

Consolidating Democracy in South Africa

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Introduction

For the first time in its history, South Africa experienced a non-racial, one-person, one-vote democratic election in April 1994. This election was considered a miracle by most South Africans after 44 years of apartheid rule. International observers considered it one of the most remarkable in history and a first of its kind for Africa.

What made this first democratic election notable was the absence of violence. In fact none of the well publicised fears were realised. South Africa experienced a remarkably peaceful election and a stable period thereafter. Despite predictions to the contrary, the new government made encouraging strides. Laws were passed which entrenched human rights; which turned the police service around, protected workers, and which recognised the rights of domestic workers, the poor, children, the abused, the aged and the downtrodden.

In 1999 South Africa went to the polls a second time. Against the odds, and in the face of dire warnings, South Africa had survived five years of “black” rule. The scorecard of the ANC government showed that while there were areas of concern, the government had passed its first test. Consolidating our fledgling democracy therefore began to loom large as the next important step deserving attention.

Because of the importance of consolidating a young democracy in South Africa, the Konrad Adenauer Foundation, in collaboration with the Faculty of Arts of the University of Transkei, organised a conference from 18 to 20 August 1999. The international conference on *Consolidating Democracy in South Africa* met at Umtata, Eastern Cape, South Africa to examine ways to achieve this aim. The organisers provided a forum for academics, non-governmental organisations, politicians, political parties, government spokespersons and others to discuss dimensions in the consolidation of democracy in this country.

The first objective of this conference was to compare and contrast democracy in other countries with that in South Africa. Speakers were invited from a variety of backgrounds and countries so that a comparative perspective of democracy could be gained. Academic papers addressed the problems, nature and trends in democracy in regions and countries such as Central America, Eastern Europe and Russia, and Zambia and Namibia. Academics, political activists, journalists and researchers examined the developments – negative and positive – which led to the establishment of a democratic dispensation in this country. A number of speakers examined the threats to democracy in South Africa, while others looked at positive steps being taken to consolidate democracy.

A second objective of the conference was to bring together representatives of the established and represented political parties in South Africa. Representatives not only presented their parties’ views on democracy and how they saw it, but made suggestions on how they could contribute towards strengthening and broadening democracy.

Introduction

The third objective of the conference was to find ways to strengthen and consolidate democracy in South Africa. While it was accepted that a conference of this nature could not hope to find all the solutions and the answers, it nevertheless provided a forum for political and other interested parties to meet, discuss, debate and identify issues. It is to be hoped that by publishing a representative sample of some of the papers presented at the conference, we can stimulate debate and provide a basis for an on-going examination of ways to strengthen democracy in South Africa and provide an example for Africa to emulate.

It is the hope of the organisers that the democratic miracle in South Africa will not turn out to be a mirage or a flash in the pan, and that this conference will have begun a debate which looks at ways to strengthen what we have and to ensure that a solid and secure political dispensation is left for future generations. Moreover, it is our earnest desire to prove that democracy can work in Africa.

*Professor Roy du Pré
Dean: Faculty of Arts and Professor of History
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Opening Remarks

Xoliswa Jozana

INTRODUCTION

The current conjuncture of democratisation in Africa raises one fundamental question: what are the prospects for the consolidation of democracy in Africa? We are gathered here today to discuss the prospects for the consolidation of democracy in South Africa. In assessing the prospects for the consolidation of democracy in Africa, political analysts have asked different questions and have employed a variety of criteria.

Christopher Clapham and John Wisemen recommend “a minimalist system of democracy”. By this they mean a system in which there is political competition between political parties in free and fair elections and which allows for the real possibility of alternative parties and the involvement of civil society in the public realm. In defense of this conception of democracy, they argue that their model of “a merely procedural form of democracy” does represent “a marked improvement on the level of democracy that most African states have hitherto experienced (Clapham and Wisemen, 1997: 220). Should we stop at this conceptualisation in our search for factors and indices of a genuine democratic consolidation in South Africa? Does electoralism or formal political democracy really constitute a path to the consolidation of democracy? What do we mean by consolidation and how do we judge a consolidated democracy?

1. CONSOLIDATED DEMOCRACY

Owing to the differences in our conception of democracy, it is not easy to arrive at a precise index of a consolidated democracy. Fortunately,

ly, an attempt, albeit limited, has been made by David Beetham who proposes a “two-election test” by which an incumbent government which came to power through free and fair elections is defeated at subsequent elections and accepts the verdict of the ballot box. In other words, the defeated incumbent government must respect the wishes of the people and forego the spoils of the office. More importantly, as Beetham argues, democracy can be deemed to be consolidated when a government is “capable of withstanding pressures and shocks”, including the shock of dissent and opposition (1994). However, while the transfer of power to the opposition is a vital ingredient of democracy, a robust and sustainable democracy requires more than a merely procedural form of democracy.

2. BEYOND ELECTORALISM

Meaningful democracy goes beyond electoralism to include the improvement of the material conditions of the people and the fulfillment of their expectations. Zambia is a case in point. There was a successful transfer of power to the opposition in that country, but its democracy was threatened when President Frederick Chiluba’s government failed to meet the expectations of the ordinary people in the country. There was a real danger to Zambia’s democracy when the restive population seemed to be propelling Chiluba towards a retreat from the democratic gains which were made by the popular democratic movement in 1992. Facing mounting social problems, Chiluba’s government progressively turned to authoritarianism. The case of Zambia is therefore a pointer to the

limitations of electoralism. The deprivation which the mass of the population in Africa suffered under authoritarian systems makes it difficult to employ Clapham and Wiseman's "minimalist system of democracy" in assessing the consolidation of democracy in South Africa.

Sustaining democracy requires more than electoralism – as my paper focusing on weaknesses, threats and dangers to democratic consolidation will attempt to argue (*see page 119 of this volume*). In addition to procedural formal democracy of free and fair elections, successful democratic consolidation in developing countries must involve the fulfillment of the minimum expectations of the people and that implies the broadening of participation by the masses within the expanding economies of these developing societies.

A serious threat to democratic consolidation in Africa, is economic crisis and the concomitant external imposition of economic management which undermines the choice or freedom of action on the part of the governments in Africa. Accordingly, the elected governments are left with limited options but to implement externally determined policies which do not directly benefit the people who elected them into power. Popular social movements in the 1990s emerged not only to pressure the authoritarian regimes to restore people's fundamental

human rights but also to voice anger at the appalling economic conditions in African states. The new multi-party governments have yet to demonstrate to their electorates that there is a correlation between democracy and economic progress, otherwise their path toward democratic consolidation will be fraught with difficulties.

CONCLUSION

South Africa has crossed the threshold of "two consecutive elections" which classifies her as a consolidated democracy, according to the liberal democracy paradigm. But the country, as one political observer has aptly described, is not yet "out of the woods and not yet one in which democracy has fully taken root, although the vine is ripening".

Democratic consolidation remains an open task and certainly means more than formal political democracy. Peace, security, healthy economic conditions, fulfillment of the material conditions of the poor, a democratic political culture and a viable civil society are all ingredients of democratic consolidation. More importantly, the new democracy has yet to face the test of the rotation of political parties, whereby the incumbent government accepts defeat in future elections and there is a peaceful transfer of power to the opposition.

Welcoming Remarks

Michael Lange

INTRODUCTION

On behalf of the Konrad Adenauer Foundation (KAF), I would like to extend a warm welcome to you all. As some of you may know, this is the fourth conference that KAF has jointly organised with the University of the Transkei (Unitra) and I am delighted that, with the representatives of Unitra, we have been able to invite you to take part in these deliberations.

We have chosen a highly appropriate topic for this year's conference and I can only hope that – after a long period of electioneering followed by a period of relaxation – we will be sufficiently invigorated to discuss the issues with the necessary passion and composure.

This conference will focus on issues that are very close to KAF's heart, namely, questions relating to the consolidation of democracy in different parts of the world and also the threats to the many new democracies posed by, for example:

- crime and corruption
- unemployment and poverty
- racism in multi-ethnic societies.

These questions, as much as possible remedies or ways to safeguard and consolidate democracies, shall dominate the proceedings. We believe that these issues are as much a concern to KAF as they should be to every South African citizen who has only recently been asked to judge the performance of South Africa's first democratically elected government.

By assisting in bringing about this conference we hope that KAF, which I have the privilege to represent here today, is contributing in a meaningful way to the consolidation of this

infant multi-party democracy in the new South Africa.

1. BACKGROUND

For those wondering what kind of organisation KAF is, allow me to sketch a brief background to the German political foundations and to outline some of the reasoning behind the involvement of KAF in academic endeavours of this nature.

The German political foundations are a unique feature of today's democratic culture in Germany. The move behind their creation, which dates back to the 1960s, was the expectation that political and civic education would help develop and consolidate democracy in post-war Germany.

Both in Germany and abroad, these foundations seek to further develop and encourage people to engage in the political debate, thus strengthening democracy and promoting a pluralistic society. By engaging in a variety of activities, they help to strengthen the concept of human rights, assist economic development and help to implement social justice and the rule of law.

KAF is one of five such political foundations in Germany and is closely affiliated to the Christian Democratic Union Party of former German Chancellor Helmut Kohl.

KAF is represented in many countries throughout the world and with an annual general budget of approximately DM200 million is – we believe – actively assuming a share of responsibility in shaping international relations.

Our aim as a political foundation working in Africa, is to encourage the people of this conti-

ment to play an even more active part in the political and social lives of their communities, thus strengthening democracy and promoting a pluralistic society.

KAF is currently running wide-ranging programmes in different parts of Africa, as well as in different provinces of South Africa. The Foundation cooperates not only with centrist political parties and their respective think-tanks but, as you will note from today's event, also with reputable education and research institutions.

2. THE WINDS OF CHANGE

We have all witnessed the rapid change that has taken place in Africa since the end of the Cold War some eight years ago. Almost the entire continent has, in an amazingly short time, made remarkable progress towards political participation.

Parliamentary and presidential elections, which give voters the opportunity to choose between parties, persons and programmes are seen as an indicator of democracy. In many cases, opposition parties have been formed legally and "gone public" for the first time. They have called, above all, for the abolition of the one-party system and for the modernisation of electoral systems.

By 1996, almost all African countries had held more or less competitive parliamentary elections and international monitoring teams declared approximately half of them free and fair. In 1995-96 alone, 12 African countries had elections, of which only one brought about a change of government. The other parliamentary and presidential elections confirmed the incumbent parties and governments in power.

The conclusion which can be drawn from this brief overview of the electoral process in Africa in recent years, is that the holding of elections has been mostly an expression of a growing desire for democratic legitimatisation of power.

It has been crucial for our expanding activities in Africa in general, and in sub-Saharan Africa in particular, that democracy-oriented institutions and structures have been developing considerably in recent years. Opportunities to work in areas of central political importance have consequently widened, not least for organisations such as KAF.

We are all aware that a proper democratic electoral process cannot be implemented with-

out allowing a multi-party contest. At the same time, the notion of democratisation is not necessarily a peaceful process. Although democracy is the only form of power in which the appointment of the government is regulated peacefully, the call to political competition in election campaigns sometimes leads to an escalation of underlying tensions, leading to clashes between militant supporters – and even South Africa has seen enough of this in the past.

As a result, there has been an emerging consensus that a simplistic imposition of Western-style multi-party systems on African societies, is not as automatically beneficial as was imagined.

3. THREATS TO DEMOCRATIC CONSOLIDATION

A different question altogether is the issue, which figures prominently on today's agenda, regarding the consolidation of infant democracies such as South Africa and a variety of possible threats that accompany it.

Talking of threats, we should note that South Africa has just concluded an election where only 100 000 more people than in 1994 were eligible to vote in this country's second democratic election.

Accusations remain that some of the decisions taken in regard to those groups allowed and those not allowed to vote in the elections may have been prompted by calculations that it would benefit some parties to the detriment of others.

I strongly believe that we have to realise nowadays, more than in the past, that threats to free and fair elections stem foremost from questionable voter-registration processes than from the administration of elections on election day.

After all, the right of every citizen to vote is enshrined in the constitution of this country and should not be compromised by too many administrative procedures, even with the intention of preventing electoral fraud. Looking back into South Africa's past history, people died for the right to vote and it seems to me an unanswered question, whether or not one should restrict people's right to vote to the extent that it has been done during the recent election in South Africa.

3.1 Poverty as a threat to the consolidation of democracy

Recent polls are proof of the fact that the imple-

mentation of democracy and the rule of law, together with the economic transformation of South Africa, cannot be continuously implemented without causing frustration and disappointment to many who – since the election victory of the governing parties – have been yearning for instant material rewards.

This is even more understandable in light of the fact that approximately 19 million South Africans, representing almost half of the population, must be considered poor in the sense that their incomes fall below the poverty line and that the Gini-coefficient – a measure for inequality in a society – is considered to be one of the highest in the world.

This means that the top 20% of the South African population accounts for 70% of national expenditure, whereas the bottom 20% accounts for a mere 1%. This makes South Africa one of the countries with the highest income inequality in the world.

A recently published United Nations report indicated that if one takes “white South Africa” as a country of its own in a ranking of per capita income groups, South Africa would occupy 13th place next to Spain. If one did the same with “black South Africa”, it would occupy 113th place next to the Democratic Republic of Congo (DRC). Many therefore speak of a persisting “economic apartheid”, where it seems that the South Africa of today is less of a “rainbow nation” than “a country of two nations”; one white and relatively prosperous and the other black and poor.

Fair distribution of economic opportunity, and as a result income, is a prime element of a social market economy and therefore an indispensable policy concern to us. It is here that we see a role for the state, namely to ensure equality of opportunity (not outcome) and to assist with tax measures so that the proceeds of a country’s economic development are distributed more equitably.

With the collapse of communism, market economies have irrefutably proved their superiority as engines of human prosperity. The benefits of a free and social economic order are being increasingly recognised not only world-wide, but in Africa as well.

3.2 Crime as a threat to the consolidation of democracy

When we look at surveys and opinion polls in

the new South Africa today, crime is of foremost concern to most if not all the people in South Africa. Many say that the Rule of Law has all but disappeared. Criminals seem better protected under the new law of the land (constitution) than the average law-abiding citizen. Some professional observers of the crime situation have even warned that the situation has moved dangerously close to anarchy.

If we define tyranny as “public order without freedom” and anarchy as “freedom without public order”, we somehow seem to witness in the South Africa of today the former being replaced by the latter.

I cannot believe that the people of this country have struggled against the tyranny of apartheid, only to have to live with the anarchy of crime.

I trust we all share the conviction that the process of transformation will be successful only if democracy, the rule of law, and the principle of just participation in the economic development of the country by all sectors of society are understood, accepted and continuously implemented.

3.3 Unemployment as a threat to the consolidation of democracy

Since 1994 we have witnessed a reversal in economic policy from a rather state driven, market-assisted Reconstruction and Development Programme (RDP) to a more market-driven state-assisted Gear (Growth, Employment and Redistribution) policy. Despite this macro-economic policy shift, unemployment still stands at between 23% and 38% of the labour force, depending on the definition of unemployment used. These rates seem to many to be unacceptable and at the same time we are witnessing further retrenchments in the public sector and more restrictive labour legislation, which is frustrating efforts by the private sector to employ more people.

While we encourage the government to remain committed to its economic policy framework of restructuring the public sector and pursuing financial discipline, we hope for the recognition that only a growing private sector can be the key to conquering unemployment. What seems true, however, is that aspects such as crime, poverty and unemployment are interrelated.

As a result of a poor local savings rate, a

country which so badly needs foreign long-term investment capital can ill afford a situation where crime, and the climate of fear resulting from it, is increasingly becoming an effective discouragement for foreign and local investment.

One need not be an economist to realise that the urgently needed millions of jobs will only be created if a climate exists that is conducive for existing enterprises to grow their businesses and for entrepreneurs to invest their money in new enterprises.

Everywhere in the world one can find proof of the fact that independent, small- and medium-sized enterprises and micro-businesses managed by responsible entrepreneurs are the sturdiest pillars of economic development. It is in this sector, where future jobs will be created.

In the economic reality of a globalising world economy, governments will no longer be able to create lasting employment, only entrepreneurs will be able to do so. The role of government is therefore to guarantee fiscal discipline, to help spread business ethics and to create a new entrepreneurial spirit among the millions of job seekers.

CONCLUSION

Some people argue that apartheid was South Africa's Berlin Wall. It was a great divider, artificially separating people who, in the final analysis, were bound to share the same destiny.

When apartheid fell as part of a chain reaction set off not least by events in my country and culminating in the fall of the Berlin Wall, the then governing party (National Party) correctly read the writing on the wall. Coincident-

ally, the then outlawed opposition movement (the African National Congress) concluded, also correctly, that it was impossible to seize South Africa by force. Subsequently, the two leading personalities of their respective movements turned South Africa away from conflict and towards democratic togetherness and cooperation. A new vision of South Africa emerged, when South Africans of all colours – as a culmination of the political revolution in South Africa – went to the polls for the first time.

South Africa is today considered by many observers to be a legally consolidated democracy, in which development towards a constitutional, pluralistic state, ruled by the new law of the land, appears to be irreversible.

But by transforming white minority rule to black majority government, only the foundations of a peaceful democratic society have been laid. In order to make the new South Africa a winning nation it will, I believe, depend:

- as much on the willingness of those who were wronged under the old regime to put the good of the so-called rainbow nation above their desire for retribution (reconciliation), and
- as much on the acceptance that the tyranny of apartheid should not be replaced by the anarchy of rampant crime.

Building and maintaining a strong and enduring democracy on these foundations will furthermore depend on a continuing commitment by all segments of South Africa's diverse population to reconciliation and far-reaching economic and social transformation. KAF is willing to contribute to this process.

Keynote Address: Consolidating Democracy in South Africa

Wiseman Nkuhlu

INTRODUCTION

In opening Parliament on 25 June 1999, President Mbeki said the following:

“We are on course. Steadily, the dark clouds of despair are lifting, giving way to our season of hope. Our country, which, for centuries bled from a thousand wounds, is progressing towards its healing. The continuing process of social and national emancipation, to which we are all subject, constitutes an evolving act of self-definition. At the dawn of a new life, our practical actions must ensure that none can challenge us when we say – we are a nation at work to build a better life.”

Yes, there can be no better introduction to the subject of consolidating democracy in South Africa. Building a democracy is a process. It has a starting date, but no completion date. The building process starts with a momentous break from the past. This fills the population with energy, emotion and hope. But once the oppressive or undemocratic regime has been dislodged, the first elections held, a government of the people installed, oppressive laws removed from the statute books and new structures of democracy introduced, the real process of reconstruction – which is less exciting and has no event around which to mobilise the masses – begins. This is where we are now. In this paper we highlight some of the achievements of the first five years of democracy and then discuss the challenges that still confront us as a nation.

1. FIRST FIVE YEARS OF DEMOCRACY: HIGHLIGHTS

I admit upfront that I do not expect all of you to

fully agree with my selection of the most outstanding achievements of our young democracy. I hope at least, however, that you agree that a firm foundation for a non-sexist, non-racial democracy is now in place.

In my assessment, the most outstanding achievement is the adoption of a constitution that protects and upholds human dignity, human rights and freedoms, non-racialism and non-sexism, universal adult suffrage and multi-party democracy. The second is the removal of racist and sexist laws from the statutes and their replacement with laws that seek to promote social justice and equality. This has been achieved virtually in all departments, but more notably in education, health, labour, welfare, sports and land affairs.

Third, is the establishment of institutions that support constitutional democracy such as the Constitutional Court, the Public Protector, the Human Rights Commission, the Commission for Gender Equality and the Electoral Commission. All these institutions are independent and accountable to the National Assembly and not to individual politicians.

The fourth most important achievement is the use of the fiscal budget as an instrument of social justice and redistribution and not as an instrument for benefiting a racial minority. Since 1994, the fiscal budget has played a major role in reducing racial inequalities through national departments such as health, education and welfare.

Fifth, is improved delivery of electricity, water, telecommunication services and health care services to previously disadvantaged communities. It is true that we have a long way to

go, but an impressive start has been made. There are also notable achievements in housing, school building and land reform, but the record is not as impressive as in the sectors mentioned earlier.

The sixth most important achievement I would like to highlight is the transformation of the economy. The South African economy of 1999 is totally different from that of 1994. The fiscal deficit is declining annually and the policy of defending the value of the rand has been discarded. The focus is now on creating an environment conducive to sustained economic growth through lower inflation and lower interest rates. The use of tariffs and industry specific tax incentives, is being replaced by a more efficient policy of lower corporate taxation. In other words, a foundation is being established for a more competitive, efficient economy that is better positioned to achieve and sustain higher levels of growth.

Seventh, is the work of the Truth and Reconciliation Commission. Given the time constraints and the complexity caused by the fact that its work had to cover human rights violations committed by the liberation movements in the process of dislodging an unjust regime on the one hand, and violations by the unjust regime in resisting the struggle for justice on the other, it has done very well.

The eighth issue is the transformation of government departments and parastatals. This process is still at an early stage, but is worth mentioning. Parastatals and utilities such as Eskom, Telkom, Transnet, the Industrial Development Corporation, the Land Bank and the Development Bank of Southern Africa are now instruments of reconstruction and development. They service all the people of South Africa and not only a minority as in the past.

The penultimate achievement is the restructuring and privatisation of state assets. Much as progress has been slow and in certain cases disappointing, the privatisation of radio stations was a great success. The partial privatisation of Telkom also has been a success.

Last, but not least, I believe that we have made significant progress towards national reconciliation. What has been achieved within a space of five years is mind boggling. In 1994, Afrikaners voted mainly for their own political parties such as the Freedom Front and the National Party. Now, the divisions are no

longer purely on racial lines. Tony Leon claims that a significant percentage of Afrikaners voted for the Democratic Party in the recent elections. What is becoming evident is that there is no longer a party that can claim to be the sole voice of the Afrikaner. On the other hand, parties such as Azapo that did not participate in 1994, participated in the 1999 elections. The conclusion, therefore, is that the national constitution is enjoying increasing support.

2. THE CURRENT SITUATION: BRIEF COMMENTS

Having highlighted the achievements of the first five years of democracy, the question now is whether there are still gaps and weaknesses that could undermine long term political stability or not.

To answer the question, we have to evaluate the facts. This is not difficult, as there is plenty of material to work on, ranging from local media reports, official government reports, research findings by independent researchers and authoritative reports by international bodies such as the World Economic Forum, the International Monetary Fund and the World Bank.

Overwhelming evidence confirms that the political transformation has been a great success. Politically, South Africa is a new country. Racist laws have been removed. There are non-racial political structures at all three levels of government and all South Africans enjoy universal human rights.

The message of reconciliation is being spread throughout the country. As a consequence, political tolerance is on the increase and distrust of the new political dispensation is on a rapid decline – as evidenced by increased participation in the 1999 national elections.

On the other hand, however, there are concerns about the poor performance of the economy. Questions are being asked whether democracy can be sustained in a country with such high levels of economic inequality, poverty and unemployment. There are also concerns about law enforcement and delivery of essential services such as education, housing and health care. The third tier of government is also a matter of concern.

All in all, the verdict is that South Africa has made a good start, especially with political transformation, but this is not enough. To secure democracy in the medium to long term,

people must experience positive changes in their material conditions. My thesis is therefore that to consolidate democracy, the country must give priority to economic issues and effective government in the next five years.

3. PRIORITIES IN CONSOLIDATING DEMOCRACY

The first priority is that the government must do everything possible to promote high economic growth. The economic policy framework must be supportive of both high economic growth and equity. In other words, it must reconcile the key elements of the Gear (the Growth, Employment and Redistribution) strategy with the Reconstruction and Development Programme.

High economic growth would generate resources for social development on a more sustainable basis. Secondly, it would make a positive contribution towards job creation and the alleviation of poverty. Politically, it would facilitate the process of racial economic integration. In addition, a growing economy would be able to absorb blacks without reducing jobs for whites. Actually, whites would be better positioned to prosper because of their higher levels of financial and technological knowledge.

The second priority is to increase delivery of essential infrastructure and social services. To achieve this, the government must increase its fixed investment expenditure by reducing consumption expenditure. This will release more resources for investment in basic education, health care, police, justice, etc. In addition, steps must be taken to improve management in all key delivery departments. The delivery of electricity, water, housing and telecommunication should be financed primarily by relevant development institutions and the private sector, but the government must subsidise the poor in a transparent manner.

Without access to these essential goods and services, the poor, who are predominantly black, will remain marginalised. Secondly, they will not be in a position to realise their potential as individual human beings.

The third priority is to address structural unemployment. Unemployment has been growing since the 1980s and what is more disturbing is that the linkage between economic growth and job creation has weakened. This is evidenced by the negligible impact on job creation of the relatively high growth achieved during

1995/1996. The impact of globalisation and resultant cost cutting by major corporations has accelerated job losses even further in recent years. The pressure to improve cost efficiency and to put more reliance on markets is also compelling governments and parastatals to streamline operations. The result in the short term is increased retrenchments. The promise is high levels of growth and increased employment in the medium- to long-term.

In my view, the exclusion of an increasing number of young people from the mainstream economy needs to be addressed urgently. The restructuring of the economy and increased investment in infrastructure are important initiatives, but not sufficient on their own. I believe that there must be a national programme that is directed at job creation. It must encompass skills development and transformation of the economy in the direction of knowledge-intensive goods and services. This must happen now, not some time in the future.

The fourth priority in consolidating democracy is the restoration of effective law enforcement. This is by far the most important responsibility of government. The country now has one of the best constitutions in the world and the majority of South Africans are proud of it. Somehow, however, respect for the law remains low.

This must change, not in five years' time, but within the next three years, because the longer we take to restore law enforcement, the more difficult it is going to become. Under apartheid, there was no respect for the law by virtually all sectors of the South African society. The reasons were obvious. An illegitimate government was using illegitimate means to stay in power. As a consequence, the oppressed lost respect for the law. On the other hand, the illegitimate regime and its supporters used immoral and illegal means to oppose the struggle for justice and by so doing, condoned non-compliance with the law.

The danger is that, if respect for the law is not restored and the current situation is allowed to escalate, South Africans will not enjoy basic human rights such as freedom of movement, security of the person, privacy, security of property, etc. This will be tragic indeed because it will mean that all the sacrifices made were for nothing.

The fifth priority is land reform and stabilisa-

tion of rural areas. Both issues are critical to long term political stability. Experience in other countries shows that land reform can play a major role in reducing economic inequalities and, combined with well planned and well executed integrated rural development, can make a major contribution in improving the quality of life in rural areas.

The provision of telephones and electricity is not enough and may not even be appropriate given the fact that to afford the services, the households or individuals must be earning cash incomes. What is needed is integrated rural development which focuses not only on the provision of infrastructure, but also on income generating activities.

Given the fact that rural communities account for a significant percentage of voters, their plight has to be addressed, otherwise, there is a risk of alienation. The power of traditional leaders is another reason for highlighting the need for a strategy for sustainable rural development.

The sixth priority is black economic empowerment. The integration of the black elite in the mainstream economy needs to be accelerated. This must be done for both economic and political reasons. The economy needs a bigger pool of professionals and entrepreneurs with a different perspective about where this country is going. In addition, black professionals have significant political influence. If they realise that established business is not supportive, they will not hesitate to use it.

The solution, therefore, is to take the matter of black economic empowerment more seriously. Currently, there is no clear conceptualisation of black economic empowerment and no national strategy. What is being referred to as black empowerment is a collection of mechanisms and structures that are used to enable blacks to acquire shares in established companies. There is neither a clear policy framework, nor a national strategy.

The seventh priority is the issue of language and self-determination. This is a very delicate matter that is capable of balkanising the country. Fortunately, at this stage, it is only the Afrikaners who seem to be having some concerns. Although I do not see an easy solution, I can say with confidence that the leadership takes the matter very seriously and is managing it very well. Unfortunately there are no precedents to follow.

South Africa is the only African country that has a large white population which continues to play a significant political role in post liberation.

Language differences among Africans do not seem to constitute a threat. All the language groups are fairly represented in the political structures and find it easy to work together because of a common history and a shared commitment to non-sexist, non-racial democracy.

The last priority on my list is the development of a national consciousness or patriotism, which encompasses a sense of pride and responsibility. In my assessment, many of the problems we are experiencing have to do with the lack of a national consciousness.

The fact that our courts are not functioning as they should, the police are collaborating with criminals, communities are hiding thieves and bank robbers, prisoners are finding it easy to escape and schools are dysfunctional as well as the fact that we are finding it difficult to place issues of national priority above our personal or sectorial interests, is indicative of a serious lack of national consciousness.

All the institutions we have established, including government departments at all levels, will only function if each and every one of us is prepared to accept responsibility. Freedom comes with responsibility, without responsibility, freedom is hollow.

CONCLUSION

South Africa has made a good start. The foundation for a stable democracy is in place. What is needed, is to close the gaps and to build on the gains. To do that, we have to address the priorities I have highlighted, not necessarily in the sequence in which they are presented, but in the context of a comprehensive national strategy. This must happen not in three or five years' time, but must be incorporated in a long-term national development strategy.

In short, South Africa needs the equivalent of the 20/20 economic plan of Malaysia. The plan must spell out key policies, programmes, competencies and goals. Above all, the leadership across the country must take responsibility for promoting and guiding the implementation of the plan. This will give hope to all our people as well as energise them to strive for higher levels of productivity and responsibilities.

Consolidating Democracy in Eastern Europe After the Collapse of Communism, With Special Reference to Russia

Anita McCreath

INTRODUCTION

Democracy means power of, for and by the people, while consolidating would mean to strengthen democracy and merge it into one. A shining example of this immediately comes to mind; namely, Western Europe with its many different nationalities, languages and monetary units. Here the people decided to become united in a European Union (EU) which led to political stability and economic strength. In new emerging democracies, there is a tendency towards secession.

However, although a democratic form of government has its shortcomings, it still seems the best way to rule since it avoids the excesses that can, and usually do, occur in an autocracy – power corrupts, absolute power corrupts absolutely.

We in South Africa should try to learn a lesson from the success – or lack of it – in the Eastern European democratic systems.

1. EASTERN EUROPE BEFORE THE COLLAPSE OF COMMUNISM

Before the collapse of communism, Eastern Europe stretched from the Baltic states (Estonia, Latvia and Lithuania) in the north-west, down through Poland, East Germany, Czechoslovakia, Hungary, Yugoslavia (with its own status from 1948 under Tito) and Albania, then further east and up towards the north: Bulgaria and Rumania. The fate of these countries was indelibly linked to the most important member state – the enormous Soviet Union, dominating and deciding the future of this whole satellite region.

A brief glance at history may clarify why

Russia and some of its former satellites are experiencing problems at present.

In the ninth century the city state Kiev, cradle of the Russian nation, had a rudimentary form of democratic government: its princes ruled, aided by a “veche” (a sort of people’s assembly). There were cultural and trade links with Constantinople resulting in economic prosperity. The *Testament*, written in the 12th century by the Grand Prince Vladimir Monomakh, can be considered a manifesto for human rights. But then came the Mongolian domination with its inhuman, authoritarian rule, probably laying the foundation for the Russian czarist tradition of absolute power over state and church, that lasted till the abdication of Czar Nicholas II in February 1917. An interregnum of six months followed (Russia was then seen as the most democratic country in the world) until that was interrupted by the Bolshevik Revolution in October. Lenin’s assumption of power took Russia back to a dictatorship which became most repressive during Stalin’s rule. The name Russia changed to the Union of Soviet Socialist Republics which comprised 14 republics surrounding the great central Federal Republic. The latter included Leningrad and Moscow and stretched all the way east to the Bering Sea. At the end of World War II with the defeat of Germany, Soviet troops moved west rapidly in order to capture Berlin before their allies could get there. At the same time the Soviet system spread into Eastern Europe, leading to the creation of the satellite system. Because Stalin refused Marshall Aid for the whole “Eastern Bloc” it struggled to recover financially from

the destruction caused by the war. Besides, Soviet communism which stifled enterprise and initiative, did not succeed economically. Furthermore, it is estimated that during his holocaust, Stalin eliminated about 30 million people who represented the cream of the population. (Solzhenitsyn's assessment is 40 million). Exact figures are difficult to supply since no official records were kept.

Western Europe – scared of this vast power bloc hidden behind its “iron curtain” – introduced the North Atlantic Treaty Organisation (Nato) in 1949 to protect itself. As a counter, the Soviet Union established its Warsaw Pact in 1955 by virtue whereof all the Eastern European satellites became militarily and economically dependent on each other and on the Soviet Union.

After the death of the last decrepit and ineffective old-style rulers, a breath of fresh air came when Mikhail Gorbachev assumed the reins of government in 1985. He acknowledged that the Soviet system had failed, but believed that openness (*glasnost*), reconstruction (*perestroika*) and democratisation would improve the situation. From here-on, a chain of events led to the collapse of communism in Eastern Europe: *glasnost* opened Russian eyes to the high standard of living in Western countries, travel became less restricted, trade and economic cooperation started. Unrealistic expectations of a new lifestyle were born. However, via the now free media, pernicious Western influences which came seeping in – such as superficial materialistic values, drug abuse, pornography and free sex – threatened to undermine the Russian moral fibre. Previous victimisation of the Russian people, with the hitherto hidden ills of the past, also came to the fore which caused a sense of insecurity. Nevertheless, the real fiasco was *perestroika*. What Lenin had executed very successfully with his New Economic Policy in 1922 – namely, reintroducing free enterprise which led from starvation and deprivation (food requisitioning in the rural areas) to sufficiency in a surprisingly short period of time – seemed impossible during Gorbachev's rule: 70 years of communism with its prescribed production quotas whether for collective farming or nationalised industries, without regard to consumerism, had killed all personal incentive. Russians had forgotten about working hard for private profit; free enterprise was a

novel idea. Outward democratisation came about naturally, particularly since Gorbachev enjoyed walking around among the masses with his attractive wife and the electorate loved it. But the fate of a democracy is intertwined with economic performance because there remain the societal priorities and inherently unattainable social expectations. This conflict of ideologies is present throughout Eastern Europe and indeed in most nascent democracies. In order to solve it, the economy must grow fast.

Meanwhile the satellite countries became restive and wanted their own representation. The Berlin Wall, symbol of the division between East and West, was brought down in 1989 by rebellious Germans. Gorbachev did nothing to stop it. The Soviet Union as a superpower started crumbling and with it, Gorbachev's popularity. In his fight against alcoholism – endemic to Russia since the earliest times – he had to face bitter resistance. After a failed coup, organised by communist hardliners, a young, daring and enthusiastic Yeltsin came into the limelight in August 1991. Gorbachev resigned at the end of the year, Yeltsin took over and formally ended communism with the formation of the Commonwealth of Independent States (CIS) on 31 December 1991. This excluded the three Baltic states, Ukraine and Georgia (later also Belarus) that wanted complete independence.

2. THE YELTSIN ERA

Not so slowly but surely, Yeltsin's image changed, although he was supported by the West because of his democratic ideals. Once again the economy proved to be the greatest obstacle: runaway inflation wiped out savings and devalued salaries and pensions. Despite promises, the CIS did not attract much foreign capital – this may have been caused by rampant corruption, interminable red tape, legal chaos and political instability. The latter manifested itself in the desire of various regions to break away from Moscow: first Nagorno Karabakh (Armenia's enclave), then Chechnia (in the Caucasus, with a long and bitter history of Russian rule, including Stalin's mass deportation for treason during World War II) and now neighbouring Dagestan (vital oil pipelines traverse this area), while Kazakhstan (with its nuclear arsenal) is rebellious. To make matters worse, the mercurial Yeltsin, grown old and ail-

ing (both physically and mentally), clings to power by fair means or foul. He arbitrarily fires his ministers, advisers and aides. He is erratic and very unpopular. Last August the rouble crashed; there is a foreign debt of \$150 billion, excessive taxation but also tax evasion by the ultra-rich and a low savings rate. The government bond market collapsed, the stock market plunged, there is no cash flow, prices are soaring and crime is increasing. The government lives on credit, but the real plight is poverty and rampant unemployment.

An attempt to impeach Yeltsin in May 1999 failed – there are rumours that the Kremlin offered each deputy \$30 000 to stay away from the proceedings. Bribery and corruption are not new in Russia but these allegations are blatantly disturbing. Although Yeltsin assumed dictatorial powers and abandoned democratic principles for political survival, the United States (US) gave him qualified support as it still considered him the lesser of political evils. The Duma elections are at the end of 1999 and the current presidential term ends in the middle of 2000. Many presidential candidates are waiting in the wings: Luzhkov (Moscow mayor), Primakov (past prime minister), Chernomyrdin (past premier), Kiriyenko (present premier), general Lebed (who settled the Chechnia conflict), Boris Berezovsky (multibillionaire with vast power), Zhirinovsky (ultra-nationalist), Zhuganov (communist) and Dzhugashvili (Stalin's grandson with neo-Stalinist ideas).

3. THE COLLAPSE OF COMMUNISM

Let us now look at the former East European satellite countries after the collapse of communism. At present these countries are all new democracies, and we shall establish whether they have been consolidating this form of government or not. After almost half a century of Soviet rule this whole region is less prosperous than Western Europe: there are still large, unpainted, badly plastered drab-looking tenement buildings in urban areas, while the countryside in general has little sparkle and is still backward. However, there are many new Western-style developments. Historically all these countries were torn between the interests of the Western powers and Russia, the latter having been the exclusive dominant force from 1945 to 1990. Now they all seem to want to shake off the Soviet legacy.

Being closer to Western Europe and having been subjected to communism for nearly 30 years, makes the situation in the former satellites very different from Russia.

Estonia, the small northern-most Baltic state, rapidly re-established its democratic institutions and was the first to rejoin the global economy. With a strong private sector, its liberal free trade and sound monetary policies, it created one of the most stable currencies in Central Europe. Its southern neighbour, Latvia, has been taking longer to understand and implement the fundamental underpinnings of a democracy, but there is stability and progress. In Lithuania, crime increased dramatically since 1991, risking to undermine the reform process, but the government is taking a hard line. Though it is lagging behind the two other Baltic states, its trade with the West is improving, the private sector is developing and its economic restructuring is on track. Its transition to transparent and accountable governance is supported by citizens' empowerment through democratic political processes.

Poland's successful transition to a free market democracy – by evolution from communist dictatorship, by compromise and by national reconciliation – is complete and this, of course, contributes to its political stability. In this process the Polish people showed courage, imagination and diligence. Though the electorate's widespread disaffection with the political elite is a cause for concern, the country's international status is continuously improving as Nato and EU membership draw nearer. Protocols for accession to Nato were signed in December 1997 and Poland was also considered a suitable candidate for "first wave" membership of the EU.

With vast financial backing by West Germany and with the tradition of an industrial state, the economy of East Germany has grown from 7 to 10% per year, making it the fastest developing democracy in Europe. Of course, consolidation with its Western counterpart was the greatest contributing factor to its successful transition. However, it should be mentioned that the mentality of its citizens is very different and that in spirit they are less united.

Czechoslovakia, despite its division in 1992 into the Czech and Slovak Federative Republics, despite political scandals, crime and corruption (which exist in most new democracies)

has become a reliable democracy with a relatively high standard of living. A policy of gradual deregulation of monopolies and the development of a competitive market environment helps to create transparency of economic relations. It should be borne in mind, however, that this country has an industrial tradition. It qualifies for Nato and EU membership.

Democratisation, marketisation and the rule of law have been central to the new political agenda of Hungary. The institutional transition and socioeconomic transformation are interactive parts of adaptation, modernisation and value changes. But nothing is perfect yet (like in the other Eastern European countries): instead of a smoothly working market economy and contented citizens, second best solutions will still have to do for some time. Yet institutional changes have become irreversible and free enterprise is established.

Now to the Balkan states. Despite a common Slavic ancestry the former Yugoslavia, a consolidated country strengthened by tradelinks with the West, consisted of distinctive ethnic parts: Slovenia, Croatia, Serbia, Bosnia with Herzegovina, Montenegro and Macedonia. In 1991 Slovenia and Croatia declared their independence. A year later Bosnia/Herzegovina voted to secede, but then vicious fighting between Christians and Muslims broke out there. Serbia and Montenegro proclaimed themselves as a joint independent state. Unfortunately there too, in the Kosovo region, a conflict started between Christians and Muslims; it led to widespread atrocities. This area is of great emotional and national importance to Serbia because a decisive battle against Turkey took place there in 1389. On the Kosovo battlefield the Serbian czar, most of his aristocracy as well as the Turkish sultan, died. Recently this historical, national, religious and ethnic hatred flared up again between the Russian Orthodox Serbians and Muslim ethnic Albanians who are in the majority there. Nato, led by the US (pipelines run through the Balkans) moved in with sophisticated weapons and destroyed large parts of Serbia. Russia (the seat of the Russian Orthodox Church) tried to show defiance but did not go further. Today, ravaged by war, Serbia's economy is in tatters. Democracy in the former Yugoslavia, though threatened by the dictatorial behaviour of Serbia's communist leader Milosevic which caused the different

states to secede, is still on track but it is certainly not consolidating.

In 1989 Bulgaria's Communist Party leader was forced to resign and Bulgaria started its redemocratising process. At present it is a pluralistic, parliamentary republic. It has become a candidate for membership in the EU and Nato. The rights and property of the old parties are restored as well as private property, taken away during the period of nationalisation and collectivisation of assets during the communist regime. Furthermore, Bulgarian ethnic Turks are entitled to all rights enjoyed by Bulgarian citizens. These are consolidating factors for a democracy.

Romania is poor, like the other countries in this southern part of the "Eastern bloc". It is still struggling with the transition to a market-based economy. After the collapse of communism it was left with an obsolete industrial base so that the economic restructuring programme lagged behind most of its neighbours. However, from 1997 Romania's policies on privatisation, agricultural and financial reform started bearing fruit.

Albania is the poorest country in Europe. After an extreme Stalinist regime led by Hoxha lasting 45 years until 1985, universal standards of democracy and human rights should perhaps be somewhat accommodated. There was much political turmoil up to the 1996 elections. By that time the economic reorientation was still in an early phase, but it was widely evident; a market-led approach was promoted for trade and antiquated industries were upgraded.

From the above, it becomes clear that countries with a democratic tradition have performed better than those with a history of despotic rule. It would appear that the former "Eastern bloc" states could be absorbed as democracies by Western Europe, but Russia has been mismanaged for too long, and still is. Despite its inherent wealth, the standard of living is very low.

Yet there is another side to this coin. Economic woes can be deceptive: much economic activity is hidden (to evade tax) and because productive capacity, fixed capital and infrastructure are merely under-utilised, it does not imply that it is non-existent. Russia has a highly educated and trained labour force, nuclear reserves, and vast sources of oil, gas and raw materials.

Moreover, Russians love their soil and those who own a bit of land produce a large percentage of the country's agricultural output. Their efficiency and productivity is a consolidating factor in a weak nascent democracy. To avoid wasting, private ownership is best because generally one uses one's own money more cautiously and prudently than that of the state's. The most important and difficult of any change is in the sentiments and moral opinions of the people. Unlike Westerners, Russians are used to hardship and sometimes welcome it. The easy living is not attractive to everyone and they are disenchanting with the West (particular-

ly the US). In general they value culture, they help each other and are not used to cut-throat business. It should of course be mentioned that the younger generation is growing up with a different orientation and that they are the successful businessmen.

CONCLUSION

With all these contradictions, the future remains uncertain – Russia might well sink back into its well-known form of government, namely autocracy. That is precisely what every country should try to avoid, and we in South Africa must heed this advice.

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Consolidating Democracy in Southern Africa, With Special Reference to Namibia

Tapera Chirawu

INTRODUCTION

Namibia occupies 824 268 km². It has a population of 1.7 million, a gross domestic product of US\$3.23 billion and per capita income of US\$1.966. It became independent on 21 March 1990, under a constitution that espouses genuine democracy.¹ Since then it has organised one presidential and one National Assembly election in 1994, one for local and regional authorities in 1992, and a second for local authorities in 1998. Preparations are under way to go to the polls again to elect a president and members of Parliament (MPs) in 1999.

In comparison to the constitutions of other Southern African Development Community member states, particularly that of Zimbabwe, the constitution of Namibia is acceptably progressive in the sense that it treats all aspirants to political office equally. Firstly, it provides for the election by direct, universal and equal suffrage of a president to serve for not more than two five-year terms.² In the case of the sitting President, Dr. Sam Nujoma, his ascendance to the Office of the President in 1990 was through appointment by the Constituent Assembly. It was not by direct, universal suffrage elections, as prescribed by the constitution. It was only five years later that the masses were directly involved in his election as President, a fact which is likely to fuel intense debate on African politics for some time to come.

Secondly, the Namibian constitution empowers the sitting President to appoint not more than six MPs. However, the appointees do not have voting rights although they participate in parliamentary debates. They are basically

appointed on the strength of their special skills, status in the society, and experience.³ On the whole, the Namibian constitution treats well and protects all citizens in or outside political life, particularly in terms of freedom of expression and assembly. An important attestation to this fact is the "Open Talk Show," a radio programme in which anyone, anywhere regardless of his/her political, religious, tribal or ethnic orientation, can call in to bring to the attention of the Namibian society his/her observations *vis-à-vis* political, institutional or individual actions that may raise concern in the country. Coupled with the Prime Minister's "question and answer" radio programme during which people ask him direct questions on anything that may be distasteful to them as members of the society, no country can claim to be doing everything possible to strengthen democracy, better than Namibia.

Another overt and national activity buttressing that effort, is the gender programme to which major institutions in the country are committed. The Department of Women Affairs in the President's Office, the Multi-Disciplinary Research Centre at the University of Namibia, and the prescriptions of the affirmative action policy are collaboratively and indeed commendably making great strides in bringing about gender equality in all walks of life in Namibia. One cannot have democracy for men and not for women and claim to be nationally democratic.

Also important to note is Namibia's policy of reconciliation. After decades of apartheid and bloody, racial war, successful efforts to forge peaceful coexistence were beyond anyone's

imagination, particularly at the time of independence in 1990. It was the commitment of the political leadership that made it successful. Hence, there is unquestionable peace in the country.

By comparison, the constitution of Zimbabwe is silent on the number of terms a president can stay in office.⁴ Furthermore, it empowers the head of state to appoint eight governors, ten chiefs, and 12 other people who are usually from his political party as MPs.⁵ Constitutionally, therefore, he can appoint 30 MPs from his party. This means that political party in control of the government begins with 30 unopposed members to zero for the opposition groups in every election. It is generally believed that the situation has contributed to the convening of the debate on the country's constitution and parliamentary procedures.⁶ The objective is to achieve some degree of democracy.⁷

Conceived as an idea in Botswana in 1979,⁸ the emergence of the Southern African Development Community Conference (SADCC) in 1980 was indeed a landmark in the evolution of political ideas as well as economic programmes in the region. Namibia joined the Conference ten years later. The idea for a democratic regional unity progressively grew into a compulsion, a response to both local and external pressures. It has since received additional impetus from the emergence of the European Community.

On the other hand, decolonisation in Namibia has largely meant opening up the political process to those previously denied the right to participate. Hence, it can be rightly said that the 1990s have witnessed pressure of a different kind: consolidation of the democracies attained at independence. Namibia could not escape the demand. Having become independent in 1990, the country could be looked at as a special case, given the role played by the United Nations, in particular resolutions 338 (iv) of 1949,⁹ resolution 2145 (xxi) of 1966,¹⁰ resolution 385 of 1976,¹¹ resolution 435 of 1978,¹² Chapter 12 of the South West Africa People's Organisation (Swapo) constitution,¹³ and Chapter 3 of the Namibian constitution.¹⁴ These collaboratively discussed the international status of the then South West Africa, the inalienable rights of the people of South West Africa to freedom and independence, United Nations legal responsibil-

ity over South West Africa, and the conditions to find a settlement to the war situation in the country. The leaders of Swapo should indeed be commended for their visionary approach (in anticipation) to the way forward that would be accommodating and acceptable to all sections of society. They did it through a policy of reconciliation and institutionalisation of participative democracy, by way of taking the government to the people: decentralisation.

1. POLICY OF RECONCILIATION

Although its population is small, Namibia's civil service personnel is said to number more than 4000.¹⁵ This is a result of the 1989 peaceful elections which effectively meant retaining white civil servants. Former Swapo adversaries did not lose their jobs as per a constitutional provision.¹⁶ At the same time those who were excluded, mostly blacks, were brought in, which meant a large expansion of the civil service. Reconciliation therefore remains an important key to the achievement and consolidation of democracy in the country. However, its twin sister, decentralisation, has a broader scope. It focuses on the establishment of local and regional governments, and on the operations of traditional authorities, municipalities and settlements.

When Swapo wrote Chapter 12 of its 1989 election manifesto, and insisted that the Constituent Assembly includes it in the national constitution, it became clear that once enshrined in the country's highest policy document, sharing of the government responsibilities among lower levels of administration would not be reversed. In fact, it was augmented by chapters 4, 5, 8, 12 and 13 which collaboratively articulate rules and regulations designed to facilitate broad consensual participation in the processes of government.¹⁷ A rainbow of organisations representing political parties, civic and community organisations, student groups, trade unions and the public at large are indeed benefiting from these constitutional provisions. In particular Chapter three succinctly articulates human rights, effectively facilitating uninhibited mass participation in political democratic processes.

2. LOCAL AND REGIONAL ADMINISTRATIONS

Local administration in Namibia today is as much an integral part of central government as

were the ethnic-based 11 local governments of the pre-independence time. Article 102 of the constitution provided the spirit for the scope and purpose of the Regional Authority Act 22 and Local Authority Act 23. These provided for the establishment of regional and local councils respectively. All were passed and enacted in 1992. However, it remained for the Electoral Act 24, also of 1992, to articulate the *modus operandi* for the elections, and the elected officers tenure of office.¹⁸

3. TRADITIONAL AUTHORITIES

Another important aspect of taking government to the people through decentralisation is the inclusion of traditional authorities. The Traditional Authority Act 17 of 1995 took cognisance of that need.¹⁹ The instrument established the fourth layer of government.

4. OPERATIONAL LINKAGES

The decentralisation process in Namibia was intentionally designed to be spearheaded by the Ministry of Regional, Local Government and Housing. Nationally it is coordinated by the Office of the Prime Minister.

5. THE ROLE OF CABINET

Naturally, Cabinet dominates National Assembly debates. It initiates, plays a leading role in discussions, and finalises and formalises policies. To ensure smooth policy implementation and to prevent duplication of activities, effective planning becomes a necessity for the purposes of harmonising the national developmental planning process. To that end, the government established the National Planning Commission (NPC),²⁰ and made it the principal actor for rationalising national developmental priorities.²¹

It coordinates the entire planning process by assisting sectoral decision making in an effort to prevent redundancy and contradictions, due to the multiplicity of ministerial programmes taking place at the same time.

A clear link between the ministries and regional councils also exists. The issuance of Cabinet Instruction 10/1 (C1.10/1) which calls on all ministries to place their functionaries in the regions under the authority of regional councils seems to consolidate the linkage.

At the lowest level of the ladder is the link between central government and settlement

areas. Since settlements can grow to become local authorities, there is need for central government to keep tracking the developments at each settlement. Once the relevant information is communicated to the NPC, the settlement's project requirements are included on the national priority list.

The link between central government and local authorities is simplest in the sense that it focuses on the programme and not on the need for financial assistance from government. The traditional authorities also link up with central government, particularly on matters of culture, administration of subventions, and financial management. The authorities were established by the Traditional Authority Act 17 of 1995. Following the promulgation of the Council of Traditional Leaders in 1997, the scene had been set for the implementation of the empowerment of democratically elected local authorities in rural areas.²²

The formulation and implementation of the decentralisation policy in Namibia is a clear attestation of "an overriding preoccupation of the Namibian state and government: the extension of democracy to the people of Namibia to whom it has been unjustly denied for so long".²³ The policy comprehensively articulates the programmes for, and value of, political processes and the pivotal nature of macro-economics and prudent fiscal policy management.²⁴

6. FREE PRESS

The Prime Minister of the Republic of Namibia is on record as telling the news media that they can write anything on everything without fear of being arrested (as long as they do not violate individual rights entrenched in the constitution). Consequently, Namibia is a shining example of respecting the role of the press in development. No journalist has been harassed by government for what s/he wrote.

Furthermore, the government has allowed the creation of an "Open Talk Show" on the radio. There are no holds barred to what any caller can comment on, criticise, suggest or express as long as s/he does not use abusive language. Many refer to it as an "open parliament". It is indeed consolidation of democracy in practice.

7. BEYOND THE WALLS OF PARLIAMENT

The launching of the SADC Parliamentary

Forum in Namibia in October 1993²⁵ is yet further proof of Namibia's commitment to consolidating democracy in the region. As observed by the then Minister of Fisheries and Marine Resources of Namibia, Hon. Helmut Angula, SADCC had failed "to mass organisations and legislatures into the mainstream of regional cooperation".²⁶ Commenting on the SADC Treaty signed in August 1992, the Speaker of the National Assembly Dr. Mose Tjitendero stated: "there is a conspicuous absence of the role of elected representatives of the member states".²⁷ Therefore, as Minister Angula later said:

"The establishment of a SADC Parliamentary Forum, is an indication of our strong commitment to boldly tackle setbacks that our organisation has been experiencing in the pursuit of the noble objective of regional cooperation and integration, an

effort aimed at attaining economic democracy and independence."

CONCLUSION

In the opinion of Michael Parenti, "democracy is a process encompassed in party elections and parliamentarism, functioning with presumably meaningful substantive effect regardless of the immense inequalities in wealth and power".²⁹ Its consolidation should unquestionably depend on tolerance for dissenting opinion, encouragement of self-expression, existence of opposition parties, and broad participation in the political processes. After all, "society is a moral community, a collectivity of people who share certain values, which legitimise the inequalities of social organisation and cause people to accept them as morally justified".³⁰ The prevailing political environment in Namibia could not be better described.

ENDNOTES

- 1) Namibia. *The Constitution of the Republic Namibia*, 1990.
- 2) Ibid., pp. 19-20.
- 3) Ibid., p. 24.
- 4) Zimbabwe. *Constitution of Zimbabwe*, Revised Edition, 1996. p. 18.
- 5) Ibid., 21, 38.
- 6) Zimbabwe Parliament. *Strengthening Parliamentary Democracy in Zimbabwe*. Vol 1. 1998.
- 7) Ibid.
- 8) Forum. *SADC Parliamentary Forum: The Windhoek Initiative*, AWEPA, 1993.
- 9) Alfred Moleah. *Namibia: The Struggle for Liberation*. Wilmington, Delaware: DISA Press, Inc., 1983, pp. 135-136.
- 10) Ibid., pp. 141-142.
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- 13) Ministry RLGH, *Decentralisation, Development and Democracy: A Decentralisation Policy for the Republic of Namibia*, 1997.
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- 18) The Government, *Government Gazette*, Notice No. 115, 1992.

- 19) Ministry RLGH, op cit., p 66.
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 21) Ibid., p. 19.
 22) Ministry RLGH, *A Decentralisation Policy for the Republic of Namibia*, Vol 1, Sept. 1997. p. 34.
 23) Ministry RLGH, op cit., p. 9.
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 27) *Forum*, p. 8.
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The Silent Revolution: the Aids Pandemic and the Military in South Africa*

Robert Shell

ABSTRACT

The author explores the importance of the siting of military bases in the primary transmission chain of the HIV/AIDS pandemic in Southern Africa. After reviewing the African comparative literature and attempting a history of the South African military policy to HIV/AIDS, he focuses on two urban regions with military bases. Since the Eastern Cape blood transfusion services only screened blood for HIV in 1988, it is conjectured that the blood supply played an important part in making the pandemic heterosexual. New case-level HIV/AIDS and new mortality data from these regions are used to shed light on the variant rapidity of the spread in certain communities. While traditional vectors – such as truck routes – are common to communities with or without military bases, this new hypothesis of the Trojan Horse army base provides urgent cues for both advocacy and counselling intervention.

INTRODUCTION

Trucks, monkeys and migrant labour are currently the most popular suspected African vectors of transmission of the HIV/AIDS pandemic, at least in the living rooms of middle class South Africa. While municipal authorities continue to suspect in-migration from rural areas as the most obvious – even time-honoured – origin of all their health problems including

*The financial assistance of the National Research Foundation towards the research of the PRU is acknowledged. Opinions expressed in this paper and conclusions arrived at, are those of the author and are not necessarily to be attributed to the NRF (formerly Centre for Science Development).

HIV/AIDS, it is quite conceivable that at least some HIV/AIDS vectors might have been internal, i.e. virtually embedded in South African communities near South African Defence Force (SADF) military installations from near the inception of the epidemic in the early 1980s and conceivably, even earlier. One of the main reasons HIV/AIDS has spread so rapidly in Africa is that the continent has been embroiled in twenty years of intermittent military violence in diverse regions such as Angola, Burundi, Congo, Eritrea, Ethiopia, Liberia, Moçambique, Namibia, Rwanda, Somalia, South Africa, Sudan, Uganda and Zimbabwe. War creates the perfect conditions for the transmission of HIV (Van der Vliet, 1996: 81) and war is one of Africa's major businesses.

1. REVIEW OF THE COMPARATIVE LITERATURE

Ever since Raymond L. Humphries, an HIV positive soldier at Fort Benning, Georgia, USA, knowingly made several women positive through consensual sodomy and vaginal intercourse and boasted at his court martial to having had unprotected sex with "at least" eight women after his HIV test, American researchers have been rivetted by the military impact on HIV transmission and the culture which prompts such behaviour (Anon., 1998:4). However, the military base hypothesis appears to be new to South African HIV/AIDS researchers but to no others (Lasky et al., 1997; Smallman-Raynor and Cliff 1991; Torres-Anjel, 1992; Webb, 1997). For rhetorical purposes the conjecture that HIV/AIDS is spread by military bases has been termed the Trojan Horse hypothesis.

1.1 Liberia

Military bases in African civil wars are known to have been instrumental in spreading the epidemic. Even peacekeeping missions were guilty. For example, from 1989 to 1995 Liberia had been in a state of civil war. Monrovia, the capital, fell within an area protected by foreign troops. A "Save the Children" research initiative was launched in 1994 due to concern over increasing HIV/AIDS prevalence in the town and that hundreds of women and young girls were involved in sex work with military personnel (Elliott 1996: 254).

Focus group discussions were held with small groups of girls between the ages of twelve and nineteen involved in sex work. There were seven girls to a group. Group discussions were followed up with individual interviews. Interviews were also held with military personnel. However, it was difficult to encourage military personnel to discuss the issue of child prostitution and the number of responses received were limited. All of the girls interviewed recalled that they had had their first sexual experience between the ages of ten and thirteen years and were thereby unlikely to be screened for HIV in traditional antenatal clinic surveillance systems which target fully fecund, indeed only childbearing, women.

Pre-menarche Liberian girls received gifts in the form of cash, food items and material rewards in return for sexual relations with military personnel. Younger girls demanded less in return for sex work than older girls, who demanded money rather than goods. The majority of the girls in child sex work were involved for economic necessity in the absence of any other capacity or opportunities to earn income. Many girls supported families. Some girls had their own children to care for and needed the money for the motherhood for which they were often unprepared. Girls had a very low awareness concerning HIV transmission and prevention. Many believed that condoms caused cancer of the vagina or that condoms would be caught internally. Many of the girls interviewed had been raped during their time as child prostitutes and some endured sexual episodes involving two to five men at once. Military personnel were often resistant to condom use and complained about the irksome latex preventing flesh-to-flesh contact. Other soldiers of other nationalities remained suspicious of their use.

Medical officers of the Ugandan contingent of the troops in Liberia were aware of HIV/AIDS and advocated condom distribution.

It proved difficult to interview the Liberian military on child prostitution, a pattern familiar in South Africa. However, secondary sources indicated that even foreign troops took advantage of the extreme poverty of women and girls in the local setting and ruthlessly exploited their vulnerable economic situations for sex. The soldiers preferred using child prostitutes as they were less demanding with little or no responsibility and they would take whatever was given to them in return for sex. The use of young girls for sex is also seen as a means of avoiding HIV infection. Here one must remember the wide belief of the virgin cure myth in some populations, a belief which predates the HIV/AIDS pandemic (Shell, 1998: 29-30).

Sporadic violence is still endemic in Liberia. Moreover, foreign troops are involved frequently in emergency situations. The author grimly concluded that urgent policy recommendations were needed to ensure that international and local military personnel obtained mandatory training on the United Nations (UN) Conventions on the Rights of the Child and education on HIV/AIDS/STD (sexually transmitted disease) prevention (Elliott, 1996: 254).

1.2 Uganda

In a classic paper, Smallman-Raynor and Cliff demonstrated, for the first time using scientific data, that the classic association of war and disease substantially accounts for the observed geographical distribution of reported clinical HIV/AIDS cases in Uganda (Smallman-Raynor, 1991). The authors demonstrate using regression analyses that both the spread of HIV infection in the 1980s, and the subsequent development of AIDS to its 1990 spatial pattern, were significantly and positively correlated with ethnic patterns of recruitment into the Ugandan National Liberation Army (UNLA) after the overthrow of Idi Amin some ten years earlier in 1979.

Their study assumes the estimated mean incubation period of 8 to 10 years for HIV. Their study underlines the need for cognisance of historical factors which may have influenced current patterns of AIDS seen in Southern Africa. The findings may also have important implications for AIDS forecasting and control

in Southern African countries which have recently experienced war. The results were specifically compared with parallel analyses of other HIV hypotheses such as the truck vectors, traditionally advanced to account for the reported geographical distribution of AIDS in Uganda (Smallman-Taylor, 1991:70-71).

There has also been a subsequent study of the effects of mass demobilisation of Ugandan troops which revealed devastating results for the rural areas where the demobilised HIV positive soldiers retired (Ogen and Loy, 1996:473). About 50 000 UPDF (Uganda People's Defence Forces) soldiers have been demobilised, some of them because they were PLWAs (People Living with AIDS). Many of the soldiers with HIV/AIDS have been retrenched from the army over the past two years and returned to their home villages. Positive sero status was a major criterion for demobilisation. However, hardly any counselling was undertaken to prepare these demobilised soldiers how to avoid high risk behaviour as they reintegrated into civilian society.

What are the implications in terms of the spread of HIV/AIDS in Uganda? There are now understandable fears that this may accelerate the spread of HIV/AIDS in rural areas to where most of the demobilised soldiers return. Considering the high incidence of HIV/AIDS in the Ugandan military and the UN determination that a soldier's sero status is a major consideration in being demobilised or mustered out, there is urgent need to prepare soldiers for demobilisation and a return to civilian life. This applies not only to Uganda, but to all other parts of Africa such as Angola, Namibia and South Africa where demobilisation is taking place. The South African military do not demobilise PLWAs but rather "muster them out", i.e. no further combat and no crossing of international borders. This has had the effect of South African military personnel not being anxious to undergo on-base testing.

1.3 Angola

Angola has been a country cursed with continuous civil wars since its colonial occupation by the Portuguese in the 15th century. Even in pre-colonial times in the Northern Congo kingdom there is evidence that the area was engulfed in war during the first European contacts. Moreover, the country was probably the most

heavily slaved area in the world. Its three horizontal unlinked railway lines into the interior were built on the old slave trade routes and testify to the continuity of extractive exploitation even during periods of sporadic colonial modernisation. The littoral is characterised by the relics of the wealth of settler domination and a mulatto class while the interior is heavily populated by unmixed African groups. The south-eastern interior is where the diamonds lie while the coastline is dominated by seagoing derricks pumping out crude oil from the seabeds. Broadly speaking, the oil corporations sustain the MPLA while the diamond cartel, De Beers, supports Jonas Savimbi's group in the vast south-eastern quadrant.

When South African troops invaded Angola in 1975, the situation worsened. South African security began to be tied up with Angola's future. When the "Revolution of the Carnations" in Lisbon in 1974 took the South African military intelligentsia by surprise, the South African military quickly moved in with troops and mobile 155 mm howitzers. As Annette Seegers points out, the Portuguese revolution was a gift to the South West Africa People's Organisation (SWAPO) who after 1974 did not have to go through Portuguese lines to get to Ovamboland (Seegers, 1996: 210).

Up to that point, Angola had also been a focus area in the cold war. The United Soviet Socialist Republic (USSR) had supported the coastal MPLA while the Central Intelligence Agency supported the FNLA in the north, and mainland China (and others) supported Savimbi in the south. The USSR believed the South Africans' incursions were being encouraged by the United States (US) and, not to be outdone, sent in their own puppets (Seegers, 1990: 211). Nearly 500 000 Cuban troops (almost as many as the 580 000 the US had sent to Vietnam) arrived through Luanda airport. By the time the last Cuban soldiers had left in 1992, some thought the situation would stabilise and even improve, but it worsened. The simplification of interests did not lead to a resolution of issues. After 1994 the oil corporations and the diamond cartel, De Beers, began to slug it out with the help of ex-South African mercenaries, a horrible example of what free market corporate capitalism does when the developed world is no longer interested for ideological reasons.

Corporate greed, not the dictates of the cold war, now dominates the Angolan landscape. There was a rush to acquire control of Angola's remaining undersea and underground wealth. The people of Angola have not yet emerged from their multiple ordeals and, not surprisingly, are demoralised and dispirited, the perfect breeding ground for the silent epidemic.

It is little wonder then that the country has so little HIV surveillance. The various UNAIDS fact sheets on Angola are virtually empty – serial columns of white space interspersed by boiler-plated paragraphs. These are preceded by a suspicious, indeed unbelievably low, national prevalence of 2.12% (UNAIDS, 1999:3). There is no article on HIV prevalence in the area north of Ovamboland and south of Luanda in any literature that this author could find on Popline.

The suspicion of high southern Angolan prevalence is based on

- the length and ferocity of war there since 1961
- the HIV rate of returning Cuban veterans
- the low rate of returning Portuguese colonists after 1975 and
- the extremely high HIV prevalence in Katimo Mulilo, the SADF headquarters in the Caprivi Strip, that long appendix of land abutting southern Angola, Botswana, Zambia and Zimbabwe (*see map*).

The Caprivi strip is a busy international corri-

dor of refugees, returning exiles, military personnel of all nations, migrant workers and probably the most important single geographical node of HIV/AIDS transmission in Southern Africa, definitely one of the world's AIDS hot spots.

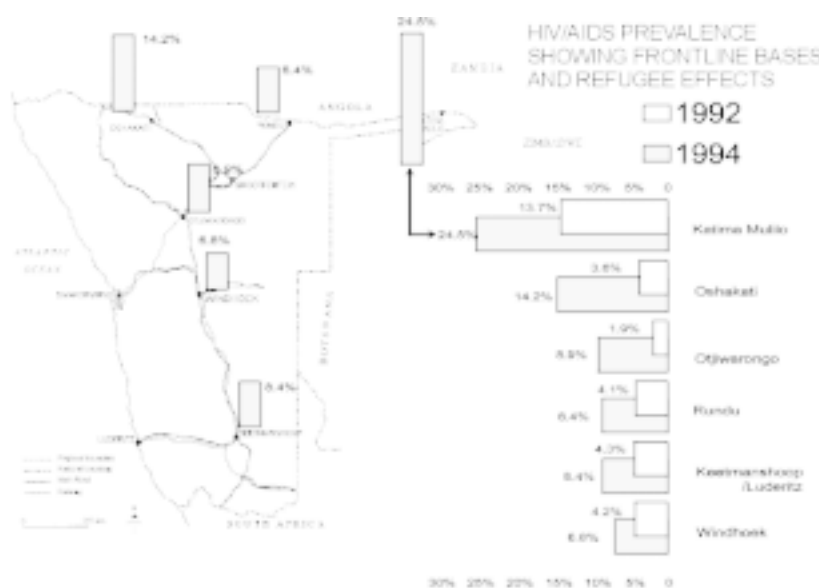
1.3.1 Angola and Cuba's forces

The best fix we have on Angolan sero prevalence is the HIV rate of Cuban veterans returning from the Angolan killing fields (1976-1992). But then one immediately has to confront the denominator; how many Cubans were in Angola? The 500 000 figure has been debated. South African sources are inclined to suggest that there were only 50 000 Cuban military in Angola (Scheper-Hughes, 1993:1426).

When Cuba received its military personnel back from those areas in southern Angola where European and African South Africans had also served since 1975, all were tested and according to Cuban authorities "a large number" were found seropositive. No more exact figures have ever emerged from the Cuban government. Consequently, remote sensing of Cuban positives is a debate on its own depending on whether you live in Cuba or Miami.

The UNAIDS estimates of Cuba do reveal one anomalous demographic characteristic namely a high sex composition of 298 males per 100 females which is consistent with an all male army returning from an HIV region (UNAIDS, 1998:6).

However, a high concentration of male homosexuals might also partly explain this. However, other neighbouring Hispanic Caribbean cultures (e.g. Puerto Rico and the Dominican Republic) do not reveal such a pattern and it therefore seems more likely to attribute the Cuban sex composition pattern to the male Cuban personnel returning from Angola. The Cuban population pyramid may be regarded as a classic



Cuba's AIDS population: Angolan veterans



arrested Trojan Horse pattern.

Cuba has always enjoyed a long preventative health tradition but also has an ambiguous human rights history. For example, the island was the birthplace of the concentration camp. The *concentrados* were introduced in 1895 by the Spanish military to settle rebellious freed slaves, the concept then being adopted and adapted in the Anglo-Boer War (1899-1902) by the British and then finally perfected by the Germans in World War Two. These two traditions seemed to mesh in Cuba's response to HIV/AIDS with the result that all HIV positives were quarantined in the famous (if you live in Cuba), or infamous (if you live in Miami), *Sanitorios* with approved positives being allowed to go out with an approved partner after six months' intensive training, counselling and surveillance of all sexual behaviour. The inmates are, however, treated with exemplary care (Scheper-Hughes, 1993: 965-967, 942; de Gordon, et al., 1993:1426).

1.4 Namibia

Northern Namibia in the area formerly termed Ovamboland has been particularly ravaged both by the military and HIV. The Ovambo people straddle an international boundary, the Cunene River. Their land has been the site of the stamping ground for the SADF's offensive against SWAPO and also against the Cuban presence in Angola and a staging ground for supporting Savimbi's UNITA. From the mid 1970s the region has been completely transformed by Operation Savannah and the assumption of

hegemony by Special Forces (Spestake).

Douglas Webb, now working for the Save the Children Fund, found that in northern Namibia HIV prevalence was related to proximity to military bases rather than proximity to trucking routes (Webb, 1997:101-108). The most prominent anomalies are those of Ruacana and Eenhana, which are both small military stations. The traffic density was not significant, but the HIV:hepatitis B ratio was moderately

high (1:4 and 1:2 respectively). This clustering of HIV at Ruacana and Eenhana was primarily due to the military bases, where HIV prevalence among blood donors was far higher than in the surrounding population. Sexual relations between the soldiers and students at the local secondary schools – just as in the Liberian case cited above and in Grahamstown, below – probably caused the HIV prevalence to be higher at the schools than expected.

HIV prevalence among blood donors at the secondary school in Ruacana was 3.4% (n=59) in 1993. Ruacana was where Eugene de Kock was stationed in 1977 (Pauw, 1997:37), while at Ombalantu secondary school, approximately 80 kilometres southwards along the main road, HIV prevalence stood at 1.7% (n=174). At Eenhana, the Haimbili secondary school had an HIV prevalence of 4.3% and a HIV:hepatitis B ratio of 1:2 (n=46), well above the area average. This clustering was probably due to the military base, as the settlement is relatively isolated from the main road network and had a low local traffic density of 120 vehicles per day. As Webb points out, the four military bases in the region, of which Ondangwa and Oshakati are the largest, form the nuclei of clearly defined HIV clusters in themselves. The location of these bases reflects the strategic requirements of the SADF during the 1970s and 1980s.

What Webb could not know is that these areas were the same areas where 200 Inkatha Freedom Party (IFP) cadres were trained in the 1980s and early 1990s to destabilise KwaZulu-Natal (Webb was writing before the revelations

of the South African Truth and Reconciliation Commission [TRC]). Why the IFP forces were trained in that operational area is unknown but the fact remains then that those 200 military personnel lived and trained in one of the highest prevalence HIV zones in Africa. This was also the zone in which the notorious Eugene De Kock was based before being posted to Vlakplaas, his job was to command a unit of Koevoet and, it has also emerged, to train the IFP cadres; during his tour he personally killed 550 SWAPO guerrillas (Pauw, 1997:30-31, 37-41). Northern Namibia (including the Caprivi) – as can be seen in the accompanying graphic – was an essential node in the pre-1994 transmission vectors into the whole of South Africa.

2. CHANGING VECTORS FOLLOWING THE RETURN OF CADRES FROM CENTRAL AFRICA

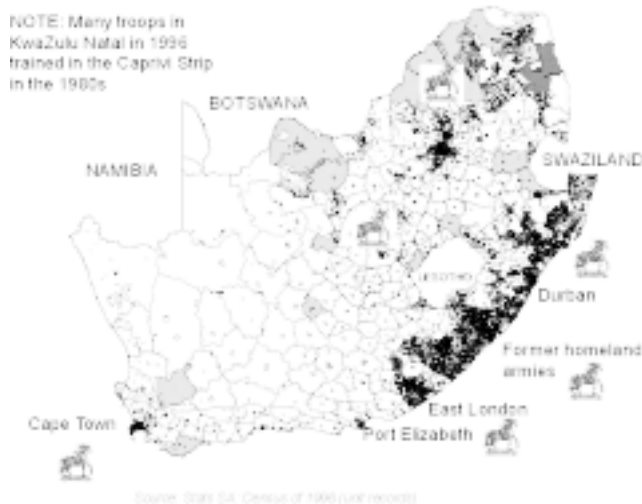
Possibly, returning cadres who had served in central Africa and elsewhere on the continent during the struggle before 1994 contracted HIV there (the various homeland armies, Ciskei, Transkei, etc. were also incorporated into the South African National Defence Force (SANDF) at this time, but they were probably not infected). When discussions were being held on the integration of the defence force, it was agreed by the (African National Congress) ANC that there would be no testing of incoming personnel. This followed a revelation by Prison Services public relations director Brigadier Erica van Zyl who claimed that seven of the “security prisoners” at Pollsmoor were HIV positive. An unnamed “senior” ANC spokeswomen claimed that the ANC were “absolutely opposed” to the compulsory testing of exiles (*Cape Times*, 1990). This became a sensitive political issue and it was agreed that there would be no testing, a tragic and conceivable catastrophic watershed event for the history of AIDS in South Africa. A month later, a journal entitled *Armed Forces* ran an article by Dr Steven Hatfill which pointed out that since the US military tested recruits so should South African (Hatfield, 1990:9-10).

Further, the UN has stipulated that troops who cross borders, or who are involved in combat, cannot be HIV positive. This is an international law. Compliance would imply that mandatory testing would have to be done for every member of every defence force in the world. This testing has not occurred in South

Africa for political reasons (alluded to above) but most of all since career soldiers fear being “mustered out”, i.e. taken out of combat roles and especially not chosen for the favoured pool of soldiers who will see combat service in another country. The SANDF – to its credit – does not discharge any people who are seropositive but are obliged to withdraw people with HIV from combat roles. Of the 9000 recruits chosen to go to Lesotho only 2000 were free to go.

Once South African veterans returned to their home country and were incorporated into the new SANDF, they were distributed all over the country and thereby became an almost perfectly randomly distributed set of sites for the incipient epidemic between 1992 and 1994. Recruits who were called up on national service simply returned to their homes. South African HIV researchers are seemingly unaware of the potential of HIV/AIDS in their defence forces.

The trojan horse factor: population living in SA military and police barracks in 1996



2.1 The installation of the heterosexual pandemic

If there had been any testing, the HIV pandemic might have been arrested as it was in Cuba. As it happened there was no testing. To make matters worse, the blood transfusion services went on in their time-honoured way of seeking their donated blood from among other institutions, military establishments. This was after the demobilisation of the Angolan war effort.

According to the recollection of Dr Santos, who heads up the Blood Transfusion Services in Port Elizabeth, it was the military who requested to withdraw from the arrangement in 1985. HIV screening of the blood supply – according to Dr Etienne du Plessis, the pioneer of HIV/AIDS data collection in the Eastern Cape and director of Health Services in Port Elizabeth – only began in 1988. Thus, the blood supply of the Eastern Cape was wide open to HIV contamination for almost a decade after the first Angolan incursions by South African troops.

Donated blood and blood products serve many clients. One thinks immediately of trauma victims, victims of automobile accidents and gunshot wounds, but by far the largest group of recipients are pregnant women. The unscreened blood supply before 1988 was therefore probably an important vector in helping turn the homosexual epidemic into a heterosexual pandemic.

2.2 Suspected infection vectors within South Africa before 1994

The following plan which was never brought up in any TRC court illustrates the views of extremists within the security forces with respect to HIV and AIDS. Eugene de Kock, Willie Nortje and Brood van Heerden are well-known to most South African television audiences. The reconstruction of the following events is based on separate affidavits signed in Denmark by Willie Nortje and Brood van Heerden for Idasa (Pauw 1997: 70-1, 77).

In 1990, four askaris were diagnosed as being HIV positive or suffering from AIDS. Willie Nortje claimed they had become “a problem” because the other askaris would not drive with them or use the same facilities. Eugene de Kock devised a plan: he instructed Brood van Heerden – who by then had left Vlakplaas and was working for a banking group – to find “work” for them in Johannesburg. Van Heerden persuaded the manager of the Chelsea and Little Roseneath Hotels in Hillbrow to employ the infected askaris as security guards. The manager did not know they had AIDS. The four askaris, Ydam, Stretcher, Sebole and Vietnam, were still members of Vlakplaas and were paid by the unit. “De Kock instructed them to infect black prostitutes in the area with AIDS,” says Nortje, who “handled” the men and visited them frequently (Pauw, 1997:70-1).

“I had to organise for the askaris to get work as security guards at the hotels, but the real reason was so that they could spread AIDS among the prostitutes,” says Van Heerden. Nortje says the arrangement did not last long as they were not “disciplined” enough, whatever that meant.

But De Kock, successfully cultivating the halo of the antihero, now prides himself on having always told the truth when appearing before the TRC. Consequently, he now has more credibility than his henchmen. For example, De Kock claimed it was simply a “lie” that he had ever instructed Nortje and Van Heerden to effect such a plan. De Kock’s denial is ingenious: “It is a known fact that the most regular clients of black prostitutes are white men. I wouldn’t have achieved anything by infecting prostitutes.” De Kock stressed that he was “never a racist” and in mitigation he claimed that he had had his askaris regularly tested for AIDS and had demanded good medical treatment for those who were infected – implying that others had not. Such fastidiousness and care was not restricted to simply testing his askaris but extended to being a buddy in the field of operations. For example, he told Jacques Pauw how he carried a wounded AIDS-infected askari out of Swaziland and personally gave him emergency medical treatment. De Kock said he was afterwards covered with blood and even had to wash it out of his mouth (Pauw, 1997: 70-71).

De Kock admitted that “it was not impossible” that Van Heerden could have concocted such a plan, as he was “a hardened racist,” but why Nortje would lie about it, he was unable to explain. Whatever the truth of this astounding allegation – which should receive much more national attention – it would appear that at an early stage of the South African pandemic, some security personnel themselves were thinking in terms of their own Trojan Horse, presumably not just “following orders”. The case has now come before the TRC, but the hearing keeps getting postponed.

APARTHEID FORCES SPREAD AIDS
Mail and Guardian
 BRONWEN ROBERTS,
 JOHANNESBURG, FRIDAY 12 NOVEMBER 1999
 9.30AM.
 TWO apartheid-era security officers have
 asked the Truth and Reconciliation

Commission for amnesty for their part in the use of askaris to spread AIDS in 1990, the TRC said on Thursday.

They have implicated four of their former colleagues and four askaris from the ANC and Pan African Congress.

The applicants, Willie Nortje and Andries van Heerden, will appear before the commission's amnesty committee next week. They were Vlakplaas operatives and worked for the new government's National Intelligence Agency after apartheid ended in 1994.

"The askaris who had AIDS were used to spread the disease by infecting prostitutes in two Hillbrow hotels, the Chelsea and Little Rose, in May 1990," the commission said in a statement.

One of those implicated is apartheid assassin Eugene de Kock, who is serving a 262-year sentence for crimes he committed while head of Vlakplaas.

De Kock is seeking amnesty for more than 100 incidents of murder, torture and fraud. – AFP

Nor is this a simple horror anecdote. Anyone familiar with HIV/AIDS component projection models knows that one of the inputs is the small number of seed individuals needed at the outset of an HIV epidemic. For purposes of illustration, an AIDS component model seeded with four positive askaris and four commercial sex workers in 1985 into an HIV-free population of 1 million with the following assumptions: 43% of the 1 million are not at risk and the population has low in-migration (*see Table 1 for assumptions*). The accompanying figure is an ogive, the accumulated AIDS deaths. In the

Askari model the total number of AIDS deaths by the year 2021 could be 365 788. That is the havoc Ydam, Stretcher, Sebole and Vietnam could still wreak.

2.3 The Eastern Cape

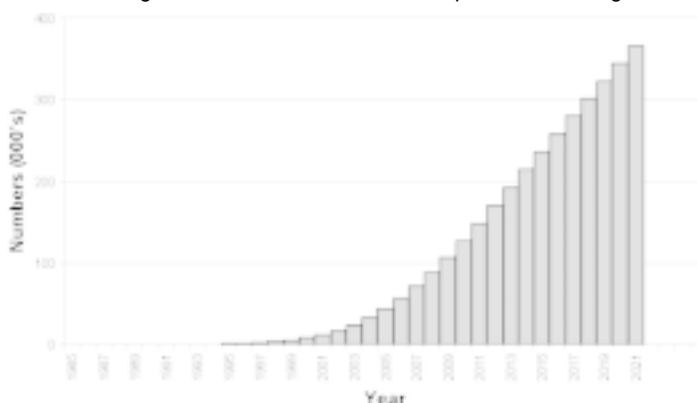
Jacklyn Cock, a prominent feminist sociologist, writing on the SADF in 1991, does not mention the HIV/AIDS epidemic. However, her book lays bare the machismo of South African defence force personnel and may still be considered a useful exposé of the sexist culture among army personnel before 1994 (Cock, 1991: passim). Machismo must be considered in its own right as an important attitudinal vector of HIV/AIDS, and, of course, of any sexually transmitted infection.

One traumatic anecdote from Cock's work on the Eastern Cape armed forces may serve to set the *mis a scène* for that province:

Lena _____ (now deceased) did not know her age, but at the time she made the following sworn statement she was estimated to be in her seventies. She has eight children and many grandchildren who are in high school.

I live with my husband at _____ Street, Lingelihle (the African township) in Cradock. On Saturday 3 August 1985 I saw two vehicles patrolling the streets around my house. I think they are called Hippos. In the late evening I walked to a relative's home. I was alone. A Hippo drove up behind me and stopped. Two white soldiers jumped out. One said, "Here walks a bitch, alone at night, probably looking for a man. We'll help her." The words were spoken in Afrikaans. One soldier lifted me by my shoulders and one by my ankles. I struggled and said, "Where are you taking me?" The same soldier said, "You'll see." There were other soldiers in the Hippo, but I don't know how many. The Hippo drove to the national road and went towards Port Elizabeth. The soldiers did not speak or interfere with me, but the same two held me. A few kilometres away the Hippo stopped. The one soldier jumped out and the other pushed me out. The two soldiers lifted me

The Askari ogive: accumulated AIDS deaths up to and including 2021



over the fence and climbed over. The Hippo drove in the same direction. I can identify the spot. The two soldiers were very young. The one held my arms while the other lifted my dress and removed my slip and panties. I said, "What are you doing children?" The one replied 'Ons gaan jou naai. As jy nie wil, gaan ons jou doodmaak [We are going to fuck you. If you don't we'll kill you]. They then pushed me down with my hips on a big stone. The one soldier held my arms over my head on the ground. The other soldier (who had done all the talking) raped me. He was very rough *and I was bleeding* when he finished. The other said, 'Maak gou! Ek is haastig. Ek wil ook naai [Hurry up. I'm in a hurry. I also want to fuck]. The two men switched positions. The one held my hands over my head. The other raped me. He was also rough. The two soldiers then walked away towards the road, but more towards Port Elizabeth than direct. The first soldier asked me, 'Sal jy vir ons ken?' [Will you recognise us?]. I said, 'Ek sal nie vir julle ken.' [I will not recognise you]. I pulled my dress down, left my slip and panties and walked to Michalsdal [*emphasis added*] (Cock, 1991: 215-21).

On the following Monday Lena went to the police station:

I saw one coloured and one black security policeman together, and I told them the story in Xhosa. They recorded the facts and asked questions. I was not asked to sign anything. They asked if I knew the soldiers or the Hippo number. They said they would contact me, and have not done so (Cock, 1991: 215-21).

According to a confidential interview with Lena's daughter the old lady succumbed to HIV/AIDS, a ravaging illness and died.

Rape is only one, albeit an important and dramatic vector of heterosexual transmission. It is conjectured on the basis of cases elsewhere in Liberia and Uganda, that returning veterans – among whom were many heroes – all with assured state employment would appear as most admirable suitors to any impressionable young, poor woman consulting her nuptial options. Further research is needed but some local anecdotal evidence lends some weight to this hypothesis. A conversation with a high school teacher in Grahamstown revealed that

the female learners in one school in the region talk of "nothing but the barracks." According to the same source, male army personnel routinely open charge accounts for these teenage conquests at nearby departmental stores, a phenomenon similar to the Liberian model (supra, page 30). According to the Medical Officer of Health of Grahamstown, which has both high unemployment and a large army base (and a town bypassed by trucks), a high proportion of Friday evening casualties involve army personnel fighting over these weekend *affaires de coeurs*. Hospital personnel are specially warned of the dangers of accidental blood infection from wounds from these particular army fights.

There are several military bases in the Eastern Cape, namely Port Elizabeth (EP Command and Group 6), Grahamstown (6 SAI, Group 7), Queenstown (Group 39) and Umtata (Group 46 and 14 SAI). The Kaffrarian Rifles army unit in East London has been closed but the town is still the headquarters of Group 8.

If we look at HIV/AIDS occurrences in the PE area, two clear patterns immediately emerge: first, the trucking hypothesis may be confirmed by looking at the high prevalence adjacent to the truck stop in the diagram.

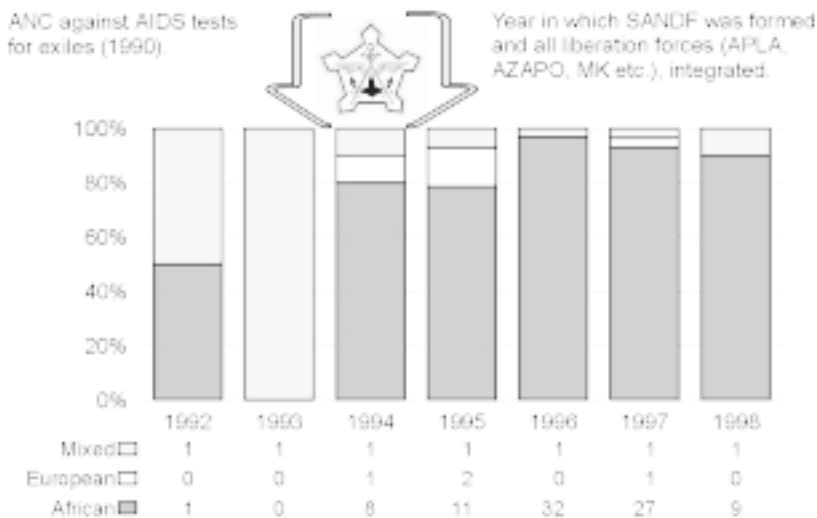
Port Elizabeth



Second, one may discern bubbles of infection next to the main military establishment which is clearly not on the national road or even near it.

There seems to be a double peak (1992,1994-

Surface chart of HIV positive military personnel over time in EC



Sources: AITCC data for Region A; Grahamstown MOH; Cape Times, 31 Aug 1990

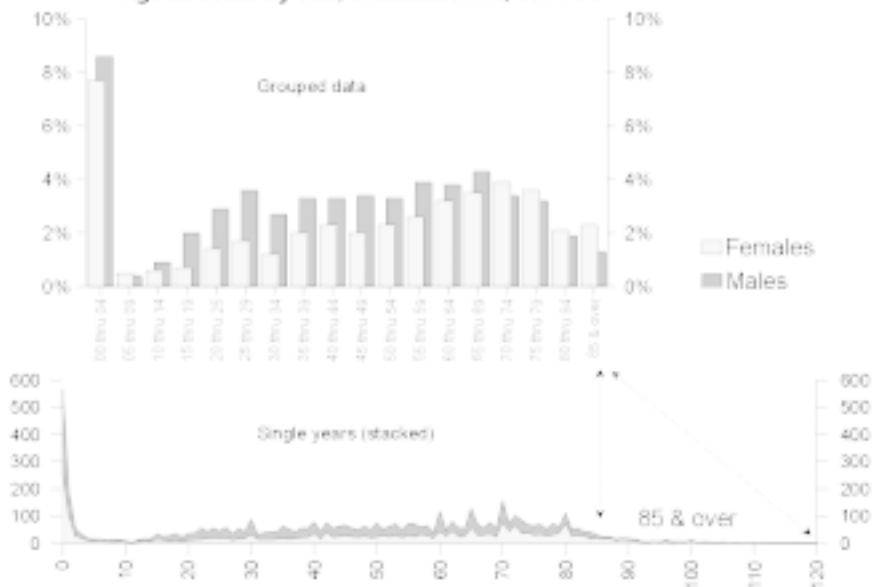
5) in the accompanying surface chart, suggesting that the military and police were already infected and then, after 1994, were again infected, possibly following the incorporation of liberation group cadres in the integration of the SANDF. One should particularly note the high proportion among the small number of the early cases.

2.4 Grahamstown mortality

Ms Smons Qaga has assiduously collected 7179 mortality cases from the Home Affairs offices in Grahamstown for the Population Research Unit as part of her dissertation. The fruits of her work are displayed in the following comparative graphic. Her results are consistent with the high mortality in working age groups associat-



Age at death by sex, Grahamstown, 1975-98

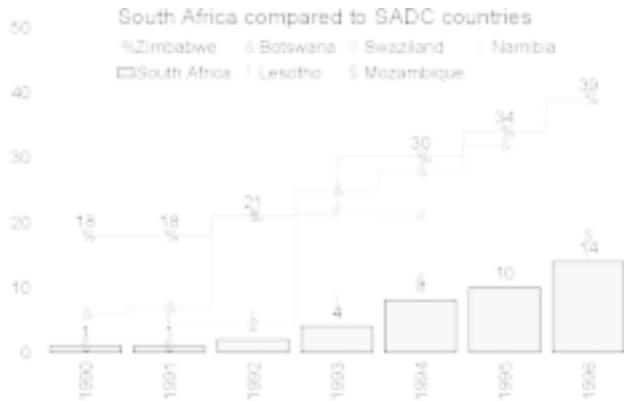


Sources: Grahamstown TLC and funeral homes

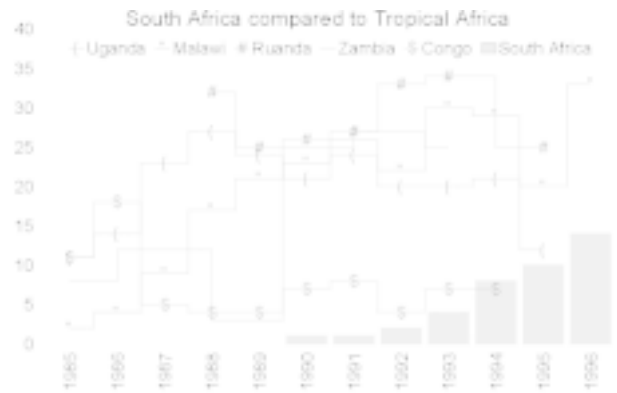
ed with the HIV epidemic. There are many implications for a study such as this. The first is that targeted intervention within South Africa is made easier. There are, of course, other implications about national security. SANDF forces are better off than their neighbours in terms of HIV/AIDS, but the South African forces are quickly catching up as one can see in the accompanying diagrams. The situation seems fraught with insecurity.

CONCLUSIONS

While AIDS continues to spread throughout the country with literally nothing to stop it, South African researchers seem oblivious, even resistant, to the military epidemiology. Yet nobody has presented a convincing explanation for the pronounced regional variance in the provincial breakdowns and within provinces there seems to be an equivalent ignorance. The Trojan Horse hypothesis should be considered as a key explanatory variable in terms of the uneven spread of the epidemic in any province or sub-region. For example, a city like Umtata with several military bases would seem to be a likely candidate for high infectivity and therefore provide an opportunity for re-search, counselling and other urgent interventions.



Source: Claire Bissekier, "Africa's Military Time Bomb: SANDF's Military Readiness" Financial Mail (11 December 1998): 34-36.



Source: Claire Bissekier, "Africa's Military Time Bomb: SANDF's Military Readiness" Financial Mail (11 December 1998): 34-36.

Table 1: Assumptions of Askari model

Beginning of epidemic in RSA 1985:		Beginning of epidemic in RSA 1985:	
Initial Population (Ix), Year	1 000 000	<i>Other Assumptions</i>	<i>Value</i>
<i>Risk Group</i>	<i>% of Pop</i>	Infant AIDS mortality	0.3
CSW=commercial sex worker	1.0%	Median term to death of HIV+ (14-24)	10
STD=sexually transmitted disease	6.0%	Median term to death of HIV+ (25-34)	10
RSK	50.0%	Median term to death of HIV+ (35+)	10
NOT at risk	43.0%	Proportion of perinatal infection	0.25
TOTAL	100.0%	Proportion infected via mothers' milk	0.1
		Proportion of male births	0.507389
<i>Immigration Risk Group</i>	<i>% of Imm.</i>	Rel Male->Fem infectivity	2
CSW	1.5%	Imported infectivity (male CSW) seed	4
STD	6.0%	Imported infectivity (fem CSW) seed	4
RSK	65.0%		
NOT	27.5%		
TOTAL	100.0%		

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South Africa's Three-in-One Revolution

Allister Sparks

INTRODUCTION

I want to address what I think is the main reason why South Africa has not been given adequate credit for its performance in the five years since our first democratic election; why it continues to get a generally critical press, particularly overseas; and why so much attention is paid to what are considered areas of failure, such as the fall in the value of the rand, burgeoning unemployment and the concomitant increase in the crime rate.

This stems, I believe, from a gross underestimation of the task that has confronted the new majority government. It has been infinitely more complex and difficult than anyone imagined. For South Africa is not simply undertaking a socio-political revolution, working to democratise the modern world's most deeply entrenched system of institutionalised racism and political authoritarianism, daunting though that is in itself. It is attempting three simultaneous revolutions rolled into one.

We all know about the first revolution, from apartheid to democracy, which commands all the attention. Yet the other two get little attention, although their impact on society is actually much greater. And the fact that all three are occurring simultaneously is what is so important.

Yet I have not seen a single media commentator, or the so-called political analysts, or academics even notice the convergence of these three dramatic happenings in our country.

So let us look at these three revolutions, and at how they interact with each other to make the problem even more difficult.

Revolution No 1, of course, is the political

transformation. After 300 years of colonial segregation and 51 years of apartheid, the country was led into a negotiated settlement resulting in a non-racial, fully democratic political system with the world's most progressive democratic constitution.

This has been hailed by the world as a miracle, and rightly so. But the sheer drama of it has obscured the other two revolutions.

Revolution No 2 is the transformation of South Africa from an isolationist siege economy facing international sanctions to an economy that must compete in the global marketplace.

This is the really big one. Its socio-political impact worldwide is, I believe, only going to be fully felt in the coming century and will be greater even than that of the Industrial Revolution of the 19th century. No escape, despite Luddites.

Already the exposure South Africa has had to subject itself to, in taking the initial steps, has been traumatic.

First of all, the manufacturing sector of the old South African economy was built largely on import substitution, with local industries operating behind high protective tariff walls. It was a pattern that intensified as sanctions were imposed.

Now, to participate in the global economy we have to open up. Trade liberalisation requires that those tariff walls come down, exposing our protected industries to the cold blast of international competition. To survive they have to become more efficient, which means embarking on the tough route of downsizing, increasing productivity and investing in

more modern capital equipment. This, of course, means increasing unemployment, at least in the short- and medium-term.

Tougher still is the exposure to ruthless international currency raiders, to the hedge funds that search their computers for signs of currency weakness and which can drive down targeted currencies for their own get-hugely-rich profits. It is an Information Revolution phenomenon as well as a global market phenomenon. The two are one.

This particular global blast, as we all know, blew every single emerging economy in the world into crisis. It swept the world, from Russia and Japan, Indonesia and Malaysia, Singapore and South Korea in the east – those Asian “tigers” that were supposed to be the economic models for the developing world – to Mexico and Brazil in the west; 38% of the world’s economies were plunged into recession.

South Africa’s currency devaluations and the rise in unemployment – common to all these emerging economies – simply and simplistically get attributed to failures by the new black majority government.

In fact, South Africa did better than most in weathering the crisis. Certainly better than Brazil, the world’s current ICU patient, which is a much bigger, more sophisticated and more developed economy than ours with a much more experienced government to deal with the crisis.

Our economy has suffered, no doubt about that, and it is certainly tough to find ourselves having to cope with a R6 dollar and a R1 0 pound. But much of that too, is a trend inherited from the old regime. The rand has been shedding value steadily for 20 years, often at a considerably faster rate than now.

Now for Revolution No 3, which is just as challenging. South Africa is moving rapidly from being a primary producing economy based on agriculture and mining to becoming an export-driven economy based on manufactured goods.

The country’s gold resources are dwindling and the gold price is falling. In 1980, only 19 years ago, one-sixth of South Africa’s total production was from gold; today it is less than one-thirtieth and still falling. What’s more, it will continue to fall until somewhere around the year 2020 when the gold will be finished.

In 1980 the gold price was above \$600 a fine ounce. Today it is hovering around \$260 an ounce.

At the same time the new government is withdrawing the fat agricultural subsidies which the apartheid regime paid to its white farming constituents, many of whom are now succumbing to the hard realities of what is an arid climate in many regions, where agriculture has never really been a viable option.

So, as the old primary producing economy fades out rapidly, a new one of manufactured exports must be put in its place. And our industries are not geared to play this role. As I have already pointed out, most were geared towards import substitution. Only a handful, such as Rothmans, South African Breweries and our wine and fruit-canning industries, have been significant exporters.

Those then are the three revolutions rolled into one.

1. CONFLICTING REQUIREMENTS

What compounds the difficulty is a crippling conflict between the requirements of these simultaneous revolutions.

On the one hand the government, as a liberation movement that has just come to power, faces the political imperative of having to deliver more jobs and better pay to its constituents who have been deprived for so long – while on the other hand the harsh reality of the global market is that it leads to increased unemployment and pressure on wages, at least in the short-term. And no one knows how long or short that term is likely to be.

Even some of the developed countries of Europe are feeling this unemployment squeeze. Both Germany and France are currently experiencing unemployment at around 12%.

Looking now to the third arm of the three-in-one revolution, in seeking to make the transition from primary producer to manufacturing exporter, the government has to deal with the fact that the old economy required an abundance of cheap, unskilled labour, while the new one requires a smaller, highly skilled workforce – and the apartheid regime, as a matter of policy, prevented the black population from acquiring skills.

The purpose of the policy was, firstly, to protect white jobs, but also to attempt the Sisyphian task of reversing the relentless influx of rural

black people to the cities – to force them back into the Bantustans, which were supposed to become independent.

The result was that black people were given separate and inferior education (most in fact received no education at all). They were barred from the major universities. They were prohibited by law from doing skilled work. Until 1979 they were not allowed to join trade unions, and so they could not become apprentices. They were not allowed to form companies or even partnerships. They could not establish businesses, except simple shops selling perishable produce – and even then their trading licenses had to be renewed annually.

It must be the only instance in all history where a government deliberately, as a matter of policy, crippled the skills base of its country's working class.

Only in 1979 were black people able to join and form trade unions. And it was not until the 1980s that those crippling laws, the Job Reservation Act and the Physical Planning Act, were withdrawn and the white universities slowly opened, so that black people could start acquiring skills and gradually begin legally to do skilled work.

But education and building up a national culture of skilled workmanship takes time. Even fixing a dysfunctional education system where 60% of the teachers are themselves inadequately educated takes time.

2. POST-ELECTION POLITICAL LANDSCAPE

That being the background against which the new Mbeki Administration has to perform, let us now look at the political landscape established for it by the 1999 general election.

The first and most important thing to note is that the election was smooth, successful and peaceful. For a country which only five years ago was expected to descend into a slaughterhouse of racial and political rivalry, this is indeed a second miracle. In fact, counting the local elections of 1996, we have now had three peaceful, successful elections in those five years. In that relatively short space of time South Africa has established itself as a mature, normal democracy, where free and fair elections take place regularly, peacefully and predictably. This must be our biggest single gain in terms of international image.

What this also means is that our new democ-

atic constitution is working and by now is firmly bedded down. This is in itself a success story and must be seen as South Africa's greatest asset in terms of international image. That, in turn, I would suggest, is also its greatest protection. Despite its two-thirds majority, the government would surely be foolish to tamper with so valuable a national asset.

The second significant aspect of the election is that it marked a remarkably smooth transition of power from Nelson Mandela, the founding father of the new South Africa, to his anointed successor. Mandela's retirement after a one-term presidency is in itself remarkable; it sets an example to Africa as a whole, a continent where the trend has been to cling to power for life until overthrown by a coup.

The election result was a remarkable achievement for the African National Congress (ANC) and Mbeki personally. It is no easy task to follow in the wake of a living legend such as Mandela, yet Mbeki has done so and increased his party's majority in the process.

The increased majority was doubly remarkable, given that the ANC has fallen short on many of its 1994 election promises, that it has presided over an economic recession which sent unemployment soaring and the currency plunging, and that crime has rocketed to record proportions. For many in the black population, life is tougher now than it was before the ANC came to power.

Add to that the fact that this is a political organisation that has abandoned its popular socialist policies which it instilled in the minds of its followers over many years, and has gone instead for a business-friendly, market-based policy. While it came to power pledging to "nationalise the commanding heights of the economy," it is in fact busily privatising those state enterprises that it inherited from the old regime. Moreover, it has followed tough fiscal policies that have pushed up the unemployment rate in the interests of restructuring the economy for global competition.

All of this exposed the ANC to the danger of losing support to a more populist challenger. Yet it increased its majority, and the parties of the left – the Pan-Africanist Congress (PAC) and the Azanian People's Organisation (AZAPO) – were decimated to the point of near extinction.

This opens the way for Mbeki to press ahead

even more vigorously with his market-related policies. He has nothing to fear from his left – a fact which I think we can see manifesting itself right now with the tough line the government is taking with the public service unions.

It is worth noting in all this that our electoral system is the most generous in the world to small parties. It is a proportional representation system with no minimum requirement, as in Germany where parties must make a cut of 5%. Under the South African system, even a party which gets one quarter of one per cent of the votes cast – in this case a mere 38 000 votes out of a total electorate of 18 million – qualifies it for a seat in Parliament.

And so we have a landslide victory for one party, and yet there are still 12 opposition parties represented in Parliament. That is unique in the world. A multiplicity of voices in this multi-cultural country.

It is worth pausing here; note that the ANC's 66% of the vote gives it 66% of the seats, whereas Tony Blair's landslide victory in the last British general election gave him 63% of the seats in the House of Commons on the strength of only 49% of the votes.

If South Africa had a Westminster-style constituency-based electoral system, it would be very close right now to a one-party state.

Another striking feature of the election is that, despite the system's exceptional generosity to small parties, those of the extreme right as well as those of the extreme left have been virtually eliminated. The Afrikaner separatist Freedom Front, led by the former chief of apartheid South Africa's Defence Force, Gen. Constand Viljoen, was reduced to less than one percent of the national vote, as was newcomer Louis Luyt and his Federal Alliance.

As Viljoen himself observed after the results were in, there is clearly no constituency left for Afrikaner separatism. The idea of an Afrikaner "volkstaat" is dead.

With the parties of the far left and far right decimated, Parliament is now dominated by parties of the centre. All the top five – the ANC, the Democratic Party (DP), the Inkatha Freedom Party (IFP), the New National Party (NNP) and the United Democratic Movement (UDM) – are committed to policies of free market capitalist development.

And now to my final observation on what is perhaps the most remarkable but, astonishingly,

the least noticed of all the consequences of the June election. Not only is Afrikaner separatism dead, but so too, 100 years after the start of the Boer War, is Afrikaner nationalism – the force which dominated South Africa for the whole of this century, which gave South Africa apartheid, and which looked invincible for so long.

Its embodiment, the National Party, slumped from 21% of the vote in 1994 to 6.87% now, and from the position of official opposition to fourth place.

More significant still, the big winner on the opposition side, the DP, now has more Afrikaner supporters than the NNP. Even some members of the Freedom Front switched to the DP. Clearly they did so because they saw the DP as a more effective opponent of the ANC than the traditional Afrikaner parties. It means that for the first time in more than half a century, the majority of Afrikaners are casting their votes according to what they perceive to be political effectiveness rather than ethnic solidarity. So Afrikaner ethnic nationalism is dead.

A historic moment indeed.

One worrying feature is that the election failed to break the racial – as distinct from ethnic – patterns of voting and has resulted in a Parliament that is too divided on racial lines to be healthy.

The government side will be predominantly black – particularly now that the ANC has formed an alliance with Mangosuthu Buthelezi's IFP – while the opposition benches are occupied mainly by white, coloured and Indian minorities.

I have to say that the DP is largely to blame for this. Although it has been the big winner on the opposition side, its campaign and particularly the pugnacious style of its leader, Tony Leon, alienated black voters while attracting conservative whites. It campaigned under the slogan of being the party with "the guts to fight back", which blacks saw as a commitment to fighting back against their newly acquired power, causing them to react strongly against the DP. At the same time many old apartheid supporters, resentful of affirmative action and their loss of privileges, responded to Leon's in-your-face style and flocked to his party.

While this had the merit of destroying the far right and Afrikaner nationalism generally, the downside is that the DP may have alienated

itself from the black community to the point where it has lost all growth potential there. Given that whites will constitute only 4% of the electorate at the next general election in 2004, the new official Opposition may well have painted itself into a corner as a number of analysts are suggesting.

CONCLUSION

What South Africa needs now in order to consolidate its democracy is a realignment of opposition forces to establish a party capable of challenging the ANC as a credible alternative

government. To do that, growth potential in the black community is obviously essential. Neither Leon's DP nor what is left of the National Party has that potential at the moment, and with Leon now swelled with confidence and holding the position of Leader of the Opposition, getting the right kind of realignment is going to be difficult. Unless of course, the current tensions between the ANC and the alliance parties, Cosatu, result in a split and the formation of a strong socialist workers party.

But somehow I don't think the state is in place for that just yet.

The 1999 Election and the Prospects of Consolidating Democracy in South Africa¹

Alexander Johnston

INTRODUCTION

The result of South Africa's first democratic general election in 1994 had something in common with a successful children's birthday party. It was clear from the beginning whose day it was and where the bulk of the spoils would go, but the African National Congress' (ANC's) failure to win a two-thirds majority consoled the others. And those guests who might have spoiled the occasion with tears and tantrums were rewarded too – with control of provincial parliaments in KwaZulu-Natal and the Western Cape, as well as positions in a Government of National Unity. These things helped make the 1999 election an occasion for general and not just partisan rejoicing.

Divorced from the euphoria and sense of relief that attended the 1994 poll and robbed of any uncertainty about the outcome, observers of this year's election have had to work much harder to read its significance. The succession issue – President Mandela's retirement and President Mbeki's installation – figured largely in coverage of the election both at home and overseas.

Despite the prominence accorded to it, however, the succession had been long discounted by a determined campaign on the part of both government and the ANC to communicate the information that Mbeki was the *de facto* centre of policy making and coordination long before the election. The question of whether or not the ANC would achieve a two-thirds majority this time around also had its share of headlines. But the issue presented itself quite differently in 1999 from the transitional days of 1994. Then, the constitution had still to be finalised and

confirmed and a two-thirds majority might have made a great difference. In 1999, the constitution's status was quite different. On the whole, observers and analysts were unimpressed by opposition concerns that the ANC would tamper greatly with the constitution if they won a sufficient majority. Even the few – and quickly stifled – voices raised on the ANC side, to the effect that a two-thirds majority was needed to “complete the revolution” set off few alarm bells.

These calls were less an indication of totalitarian reflexes, more an expression of naivete. The ANC needs constitutional powers to coerce obdurate counter-revolutionaries much less than it needs the ability to inspire engagement and compliance in a broad range of national goals, across the whole range of citizens, not least its own supporters.

The true significance of the 1999 election, however, was less to do with the succession, the size of the majority, or the redistribution of electoral support among the “opposition” parties. The significance lies in the manner in which the election took place and the way its result was accepted. The peaceful, largely uncontentious way the election was run and the seamless transfer of authority from one government to the next without as much as a hiccup in the state, business or society, confirmed to even the most skeptical Africa-watcher that stable, democratic government is well-rooted in South Africa. There may be shortcomings in the way institutions operate, but there is no challenge to their legitimacy; no lurking threat of a praetorian takeover; no secessionist crisis; no fear of a populist insurrection; no serious suspicion that

the government is seeking to overthrow the principles of constitutional rule.

Although democracy has been consolidated to the satisfaction of all but the most convinced Afro-pessimists, however, it should be apparent to even the most casual observer that South Africa's political culture is fraught with contradictions. To some extent, perhaps, this is rather a banal statement. It would be surprising to find a political culture without contradictions. Arguably, such a culture would, by definition, cease to be *political*. Nevertheless, one of the ways in which we try to interpret the politics of any given state is the extent to which its political culture subsumes and integrates contradictions in discourse, values, practices, codes and forms of organisation. In South Africa, the acceptance of multi-party democracy is contradicted by the electoral dominance of one party; lip service to national identity and common citizenship is contradicted by the incorrigible provincialism of the Inkatha Freedom Party's (IFP's) strength in KwaZulu-Natal and that of the New National Party in the Western Cape; the contradictions of tradition and modernity make a clear, confident articulation of African nationalism rather difficult; racial patterns in voting behaviour belie the disappearance of formal racial categories in public life.

Certainly, the contradictions of South Africa's political culture are sharp and numerous. Ambiguities surround questions of nation and national identity; reconciliation and adversarial politics co-exist uneasily; political leaders may appear at one meeting in a lounge suit and the next in traditional dress; communist cabinet ministers champion macroeconomic policies of impeccable orthodox austerity and in the same breath justify restrictive labour market policies; the ruling political organisation has the dual personalities of political party and liberation movement.

Each of these (and the other contradictions of South Africa's political culture) can be understood in their own right and on their own terms. All the same, it is worth looking for a framework in which to place all of them. Economic historians are accustomed to distinguishing between "early" and "late" industrialising nations, finding this a useful way to approach the study of economic development.² The same principle can be helpful in understanding political culture, if we distinguish between early and

late democratisers. Two issues could be usefully addressed in this way, the balance between state and market; and the question of national identity.

1. LATE DEMOCRATISATION

1.1 State and market

In the case of early democratisers – the developed countries of the West – the extension of political rights tended to be accompanied by three other things. The first was increasing government activism. As E.J. Hobsbawm succinctly puts it: "The twentieth century multiplied the occasions when it became essential for governments to govern."³ Democratisation was not the only reason for this, but it was an important one. The second thing was the extension of rights to industrial organisation and bargaining. This led in turn to a prominent role for organised labour as a stakeholder in public policy. The third thing was the development of welfare legislation – and ultimately welfare states – which gave at least minimum material security to the whole population. These developments were uneven in pace and spread, as well as subject to reversal. Nonetheless, in the 30 years after the Second World War, throughout the "long boom" or the "golden years of capitalism", for early democratisers, democracy came to mean a historic compromise. This was the culmination of 100 years or more of the extension of political rights in "... a sort of marriage between economic liberalism and social democracy (or in American terms, Rooseveltian New Deal policy), with substantial borrowings from the USSR, which had pioneered the idea of economic planning".⁴ This compromise formed the basis of a consensus among thinkers and decision makers in the West.

"All wanted a world of rising production, growing foreign trade, full employment, industrialisation and modernisation, and all were prepared to achieve it, if need be, through systematic government control and the management of mixed economies, and by cooperating with organised labour movements so long as they were not communist. The Golden Age of Capitalism would have been impossible without this consensus that the economy of private enterprise needed to be saved from itself to survive."⁵

By the time South Africa had embarked in earnest on its career as a late democratiser –

“late” in this context signified by after the end of the Cold War – this consensus was at an end and the compromise it was based on was everywhere being re-engineered, or, critics would say, dismantled. In the Western countries whose uninterrupted enjoyment of economic growth had been rudely interrupted by the stagflation of the 1970s, welfare budgets were trimmed, entitlements were more strictly defined, trade unions had their rights curtailed and their political influence drastically reduced, privatisation was everywhere on the agenda.

It is across the range of issues such as these that the contradictions between early and late democratisation can be seen in South Africa's political culture today. The contradictions can be seen in specific policy questions. How much privatisation how soon? How big an impediment to employment creation are regulated labour markets? They can also be seen in much larger issues – do the labour movement and the South African Communist Party (SACP) unduly influence the government? Or, to argue from the opposite corner, is it so hypnotised by global financial orthodoxy that it is prepared to give up the gains in industrial democracy so recently won as part of the struggle for political rights?

The question is how should recent trends in early democratisers be viewed by interested and contending parties in a late democratiser such as South Africa. The question is especially pertinent in South Africa, where a struggle for political rights produced a corporatist result in the fields of industrial relations and the making of public policy, which is uncannily like the arrangements which have been recently dismantled in the industrialised West.

Are the new orthodoxies of fiscal rigor and the curbing of union power “lessons” or “advances” available to late democratisers, in the way that technological adaptations of scientific discovery and new techniques of industrial organisation and production were available to late industrialisers, which they could use to leapfrog into positions of advantage?

Or should they be seen less as policies and arrangements which have intrinsic and transferable utility, and more as expressions of a changing balance of social and economic power in the societies concerned, bearing little relevance to South Africa, where the balance is quite different?

Powerful voices are raised in South Africa to

make each of these cases, while the government tries to harmonise them. Powerful forces ensure that this is not easy. Given that the option of isolation from global markets is not available to South Africa, there are powerful forces in favour of fiscal rigor and the free market. Once a country has adopted the *persona* of an “emerging market” and embraced “global competitiveness”, it is difficult to sell, or even defend departures from the principles which allegedly govern these things, no matter how compelling the need to soften or compromise them may seem from the standpoint of an individual national history.

Under these circumstances, there is insistent pressure from markets, investors, international financial organisations and Western governments to learn the lessons of sound political economy from early democratisers. Constant reminders of success and failure in these terms are provided by rankings of competitiveness and other such indices.

What cannot be ignored, however, is the fact that this debate is taking place in the context of a national democratic revolution. In the first place, this has profound implications of racial redress, which are difficult to contemplate without government activism well beyond that recommended by the lessons of early democratisers. In the second place, the right to a central place of influence in the making of public policy which has been won by organised labour in South Africa, was won in the course of the struggle for national political rights and is inseparable from it. Indeed, it can be argued that democratic workplace rights were won prior to national political rights and were a precondition for the successful organisation of the struggle to win them.

In this way, it is not surprising that the historical role played by the labour movement and the SACP in the liberation struggle, as well as the consequent horizontal integration of the ANC, the Congress of South African Trade Unions (Cosatu) and the SACP in the ANC alliance, are powerful forces working to ring-fence at least some corporatist and regulated features of the South African political economy which have been the product of the country's trajectory of late democratisation, but which are deemed no longer acceptable in early democratisers.⁶

Under the circumstances, there appear to be

two choices. One is to dwell, as it were, in two historical periods at once, trying to adapt structures and practices from the golden years of high corporatism and co-determination to the contemporary conditions of globalisation and the free market, creating some uniquely national democratic compromise along the way.

The other is greatly to speed up (and perhaps short-circuit altogether) the trajectory of democratisation experienced earlier by the developed countries. This goes from the achievement of political rights, to a politico-economic compromise fashioned from Fordism, Keynesian economics and some degree or other of corporatism, then eventually a staged withdrawal to a much-pruned version, which leans heavily to the free market.

In effect, of course, in trying to develop a democratic political culture, South Africa's political classes of all persuasions face a national version of a global problem; namely, reconciling democracy with the free market. John Gray points out some of the difficulties.

"The truth is that free markets are creatures of state power, and persist only as long as the state is able to prevent human needs for security and the control of economic risk from finding political expression ... In the absence of a strong state dedicated to a liberal economic programme, markets will inevitably be encumbered by a myriad of constraints and regulations ... The implications of these truths for the project of constructing a worldwide free market in an age of democratic government are profound. They are that the rules of the game of the market must be insulated from democratic deliberation and political amendment. Democracy and the free market are rivals, not allies."⁷

A number of inferences could be drawn by the political classes and policy makers of any given country from Gray's, on the whole downbeat, assessment of the relationship between democracy and the free market. One pessimistic interpretation (alluded to by Gray himself) is that transnational organisations (such as the World Trade Organisation) will insulate the rules of the market from democracy:

"Those who seek to design a free market on a worldwide scale have always insisted that the legal framework which defines and entrenches it must be placed beyond the

reach of any democratic legislature ... The rules of the game of the market must be elevated beyond any possibility of revision through democratic choice."⁸

Gray himself reckons that this is "an unrealistic fantasy", but it is taken seriously enough by South African policy makers. This is reflected in their proclaimed aim to turn the Non-Aligned Movement (of which South Africa currently holds the Chair) from an unwieldy and incoherent culture of rhetorical solidarity, to a streamlined pressure group of the South, focused on bargaining in transnational trade, development and financial negotiations.⁹

A more optimistic inference – at any rate, for hard-pressed governments such as the South African government – is that under conditions of democracy, there will be cyclical movement between market freedom and market regulation. As the failures and costs of free and regulated markets make themselves apparent, powerful social and political interests compete to make the case for one or the other. In the process, some sort of equilibrium appropriate to a specific set of national circumstances is found and underwritten by the state. Certainly, this seems to be the assumption that underlies the dominant political culture in South Africa. Critics might argue that this assumption reflects wish fulfillment, or alternatively that the state is too weak to underwrite any more clear-cut and radical choice.

What is clear is that the challenge of reconciling state and market under the conditions of late democratisation and a national democratic revolution has imposed difficult calculations of cost on the government and ruling party. At present, scenarios haunt this calculation. The first involves the re-negotiation of the corporatist features of South Africa's post-apartheid political economy, notably the protections extended to workers by the regulated labour market provided for in the Basic Conditions of Employment Act and the Labour Relations Act. Under this scenario, there would be social costs for workers and their families and potentially destabilising costs of political upheaval, given Cosatu's high level of political organisation and influence.

The second scenario proceeds from the assumption that South Africa's protected labour regime seriously inhibits employment creation. The social costs are felt by the unemployed, but

the political costs are much less direct and immediate than the potential costs of tampering with the existing labour regime. This is because the unemployed are much more difficult to organise into the kind of solidarity and collective behaviour that can be expected from the employed, and which would have direct and immediate political consequences at the polls or in the streets. In any case, identification with the ruling party remains strong on quasi-nationalist grounds and there is still room for improvement in the material circumstances of the unemployed (in the provision of basic infrastructure and services to peri-urban and rural areas). Both of these mitigate the direct expression of political discontent at continued unemployment, for the present at least.

However, in the longer term, there is the threat of less direct, more diffuse political consequences, resulting from the social decay (including crime) which comes from long-term high levels of unemployment.

The government has not lacked resolve in imposing costs on workers in particular industries in pursuit of "modernising" economic policies, notably tariff reduction. However, it has been much more cautious in any actions that might affect the status of organised labour and its members across the board. The assumption is that the political costs of long-term high unemployment have been more acceptable up to now than the risk of upheaval from any disruption to its relationship with organised labour.

In some respects it is not surprising that South Africa has not made a more coherent and decisive effort to choose, one way or the other, between the rival claims of state and market, and to reconcile the contradictions of late democratisation. Crosscutting political pressures are very strong and they have global as well as national origins. Policy choices are never pure, they involve measurements and predictions of social and political costs, which in turn involve not only calculations of power but historical and emotional identification. The South African context has been particularly intense in this respect. As one "transformation" issue after another has been faced, South Africa's political classes have acquired a reflexive spirit of compromise – and postponement – which has made the transition to democracy possible in the first place.

Arguably, this spirit of compromise has been developed into a belief in South African exceptionalism, born of the unlikelihood of the achievements of 1990-94, and the global acclaim which greeted them. At worst this can become an almost hubristic belief that South Africa can beat the odds and make its own terms between the state and the market, or any other awkward, contradictory forces that present themselves.

Consciously or unconsciously, the lack of coherence in government economic policy is a manifestation of this cultural predisposition to exceptionalism. What has made the incoherence sustainable up to now has been the collateral legitimacy, which the government has enjoyed by claiming the lion's share of the credit for ending apartheid and the large electoral mandate of 1994. Added to these resources has been a period of grace accorded to the government's Gear (Growth, Employment and Redistribution) policy. The first of these assets still has currency in the wake of the even more impressive win in 1999. However, in time the government will come to be judged more and more on its policies and less on its collateral legitimacy; indeed Mbeki and the ANC have explicitly encouraged this.

Gear was somewhat incautiously announced with explicit and ambitious goals. While the policy (or more accurately, the package of policies) has been quite successful in its inflation- and deficit-reducing targets, it has been well short on predictions of employment and economic growth.

The failure of Gear to meet its own targets has led to growing concern that unless inroads are made into the high unemployment figures, the political problems of social decay will advance from the long to the short term. The new government has been firm that the general direction of Gear remains its guiding principle in macroeconomic matters, but the way is quietly being prepared for adjustments. The first real test of willingness to revisit economic policy will come in mid-August when the government makes good its pre-election promise to review labour legislation, especially those provisions which allegedly inhibit employment creation. Not surprisingly, Cosatu is very suspicious of this initiative and the Labour Minister Mbathisi Mdladlana has listed in detail the provisions which are up for revision, promising

that the basic principles of employee protection are not at issue. Despite these assurances, unless job loss and employment creation figures improve, it will be difficult to avoid hard and divisive soul searching on the subject of the coherence of government economic policy.

1.2 Nationalism in post-apartheid South Africa

By the time the ANC came to power in 1994, post-nationalism and neo-nationalism characterised global politics rather than the nationalism which had sustained it in the years of struggle. The liberation movement had drawn strength from a conception of nationalism that looked forward to an unproblematic people achieving the right of self-determination, which allowed mobilisation for national goals under conditions of sovereign autonomy. Not all ANC leaders believed in every essential of that conception (especially in private), but it is true to say that most were quite unprepared for the extent to which the world they inherited was "post-nationalist".

The term "post-nationalism" is not used here to mean that people have ceased entirely to think of themselves as citizens of a particular state or that these states have ceased to behave as organised units in trade and war, as states have always done.

However, much of the developed world is post-nationalist in the way that governments there have to relate to populations. It is to individuals as consumers of private satisfactions and accumulators of wealth, rather than in communities of strong emotional ties, vivid shared mythologies and communal purposes that governments have to appeal. When political parties and leaders in the competition for governing power represent themselves to their peoples, it is as managers who are competent to reproduce the conditions of accumulation and consumption. The role of *national* leader, with the vision and moral authority to define national goals, to demand obligations and even sacrifices, as well as to provide benefits, is a lot less marketable.

Post-nationalism is driven by the foreshortening of physical and cultural distance brought by globalisation, by the mushrooming possibilities of private satisfactions and the relative shrinking of public and communal space. Above all, it is driven by individuals' realisation that the states and the nations they belong to (even in

the rare places where these two things coincide) no longer have the autonomy and the power to deliver visionary projects of old, such as the New Deal, the Great Society and the Welfare State.

At the same time as post-nationalism makes itself felt, neo-nationalism – in the form of the fissiparous and conflictual ethnic and religious nationalisms of the former Yugoslavia and USSR – testifies to the continuing potency of nationalism's dark side.

In a world of post-nationalism and neo-nationalism, the ANC's expectations of nationhood, sovereignty and self-determination, which had sustained them through the years of struggle, quickly came to seem obsolete and unsustainable. The ANC quickly learned the limits of government, both inside and outside the country. Markets were unimpressed with rhetoric. An electorate which could deliver close to a two-thirds majority in the 1994 election, showed that its cooperation could not always be relied on in matters of local and national taxes (to name only one example). Whatever it had understood by nation state, national sovereignty, national self-determination or any other concept derived from the idea of the nation, once in government, the ANC was forced into retreat, compromise and improvisation.

At the same time, the IFP's determined campaign for extensive regional autonomy and its sometimes bellicose expressions of Zulu ethnicity, seemed to pose a serious threat to the unity of African nationalism right at the moment of its triumph. The ambiguous Zulu factor – federalism or secession? African nationalist or apartheid puppet? – in the politics of negotiation and transition, served notice that the dangers of neo-nationalism were at home as well as abroad.

Fortunately, by the time the politics of negotiation took a hold, nationalism was not too closely or rigorously defined as a popular position in the ANC's brand of liberation politics. A sort of pragmatic inclusiveness came to dominate the movement's position, at the expense of abstract theorising and demanding conceptualisation. Constructing the broadest possible front against apartheid was not compatible with dogmatism over the composition or mission of the nation. Rigorous requirements over these things would carry with them the danger of dis-

sent and fragmentation, perhaps of reverse racism. At a time when the ruling ideology of Afrikaner nationalism was becoming progressively disarticulated and fragmented, it would have been poor strategy to confront those whites that were looking for a way out, with an African nationalism which intimidated and excluded them. The electoral fate of the Pan Africanist Congress (PAC) makes it clear that the ANC made the correct choice.

When the ANC came to power, the world was generally unhelpful to nationalist aspirations, at least of the traditional kind. But thanks to its history, the ANC was in possession of a nationalism that suited the circumstances quite well. However strong the underlying emotional appeal to its own core support, in its outside appearance it was weakly developed, flexible, accommodating and not particularly demanding of those who would subscribe to it.

It was very good for the purposes of reconciliation and coexistence with those from outside the ANC's traditions, black as well as white. It accepted the principal force of post-nationalism – that is, that in a consumption-oriented capitalist democracy, a sense of national identity has to compete with all sorts of other forces such as gender and social mobility as well as other more private self-definitions. This is not to mention the drift to private satisfactions, which is encouraged by even modest increments of material improvement in people's lives, especially under the relentless spur to consumerism provided by global popular culture.

If ANC leaders needed confirmation of this phenomenon, they only had to look at the fate of their principal antagonist over the years: Afrikaner nationalism. Social mobility and affluence caused enough Afrikaners to redefine themselves, for the movement to collapse as a political force. Under contemporary conditions, all political movements whose existence is predicated on conceptions of nation and national self-determination risk the same fate, provided political democracy and improvement of material conditions are present.

Those who criticise nationalism as a basis for political belief and action might be tempted to applaud the ANC's post-apartheid conception of nationalism for having provided a weak injection of the stuff, an inoculation against the ideology's worst excesses. Poised as South Africa was in the early and mid-1990s between

the reality of global post-nationalism and the threat of Zulu (and Afrikaner) neo-nationalism, this approving verdict certainly has plausibility.

As always, however, there is a downside. In the years since the first democratic election, concern has come to be regularly expressed about a lack of moral cohesion and common purpose in the South African population. Political, business and religious leaders express themselves freely on this topic in a variety of contexts which may include crime, corruption and dereliction of civic duties, or emigration and the acceptable limits of political opposition. What is usually being expressed, either implicitly or explicitly, is the desire for some more clearly defined and demanding sense of national identity.

The problem is who or what can provide it? For the present, South Africa's political culture has three distinct dimensions. They are:

- The politics of business and labour, joined by the government in the "golden triangle" of corporatism.
- The rhetoric of national democratic revolution and racial transformation.
- The discourse of an emerging market in which "global competitiveness" and conformist economic policies are paramount.

It is difficult to conceive of a new sense of national identity and purpose that could transcend the contradictions of these three. To take only one of problems (but one of the most important), there is no consensus on the most basic understanding of the significance of the past ten years. At least three versions are on offer:

- The Rainbow Nation came to its senses and stepped off the path of mutual destruction (relegated mainly now to ceremonial occasions, such as the retirement of President Mandela).
- The liberation movement fought a successful campaign against a cunning and resourceful enemy which was prepared to carry on the war under the guise of negotiation (the version favoured by the ANC and which it would like to install as national orthodoxy).
- A brave experiment in multi-party democracy has degenerated into creeping, constitutional authoritarianism and *de facto* one party rule in which minorities are marginalised (believed by most whites, coloureds and Indians).

To these contradictions, should be added the

declining currency of nationalism which was alluded to above; the blandishments of alternative identities; the encroachments on the qualities of national autonomy and state sovereignty which in the past gave meaning and visibility to nationalism.

It is clear that President Mbeki is conscious of these difficulties and he has visibly begun to chart a course in the disputed waters of post-nationalism. The most interesting sign of this is the emphasis given to the African Renaissance idea. Perhaps by situating issues of pride and purpose in the continent, rather than confining them within the borders of South Africa itself, he can hope to escape some of the parochial contradictions of identity which plague the issue of what constitutes nationalism in the South African context.

CONCLUSION

It is obvious what the principal public policy issues are in the post-election period: crime; law and order; education; labour market policy; and the need to create more jobs. Underlying these issues are larger questions relating to the main themes of this discussion. Much of South

Africa's admirable progress since 1990 has been achieved by cultivating a political culture of incorporation and compromise, which has ended to postpone or dilute sharp choices and painful decisions. The first year or so of the new government's tenure will clarify whether or not this culture will continue. It will become clearer whether or not a whole host of occupational and identity groups, ranging from traditional leaders, emerging black capitalists and organised workers, to Zulus, Afrikaners and skilled white professionals, remain incorporated in a constellation of political sub-cultures, held together by the electoral hegemony and diplomatic ingenuity of the ANC.

The alternative is for a more integrated national political culture and a more coherent vision of the national interest to emerge. That will not be easy, but perhaps late democratisers can take heart from Landes' conclusion about late industrialisers:

"... that latecomers need to make special arrangements to compensate for their backwardness and for changes elsewhere; and that with intelligence and will, they can find ways of doing so."¹⁰

ENDNOTES

- 1) This paper has also been published in the United States, in *Issue*, a journal of opinion of the American African Studies Association.
- 2) For a succinct discussion see Landes, D. *The Wealth and Poverty of Nations* London, Little, Brown (1998) pp.273-5.
- 3) Hobsbawn, E.J. *The Age of Extremes: the Short Twentieth Century* London, Michael Joseph (1994) p.140.
- 4) Hobsbawn *The Age of Extremes* p.270.
- 5) Hobsbawn *The Age of Extremes* p.273.
- 6) For a fuller discussion, see Johnston, A.M. "The Left and the ANC alliance, nationalism, socialism and the future of South African politics" *Indicator South Africa* Vol. 16 (1) Autumn 1999, pp.36-41
- 7) Gray, J. *False Dawn: the Delusions of Global Capitalism* London, Granta Books (1998) p.17.
- 8) Gray *False Dawn* p.19.
- 9) See Johnston, A.M. "Between unilateralism and the culture of solidarity: the Non-Aligned Movement after the Durban summit" *Indicator South Africa* Vol. 15 (3) 1998, pp.9-14.
- 10) Landes *The Wealth and Poverty of Nations* p.275.

Crime, Corruption and Democracy in South Africa

Constanze Bauer

ABSTRACT

The main aim of this paper is to look at corruption and democracy in South Africa. The intention is to see the effect which the prevalence of crime and corruption has on the development and sustainability of democracy in this country. Ethics, values and morals all exercise an influence on the public official and on corruption in general. What is also important to note, is that corruption can generate a spill-over effect, whereby corruption can spill over from political office-bearers to public officials and then to all spheres of society. If the correct ethics, values and morals form part of the personal conduct of the public, it would go a long way towards sound public administration and good governance. The intention of this paper is to show maladministration in government departments in South Africa before 1994 and maladministration in government departments in South Africa, post-1994 election.

The prevalence of corruption occurs at both the higher level as well as the lower level of society and occurs among both public officials and political office-bearers. Measures to control corruption will also be discussed, with emphasis on the Public Protector and the Health Special Investigative Unit. Finally, the influence which unchecked corruption and crime will have on democracy in South Africa will also be provided.

INTRODUCTION

The primary task of the political office-bearer and the public official, is the promotion of the general welfare of the community – a task that should be performed in such a way that both

the political office-bearer and the public official are able to account in public for his/her actions. They need to remember at all times that public money is being used and that they are in the service of the public and not a specific government (Du Plessis, 1989: 551-552).

Public officials are those people responsible for implementing the policy decided upon by the government of the day, viz. the political office-bearer. Public officials indirectly serve the interests of the public and through their actions, are accountable to the political office-bearer who in turn is accountable to society, not only for his/her actions but also for the actions of public officials who fall under his/her area of authority. A political office-bearer is dependent upon the approval of society if he/she wishes to remain in office as society's disapproval could result in dismissal from office or failure to be re-elected.

However, as soon as the political office-bearer and public official forsakes the public interest for personal interest or gain, corruption is said to have taken place. Corruption can occur in various forms and can differ from situation to situation. The crux of the matter is, however, that corruption occurs whenever politicians and public officials misuse their power in the exercising of duties and make themselves guilty of behaviour deviant from prescribed rules and regulations, such deviant behaviour being to the political office-bearer and the public official's benefit and detrimental to a third party, or the general public (Du Plessis, 1989: 551-552). The most important aspect of corruptible behaviour is that private gain was secured at public expense.

1. WHAT IS CORRUPTION

The statutory definition of corruption in South Africa is found in section 1 of the Prevention of Corruption Act, 1992 (Act 94 of 1992). It states the following:

- Any person shall be deemed guilty of a corruptible offence whenever such a person corruptly accepts, obtains, or agrees to accept any gift as an inducement or reward for himself/herself or any other person;
- the result of such an action leading to favour or disfavour being shown to the party offering the inducement; and
- any person who corruptly gives or accepts any gift from a party as an inducement or reward for rendering services on behalf and in favour of the designated party shall be deemed guilty of a corruptible offence.

Caiden and Caiden (1978:494) provide the following relevant viewpoint regarding corruption and its effect on society:

“Corruption is a particularly viral form of organisational cancer. Once it enters the life stream of a public agency it quickly spreads to all parts. In some, it may show immediately; in others it may go undetected for a long time. If untreated, it will eventually destroy the effectiveness of the diseased organ. Even if treated, there is no guarantee that it will be eliminated or that all infected areas will be reached, or that it will not reappear. It is highly contagious, debilitating and costly to treat. There the analogy ends. Corruption is man-made. The possibilities of stamping it out altogether are remote. We may catch it here and there, but it reappears in some form as soon as we relax our vigilance. We do not eliminate it, we merely drive it underground. We can make the corrupt suspend operations temporarily. We can dissuade the tempted. But it lingers, hovering always in the background for the next opportunity.”

Corruption as a phenomenon is complicated because of the conflict of values and norms as they differ from culture to culture. Behaviour regarded as deviant in terms of Western democratic values and norms may, for instance, be regarded as acceptable behaviour in a developing African state (Malan, 1990: 16).

It can happen, for example, that tradition binding the black public official in South Africa is, according to his/her values and norms, of

such a nature that he/she feels entitled to receive gifts or compensation for services rendered as he/she would have been entitled to such gifts or compensation, when viewed in terms of the practice of his/her traditional culture. However, in terms of Western values and norms, if a member of the public wants to offer a public official a gift or compensation if a certain function were to be fulfilled, it would constitute bribery (Caiden, 1977: 303). A complex relationship exists between different cultures and what constitutes corruption. In South Africa, it is essential that an understanding of the different cultures is developed not only within the public service but also by the public to ensure that no misunderstanding exists in future, regarding what would be termed corruptible behaviour. The presence of people from different cultures not only in the public service but also in government presently to be found in South Africa, serves to accentuate the difficulties associated with developing a work ethic which would not cause affront to both the public official and political office-bearer, but would also be acceptable to the public.

It is thus essential for a public official to place national and the community's needs before his/her personal and family interests, values and norms. If not, corrupt behaviour has taken place at public expense. Whatever form corruption takes, in any form of government or political system, it influences that system. Joubert (1979:12) views corruption in this regard as being “not only harmful to the state and the government involved, but detrimental and injurious to that most import ingredient of state existence, the people”.

Consideration must continually be given to the existence of values and morals deemed by the public to be sound and desirable, as well as providing the background for sound administration. Acknowledgement and manifestation of the value norms of public administration in the conduct of the authorities, would also serve as a guideline for public officials in the performance of their official duties. It is thus essential that throughout public administration, an effort should be made to ensure that effective government is being realised and that attention should be given to those values which are of importance to the community. The right ethical behaviour based on accepted values, norms and morals would ensure that the public official's

first duty would be towards the community of which he/she is a member and would be a great help to combat unethical and corruptible behaviour. However, the presence of conflicting values prevalent in society, will have an effect on how to draw up a code of ethics that makes provision for the conflicting value system among public officials.

The following conditions and causes are deemed to be associated with the occurrence of corruption among public officials: greed; patronage; nepotism; bribery; ghosting; bid-rigging; graft; and kickbacks. There are certain forms of corruption which are not only different from those attributed to the public official, but that can also be associated with political office-bearers, for example conflict of interest, lack of public interest leading to corruption, politicisation of the public service and political interference, excessive administrative secrecy, and vote buying. It is essential to show these causes and conditions in order to create an awareness among politicians that corruption is not limited only to public officials. These forms of corruption can, however, also be associated with public officials.

South Africa is currently experiencing a phase of grave public concern regarding the high crime rate, which is having an effect on foreign investors who contemplate investing here. There are no short-term answers to or quick fixes for the country's crime problem. The government is acutely aware of the severity of the problem and gives it ongoing attention such as:

- a larger police budget
- restructuring and demilitarising the police
- civilian control over the police force
- retraining of police officers
- specific anti-crime drives in large cities
- anti-corruption units and the Office for Serious Economic Crimes
- prison reform
- inner-city business forums to combat crime in certain crime ridden areas (Venter, 1998: 17).

According to Barber (1998: 324):

“the combination of domestic and international crime is a serious and direct threat to the state: it undermines legitimate economic activity, breeds corruption, challenges the authority of the government, fosters instability in areas like KwaZulu-Natal, and

tempts police to take the law into their own hands. With many other problems to face – a civil service and armed forces in transition; a police force which is overworked and short on skills; and with some officials open to bribery – the South African government has had difficulty in responding to such threats.”

2. MALADMINISTRATION IN GOVERNMENT DEPARTMENTS IN SOUTH AFRICA BEFORE 1994

Examples of corruption found in South Africa between 1985-1994 include ghosting, phoney contracts, bribery, fraud, kick-backs and greed. The former Department of Development Aid was investigated by a state commission under Justice B de Villiers Pickard in 1991 (known as the Pickard Commission), which discovered a culture of corruption and irregularities, tender fraud, favouritism and nepotism and a lack of accountability. According to the Pickard Report (1991: 112-112;147), it seems that the apartheid era contributed to the development of a culture of corruption where “public officials felt they were missing out if they were not helping themselves ... many of these public officials had become disillusioned by their futile attempts to serve the apartheid ideology of administering the removal and resettlement of thousands of black people. (They) have developed a syndrome of a lack of enthusiasm to the extent sometimes of apathy and the huge amounts of money made available to the department became too tempting to resist for some officials. Self-preservation and self-protection against criticism have become matters of primary importance even to the detriment of the very cause itself.”

2.1 Lack of political responsibility and accountability

It was the reaction of the National Party (NP) to the Pickard Report that clearly showed that political office-bearers had not been prepared to accept responsibility for the wrong-doings of their departments. Former Minister Dr Gerrit Viljoen had seen no reason to take the political rap and had stated that a minister in South Africa was not expected to pay for any contraventions in his/her department, even if it had been serious. Dr Viljoen had argued further in his defence, that his action undertaken against alleged corruption and maladministration from

1984-1989 had been sufficient to absolve him of political responsibility despite the fact that these actions had not appeared to have been successful (*Financial Mail*, 19 June 1992: 36). Dr Viljoen had stated further that "the fact that a minister is responsible and answerable basically means responsible and answerable to give proper account, particularly to Parliament. But it certainly does not mean responsible and answerable to personally take the blame in every instance if he is the guilty person." (As quoted in the *Financial Mail*, 19 June 1992: 38.) To further accentuate the non-accountability stance of the political office-bearers of the NP, the Pickard Commission of Inquiry had eventually been appointed by President De Klerk on the insistence of the Parliamentary Joint Commission on Public Accounts. This had been the first time that a select government committee – on public accounts – had recommended such a step to the President (*The Citizen*, 19 June 1992:8; *Sunday Times*, 20 October 1991: 2).

The Department of Education was investigated by a state commission headed by Mrs Justice E. van den Heever from 1988 to 1992 (also known as the Van den Heever Commission). It discovered numerous cases of corruption, fraud, bribery, kick-backs, ghosting and a general lack of accountability. The findings of the Commission of Inquiry were published in four reports, of which the second, third and fourth reports contain examples of cases of corruption, as stated above. The extent of corruption discovered led Mrs Justice van den Heever to state the following:

"It is difficult to believe that so many irregularities could take place within one department ... without the knowledge of the DG; the deputy DG, the Treasury; the Auditor-General ... Why was it left to the press to open this Aegean stable." (As quoted in the *Financial Mail*, 21 September 1990: 43.)

2.2 Ultimate responsibility

Concerning the issue of ultimate political responsibility, the then responsible Minister, Dr Gerrit Viljoen, was simply allowed to retreat from the whole sordid affair without having to be accountable for the actions of his subordinates. Such action was possible because in South Africa, a system functioned where people who are accused are merely allowed to continue

at their posts, move to another department or slide into retirement. Also, the principle of ministerial responsibility was no longer honoured in South Africa, allowing Cabinet Ministers to "preside happily over corrupt inefficient departments, safe in the knowledge that it is the officials who will take the blame when this is exposed. Dr Viljoen headed the Department responsible for one of the most sensitive areas of South African life. Effectively, he was responsible for the misuse of funds earmarked for black education which is grossly inferior and where there are enormous backlogs. It is wrong that Dr Viljoen should be allowed to simply wash his hands of what has taken place" (*Weekend Post*, 22 September 1990: 12).

3. MALADMINISTRATION IN GOVERNMENT DEPARTMENTS IN SOUTH AFRICA, POST-1994 ELECTION

Corruption is also prevalent in government administration after the 1994 election and seems to be on the increase. Corruption takes place in all three spheres of government – central, provincial and local – and appears to take on the same format as before 1994. According to Mr Justice William Heath, who is heading a special team tasked with the rooting out of corruption at all levels of government, "syndicates engaged in corrupt activities are active throughout the entire spectrum of the country and are flourishing as had never been the case in the past." (As quoted in *Die Volksblad*, 26 February 1998: 1.) Forms of corruption that have taken place include bribery and fraud, favouritism and nepotism.

Figures released by the Department of Health in the second half of 1997, show that more than R4.3 million had been stolen from feeding schemes in South Africa's nine provinces, with the Eastern Cape accounting for the lion's share of misappropriation – more than R2.3 million – as a result of theft, corruption, fraud or mismanagement. In the Northern Province, police have been investigating the theft of at least R1.6 million after a member of the school feeding scheme used the money to buy food for personal use. Investigations were also being carried out against another member of the project, for fraudulently using government cheques to spend R83 000.

In Mpumalanga, at least R30 000 was lost after project members stole cheque books and

used them fraudulently (*The Star*, 20 August 1997: 1). According to Dr. Mamphela Ramphele, "... it is not surprising that the scourge of corruption remains deepest in those parts of the country most profoundly influenced by bantustan policies – the Eastern Cape and the Northern Province ... It is important to stress that the evils of the past do not justify corruption today nor exonerate us from the responsibility of taking collective responsibility" (*Sunday Times*, 7 June 1998: 21).

Corruption as discussed thus far, can occur at both the higher level as well as the lower level of society and occurs among both public officials and political office-bearers.

4. HIGH-LEVEL AND LOW-LEVEL CORRUPTION

The main difference between high-level corruption and low-level corruption can be traced to the difference in the visibility of decisions made that led to corruption. Decisions that led to corruption, taken at higher levels of government – for example the decisions taken by a cabinet minister – are of much more importance than those taken by a lower level political office-bearer or even a public official (Rose-Ackerman, 1978: 175-176).

Corruption at the higher levels of government can involve corrupt behaviour by cabinet ministers, judges, ambassadors and senior public officials. Such corrupt behaviour will inevitably not only lead to a reduction of public confidence in government action, but also to a reduction of public willingness to trust government departments with substantial authority or funding (Nice, 1986: 287). Higher order corrupt behaviour will therefore have a detrimental effect on the functioning of public administration as such.

The public official at the higher strata in the public service is usually in a position to determine the way in which departmental goals are obtained. They are in the position to fall prey to corrupt behaviour due to their bargaining power with non-government entities (Rose-Ackerman, 1978: 67-69). Public officials at the lower strata of the public service pass data and information upwards without attempting to evaluate the information, compared to public officials at a higher level who have to choose between a speedy decision and an informed one (Rose-Ackerman, 1978: 175-176). Corruption occurring at the lower levels of government involves

those officials who have to enforce the laws of the community. At this level, bribes play a decisive role in determining the work of a corrupt public official (McMillan, 1978: 326).

If corruption at both the higher and lower levels of government were not combated ruthlessly and effectively by programmes developed to end the occurrence of corruption, the danger exists that it will inevitably spill over to the other spheres of society.

4.1 Spill-over effect

If corruption were not redressed or checked, it would "spill over" to other spheres of society and affect increasing portions of that society. The effect of systemic corruption includes the following:

- A perpetuation of closed politics and the restriction of access may occur, thereby preventing social change in political institutions.
- Suppression of the opposition could contribute to increasing resentment. This could entail that corruption – far from being an alternative to violence – is in most cases accompanied by more violence.
- The perpetuation and widening of class, economic and social divisions which contributes to societal strain and the prevention of cohesion.
- Prevention of policy changes, particularly where this works against immediate market consideration.
- Blocking administrative reform, thereby making deleterious administrative practices, such as induced delays, profitable.
- The diversion of public resources as well as contributing to a situation of private affluence, public squalor, especially serious where affluence is confined to the few – systemic corruption is not limited to a special case.
- It has an accumulative effect on public perceptions and expectations which subverts trust and cooperation far beyond the impact on the individuals immediately concerned.
- Systemic corruption is not confined to poor, developing or modernising countries, but is to be found in all organisational societies. (Caiden, 1977: 307-308).

4.2 Leader-follower spill-over

Political leaders of society play a major and permanent role in shaping public opinion and societal behaviour. Whenever corruption mani-

fest itself among political leaders, it is sending out a wrong message to society which could affect the trust, loyalty and personal integrity of their followers. Whenever political leaders misuse their leadership positions in society, they establish an example which tends to erode the moral base of law that can provide an ideal opportunity for other kinds of offenders to rationalise their conduct. It is thus clear that manifestations of corrupt behaviour among political leaders – whether by excessive use of rewards or by massive abuse of the system – will inevitably filter down and be emulated by members of the leader's organisation or department (Werner, 1983: 149-150).

4.3 Dimensions of corruption spill-over effect

Manifestations of corrupt behaviour among the upper strata of public officials are the most difficult to detect because it is a petty and borderline type of corruption, as neither the public, the political office-bearer or the public official regard it as being punishable. Although every code of law contains definitions of corruption, it also makes provision for extenuating circumstances. If left unchecked, this form of corruption could become a destructive force in society, especially if it achieves legitimate status which could contribute to the legitimisation of other types of corruption.

As such, it would become more difficult to define what constitutes corrupt behaviour, resulting in a further momentum of spilling over being established, "while corruption is psychologically condoned or rationalised because it is so prevalent. By attributing little or no importance to a corrupt act, trivialisation and rationalisation function as a self-perpetrating mechanism" (Werner, 1983: 158).

4.4 Institutional spill-over

Corrupt political and administrative leaders could allow their corrupt behaviour to spread from institution to institution, with corruption even spreading from family to school and from organised religion to voluntary social organisations (Werner, 1983: 150). Effective institutional corruption can become so regularised and institutionalised that organisational structures actually protect the perpetrators of corruption, while at the same time penalising those who live up to the old norms. Employees thus protect and cover up for each other and eventually

everybody is engulfed in an administrative culture that tolerates the fruits of corruption (Carina, 1995: 15).

5. MEASURES TO CONTROL CORRUPTION

It is essential that measures to control corruption exist. Even if they cannot eradicate corruption completely, at least they can and do play an effective role in controlling corruption or the occurrence of corruption. It is essential to remember that corruption pervades the entire environment and does not necessarily focus on a particular area, and that the measures to be implemented address the broad spectrum of the occurrence of corruption.

Accountability by both the public official and the political office-bearer can be regarded as forming the "cornerstone of democracy and civilisation" (Hillard, 1991:16). Responsibility for action or inaction is the foundation of accountability and the personal integrity and public accountability for each and every political office-bearer – even that of the President/Premier – is essential to ensure clean government (Wronsley, 1986: 164-166). Professor Klitgaard sums it up colloquially by stating that "the first step to combat corruption is to fry the big fish" (as quoted in Wronsley, 1993: 14). Political office-bearers should be forced to resign if found guilty of committing an offence. The policy of transferring ministers from one portfolio to another without demanding their resignation is usually inadequate in combating corruption. The case studies of maladministration in government departments have indicated the lack of political accountability prevalent among political office-bearers in South Africa. Despite serious incidents of maladministration and corruption, the responsible ministers did not accept responsibility for the actions of public officials deployed in their departments, resulting in the all-pervasive culture of corruption, as shown in the subsequent commissions of inquiry.

South Africa has experienced a number of commissions of inquiry since 1948. But instead of serving the purpose for which they had been established, they have in most cases gathered dust on government shelves. Commissions of inquiry should be an effective instrument to combat corruption as they bring to light where ordinary police methods might have been inadequate. However, their success depends on how

efficiently the investigation was conducted. With regard to corruption, they can be a massive aid to criminal justice (Hiemstra, 1991:94-96).

An important measure in the fight corruption is appropriate legislation which not only deals with corruption, but should also contain the necessary penalties and fines to serve as a deterrent. Legislative measures should not be drawn up in such a manner that leaves the impression that public officials have a tendency towards unethical behaviour. Measures should rather be drawn up which would prevent officials from being guilty of unethical behaviour (Andrews, 1994: 39). In South Africa, the following legislative measures exist that can be used in the fight against corruption: Investigation of Serious Economic Offences Act, No.

117 of 1991; Corruption Act, No. 94 of 1992; Public Protector Act, No. 23 of 1994; Audit Arrangement Act, No. 122 of 1992; Special Investigating Units and Special Tribunals Act, No. 74 of 1996; Proceeds of Organised Crime Act, No. 76 of 1996; Auditor-General Act, No. 12 of 1995; Reporting on Public Entities Act, No. 93 of 1992; and the Public Service Act, No. 103 of 1994. The above-mentioned legislation serves as an indication that the necessary legislative measures exist to combat corruption, however, the success of these measures depends on whether they are going to be implemented or merely gather dust.

As a supplement to legal stipulations, there are also regulations, codes, procedural prescriptions and guides, of which a code of ethics and Public Service Regulations can serve as an

Cases successfully completed and/or in respect of which orders were granted from 1 April 1998 to 30 September 1998 (Heath Special Investigating Unit - Interim Report 1998/99: 6)

<i>No.</i>	<i>Description of cases</i>	<i>Value</i>
1.	Recovering of farms in former Transkei	20 654 000 00
2.	Recovering of state owned vehicles - Dept of Transport: KwaZulu-Natal	33 000 000 00
3.	Daily bread feed scheme: attachment of assets	4 500 000 00
4.	Stolen cheque - Kokstad: Stop payment	540 000 00
5.	Fraud: lease agreements - City Council of Durban	625 000 00
6a.	Butterworth - Councillors: ready for trial	1 300 000 00
6b.	Butterworth - arrear service levies: process of recovering	31 000 000 00
7.	Rental agreement - KIM Diamond: ready for trial	2 300 000 00
8.	Lease agreements (photostat machines) - Northern Cape Provincial Government: settlements - total amount in issue with some defendants	17 000 000 00
9.	Stolen blank warrant voucher - Dept. of Justice, Mpumalanga	4 300 000 00
10.	Sarafina II: ready for trial	6 000 000 00
11.	Magwa tea corporation: ready for trial	10 000 000 00
12.	Fraud - motor finance schemes	435 000 00
13.	Alienation of hotels, a holiday resort and other immovable property - Transkei coast interdicts to stop transactions	6 000 000 00
14.	Occupying state land for holiday purposes - West Coast (Caries); judgement granted	4 000 000 00
15.	Overcharged fees attorney: Umtata full recovery of R13 million, R5 million taxed off account during investigations and balance to be claimed	18 000 000 00
16.	Stolen blank cheques - EC Dept of Education - Investigation almost completed	1 232 000 00
17.	Bursaries - Dept. of Public Works: EC: recovered without tribunal order	196 000 00
18.	Overpayment to private company: (Ex Ciskei Defence Force)	58 000 00
19.	Fraudulent quotations - Dept of Public Works (EC):Non-delivery: payment stopped	130 000 00
20.	Mpumalanga Parks Board - promissory notes/guarantees: interdict to stop payment/documents recovered in New York	340 000 000 00
	TOTAL VALUE	501 261 000 00

example. Implementation of these measures would not only be of assistance in combating corruption, but can also be used to combat maladministration.

Codes of ethics are ideal measures that can be used to control and minimise indiscretion and corruptive behaviour and can also serve as an aid to government in its legitimacy (Clapper, 1996: 23). Viewed from a South African perspective – especially in light of the new constitutional dispensation and the elimination of corruption in South Africa – “an ethical code of conduct will be of particular value since stability will not be dependent merely on a majority government ... diverse values may be fused in a common value system against groups, can be measured ... can serve as a type of watchdog to once again call parties and groupings to order and accountability ... will make a contribution to the openness of the public service and the reconciliation of different standards” (Van der Walt, 1995: 167-168).

The Heath Special Investigating Unit was established by the then President Mandela in March 1997 to investigate serious cases of malpractice, corruption and fraud involving state assets or money. It works in tandem with a special tribunal which tries civil matters arising out of the investigations. The court has the power to make orders, issue interdicts and warrants of arrest and subpoena witnesses. It also works closely with the Office for Serious Economic Offences, the Public Protector and the South African Public Service (*Financial Mail*, 31 July 1998:34).

According to Hazelhurst (1998: 34), “depressing as it is to discover the extent of corruption in South Africa, it would be worse if these cases of wrong doing were not exposed and the money involved not recovered”. A draft amendment of the Special Investigating Units and Special Tribunals Act, No. 74 of 1996 has been forwarded to the Minister of Justice and other relevant authorities, aimed at streamlining the process of successfully combating maladministration, corruption and misappropriation. A major obstacle for the effective functioning of the Unit has been the requirement that allegations must first be referred to the necessary authorities, “hereafter a (usually) lengthy process is followed before the Department of Justice submits a draft Proclamation to the office of the President and which culminates in

a Proclamation referring the matter to the Unit for investigation. The lapse of time before a Proclamation can be obtained often leads to great frustration and to a large degree negatively affects the swift reaction of the Unit. For example, the bringing of Urgent Applications in cases where the need arises is seriously hampered by this as the Unit does not have locus standi to bring such applications unless the matter has been proclaimed” (Heath Special Investigating Unit - Interim Report, 1998/99: 6).

The Constitution of South Africa, No. 108 of 1996 makes provision for the Office of the Public Protector and the operational requirements of the office are provided for under the Public Protector Act, No. 23 of 1994 and amended by the Public Protector Amendment Act, No. 113 of 1998. The importance of this office cannot be underestimated as the Public Protector will in future investigate all cases of corruption and maladministration and will fulfil the following functions: to investigate any conduct in state affairs, or in public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety or prejudice; to report on that condition; and to take appropriate action. The constitution provides that the office is independent, subject only to the constitution itself and the law, and that it must be impartial and perform its functions without fear, favour or prejudice. The nature of complaints range from corruption in a department which has to approve building plans of transitional metropolitan council substructures, to tender fraud – irregularity in the awarding of a tender, for example, a more expensive tender is accepted with no justification or suspected improper preference with regard to tender awards (Public Protector Report No. 4, 1996: 5).

6. CORRUPTION AND DEMOCRACY

It should be clear by now, that if unchecked, corruption and crime hold serious consequences for the development and sustainability of democracy in any country and seriously undermine the existence of the state. For example:

“the scale of corruption in post-communist Russia, unrivalled elsewhere, permeates the entire society including its top political leaders. As the capital flight out of Russia is, it seems, commensurate to the size of corruption in the country ... since the second half

of the 1980s as much as 17 billion US dollars out of 86 billion US dollars in foreign aid has been diverted away from intended purposes and recycled to Western banks. As the single largest source of investment all over the world is domestic savings it follows that Russia's economic growth has been seriously stunted due to a substantial capital flight out of the country. Organised crime in Russian flourishes because law is not enforced and the persons responsible for its enforcement are corruptible, too. It is a vicious circle which will be difficult to break, yet, without achieving it, the national economy will not prosper nor democracy be consolidated. For democracy to function well, certain conditions must be met; elimination of large scale corruption, it appears, is one of them" (Zuzowski, 1999: 136).

For South Africa with its divided societies:

"the challenge to democracy is for the state to deliver all public goods (such as public service appointments and state contracts) to all citizens without discrimination, irrespective of ascriptive identity, communal affiliation or partisan loyalty. Where this fails to materialise, the partisan ethnic state emerges as an instrument of one community, and delivers public goods to that community at the expense of others. Corruption exacerbates such inequities and therefore undermines democracy directly" (Du Toit, 1998: 157).

The fight against corruption and crime in South Africa will only be successful if leaders set the correct tone and stick to it. For example, Mandela's pledge of a "zero tolerance" policy on corruption as "you clean a staircase by starting at the top. The commitment of our leadership to clean government is a crucial national asset. International experience shows that once leadership is contaminated, the battle becomes a phoney war in which strategies are devised to catch the small players while the big fish go free" (Ramphela, 1998: 21).

At least it appears that political leaders in this country are taking the threat that corruption holds for the future existence of the state seriously, as can be seen by a visit made by the then Deputy President Thabo Mbeki to the provinces as part of the government's Anti-Corruption Campaign. The specific intention of these visits is to place corruption and service

within the public service, high on the public agenda. By listening to the experiences, concerns and wishes of the people, Mr Mbeki will obtain a first hand impression of the problem of corruption and will be able to assess the quality of service in the police, the justice system and local authorities. This campaign builds upon the foundations of the legal and constitutional framework and partnerships built over the past few years and comes hard on the heels of recent high profile actions of the government to combat corruption, such as the Anti-Corruption Summit held in Parliament in April this year and the Public Sector Anti-Corruption Summit of November 1998. As President, fighting crime and corruption will be a key focus of Mbeki's administration (press release, 3 May 1999). However, it is crucial that any opposition to corruption and crime must go beyond mere rhetoric. This is important for democracy itself.

According to Professor Philip Heyman of the Harvard University's law school, corruption is particularly dangerous in a fragile democracy, as it provides a rationalisation to abandon democratic practices in favour of autocratic practices. The rationale behind nearly all coups in fragile democracies, is that they are seen as providing a solution to corruption. However, it is important to remember that "only a democracy offers the constitutional mechanisms and public accountability necessary to counter corruption. Another major risk that corruption holds for democracy is that it breeds cynicism and alienation in ordinary people. If a society reaches the point where people believe they are losing out if they don't indulge in corrupt activities, the rule of law gives way to the law of the jungle" (Ramphela, 1998: 21). Is this the future we want for our country?

CONCLUSION

Corruption has been, and is still, prevalent in the public sector of South Africa with the mismanagement of state money holding serious implications for the community in a democratic state. Lack of accountability, responsibility and control measures all provide the ideal breeding ground for corruptible and unethical behaviour on the part of public officials, which is compounded when political office-bearers by their non-acceptance of responsibility, help to perpetuate this condition to the detriment of demo-

cratic governance in a country. It is clear that accountability starts at the top, viz. the political office-bearers, and if the political office-bearers refuse to accept accountability for their actions, the wrong message would be sent to public officials. Unless it is made abundantly clear that accountability starts at the top, any cam-

paign against corruption will be unsuccessful. A lack of moral and political consensus could result in inefficient government and if little importance is placed on the maintenance of central moral-ethical norms and values by the community, the democratic nature of the state will be seriously threatened.

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Unemployment, Poverty and Democracy in South Africa

Tembeka Mpako-Ntusi

INTRODUCTION

My first response to this topic was “disservices of modern developments”. This impromptu reaction lingered in my mind for some time until I decided to unpack my thoughts and to package them in portable pieces capable of meaningful mental processing. Compliant with the academic tradition, I started by trying to redefine the concepts. Contrasting employment with work removed my emphasis from unemployment to idleness. Then, I did not perceive poverty as lack of material resources for human survival. Actually, I adopted a perception of poverty shared with me by informants in a previous research study in a rural area of Mqanduli. Poverty was described as a lack of opportunity to use oneself in a meaningful way that contributes positively to one’s existence or survival. If a person is idle (not working) because there are no opportunities for a meaningful contribution to one’s physical existence, then such a person does not need or has no use for democracy. How can we expect a person to be involved in taking care of his secondary needs when he is incapable or disempowered by modern developments from taking care of his basic needs? I guess this is where my reaction – disservices of modern developments – came from. Hence my decision to discuss my thoughts on the unanticipated consequences of good intentions.

1. LOOKING BACK

There was a time when families worked collectively, and worked very hard to meet the survival needs of each member. Natural resources, human intellect and sheer physical energy were

adequate ingredients and life was good. Human intellect coupled with some social conditions drove human beings to want to make life better. This drive saw some men make changes such as the move from subsistence farming to economic farming, home manufacturing of goods to industrial manufacturing. Urban centres emerged where people concentrated. Industrialisation and technological developments improved the quality of life for most people the world over. Indeed, good intentions paid the expected dividends. Needless to say, material natural resources were depleted in the process and great damage was caused even to the atmosphere. Pollution – the unanticipated consequence of industrialisation and urbanisation – raised its ugly head, and most developed countries were caught unprepared. While either ignoring this problem or acknowledging it but doing nothing about it, technological developments escalated to the point of even displacing urban employees. Mechanisation of large-scale economic farming coupled with mechanisation of manufacturing industries made more and more employees redundant.

2. HERE WE ARE

2.1 Poverty and unemployment

Rural families that used to depend on subsistence farming and home industries are now unable to use available land and their own intellect and physical energies to produce food. The land is either not arable, or the climate is no longer conducive. There is global warming, the *El Niños* and other factors. Seasons of the year are no longer predictable. Live stock does not have enough grass to graze or enough

drinking water. Even the little that is still surviving is often stolen from the owners.

Urban industries that have benefited from modern technological developments no longer need the large hordes of workers that used to service them. Machinery is preferred for its reliability and loyalty since trade unions are an additional threat to undisturbed productivity. Neither the under-developed rural areas nor the developed urban areas have work opportunities for the majority of able-bodied persons willing to use their human intellect and their physical energy in the meaningful provision of resources for their own survival. Hence the high rate of unemployment and poverty. Are these not the unanticipated consequences of good intentions? Are these not the disservices of modern developments?

Several terms have been fabricated to describe these situations. Different causes and effects have been advanced. Yes, unemployment and poverty of different shapes and levels are a global scourge. Both developed and under-developed countries are grappling with these contemporary social issues and related problems emanating from them. Statistics of unemployment and poverty datum lines have been calculated and circulated. Some countries are more affected than others. Instead of conditions being better with time, things are getting worse at different rates.

2.2 Democracy

Trying to fit the implementation of democracy into the above scenario makes one wonder. I allowed my own imagination to roam wildly. At this point I remembered Harry Schwarz, South Africa's ambassador in the US, who declared that "poverty corrodes freedom". If democracy is something that can be implemented by persons who are said to be free, how free are people who are poor to implement democracy? If one is disempowered by circumstances and cannot freely use one's own intellect and physical energy to provide for one's own survival, how can the same person be expected to have the power to make choices at a national political level? If one is incapable of taking care of one's own basic needs (food and shelter), how can one be expected to exercise a political right which meets the secondary needs of nation building?

South Africa is presently dealing with a high

rate of crime and violence. Social scientists like myself believe that there is a strong correlation between the two concepts – poverty and crime. While we cannot emphatically claim a cause and effect relationship between the two, it is true that persons with no meaningful employment find criminal activity an alternative to being idle. We have heard several testimonies of desperate job seekers who are lured to organised crime as a means of employment. Since there is no alternative, most respectable and peace loving citizens end up in criminal activities driven by the need to provide for themselves and their families. This is not in any way claiming that all criminals are poor persons who have no alternative way of earning a living. But research evidence exists showing that when the rate of unemployment and poverty increases, so does the rate of crime and violence, and when the rate of employment increases, the rate of crime and violence decreases. Hence such old sayings such as "the devil finds work for idle hands". How democratic can we expect our criminal population to be?

2.3 Economic development vs political development

One of my favourite authors is William Julius Wilson who writes profusely on poverty, race issues and social policy. In his book *The Truly Disadvantaged*, he focuses on social change and social dislocations. He maintains that the desire to meet economic needs leads to social dislocation, while family structure is closely related to the amount of poverty in the family. Political power is also closely related to economic power. A crude expression of that relationship was practiced by tribal authorities in the rural areas where, for example, a man who had no livestock was not allowed to have a say during community meetings. In most cases, economically disadvantaged persons would probably lack the enthusiasm to participate in these forums where the issues discussed have very little if anything to do with the priorities of the poor.

Another worthwhile contribution by Wilson is found in his book *The Declining Significance of Race*. In this book, Wilson reviews class differences and concludes that race is no longer a major criteria deciding one's fate, but that anyone can belong to the underclass if they are disempowered from doing any meaningful work.

Also, the opposite is true: if one has the opportunity to engage in meaningful work, the significance of race declines. Thus, empowered blacks who have the opportunities to provide responsibly for themselves and their families, are equally capable of meaningful political involvement. Therefore it becomes clear that political power can be exercised by anyone irrespective of race, as long as they are economically viable. The two can coexist, but economic development has to precede political development for a proper synergy to be maintained and sustained.

One of Wilson's later publications – *When Work Disappears* – starts to address strategies for alleviating poverty. While he starts by analysing the consequences of unemployment, he moves on to a discourse on the structure of opportunity, focusing specifically on social policy challenges and the need for intensive research effort on poverty to enable policy formulators to make informed decisions.

3. BEYOND RESEARCH AND ANALYSIS

I am always impressed by student association meetings' agendas. They always have an item – "Way forward". Now that we have briefly and superficially reviewed the origin, the present state, and contemporary thought on unemployment, poverty and democracy, it would be irresponsible of us to consider our job done. There is a need to go beyond scholarly interpretations to strategic planning and implementation in order to address contemporary social issues.

- *Social policy:*
 - repeal of discriminatory statutes
 - sensible and sensitive implementation of affirmative action
 - social welfare programmes and projects (poverty alleviation)
 - fair labour laws
 - taxation reviews
- *Non-governmental organisations:*
 - formal and informal partnerships
- *Independent initiatives:*
 - attitude transformation (need to move away from the mentality of entitlement)
 - opportunity creation (education on small-scale entrepreneurship)
 - self-confidence and self-sufficiency (respect for land use and opportunity for subsistence farming)

- revival of rural areas (need for rural development by economically active adults
- should not only see rural areas as retirement places or places to bury the dead).

4. FROM POVERTY TO DIGNITY

Social scientists have thought of alternative strategies to alleviate poverty. Some of these are useless theoretical fabrications while others are reports on case studies. Hampden-Turner (1975) provides us with one of those tested anecdotes. He writes about community development corporations as one of those strategies that have led unemployed persons from poverty to dignity (political development). He exposes the power of community development corporations to provide social, economic and political leverage which enables poor persons to bring about social change. Hampden-Turner presents his theory simply and clearly, showing how it has been applied successfully in different cases.

One of the reviews on this publication described it as a brilliant psychological theory in support of the self-determination principle.

More prescriptions on how to reverse poverty are offered by Piven and Cloward in their book *The Politics of Turmoil*. They have devoted a whole section to an analysis of strategies to end poverty which they call "Mobilising the poor: how it can be done". It is tested anecdotes such as these which give us hope in the belief that some things have been tried, and some things have been successful.

CONCLUSION

I would like to end on a positive note. It is true that poverty, however perceived, retards democracy. It is also true that unemployment and poverty are now an integral part of modern development. Therefore, strategies for poverty alleviation should and must be found in modern technological developments. Use of human intellect, physical energy and the remaining natural and technological resources still holds the hope to human dignity. We need to transform disservices into services. If the Turners and the Pivens and Clowards were able to create useful strategies to address the poverty problems of their times and localities, so can we, and we will. This conference and other similar efforts are evidence of the beginning of that process.

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Racism and Democracy in South Africa

Anthony Johnson

INTRODUCTION

I would like to lead into this topic with two anecdotes. They relate to circumstances on two non-African continents but I believe they might help to inform the debate on how, in practical terms, we might address the challenge of dealing with racism in a democratic South Africa.

The first relates to a visit I paid to the town of Jackson, Mississippi, in the United States (US) “Deep South” a few years back as part of a broader investigation into race relations in the US and the legacy of the civil rights movement which had risen to prominence some three decades earlier.

At the local museum I studied some of the early ringing charters and lists of demands of civil rights leaders, who at the time were militating for not merely an end to rampant racism, but also the installation of a new social and legal order that contained many overtones of non-racialism.

In my discussions with black community leaders, educationalists and businesspeople I was somewhat taken aback by the extent to which many of the old agendas had shifted. Certainly, a desire for the equal treatment of African Americans was still there – but there was barely any evidence, even residual, of a striving for a goal that included an integrated brave new America.

Many prominent blacks I interviewed seemed comfortable with largely racially discreet institutions such as schools and universities – some even viewed them as essential for progress and the fair treatment of African Americans. A few educationalists even argued passionately that schools should not only be

racially segregated but that, for purely pedagogical reasons, some schools be reserved for black males.

Around the time I was in Jackson, one of the television networks ran an exposé it had done on the remarkably resilient nature of racial discrimination, both overt and covert, in the South in particular. The investigation traced the fortunes and type of treatment meted out to two adult graduates of an Ivy League university – one white and one black – as they went about day-to-day routines as varied as renting an apartment to visiting a shoe store. The impact of the vastly different manner in which the two were handled was devastating.

The second anecdote takes us to the Sachsenhausen concentration camp and museum just outside Berlin, which I visited as part of an exploration of racism over the years in Germany and the impact of the racial holocaust 50 years on.

Sachsenhausen was a model concentration camp, in the sense that it was a cutting edge prototype institution where many of the experiments in racial persecution and engineering were carried out first, before being transferred to camps further away from Berlin (where the bulk of the Nazi leadership was based).

As was the case at the holocaust museum in Berlin, the curator at Sachsenhausen did not tire of bemoaning the shortage of state funds and public support for preserving historically priceless artifacts so important to bringing home the consequences of what happens when racial bigotry and hatred spin out of control.

The firebomb attacks on restored concentration camp barracks by right-wingers were han-

dled by the curator with surprising equanimity. What almost brought him to tears, however, was the fact that ordinary German citizens – still – were unmotivated to preserve priceless documents and books about the holocaust which were rotting in damp cellars across the country and that they were content to sell off invaluable artifacts from that era to flea markets, instead of handing them over to museums for restoration, preservation and public display.

1. LESSONS TO BE LEARNED

There is a lesson for South Africa, I believe, in these two anecdotes from two of the most advanced and mature democracies in the world. The citizens and opinion leaders in both countries have, for many decades, experienced saturation exposure about the evils of racism and racial stereotyping via their educational and legal systems, powerful political party and civil society pressure groups and international publicity campaigns.

A great deal of time, money and energy has been devoted to rooting out racism and discrimination in these well-resourced nations. Considerable legal sanctions have also been introduced to punish those who practice racial discrimination or promote racial hatred. Yet both in terms of overt and more subtle manifestations of racism, or racially based discrimination, there is still plenty of room for progress or improvement.

What then of South Africa, where after years of officially encouraging and enforcing racism while many countries were moving in the opposite direction, the move to consolidate our new democracy is in fast-track mode as we attempt to make up for lost time and wasted opportunities?

The white farmer who recently hit the headlines after painting a black man silver for trespassing on his property, claims that his actions were sparked by rampant criminality in the area rather than racism. The impending court case will no doubt tease out more details about the farmer's actual motives for a deed which shocked much of the nation.

But the widely divergent responses to the incident from members on different sides of the racial divide in the sleepy Mpumalanga town of Balfour shows that enmity, distrust and naked racism remain rife in the new South Africa.

This reality was captured quite chillingly

when one of the locals boasted after the incident that a white person living in Balfour had one of three choices when dealing with a black: "You either shoot him, *bliksem* him or paint him – it's your choice".

Five years since the formal end to white minority rule, the Human Rights Commission, in its latest annual report, provides official confirmation of the still widespread nature of race discrimination in South Africa.

Allegations of discrimination certainly accounted for the bulk of the complaints received by the commission last year. The announcement – barely days after the painting outrage – that South Africa's keenly awaited anti-discrimination law would be tabled in Parliament soon, could hardly have been more timely.

Indeed, the draft law has been drawn up by the Human Rights Commission on behalf of the Department of Justice to give effect to the provision in the constitution – the founding document of our new democracy – that national legislation must be enacted to prevent or prohibit unfair discrimination within three years of the adoption of the constitution.

2. THE ANTI-DISCRIMINATION LAWS

The Prevention and Prohibition of Unfair Discrimination Draft Bill (which also has a working title of the Promotion of Equality Bill) has already been dubbed the Equity Bill for ease of use. This is advisable since it is likely to become one of the most discussed pieces of legislation to be handled by Parliament since South Africa became a democracy in 1994.

Hugely broad and ambitious in its scope, it contains measures likely to touch the lives of most citizens on virtually a daily basis once it is promulgated, probably early in 2000.

The legislation is currently being studied by Justice Minister Penuell Maduna before being passed on to Cabinet for approval. The next step will be the release of the document for public comment and detailed examination by the Justice Portfolio Committee. It will then be discussed in plenary by the National Assembly and the National Council of Provinces.

The draft legislation in its current form aims to outlaw discrimination – both by the state and private individuals – on at least 15 grounds: race, gender, sexual orientation, ethnic or social origin, marital status, pregnancy, age, disability, religion, belief, conscience, culture, lan-

guage and, probably most controversially, economic status.

Many of these areas, or aspects of them, are already covered by, for example, labour legislation, but with an obviously more limited sphere of application. Chapter 2 of the Constitution (the Bill of Rights) also covers some of this territory, but attempts to seek remedies to violations via the Constitutional Court can be both time-consuming and costly.

The intention of this new piece of legislation is to simplify and speed up the eradication of discrimination. As part of this exercise the Equity Bill not only attempts to define the thorny question of what in fact constitutes discrimination, but also the nuts and bolts of how to get rid of it. It also makes provision for some hefty penalties – fines of up to R70 000 and jail terms for more severe transgressions.

One of the biggest dangers facing this piece of legislation is that it could come to be seen as a quick fix – a sort of miracle solution – among the many millions of South Africans that have historically suffered discrimination in a variety of forms and continue to do so. Touted as the most important piece of legislation, after the constitution itself, to ever come before the democratic Parliament, the anti-discrimination law could raise expectations that will be difficult to fulfill.

It is all very well to have a comprehensive piece of legislation with noble intentions, but among the questions that should always be asked are:

- How enforceable is it?
- How affordable is it?
- How easy is it to understand and interpret?
- Does it raise and invite more questions than answers?
- Does it have unintended consequences?
- Does it conflict with or fly in the face of other existing or pending legislation?
- Does it fall foul of any of the provisions of the highest law in the land – the constitution?
- Does it subscribe to basic tenets of law such as the presumption of innocence until a court proves otherwise or does the onus fall on individuals to disprove charges – in this case of discrimination – made against them?
- Can the problem it seeks to address be achieved by legal remedies alone or does the solution lie in a more complex, multi-faceted matrix of forces operating in concert?

The Human Rights Commission and the Department of Justice have certainly had their work cut out trying to formulate a law with such a sweeping ambit, which attempts to address a set of challenges with so many roots that run so deep into our nation's past.

The spirit of the Equity Bill is similar to anti-discrimination legislation that exists in Britain. However, critical details about enforcement mechanisms still have to be resolved.

In Britain, where laws are more fragmented along racial and gender lines, a tribunal system has been set up as a relatively swift remedy to deal with the floods of discrimination complaints received. South African politicians will ultimately have to decide whether to go this CCMA-type route or whether to deal with discrimination cases via a special "equality division" in our courts.

A matter which is likely to spark considerable debate and even controversy is that in terms of the current draft of the law, "equality tribunals" will not be bound by rules of evidence and will be empowered to act without regard to "technicalities or legal forms".

It is envisaged that structures such as the Human Rights Commission and the Gender Commission will be used to receive and investigate complaints. But one has to question whether there is the political will to massively boost the capacity and budgets of these historically underfunded and already overstretched bodies. It is all very well to have a Rolls Royce constitution that makes provision for a wide range of independent watchdog institutions bolstering democracy – but the Rolls has to be properly serviced and taken for regular spins so that the public can admire and appreciate it.

If the new law is not effectively enforced – or applied only selectively – it could, sadly, develop a reputation of being toothless or unfair. What is not clear is whether the categories of potential discrimination will receive equal weighting in practice or whether, like the affirmative action policies of many companies, racial discrimination will effectively enjoy a higher priority in reality than, say, gender disparities. Such a pecking order could have an impact on the credibility or general acceptance of the law.

In a similar vein, will clauses outlawing discrimination on the grounds of language be taken seriously when, for example, certain lan-

guages routinely receive (unfair) preferential treatment in Parliament and government, which presumably should know better?

African languages, the mother tongues of the majority of the population, invariably end up getting the short end of the stick. But it will be interesting to see if the increasingly vociferous, but much depleted band of Freedom Front MPs will in future resort to citing the equity law when refusing to buckle up in aircraft because the safety instructions are issued only in English. (They are already arguing that the signing of the international convention on apartheid should mean that affirmative action policies will have to be revisited.)

Questions are already being asked in legal and commercial circles about whether the Equity Bill in its current form would rule out affirmative action advertisements for jobs.

The current draft declares that no person or organ of state will be allowed to discriminate against anyone in any way by “advertising in a manner which unjustly excludes or disadvantages potential applicants from any group”.

There are, of course, a host of other areas where questions of interpretation of the law will have to be sorted out.

On the gender front, will men’s groups, as has happened in Britain, launch legal challenges to pubs hosting “ladies nights” because this supposedly violates the spirit of the law?

An area of the legislation that is bound to be subject to huge contest are the provisions which, if applied narrowly, could severely inhibit freedom of speech and press freedom.

The broad – or in snooker parlance “calling all pockets” – nature of some of the media-related clauses could end up conflicting with the free speech provisions contained in the Bill of Rights.

They could also well be out of sync with the spirit of the soon-to-be-tabled Open Democracy Bill – South Africa’s answer to the freedom of information legislation in countries such as the US. Somewhat ominously, however, the Equity Bill contains a proviso that if its provisions conflict with any other law (apart from the constitution, of course), then the provision of the new Act will apply.

Perhaps the area of greatest debate and legal dispute will revolve around clauses that attempt to eradicate discrimination on the grounds of economic status, which, as we know, still largely reflects racial cleavages in our society. This could have a major effect on private clubs, schools, hospitals and a variety of banking, lending and other institutions.

CONCLUSION

Dealing with South Africa’s enormous legacy of discrimination in a practical manner that is meaningful to ordinary citizens is clearly not going to be easy. As one of the drafters of the legislation, Human Rights Commissioner Jody Kollapen, conceded in a recent interview:

“If you see the law as the sole answer (to eradicating discrimination), you will be disappointed. Ultimately, it involves changing human nature and attitudes, and it would be naive to think that law can do that.”

Effective and Efficient Multilingualism in the Building of a Democratic South Africa or Linguistic Hegemony and Marginalisation

Kathleen Heugh

INTRODUCTION

In a multilingual society such as South Africa, if we are serious about democracy then we have to be serious about effective and efficient channels of communication. Through which languages are we informing people about their rights and the services they can or should expect government to deliver? To be plain, unless we use the very languages familiar to people in their daily lives, there can be no effective communication. If we believe that economic rejuvenation is necessary to strengthen the process of democracy, then to what extent are we making the best use of the linguistic resources of people in the workplace? If we have identified certain languages as official, then should we not, at the very least, use these languages for official purposes of communication?

We do not have, nor are we likely to have, a single language which can function as a viable lingua franca in this country. The fact of the matter is that 80% of the population is proficient in languages other than English, and is unable to use English as a useful tool for communication for anything other than very limited communicative functions. In other words, no more than 20% has an adequate proficiency of English for communicative purposes in the workplace, for accessing services, for deriving meaning from the education system, or for participating in provincial and national tiers of government. Yet, the leadership of the country – by which I mean those in senior positions

both within government and civil society – persist in one-directional communicative activities, through a language which has little meaning for the majority. Thus, the apparently inexorable drive toward a reliance on English as the predominant language for communication means quite simply that we are leaving 80% of people on the fringe, beyond the borders of democratic participation.

1. ENSURE THE MAINTENANCE OF A RULING ELITE

South Africa is by no means alone as far as this particular phenomenon is concerned. Most countries in sub-Saharan Africa are in the grip of policies which ensure the maintenance of a ruling elite. Bernd Heine, a scholar from Cologne, who has done some of the most respected language audits in Africa argues that:

“According to a conservative estimate, less than twenty percent of the African people are able to make use of their official language ... only ten percent of the people of the francophone countries of Africa speak French and that only one or two percent speak it fluently and can think in it. The situation in anglophone Africa is comparable; although there are some English-speaking states, like Nigeria, where more than one-fifth in fact do speak English, on average the percentage of English speakers is likely to be below twenty percent. This situation is even more pronounced in the lusophone states such as Angola or Moçambique,

where hardly more than one-tenth of the national population is able to make use of its national official language, Portuguese" (1992:27).

Sociolinguists are attributing the gap between the language of the ruling class and the language/s of ordinary people, to the structural constraints of the political economy (for example, Tollefson 1991). Jonathan Pool (1993:53-4) argues that if there is enormous pressure from the proletariat to access the language of rule, then there must be considerable distance between the ruling elite and the proletariat. He furthermore argues that as the language of rule/power becomes more difficult to access, the greater the desire to obtain power. In other words, the distance between the elite and the proletariat is mirrored by the distance between those who are proficient in the language of rule and those who are not proficient in this language. Thus a drive toward monolingualism for activities of high status means quite simply that only a few will enjoy participation in these activities. It also implies that, if in South Africa there is enormous pressure from speakers of languages other than English to access English, then the road towards democracy is a very long one, and that it is for the foreseeable future very unlikely that the majority will gain sufficient access to English. Pool, after Edelman (1977), argues pessimistically that:

"(T)hose who have political power use it to get power over language, and those who have power over language use it to get political power, with the result that the ideal of democratic government is never achieved" (Pool, 1993:31).

2. EDUCATION

Of course nothing is one dimensional, and clearly in South Africa we are trying to unravel the threads of contradictory forces which propel us both towards and away from democracy. Access to language and hence power should be possible via the domain of formal education, especially if power is linked to a language other than the one used in one's local community. There have been countless commissions of enquiry, recommendations and policy decisions taken in Africa during the course of this century, each one attesting to the importance of maintaining and developing the use of the home language in the formal education system as the

primary vehicle through which cognitive development will best occur. More than this, if one wants to ensure that pupils are going to be able to succeed with the content of the curriculum as well as the learning of a language of wider communication, then the mother tongue has to be maintained and used as at least one of the primary languages of learning. Alamin Mazrui has recently attributed the failure of education on this continent to an inherited educational infrastructure which is colonial both in character and content. More specifically, it is one which is infused with negative value attached to indigenous languages, and positive values attached only to the ex-colonial language/s.

"The process of colonial education had the general effect of marginalising most African languages in favour of Euro-languages, creating an imperialist linguistic configuration that came to legitimise and reproduce the unequal division of power and resources between the speakers of Euro-languages and speakers of African languages" (Mazrui, 1997:35).

The Organisation of African Unity (OAU) had in 1986 taken this reality into serious consideration and adopted a "Language Plan of Action for Africa" which recognised that:

"... the cultural advancement of the African peoples and the acceleration of their economic and social development will not be possible without harnessing in a practical manner indigenous African languages in that advancement and development ... That the adoption and practical promotion of African languages as the official languages of the state are certain to have great advantages over the use of non-indigenous languages in democratising the process of formal education and involvement of the African populations in the political, cultural and economic affairs of their country ... and that mass literacy campaigns cannot succeed without the use of indigenous African languages" (OAU, 1987:1-2).

The OAU further recognised the positive role of African languages in the promotion of unity across national borders, as well as the *de facto* reality of individual and societal multilingualism on the continent. None of this suggested jettisoning the use of the international languages, rather, it suggested that rational language policy of each member state should

include an international language, but in its rightful place alongside and together with the indigenous languages within the multilingual specifics of each state.

In addition to the OAU statement, respected linguists on the continent have been arguing that a language policy which proactively incorporates indigenous languages into both the mainstream economy and education system is essential to development:

“... efforts should be made by language planners themselves ... to make government aware of the short- and long-term economic benefits of proper language planning to the enterprise of national development.

... Language planning is ... as important as any other aspect of economic planning and the place of language planning is therefore in the “National Development Plan”, as a concomitant of all other aspects of economic planning for national development”

(Chumbow, 1987:20-22).

Chumbow advised furthermore, that government language policy in Africa is too top-down and that policy would be more likely to be successful if it were responsive to informed agencies in civil society. This particular point was picked up in South Africa by Neville Alexander who has argued since 1990 for “language planning from below” (see Alexander, 1992).

3. RECOMMENDATIONS

A distillation of the recommendations from across the continent during the course of this century boils down to three things:

- the integration of African languages in the mainstream economic and development plan
- the maintenance of African languages as primary languages of learning alongside the learning of a language of wider communication, such as French or English and
- the inclusion of those with language planning expertise in the formulation of policy as well as its implementation.

For one reason or another, the recommendations of the earlier commissions and the Language Plan itself have either not been, or have been only partially implemented in other African countries. What perplexes sociolinguists from other countries, who are sending flocks of post-graduate students to study the implementation of our progressive constitutional language clauses, is why we are moving

inexorably towards English and away from the languages of the majority.

The reasons usually made explicit elsewhere and often offered here, are linked to apparent budgetary concerns and a fear, by a largely monolingual and elite minority, of multilingualism. Bamgbose points out that:

“Experience with education in African languages shows that in spite of the difficulties which are often mentioned (multiplicity of languages, cost, smaller languages, linguistically mixed classes in urban areas, language development (.) status etc.), it can be achieved, provided there is a strong will to do so. The alternative of not using African languages in education is ultimately more costly and less democratic as well as wasteful to both human and material development ...” (Bamgbose, 1996:13).

Bamgbose’s point about the cost of not using African languages is extremely important, but is not generally understood by the ruling class. Rather, those in power tend to cite their own misconceptions about the unaffordability of using more languages rather than fewer in education. Sometimes they go even further and discount research evidence to the contrary.¹ I intend to return to this point a bit later.

4. UNDERESTIMATING THE ROLE OF LANGUAGE

Despite developments and the efforts of linguists and educators elsewhere in Africa, as well as the efforts of language planners in South Africa over the past decade, the role of language in the shaping of a democratic South Africa has been at best, seriously underestimated, or, at worst, entirely ignored, in virtually every official domain over the past few years. To begin with neither the Reconstruction and Development Programme (RDP) of 1994, nor its successor, the Growth, Employment and Redistribution (Gear) strategy of 1996 integrated or included language policy and planning into the economic plan for the country.

The language clauses in the 1993 Constitution not only identified 11 official languages but promised that conditions would be created for their equal use. The 1996 Constitution, however, lost all reference to “equal use”. There were, though, a few serious and creative responses to the challenge this presented. In particular, the Minister of Arts, Culture, Science and Technology, then Ben Ngubane,

quickly appointed a democratically conceived consultative body, the Language Plan Task Group (Langtag) to draw up a Language Plan for the country. This was a particularly inspired decision and it synchronised very well with the recommendations of Chumbow a decade earlier in terms of the appropriate process of language planning.

Secondly, following, the constitutional provision for a statutory body for language, the Pan South African Language Board Act was passed in September 1995, and the body was established in April of 1996 to fulfil the obligations spelt out in the Interim Constitution of 1993. In particular, these were in regard to its independence from government and its role in advising and monitoring language policy and planning developments.

However, as soon as the 1996 Constitution came into being, the dilution of the language clauses and the removal of the requirement to ensure the equal status of the official languages, resulted in a slowing of momentum and a change of direction from within government. The removal of the goal or target of equal status left the Department of Arts, Culture, Science and Technology floundering. The Langtag report delivered to the Minister in August 1996, has subsequently been diluted through several drafts within the department and has still not emerged as a useful piece of legislation which might provide government with a clearly spelt out language policy and implementation plan with the necessary time-frames. PANSALB, in the meantime, found itself paralysed by a set of impenetrable regulations and under the bureaucratic control of DACST and the Public Service Commission. Lionel Mtshali, who replaced Ngubane as minister, informed PANSALB through the Deputy Director-General Musa Xulu in March 1998 that the Board was to refrain from attempting to make policy or advise on matters of language policy. The department would make language policy. The Board would carry out this policy. The argument was that the 1993 Constitution under which the PANSALB Act fell, had been superseded by the 1996 Constitution. Amendments to the PANSALB Act, intended to bring it into line with the 1996 Constitution, were finally passed by Parliament in early 1999, but at the time of writing, the Act has not yet been signed by the President nor gazetted. Effectively this

frustrates progress and many of the activities of the Board.

At other levels, public responses to the language clauses in the 1993 Constitution were mixed. The response from the private sector was to move with increasing speed away from official bilingual practice towards monolingual practice in English. This was mirrored by the practice in national parliament and provincial legislatures, with the exception of the Free State, where very rapidly, with the assistance of Flemish funds, a multilingual interpreting service was established and one which works most efficiently. Perhaps the most confounding response of all was in the Northern Cape, where approximately 1% of the population has English as a first language and less than 10% of the province has a working proficiency in English. Despite this, the legislature has operated primarily in English and the previous Speaker actively discouraged the use of any language or language service other than English, on the grounds of economic feasibility. Advertisements for jobs in the provincial administration were, until 1998, usually published in English only, which has meant that applicants for senior positions have been largely from outside the province. The practical democratisation for people of the province can certainly not advance under these circumstances.

5. LANGUAGE IN THE DOMAIN OF EDUCATION

Perhaps the activities in relation to the language issue in the domain of education is where I would like to place the greatest emphasis today. The Department of Education (DoE) responded to the 1993 Constitution by initiating, in 1995, a process of developing a new language in education policy. The policy was finally announced in July 1997 and is based on the principle of additive bilingualism which means keeping the mother tongue throughout school, while adding a second and possibly third language. It means more or less that most students would, by about the fifth year of school, spend about half of the school day learning through the mother tongue and half of the day working through and learning English. Unfortunately this policy development was kept entirely separate from the parallel Curriculum 2005 process, the net result being that Curriculum 2005 has been conceived of in an English Second Language paradigm,

rather than the multilingual paradigm of the language in education policy. The Curriculum 2005 documents and terminology are thus far in an impenetrable and jargonised variety of English. Ninety percent of the Grade 1 and 2 teachers who are at present affected, speak languages other than English and teach through languages other than English at this level of the school system. In other words, they have little hope of getting to grips with the documentation because, quite simply, the terminology is unfamiliar and the level of English which the documents require has never before been required of these teachers. My own experience with teachers in the Western Cape is that the terminology undermines them, and they have little hope of working effectively with the new curriculum under these circumstances.

The next important consideration is that few teachers know what the new language in education policy is and the departments of education have yet to spell out how it should be implemented or integrated with the curriculum. With the exception of a few schools in which PRAESA (Project for the Study of Alternative Education in South Africa) works, I am unaware of any school which is actively engaged in implementing the new language policy. Officials in the DoE and the Western Cape Education Department have cited the cost factor as one of the deterrents to implementation and I would like to knock this excuse on the head once and for all.

Quite frankly, I do not believe that it is the cost factor which is the stumbling block, rather, I think (and following the work of Tollefson 1991, Phillipson 1992, Pool 1993 and others), that this conveniently hides the reluctance of the ruling elite to share power, and language is a tool to block the sharing of power. If there were a genuine will to get on with the job of working with the languages of this country, the mechanisms would be quickly discovered.

Among the many agencies that perpetuate the myth of cost is the World Bank. Mazrui draws from World Bank documents to demonstrate that while the organisation recognises the importance of the mother tongue in education, it nevertheless:

“‘understands’ that there are many instances when ... instruction in the European languages ... is more appropriate than instruction in local languages ... and ... may be the

only pragmatic option available to a nation” (Mazrui, 1997:39).

Ironically enough, researchers attached to the World Bank have shown that the costs related to multilingual education are not nearly as significant as they might seem. Vawda & Patrinos (1998) are careful to say that there are increased costs involved in textbook production, and these increase gradually when the print-run declines from 20 000 to 15 000, thereafter the per unit cost increases dramatically.

The crucial issue for South Africa, is that we are looking at materials in only 11 languages, and each one of these would require print-runs of over 20 000 per grade across the school system. Initially, there are costs relating to the development of materials in local languages, but these costs decrease as systems are established and skills are developed. In addition, Vawda & Patrinos point out that there is a range of strategies which can be employed as cost-minimising strategies.

Among these are cooperation with neighbouring countries with regard to shared languages and use in education. Initially, if we are to look at the cost implications for bilingual education for children in this country, and based on Vawda & Patrinos' calculations, these would amount to about a 10% increase in the portion of the budget allocated to materials development/provision. This 10% increase includes the cost of redesigning teacher training programmes to equip teachers to maintain the home language, while adding the second language (probably English) so that both languages become effective languages of learning.² The increase would also cover the start-up costs of systems design for materials development. The dramatic developments in information technology make the generation of school materials in several languages easier and cheaper than ever before. They also mean that urban schools with complicated linguistic profiles would be able to download the appropriate linguistic combinations to match their needs. My estimation is that this would constitute a 10% increase of expenditure in materials development over approximately 10 years.³ Simultaneously, pre-service teacher training programmes would have to begin the adjustments necessary immediately, but adjustments linked to language issues should not result in cost increases.⁴

How does this translate across the entire education budget? Actual expenditure in the 1995/6 year reveals an 88% allocation to salaries, and only 2% to school textbooks (The Education Foundation, 1998). Thus, if we were to increase the expenditure on school textbooks by 10% over the next decade, this would mean simply that the textbook figure would increase from 2% to 2.2% of the budget. In other words, the ruse that textbook costs prohibit local languages is absurd.

CONCLUSION

Commitment, however, has to come from government. A government which conducts most of its business in English and is profiled in the media through English, is not supporting multilingualism. If the contrary threads which at one moment propel government away from a sharing of power, can be successfully tempered by ideological concerns which dovetail with efficient language planning, which would include the participation of agencies from civil society, then perhaps we have some possibility of progress. Thus, if Thabo Mbeki is serious both

about the African Renaissance and about rehabilitating the Afrikaans language (1999), and the Minister of Education Kader Asmal is serious about achieving mass literacy, then perhaps there may be some hope that the distance between the language of rule and those of ordinary people may decrease. There is little doubt anywhere that mass literacy can only be achieved in the languages used proficiently by people in their daily lives.

There is also little doubt that literacy is an essential requirement for democratic participation in society. Secondly, we are fortunate to have the example of Afrikaans from which we can learn so much in the elaboration and modernisation of languages for the purposes of education, economic activity as well as governance.

Then, as Neville Alexander (1999) points out, there can be no African Renaissance without African languages, because any movement which mobilises people towards the rediscovery of indigenous knowledge systems must clearly be dependent upon discovering this knowledge through the languages in which it resides.

ENDNOTES

- 1) See the final two paragraphs in the chapter on language in *Getting Learning Right: Report of the President's Education Initiative* (Taylor & Vinjevold 1999:225-6).
- 2) The point being that pupils would then have the best possible opportunity to become bilingually proficient as well as academically successful by the exit point from school.
- 3) Both PANSALB and DACST have language development budgets. Careful rationalisation of resources and effective planning for terminology and dictionary development for education by these two agencies in liaison with DoE, would cover most of the costs.
- 4) In actual fact, most teachers in South Africa are not adequately equipped to teach in any classroom, and for there to be any headway with necessary curriculum changes there will have to be large-scale teacher development programmes set in place. The upgrading of requisite language in education skills and proficiencies of teachers is one component of a larger issue, thus most of these costs need to be spread across both language and curriculum transformation.

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Globalisation and Democracy: Reconciling Economic and Political Liberalism in South Africa

Meenal Shrivastava

INTRODUCTION

The post-Second World War global economy was largely a creation by the major powers and was institutionalised through international financial institutions such as the International Monetary Fund (IMF), the World Bank, the World Trade Organisation (WTO) and its General Agreement on Tariffs and Trade (GATT). However, over the years the global economy underwent a number of major and unforeseen structural changes that had a serious impact on the system (e.g. the collapse of the fixed exchange rate system; Southern debt crisis; increasingly protectionist policies in the North; etc.). These changes gave rise to the current international trends that are exercising a profound influence on development theory and practice. The most important of these trends is "globalisation", which is affecting the policy choices of South Africa and other states in the region.

This paper presents a critical analysis of the impact of various aspects of globalisation on the democratic process in South Africa. Specifically, the paper explores the linkages between economic and political liberalism and its relevance for South Africa.

1. UNDERSTANDING GLOBALISATION

Globalisation is defined in various ways. It is defined as a vision of a borderless world or a deepening of the internationalisation process, which is believed to strengthen the functional and weaken the territorial dimension of development. The non-reductionist view of globalisation delinks economy and globalisation, opening up the theoretical space for imag-

ining multiple trajectories of globalisation. It brings in its political, cultural and biological aspects as equally important dimensions for consideration, both theoretically and politically. Yet another definition of globalisation defines it as the general dominance of capitalism as the economic ideology, and the globalisation of finance, manufacturing and services. Here the IMF and World Bank are perceived as the main agents for implementing the tenets of market economy in the South.

Exactly what globalisation is and where it has generated an impact, is a source of much debate. However, much of the optimism about globalisation arises from the assumption that it has a positive impact on developing countries. As a concept, it stands on shaky empirical ground as a descriptor of an economic process. Since in economic terms, globalisation is not ubiquitous. Let us consider some examples in view of this statement – in the matter of distribution of trade and investment there are three trends that are inconsistent with a globalisation tendency: firstly, the national bases of most production processes; secondly, the North-South divisions; and, finally, the development of regional, rather than global, trade and investment. Even in the financial markets, where the evidence for globalisation is the strongest, the price of capital has not converged, and there are marked differences in savings and investment rates between national and regional financial markets.¹

However, globalisation performs very important political functions – above all, it legitimises the international pressures for states in the South to accept the hegemony of international

capital within their borders. Therefore, in political terms, globalisation is pursued vehemently and aggressively. The adjustment programmes of international agencies use debt repayment to substitute regulation by the state. Although the Western analysts term it as “the narrowing of the gap between the predominant regional forms of capitalism”, “growth of a functional world market” or “economic homogenisation of the world”.² In effect, it only leads to the subordination of the state and its economy to the rules of capital accumulation set by markets as well as the core states.

2. THE LINKAGE BETWEEN GLOBALISATION AND DEMOCRACY

Broadly, there are two aspects to the concept of globalisation – the economic aspect, which includes liberal, neoclassical economic reform and the political aspect, which foresees a rapid spread of democratic political structures. This vision asserts a positive and reinforcing synergy between its economic and political aspects, such that economic liberalisation and democratisation are to take place simultaneously. However, this is hardly the economic and political reality of the world today. Since the world trading order is characterised more by economic mercantilism and regionalism than this vision acknowledges, and the world’s credit markets are characterised more by skewed flows of capital and technology.

On the economic front, globalisation is interpreted as having reduced, to an extent, the power of the state with respect to its leverage and control over economic policy.³ The dominant political economy in the West, however, has been a form of compromise called “embedded liberalism”⁴ or “benign mercantilism”,⁵ which involves the use of extensive state power, simultaneously in the interest of domestic stability and well being on the one hand, and international economic adjustment on the other. State power has been employed to varying degrees to restructure the economy, while minimising and buffering the disruptive domestic political and social consequences of liberal economics at the international level. As a result, modified international economic liberalism and domestic political stability and prosperity, via state intervention, coexist in a strained balance, mediated by the pressures of democratic politics; far removed, indeed, from the liberal pre-

cepts of the autonomous interplay of free markets and minimalist states.

However, the compromise of embedded liberalism has not been extended by the major powers to the developing countries. In fact, the North has attempted to force the South to adjust to full orthodox liberalism, without embedding it in the realities of their domestic state-society relations. This new orthodoxy views the state itself as a key obstacle to development and prescribes export-led growth and a minimalist state, with the market as its major instrument of reform.

The Western liberal vision has underestimated the role of the state in the following ways: firstly, even neoclassical economic reform requires a relatively strong and capable state structure; secondly, any state, especially democratic, needs to buffer the socio-political consequences of transformation; and thirdly, the liberal vision of economic transformation might not be the only possible or common path to transformation. Hence there is a need to formulate a new political economy of development, which can strike a proper balance between state, market and development. In short, a form of embedded liberalism for all, not just for the First World.

3. SOUTH AFRICA AND GLOBALISATION

International finance has been an important factor in South African economic development since the beginning of the country’s industrialisation. In the 1980s, international financial flows dried up due to poor economic performance, the impact of sanctions and the global debt crisis. However, since the transition to democracy, the IMF, World Bank, and private and public foreign investors and institutions have rapidly returned to the country. Despite concerns about the value and relevance of the development philosophy and advice of the international financial institutions, neo-liberal ideas have come to dominate the economic policy framework in areas such as trade, monetary, fiscal and labour policy.

The most telling example of the profound influence of capitalist ideology, is the oft-quoted Reconstruction and Development Programme (RDP). In its initial form as an African National Congress (ANC) policy document for discussion (published in early 1994), it represented a demand-oriented approach to the economy.

However, the White Paper in September 1994 showed a marked shift towards a supply-side approach, more in line with the neo-liberal thought pervading the IMF and the World Bank. Another illustration is the way in which regional development in Southern Africa is influenced by the dictates of the global market.

An understanding of the differences between the two elements of Political Economy is crucial in this quest. The first element is “public policies on economic matters”, which shape the economic system and are made up of many intertwining elements – including issues such as the nature of industrial policy, privatisation, property rights, etc. Public policy is affected by factors such as the nature of the organisations within the economy, the role of political organs, the information structure, the distribution of decision-making power, etc. The second element is “economic policy”, which can be defined as action or inaction within the framework of a given system which seeks to influence outcomes – examples of economic policy are monetary and fiscal policy. While neither is part of the other, the effect of uncertainty about public policy on economic matters and on outcomes which reflect the effect of economic policy cannot be underestimated, since the outcomes it influences include savings rate, growth rate, public debt, job creation, provision of housing, health care and education, etc.

However, in the context of South Africa, the economic system itself is not a given.⁶ Thus an impossibly large burden is placed on the monetary and fiscal policy elements of economic policy. Public policy discussion about desired improvements to the system draws attention away from the need for a coherent and purposeful current overall economic strategy policy. Non-delivery, brought about in large part by the non-use of economic policy instruments, affects confidence in the economy. In the absence of effective economic policy the domestic economy slows down.

The global economic trend in the past few decades has been characterised by the following:

- A subdued economic growth rate.
- Domination of fiscal and monetary orthodoxy.
- Intensified international competition, increasingly based on non-price factors such as product quality, design, speed of innovation, etc.

- Growth of protectionist measures among the industrialised countries.
- The forced opening up of developing countries’ domestic markets through the GATT/ WTO and other trade arrangements.

South Africa entered its period of transition with the following advantages in relation to these trends:

- A relatively large and diversified manufacturing sector.
- Open to inflows of foreign direct investment and technology for many decades.
- Significant physical, banking and human resource base.
- Global competitive edge in sectors such as metallurgy, mining equipment, chemical and paper.

The major weaknesses, despite these achievements, are:

- Large areas of industry are neither competitive nor technologically dynamic.
- The relatively small size of manufactured exports.
- Particularly behind in the advanced engineering sector and labour-intensive products.
- A low productivity growth in the past two decades.

Since its transition to democracy, South Africa is undergoing a pathbreaking struggle to achieve structural reform. Evidently, academic economic analysis and debate needs to move on to the development of a detailed and far-reaching policy agenda capable of tackling the legacy of apartheid and radical enough to turn around the South African economy and society. It is not enough to draw on international evidence without addressing the peculiarities of the South African situation. Only a regulated, state-led growth and development strategy offers the possibility for economic change sufficiently deep and sustainable to address the problems of poverty and inequality, and to strengthen democracy.

There has been a policy retreat in international financial policy and strategy. It has been stripped of its commitment to regulate the nature of South Africa’s relations with the international financial institutions and foreign investors. Ideologically, the widespread acceptance of economic orthodoxy, from stabilisation to trade liberalisation and privatisation, has been the key reason for lack of progress in the delivery of social and physical infrastructure.

Coupled with capacity problems, these factors have resulted in the absence of a coherent industrial policy; the lack of a clear strategy for Southern African regional integration; and a failure to implement progressive reforms in the financial sector. This shift in economic policy was facilitated, among other things, by a distancing from the popular democratic culture, which dominated union and anti-apartheid politics.

CONCLUSION

The ability to confront the internationalisation of capital is a question of state capacity and the need is for building state capacity. The indications are that IMF pressure on issues such as the budget deficit will only intensify, threatening even more the capacity of the government to meet RDP objectives. The state therefore needs to ensure that the capacity, efficacy and efficiency of the state are improved in order to meet the challenges of development and to consolidate democratic prospects in the country. In other words, to permit adjustment and to buffer its costs, since it cannot be overlooked that globalisation has also brought about increasing income inequality, job insecurity and unemployment in both developed and developing countries of the world – undoubtedly, unfavourable conditions for the process of democratisation.

Since the political power of a country is shaped and characterised by wealth and access to the state or democratic participation, the strong and organised support of mass-based organisations in civil society (such as trade unions) is crucial in resisting pressures from international financial institutions and in adopting an integrated development approach. One critical element of an alternative strategy is an active industrial policy, within the context of existing capacities, seeking out new opportunities in the restructured global economy.

The East Asian experience has also demonstrated that close integration into the world economy is not a precondition for growth and development.

Instead, countries such as Japan, South Korea and Taiwan integrated into the world economy in the direction and at the extent to which it was useful for them, which is referred to as “strategic integration”.

These cases also demonstrate that economic liberalisation and export-oriented development demand strong and capable states.

The challenge for South Africa is to develop an economic strategy that would enable the country to meet and overcome domestic demands and deficits, while enabling it to compete internationally, wherever appropriate and strategic, serving both development as well as democracy.

ENDNOTES

- 1) Linda Weiss, “Globalisation and the myth of the powerless state”, *New Left Review* 225 (1997), pp.3-27.
- 2) See H. Bull and A. Watson (ed.), *The Expansion of International Society* (Oxford: Clarendon, 1985) and Bjorn Hettne, “Globalism, regionalism and the europeanisation of Europe”, *Politeia*; 17 (3) 1998; 44-59.
- 3) Susan Strange, *The Retreat of the State: Diffusion of Power in the World Economy* (Cambridge, 1996).
- 4) John Gerard Ruggie, “International regimes, transactions and change: Embedded liberalism in the post-war economic order”, *International Organisation*; 36 (2) 1982; 390-415.
- 5) See Robert Gilpin, *The Political Economy of International Relations* (Princeton, 1987), pp. 404-405.
- 6) Jonathan Michie and Vishnu Padayachee (ed.), *The Political Economy of South Africa's Transition* (Dryden, 1997).

Racial Categorisation: Threats to South Africa's Fledgling Democracy

Roy du Pré

INTRODUCTION

The account of the Trojan Horse in Grecian history is well-known: the seemingly impregnable city of Troy which fell when the enemy, tired of trying to take Troy, built a wooden horse, hid soldiers in its interior, waited for the Trojans to wheel it into the city; then sneaked out while the Trojans slept, opened the city gates from within and gave access to the waiting army to march in and defeat the Trojans.

There are a number of Trojan Horses in South Africa's fledgling democracy, which the present government has taken over from the former regime and entrenched in law, and which possess the potential to destroy this carefully crafted democracy of ours. Among the many Trojan Horses are those such as the land question which relates to the issue of land dispossession and redistribution; and the continued use of apartheid racial categories which affects not only farmers' attitudes to land and their workers, but the whole issue of the continued relationship between the previously polarised and compartmentalised communities in South Africa. Because the issue of race and racism has so strongly permeated every level of South African society, entertaining and encouraging racial stereotypes, categories and labels carry the seeds to destroy attempts at building a non-racial, democratic society and a single South African nation.

This paper will examine the background to the rise of racism and racial categorisation in this country in order to provide a warning of the potentially destructive consequences of basing new legislation on the racially based foundation of the past.

1. STRUGGLE FOR FREEDOM

The struggle to gain freedom in South Africa has been a struggle of many years, many centuries. There was the struggle against slavery (1657-1838); the struggle against segregatory attitudes and legislation since the 1800s; the struggle against disfranchisement (1902-1990s); the struggle against political, residential and economic segregation; the struggle against English imperialism and colonialism; and the struggle against Afrikaner nationalism (apartheid). A pattern in all of these struggles was fear of the "other". This was manifested in colour prejudice, language prejudice and religious prejudice. Eventually colour prejudice became the overriding prejudice affecting the relationship between peoples.

There was very little prejudice in the early years of the Cape Colony. Relationships were guided by whether one was Christian or heathen and free or slave. The white-black issue really only arose in the late 18th century when trekboers reached Fish River and clashed with the numerically superior Xhosa. Fear of blacks crystallised and concretised in the Eastern Cape region. It is here where racial attitudes hardened. When the Voortrekkers left for the Free State and Transvaal, they took with them this attitude which eventually became the guiding principle and basis of apartheid, and the attitude to land and farmworkers in South Africa. In 1950, racial discrimination became entrenched in law and remained the cornerstone of National Party (NP) policy until 1991.

2. AFFIRMATIVE ACTION

In June 1991, after 43 years in power, the NP

abolished all apartheid laws placed on the statute books since 1949. The abolition of apartheid came about as part of the move towards negotiations for a non-racial democracy. The cornerstone of the NP's apartheid policy between 1948 and 1994 had been race classification whereby the entire population had been racially labelled. This Act was of course the very foundation of apartheid, as racially-based laws were only able to be applied after people were identified by race and suitably labelled. Race classification therefore made it possible for apartheid to work.

Although this law has since been abolished, the labels have remained. The non-racial Government of National Unity elected in April 1994 retained racial labelling in order to implement policies of redress, such as affirmative action and equity employment. Thus, even though race classification was introduced to provide a foundation for racially based policies, the government after 1994 has seen fit to perpetuate this racist policy.

After 1994, affirmative action became one of the cornerstones of the new government's policy. Through affirmative action legislation, the government sought to redress the inequities and imbalances of the past, by giving persons who were disadvantaged by virtue of the colour of their skin the opportunity to take their rightful place in the economy and government of this country. In seeking to apply affirmative action, the government determined that the persons to be affirmed needed to be identified. While this was of course necessary to ensure that the correct recipients were identified, the government chose to base the identification process on racial classification set out in the Population Registration Act of 1950. This Act was of course the very foundation of apartheid, as the pillars of apartheid – viz. the Mixed Marriages, Immorality, Group Areas, Separate Amenities, Separate Representation of Voters' Acts and other laws – were only able to be applied after people were identified by race and suitably labelled. In 1991, the NP acknowledged the flawed basis of racial labelling and abolished racial classification, along with all other apartheid legislation in June of that year.

The irony therefore is that a new non-racial democratic government, in seeking to overcome the inequities of race-based laws, has chosen to base affirmative action policies on

racial labelling, the foundation stone of apartheid. Furthermore, a government of persons who were victimised and stigmatised by apartheid laws, has developed policies whose very basis are the same laws which people gave up their lives to have abolished.

Racial labelling has been perpetuated in many areas of South African life, most notably in the education sector. The Department of National Education requires schools to indicate the racial category of each child in a school. Parents are requested to indicate the race of their children. Institutions of higher learning have also been confronted with this dilemma. Students enrolling at universities and technikons are requested to indicate their race on application forms. Recent restructuring in this sector has also required universities to submit three-year rolling plans based on projections. The Department of National Education requires institutions to project future enrolments and staffing levels of "African, Coloured, Asiatic and White" persons – the very levels of classification used by the Population Registration Act of the apartheid era.¹ Application forms for funding by the Human Sciences Research Council (HSRC) require applicants to indicate their race based on the apartheid labels.

The Employment Equity Bill passed in 1998 requires employers to hire according to percentage quotas to reflect the racial demographic make-up of the country – again based on racial categories. However, the crucial question is: if race classification was abolished in 1991, on what basis do schools, universities, the HSRC and employers decide who is "African, Coloured, Asiatic and White"? In the case of institutions of higher learning, administrators, deans, heads of departments and academics have to decide upon the racial category. This harks back to the days of race classification boards when persons appeared before members of the board to be scientifically "examined." A candidate was classified on the basis of "appearance".

The last census conducted in 1995 was very sensitive to this issue of racial labels. Even though the government was keen to get accurate information on the number of people in various racial categories, it is worth noting that the census forms asked people what they considered themselves to be. Thus even though the government needed to have race-based infor-

mation for its affirmative action policies, at least it allowed for self-classification. This is, however, not the case at present in the instances referred to above. Employers, administrators, educators and academics are required to “play God” and identify persons on the basis of “appearance”, or their former racial categorisation.

In order to determine the morality of affirmative action and other legislation and practices based on racial categorisation, it is necessary to briefly examine the implementation and application of race classification between 1950 and 1991 in South Africa. This paper seeks to examine the origin and flawed basis of race classification and to provide a rational explanation why the continued use of racial labels is immoral, unethical and fraught with grave implications.

3. IMPLEMENTING RACE CLASSIFICATION

In 1948 the NP came to power with a policy and a slogan which captured the imagination of those who shared their views of race and segregation. “Apartheid” became the rallying call for white supremacists in this country.² However, apartheid could only succeed if rigid racial separation was practised. The first step in this process was the introduction in 1949 and 1950 of the Prohibition of Mixed Marriages and the Immorality Acts respectively. These laws forbade marriages between “Europeans” and “non-Europeans” as well as sex across the colour line. However, at that stage the NP did not know who exactly were “Europeans” and who were not. The major stumbling block was the large number of South Africans of mixed race, loosely referred to as “coloured”,³ who represented virtually the entire colour spectrum,⁴ “some as black as pitch and some as white as snow”.⁵ Up to 1950, legislation did not provide adequate definitions of the population. Imprecise racial classification had led to a tradition of “passing” because of the difficulty of differentiating between whites and light-skinned “coloureds” on the one hand, and dark-skinned “coloureds” and Africans on the other.⁶ As far as the policy of apartheid was concerned, the solution was to determine the “race” of an individual.

The government’s response was the Population Registration Act (No. 30 of 1950) which laid down guidelines for the determination of a

person’s race according to the colour of his skin. Everyone would have to carry an identity card indicating his race.⁷ This would bring to an abrupt halt the tradition of “passing”. However, when it was introduced, the discriminatory aspects of the proposed Act were deliberately concealed. The Minister of the Interior advanced as his motivation for the Act, that population registration was necessary to obtain important statistical information such as birth date, race and national status;⁸ and, secondly, that it was necessary to determine a person’s identity through the issue of personal documents for purposes such as control over illegal immigrants, the curbing of tax avoidance, and the identification of persons for the purpose of commercial transactions (e.g. the purchase of liquor).⁹ (Such reasons are very similar to those provided today, viz. that the use of racial categories is necessary to ensure that the formerly disadvantaged are correctly identified in order to provide redress.) According to the Minister, the fact that all adults would be classified according to race, meant that there would be no racial discrimination in the Act itself.¹⁰

4. CRITERIA FOR CLASSIFICATION

Initially, only two categories of classification were positively defined, viz. European (white) and Native (African).¹¹ Everyone who was not “European” or “Native” was classified “Coloured”.¹² In terms of the Population Registration Act a white person was someone who (a) “in appearance obviously is a white person and who is not generally accepted as a coloured person”; or (b) “is generally accepted as a white person and is not in appearance obviously not a white person, but does not include any person ... who freely and voluntarily admits that he is by descent a black or coloured person ...”.¹³ According to the above definitions, the criteria for “white” classification were appearance and acceptance.¹⁴ The most striking aspect of this definition was the absence of descent as a criterion.

The main tests for white classification were that of *looks* (appearance) and *social association* (general acceptance).¹⁵ The first test was: “Does the person look like a white person?” Factors such as habits, education, speech, deportment and demeanour in general also had to be taken into account in judging this “look”.¹⁶ According to the second test, a person

had to be "generally accepted" as a white person at any place where he was "ordinarily resident, is employed or carries on business; mixes socially or takes part in other activities with other members of the public, and his association with the members of his family and any other persons with whom he lives."¹⁷ The criterion was therefore not with whom the person chose to associate or with whom he mixed, but "how other people see and interpret his social associations."¹⁸ The third consideration was that someone could look like a white person and be accepted as such, but if he admitted that he was a coloured, or his ancestors had "mixed blood", he could not be classified white.¹⁹

The definition of a "Native" was more straightforward. A "Native" (later, Black)²⁰ "means a person who is, or is generally accepted as, a member of an aboriginal race or tribe of Africa."²¹ In this definition, descent was the main criterion. Customs and appearance played a role only when evidence of the person's biological descent was absent. Everyone who did not fit into the two positively defined categories were lumped under the omnibus label of "Coloured". The major problem confronting the drafters of the Act was the description of a "Coloured". The difficulty presented by this problem was already noted by an NP commission in 1945 which expressed the conviction that in relation to the question of "who is actually a Coloured and who is not ... a manageable definition will have to be given that will provide sufficient satisfaction in practice."²² By 1950 the government had not yet come up with a "manageable definition." For example, the best that the Act could do was to define a "Coloured" person as one who was not "European" or "Native". This group included Chinese, Japanese, Indians and other persons of Asian origin, as well as persons of "mixed race" such as Malays, Griquas, Bastards, etc.²³ Children of white and black, and white and coloured parents, were classified according to the race of the father if he was black or coloured. However, if the father was white and the mother not, then the child's classification was that of the mother's.²⁴

There was therefore no uniform or scientific policy in determining the race of a person. One was white by appearance and acceptance; black by biological descent; or coloured, because one was neither white nor black. The deliberately

fuzzy definition of a white person, the rigid definition of a black person, and the inexact definition of the rest, shows that the NP government in 1950 intended, on the one hand, to retain as white as many people as possible who were generally accepted as white. As there are very few persons in South Africa who have "pure white blood", the test of descent was not considered. On the other hand, the NP clearly intended to admit into the white group as few people as possible who did not have as much "pure white blood". The existing and future white group was therefore kept as pure and small as possible. The Race Classification Board which was set up to ensure that everyone was correctly classified, "did not apply the definition of a white person positively to classify people as Whites, but negatively to exclude them from the ranks of Whites."²⁵

5. PROBLEMS IN THE CLASSIFICATION PROCESS

The original purpose of the Population Registration Act was to place insurmountable obstacles in the way of anyone who wanted to pass from one race group to another. However, the process of race classification was immediately bedevilled by a number of unique problems. Firstly, many persons who obtained white classification did so by producing birth certificates to prove that they were white. Prior to 1950, it had been common practice for white fathers whose wives were "non-white", to attend to the registration of the birth of their offspring. Because the father was white, the government clerk duly recorded the infant as "European", without seeing the mother. After 1950, these persons were successful in gaining white classification, received white identity documents and, in later years, were given white pensions.²⁶

A second problem encountered arose out of the common practice prior to 1950 for parents to have their children baptised before their births were registered. Baptismal certificates later served as the basis for the information contained in the birth certificate. The problem was that many South Africans were described on their baptismal certificates as "mixed".²⁷ This practice came about because children's details were generally recorded by ministers of religion. At the baptism of a child the minister decided for himself, by looking at the parents, what their ancestry was, and entered the child's

accordingly. However, prior to 1950, "mixed" did not necessarily mean mixed race but often mixed nationality and mixed religion as well. Thus, children born of a Scot and a Frenchman were sometimes indicated as "mixed" on their birth certificates (viz., mixed nationality). Children born of a Catholic parent and a Lutheran parent were sometimes also indicated as "mixed" (viz., mixed religion). Then too, children born of a white father and black mother, or persons of indeterminate ancestry, were recorded as "mixed" (viz., mixed race). In most cases, where the minister was not certain, he would indicate "mixed".²⁸ Because "mixed" did not necessarily mean "mixed race", the Race Classification Board after 1950 encountered difficulties unravelling the various "race groups" which clustered under the "mixed" umbrella. As a result, many persons and families with "mixed" birth certificates were not automatically classified "Coloured" when the law was passed in 1950.²⁹ In many cases, such persons and families were "invited" to indicate the racial classification they desired to have applied to themselves. If the representative of the Population Registrar had doubts about the racial group to which a person and his/her family belonged, all that had to be done was to supply the Population Registrar with a letter or affidavit by at least one, or two if possible, of the following to the effect that the person was regarded by them as white:

- an officer in charge of a police station
- a school principal
- a minister of the church
- an employer
- a Senator, Member of Parliament or the Provincial Council
- the mayor
- the town clerk
- the chairman of an agricultural union.

Two further affidavits from family friends were also required.³⁰ In this way thousands of "mixed-blood" South Africans gained entry into the "white" population group.

At first, many light-skinned coloured people in this situation did not take the Population Registration Act too seriously. They did not envisage what a "Coloured" identity would mean to their lives as far as employment, education, marriage, social life, wealth and upward mobility were concerned. Some elected to retain a "Coloured" identity and unwittingly

condemned themselves to a second-class existence. Many were able to "pass for white" and did so. They had to, however, leave their neighbourhoods, their schools, their churches, their friends and, more tragically, their families.

They would never again be united because, to be seen associating with "Coloured" people often spelt disaster for "play-whites". When friends and relatives passed them in the street, the usual reaction was to turn their faces, suddenly engage in window-shopping, or cross to the other side of the street.³¹ "White" relatives would ask their "Coloured" family and friends to visit them at night.

6. RACE CLASSIFICATION IN PRACTICE

Because the Population Registration Act in 1950 only created two positively defined classification levels, viz. "European" and "Native", whoever did not belong to one or the other was automatically classified "Coloured". Thus, the "Coloured" population group was not a "mixed race" group when it was originally conceived. This group included "pure blooded" Asians such as Chinese and Indians. While Chinese were regarded as "Coloured" for purposes of classification, if they got letters from their consul certifying them to be persons of good standing, they could travel in white coaches on main-line trains.³² The application of the law to Japanese was even more complicated. Japanese were regarded as "Coloured" because the law did not have a definition for them. However, Japanese living in South Africa could get a permit to live as white in terms of the Group Areas Act, buy houses in white areas and use white amenities. Japanese tourists were technically "Coloured" but would be regarded as "White" for a period of 90 days and be entitled to all the privileges enjoyed by whites. After that time they once again became "Coloured".³³ During the time they had their "White" status, they could associate freely with white women. However, if they associated with "Coloured" or Chinese women, they would be committing an offence under the Immorality Act.³⁴ Later, Japanese living in South Africa were allowed to reclassify and live in a white suburb if they married a white person. However, as trade between South Africa and Japan increased in the 1970s and 1980s, all Japanese were granted the status of "honourary white". This was done so as not to jeopardise trade relations by of-

fending the Japanese government and Japanese businessmen.

One of the consequences of race classification was the absurdity of multiple classifications within the same family.³⁵ In Parliament in 1988, Ismail Essop pointed out that he was classified Cape Malay; two of his brothers were classified "Coloured" and another "white"; two sisters were classified "Coloured" and another "Indian".³⁶ Furthermore, stated Essop, "in this House we have a pure Egyptian classified Coloured."³⁷ The absurdity was starkly evident in practice. A "Coloured" taxi-operator who objected to regulations which compelled taxi drivers to only carry people of their own race, pointed out that if he was only permitted to carry "non-Europeans" in his car, he would not be able to carry his wife and mother because they were "white".³⁸

7. THE DEVELOPMENT OF THE SOUTH AFRICAN NATION

The creation of the "Coloured" population group deserves particular scrutiny. While the law clearly defined the "European" and "Native" population groups in 1950, the "Coloured" population group was an imprecise, ill-defined, melting-pot, supposedly comprising people of "mixed race". However, "mixed race" implied that the "European" and "Native" population groups were "pure" groups. However, no race exists which is not mixed, least of all the white South African "race".³⁹ In 1950, the white South African population was "an exotic pot-pourri which (not least among Afrikaners) includes the indigenous people of South Africa."⁴⁰ "Non-white" blood had entered the "white nation" almost as soon as Van Riebeeck arrived at the Cape in 1652. In the 17th and 18th centuries there was widespread marriage and sex across the colour line resulting in large numbers of children of mixed parentage.⁴¹ In many instances, because their fathers were invariably white and Christian, these mixed race children were absorbed into white society.⁴²

In the early part of the 20th century, large numbers of "coloured" persons lived among whites, went to the same schools and churches, played on the same sports teams and often married across the colour line. In fact, the colour lines were so blurred that an attempt in 1911 to define white and coloured for public purposes

was unsuccessful. In that year the Cape Supreme Court decided that "coloured" children could not be excluded from public schools, because the judges were "unable to agree on exactly how to differentiate between whites and light-skinned coloureds."⁴³ By the time race classification was introduced in 1950, many "coloured" people, because they had lived, worked, worshiped and played with whites, were classified white. Thus, the "white nation", already "mixed" by virtue of extensive miscegenation in the 17th and 18th centuries, received an influx of a large number of mixed race South Africans in the first half of the 20th century. Since 1950, many more "Coloureds" successfully reclassified.⁴⁴ Thus, in the past 300 years, and especially in the past 40 years, thousands of mixed race South Africans have, on a regular basis, been absorbed into the white group.⁴⁵

Although the term "Coloured" implies that such persons are of "mixed race", not all persons of mixed race were classified "Coloured" in 1950 and, conversely, not all persons classified "Coloured" in 1950 were of mixed race. Miscegenation during the first 200 years of white settlement in South Africa brought a significant amount of "non-white" blood into the developing nation due to the large numbers of free and slave "blacks" in close proximity to whites. By 1867, whites had at least 6.9% "mixed blood" in their veins.⁴⁶ Thus, by the time race classification was introduced in 1950, South Africans were a mixed race "nation". In 1959 the Cape Town historian and genealogist, M Jeffreys, wrote:

"It is fairly safe to say that where any family has been in this country for more than 200 years, the chances of having no infusion of colour are rather remote. Of the families who were settled in South Africa before then, the chances of a colour infusion are doubled with each added 25 years. The Coloureds in the more established groups are not so far away from Whites as the Whites might prefer to believe."⁴⁷

In 1960 Professor Gert Eloff of the University of the Orange Free State endorsed this view. He estimated that whites whose forebears had lived in South Africa for eight generations or longer could be sure that at least five per cent of their racial composition was of non-white origin.⁴⁸ Dr E D du Toit of the Department of Genetics

at the University of Cape Town in 1984 confirmed that there was a considerable admixture of Khoisan, Negro and Asiatic genes to be found in white South Africans and that they had more than seven per cent "mixed blood".⁴⁹

8. THE FLUIDITY OF THE "COLOURED" POPULATION GROUP

While the label "Coloured" implies that such persons were of "mixed race", not all persons originally classified "Coloured" were in fact "mixed". Later, in order to refine race classification, another category, Asiatic, was created in 1967 to accommodate Indians and other Asians.⁵⁰ Chinese were allowed to apply to be classified white.⁵¹ Japanese were also allowed to reclassify to white and all Japanese visitors became "honourary whites". Thus by a process of legislative distillation, the "Coloured" population came to consist more and more of "mixed race" persons. However, this was never entirely so. Because of the greater privileges enjoyed by persons classified "Coloured", many "Natives" tried for "Coloured" even though procedures were put in place to ensure that they did not succeed.⁵² The Group Areas Act of 1953 provided a loop-hole which many exploited. This Act declared the "Coloured" group as consisting of "all persons who do not fall into the White or Native group and also all women, including White or Native, who are married to or who cohabit with, Coloured persons."⁵³ Many "Native" women with children cohabited with "Coloured" men and they and their children were subsequently classified "Coloured". Children born of the relationship were also declared "Coloured". In the Cape, the Coloured Labour Preference Policy excluded Africans from working there and, in terms of the pass laws, could not live there.⁵⁴ To avoid deportation or arrest, they quickly learnt that if they spoke Afrikaans they could pass for "Coloured". They registered their children in coloured schools. By attending "Coloured" churches, they were able to have their children baptised, and the baptismal certificates later provided the basis for information for registration papers. These were later used to prove they were "Coloured". The same happened in the Transvaal where the distinction between coloured and African was not great.⁵⁵ In the Orange Free State, thousands of Africans without identity papers were given coloured identity

cards in 1969 to ensure victory for the pro-government Federal Party in the election for the Coloured Persons' Representative Council election.⁵⁶

Over the years, the flow of persons from the "Native" population group to the "Coloured" population group became a steady stream as Africans were increasingly subjected to draconian apartheid laws. The implementation of influx control measures and the application of pass laws led many "Natives" to seek the comparative shelter and safety of the "Coloured" label. They changed their names, their languages and their domicile. Mthimkulu became Grootboom; Ndlovu became Oliphant. Xhosa and Sotho were exchanged for Afrikaans. Sophiatown and Western Native Township were exchanged for Newclare and Kliptown in Johannesburg.⁵⁷ Even whites who married "non-whites" were reclassified "Coloured" because that is what their children were classified.⁵⁸ Thus, if white men and women and "Native" women could be declared "Coloured" simply because they were married to, or cohabited with "Coloured" persons; and if "pure blooded" Chinese, Japanese and Indians could be declared "Coloured"; the moral and logical basis of a policy of separation on the grounds of racial purity comes into question.

9. THE STIGMA OF LABELLING

The misconception that a "Coloured" person is a person of "mixed race" is still commonly held today. This we have now seen is not the case. However, if thousands of "mixed race" persons have been, and are today members of the "white" group, who then was or is a "Coloured", i.e. a supposedly "mixed race" member of the "Coloured" population group which existed between 1950 and 1991? – apparently those persons who were unacceptable, on the grounds of social association and appearance, to be included in the privileged group. Thus, race classification was arbitrary. Those whom the NP decided in 1950 to shut out were not excluded because they were mixed *per se*, but because they were too mixed and too different. This therefore makes the continued use today of the term "coloured" problematical. When race classification laws were scrapped in 1991, the media and historians immediately ceased referring to people as "Coloured", viz a racially classified population group, but replaced it with

the equally absurd "coloured" (lower case). The explanation for its use is that the term merely refers to "people of mixed race". However, this is a spurious argument because the term is not being used in reference to all persons of "mixed race". The "white" population group consists of thousands of South Africans of "mixed race", but they are not referred to as "coloured". The only people being referred to as "coloured" today are those who were classified "Coloured" before 1991. The present-day use of the term "coloured" is therefore objectionable because it perpetuates racist practices implemented in 1950. Moreover, of all the racial labels of the apartheid era, this is the only one associated with inferiority.⁵⁹ During the past 46 years of NP rule, the term "Coloured" came to carry with it a stigma of inferiority.⁶⁰ Therefore, to call someone a "coloured" today instantly labels him and sets him aside as inferior and perpetuates the indignities, degradation and humiliation they suffered during the apartheid era. The use of the term "coloured" after 1991 is not only incorrect but a deeply insulting and unjust practice.

Not only persons formerly classified "Coloured" are trapped by this label today. Many Africans lived for decades as "Coloured". Their children attended "Coloured" schools and were forbidden to speak a "Native" language for fear of exposure. Now in the "new" South Africa, with affirmative action being increasingly applied in favour of Africans, these "Coloured" Africans are paying the penalty for having sought refuge in the "Coloured" label.

10. THE PHENOMENON OF RECLASSIFICATION

Reclassification was allowed since 1950 for those who were, or felt they were, wrongly classified.⁶¹ In many cases reclassification was involuntary and persons were classified by the Population Registrar from "European" to "Coloured" or "Coloured" to "Native" if they could not supply proof that they were correctly classified. Very few persons voluntarily reclassified to a lower rank.⁶² Most reclassifications to a higher rank were voluntary with the greatest number being from "Cape Coloured" to "White".⁶³ In the 1950s guidelines for "borderline" coloureds to follow for reclassification were clearly spelt out and relatively painless.⁶⁴ In later years reclassification became easier but more humiliating. For example, in the 1970s

many light-skinned "Coloureds" in Johannesburg started living in white areas. Because "Coloured" people were a minority in Johannesburg, only the two major population groups were recognised and provided for. Dark complexion coloureds were generally lumped with Africans. Light-skinned persons who could pass for white flocked to the cosmopolitan Hillbrow/Berea area which had many olive-skinned Portuguese from Angola and Moçambique, and swarthy Lebanese who were classified white. By the 1980s, they had made a home in white areas, their children attended white private schools, and the parents worked as whites. However, they still had "Coloured" identity cards. The need to "legalise" their white status became pressing with time. Their children needed identity documents to write matriculation examinations; parents wanted to buy the house or flat in the white area in which they were living. The children had white boyfriends and wanted to marry. And so, many began the painful process of reclassification.

In order to begin the process, "Coloured" persons had to get affidavits from whites confirming that they were accepted by them as "white".⁶⁵ This was a painfully humiliating experience for a closet "Coloured". One had to go to one's employer, friends and neighbours (people who thought all the years that one was white) and reveal to them one's "dark" secret.

Thereafter, once the affidavits were submitted to the relevant government department,⁶⁶ government officials would come around to the applicant's home and question the neighbours; to the workplace to question the employer and workmates, in order to establish that the applicant was really accepted as white.⁶⁷ Finally, the applicant had to be scrutinised by an official to comply with the criterion of appearance. When an official was satisfied that the applicant looked "white", he/she would receive a "white" classification, i.e. the racial code contained in the identity number, 01 through to 06 would be changed to 00.⁶⁸

In the 1970s, the NP realised that it could not survive as an exclusive Afrikaner club. In 1976 the Theron Commission, set up to investigate the political and social position of the Coloured Population group, called into question the argument that coloured people comprised a separate ethnic group. As this premise constituted part of the foundation of the policy of apartheid, the

commission instead urged that the Population Registration Act "be so amended as to make both acceptance and descent criteria for purposes of population classification."⁶⁹ This would make it easier for those classified "Coloured" to apply for reclassification into the "white population group" and would remove a source of aggravation for the coloured "petty bourgeoisie" who had long considered themselves part of white society.⁷⁰ What the commission urged was the "siphoning off" of the petty bourgeois "Coloured" into the white group. Those left in the "Coloured" group would be those not able to claim white ancestry or those "too different" to be acceptable as "white". The most telling recommendation was that the "coloured population" should not be viewed as a community culturally different or distinguishable from the "white population". These recommendations were a dramatic somersault and appeared to be an acknowledgement that race classification had little to do with race as such and that white classification had not been based on the so-called purity of the white population group. However, rather than change apartheid legislation and face protests from ultra-conservatives, "the government proceeded stealthily to reform by exemption."⁷¹ This led to the phenomenon of large-scale, and mostly secret, reclassification in the following decade.

In the 1980s, the government went out of its way to encourage "white-looking" coloureds to apply to be classified "White". Reclassification was refined to cut out the crass humiliation. All that a "Coloured" person had to do was to find seven whites, any whites, who were prepared to sign an affidavit to the effect that the "Coloured" applicant was accepted by them as "White". The absurdity of this process was compounded by the fact that former "Coloureds" who had reclassified could also sign an affidavit declaring that the "Coloured" applicant was accepted by them as "White". Thus, as more and more "Coloureds" became "White", they could in turn vouch for others and ensure that they too became "White". The applicant thereupon applied officially to be reclassified and attached the supporting affidavits.⁷² Most often, the whole process was attended to by a lawyer for a fee of R1000. The next step was to appear before an official who "examined" the applicant to see whether he or she "appeared" to be "White". When the official was satisfied,

the applicant received a new identity book with a 00 "white" code. Most often, the interviewing official urged the successful applicants to ensure that their children and parents, and in fact, anyone else they were related to, came to apply for reclassification. The urging became more urgent just before a general election. This process never became public knowledge and the revelation of such goings-on will probably surprise most whites. Thousands of "Coloured" people knew about this process but the details were hidden from the general public to avoid embarrassment for the government. Those who reclassified through this process also kept quiet about it for fear of exposure.

Reclassification, more than any other factor, highlights the immorality of race classification. By making provision for reclassification, the Population Registration Act of 1950 opened the door to biological mingling. The law thereby allowed persons who were mixed to enter the ranks of, and to marry, whites. Thus the illegal became legalised.⁷³ In itself, therefore, reclassification was an acknowledgement that there was no distinct and readily identifiable "pure" white group in South Africa; or that there was a distinct and readily identifiable "Coloured" group in South Africa. The Population Registration Act of 1950 therefore attempted the impossible by trying to "classify the unclassifiable."⁷⁴ By allowing for reclassification, the Population Registration carried within itself the seeds of its own destruction.

11. THE FAILURE OF THE POLICY OF RACE CLASSIFICATION

Race classification after 1950 cannot be described as a process of racial separation but one of "status restricting", "status granting,"⁷⁵ or "status bestowing."⁷⁶ The inability of the Act to do what it had been fashioned to do can be seen in the fact that between 1950 and 1988, the Act was amended 15 times. Section 1, the definition section, was amended 11 times; section 8 was repealed by 1970; the majority of the rest of the sections, or paragraphs of sections, were repealed before 1986.⁷⁷ Race classification also failed to successfully demarcate population groups and to solve the problem of "Coloured" identity. In August 1966 when an Act was passed which made it compulsory for every South African over the age of 16 to be in possession of an identity card, the Minister of

the Interior confessed that it would be a difficult task because, at that stage, about 268 000 "borderline" cases had yet to be settled, viz. "whites, 48 000; Coloureds, 179 000; Malays, 14 000; Indians, 27; Chinese, 14; Bantu, 26 500."⁷⁸ However, stated the Minister, "I cannot accept that there will be borderline cases for all time." He added that his aim was "to close the gate so that we cannot continue indefinitely creating new borderline cases as rapidly as we deal with the already existing cases."⁷⁹ But the August 1966 law did not help to "close the gate". By the time race classification was scrapped in 1991, more than 40 years after its introduction, the government still had not been able to finally identify, classify, demarcate or peg the entire population.

Through the years, adjustments to the Act became increasingly immoral and hypocritical. Japanese changed from "Coloured" to "White" in order not to jeopardise trade between South Africa and Japan. Thus economics, not racial purity, came to determine racial classification. In the 1970s, the NP considered siphoning off the "Coloured" petty bourgeoisie to dampen opposition from that quarter and to bolster the white group in the face of rising black protest. Thus political survival, not racial purity, came to determine racial classification.

CONCLUSION

The poet Adam Small summed up the feelings of thousands of South Africans who suffered during the apartheid era because of the arbitrariness of race classification: "Die Here het gaskommel en die dice het verkeerd vi' ons geval. Daai's maar al." (God rolled the dice and it fell wrongly for us. That's all).⁸⁰

Race classification was not only arbitrary but also immoral and hypocritical. Race classification also had a devastating effect on the family structure. Families were torn apart as members

of the same family were classified across the spectrum on the basis of a spurious "scientific and biological" analysis. Individuals accepted by their community were suddenly rejected when they were reclassified or exposed as belonging to an inferior racial group. Those on the borderline, or who had been incorrectly classified, had to undergo the humiliation of appearing before race classification boards. Anyone who looked suspect suffered the humiliation of being chased off beaches or ejected from trains and buses by conductors.⁸¹ Families were hounded by their neighbours if one of their children happened to be darker in complexion.⁸² Innocent children were summarily thrown out of school. People lost their jobs.⁸³ The wrong classification deprived millions of the right to vote; the right to live and work where they wanted to; the right to marry and associate with whom they wanted to; the right to sports honours; the right to a decent life; the right to civil rights.

Race classification was not successful at separating persons on the grounds of purity of colour, nor at classifying the entire population. However, it was extremely successful at creating a political, social and economic elite which enjoyed decades-long privilege, wealth and status – guaranteed by the Population Registration Act and jealously protected by numerous laws introduced under the guise of apartheid.⁸⁴ By using the racial categorisation of the past, there is the danger that this government will create a new political, social and economic elite, guaranteed by affirmative action and equity employment policies and jealously guarded by numerous laws introduced under the guise of redress. If that is the case, then the hopes of building a new non-racial South African nation will have received a setback before the process has even begun. The modern-day Trojan Horse will have done its task again.

ENDNOTES

- 1) Dept. of National Education, Three-year Rolling Plans, June 1998.
- 2) H. Kenney, *Power Pride and Prejudice: The Years of Afrikaner Nationalist Rule in South Africa* (Johannesburg, 1991), 30-31.
- 3) The term "coloured" will be used in this paper only for the purposes of identification and clarification.
- 4) *Weekly Mail and Guardian*, 24 Mar. 1995.
- 5) Ismail Essop quoting Adam Small, *Debates of Parliament* vol.1 (22 Feb. 1988), col. 1692.
- 6) G.M. Frederickson, *White Supremacy: A Comparative Study in American and South African History* (New York, 1981), 270. "Passing" refers to the practice whereby light-skinned "persons of colour" passed themselves off as "Europeans" in order to enjoy the privileges and benefits attached to being white. At the other end of the spectrum, Africans passed themselves off as "Coloured" to escape influx control and the economic, social and political disadvantages of being "Native".
- 7) B. Bunting, *The Rise of the South African Reich* (London, 1986), 160; C.F.J. Muller, ed., *Five Hundred Years: A History of South Africa* (Pretoria, 1984), 482.
- 8) *Debates of the Assembly*, vol. 71 (8 Mar. 1950), col. 2499.
- 9) *Ibid*, col 2502.
- 10) *Ibid*, col. 2520.
- 11) R.E. van der Ross, *Myths and Attitudes: An Inside Look at the Coloured People* (Cape Town, 1979), 5.
- 12) Prior to 1950, "coloured" was a loosely defined term used in reference to certain "people of colour". Persons of mixed origin fell under this umbrella term. However, the word was used mainly for statistical purposes and ease of identification. There was no question of a legally defined "Coloured" nation or "volk" as the Afrikaners would have it. The word "coloured" did not even appear on many birth certificates; the word "mixed" being used.
- 13) *Debates of Parliament* (22 Feb. 1988), col. 1663; T. Eloff, *Government, Justice and Race Classification* (Stellenbosch, 1990), 25. See also P.Joyce, *The Rise and Fall of Apartheid* (Cape Town, 1990), 18.
- 14) *Debates of the Assembly*, vol. 20 (22 Mar. 1967), col. 3407.
- 15) A.J. Venter, *Coloured: A Profile of Two Million South Africans* (Cape Town, 1974), 7; Bunting, *South African Reich*, 160.
- 16) J.D. Van der Vyver and D.J. Joubert, *Persone- en Familiereg* (Johannesburg, 1985), 279. See also *Debates of Parliament* (22 Feb. 1988), col. 1663.
- 17) Eloff, *Race Classification*, 25.
- 18) Van der Vyver and Joubert, *Persone- en Familiereg*, 280.
- 19) Eloff, *Race Classification*, 25.
- 20) In the 1970s the term "black" came to be used in reference to all persons who were victims of the NP's policy of racial discrimination. However, at the time the law used the term "Black" in reference to Africans. Thus, the term "Black" is used here to describe persons who are today referred to as African. This term is only used in this context in this paper to facilitate identification.
- 21) Eloff, *Race Classification*, 24. See also Joyce, *Rise and Fall of Apartheid*, 18.
- 22) *Report of the Sauer Commission* (1945), 2.
- 23) M. Simons, "Organised Coloured Political Movements", in *Occupational and Social Change among Coloured People in South Africa*, eds., H.W.van der Merwe and C.J.Groenewald (Cape Town, 1976), 203, 233; *Cape Times*, 2 Mar. 1961.
- 24) *Debates of Parliament* vol. 1 (22 Feb. 1988), col. 1663.
- 25) D.H. Van Wyk, "'n Administratiefregtelike Ondersoek na die Stelsel van Rasseklassifikasie in Suid-Afrika" (LL.M-Proefskrif, Unisa, 1974) 36-7.
- 26) In 1968, the government closed this loophole by law. The Births, Marriages and Deaths Registration Amendment Act provided that no birth certificate for children born after 1 Dec. 1967 should be registered unless the Registrar-General of Births, Marriages and Deaths had confirmed the race classification of the parents and of the child. The purpose of the Act was to ensure that the racial classification on a birth certificate was the same as that on the population register. See Bunting, *South African Reich*, 190-1.

- 27) Identity cards were not in use prior to 1950 (only Africans carried identity cards in the form of a pass book), and birth and baptismal certificates became the common forms of establishing identity or race.
- 28) R.H. du Pré, *Separate but Unequal: The Coloured People of South Africa; a Political History* (Johannesburg, 1994), 257.
- 29) Ibid.
- 30) *Cape Times*, 22 Sept. 1960.
- 31) This led to these "play-whites" being referred to as "window-shopping whites" or "vensterblankes". See *Debates of Parliament* vol. 1 (22 Feb. 1988), col. 1689.
- 32) *Cape Times*, 4 Feb. 1951.
- 33) *Cape Times*, 2 Mar. 1961.
- 34) Ibid, 1 Dec. 1961.
- 35) See also Muller, *Five Hundred Years*, 482.
- 36) I.Essop, *Debates of Parliament* vol. 1 (22 Feb. 1988), col. 1690; *Cape Times*, 23 Feb. 1988.
- 37) I. Essop, *Debates of Parliament* (22 Feb. 1988), col. 1689; *Cape Times*, 23 Feb. 1988.
- 38) *Cape Times*, 29 Aug. 1959.
- 39) I. Goldin, *Making Race, The Politics and Economics of Coloured Identity in South Africa* (Cape Town, 1987), xxvii.
- 40) Ibid.
- 41) See for example, R Shell, *Children of Bondage* (Johannesburg, 1994), 315-324.
- 42) H.F. Heese, *Groep Sonder Grense* (Bellville, 1984), 5-23; J.S.Marais, *The Cape Coloured People, 1652-1937* (Johannesburg, 1968), 282.
- 43) Frederickson, *White Supremacy*, 270.
- 44) See Du Pré, *Separate but Unequal*, 268-9, for statistics on reclassification.
- 45) The consequence of this miscegenation and the absorption of "Coloureds" into the white group was that later generations of whites often showed strong "Coloured" characteristics resulting in tragic separation. For example, the Sandra Laing affair, *Sunday Times*, 6 Aug. 1967 and 23 June 1991; *Debates of Parliament* vol. 1 (22 Feb. 1988), col. 1690.
- 46) Du Pré, *Separate but Unequal*, 36. The ethnic composition of the Afrikaner by 1867 was, Netherlands 34.8%, German 33.7%, French 13.2%, "Non-white" 6.9%, British 5.2%, Other European 2.7%, Unknown (possibly more non-white blood) 3.5%. "Coloureds" have similar ethnic origins but in different, varying proportions. See also Van der Ross, *Myths and Attitudes*, 32.
- 47) *Rand Daily Mail*, 13 July 1971.
- 48) Ibid.
- 49) *Argus*, 27 Aug. 1984; *Debates of Parliament* vol. 1 (22 Feb. 1988), col. 1691.
- 50) This was mainly done because of the protests by Indians that they were not of mixed race. However, many persons who were later classified "Asiatic" sought a "Coloured" classification because of the economic advantages it brought. In terms of the Group Areas Act, Indians could not live, nor own businesses in a "Coloured" residential area. Thus marriage to a person with a "Coloured" classification was a way out. As many Indians are of the Islamic faith, and Cape Malays (who were classified "Coloured") are mainly Muslims, marriages between these two were common. See Van der Ross, *Myths and Attitudes*, 9.
- 51) *Cape Times*, 18 Dec. 1964. See also McLennan, *Apartheid: The Lighter Side*, 33-4.
- 52) The Race Classification Board applied a variety of tests such as the "hair" test, the "eyelid" test, the "bed" test, the "sports" test, etc. See Du Pré, *Separate but Unequal*, 69-71, for a more detailed discussion of the various tests.
- 53) K. Kirkwood, *The Group Areas Act* (Braamfontein, 1951), 9.
- 54) Goldin, *Making Race*, 151-2. This policy was applied in increasing intensity after 1956 as the government sought to placate coloured people after their disfranchisement.
- 55) *Weekly Mail and Guardian*, 24 Mar. 1995.
- 56) R.H. du Pré, "Confrontation, Cooptation and Collaboration: The Response and Reaction of the Labour Party of South Africa to Government Policy, 1965-1984" (Ph.D thesis, Rhodes University, 1994), 46.
- 57) *Weekly Mail and Guardian*, 24 Mar. 1995.
- 58) Joyce, *Rise and Fall of Apartheid*, 24; K. Kirkwood, *The Group Areas Act* (Braamfontein, 1951), 9.
- 59) See Marais, *The Coloured People*, 281-2.

- 60) Van der Ross, *Myths and Attitudes*, 36-7; 73-4.
- 61) The *Survey of Race Relations* by the South African Institute of Race Relations, annually printed a list of persons who applied to the Race Classification Board for reclassification. This heartbreaking process was at once an indication of the distress suffered by thousands of South Africans at the hands of the NP social engineers.
- 62) *Debates of the Assembly*, vol. 20 (22 Mar. 1967), col. 3412.
- 63) Van der Ross, *Myths and Attitudes*, 46.
- 64) *Cape Times*, 22 Sept. 1960.
- 65) Harrison, *White Tribe*, 175.
- 66) In contrast to identity photos which were black and white and full face, two colour photos, one full face and one profile, had to accompany the affidavits and application for reclassification.
- 67) Victor and Janet Rego, interview with author, Pietermaritzburg, 8 Oct. 1994.
- 68) The 11th and 12th digits of the Identity Number contained one's racial category, viz. White - 00, Cape Coloured - 01, Cape Malay - 02, Griqua - 03, Other Coloured - 04, Asiatic - 05 and Other Asiatic - 06. Natives were set aside as 07, although they carried a different form of identification – the pass book. However, just before race classification was scrapped in 1991, the Department of Home Affairs made the identity number "race-free". All numbers 00 through to 07 were scrapped and every South African was given a neutral 08 classification.
- 69) *Recommendations of the Commission of Inquiry into Matters Relating to the Coloured Population Group* (Theron Commission) (1976), 2. Because the majority of "Coloured" people had the same ethnic origins as whites, descent as criteria would make it easier for them to obtain white classification.
- 70) Goldin, *Making Race*, 151. The term "petty bourgeois" is used by Goldin to describe the coloured middle class which agitated throughout the 20th century for equal rights. By introducing and tinkering with laws which eased restrictions and discrimination experienced by this group, the government hoped to defuse hostility and dampen the clamour emanating from coloured people.
- 71) Harrison, *White Tribe*, 276.
- 72) Department of Home Affairs, Questionnaire A, form GR6.
- 73) Prior to reclassification, marriage and sex with a white person was prohibited under the Mixed Marriages Act. Under the Immorality Act, sex with a white person would have resulted in prosecution.
- 74) *Debates of the Assembly*, vol. 20 (22 Mar. 1967), col. 3405.
- 75) Van Wyk, "Administratiefregtelike Ondersoek", 3.
- 76) M. Wiechers, *Administratiefreg* (Durban, 1984), 147.
- 77) *Debates of Parliament*, vol. 1 (22 Feb. 1988), col. 1673.
- 78) *Debates of Assembly*, vol. 20 (22 Mar. 1967), col. 3406.
- 79) Bunting, *South African Reich*, 160.
- 80) Adam Small, "Die Here Het Gaskommel", in *Groot Afrikaanse Verseboek*, ed. D.J. Opperman (Cape Town, 1971), 359.
- 81) For example, *Argus*, 14 Jan. 1956.
- 82) *Sunday Tribune*, 9 July 1989.
- 83) Leach, *The Afrikaners*, 228.
- 84) See Ken Owen, *Sunday Times*, 25 Apr. 1993; R.H. du Pré, *The Making of Racial Conflict in South Africa* (Johannesburg, 1992), 243-9.

Consolidating Democracy in South Africa: the New National Party Perspective

Francois Beukman

INTRODUCTION

It is fitting that consolidation is the theme of this conference, particularly at the beginning of the second term of this democratic South African Parliament. Democracy in the South African context does not simply mean that the majority – 50% plus one, in the classic sense of the word – is the exclusive determiner of the allocation of scarce resources and values. Democracy also means that certain values must be embedded in the political system, not only structurally but also in decision making. Democracy can be assigned a traditional, exclusive definition or a more inclusive one, which implies inclusiveness and diversity of participation and decision making.

The New National Party (NNP) believes that the consolidation of democracy will depend upon whether the inclusive route is followed, as diversity of views and alternative policy options are the key to maintaining the core values of a democracy.

1. INDEPENDENT MONITORING ROLE

At a constitutional level, it is essential that those institutions serving as counterbalances within the formal constitutional state, fulfil their independent monitoring role. Not only active political supporters of the ruling party should hold posts such as that of Auditor-General or Public Protector, or be members of the Independent Electoral Commission and the Human Rights Commission. Individuals who are independent and who do not fear political interference should be candidates for such appointments. These institutions should furthermore be financially equipped in order that

their constitutional task is not hampered by a lack of funds. A democracy is not a cheap political system, and the Public Protector's ability to function at provincial level must not be prejudiced by budget deficits.

From a philosophical point of view it is also important that all institutions provided for in the constitution should be implemented. Non-implementation can be detrimental to democracy. For example, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities has as yet not been established. This means that the interests of minorities are not promoted at formal constitutional level and this, in turn, restrains varying views and approaches.

Diversity and sound debate are mostly at the core of a democracy. All forums for the development of diverse viewpoints at constitutional level must be optimally exploited.

2. CIVIL CONTROL

Other institutions, such as the security services, must continually be monitored by civil control to ensure the continuation of democracy and civil freedom. Unfortunately, at this late stage, Section 210 of the constitution has not yet been effected as the Inspector General of the Security Forces has, after three years, not even been appointed. It is also important that institutions typical of a constitutional state be upheld and given the opportunity to contribute to the augmentation of the constitutional state.

3. NNP SUPPORTS AUTONOMOUS CONSTITUTIONAL COURT

In its short existence, the Constitutional Court

is pre-eminently an institution that has built up a credible and independent record. The NNP supports an autonomous Constitutional Court which, as a specialist court with judges who are experts in constitutional law, must be the arbitrator in the field of human rights and constitutional issues.

A change in this status and the resulting scaling down of the Court cannot be allowed. Institutions that determine the parameters of democracy may not be the victims of rationalisation.

The existence of various levels of government with autonomous functions is a prerequisite for the consolidation of democracy. Exclusive provincial legislative powers must be expanded. Provinces that do have the capacity and expertise must be afforded the opportunity to exercise such powers. The application of subsidiarity and fiscal federalism in effective and well-run provincial and local government environments are a win-win approach for both the authorities and the citizens.

The NNP believes that the trend towards centralisation of power and authority at central level is not in the long-term interest of the country. The various levels of government can only deliver effective service if the necessary ability is developed. Centralisation will render inputs by provinces and local governments less relevant. In states with strong executive powers or where numerous governmental functions are concentrated in the Office of the President, the role of the legislative power or parliament as an instrument of influence and decision making usually weakens.

4. CRITICAL ROLE OF PARLIAMENT

The NNP is of the opinion that the role of Parliament is of critical importance to make multiparty democracy work. Through its portfolio committees, Parliament is an instrument that promotes accountability and transparency. Furthermore it is the forum where opposition parties can engage the government on policy issues.

For this reason it is important that parliamentarians of all parties, including the government, ensure that Parliament is not merely a rubber stamp of the Cabinet. Legislation and proposals that are *prima facie* unconstitutional and inhibit democratic values, must be exposed to severe debate and scrutiny.

In the current Parliament, the African Nation-

al Congress (ANC) and the Minority Front of Amichand Rasjbansi have a two-thirds majority – the symbol of “unlimited” parliamentary power. The ruling party therefore has a special responsibility to ensure that inclusivity is also promoted at parliamentary level. Legislative amendments and proposals by opposition parties must also be given careful consideration to ensure that decisions are in the interests of the country and all its people.

Civil society must have a life of its own. Arbitrary intervention and interference by the government of the day in civil society, can severely limit freedom of speech and independent decision making by social, cultural and sports institutions. Academic institutions must be afforded the opportunity to be institutions of excellence, where critical and free thought is encouraged.

In states with a strong, dominant governing party, co-opting of the intellectual elite, be it through encouragement or force, has often become the precursor for the diminution of civic freedoms and democratic rights.

5. NEW FRAMEWORK FOR OPPOSITION COOPERATION

The NNP is convinced that the single contributing factor to the consolidation of democracy, is the establishment of a new framework for opposition cooperation.

A strong, vibrant opposition, built on the principles of shared values, is the best insurance policy that can be taken out for the consolidation of democracy.

As a counterbalancing mechanism, a vigilant opposition with an electorally competitive stance towards the governing party can ensure that the government remains subject to monitoring and review. Cooperation between opposition parties is a requirement for creating this competitive stance. The percentage vote of opposition parties of the total vote has decreased drastically from 1994 to 1999. The overall opposition picture has dimmed.

The proportional voting system inherently does not promote cooperation between political parties and thus opposition parties have to take extraordinary measures to function within a strong majority party environment.

It is therefore crucial that civil society institutions jealously guard their independence and autonomy.

6. TRANSFORMATION SHOULD BE INCLUSIVE

Transformation must not become a code word for exercising total control over the building blocks of civil society. Transformation must indeed ensure that all relevant sectors of society become involved in decision making and consultation. Conflict in African societies mostly concerns the exclusion of minorities from the decision-making process and the tendency to discourage the growth of opposition parties.

Constitutionalism is still the best principle to ensure that multiparty approaches remain sound and alive. Power sharing at executive level is vital for the promotion of political stability and cooperation. Particularly in a society characterised by divisions, political cooperation among leaders of different parties is important to counteract conflict and disintegration that are inherent in most societies.

The NNP believes that in this particular environment, the strengthening of democracy can be promoted through a constructive opposition approach.

7. CONSTRUCTIVE OPPOSITION

The opposition should play an active role in defining and evaluating policy to influence decision making. A pure "Westminster" approach will isolate the opposition.

The constructive opposition approach implies the following:

- A commitment to the realignment of the South African political landscape.
- Acceptance of the principle that a deeply divided society with historic tensions should make provision for maximum participation by all relevant political groupings.
- Engaging the ANC government in a proper debate on its policies and the preferred alternatives.

- Promoting and protecting the founding principles of the constitution by making use of the relevant agencies and the Constitutional Court.
- Offering constructive solutions in Parliament to the practical problems facing central, provincial and local government.
- Recognising inclusivity as a mechanism to ensure representative government and good governance.
- Instituting vocal and public criticism on maladministration and corruption.

CONCLUSION

The NNP is committed to an approach of constructive engagement. In other words, the party will follow a critical, but constructive approach in engaging the ruling party in a continual policy debate seeking a broad national consensus, especially in matters of substance.

The NNP is in favour of closer cooperation between opposition parties on the basis of sufficient policy overlap, a shared commitment to responsible opposition, and the advantages that such cooperation will have in strengthening multiparty democracy.

The upcoming municipal elections will be a test case for opposition cooperation to promote multiparty democracy.

The NNP's first choice is to take part in these elections as part of an alliance or front.

The Municipal Structures Act has severe implications for multiparty democracy at local level. Cooperation between opposition parties is a prerequisite for accountable and transparent local government.

The NNP has accepted the challenge to contribute to the consolidation of multiparty democracy. We invite all interested parties to become part of the process.

Consolidating Democracy in South Africa: the African Christian Democratic Party Perspective

JoAnn Downs

INTRODUCTION

When one considers the alternative scenarios that existed for South Africa, one cannot help but come to the conclusion that the transformation from apartheid to democracy has been a miracle. We have chalked up a second successful election, and are now on the road to predictable regular elections. For this we can be thankful and heartily congratulate ourselves. We should be justifiably proud of our country.

Unfortunately there are always ifs and buts, problems that have to be brought into critical debate, but opposing views and voices are needed to push us to perform better. Others have specialised in highlighting the economic woes that are attendant on our transition, many of which are probably avoidable, but I will not dwell on that particular aspect at the moment. I would like to pick out four particular issues that could threaten a vibrant multi-party democracy.

1. THREATS TO SOUTH AFRICA'S DEMOCRACY

The first, and probably the most serious threat in my view, is continued polarisation in politics along ethnic or racial lines. This is known as the politics of difference. It is clear to see that as long as political parties are founded, led and voted for on the basis of their ethnicity, there will be much less focus on these parties' actual policies or performance.

The capacity for viable opposition and the place for new ideas will be negated by, and will be accepted or rejected based on, the racial make-up of the party or person presenting them: the more things change the more they stay the same.

On the positive side, two parties have been formed that are not race based: the African Christian Democratic Party (ACDP) and United Democratic Movement (UDM). Both are new on the political scene, one formed in 1993 and one in 1998. These parties represent the most viable future for South Africa, where the consideration of a party is based on its policies and its political skills and not on its claims to represent or protect certain sectors of the population. I believe that they must be encouraged. It may take some time, but the ACDP, for example, has made more progress in less than five years, than the Democratic Party had attained in 1994, after 20 or so years in the arena. The ACDP has no ethnically defined demographic upper limit, and is thus confident that it can break into the mainstream with time.

The second serious problem is the breakdown of the family unit.

I believe that the most serious crime of apartheid was the criminalisation of normal family life and the deliberate separation of families. This is one of the single most important causes of the current high crime rate.

A lack of respect for the law took root because it was so obviously the tool of the oppressor, started here. When families are not together, transforming moral values and ethics and discipline in love, how can our people learn these things? Families living in reasonable circumstances are a stabilising influence in any democracy. The practice of leaving women pregnant continues, as does the habitual living apart of families.

The third is Aids. The worst thing this country ever did was ignore the lessons learnt by

other countries before us, and make exactly the same mistakes. This pandemic is going to devastate South Africa, both socially and economically. Business needs to increase skills, but will increasingly invest in a dying population. We are going to be faced with 800 000 healthy children orphaned by Aids by 2002. There are already about 150 000 of these orphans and no plans have been made apart from vague community-based ideas regarding adoption. But the likelihood of a three-year-old being adopted is low.

If these children are not loved, wanted and educated, they could grow up to become a huge underclass of disenfranchised people, and this could lead to much instability.

The fourth is political correctness. The first example I will use is the Aids pandemic. The proper treatment of the spread of Aids in this country was ignored, because treating Aids as a human rights issue was the politically correct thing to do at the time. Early on I participated in a debate on Aids and was told during that

debate by an HIV positive person: "I do not inform my sexual partners of my HIV status, it is up to healthy people to look after themselves. Even if asked I would not divulge my status."

Many people who are HIV positive share this unfortunate view. To me, these people are premeditated murderers, yet we are only seeing the first court case now and no messages are being sent that it is an unconscionable act of evil to deliberately spread an incurable disease. This type of statement is not politically correct, you see. It is also not politically correct to talk about monogamy, abstinence until marriage and condoms as a last resort.

CONCLUSION

I will be labelled a rightwing fundamentalist for saying this, but in Uganda this very message (which is still being played down) was promoted by the government and churches and led directly to a decline in the Aids rate. They encourage testing before marriage too, and are moving towards making Aids notifiable.

Towards Consolidating Democracy in South Africa, With Special Reference to the Concept of Self-Determination

Petrus Liebenberg

INTRODUCTION

Democracy in South Africa is still in its infancy. As such it is fragile and vulnerable. There are many factors threatening this young democracy.

The fact that South Africa has a heterogeneous population consisting of different peoples, ethnic groups, cultures, languages and religions, indicates a high conflict potential. If not acknowledged and constitutionally and otherwise accommodated, it could put South Africa's still untested democratic structures under severe strain and even cause the total collapse of these structures.

On the other hand, South Africa – because of its complex population composition – is well placed to make an original and unique contribution to democracy in finding the correct balance between individual human rights and group rights. In this way, a kind of democracy that suits the specific needs not only of South Africa, but of many African states with multi-ethnic populations, could be developed.

The purpose of this paper is therefore to explain the concept of self-determination and to point out different forms and levels of self-determination that could be relevant and applicable to the South African situation.

In articles such as 185, 186 and 235, the 1996 Constitution in principle recognises the right of groups to forms of self-determination.

By giving practical effect to these constitutional guarantees, peace, stability and development will be enhanced.

This, in turn, will perhaps more than anything else, stabilise and consolidate democracy in South Africa.

1. THE DESIRE FOR SELF-DETERMINATION IS NOT UNIQUE

The national consciousness and self-determination aspirations of the Afrikaner and other peoples in South Africa are not singular and unique. There are ample international examples of similar ideals and aspirations among other peoples and ethnic groups. The rediscovery and reaffirmation of own identities by peoples and ethnic and other groups is one of the most important international phenomena of our time. It is something that no government dare ignore or attempt to suppress. Where governments have done so, the repercussions have led to violence and even – as in the case of the former Yugoslavia and the Soviet Union – collapse and fragmentation.

Interestingly, many of the more than 180 independent states of the world and the majority of African states, are experiencing ethnic and/or religious strife and conflict in some or other form.

Some of the well-known examples of ethnic conflict and self-determination aspirations are:

- those of the French-speaking Canadians of Quebec to be acknowledged as a separate ethno-political entity with its own language and culture
- the conflict between the Serbs and ethnic Albanians in Kosovo
- the struggle of the Kurds for independence
- the sporadic tension between Greeks and Turks in Cyprus
- the conflicts between ethnic and tribal groups in many African states such as Angola, Namibia, the Democratic Republic of the Congo, Congo Brazzaville, Kenya, Rwanda,

Burundi, the Sudan, Ethiopia, Eritrea, Somalia, Liberia, Algeria, South Africa, etc.

2. DIFFERENT FORMS AND LEVELS OF SELF-DETERMINATION

These and other examples of self-determination are, in the words of Petrella (1980:9):

“... all different forms of the same phenomenon: the yearning by individuals, groups and areas for the right to exist, to be different, and to have an autonomous vision of their future in the face of the trends and choices expressed by the dominant groups.”

This quotation from Petrella brings us to the crux of the matter. By referring to “different forms of the same phenomenon”, he suggests that there are different forms and levels of self-determination; that the self-determination needs and aspirations of peoples and ethnic groups worldwide are not similar. They may vary according to time, place, circumstances and, above all, threat-perception. The perceptions of the same people or group regarding its self-determination requirements, may therefore change over time. The aspirations for some form of autonomy may even become dormant to the extent that it may seem to have disappeared, as was the case with some subjugated peoples in, for instance, the former Soviet Union.

Self-determination is therefore a complex and multi-faceted concept. The requests or demands for some or other form of self-determination is usually to be found among peoples or ethnic groups who, because of their minority status, experience a feeling of insecurity, constriction or threat. The same can be true of a majority group which is dominated by a minority exercising the political power. The nature and population composition of a particular state, often has a direct bearing on the number and type of requests or demands for self-determination it has to deal with.

3. THE UNITARY STATE UNDER PRESSURE

The modern state is usually regarded as a national unitary state that is supposed to act in the best interests of all its inhabitants. In states with fairly homogeneous populations, the state and its institutions reflect the common values of the population. It therefore enjoys a great deal of legitimacy among its citizens. The more heterogeneous the population, the greater the dif-

ferences between the respective value systems and the better the chances of intra-statal tension and conflict because the state and its actions are perceived by some groups to be illegitimate and oppressive. If the particular government is not sensitive enough to the fears and aspirations of minority peoples and groups under its jurisdiction, desperation and disillusionment among these groups may result in “politics of disassociation”. Requests for some or other kind of constitutional accommodation then turn into demands for self-determination. These self-determination demands – as was stated before – are not similar, but may differ according to the circumstances of each particular people or group.

Although the national state is still the basic organisation model, it should to an increasing extent, become flexible and adaptable in order to accommodate the ethno-cultural diversity within its borders as a conflict-avoiding and conflict-regulatory mechanism. According to Peeters (1993:2), only 9% of the states of the world are ethnically homogeneous and hence only 4% of the world population lives in states “coinciding with the extension of their ethnic group.” In all other cases majorities and minorities, differing to varying degrees ethnically, linguistically, culturally and religiously, must live together, thus creating a potential for conflict. This conflict potential endangers not only the the individual state, but can lead to cross-border and regional instability. Intra-statal tension and conflict also invites external intervention and justification for wars by proxy which can cause a spiral reaction of violence, deprivation of rights, terror, retaliation and even, in extreme cases, ethnic cleansing.

4. NATIONALITY CONFLICTS AND NATION BUILDING

Nationality conflicts, according to Peeters (1993:2), present themselves in two basic ways:

- States with a clearly distinctive “staatsvolk” and one or more nationalities, for example Spain, Italy, France.
- States composed of a number of nationalities so that there is no clear “staatsvolk”, although some nationalities may attempt to project themselves as such. Examples include the former Yugoslavia, Switzerland and South Africa.

States such as South Africa that fall in the latter

category, clearly have a higher conflict potential than states with an undisputed "staatsvolk". It is not so much the multiplicity of the ethnic groups that determine the conflict potential, but rather, as Collins (1975), states:

- when the degree of participation in a common economy is low
- when the degree of monopolisation of power by a dominant group is high and
- when ethnic cultures are easily distinguishable.

When confronted with the above situation the multi-ethnic state can react in one of three ways:

- Ignore it and use its power monopoly to promote nation building by artificially creating and promoting national values.
- Suppress it with the accompanying risk of aggravating the conflict.
- Attempt to accommodate it through constitutional means.

For a large part of the 20th century, the first option was predominant, based on 19th century Western European thinking that the state will ultimately create the nation. Ra'anani (1980), however, correctly points out that the "fallacious assumption that certain Western concepts, which in fact have remained rare and unusual products of a particular historical environment and experience, actually have universal application, has led both Westerners and Western educated Afro-Asians to think and speak in such terms as 'nation building'". Even the term "melting pot" which was used for instance in the United States (US) to describe the nation building process, only functioned well as long as the ingredients share similar ethnic, cultural and religious values. In the case of the US and the Afrikaner, this has meant people from western and northern European background. The first phase of the American melting pot produced the WASP – (White Anglo-Saxon Protestant) because the Dutch, German and Scandinavian settlers accepted and adopted the dominant Anglo-Saxon culture and the English language. During the second phase Irish Catholics, South Italians, Poles and Jews entered the melting pot and came out as Irish, Italian, Polish and Jewish Americans, broadly accepting the WASP value-based state institutions and learning American English, but retaining their respective cultures and traditions till this day. The melting pot worked even less

well for Afro-Americans despite deliberate attempts since the Civil Rights Movement of the 1960s to make them an integral and (privileged) part of the American nation. Only the future will tell to what extent the melting pot will succeed in integrating Orientals and Latin Americans into the American nation.

As far as states with multi-ethnic populations like South Africa are concerned, the melting pot and nation building in the traditional sense, have been overtaken by the new reality of increasing ethnic consciousness and demands for self-determination. If governments do not recognise these realities and make timely constitutional adjustments, the melting pot, in the words of Glazer (1975) "become(s) a boiling pot which tends to explode if one does not let the steam out".

The crucial question confronting governments of states with diverse and multi-ethnic populations is how this steam-letting process is to be accomplished. A balance should be struck between giving peoples and ethnic groups enough "breathing space" to avoid ethnic strife and conflict, while at the same time safeguarding the territorial integrity of the state. This brings us to the different manifestations of the concept self-determination.

5. MANIFESTATIONS OF SELF-DETERMINATION

This concept in its modern sense originated at the beginning of this century and was given international recognition by US President Woodrow Wilson in his famous speech of 17 June 1917. Through the Peace Treaty of Versailles, it led to the dismemberment of the Austrian and Ottoman empires and in this way gave birth to a number of new states. After World War II the right of the self-determination of peoples was recognised in the United Nations (UN) Charter and consecutive resolutions of the General Assembly, leading eventually to the 1966 International Covenants. It soon, however, became apparent that this principle in UN thinking applied to former colonial territories rather than to peoples. The newly independent African states regarded their sometimes artificial and unnatural borders from the colonial era as the basis for self-determination and not the rights of the ethnic groups which are sometimes divided by these borders. With few exceptions, Africa still regards the territorial integrity and indivisibility of states on basis of the colonial

borders, as non-negotiable. The principle of self-determination, in the view of Christescu (1981) as quoted by Peeters (1993), "cannot be regarded as authorising the dismemberment or amputation of sovereign states".

5.1 Secession and the formation of a new state as the ultimate choice

The will of subjugated peoples and ethnic groups to rule themselves in their own territories according to their own – in the words of Buzan (1992) – "ideas of the state" sometimes, however, prevails over the opinions and legal interpretations of academics and governments. The fragmentation of the former Soviet empire, of Yugoslavia and Czechoslovakia, as well as the secession of Eritrea from Ethiopia, amply illustrate this point.

It can therefore be stated that territorial secession whereby existing state borders are redrawn and a new sovereign state comes into being, constitutes the final and most complete form of self-determination a people or ethnic group can strive for. Secession occurs when the inhabitants of a certain region or province decide for themselves to secede from the state of which it formed a part. This act of secession can take place as part of a negotiated settlement with the government of the former mother state or, as was often the case, against its will and as the result of a successful liberation struggle. In some rare cases, secession can also occur in order to be incorporated into an adjacent state where the particular group are feeling more at home.

While international and regional organisations such as the UN and the Organisation of African Unity (OAU), and some individual states, do not entertain the idea of secession as a legitimate form of self-determination because it violates the territorial integrity of a state, it is, as was stated above, not an unknown phenomenon. In this context the fact that territorial integrity is often regarded as more important than external territorial self-determination and that governments were in the past prepared to go to war in order to prevent secession, is amply illustrated by the many frustrated attempts in this regard. To quote but a few examples: the Ananja rebels in southern Sudan, the Ibo people in Biafra, the rebellion in Katanga (now the Shaba province in the Democratic Republic of the Congo) and the Confederacy during the American Civil War of 1861-64.

Although the frustrated attempts at secession are more than the successful examples – such as Bangladesh, Singapore and Eritrea – it will not deter peoples and ethnic groups with a perception that all doors for a negotiated settlement are closed to them, from attempting secession. The relevant examples, successful and unsuccessful, indicate that secession is often characterised by armed conflict resulting in large-scale loss of life and destruction of property. These examples also prove, however, that peoples and ethnic groups are sometimes prepared to suffer these hardships in order to gain the right to rule themselves. This fact places a grave responsibility on the shoulders of the affected governments and the international community to act timeously and effectively in order to avoid disaster.

For South Africa with its complex population composition, its potential for ethnic conflict due to the self-determination aspirations of peoples such as the Afrikaner and others, it would be wise to take note of these examples. It illustrates and highlights the fact that unitary states where governments are unable or unwilling to provide their peoples and ethnic groups with enough "breathing space", tend to break up sooner or later.

It is those other forms and levels of self-determination which could, in some cases, preempt or avoid more radical solutions, that should consequently occupy our attention. Secession, as has already been stated, is a radical and ultimate option and is seldom attained without either a protracted conflict and/or a lengthy constitutional process. All the other forms and levels of self-determination before the point of secession, are jointly called internal self-determination (Brownlie, 1985). This again can manifest itself in different ways. The mildest and perhaps most uncomplicated of these manifestations is called cultural or corporative self-determination. Because it requires no specific consolidated territory, it is especially applicable to a people or group living in "diaspora" within its country of origin.

5.2 Cultural or corporative self-determination

(The terms "cultural" and "corporative" are used here virtually as synonyms)

The varying self-determination needs and requirements of different peoples and groups

under different conditions, affect the concept of self-determination. The status and geographical location of the people or ethnic group in question, often determine the form of self-determination which is practical and implementable at a given stage. If, as is stated above, the members of the particular people or group are dispersed in such a way that they do not constitute a clear majority in any region or province, they will have little alternative but to accept cultural autonomy over specific matters such as education and training. Cultural or corporative self-determination therefore implies a type of non-territorial/cultural federalism where distinguishable groups or communities live together, but take separate responsibility for their own cultural interests and, simultaneously, strive towards cooperation regarding aspects of common interests. Kriek (1992:22) correctly states that the point of departure in such a system is that the state is not a collection of individuals, but consists of several (or in the case of South Africa a number of) collective entities, namely cultural groups.

Linder (1994:165) is of the opinion that cultural or corporative self-determination makes peaceful co-existence between diverse cultural groups within the same territory possible. According to him, the advantage of this type of autonomy is that it avoids territorial and border disputes which are usually associated with territorial self-determination. For Friedrich (1975: 223) the most important argument in favour of corporative/cultural self-determination is that:

“... it does away with the entire problem of territorial districting which can then be tackled as a strictly administrative problem without attention to the complicating issue of population distribution and its cultural and linguistic requirements and aspirations.”

With reference to Linder's statement, Friedrich points to the fact that, corporative self-determination is moving away from rigid territorial demarcation of powers and its associated problems of population density, economic viability and other heckling questions connected with territorial demarcation. It simplifies the execution of decisions when there is a degree of geographical concentration of members of the minority group.

It would thus appear that corporative/cultural self-determination in its purest form is mani-

festated when each cultural group within a community has its own municipal and local governments. Such a concentration of population groups in specific municipalities also constitutes economic benefits because each municipality serves as an economic growth point for members of that group. Kriek (1992:23) is of the opinion that within such a dispensation, an equal distribution of production factors between the different culture groups, is a precondition for social, economic and political harmony.

A good example of cultural/corporative self-determination is to be found in Brussels where members of the Dutch-speaking Flemish and the French-speaking Walloon culture groups live intermingled. The Flemish have a special interest in cultural autonomy since they form only about 19% of the population of Brussels. The two groups share some common interests and responsibilities, but specific cultural matters are dealt with by cultural councils. These cultural councils are vested with specific functions and, according to Kriek (1992:23), act within government structures on behalf of the cultural communities.

In terms of Article 127 of the Belgian Constitution, cultural councils have jurisdiction over the following cultural affairs:

- the protection and promotion of language
- the training of researchers
- cultural heritage, museums and other cultural and scientific institutions
- the arts
- radio and television services
- libraries
- support for the written media
- policy regarding the youth
- recreation and tourism
- pre-school instruction and day-care centres
- further education and para-scholastic training and
- intellectual, moral and social training.

(Department of Constitutional Development.
Discussion Document, 1994:13-14)

Though the Brussels model is perhaps the most striking example of corporative/cultural self-determination, this form of self-determination also reveals itself in the rest of Belgium and to a greater or lesser extent in the constitutions of Estonia, Cyprus, Myanmar (the former Burma) and Croatia. Belgium, for example, is – as a result of the insistence by the Flemish on the protection of their language and culture at the

community level – divided into three cultural communities, namely Flemish, French and German. Besides the existence of these language-bound communities, the Belgian model makes provision for regions (“Gewestes”). The major difference between a community and a region, lies in the fact that membership to the former is culture- and identity-bound, while the latter has a territorial basis.

The Belgian constitution makes provision for both corporative/cultural and internal territorial self-determination. In the above discussion, only those aspects which form the basis of cultural/corporative self-determination were emphasised. In the following section the focus shifts to internal territorial self-determination.

5.3 Internal territorial self-determination

As was noted previously, the self-determination needs and aspirations of different peoples and ethnic groups are not identical. Internal territorial self-determination as the most common and most familiar form of self-determination, features somewhere between these extremes – as it finds expression in federated states of a federation or in provinces and/or regions and even subregions of a unitary state.

Relevant international examples of internal territorial self-determination include: Canada (Quebec), Belgium, Switzerland, Spain, Italy (Southern Tyrol), the Russian Federation, Cyprus, the Sudan, Nigeria, Israel (the Palestinians question) and Sri Lanka. Territorial self-determination within states also varies according to the threat perceptions of the respective groups or peoples, their numbers, geographic location, economic situation, their relations with the government in power and, above all, their will to reach their self-determination objectives. The objectives of the same group may also change with time. Whether it will become more moderate or more radical in nature will depend on a number of factors, as outlined above. Chen (1991:1291) correctly points out that the fundamental requirement inherent in self-determination “is a procedure, not a preset outcome; the fulfillment of a people’s genuine desires is more important than achievement of the label ‘independence’. If a people’s freedom of choice is sustained, the policy objective of self-determination is achieved”.

International examples illustrate that there is

no ideal model which can guarantee internal territorial self-determination as a peaceful solution. Every situation is unique and requires a kind of accommodation that suits the particular circumstances. The granting of a greater degree of autonomy can in some situations modify and pacify the demands of the particular group. Spain’s handling of the Basque and Catalanian questions are sometimes quoted as examples. The Basques and the Catalonians, who make up the most prosperous sections of the population, enjoy considerable internal territorial self-determination, which include own schools, radio, television and other cultural activities, while it also has the authority to negotiate loans. This also applies to Andalusia. It is, however, still too early to reach specific conclusions regarding the success of this experiment in internal territorial self-determination. At the moment it seems as if it has a moderating effect on the groups concerned.

On the other hand, the granting of greater autonomy sometimes seems to wet the appetite of elements within such a territory and only serves as a stepping stone for further self-determination demands. Quebec could be such a case. The constitutional problems which beset Canada, centres around Quebec’s desire for greater autonomy – perhaps even independence. Quebec’s continued efforts towards greater autonomy illustrates the problematic situations with which federated states sometimes have to deal with: ought greater internal self-determination be granted in order to avert conflict, or should the demands for more autonomy be refused with the risk of placing the continued existence of the federation in jeopardy?

The mere granting of a greater degree of self-determination is therefore in itself no guarantee for greater stability. Nor can it prevent further demands for more powers and functions. Provinces or regions with more powers than the others (*sui generis*) according to the principle of asymmetry such as Quebec, some Spanish provinces, etc., can either become loyal and cooperative parts of the larger political unit or eventually break away. In the application of internal territorial self-determination, pragmatism rather than a rigid ideological approach, seems to be the lesson to be learnt from the international examples. The success (so far) of the pragmatic approach is emphasised by the Belgian, Swiss, Spanish and Southern Tyrolean

models in particular, while the ideological approach can generate greater conflict due to an over-emphasis on national unity and nation building. What is needed more than anything else to make internal territorial self-determination succeed, is a culture of tolerance – as is the case with Switzerland.

CONCLUSION

Cultural or corporative self-determination is relevant to the South African situation. For South Africa with its intertwined ethno-cultural composition, corporative self-determination can serve as a mechanism to give effect to different ethnic groups' constitutional right to decide their own cultural affairs. Within the South African political context, corporative self-determination can be considered, particularly at the subregional and local levels. To accommodate the distinctive national cultural interests of the peoples and groups, the idea of neighbourhood and cultural councils – as is found in Belgium and Myanmar – could be instituted for the peoples and cultural groups requesting such councils. As was stressed previously regarding internal territorial self-determination, a culture of tolerance is also a prerequisite for the successful implementation of cultural self-determination.

Cultural/corporative self-determination offers promising possibilities for the Afrikaner in particular. Because its members are dispersed throughout South Africa, cultural councils can serve as the beginning of a process of moving towards more concrete forms of territorial self-determination at subregional and even provincial level. Heraud and Peeters (1982) and other experts on the question of self-determination are making the valid point that cultural/corporative autonomy seldom in the long run satisfy the aspirations of a particular people or group. It can at best act, as is stated above, as the beginning of a process that should eventually lead to a form of territorial self-determination. At the same time, however, cultural autonomy cannot be sustainable if it is not linked to the concept of an own territory, irrespective of how large or small it may be. Such a cultural home with own educational and other institutions,

will serve as the spiritual home and dynamo for cultural councils countrywide.

Territorial self-determination in the absolute sense of secession is not easily achievable. The history of Bangladesh and Eritrea indicate that armed conflict, the destruction of property and infrastructure, upheaval and large-scale loss of life, all characteristic of secession, tend to be the rule rather than the exception. It also proves that – though self-determination may achieve the status of a legal right – it does not come about automatically, and that peoples and ethnic groups are frequently prepared to take up arms in an attempt to achieve this right. An important principle at stake here, is that sovereign self-determination can only be achieved when an unambiguous desire thereto has been expressed by means of a referendum and that such sovereignty be recognised internationally, as was the case with Eritrea.

South Africa with its high conflict potential due to its complex population composition should take cognisance of examples such as Bangladesh, Eritrea and, to a lesser extent, Singapore, which indicate that multi-ethnic states tend to fragment if the central government is unable or unwilling to provide peoples and groups within its borders, opportunities for self-expression also in a territorial context. In fact, the fewer opportunities there are for self-determination – cultural and territorial – the greater the price that will eventually have to be paid. If peoples and ethnic groups do not have or are not allowed to concentrate in territories of their own, such groups will eventually demand a state of their own where they can develop institutions and a lifestyle based on and in accordance with their culture, norms and values. Recent history shows that few national governments were in the long-run successful in suppressing these legitimate ideals and aspirations. It also indicates, however, that governments seldom grant these requests for self-determination out of own free will. The recognition and accommodation of reasonable requests for appropriate kinds of internal self-determination are, however, a vital mechanism for stabilising and consolidating democracy in South Africa.

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Democracy and Human Rights

Pansy Tlakula

INTRODUCTION

A great 18th century French encyclopaedist once said: "Every age has its dominant idea". In his address to the South African Parliament late last year, former Commonwealth Secretary General Chief Emeka Anyaoka said: "Our dominant idea on the eve of the millennium is democracy". The struggle for democracy throughout the world and on our continent is indeed intensifying. This is signified by the proposal made a month ago by the Organisation of African Unity (OAU) heads of states that, in future, governments that have not been democratically elected should not be admitted as members of the OAU.

Five years ago, South Africa adopted a constitution which makes this country the envy of many nations. In its preamble, this constitution undertakes to:

"Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental rights. Lay the foundations of a democratic and open society in which government is based on the will of the people and, every citizen is equally protected by law ..."

All the nuts and bolts of democracy are in place in South Africa. Its constitution embodies a bill of rights which entrenches almost every conceivable right. It has held two free elections since becoming a democracy and it has a transparent and accountable government, and an independent executive, legislature and judiciary. There are institutional structures in place to ensure that human rights and the rule of law are protected. Corruption is dealt with and members of the judiciary are appointed through a

transparent process. Institutions such as the Human Rights Commission, the Commission for Gender Equality and the Public Protector have been established to support this country's constitutional democracy. If we take all these developments into consideration then, in the words of President Thabo Mbeki, we as South Africans can confidently say that "we are on course" as far as democracy is concerned.

1. CHALLENGES AND OPPORTUNITIES

While we are grateful for and celebrate our smooth transition to democracy, we must also acknowledge the fact that there are afflictions which threaten this young democracy and consequently threaten respect for human rights. These include growing xenophobia, poverty, unemployment, crime, family violence, rape, child rape and other forms of violence against women, racism, sexism and other forms of discrimination prevalent in our society. Although we have these, as well as many other obstacles to surmount, our constitution – which has very strong democratic institutions – provides us with opportunities to address these challenges.

This constitution is one of the few in the world that reinforces a principle that is now accepted internationally – namely, that human rights are interdependent, interrelated and indivisible. It entrenches civil, political, cultural, economic and social rights.

It has been proven in many countries that in the absence of civil and political rights, economic and social rights cannot be enjoyed and vice versa. This explains why dictatorial, corrupt and undemocratic regimes, rich in oil and precious metals, have not prospered – for eco-

conomic prosperity cannot be achieved without democratic accountability, respect for human rights and the rule of law.

Although the interdependence and interconnectedness of human rights has widely been accepted among human rights activists throughout the world, there is still disagreement among human rights scholars as to what must come first. There is a school of thought that advocates for the so-called "full-belly" thesis. According to this thesis, civil and political rights should be put aside until social and economic development has been attained. The proponents of this thesis believe that "one man, one vote is meaningless unless accompanied by the principle of one man, one bread." One of the commentators who does not agree with this thesis rejects it as "a convenient rhetorical device for justifying self-serving denials of civil and political rights by African ruling classes."¹ Whatever the merits or demerits of the "full-belly" thesis, in my opinion, one can only exercise social and economic rights meaningfully in an environment where civil and political rights are respected. As stated above, we as South Africans are fortunate because our constitution entrenches both civil and political rights on the one hand, and social and economic rights on the other. This gives us the opportunity to be a sustainable democracy.

Having said all these wonderful things about South Africa, we should also remember that with our democratisation, we became part and parcel of the international community and are affected by what goes on internationally. We entered the international arena in the era of economic globalisation, which some hail as the best and inevitable course in the future of mankind. Globalisation is said to have increased human mobility, enhanced communication and technological developments as well as the liberalisation of trade and investments. While some of these are positive aspects of globalisation, there are negative ones too. The antagonists of globalisation hold it responsible for the severe economic desolation and social instability experienced in most developing countries. According to them, globalisation has resulted in prosperity for developed countries while plunging developing countries into unspeakable poverty. They dismiss as inaccurate the notion that globalisation promotes the cross-pollination of economic ideas and values among

nations on the basis that these values are often imposed on developing countries and have made very little impact on their development. They maintain that globalisation has not shackled the developed countries, as it is commonly believed, because these countries still retain substantial autonomy in regulating their economies and in designing their social policies.²

Let me point out that I have never been trained as an economist and am not qualified to give a scientific analysis of this very complex topic. However, my gut feeling is that all that critics say about globalisation is probably its outcome or consequence.

For some time now, scholars throughout the world have begun to analyse the impact of globalisation on democracy and human rights. Globalisation has forced many developing states to adopt openness and other economic policies that are friendly to its demands. This, in my opinion, limits the power of these states to control their economic policies and reduces their decision-making powers generally.

States are forced to adhere to the demands of globalisation because they fear that if they do not do so, they will lose competitiveness in terms of attracting capital. Globalisation therefore renders developing states irrelevant. In such a setting, because the state is irrelevant, it cannot address problems of poverty, inequality unemployment and other social and economic needs due to the pressure of markets to cut back on public spending.

Taking South Africa as an example, our government in keeping with the expectations and demands of economic globalisation, has adopted the Growth, Employment and Redistribution (Gear) strategy – which is premised on the promotion of economic growth and redistribution of wealth in favour of the poor and the attraction of foreign investment. This policy calls for the adoption of a tight fiscal policy which, it is envisaged, will attract foreign investment and increase our exports. This, of course, requires strict monitoring of money supply and a reduction of public spending. The strategy hopes to achieve growth of some 6% in 2000, which it is hoped will address unemployment and poverty – the so-called trickle down effect which has proved to be a myth in other parts of the world.

As a new democracy, South Africa is still suffering from the vestiges of colonialism and

apartheid. The brutal policies of apartheid, with their skewed patterns of income and wealth distribution have made South Africa one of the most unequal countries in the world. As a result of the past discriminatory policies, the majority of black people – particularly people of African descent – still do not have access to clean water, health care, education, adequate housing, etc.

The challenge facing us as a country is to ensure that the economic fundamentals that we adopt are guided by the imperatives of developing and reconstructing our country. Unlike many countries, we are bound by the ideals of our constitution to do so. As I mentioned above, unlike the constitutions of other countries, South Africa's constitution entrenches economic and social rights and puts in place mechanisms for monitoring the implementation of these rights. In terms of the constitution, the Human Rights Commission is mandated to require annually from relevant organs of state, information on the measures taken by these organs towards the realisation of the right to housing, health care, food, water, social security and the environment.³ The aspirations of our constitution will ring hollow to the majority of the people in South Africa if the commitment to achieve social justice is sacrificed for the sake of economic expediency. The challenge for the 21st century is the need for the international community to begin serious dialogue on the impact of existing international economic policies on the promotion of human rights, democracy and the rule of law, particularly in developing countries where these policies continue to marginalise such countries from mainstream global trade and make it difficult for them to regulate their economies. As one writer aptly put it:

"The broader challenge for the 21st century is to engineer a new balance between the market and society – one that will continue to unleash the creative entrepreneurship without eroding the social basis for cooperation."⁴

2. CRIME AND HUMAN RIGHTS

Another threat to our democracy and human

rights is crime. People blame human rights for the high incidence of crime and often say that the constitution is there for the protection of criminals rather than the victims of crime.

The truth of the matter is that crime is a violation of human rights and this should be the starting point in addressing crime in our country. The police service should therefore infuse human rights into their crime prevention strategy. Research has proved throughout the world, that in almost all the new democracies, crime has accompanied the process of democratisation and the establishment of a human rights culture.

In an attempt to respond to crime, democratically elected leaders tend to apply quick-fix methods that undermine democracy and human rights in order to appease the population. The tendency is to introduce prison conditions that violate international human rights standards, and to introduce draconian laws that violate human rights. This is beginning to happen in South Africa where there was talk of incarcerating prisoners in ships at sea or in disused mine shafts so that they should never again see the light of day. There seems to be reluctance on the part of government to implement laws that will ensure that a balance is kept between the rights of crime suspects and the obligation of police when effecting arrests.

A case in point is the implementation of amendments to Section 49 of the Criminal Procedures Act which seeks to circumscribe the use of force by police when effecting arrests. Although the amendment was assented to by Parliament sometime ago, it has still not come into effect.

CONCLUSION

I challenge human rights activists to stand up and fight against the introduction of laws that undermine human rights in the name of fighting crime. If we allow this to happen, then it might just be the beginning of a serious erosion of human rights and democracy. In a few years time, we may even begin to talk about amending the constitution in order to empower the police to fight crime. This will indeed be a sad day for our hard-won democracy.

ENDNOTES

- 1) "Cultural Relativisation and Human Rights. Reconsidering the Africanist Discourse" by Banny Ibhawoh. Paper read at the symposium on Human Rights and the Rule of Law, held at the University of Illinois on 8-10 July 1999.
- 2) See "Sense and Nonsense in the Globalisation Debate" by Dani Rodrick in *Has Globalisation Gone Too Far?* (Institution for International Economics, 1997) p.21.
- 3) See 184(3) of the Constitution of the Republic of South Africa.
- 4) "Sense and Nonsense in the Globalisation Debate", supra 35.

Democratic Consolidation in South Africa: Weaknesses and Pitfalls

Xoliswa Jozana

INTRODUCTION:

The 1990s have been the most significant years of change since African countries became independent some three decades ago. The political systems of African states have undergone unprecedented transformation, from authoritarian singled-party to multi-party systems. Virtually all countries in sub-Saharan Africa have been touched by the wave of democratisation which saw die-hard proponents of single-party systems grudgingly yielding to pressures to jettison authoritarian systems in favour of political democracy. Multi-party systems embodying varying levels of democratic credibility are now a feature of Africa's political landscape.

In South Africa, the apartheid regime under former President De Klerk was forced to accede to the verdict of the ballot box that brought to power the African National Congress (ANC). The sustained liberation drive by the ANC and the Mass Democratic Movement in South Africa and the South West Africa People's Organisation (Swapo) in Namibia brought down the last racist bastions in Southern Africa.

This paper seeks to critically examine the weaknesses and pitfalls of democratic consolidation in South Africa. It argues that the phenomenon of democratisation in Africa has been given a narrow interpretation, associated with the dominant paradigm of liberal democracy, which equates democracy with the formal procedures of elections without due regard to the broader political and social context that gives the process its meaning. The question of full democratisation, which involves the extension

of democracy to social, economic and cultural institutions, cannot be dodged in the context of developing regions. The thesis of this paper is therefore that the restriction of democracy to the political sphere rules out of bounds the question of more democracy. The process of democratisation means more than political democracy. In contrast to Christopher Clapham and John Wiseman's "minimalist system of democracy", the conception of democracy here, goes beyond this narrow approach and involves at the minimum the development and nurturing of a genuine democratic culture, the strengthening of civil society, and the education and empowerment of disadvantaged groups in urban and rural areas. Clapham and Wiseman advocate a minimal system of democracy that merely involves a competition between political parties in free and fair elections and which allows for the real possibility of alternative parties and the involvement of civil society in the public realm. The deprivation of the mass of the population under authoritarian systems in Africa, makes it difficult to accept Clapham and Wiseman's procedural form of democracy in assessing the consolidation of democracy in Africa generally, and South Africa specifically (1995:220).

To be sure, political democracy in the sense of free and fair elections and political parties is an essential ingredient of any society that is undergoing democratisation. It is, however, not a sufficient or satisfactory measure of full democratisation. Surely, South Africa can be regarded as a consolidated democracy if we judge its process by the yardstick of liberal democracy. Again, if we employ Samuel

Huntington's "two-consecutive elections" threshold (1991) when assessing the country's democracy, South Africa passes with flying colours.

As the conception of democracy involves more than what is termed electoralism in this paper, the successful consolidation of democracy is fraught with difficulties in South Africa. It is open to threats and dangers if the capacity of the state for economic growth, development and distribution is perceived to be weak in meeting the expectations or satisfying the material needs of its people. The process faces serious challenges if the democratic forces are politically immature and the political game is viewed as a zero-sum game. Closely linked to the above criteria, is the need for a political culture that is democratic and accompanied by a high level of political tolerance to sustain democracy.

The consolidation of democracy also requires a demonstrable relationship between good governance and accountability (Mzongola-Ntalaja G., 1997: 12-13). Public confidence in many authoritarian regimes in Africa was eroded by a lack of accountability and bad governance. To stop at formal democracy and ignore other pressing socio-economic outcomes of democracy can lead to serious flaws in our theorisation of democratic consolidation.

Although there is reason for optimism regarding democratic consolidation in South Africa, its consolidation, nonetheless, faces a severe test in the most critical threshold in democratic consolidation – ie. a peaceful transfer of power to an opposition party other than the ANC. Again, the incumbent government has yet to prove that it has the capacity to withstand a wide range of challenges to its power, such as high levels of social and labour conflicts. Moreover, the chances for consolidating its democracy lie principally with South Africa's ability to limit claims that would seriously damage its productive capacity and ability to meet the expectations of the members of civil society. In short, its success is predicated on achieving a sustainable balance between demands and possibilities.

1. THE FIRST-ELECTION THRESHOLD

The range of problems that faced the new South African government when it came to power in 1994 were indeed daunting. It had inherited a

socio-economic structure that was heavily skewed against the majority population. The prospect of consolidating democracy was confronted with a serious challenge to eliminate violence from society. This seems to be the achilles heel of the new democracy in South Africa.

The dynamics of violence had created an unstable political environment in the pre-1994 election and had the potential to undermine the conditions of free and fair elections in 1994. The greatest challenge to the government was thus to create an environment which was investor-friendly. Violence continued in KwaZulu-Natal in the post-1994 election and this posed a great threat to the new democracy. The conflict in KwaZulu-Natal dated back to at least 1983 and was largely a political conflict between the Inkatha Freedom Party (IFP) and the ANC (Schlemmer & Hirschfeld, 1994). The challenge to the ANC government was to fashion policies to counter political violence in this region and any consideration of policies had to take account of planned attacks on political competitors, mainly taking the form of assassinations of local leaders and activists.

Although violence was considerably reduced in KwaZulu-Natal through a peace pact between the IFP and the ANC, sporadic incidences of violence nevertheless continued to tear up the social fabric of South Africa. There was a disturbing display of political intolerance among the supporters of the two parties and this did not augur well for the consolidation of democracy in South Africa. There is surely a causal link between political intolerance and political violence and, unless attempts to develop and nurture a genuine democratic culture are made by the government, political intolerance poses a serious obstacle to building a genuine democracy. Although the total number of people who died in KwaZulu-Natal dropped from 633 in 1994 to 70 in 1999, civic education is still necessary in order to improve anti-democratic tendencies among supporters of different political parties. No matter how low the levels of violence were in the 1999 election, this is not an indication that there is an emerging democratic culture among the supporters of the two parties. This was demonstrated by the new conflict between the United Democratic Movement (UDM) and the ANC supporters before the 1999 election. Democracy entails free competi-

tion for power among the contenders for the political centre, and the zero-sum conception of the political process has serious limitations to democratic consolidation.

One of the greatest threats to democratic consolidation in South Africa is the high rate of unemployment which has been directly linked to the high rate of crime. In a matter of two years since 1994, crime quickly filled the vacuum left by political violence and its rapid increase has become a hindrance to economic development. Failure to improve the socio-economic conditions of the majority population has led to the escalation of crime, as the poor and destitute might have realised that democracy has not brought about the changes they expected. The promises that were made in the 1994 election under the banner of the Reconstruction and Development Programme (RDP) were to meet the basic needs of people, such as jobs, housing, health care, social welfare, etc., and the provision of these services was crucial for sustaining the democratic gains that the ANC achieved at the ballot box.

To be successful, democracy must have a meaning to the people, that is, by offering them jobs and roofs over their heads. We may cite Zambia as a case in point, in showing that failure to satisfy the people's expectations can easily derail the consolidation of democracy. President Frederick Chiluba's honeymoon was cut short by the stark reality of the awesome task his government faced. The people's expectations that political change would bring about instant economic improvement were unreal. The prospects for a sustainable process of democratic development in Zambia were gloomy in the face of the International Monetary Funds' (IMF) structured adjustment programme which was imposed on the government by the IMF. As the Zambian case demonstrated, the hegemony of global capitalism is a constraint to successful democratic capitalism. In developing countries, the socio-economic outcomes of democratisation seem to be as important as the periodic elections in judging the success of the democratic project.

In South Africa, any hope of achieving robust democracy has been shattered by the shift from the people-centred approach of the RDP to the top-down approach of the government's Growth, Employment and Redistribution (Gear) strategy. Gear commits the ANC gov-

ernment to global economic orthodoxy of monetary and fiscal discipline. Among its goals, Gear correctly wants growth to be accompanied by redistribution, but its target growth projections of six per cent by the year 2000 have been unrealistic.

Unemployment continues to rise and jobs for the rapidly growing workforce will clearly be the major achilles heel of South Africa's democracy. Much of the increased crime, for instance, is due to the rapid growth of unemployment over the past decades. Unemployment has amplified physical hardship, and the despair permeating many segments of society has resulted in social decay and, by that very fact, threatens democratic consolidation in the country.

2. PROSPECTS FOR DEMOCRATIC CONSOLIDATION

On 2 June 1999 South Africa passed the threshold of a "second consecutive election" test, but the breadth of the problems which faced the ANC government seemed to dwarf what political pundits hailed as a success story in Africa's emerging democracy. The challenges were indeed daunting: the economic crisis was exacerbated the plummeting gold price, the public sector unions with their demands for a 10% salary hike, a disillusioned population in some areas of the former Transkei region, wide inequalities in the distribution of income, a weak police force to deal effectively with crime and a dysfunctional judicial system. All these problems paled the euphoria of a second free and fair election. There had emerged, on the other hand, an alarming culture that seemed to associate democracy with lawlessness.

The vision of the RDP had been abandoned in favour of the elitist development programme in Gear. The international financial institutions, the IMF and the World Bank, and domestic business interests had put pressure on the government to abandon the "idealism" of the RDP. The expectations of the ordinary people who had felt a sense of ownership and empowerment through the RDP were dissipated when the government adopted the private-sector driven growth strategy.

To be fair, some limited achievements in social democracy have been made, but the adoption of Gear under which redistribution is predicated on growth, shows dim prospects for

broadening social democracy. For this reason, the prospects of sustaining democracy in South Africa are uncertain, as long as the poor people perceive that the struggle to establish a more just socio-political and socio-economic distribution of power has been lost. Although there have been no signs of growing tensions and disillusionment at the apparent backtracking on campaign promises, the ANC government must face the possibility of high rates of crime and lawlessness in the country.

Another serious barrier to democratic consolidation is political immaturity of the democratic forces. This has manifested itself in political intolerance and is the result of a lack of political education on the nature of competitive politics. Before the 1994 elections, some areas were "no-go zones", where opposition parties were denied the right to hold rallies. This is the kind of political culture South African inherited from the struggle against the dictatorship of apartheid and it has infected the body politic of society. Political education in the competitive political process was indeed lacking and, consequently, violence was the outcome of such neglect.

There is also a danger of weakening the standards of probity and accountability if criticism is not allowed against a ruling party. Robust opposition is part and parcel of a vibrant democracy and cannot be blocked by dismissing criticism as racially motivated and not constructive. Equally unpalatable is the suppression of public criticism by some political parties which insist that their members must channel their criticism through party structures. Indeed, to pass as a patriot, a party member must refrain from public criticism of one's party. Public criticism is equated with a behaviour that brings the party into disrepute and a person criticising the party is subject to disciplinary measures (O'Malley P., 1999:105). This type of action is hardly conducive to the creation of a new political culture in which democracy may be sustained, as public criticism is necessary for the growth of democracy. This is the same as an attack on the media by politicians which undermines democratic consolidation. Not only is the role of the media important as a watchdog, but is also a vital force in civil society.

South Africa has not yet reached a point where opposition parties are a real force in the

political process. Although, arguably, the emergence of a new party, the United Democratic Movement (UDM), nearly eroded the ANC's base of power in some parts of the former Transkei, it was nevertheless a win-win situation for the ANC, despite widespread perceptions that it had failed to deliver and to control the high levels of crime and unemployment. No party, for instance, was able to turn the disillusionment of South Africa voters into political support. Instead, the opposition in the 1999 election became fragmented, and thus made the prospect of a strong opposition appear very bleak.

The argument that South Africa is moving towards a system of one-party dominance – but by no means a one-party state – stems from the dismal performance of the opposition parties in the second consecutive elections in June 1999 (Ibid:194). This happened despite widespread reports about the disenchantment of the electorate, including the blacks, with the government's weak capacity in dealing effectively with an alarming increase in crime and increasing unemployment.

Indeed, the maturation of South Africa's democracy and the capacity to deepen it depends largely on the strength of the opposition and a real possibility of removing the incumbent government from power.

CONCLUSION

In the final analysis, South Africa's democratisation process was indeed rare by the standards of Africa. There was a genuine transfer of power to the liberation movement led by the ANC and this happened under a climate of free and fair elections. There were no threats of violence from the defeated white racist party, the National Party and its supporters, which had dominated the political process for several decades.

Admittedly, the process of political pluralism in the sense of periodic free and fair elections is critical for democratic consolidation. It must, however, be balanced with some measure of social democracy. As one astute political observer aptly remarked: "No system, democratic or otherwise, is going to bring peace, harmony and stability, unless it is able to give its citizens a certain degree of material well-being" (*Africa Confidential*, 1992).

If the gains of the struggle for democracy are

benefiting only a minority of the population, that surely casts a shadow on the success of democratisation. Instability and violence are the products of discontent with the management of

the public realm by government, and if the mass of the population does not enjoy the fruits of its struggle, there is undoubtedly a real threat to any attempt at democratic consolidation.

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Programme

Wednesday, 18 August 1999

15h00-15h20

Opening Remarks

Mrs Xoliswa Jozana, *Department of Political Studies, Unitra*

Dr Michael Lange, *Resident Representative, Konrad Adenauer Foundation*

Welcome: Prof. Duma Malaza, *Acting Vice-Chancellor, Unitra*

FIRST SESSION

CHAIR: PROF. DUMA MALAZA, UNITRA

15h20-16h00

Keynote Address: Consolidating Democracy in South Africa

Professor Wiseman Nkuhlu, *Development Bank of South Africa, Midrand*

SECOND SESSION

CHAIR: PROF. ATTIE COETSER, UNITRA

16h00-18h00

CONSOLIDATING DEMOCRACY IN EUROPE, EASTERN EUROPE AND AFRICA: COMPARATIVE PERSPECTIVES

• **Consolidating Democracy in Eastern Europe After the Collapse of Communism, With Special Reference to Russia**

Dr Anita McCreath, *Dept. of Russian Studies, Unisa*

• **Consolidating Democracy in Central America With Special Reference to Nicaragua**

Guy Coultier, *Roman Catholic Diocese, Umtata*

• **Consolidating Democracy in Sub-Saharan Africa With Special Reference to Zambia**

Prof. Hugh MacMillan, *Dept. of History, University of Transkei*

• **Consolidating Democracy in Southern Africa With Special Reference to Namibia**

- Prof. Tapera Chirawu, *Dept. of Political Science, University of Namibia*

DISCUSSION

Programme

Thursday, 19 August 1999

THIRD SESSION

CHAIR: DR MEENAL SHRIVASTAVA, UNITRA

09h00-11h00

THE ROAD TO DEMOCRACY IN SOUTH AFRICA

- **The Silent Revolution: The Aids Pandemic and the Military in South Africa**

Dr Robert Shell, *Population Research Unit, Rhodes University, East London*

- **South Africa's Three-in-One-Revolution**

Allister Sparks, *SABC Television, Johannesburg*

- **The 1999 Election and the Prospects of Consolidating Democracy in South Africa**

Prof. Alexander Johnston, *School of Undergraduate Studies, University of Natal*

DISCUSSION

FOURTH SESSION

CHAIR: PROF. HUGH MCMILLAN, UNITRA

11h30-13h00

THREATS TO DEMOCRACY IN SOUTH AFRICA 1

- **Crime, Corruption, and Democracy**

Dr Constanze Bauer, *Dept of Public Administration, Vista University*

- **Unemployment, Poverty and Democracy**

Dr Tembeka Mpako-Ntusi, *Dept of Social Work, University of Transkei*

- **Racism and Democracy**

Anthony Johnson, *Reader's Digest, Cape Town*

DISCUSSION

FIFTH SESSION

CHAIR: PROF. ALEXANDER JOHNSTON, UNIVERSITY OF NATAL

14H00-15H30

THREATS TO DEMOCRACY IN SOUTH AFRICA 2

- **Effective and Efficient Multilingualism in the Building of a Democratic South Africa or Linguistic Hegemony and Marginalisation**

Dr Kathleen Heugh, *PRAESA, University of Cape Town*

- **Globalisation and Democracy: Reconciling Economic and Political Liberalism in South Africa**

Dr Meenal Shrivastava, *Dept of Political Studies, University of the Transkei*

- **Racial Categorisation: Threats to South Africa's Fledgling Democracy**

Prof. Roy du Pré, *Faculty of Arts, University of Transkei*

DISCUSSION

SIXTH SESSION

CHAIR: PROF. JONATHAN JANSEN, UNIVERSITY OF DURBAN-WESTVILLE

16H00-17H30 CONSOLIDATING DEMOCRACY: PERSPECTIVES FROM SOUTH AFRICAN POLITICAL PARTIES

- **Democratic Party** - Eddie Trent
- **New National Party** - Francois Beukman
- **United Democratic Party** - Masilo Mabeta
- **African Christian Democratic Party** - JoAnn Downs
- **Freedom Front** - Dr Petrus Liebenberg

DISCUSSION

Friday, 20 August 1999

SEVENTH SESSION

CHAIR: ROSEMARY TOWNSEND, UNITRA

09H00-11H00 CONSOLIDATING DEMOCRACY: IMPLICATIONS/CONTRIBUTIONS/ PROBLEMS/VIEWS

- **Democracy and Education**
Prof. Jonathan Jansen, *Deputy Vice Chancellor, University of Durban Westville*
- **Democracy and Gender**
Ms S Moiloa-Nqodi, *ANC MP, Cape Town*
- **Democracy and Human Rights**
Ms Pansy Tlakula, *South African Human Rights Commission*

DISCUSSION

EIGHTH SESSION

CHAIR: PROF. NSOLO MIJERE, DEPT OF SOCIOLOGY

11H30-12H30 SAFEGUARDING AND CONSOLIDATING DEMOCRACY IN SOUTH AFRICA

- **Weaknesses and Pitfalls**
Xoliswa Jozana, *Dept of Political Studies, Unitra*
- **Opportunities and Strengths**
Allister Sparks, *SABC Television, Johannesburg*

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