of 500m<sup>2</sup> or 600m<sup>2</sup> were long regarded as an absolute minimum. However, escalating construction and service costs continue to force minimum plot sizes down. In the pre-election rush to appease the squatters, South Africa has broken new records with legitimising and registering plots of 60m<sup>2</sup> or less in various urban areas, for example, Bester's Camp in Durban.

### **Rising costs**

*Affordable housing in South Africa is best described as a tall ladder from which the bottom rungs are missing*

Absurdly small plots are not the only phenomenon associated with current affordable housing. Since high service levels are implicitly required in high density areas, even small plots are expensive and usually require a loan of some sort by a financial institution.

Because the price of the plot affects the owner's ability to construct, and because residents are supposed to comply with mandated minimum building standards, low income plots are no longer offered on a pure site and service basis, but come with improvements ranging from sanitary cores, to starter houses, to full size minimum dwellings, the cost of which is added to the loan from the financial institution.

*Where urbanisation takes place along traditional lines the built environment displays a very different reality*

The often compulsory provision of services and structures in low income townships and the readiness of authorities to provide finance and guarantees has attracted big business to the affordable housing scene. This involvement, however, does not come cheap and further diminishes the intrinsic value of the asset the householder is buying and further raises the housing game's entry threshold.

The institutional arrangements and the technical concepts defining the provision of housing for low income families form a barrier effectively denying the poor access to shelter. Affordable housing in South Africa is best described as a tall ladder from which the bottom rungs are missing.

For the poor, the lowest rung is just out of reach. Only the credit worthy are given a little step-up to commence their climb. Even so, when it comes to value for money, what they get at the lowest rung is probably the most expensive of the entire ladder.

### **Informal urbanisation**

Informal urbanisation and informal housing generally have negative connotations among politicians, many professionals and the public at large. The reason for this negative perception is that today's informal settlements almost inevitably emerged during periods of crisis or pressure, and alongside and in competition with formal development and vested interests.

Informal settlements are often associated with land invasions, forced resettlement, shack farming, and refugee problems. Lack of land and absence of tenure define the physical configuration of the settlement and the quality of the structures. The fact that most towns in this country originated as European settlements, means that they come complete with the mechanisms of deed registration, planning control and building regulations.

Informal settlements in most African cities have, until recently, been regarded by local authorities as temporary undesirable phenomena which in due course would have to disappear once the money is found to replace them. The fact that for 50 years or more the problem has not disappeared, has not altered this attitude.

### **Traditional urbanisation**

Where urbanisation takes place along traditional lines without the distorting presence of a Western oriented formal system, or where this system is sufficiently weak that it can be safely ignored, the built environment displays a very different reality.

Examples of such a contemporary informal urbanisation process can be found in Maseru in Lesotho, Serowe or other towns in Botswana, and in some of the peri-urban and rural settlements in South Africa, for example, Molweni in KwaZulu-Natal. When analysed, a number of interesting observations can be made:

- Land allocation is more equitable, with most plots being roughly the same size.

900m<sup>2</sup> to 1 000m<sup>2</sup>. The spatial distribution of households reflects their date of arrival in the system, not necessarily their income.

- ❑ The layout form presents a relatively classless landscape. Small one roomed dwellings coexist alongside more substantial houses. Social mobility is possible without deserting one's community.
- ❑ The maintenance of standards is not a problem at all. Very few structures, whether built in traditional or modern style, are 'temporary' or ramshackle. Houses vary in size and architectural ambition but most are solidly built and perfectly habitable.
- ❑ Most houses are built with cash or privately raised loans and evolve incrementally over time. The settlement is never finished. Although traditional tenure is relatively secure in most of the above mentioned towns and settlements, banks will only accept formal title or leasehold as security.
- ❑ A variety of business activities including agriculture take place throughout the urban area. Commercial activities naturally cluster along bigger roads and intersections without interfering too much with residential use.
- ❑ Plots are large enough to allow on site disposal of sewage, the cultivation of gardens and the preservation of some sense of nature. In fact, Ebenezer Howard would call it a garden city.
- ❑ Freedom from building regulations and the prescription of approved standard house types produces a rich environment of architectural expression. It is a myth that an authority needs to control the design and construction of the dwelling which an owner, secure on his land, wants to build.

There is no need to romanticise such towns and settlements. There are problems improving internal distribution roads, providing space for social amenities and installing water reticulation. But most can be resolved over time, well before densities are so high that buildings must be demolished.

What remains a remarkable achievement is that the traditional right of each person to

own a plot and have a base from which to construct his or her life, has remained sacrosanct.

## Planning

The provision of small serviced plots, with or without improvements, through the mechanism of formal urban development schemes is too expensive for low income groups and provides an unsatisfactory solution even for those who can afford it. High density low income townships, made accessible through subsidies and loans, freeze the occupants into dependency on formal employment and a permanent condition of inferiority.

Subsidies may reduce the entry level into such a system, but do little to improve the intrinsic quality of the product. Moreover, they are often discriminatory and are certainly beyond the means of poorer countries in the region.

Finally, formal urban development demands fast track systems of project management, construction and cash flow and leaves little room for individual households to contribute their own labour, their own ingenuity and their capacity to provide for themselves. On the other hand, low income households, given a decent piece of land and tenure, are quite capable of looking after themselves and need not be burdened with core units, starter houses, building regulations and forced loans.

Planning for informal housing is a concept for urban growth which effectively includes the lowest and otherwise excluded percentiles of the population. The basic premise is that each person – each family – has the right to land, not only in the rural but equally in the urban context.

Access to land should not be conditional upon eligibility for loans, membership of accredited communities or compliance with complicated development rules, but should be a basic right that is granted up front to each household on the basis of a simple allocation procedure.

The modalities of implementing this right, the methods of land allocation, the physical planning principles, the legal framework, and the prevention of abuse may be cast in different moulds and may vary from region to region. However, the basic right is immutable, rooted as it is in the African

*The maintenance of standards is not a problem at all*

*It is a myth that an authority needs to control the design and construction of the dwelling which an owner, secure on his land, wants to build*

*Formal urban development leaves little room for individual households to contribute their own labour and ingenuity*

*Aspiring urbanites should be provided with an asset – a basic resource – which will enable them to operate and survive within the urban system*

tradition which says, 'A man without a site is not a man.'

### African cities

The economic principle underpinning the right to urban land is that aspiring urbanites should be provided with an asset – a basic resource – which will enable them to operate and survive within the urban system. Living and working in the city is not interpreted in the narrow sense of living in an industrial bureaucratic complex where every citizen is supposedly employed in the formal economy, or waiting for such employment.

Industrialisation has come late to Africa and, given the head start of Asian and European economies, may not arrive at all in

many places. Circumstances surrounding urbanisation in Africa are fundamentally different from those in 19th century Europe, as meaningful industrialisation and job opportunities are conspicuously absent.

For many, living in an African city today means engaging in urban subsistence, creating work in the informal sector, enjoying a slightly better life, having access to better education and health, and perhaps even hoping for a regular job. In such an environment, people do not want to be burdened with mortgage payments or be given a house designed for four people, but just big enough to eat and sleep. The poor in particular, who have little else, need space to survive in a modern African city. [PEA]

## The Spatial Model: Planning for Informal Housing

The spatial model for implementing this basic right in the urban environment can be presented in diagrammatic fashion in the form of two concentric circles (Figure 1). In the centre is the traditional city with its CBD, industrial areas, formal townships, etc.

Surrounding the city is land designated as the zone of transition, represented by a circle, which in reality would probably be a more complex line recognising geographical features, natural resources and external forces. The radius of the circle or the size of the zone of transition varies with the size and importance of the city. In all probability it would be adjusted from time to time. Beyond the zone of transition is rural land.

### □ The objectives of the model are:

- To facilitate access to land.
- To create an urban environment where individuals, households or communities can plan and build their own dwellings at their own pace, in a manner most suited to their means and needs.
- To create a framework for the expansion of cities which is more equitable, less rigid, and more open ended.

### □ Zone of transition

The basic purpose of the zone of transition is to break down the barrier of large undivided land holdings around

the town and create space between the city and formal agricultural land around it, without subjecting this space immediately to the complexities of a formal urban system.

The zone would be subject to different administrative and technical procedures and in all likelihood, administered by a separate 'peri-urban' authority. Within the zone, certain areas are set aside for conservation. The remainder is designated as a settlement area in the broadest sense, made accessible by a coarse peri-urban access grid and subdivided in small holdings ranging from one to four hectares. Subject to demand, land is further subdivided as necessary into smaller, urban, semi-urban and semi-agricultural plots.

Within the zone, the local authority ensures an adequate supply of cheap, reasonably sized plots for informal settlement and housing. This would be achieved through buying sufficient land or allowing existing land owners to subdivide their land in accordance with agreed principles. Plots would generally be not less than 1 000m<sup>2</sup> and would be larger in certain areas.

Layouts would be subdivided in the most economical manner with access roads not taking up more than 15% of the residential area. Basic services would be kept to a minimum and should at least comprise the provision of water to regular points in the area. The emphasis would be on providing schools, clinics and other items of social infrastructure. In principle, there would be no need for building control other than basic 'good neighbour' rules.

### □ Development

Development in the zone of transition would be guided but not pre-planned in terms of high income, low income, high density, low density, commercial, or residential areas. The opportunity to obtain reasonably sized, cheap plots, even with minimum services will be taken up not only by fresh urban migrants, but also by many who would like to escape from existing unsatisfactory urban accommodation. A process not unlike the one observed in Maseru, or any other naturally developing city, will occur.

Initial simple structures will gradually be replaced by larger, better ones. Properties in certain locations will have or develop commercial potential, from which owners will derive advantage. Some areas will be more desirable than others and over time develop a concentration of prestige dwellings. Densities in certain areas will increase and further sub-divisions into smaller plots will take place.

The difference between this and our existing cities is that these changes are allowed to occur gradually and that the outcome is not pre-printed in the cadaster.

### □ Services

The initial level of services in the area would be low. Water would be provided in communal standpipes; sewage disposal would be by means of on-site systems. Car ownership would be very low and surfaced roads and stormwater control would only be necessary for more important bus routes.

## The Spatial Model: Planning for Informal Housing continued

The low densities created by minimum plot sizes of 1 000m<sup>2</sup> would make such systems feasible and safe in most instances.

Over time densities would increase and so would the need for improved services. However, once owners have made the initial investment in accommodation and have established links with the urban economy, their ability to afford better services will also increase.

Furthermore, working with an established, socially and economically more heterogeneous community gives the option of providing or installing such services in less expensive ways.

An established community would be able to organise refuse removal on a local area basis, using a tractor or wheelbarrows and taking it to a central collection point, in a manner not possible in a planned greenfield low income area.

Local labour, as a substitute for cash, could also be involved in the construction of water and sewage mains, roads and other improvements. The pressure from richer members of the community for services would also permit a degree of cross subsidisation that is otherwise only possibly through large, cumbersome (usually public) corporations.

### □ Skills and small business

Informal housing areas are also an ideal world for developing local skills and small-scale entrepreneurs. Houses in this environment would mostly be built by local artisans and small contractors using do-it-yourself labour intensive techniques of block making and tile making, which are not practical for large contractors.

Experience shows that where tenure is guaranteed, building standards in informal areas are high and aspirations for improvements even higher. Insisting on submitting building plans reduces the potential for rich vernacular architecture to the limitations of poorly trained draughtsmen, and negates the time honoured creativity and common sense of people accustomed to building their own houses.

Loosely planned informal areas also facilitate the use of land and the erection of structures for use other than residential purposes with all its inherent advantages for the community: diminished travel, retention of income within the area, more efficient and intensive land use.

### □ Independence

Government's role is not to construct houses but to ensure the

adequate provision of such areas. Once this condition is satisfied, all other measures such as access to cheap loans, provision of building instructors and training facilities, and the availability of cheap materials, become added bonuses.

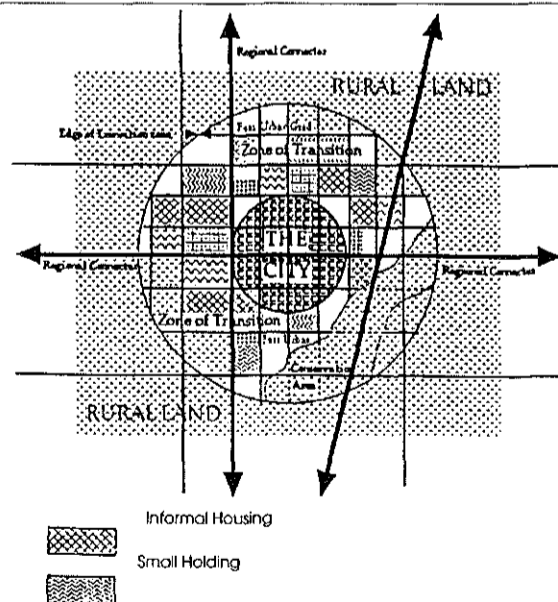
The essence remains for people to be as independent as possible.

In terms of the theoretical layout for such a low cost development area, the basic planning unit is a residential block measuring 180m by 115m and comprising 24 plots between 700m<sup>2</sup> and 1 000m<sup>2</sup>. Calculations have shown that plots of this size can cost less than half as much as plots – with a high level of services – of 250m<sup>2</sup>. Given the choice, there is no doubt what most families would choose.

The internal sub-division and layout of a block need not necessarily be fixed until the area is settled. Access and the future upgrading of services will not be seriously compromised once the basic framework has been laid out.

The CSIR has done interesting studies of how certain communities practice 'cadastral vandalism' – after sites have been allocated, people have modified the original formal layout so that it corresponds more closely to community needs.

**Figure 1**  
Planning for Informal Housing – Urban Model





# WHO'S HOUSES?

## GETTING SOUTH AFRICA'S HOUSING POLICY RIGHT

By Mary R. Tomlinson  
Researcher, Centre for Policy Studies

*By measuring the new Housing Subsidy Scheme's progress through the number of houses delivered, Government has been able to ignore beneficiaries' dissatisfaction with the process. The new housing policy has a much greater chance of satisfying its clients if the emphasis is placed on a 'people centred' rather than a 'developer driven' approach towards projects.*

**H**ow do poor South Africans expect to see themselves housed under the new Government and does it have any chance of satisfying their needs through the new Housing Subsidy Scheme? More specifically, are the choices – a government facilitated, developer driven approach, made after two years of deliberations at the National Housing Forum – ones resulting in satisfied housing beneficiaries?

Is it not time to do more than simply count the number of houses that have been delivered, but also begin to measure the impact: the degree of satisfaction beneficiaries may or may not be feeling?

With these questions in mind, the Centre for Policy Studies recently conducted 18 focus groups – two in each of the provinces – with people who had benefited from the new Housing Subsidy Scheme. For this study, the focus groups were carried out as the first attempt to interact directly with actual subsidy recipients, rather than with 'community representatives' whose representativeness is often unproven.

This study is the third to emanate from a comprehensive investigation of the new Housing Subsidy Scheme. The first two reports dealt with the views of the implementers of the housing policy, and the views of housing deliverers.

The focus group method was chosen for this study in order to capture impressions of how people accessing a housing subsidy have experienced the process, whether their housing situation had improved and what they feel about the policy choices and constraints they were operating under. More specifically, the research focused on beneficiaries of the project based subsidy: households accessing the subsidy as part of a group using a formal developer – private sector, local authority, employer, or development association.

Importantly, a range of delivery forms – serviced sites, starter homes, conventional housing and the upgrading of sites, services and structures – were examined to determine levels of satisfaction with particular housing options.

### Dissatisfaction

#### Size, quality and cost

Contrary to what was expected, satisfaction in their new living conditions did not necessarily hinge on the size of the house. The expectation was that households accessing larger housing products would be happier than those with smaller products.

However, when the conventional housing projects were studied, in which the subsidy

*Contrary to what is expected, people's satisfaction in their new living conditions did not necessarily hinge on the size of the house*

was credit linked resulting in the purchase of the 'magical' four roomed house, those beneficiaries were the most likely to say their circumstances had worsened. This unhappiness stemmed from three specific reasons: size, quality and cost.

Generally, beneficiaries found their houses extremely small in relation to what they had paid for them. Furthermore, with respect to cost, the problems were linked to beneficiaries' overall living costs being raised beyond what they could afford. Often they had moved from a situation where they had minimal or non-existent housing costs, and had misjudged the increase to their monthly expenses.

As far as quality was concerned, beneficiaries were generally horrified at the shoddiness of the products delivered to them – houses were often cracked and leaking within weeks of moving in.

While owners of the credit linked houses felt their circumstances had often worsened, the owners of the one roomed products generally felt their situation had remained the same. More specifically, owners of one roomed structures found them extremely uncomfortable for carrying out their daily living activities: 'there are no changes at all'. Or, 'we are crammed into one room with the children and we have to cook in the same room' and, 'these houses are similar to a toilet'. In some cases the shacks received higher marks in terms of satisfaction than the houses.

Almost without exception, and arising from their own experiences, beneficiaries felt they would have been able to purchase much more space if they had been given a voucher to buy building materials for a top-structure rather than using a private sector developer. But whether this preference took into account the cost of buying and servicing land, was not clear in their answers. It is however, clear that beneficiaries felt that they could have done better within the subsidy amount than the developer on which they were forced to rely.

#### Broken promises

Because of the volume of dissatisfied beneficiaries it became necessary to look beyond simply the size, quality and cost issues as reasons for this discontent. Closer examination of the transcripts revealed a strong feeling of dissatisfaction, often linked

to promises made to beneficiaries regarding the housing option they could expect.

More importantly, the broken promises are not, in the beneficiaries' views, coming from the elected politicians who offer people higher housing standards, as has been previously charged. Instead, they come from the actual developers and, in many cases, the civic leadership operating alongside them.

Often the promises were linked in the beneficiaries' minds to photographs they were shown by developers, and in some cases, actual show houses that were on view. In many instances they had signed documents describing their choice, but when the houses were eventually constructed, they did not turn out as expected.

#### Lack of consultation

In addition, the focus group discussions revealed almost a total lack of consultation on the part of the developers in what were expected to be 'people centered developments'. The 'mythical' social compact, the mechanism intended to bring stakeholders together to decide on a common goal and then work towards its fulfilment as a team, was unheard of by the beneficiaries in the vast majority of projects.

Since the social compact is supposed to play a key role in ensuring community participation in the subsidy scheme, beneficiaries' almost total lack of knowledge about it was unexpected. And, because the intention was not for beneficiaries to respond simply to the word – which they may never have heard – but to the concept, care was taken to explain to them exactly what it meant. Even then, the researchers almost always drew a blank. It was this lack of participation which seems to have contributed substantially to beneficiaries' dissatisfaction with the end products.

#### 'People centred' approach

By contrast, the only three projects in the focus group exercise whose beneficiaries demonstrated some level of satisfaction, were clearly driven by beneficiaries from the community. That is, the residents decided for themselves that they wanted something done in their area, they sought their own developer, they participated in the decision making process about the kind of development to be carried out and, in the

*Generally, beneficiaries found their houses extremely small in relation to what they had paid for them*

*Beneficiaries were generally horrified at the shoddiness of the products delivered to them*

*Focus group discussions revealed almost a total lack of consultation on the part of the developers*

*The focus groups revealed a poor level of understanding of the subsidy scheme*

end they actually received what they expected.

More importantly, the fact that these projects delivered minimal standards of housing options – one roomed houses and serviced sites – leaves the impression that the expectations of the deprived majorities are not so high that Government cannot possibly hope to satisfy them, as some have led us to believe.

Rather, it demonstrates that when the emphasis is placed on a 'people centered' rather than a 'developer driven' approach as the means for carrying out housing projects, the new housing policy has a much greater chance of satisfying its clients. This view was confirmed in the enthusiasm expressed for a housing voucher which would allow beneficiaries to manage more of their own housing delivery rather than the current system which pays the subsidy to developers at the point of transfer of the completed housing product.

Flowing from this, the study suggests that government has largely failed to communicate the new policy adequately to the larger population, but has relied on developers, civics and others to do the job for it. The focus groups revealed a poor level of understanding of the subsidy scheme. For example, it was consistently unclear to respondents whether the houses were free of charge.

*Most beneficiaries want nothing to do with banks or building societies*

And, while the entire housing debate currently assumes that the lack of end-user finance – conventional mortgage bonds – is the biggest brake on housing delivery, the research revealed that most beneficiaries want nothing to do with banks or building societies. Various reasons were given for this: interest charges would make repayments prohibitive; loans exposed households to repossession of their homes if they could not make the repayments; banks

only loan money to high earners; banks exploit people, and so on.

The focus groups therefore not only revealed a striking tendency not to want formal end-user finance, they also showed that beneficiaries have a markedly clearer picture of their financial situation than housing policy experts do.

## Conclusion

The research suggests that a housing policy which was devised by everyone except the beneficiaries themselves has, predictably, ended up taking into account the needs of everyone bar the beneficiaries.

More specifically, it has transferred the task of ensuring that the principles underpinning the policy are in fact applied, to those responsible for its implementation. As a result, developers often serve their own interests rather than the beneficiaries'.

Notwithstanding the good intentions of housing policy makers, combining a developer driven and people centred approach has left beneficiaries dissatisfied. Government, by measuring the policy's progress through the number of houses delivered – a simple 'bean counting' exercise – has, to date, been able to ignore this dissatisfaction. [17] [18]

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# The Cart Before The Horse

## Housing and Development in Mandela Village

*By Peter Hall, Group Social Dynamics, HSRC  
Mark Napier, Shelter Group, Division of Building Technology, CSIR  
Gerard Hagg, Group Social Dynamics, HSRC*

*Participatory research with the Mandela Village, Leeuwkraal community suggests that housing is not a top priority, despite being a major need. A development framework must prioritise needs and channel funds accordingly. Houses cannot be upgraded unless conditions exist for improving housing and the wider environment.*

**M**andela Village is an informal settlement approximately 40km north of Pretoria, situated on both sides of the N1 freeway (see Map). The population in 1995 was about 6 000. Mandela Village is located on the farm Leeuwkraal and although in Gauteng, the land is owned by the AmaNdebele ba Lebelo, with the office of chief Kekana situated in Majaneng in North West Province.

Squatters moved to Mandela Village after 1990 for several reasons:

- The land was within the then South African borders, with the owners living in the former Bophuthatswana.
- The land was vacant.
- The land is situated near Babelegi, Temba and Pretoria, where most of the squatters worked, or intended to work.
- Most squatters had lived in the surrounding areas and wanted to move out of overcrowded family dwellings.
- The invasion was encouraged by some younger members of the Kekana Royal Executive Council (KREC) who sold occupancy rights to squatters without the permission of the tribal authority.

From 1992 the African National Congress (ANC) and the South African National Civic Association (Sanco) established branches in Mandela Village, taking over land allocation. The existing pattern of allocation was continued by the ANC, although payments were not required. Later the Hammanskraal Civic Association (a Sanco affiliate) took over this role.

In 1993 a group of development consultants were appointed by the then Transvaal Provincial Association to formulate a broad development plan with the community. The Mandela Village (Leeuwkraal) Development Forum was established for this purpose in September 1993. Although no implementation of the delivery plan occurred, the community itself has completed several development initiatives (Hagg 1996).

Extensive negotiations aimed at buying the land and obtaining individual tenure have been held with the land owners. Although these negotiations were unsuccessful, the tribal authorities accept the permanence of the residents, who, while acknowledging the tribe's ownership of the land, refuse to accept the tribal authorities.

In 1995 the Demarcation Board decided to integrate Mandela Village into the Hammanskraal Local Area Committee (HLAC) which falls under the Eastern

*Mandela Village residents acknowledge the AmaNdebele Ba Hebele tribe's ownership of the land but refuse to accept the tribal authorities*

*The first houses were built with the clear intention of progressing to more permanent forms of housing*

*Importantly, no rooms were being let and most people were opposed to the idea*

*The survey identified the importance of food gardens as a source of nutrition, community cohesion and environmental improvement*

Services Council. This decision was implemented, but the relationship between Mandela Village and Hammanskraal still has to develop towards integration. The settlement is itself divided by the N1 freeway with the more recently settled eastern portion differing from the established western section.

### **Infrastructure**

In terms of settlement morphology, the plots in Mandela Village were laid out in a grid pattern. The first houses built were generally very small and placed far back on the plots, away from the streets. These were mostly built from corrugated iron and other 'found' material, with the clear intention of progressing to more permanent forms of housing.

The infrastructure is basic at present. Water is supplied by mobile water trucks and sold to residents. A main pipe has been laid for stand-pipe delivery, although residents have requested better services, and a fund is being established for individual house connections.

Most households (96%) have access to electricity through a pre-paid metering system. There is no stormwater system in the area and a natural waterway runs through Mandela Village. Erosion is prevalent throughout the village. No refuse is presently being removed from the area.

There is also no sewerage disposal system and residents use self constructed pit latrines, which already contaminate the underground water. The Development Forum has negotiated with the Development Bank of Southern Africa and the Mvula Trust for higher level water borne sewerage. However, due to residents' lack of private tenure and the absence of a local authority until November 1995, no infrastructure loans could be provided until recently.

### **Methodology**

The research was conducted over three months in early 1996, and involved three workshops and a short household questionnaire survey. The results of the survey have been incorporated into this paper where appropriate, and supplemented by the results of a 1994 socio-economic survey (Demacon 1994).

The first workshop was a development prioritisation exercise while the second

concentrated on household affordability issues. The third workshop was a practical house planning session. The fact that this workshop drew around 50 participants indicated a high level of interest in improving housing conditions in the area. The group was presented with information about various housing delivery options and participants drew plans of their model home. These plans were later formalised into four typical house plans by the CSIR drawing office.

### **Household survey**

The survey of 22 households found an average household size of 5,4 people. The survey confirmed that unemployment is a central problem, with the reported average household income of R1 021 probably being over estimate due to the exclusion from the survey of the poorer eastern section.

Mandela Village is a dormitory settlement in the greater Pretoria complex: half of those employed work in Pretoria, and shopping is mostly done in Pretoria and Hammanskraal. Informal businesses were present in 10 of 22 households, but mainly involved trading for small profits. Those offering growth potential were more formalised spaza shops, creches, and repair businesses.

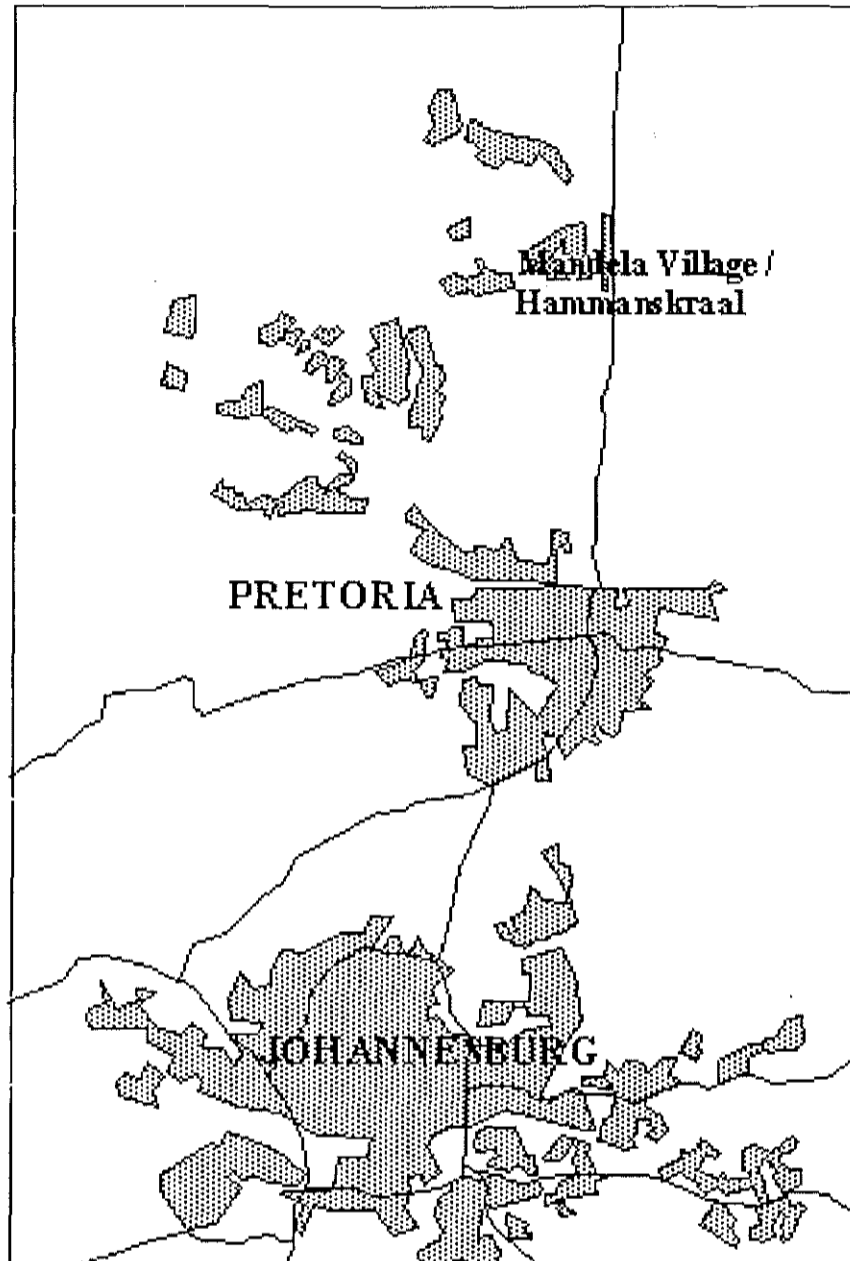
Importantly, no rooms were being let and most people were opposed to the idea. The implication for policy is that this source of finance for housing is unlikely to be available in this type of settlement. However, once service charges and the cost of housing increase – the inevitable consequences of upgrading – a rental market might emerge, unless 'free' housing remains accessible nearby.

The survey also identified the importance of food gardens as a source of nutrition, community cohesion and environmental improvement. Eighteen of the 22 households grew food for home consumption and sharing, although none of this was sold.

### **Positive perceptions**

Mandela Village residents identified certain important locational advantages. First, it is well located relative to the residents' areas of origin and lies on an important transport node close to Pretoria and Babalegi. Historically, the area provided safety from repression in Bophuthatswana, and its inclusion in Gauteng is also perceived as a benefit.

Map showing the location of Mandela Village



*Most of the problems identified related to services and facilities which are not currently available*

*Without resolving the land tenure issue, bulk service delivery and housing development remains unattainable*

Second, relatively easy access to large sites was a major attraction. The large stands are highly valued since they afford privacy and gardening opportunities. Thus paradoxically, land issues – which remain a legal and economic constraint on development – provide a highly desirable local environment.

Third, Mandela Village has developed important social advantages through its shops, the recent electricity provision, a good local primary school and a low crime rate.

Fourth, the community has developed a strong cohesion under the leadership of the local civic association.

Lastly, important local economic opportunities were identified, such as small business enterprises albeit with low growth potential. Some people have also found local employment in house building.

### **Negative perceptions**

Most of the problems identified related to services and facilities which are not currently available. These include the lack of: a pension office, on site water supply, public phones and postal services, a pre-school, secondary, higher and adult education facilities, a clinic, street lights, a refuse removal service, sports, recreation and entertainment facilities, a community

*The need for streetlights was most urgent, followed by clinics, jobs, houses and sewerage, which ranked equally*

*Almost all surveyed households reported incomes that would exclude them from conventional home loans*

hall, a graveyard, and a sewerage system. Only a few churches exist, public transport is limited, and electricity supply is erratic.

The informal nature of the settlement relates to: a general shortage of sites, unsafe pit latrines, irregular and narrow stands, poor roads, sites without adequate drainage, and houses located too close to the highway. Problems which relate specifically to housing conditions include lack of environmental protection and overcrowding.

Participants also identified unemployment as a major problem. Finally, a cleavage within the community along the line of the freeway was identified. Residents in the eastern portion may have different political affiliations, have not yet received electricity, and because police apparently do not patrol this area, there is a greater crime problem.

### **Priorities**

Prioritising development needs is complex. It is possible that in the Reconstruction and Development Programme climate, the needs articulated are those which are most likely to be met, rather than being actual individual desires. Similarly, in a community oriented research context, community level needs may be expressed more forcefully than individual needs.

Certain preconditions were identified as fundamental to meeting the community's prioritised needs:

- Without resolving the land tenure issue, bulk service delivery and housing development remains unattainable, since government support will not be forthcoming under these conditions.
- Unemployment remains central to the affordability problems facing many residents.
- There is a pressing need to complete the work already begun to provide water connections. Community members have already paid some money for connections, and some basic infrastructure is complete. However, this issue may cause major conflict in the community and undermine confidence in the delivery process.
- The fact that residents of the poorer eastern section have certain pressing needs may cause conflict. Furthermore,

*Research indicates that there is a direct link between employment and the ability to consolidate housing*

it is unclear whether development on the eastern side of the freeway is desirable or viable. If it is not, it may necessitate resettling people and the densification of the western portion of the settlement.

Workshop participants were asked to identify the five most important issues for development. The need for streetlights was most urgent, followed by clinics, jobs, houses and sewerage, which ranked equally. When the results were classified, on site or housing related issues received a relatively low priority. The classified results were:

1. Off site services were rated most important. These included street lights, rainwater drainage, rubbish removal, shortage of sites, the problems associated with the freeway, and telephones.
2. Second most important were community issues including crime, and the need for a pension office, a high school, a crèche, entertainment facilities, a community centre, a graveyard, churches, a post office, public transport and jobs.
3. The least important category of needs were on site issues, including the need for proper houses, water supply, toilets, electricity, house comfort, the problems of overcrowding, dangerous pits, awkward stand shapes, and difficult ground conditions.

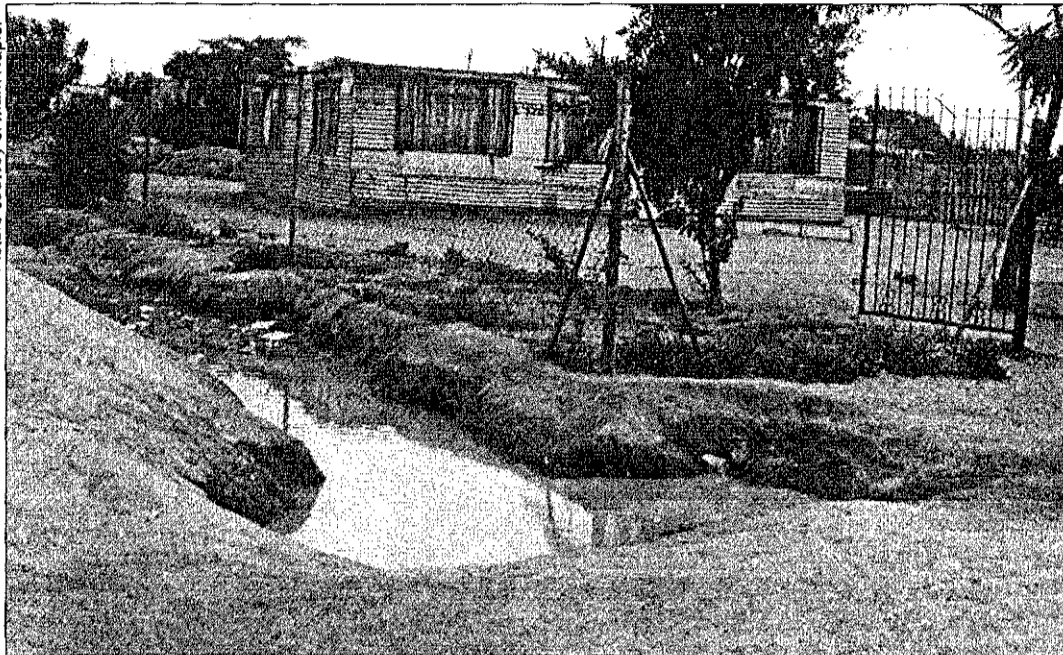
The relatively low priority accorded to on site housing issues can partly be explained by the fact that some fairly minor issues were included in that list. The prioritisation exercise did, however, raise some doubts about the importance of housing relative to other development needs.

### **Affordability**

Current levels of affordability suggest a bleak picture for housing development. Affordability refers to both the willingness and ability to pay for a service or good. It is thus crucial not to interpret low affordability levels necessarily as a rejection of housing, nor as a fixed condition.

According to the survey, actual expenditure on housing improvements averages R56 per month, but only a few households spend on this item. Almost all surveyed households reported incomes that would exclude them from conventional home loans. The average home loan repayment ability is

Picture courtesy of Mark Napier



Mandela Village - which mainly consists of shack houses and has stormwater problems

approximately R15 000 using the normal mortgage repayment assumptions - well below normal commercial lending levels. Finally, only seven out of 22 households were willing to pay more for housing, at an average of R220 a month.

Household budgeting exercises also indicated low affordability levels. When asked in the second workshop to allocate a hypothetical income, a group of unemployed men said they would increase spending on transport for travel to work, food, savings and education. Women by contrast, would spend more on housing and services. Overall, however, the income elasticity of demand for housing is low.

When employed individuals were asked how they would spend a R6 000 government grant, improved housing was also not the universal choice. In addition to housing, participants said they would spend the money on starting a business, investments or education.

The second workshops highlighted the dynamic nature of affordability. A group of employed residents, when asked to re-allocate their expenditure to meet higher service charges, said they would cut spending on food, clothing, savings and entertainment, but increase spending on housing. When probed, they indicated that improved services made additional spending on housing worthwhile.

### Importance of housing

These findings question the importance of housing relative to the other needs. According to the survey, however, 77% of households were dissatisfied with their housing. There was also considerable interest in the housing workshops, and evidence suggests that improved services will increase housing expenditure.

On the other hand, current expenditure on housing is low, as are affordability levels. Residents also appeared unwilling to compromise on site size; would not necessarily use extra cash for house improvements; and generally did not favour sub-letting. Finally, some people have already invested in housing, and thus support the provision of community facilities more vigorously.

There are important socio-economic differences even within a community as small and homogenous as Mandela Village. This raises one of the most crucial challenges facing housing delivery: housing policy has to be flexible right down to the level of individual communities and indeed households.

Community development must therefore address the underlying constraints on housing and other delivery mechanisms, and support local initiatives.

*The research findings question the importance of housing relative to the other needs*

*The size of plots was cited as one of the most positive aspects of living in Mandela Village*

*Housing needs tended to be better articulated during household interviews and personal conversations*



*Housing is not a top community priority, despite being a major need for most people*

## Lessons

***Housing is not a top community priority, despite being a major need for most people.***

While housing delivery may generate work, without a long term job creation programme the maintenance of the built environment by residents is at risk. Other research in progress (CSIR 1996) indicates that there is a direct link between employment and the ability to consolidate housing.

Similarly land issues need to be resolved. Apart from the clear need to secure tenure, the unwillingness to subdivide large plots needs to be addressed. However, the size of plots was cited as one of the most positive aspects of living in Mandela Village. There is a real prospect of people choosing larger plot sizes over higher levels of services. This rational choice must be seriously considered in semi-urban contexts such as Mandela Village.

***The right conditions for housing to be addressed must be created.***

*A development framework must understand why people moved to Mandela Village and why they choose to stay*

A development framework must take into account why and how people moved to Mandela Village and most importantly, why they choose to stay. Changing site sizes to promote densification may create problems, as might increasing service charges.

In terms of state resources, a type of funding is needed that acts as a catalyst for general development. This would create the conditions for specific components of development to take place. Without this, the cart may be placed before the horse if upgrading houses takes place without supporting the continued improvement of, and investment in, housing and the wider environment.

***Strong support for self-build involvement and starter houses.***

*Residents favoured the self-help upgrading of housing as a method of delivery*

There was support for self-help building, which has already been undertaken in the community. A more flexible approach to housing delivery – such as that promoted in the housing support framework of the Department of Housing – may offer a successful housing delivery strategy for Mandela Village.

Residents favoured the self-help upgrading of housing as a method of delivery. This is, however, in the context of large sites, already established shack houses, basic

servicing, and a peri-urban/rural locale. Nothing suggests that residents in other areas – particularly if greenfields development were possible – might not choose a different delivery path.

## Conclusion

Housing needs tended to be better articulated during household interviews and personal conversations. Once delivery of more formal housing commences, decision making should probably be facilitated at that level.

The current housing support initiative of the Department of Housing is envisaged as a way of adding value to individual subsidies. Subsidies are only granted once certain 'developmental planks' such as secure tenure are in place. A successful local support initiative can only be designed by community members, with other technical partners supplying specialist information.

Government and private support is available for participatory processes which create the need for products such as housing support centres, materials supply depots and housing subsidies. It is more difficult to initiate and sustain a general community needs assessment. But only such a process can allow the proper formulation of development priorities.

The work of local development forums in this area is crucial and is demonstrated by the success of the Mandela Village Development Forum securing basic services. Because of this Forum's vision, needs that are more urgent than housing can be prioritised and even satisfied with or without institutional support. ■■■

## ACKNOWLEDGEMENTS

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# Leaders or Followers?

## Transforming South African Universities

By Meshack M. Khosa

Centre for African Research and Transformation, University of Natal

*Universities are an integral part of civil society and should evolve with political, global and culture changes. But two years after the political settlement, gender and racial imbalances remain. Institutional arrangements, the content of curricula, and the nature of governance render universities ill-equipped to cope with the challenges of reconstruction in South Africa.*

The nature of transformation in South African universities has generated intense and acrimonious debate. Universities, like most institutions in South Africa, are undergoing major restructuring. However, the speed and direction of this process tends to vary from one institution to another, depending on the balance between those who support and those who resist change.

Three challenges are common to all universities. First, due to competing demands from the state, the resources allocated to universities have decreased in real value over the past 10 years. Second, there is great pressure to enrol more students, especially those who were excluded in the past. The third challenge is to produce an elite that can lead the country in an internationally competitive economy (Klitgaard 1993).

Two years after political settlement, there has been no certain commitment to creating a compelling vision of a post apartheid university. This is evinced in continued gender and racial imbalances among staff and students, and the 'white controlled' university management's intransigence and reluctance to address issues raised by

various constituencies in university transformation forums.

The coinciding of the National Commission on Higher Education's release and 'chaotic revolts' on campuses, especially since April 1996, focused attention on transformation, or the lack of it, in tertiary institutions.

This article comments on racial and gender inequalities in student and staff composition in South African universities. The controversy around the National Commission on Higher Education (NCHE) is then examined to demonstrate the dynamic nature of power relations and the complexity of transforming this sector. Finally, the relationship between civil society and South African universities is discussed.

### Inequality

South Africa has achieved by far the most developed and well resourced system of education in Africa. However, this is only true for the historically white universities which develop internationally competitive research and teaching capabilities and produce high quality professional training programs. There are presently 21

*In South Africa historically white universities have achieved by far the most developed and well resourced system of education in Africa*

*By 1995 whites students' participation rate had dropped to 53%, while Africans' had increased from 6% to 12%*

universities, 15 technikons, 123 technical colleges and over 100 colleges of education and nursing (Department of Arts, Culture, Science and Technology 1996; National Commission on Higher Education 1996).

The country's expenditure in the tertiary education sector is relatively high, with 1,7% of the Gross Domestic Product being spent on higher education in 1992 – the same as the mean average for the Organisation for Economic Cooperation and Development (OECD) member countries.

However, these positive aspects hide racial, gender and class inequalities in the tertiary education sector. These inequalities are largely due to the colonial legacy and the Bantu Education Act of 1953, which officially divided education along racial and ethnic lines to reinforce the dominance of white rule by excluding blacks from quality academic and technical training.

*In 1993 there were 148 white students to every black student in engineering*

The extension of the University Education Act of 1959 which established racially based universities, applied this ideology to higher education. Black people were allowed admission to white universities only in cases where equivalent programs were not offered at black universities and only with ministerial permission (Freund 1993).

The 1980s saw several universities established in Bantustans which were also intended to service the needs of separate development. From 1978 technikons developed alongside the universities and colleges. Like the universities, these were developed within the framework of the apartheid ideology which defined the education system.

#### □ Student composition

One of the ways to measure inequality in access to higher education is by using the participation rate – the ratio of total student enrolments to total population. In 1993 for example, Africans had a participation rate of 6,3% – far below that of whites with 54,4% and Indians with 62%. By 1995 whites' participation rate had dropped to 53%, while Africans' had increased from 6% to 12% (NCHE 1996).

*In 1995 Africans constituted only 11% of the total research and teaching staff, while whites constituted 82%*

It is also useful to analyse student enrolment in relation to professional courses of their choice. The previous system of schooling effectively restricted black students from entering higher education and particularly

disciplines in the natural sciences. In 1991 fewer than 35% of the students enrolled for professional degrees in computer science, agriculture and engineering were black.

The 1993 enrolment ratio of 67 white students to one black student suggests that without intervention, imbalances will continue. When considering postgraduate levels, these distortions are even more pronounced. In 1993 there were 148 white students to every black student in engineering (Department of Arts, Culture, Science and Technology 1996; NCHE 1996).

#### □ Staff composition

The staff composition in higher education does not reflect demographic realities in South Africa. For example, in 1993 some 65% of university staff were white. The majority of African university staff are engaged at the bottom of the employment ladder. In 1990, 92% of the executive administrative and management staff of universities were white.

Gender inequalities in higher education staff are more apparent when reviewing the distribution of permanent research and teaching staff (NCHE 1996). These disparities increase with rank, so that the absence of women is most conspicuous at the senior levels.

The research output of the university and technikon sectors also offers evidence of unjustifiable inequalities. Most of South Africa's productivity is concentrated in the historically white universities. In 1995 Africans constituted only 11% of the total research and teaching staff, while whites constituted 82%. As such, there is an under-representation of African staff in universities (NCHE 1996).

The historically disadvantaged universities have limited research capacity, illustrated by the fact that only one of these universities has an engineering faculty. The emphasis of their original mission was on teaching and militated against developing a research focus. In addition, there is limited interaction between the historically black and white universities.

In the past, the South African higher education sector restricted access to African and coloured students. This sector was uncoordinated with no national goals, no common qualifications structure, and

inadequate credit transfer or intra-institutional student mobility.

#### ❑ **Governance**

Until recently, universities were racially segregated and controlled by different government departments for different racial groups. This resulted in fragmentation, a lack of coordination and common goals, and an absence of systematic planning. Control by legislation was backed up by the central government administrative and executive powers with respect to composition of management, administrative and academic structures, access, student affairs, funding and appointments of all senior members of staff.

### **Higher Education Commission**

The last commission on higher education, the Van Wyk de Vries Commission, differed in many respects from the National Commission on Higher Education (NCHE) established by the new Government in 1995. The NCHE's formulation indicated Government's commitment to equity and transformation in higher education.

The NCHE's origins can be traced to the African National Congress's Reconstruction and Development Programme (RDP). This document argued that the new government should consult all stakeholders with a view to appointing a Higher Education Commission to investigate and report on a wide range of activities.

The establishment of the Commission marked a watershed for higher education in South Africa. The NCHE developed six principles which became central to its framework:

- ❑ *Equity.* This implies identifying inequalities and developing a programme of transformation with a view to redress.
- ❑ *Democratisation.* This requires that those affected by decisions should have a say in making them, either directly or through elected representatives.
- ❑ *Development.* This recognises that higher education contributes to the mobilisation of resources through producing and applying knowledge, building human capacity and providing life long learning opportunities.

❑ *Quality.* This entails evaluating services and products against set standards, with a view to improvement, renewal or progress.

❑ *Academic freedom.* This usually implies the absence of outside interference, censure or obstacles in the pursuit and practice of academic work.

❑ *Effectiveness/efficiency.* Effectiveness demands the continuous review of aims and objectives in the light of changing needs. Efficiency demands the continuous improvement of the methods and instruments needed to achieve these aims and objectives (NCHE 1996: 41-43).

The Commission also suggested three central features for the new framework. First, increased participation by a wide range of constituencies. Second, increased cooperation and partnerships. In this regard, one of the most innovative ideas contained in the report is the concept of 'cooperative governance' (NCHE 1996: 96).

Cooperative governance implies new state-education linkages, in which government is less directive. At the same time, tertiary institutions must become more answerable to civil society. Higher education must therefore rely on a more inclusive, participative and management mode, as opposed to a purely collegial one.

The challenge for cooperative governance is how to strike a balance between participation and effectiveness. The Commission suggests that government should play a steering and coordinating role with the participation of higher education stakeholders. The concept received support from some local and international observers. One academic said:

*"It is our model, conceived and made in South Africa. It captures our unique circumstances and the realities that influence the development and integration of our higher education system." (Higher Education Review, 26 May 1996)*

The third feature of the Commission's new framework is greater responsiveness in mass higher education systems, and a shift from closed to open intellectual systems in the academic arena.

### **Open criticism**

The Commission's report generated intense debates when first released in April 1996.

*The establishment of the Higher Education Commission marked a watershed for higher education in South Africa*

*One of the most innovative ideas contained in the report is the concept of 'cooperative governance'*

*The challenge for cooperative governance is how to strike a balance between participation and effectiveness*

The Commission's report seems orientated towards reform rather than a fundamental overhaul of structural inequalities in universities

Perhaps one of the Commission's major limitations was its discussion of higher education in a vacuum

The role of universities and their unrepresentative and exclusive decision making structures have been questioned

Student organisations, especially those represented by the South African Student Congress (Sasco) and the Pan African Student Organisation (Paso) generally rejected the NCHE process as 'exclusive, elitist and disempowering'.

Students opposing the Commission also received support from academics, chancellors and principals at historically black universities who suggested that the *Higher Education Report* was 'unimpressive and irrelevant to historically black institutions' (*Higher Education Review*, 5 May 1996).

Although recognising that the Commission recommended more far reaching proposals than any previous commission, one critic indicated that 'the devil lies in the details of the report' (*Higher Education Review*, 28 April 1996). Another suggested that it was an 'extreme disappointment', adding that the new Government is dancing to the tune of the neo-liberal paradigm and international capital.

The report was further criticised for not offering sufficient guidance as to how conflicts would be resolved where 'self-binding' could not be achieved, and where there are power struggles over policy. The report does, in fact, acknowledge that 'there is some danger that the cooperative governance approach ... could produce either policy paralysis or alternatively, frequent policy reversals' (*Higher Education Review*, 28 April 1996).

One of the most vocal critics of the report, Gessler Nkondo, vice-chancellor of the University of Venda, suggested that:

*"Members of the Commission had an opportunity to lay firm foundations from educational practice in the new South Africa. They had the chance to unmask spurious knowledge formations, particularly colonisation and apartheid. They have failed to do so, and tragically so."* (*Higher Education Review*, 16 June 1996)

The use of local and international experts was also criticised as an attempt to use expertise to justify imposing recommendations on the broader society. On close examination, the report seems orientated towards reform rather than a fundamental overhaul of structural inequalities in universities.

Other criticisms include that the report: does not tackle the implementation of its proposals; creates a proliferation of bureaucratic organisations; reflects a bias towards flexible differentiation; and fails to identify major agents for transformation or give attention to gender issues. In fact, there is no debate on the goals, objectives and philosophy of higher education that should underpin a document of this nature (*Higher Education Review*, 23 June 1996).

Perhaps one of the Commission's major limitations was its discussion of higher education in a vacuum: there is no reference to other national policy formulation processes. Moreover, with the exception of student financial assistance, there is no cost attached to the transformation process, which includes new institutional arrangements.

### Civil society

There is a mutual dependence between state and civil society which means that no single actor can address or resolve social problems. A new relationship is therefore needed which shifts away from traditional state-civil society opposition to a negotiated partnership arrangement.

In South Africa, the role of universities and their unrepresentative and exclusive decision making structures have been questioned. Critics argue for the redefinition of universities' relationship with civil society (Pityana 1992).

As an important part of civil society, universities generate ideas and policy options which help shape social, economic, and scientific development (Reddy 1992). Universities provide the intellectual environment essential for creativity and which caters for students with an enquiring mind (Creswell 1992). In terms of academic freedom and autonomy, the NCHE proposes:

*"the recognition of the right to academic freedom for individuals in the higher education institutions and freedom of artistic creativity, institutional autonomy with respect to teaching and research, and increased accountability."* (NCHE 1996: 104)

### Academic freedom

South African universities have experienced three models of higher education-

government relations: state control, state supervision and state interference. The new political dispensation demands new forms of governance.

According to controversial professor William Makgoba, 'none of the South African universities experienced university autonomy as it is classically developed' (*Higher Education Review*, 26 May 1996). There are at least four pillars of university autonomy: freedom to decide what to teach, how to teach, who to appoint and who to admit. However, university autonomy cannot happen in a vacuum.

There are three positions on academic freedom in Africa (NCHE 1996). The first favours the pursuit of knowledge for its own sake and asserts the autonomy of higher education institutions against state interference. The second privileges knowledge in the service of socio-economic development, which implies that universities should accept the hegemony of government.

The third position sees higher education as a key agent of social change that must play an important role in promoting equity in education and in society. In Africa, tensions between these positions have resulted in conflict between indigenous/local scholars and white expatriates. This is manifested largely between white and black academics in South African universities (NCHE 1996).

In this country, universities' calls for autonomy are often interpreted as defending racial privilege. Although some students are sceptical about supporting calls for university autonomy, others do not believe the state will necessarily act in the interests of the majority.

Notwithstanding these debates, the right to academic freedom and freedom of scientific research is now safeguarded in the Constitution. But democratising universities will not necessarily address inequality and domination in society. Civil society does little to challenge structural relations of class privilege and in fact, reinforces race, class, gender and social inequality.

In the words of Iris Young (1994), focusing on achieving greater democracy only is like being behind the wheel of a car without brakes – participants are doing the driving, but are not in control of the machine. Bringing the brakeless flight of this machine under control requires forces that counteract

inertia. However, civil society relies on voluntary public action, making it difficult to effect those changes.

## Conclusion

Universities are an integral part of civil society. However, constituents of civil society emerge and change over time, and are not immune to political change, the working of global markets and the dynamic nature of culture in society.

With the advent of democracy, government-university relations have to be redefined. One of the most notable innovations contained in the National Commission on Higher Education is the proposal for cooperative governance, which is a reconfiguration of the state-university relationship.

Stakeholders inside and outside universities must decide how best 'cooperative governance' can be implemented within the imperatives of gender and racial redress, academic quality and research excellence. Universities are (inexorably) organs of civil society and have a role to play in social, economic and political reconstruction.

However, with existing institutional arrangements, the present content of university curricula, and the nature of governance, universities are ill-equipped to cope with present and future challenges of reconstruction in South Africa and the globalisation process. [DEA]

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*In this country, universities' calls for autonomy are often interpreted as defending racial privilege*

*Democratising universities will not necessarily address inequality and domination in society*

*Universities are (inexorably) organs of civil society and have a role to play in social, economic and political reconstruction*

“*Electrical energy is the common factor that binds us in our quest for a better quality of life for all our peoples. By concentrating on the positives, on common development factors, we are building bridges for tomorrow. I believe that electricity could be a catalyst not only for illustrating the interdependence of all Southern African states, but also for stimulating a new development in our subcontinent.*”

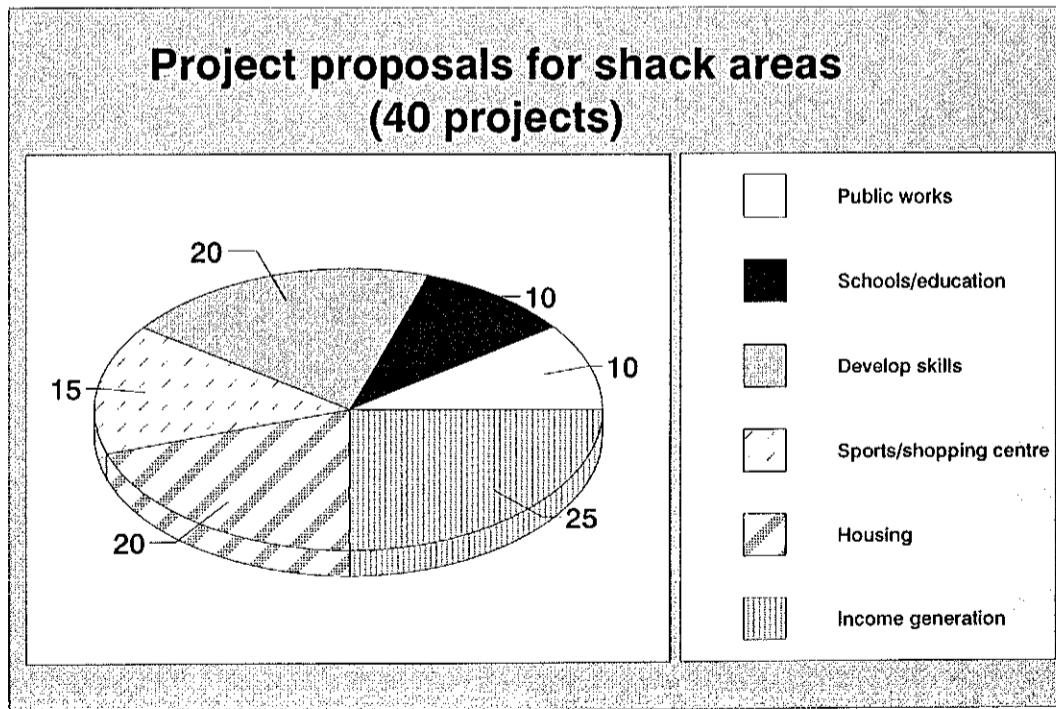
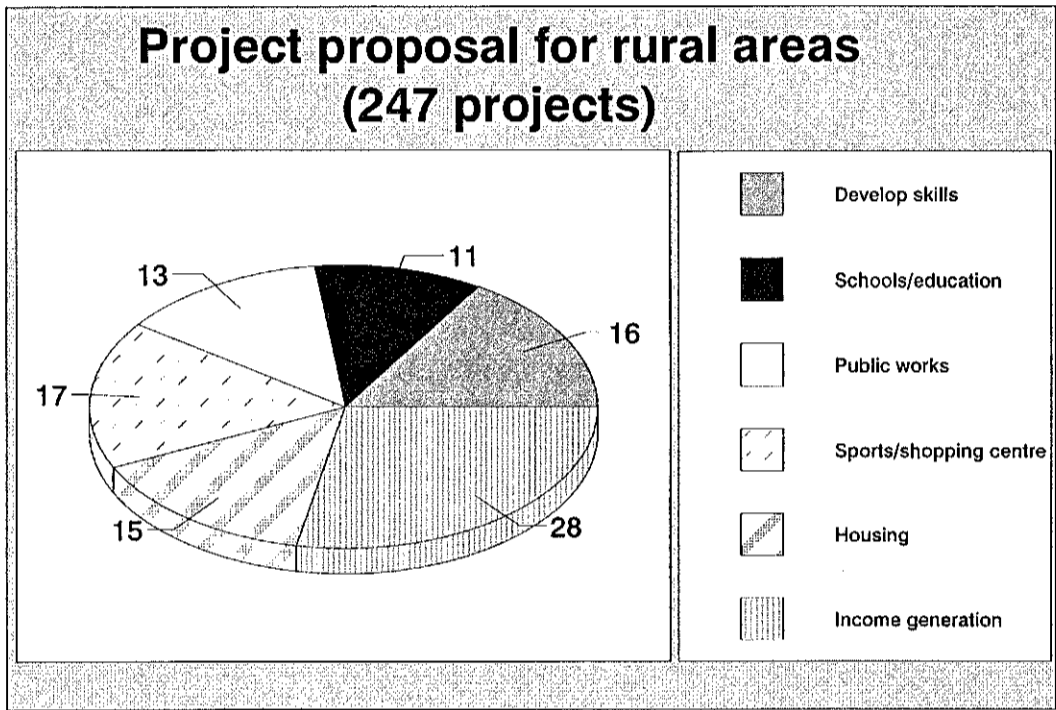
Dr. John Maree, Chairman,  
Eskom Electricity Council.



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# COMPARATIVE

M O N I T O R



Source: *Perceptions of Development in KwaZulu-Natal, A Subjective Indicator Study*, Valerie Møller, Published by Indicator Press, in conjunction with the Human Sciences Research Council KwaZulu-Natal Office, September 1996



# The New Tribal Disorder

## Ethnic Conflicts in the 1990s

By Kenneth Christie  
Department of Politics, University of Natal

*Ethnic or tribal conflict has traditionally been associated with Third World countries and 'primitive' societies. But widescale ethnic conflict in post-communist Russia and Eastern Europe, and minority nationalist movements in developed countries have dispelled notions that modern nations have abandoned ethnicity as a response to the dilemmas of the contemporary world.*

The 'New World Order' dissipated with the first throes of the Bosnian war in the 1990s and the birth of a new form of ethnic cleansing. Images of barbarism in the global media were complemented by a barrage of books with titles like 'Seasons in Hell' and 'Bloody Bosnia'. Medievalism appeared to have returned to Europe, dispelling any rumours of a peaceful shopper's paradise.

In a 1992 conference, Francois Mitterand drew a pessimistic post-Maastricht vision of Europe – a community surrounded by barbaric sentiments occupying the peripheral space of European frontiers (Rupnik 1994). The imagery was startling: hostile tribes driven by ancient feudal ties and primitive allegiances were threatening the integrity of the European integration project.

*Tribalism is not necessarily related to stages of economic development*

While one region of Europe was descending into primeval chaos, another was paradoxically ascending the heights of supra-nationalism. The ineffectiveness of the United Nations and the international community led some to conclude that power in the 1990s emitted from the barrel of an ethnic gun.

Western publics generally echoed these views, disturbed by the widescale explosions of ethnic conflict in the

post-communist societies of Russia and Eastern Europe. Experts in various fields had always located tribal conflict in Third World countries – Asia, Africa and perhaps Latin America – and associated it with 'primitive' and 'backward' societies.

Minority nationalist movements in Quebec, Scotland and Catalonia, however, dispelled notions that modern nations had abandoned ethnicity as a response to the dilemmas of the contemporary world. Tribalism was not necessarily related to stages of economic development.

The *Economist* even contributed, with images of the tribes asserting themselves around the world from Serbia to Canada and from Turkey to Sri Lanka, arguing that it was the onslaught of democracy that had given minorities the chance to air long standing grievances. 'That is one reason why the countries of eastern Europe are pullulating with ethnic groups scattered by history with little regard for international borders' (*Economist*, 25 December 1993: 11).

The world will not soon forget the horror of 'ethnic cleansing' in the former Yugoslavia. Here more than two million people were removed from areas in which, for most of the time, they classified as minorities. By 1993, 20 out of 23 borders between the

republics of the former Soviet Union were being contested on ethnic grounds by irredentist or secessionist movements.

And the problem was not just isolated to that particular region – ethnic conflict was global. At the end of the Cold War, 35 of the 37 major armed conflicts from Sri Lanka to Northern Ireland were internal and could be attributed in one form or another to ethnic factors, often reflecting clashes between minority and majority groups within territorial boundaries.

How can these trends and the emergence of apparently tribal passions and animosities be explained? What are the causes of such conflicts and the dynamics behind the processes that take place?

### Defining tribe

The term 'tribe' was initially used in a biblical connotation (Fried 1975). Tribes were self contained autonomous groups based on kinship ties. Self sufficiency, a distinct language, culture and sense of identity set them apart from other types of society. Such attributes were not considered abnormal – on the evolutionary scale of modern societies they clearly pre-dated the nation state.

More recent notions of 'tribal' evoke images of savagery, barbarism and a primitive state. The concept is controversial to say the least. Tribalism may have emerged in the late 20th century with pejorative associations, but tribes even in Africa share similarities in terms of historical formation, institutions, customs, traditions and belief systems. To some extent they are the product of contemporary political and economic forces – colonialism actually invented certain tribes for administrative purposes.

New symbols, forms of organisation and interests were accorded to such groups, including highly contested resources such as land. Competition for land reinforced and frequently elevated tribal consciousness. Classic colonial divide and rule strategies allowed for the exacerbation and enhancement of inter group rivalries.

The internecine conflict in Rwanda that erupted in the 1990s for instance, has its roots in the colonial period when a strategy of indirect rule transformed an ascribed Tutsi superiority into an inherited one. This merely reinforced the already increasing

Hutu resentment. Following independence, the question of which group would assume power was a contested one, given the taste of indirect rule by one group.

Despite the mythical quality of the tribe built on distinctive customs, traditions and cultural beliefs, its bases were clearly rooted in past and in contemporary struggles for economic resources and political power.

### Explaining tribalism

Alongside the wealth of empirical data on the revival of ethnicity and tribalism, emerged a plethora of explanations. Ethnicity was not only back on the agenda of the politicians – it became a growth field for political scientists and international relations experts, most of whom had failed to predict the demise of communism and the subsequent development of ethnic conflict. An important definition encapsulated the essence of this phenomenon:

*"By tribalism, we mean the retreat by individuals into communities defined not by political association or by the state borders that enclose a political nation, but by similarities of religion, culture, ethnicity, or some other shared experience. The retreat is driven by fear and confusion, and fed by the reassuring 'sameness' of others in the same group."* (Horsman and Marshall 1995)

Two sets of intellectual attitude were invariably in vogue in this period. One, generally espoused by Liberals and Marxists was contemptuous of the emergence of ethnic and nationalist sentiments, dismissing them as antiquated and pre-modern. They saw these as 'irrational' and 'primitive'.

And clearly, distinctions between primitive and civilised societies rested on simplistic assumptions of Darwinian evolutionism from savagery, violence, irrational belief systems to the civilised, the rational and the orderly.

Michael Freeman, a political theorist, has a problem in viewing these conflicts in simple dichotomous terms as 'struggles between primitive and irrational forces on the one hand and the civilised international legal order on the other'. He argued:

*"The atrocities in the post-Yugoslav war are indeed 'barbaric'. Yet the primitive/civilised distinction is a*

*At the end of the Cold War, 35 of the 37 major armed conflicts from Sri Lanka to Northern Ireland were internal*

*Tribes in Africa are to some extent the product of contemporary political and economic forces*

*Distinctions between primitive and civilised societies rested on simplistic assumptions of Darwinian evolutionism*

At the beginning of 1993, about 63% of the world's 42 million refugees were fleeing from ethnopolitical conflicts and repression

In Southeast Asia, some of the largest forced migration and refugee movements have taken place on the basis of ethnicity

Forced portering is one of the most commonly reported human rights abuses amongst ethnic minorities

barrier to understanding. It commonly rests upon a view of history, according to which once there was the primitive, the irrational and the violent, then there was progress towards the civilised, the rational and the orderly, a progress, however, that has been interrupted from time to time by reversion to primitive barbarism. This view of history is deeply embedded in our moral and political culture. It is, however, seriously misleading." (Freeman 1993: 23)

Another argument – the diametric opposite of that given above – proposed that national and ethnic movements proved that the 'modernity' project had failed. While not supporting ethnic violence, modernity in fact was reliant on the development of national identity.

Moreover, in looking at ethnic politics in Eastern Europe for instance, Tom Nairn (1990: 3) went as far as to conclude that 'nationalism is the mainstream' of progress. Colson (1968) argues that the legitimacy and appeal of tribalism are by and large intellectual inventions by people who have had the opportunity to participate in the political and social world. In this light it might be regarded as an ideological mechanism.

Eric Hobsbawm, the Marxist historian, would also argue that ethnicity is open to politicisation. What distinguished nationalism – his main concern – from ethnicity is that the former constitutes a political programme in the sense that nations have the right to form states, while ethnicity is not programmatic although it may be politicised in passing.

He argued that 'Ethnicity whatever its basis, is a readily definable way of expressing a real sense of group identity which links the members of "we" because it emphasises their differences from "them"....[in fact] ethnicity is one way of filling the empty containers of nationalism' (Hobsbawm 1992).

### **Ethnicity and refugees**

Ethnic and tribal violence has also helped to produce one of the other great phenomena of the late 20th century – refugees and forced migration. Tribes were literally on the move, as Gurr and Harff point out:

*"At the beginning of 1993, about 63% of the world's 42 million refugees were*

*fleeing from ethnopolitical conflicts and repression. More than nine million ethnic refugees had fled across international boundaries and were receiving assistance from host countries and international agencies. Another 17 million ethnic people had been displaced within their home countries...The figure is especially severe in Africa south of the Sahara, where 16 million refugees make up 3% of the region's half a billion people."* (Gurr and Harff 1994: 7)

In Southeast Asia, some of the largest forced migration and refugee movements have taken place on the basis of ethnicity. While the Vietnamese Boat people crisis has more or less diminished, other regional crises are in full swing. In Burma for instance, ethnicity plays a vital part in determining refugee flows.

The Rohingya's in Arakan state for example, have largely been discriminated against by the ethnic Burmese junta – they are denied national identity cards and their freedom of movement is restricted. In early 1992 as many as 100 000 Burmese Muslims from Arakan fled into neighbouring Bangladesh, claiming that the army had been engaging in plunder, rape and massacres against them, aimed at expelling them from the country.

Forced portering is one of the most commonly reported human rights abuses amongst ethnic minorities. The army forces thousands of civilians to carry their supplies, food and ammunition. In Indonesia, a Transmigration Programme – the largest global exercise in human displacement and resettlement – has been in progress for at least a decade with the support of the World Bank, with enormous consequences for the violation of ethnic rights. Land rights enjoyed under traditional law by tribal people on outlying islands like Irian Jaya, Sulawesi and Kalimantan have become subordinated to transmigration.

In addition, resettlement has caused problems between 'settlers' and 'natives', creating large numbers of refugees. The general policy is one of 'assimilating' all Indonesia's tribal groups, which will produce a more homogeneous Indonesia, or as the Transmigration Minister put it: 'The different ethnic groups of Indonesia will in the long run disappear...and there will be one kind of man.' This policy has also been

called 'the Javanese version of Nazi Germany's *lebensraum*' – as it calls for the removal of over 800 000 indigenous people from their homesteads to resettlement sites.

Ethnic violence and refugees, however, are not restricted to one region – this is a global phenomenon. In the developed countries, barriers are emerging to keep certain ethnic groups in and to exclude others. The fact that forced migration has developed into a concern for state and regional security mechanisms should not surprise political scientists who argue that borders and territory are still important in the contemporary world.

Regionalism and secessionism in long established systems such as the United Kingdom, France – over Corsica – and Spain, are other manifestations of similar trends and may in fact, be influenced by the events described in other parts of the world.

This is not a new phenomenon, but appears to be more urgently expressed as the 20th century draws to a close. The drive for nation building, a dominant theme in much of the world for many decades – in the West, for several centuries – is being overshadowed by a quest for smaller, more manageable, political and cultural units.

### A 'new' tribalism?

The notion that the end of the Cold War has been accompanied by the ascendancy of liberal rationalism and the 'end of history' has been firmly discarded. However, the version of the New World Order has been replaced in some ways by observations of a 'new' tribalism by various liberal theorists; a notion which is typically left undefined and ambiguous.

Michael Walzer for instance, argues that the emotional and expressive life of the community is vastly preferable to a 'characterless citizenship' – tribalism in effect 'names the commitment of individuals and groups to their own history, culture, and identity' (Walzer 1992: 165).

The consequences of tribal citizenship must however, be questioned, given the realities of Bosnia and Rwanda and any other number of ethnic conflicts in the 1990s. Perhaps a 'characterless citizenship' is preferable to one bent on decimating its fellow populace.

### New tribal disorder

Despite the end of the Cold War and the promise of global stability and peace in a 'New World Order', liberal democrats have been severely disappointed. Rather, a 'return to history' in the form of violent ethnic conflict from Burundi to Burma has proved to be one of the most salient and disturbing agendas of the 1990s.

While various analyses argue that the end of superpower rivalry unleashed uncontrollable forces of ethno-nationalism, evidence shows that these problems have been around for some time. Ethnic unrest and communal strife proved fairly resilient throughout not only developing countries, but also developed societies during the 20th century.

Protestant Loyalists in Northern Ireland celebrate the victory of King William of Orange over the Catholic King, James II at the battle of the Boyne in 1690 with parades and marches every twelfth of July. The answer to questions in the wake of artillery attacks during the Bosnian war of the 1990s typically started with reference to the year 925. Historical myths and memories of atrocities committed on either side fuel the ethnic fire.

But some have argued that even in traditional nation states, growing tribal sentiments are in fact a rearguard action – a form of comfort to the complications that modern, individual capitalism has wrought in the late 20th century, as well as an attempt to free themselves from the domination of what are seen as foreign elites. Hobsbawm argues that nationalism belongs with political theory, and ethnicity with sociology or social anthropology.

But just as war is too important to be left to the generals, so ethnicity is too important to be left to sociologists and anthropologists. Somewhere in the aftermath of the Cold War, we became lost in the ethnic supermarket – we can no longer shop happily as we tackle explanations and confusions of tribal, ethnic, national, regional and supra-national identities.

If the glue that binds multi-ethnic communities is increasingly diluted, the bonds between members of similar ethnic groups, religious persuasions and cultural organisations will inevitably be strengthened. Imagined communities may be inventions of one sort or another, but in reality they often have very real and deadly consequences. [PSC]

#### Note:

Kenneth Christie is editing a book *Tribalism and Ethnic Conflict: A Global Perspective*, due to be published in 1997 by Lynne Rienner Publishers, Colorado, USA.

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# A Human Rights and Foreign Policy: A Window of Opportunity?

By Vernon Seymour

Centre for Southern African Studies, University of the Western Cape

*The Foreign Policy Discussion Document fails to indicate an appreciation of the human rights challenge. Any foreign policy that focuses on Africa must address the appalling human rights situation of the continent. To lead the process of rethinking African international relations, South Africa will have to concentrate on people rather than governments.*

Earlier this year, the Minister of Foreign Affairs announced in Parliament the release of the *Foreign Policy Discussion Document* and invited civil society to debate its contents. Amid fears in academic, parliamentary and diplomatic circles that South Africa lacks clear foreign policy goals, the Document promised to quench the search for direction. Its stated objective was to assist the Department of Foreign Affairs in shaping, directing and executing South Africa's foreign policy.

This article responds to that invitation and addresses the challenge of a human rights foreign policy. The Discussion Document submits a list of cornerstones of our foreign policy which include *inter alia*:

- A commitment to the promotion of human rights.
- A commitment to the promotion of democracy.
- A commitment to justice and international law (1996: 15).

The emphasis on human rights is laudable, but is marred by developments like the Nigeria policy. An expedient approach will not promote the international norms respecting human rights regardless of

circumstances, or help set examples for other states, especially on the continent of Africa.

## The challenge

While violations of human rights continue throughout the world, especially in Africa, the language of human rights increasingly characterises relations between nation states and their responses to international events. However, rhetorical acceptance is not enough as this glosses over the real objections to human rights violations, particularly when free market ideals permeate policy making.

The *Foreign Policy Discussion Document* reflects a fundamental weakness in its failure to indicate an appreciation of the human rights challenge for South African foreign policy. Government spokesmen have also tended to confuse foreign policy with foreign relations, which is essentially a mechanism for implementing foreign policy.

The Document states that 'Africa is clearly a priority in the years ahead'. If one considers that human rights is in a crisis on the continent, the question then arises – what are the foreign policy implications for the Department of Foreign Affairs within the context of the Africa policy?

*Government spokesmen have tended to confuse foreign policy with foreign relations*

This article examines South Africa's much vaunted human rights foreign policy. It also challenges official orthodoxies about how to promote national interest, and about the future of this volatile and complex area of interstate relations, with particular reference to human rights issues.

Although in favour of a multilateral approach, South Africa's focus should be on the continent of Africa, given that its foreign policy goal is described thus: 'Africa is clearly to be a priority in the years ahead' (*Foreign Policy Discussion Document*, 1996: 17).

### Old paradigms

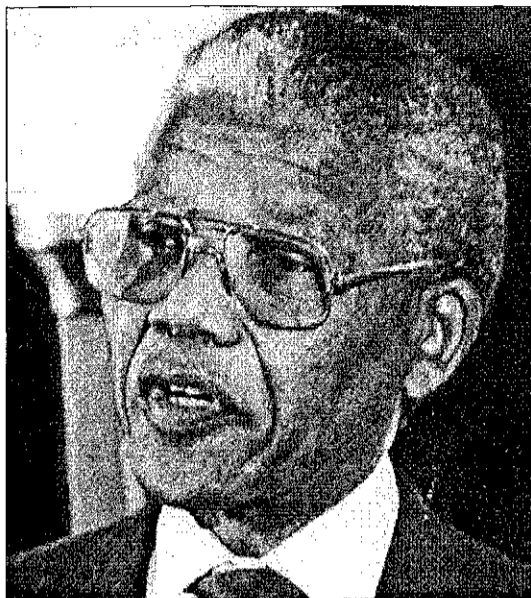
The foreign policies of the democratic South Africa are beset by dilemmas produced in part by the negotiated character of our transition. Old approaches developed under apartheid are in some instances, being continued for reasons that do not seem entirely rational and which consequently run the risk of strategic incongruity.

The Government is feeling its way cautiously in international affairs. Political change in the country has now, however, opened the prospects for a new relationship with the international community. South Africa's potential new role became apparent at the Nuclear Non-Proliferation Treaty Conference in 1995, when all 175 participants accepted South Africa's compromise proposals.

The rise of a non-racial, non-sexist democratic South Africa has enhanced the prospects for a sustained, worldwide human rights agenda. Important questions are now being raised about the challenge faced by our foreign policy makers. The big question is whether the new South Africa has the confidence to draw upon its domestic experience and help chart new directions in the international relations of the 21st century? And to what extent have domestic changes been extended to foreign affairs?

In particular, to what extent have those involved in foreign policy systematically re-examined traditional assumptions and policy perspectives given the changing international environment. Is foreign policy 'on hold', or can we expect fundamental changes in alignments, orientations, emphases and attitudes in the future?

South Africa's foreign policy goal during apartheid was to ensure the security, status



Picture courtesy of Natal Newspapers

President Mandela has proclaimed a global vision and articulated views that challenge realist notions of international relations

and legitimacy of the state within the international system, against the domestic background of preserving the racist, white minority government.

Apartheid foreign policy makers drew upon the crude realist paradigm that has inspired most modern discourse in international relations. Among the principle assumptions of realism is the view that the main determinant of international behaviour is the system of states.

### New opportunities

South Africa now has a unique opportunity to construct a purposive, visionary foreign policy which consistently supports global human rights, especially on the African continent. Government has articulated a foreign policy emphasising *inter alia*, support for human rights, internationalism and a commitment to promoting regional cooperation (Nzo 1996).

President Mandela has proclaimed a global vision and articulated views that challenge realist notions of international relations. Addressing the United States Congress he stated:

*"In an age such as this...much revision will have to be done of ideas that have seemed as stable as the rocks, including such concepts as sovereignty and national interest. What we speak of is the evolution of the objective world, which inexorably says to all of us that*

*Some foreign policy approaches developed under apartheid are being continued for reasons that do not seem entirely rational*

*More African countries emerged from the human rights black hole last year, but a larger number sank deeper into tyranny*

*Those who commit human rights abuses are more likely than not to pay no price*

Women are among the main victims of human rights violations

*we are human together or nothing at all."* (Clarinet News, 6 October 1994)

Any foreign policy that focuses on Africa must in some way address the appalling human rights situation of a continent often characterised by bloody coups, ruthless military juntas, and repressive authoritarian regimes, not to mention horrific massacres of innocent civilians.

### Human rights crisis

More African countries emerged from the human rights black hole last year, but a larger number sank deeper into tyranny. Globally, Amnesty International (1995) notes four trends in human rights abuses:

- They have become more brazen.
- Those who commit them are more likely than not to pay no price.
- Women are among the main victims of human rights violations.
- There was a growing tendency for financial gain to take precedence over human rights considerations.

Nigeria tops all categories of human rights abuses on the continent

While the new South Africa, Mozambique, Malawi and Ethiopia have substantially improved their records, conditions in a least 33 African countries have deteriorated. 'Torture' says Amnesty, remained a widespread reality in those countries, with methods including chaining prisoners and suspending them upside down, rape, electrical shocks, suffocation with rubber tubing, and the use of tight-leg shackles.

Nigeria – which has ratified the African Charter on Human and People's Rights – tops all categories of human rights abuses on the continent. Since the execution of human rights activist Ken Saro-Wiwa and his eight co-defendants in November 1995, there have been no signs of improvement. All opposition and criticism of the military government is brutally suppressed.

Many were disappointed with South Africa's position on Nigeria during the recent session of the United Nations Human Rights Commission

Dissidents and journalists are persecuted, imprisoned, tortured or assassinated. Nigeria, Sudan, Chad, Equatorial Guinea, Zaire and Kenya have taken over from apartheid South Africa in having jails filled with political detainees. Most of these are what Amnesty International calls 'prisoners of conscience'.

This scenario demands clear, firm and consistent responses from the international community. It requires that United Nations member states review their bilateral policies with Nigeria and other offending countries, especially preventing economic commitments in these countries. The Organisation of African Unity (OAU) has never had the political will to deal effectively with the human rights question in the past and this is unlikely to change, unless one of its member states come out strongly on the issue.

This prevalent lack of political will is again evident in Zambia. The Zambian government amended its constitution to prevent political rivals from participating in the October 1996 elections. The amendments undermine Zambia's democratic development. Although a few governments have expressed concern, neither the OAU or South African Development Community (SADC) have acted.

### Silent diplomacy

President Yoweri Museveni of Uganda, addressed his fellow heads of state at the 1986 summit of the OAU with the following stinging review of the body's record:

*"Over a period of 20 years nearly three quarters of a million Ugandans perished. I must state that Ugandans felt a deep sense of betrayal that most of Africa kept silent. The reason for not condemning such massive crimes has supposedly been a desire not to interfere with the charters of the United Nations and the OAU. We do not accept this reasoning, because in the same organs there are explicit laws that enunciate the sanctity and inviolability of life".*

The enthusiasm which greeted the formation of the OAU in 1963 soon gave way to despair when it emerged that the organisation was largely a club for the preservation of leaders and their repressive regimes. Untold atrocities were committed resulting in a proliferation of one party states and military dictatorships. In the 33 years since the formation of the OAU, very little has changed.

Victories against colonialism and apartheid are hailed as achievements, but in the case of South Africa, the role of several African countries was limited to verbal

condemnation, while they entered into all kinds of economic and political compromises with the apartheid government.

The OAU has been silent over atrocities committed by various governments on their own people all over Africa. Nigeria is at present the focus of all civilised states and the same silent policy approach is evident in statements made by the OAU spokesmen.

The advent of the new South Africa gave rise to new expectations that victims of human rights violations themselves, would set the agenda for the rest of a continent desperately seeking leadership to effectively address the problem. Many were disappointed with South Africa's position during the recent session of the United Nations Human Rights Commission, when it did not support the call for a special rapporteur on Nigeria (Interview 1996). The question is whether, apart from South Africa, there is any African government which has the political will to deal with these issues effectively at OAU level? South Africa cannot afford to inherit the OAU tradition of silence on human rights. Silence will mean tragedy for the vast majority of African people. South Africa can make a difference, but only if it is prepared to make some hard policy choices.

### **New role**

It is a common assumption that South Africa will play a dominant role in shaping security, cooperation and development throughout sub-Saharan Africa. Militaristic approaches to intra-regional security should have no place in the reconstruction of African international relations. Approaches should be rooted in a human rights based, development oriented approach.

Given that the foundation of South Africa's policy must be human rights, the creation of a Southern African Convention of Human Rights within SADC should be explored, and strong support for a Draft Protocol of the African Charter which seeks to establish an African Court of Human Rights, advocated.

The African Charter on Human and People's Rights was adopted by the OAU in 1981. The Charter creates an African Commission on Human and People's Rights which allows for interstate complaints, and even envisages the receipt of individual complaints. However, all these provisions

are vague; there is no reporting system, and at best, it leaves the Commission with limited opportunity to establish itself as a monitoring body.

There is no judicial organ or any other mechanism for enforcing regional decisions. A central theme in the literature on the African system of protection of human rights is that the system is based on a weak Charter, which gives little power to the enforcement machinery.

At the same time it bestows much power on the Assembly of Heads of States. The OAU is not only highly politicised, but it is the most deferential of all regional organisations to sovereignty. Although this is understandable, given the weak states and strong subnational loyalties in most of Africa, there is no reason to expect the organisation to deviate from its standard practice in an area as sensitive as human rights.

In the absence of a strong regional power, the national human rights record of the typical African government suggests a high degree of aversion to international monitoring. Therefore, most of the literature deals with critiques of the system and how it can be improved.

These are some of the challenges facing the continent the 21st century approaches. The African Commission has made efforts to prepare African governments to deal with the human rights question, although this progress has been torturously slow. Its advance in formulating a Draft Protocol for establishing an African Court for Human Rights is one of its main achievements.

The question remains whether African governments will formally adopt the Protocol – and if so, how long will they take before it is finally adopted by the OAU Assembly of Heads of States? A South African foreign policy that advocates strong support for the Draft Protocol can contribute substantially to a new human rights ethos on the continent.

### **SADC and human rights**

An extraordinary summit of the SADC was held in Botswana on 28 June 1996 to establish an Organ for Politics, Defence and Security. The primary objectives include the coordination of policies and activities in politics, defence and security.

*The creation of a Southern African Convention of Human Rights within SADC should be explored*

*The African system of protection of human rights system is based on a weak Charter, which gives little power to the enforcement machinery*

*The national human rights record of the typical African government suggests a high degree of aversion to international monitoring*



*Support for democracy in Africa will sometimes necessitate adopting bold and unpopular positions*

The reference to the 'observance of human rights, democracy and the rule of law' in the guiding principles can be construed to be an official acknowledgement by the SADC governments of the importance of human rights in any initiative regarding the region's politics, defence and security. Another provision of particular significance is the reference to encouraging 'the observance of universal human rights as provided for in the Charters and Conventions of OAU and the United Nations'.

Human rights organisations in South Africa have criticised the omission of proposals relating to human rights monitoring mechanisms, particularly given the deteriorating political situation in Zambia (Lawyers for Human Rights 1996). In 1994, a SADC workshop proposed a mechanism on democracy, peace and security that included a human rights commission with machinery to safeguard existing human rights.

South Africa can play a crucial role in ensuring that human rights are a clear component of any intervention by a collective security capacity, including ensuring that such interventions are conducted in accordance with international human rights law. The country can also ensure that sufficient resources are afforded to the human rights component to effectively carry out the human rights dimension of the Organ's objectives.

*In a peculiarly inverted manner, South Africa has already contributed to the growth of the international human rights movement*

### **Conclusion**

In his address at the OAU Summit on July 8 1996 in Cameroon, President Mandela stated that 'South Africa would not shrink from its responsibility to help resolve conflict and advocate human rights on the continent' (*Cape Times*, 9 July 1996). Such consistent advocacy at the OAU is desperately needed.

Support for democracy in Africa will sometimes necessitate adopting bold and

unpopular positions, especially within the OAU. An alternative to realist notions of international relations must be found in Africa. South Africa must lead the process of rethinking African international relations, concentrating on people rather than governments.

On 1 January 1997 South Africa will take up a seat at the United Nations Commission for Human Rights in Geneva. This presents an opportunity for South Africa to be far more proactive than have fellow African governments in promoting a human rights culture. South Africa already started the process by supporting the Resolution on Nigeria at the General Assembly last year – a position the country should not retreat from.

In a peculiarly inverted manner, South Africa has already contributed to the growth of the international human rights movement. South Africa must now take a proactive role in promoting human rights internationally. There are some hard choices to be made. These are not to be found within the narrow discourse of realism, but within the emerging global contours that are to be found beyond the nation state.

Given the country's recent horrendous past, its new democracy and evolving human rights culture, South Africa is well placed to lead the promotion of a human rights campaign in the global context, beginning in Africa. [E&U]

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