

Southern Africa REPORT

Vol. 15 No. 3

3rd Quarter 2000

Mugabe's Last Card



Mourners help a woman who collapsed during a memorial service at the home of Tapfumanei Chiminya who was shot, along with another MDC member, on Sunday 16 April, in an attack by ZANU-PF supporters.

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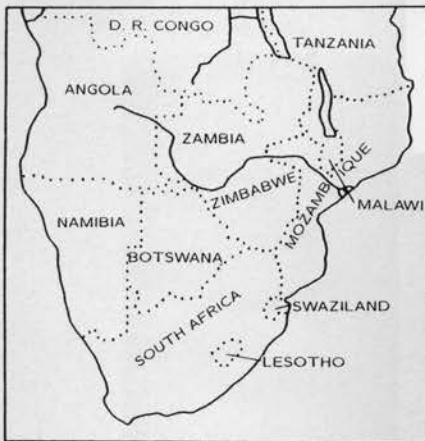
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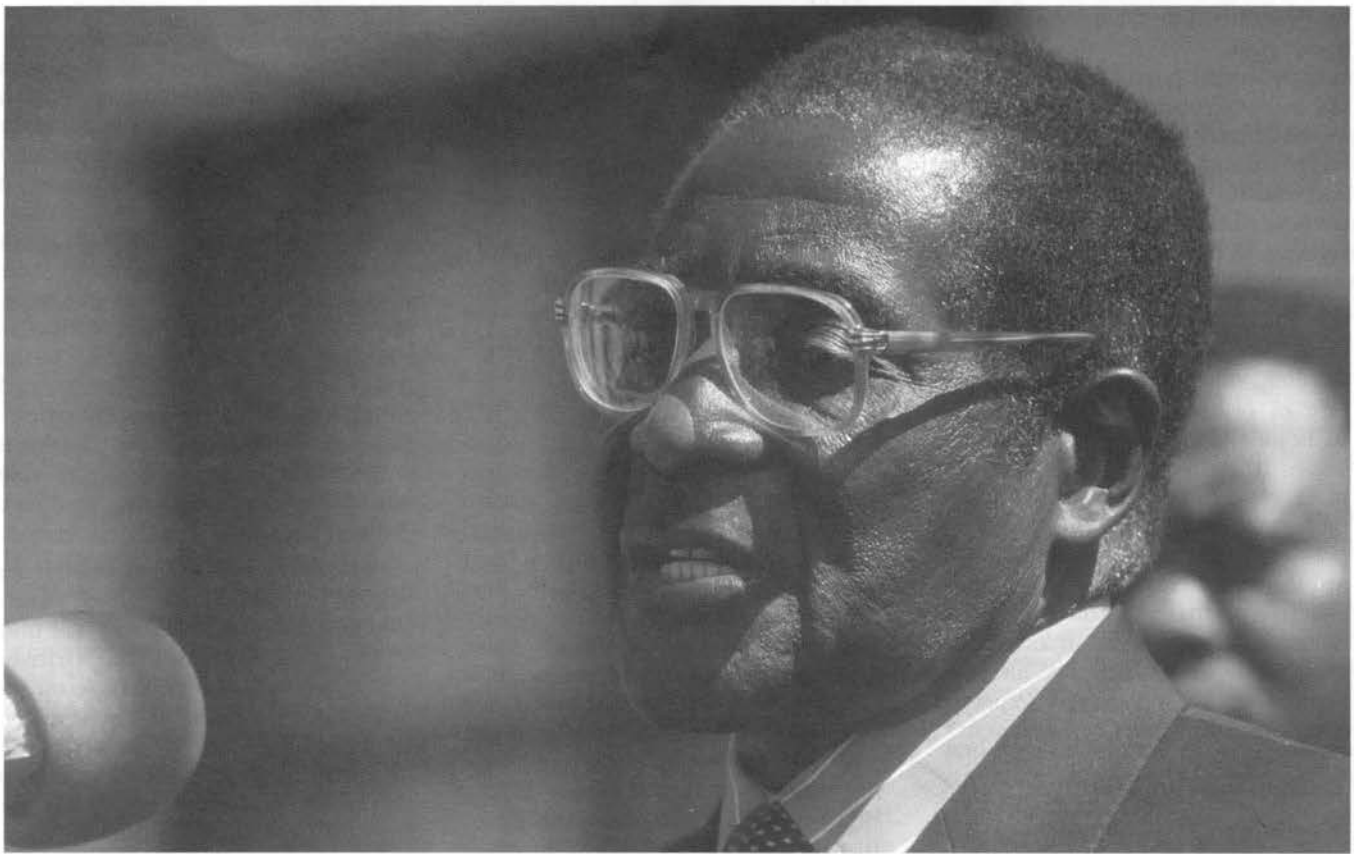
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Robert Mugabe at a rally in support of his government and the war vets, Harare, 12 April 2000

Mugabe and the MDC

Events in Zimbabwe are breaking so quickly it is impossible for a quarterly magazine like our own to pretend to keep up with them in any effectively journalistic manner. When we first thought to build the present issue around the two Patrick Bond articles on the nature of Zimbabwe's opposition party, the Movement for Democratic Change (MDC), the context still seemed relatively straightforward.

It was easy, for example, to hail the potential passing of Robert Mugabe and his shop-worn ZANU-PF colleagues from the citadels of power in Zimbabwe – if, indeed, the trend towards popular rejection of ZANU-PF that was demonstrated in the constitutional referendum earlier this year was to be carried forward

into the parliamentary elections thought to be forthcoming in the next few weeks (and now finally set for June 24-25). An unpromising enough figure even in the days of armed struggle, Mugabe has gone from bad to worse during twenty years in power, dragging his country down with him.

The elections

True, it has seemed possible that ZANU might yet win the election, such are Mugabe's wiles and the extent of his ruthlessness. And remember: Mugabe himself isn't up for election in any case: the presidential race won't be until 2002. No-one quite knows what would be the political and constitutional fall-out of Mugabe being confronted, as President, with an MDC majority

in the next parliament (although, in truth, the MDC does seem to feel confident that it could actually turn such a situation to its advantage).

Recall, too, that with respect to the parliament itself there are thirty seats (of its total of 150) that are not elected. These are seats that, without strong popular pressure to allocate them more proportionately, Mugabe seems certain to grant to ZANU-PF supporters in order to help guarantee a majority for his party even if it is defeated at the polls. Finally, it hasn't been entirely clear as to just how deeply the opposition MDC, so strong in the cities, could hope to cut into ZANU's base in the rural areas with its message of change: Mugabe's loss of his referendum on

the constitution was, of course, a good sign. So too was the fact that this was partly achieved when the bulk of rural dwellers refused to be mobilized to vote by ZANU, an indication of some distancing from ZANU-PF that various electoral surveys of the countryside have also confirmed.

So the question has been: can the MDC win? It has a chance, certainly, and it is difficult for anyone at all concerned for the fate of ordinary Zimbabweans not to hope that it does. Nonetheless, "can it win?" is only one of several questions that might be posed regarding the MDC as possible government-in-waiting (or, at the very least, as the most effective centre of on-going and meaningful opposition in Zimbabwe since independence). What, we wanted to know, can be expected from a possible MDC government?

Evaluating the MDC

Sometimes this question is put rather baldly in progressive circles, along the lines: "Is Morgan Tsvangirai not likely to be just another Chiluba?" As our readers will know, Frederick Chiluba, the current president of Zambia, sprang, like Tsvangirai, from a dissident trade union movement to challenge the high-handed and bankrupt rule of another all too tired veteran President, Kenneth Kaunda. The long-term result: a regime that has followed even more slavishly than Kaunda the dictate of the International Financial Institutions (IFIs) and has come to emulate most of the crypto-authoritarian and corrupt practices of its predecessor.

How to answer the Chiluba question? Several issues ago Patrick Bond wrote approvingly in these pages of the Tsvangirai project, arguing that it might become the "first post-nationalist, post-neoliberal regime" on the continent. Here he returns to the story with two articles that interrogate this issue further, one an interview with

Mugabe's presumptive successor, Tsvangirai himself, and the other an evocation of the emerging, rather worrying role of Zimbabwean businessman Eddie Cross within MDC economic planning circles. Moreover, Bond's findings are now rather more sobering than last time round as he documents the extent to which neo-liberal emphases have indeed found their way deep into the fabric of the MDC's alternative politics. Our readers should perhaps consider themselves well warned in this respect.

And yet, despite this, it remains true that the MDC has grown out of a much more substantial process of social mobilization than anything seen in Zambia. This has been a process - deeply rooted in the trade union movement and in consultations with base structures - that both antedated the MDC's formation as the party and that has given rise to a clearly negotiated program of action. Given this record, and leadership of the quality of Tsvangirai himself, Gibson Sibanda, Tendai Biti, Isaac Matongo, Gift Chamanikire and the like, Bond and others suggest that we should continue to have a healthy measure of confidence in the bona fides of the MDC. Certainly Bond himself sees nothing - and here we agree with him - to qualify his sense that the MDC offers a far better hope for Zimbabweans than does its tawdry and corrupt ZANU-PF rival.

Enough said for one issue on Zimbabwe, you might have thought, especially when Bond's pieces are complemented by Larry Swatuk's article on regional politics which, in addition to critiquing the nature of South Africa's emerging role in southern Africa politics, also uncovers some venal truths about Mugabe's own foreign adventures. And yet, as everyone knows, much has happened in Zimbabwe in recent weeks. Even on the eve of going to press, it seems necessary to make at least passing reference to some of these developments here.

The land question

Key here, of course, is the land question, now brought so much more forcefully to the surface in Zimbabwe. And it's a complicated one. Indeed we have encountered a certain amount of bewilderment among comrades as to how to think about these developments. Isn't Mugabe on the side of angels here, some ask? The land question is real enough after all, one crucial index of just how little has seemed to change with respect to socio-economic inequality as the transition from white minority political rule has taken place across southern Africa.

Moreover, working out from healthy anti-colonial and anti-imperialist premises, many will find it tempting to blame the British. The constitutional limitations on social and economic transformation that the latter happily helped write into the original Lancaster House agreement impacted negatively on the substance of liberation in Zimbabwe. And the British government has never been keen, up to the present, to guarantee the kind of funding of land reform that its historic responsibility for the crimes of dispossession and exploitation committed on its colonial watch in Rhodesia would seem to require. Add to that, more broadly, the neo-colonial vise-grip in which global capitalism has held Zimbabwe since independence (and especially since the imposition of "structural adjustment" in the early-80s) and one could almost make a case for Mugabe as more sinned against than sinning.

But not quite. You don't have to defend either the British or the IFIs also to be absolutely scornful regarding Mugabe's own bona fides, past or present, as a tribune of social justice and equality in Zimbabwe. His twenty years in power has been marked far more by elite plunder than by any significant programme of popular socio-economic empowerment - including with re-

spect to the land sector where even such very limited amount of land as has been "redistributed" over all those years has tended to find its way into the hands of that very elite. No, the land invasions that have captured so much attention recently have been more the result of a desperate last minute political calculation by Mugabe and his increasingly cornered cronies than they have been of any higher purpose. Quite simply, they represent a populist attempt to stir things up and to then profit from the resultant chaos by pressing the unique claim to precedence of those who hold established power and authority. Certainly, in this respect, the most assertive of "ex-combatants" – many of them young lumpen elements who can never have seen combat and who are also very unlikely to have any real rural vocation – are best seen as ZANU-PF shock troops, paid for and logistically supported by party and state, and not as some kind of heroic force for on-going liberation.

A more plausible land reform in Zimbabwe would look very different, left observers suggest. To begin with, its core constituency would have included the farm-workers already on the farms who, self-evidently, have strong moral claim to a stake in any redistribution that might occur: at the moment such workers are merely one of the prime targets of the land invaders. And it would speak much more directly, as well, to the concrete needs and aspirations of the landless and semi-landless in the existing rural reserves, those who really do want and need land. In short, such a process would be crafted and framed in a politically astute manner, one that could facilitate a more equitable arbitration of the diverse claims to any land that is to be redistributed.

In fact, adherence to the agreed national consensus position on land reform, adopted in 1998, might have been a good place to start. But that was roundly ignored by ZANU-

PF precisely because it would have denied them access to levers of patronage and other perquisites of power. This is unfortunate since expanding on the 1998 position might also have enlarged the possibility that real substantive demands, not merely rhetorical ones, could have been made on those (the British in particular) who should be pressured to help financially with any such transition. And the chances might also have been enhanced of phasing in changes in such a way as to do minimum damage to the productivity of Zimbabwe's agricultural sector, instead of virtually guaranteeing that economic crisis – falling foreign exchange (tobacco) and famine (maize and wheat) – be the primary result of the chaos now unleashed.

We must not overstate this case. Activities that find those at the bottom of a profoundly unequal society challenging the status quo are never likely to be entirely "orderly" or "cost-free." However much such an outcome may have been incidental to his own more narrow and self-serving purposes, Mugabe's actions actually have helped send progressive shockwaves through a region where the impoverished have good reason to lose patience with the political elites who allegedly speak in their name. If such people now feel emboldened by the aura spun off events in Zimbabwe to press their own claims more dramatically, so much the better.

Mugabe's last card?

But let us repeat: it is precisely *not* any such self-empowering transformation from below that was intended, or that is actually occurring, in Zimbabwe. True, Mugabe has attempted to manipulate the situation so as to reclaim his much frayed mantle as popular populist leader. To the same end, he has dusted off the racist rhetoric that has always been one of his most familiar and unpleasant stocks-in-trade. Fortunate, then, that none of these demagogic tricks seems to be working very suc-

cessfully *vis-à-vis* the Zimbabwean population as a whole.

There is an even more sinister connotation to the present situation, however, and a far more damaging one. Put quite simply, ZANU-PF has used the drama of the land crisis as cover for a ruthless escalation of violence against opposition activists and politicians. Thus, a growing number of the latter have been killed by vigilantes and paramilitary elements clearly linked to established centres of power. Meanwhile, the police and military circulate ominously throughout the country as a further earnest of pre-elections intimidation – with innumerable gross incidents of abuse of power already documented.

As for the elections themselves, there are numerous signs of fraud-in-the-making as electoral rolls are tampered with, supervisory organs stacked with ZANU-PF loyalists, and the further gerrymandering of constituencies is said quite possibly to be on the cards. So bad is this situation that the MDC itself indicated momentarily that it might be left with no alternative but to pull out of the elections. It has now said that it will not do so, but asks for as much international monitoring as possible so that the worst abuses of ZANU-PF's governmental powers during the electoral process may be minimized, or, if not that, at least thoroughly exposed for future reference.

Of course, even against such odds, the MDC may yet win. Moreover, it has pledged to stay the course until 2002 even if ZANU does manage to create a "victory" for itself this time round. A courageous position to take in the teeth of a truly vile regime that can only become more abusive and more destructive of the fabric of its own country in the unhappy event that it is once more "confirmed" in power. SAR will endeavour to keep you posted on this story, grim and heroic by turns, whether the elections take place or not and whatever their outcome.

SAR

A New Zimbabwe?



BY PATRICK BOND

Patrick Bond is author of a 1998 book *Uneven Zimbabwe: A Study of Finance, Development and Underdevelopment*, published by Africa World Press.

Chinja Maitiro! (Change in the way things are done!)

Guqula Izenzo! (ditto, in Ndebele)

Maitiro Chinga! (The way things are done must change!)

Chihurumende Bzisa! (Government – sweep it away!)

Hezcoko? Bwa! (We are coming? There we are!)

Unotyia Here? Aiwa! (Are you afraid? No!)

Change is urgently needed. The country is bedeviled by a fuel shortage that has dragged on for weeks. Its army is overcommitted in a hopeless war, faraway in the Democratic Republic of Congo. Zimbabweans grieve lost family and friends in the midst of an horrific AIDS pandemic. The economy suffers unprecedented price inflation and soaring interest rates, and is losing businesses and shedding jobs at a rapid rate. Income inequality has risen to amongst the world's worst levels, especially with respect to control of good farming land. Rife with corruption, the Zimbabwe African National Union (ZANU) government led by Robert Mugabe has finally reached death-throes stage. The country's 12 million people appear restless and often furious.

Morgan Tsvangirai, the celebrated trade union leader who pre-

Eric Miller – Impact Visuals

Tsvangirai Interviewed

sides over the MDC, is on the verge of winning a majority of seats in the national parliamentary election scheduled for May (electoral roll chaos has already caused one delay, however). A February referendum on a new constitution promoted by President Robert Mugabe revealed both impressive mobilisation of MDC supporters (who voted 55-45 percent against government proposals) and an apathetic turnout from peasants who normally champion the ruling ZANU party.

It was Mugabe's first electoral defeat ever. The next presidential election is in 2002, but although Mugabe, 76, recently announced he won't stand again, there is no obvious successor in the wings of his fractious, crisis-ridden party.

Former mineworker Tsvangirai, 48, claims this puts the MDC in a unique position, for nowhere in Africa has a post-nationalist political movement capable of taking power been so well grounded in working-class and allied civic organisations.

Tsvangirai visited Johannesburg in early March to seek the blessing of the huge Zimbabwean expatriate community here. In two well-attended meetings he also eased the fears of South African business elites, who through the conservative *Business Day* newspaper recently condemned the new movement as "unproven." In fact, Tsvangirai took South Africa by storm, appearing across a diverse spectrum of print and broadcast media in his role as a modern, moderate reformer, capable of restoring "investor confidence."

Given the fluidity of Zimbabwean politics, the apparent president-in-waiting argues the need to quickly build a broad coalition, drawing support from far beyond the union movement he has headed since 1989. In what direction will that lead the MDC?

The ideological tightrope

Some fear that by bringing Zim-

babwean, South African and international capital on board – in advisory positions (including a top Confederation of Zimbabwe Industry dealmaker, Eddie Cross), but also as donors – Tsvangirai will repeat the wretched experience of Zambia. There, trade unionist Frederick Chiluba won the 1991 election against veteran nationalist Kenneth Kaunda with a multi-class alliance, and quickly applied neo-liberal economic policy with even worse results than his predecessor.

Zimbabwe's only two other significant opposition movements line up far right of the MDC: a collection of octogenarian 1960s-70s nationalists – Ndabaningi Sithole, Abel Muzorewa and even the white Rhodesian rebel Ian Smith, back from political retirement – launched a "United Democratic Front" in February, and the Democratic Party of charismatic former ZANU activist – now self-described liberal – Margaret Dongo (one of just three non-ZANU members of parliament) whose supporters are quickly shifting to the MDC.

In part because the MDC is the first political party over the past two decades with a chance of upsetting ZANU's hold on power, this is a crucial time for defining the ideological struggles within the struggle. For Mugabe, the MDC's popularity has occasioned a renewed round of bashing a few thousand white farmers and the International Monetary Fund (IMF), a performance Tsvangirai – accurately – derides as hollow political posturing.

Recall that two decades ago, Zimbabwe's independence from 200,000 white, settler-colonial Rhodesians was won after a brutal war (with 40,000 black casualties) waged by guerrillas and a mass support base of peasants. Mugabe and his on-off-on ally Joshua Nkomo (who died in 1999) established an ideology of national unity with "socialist" overtones. But over the years ZANU's status quo devel-

opment strategy failed to raise living standards, aside from a few initial rural clinics and schools and the growth of a 200,000-strong lower middle-class state bureaucracy.

Then the adoption of a structural adjustment programme authored by the IMF and World Bank during the 1990s, compounded by two severe droughts, set the country on a raw and often chaotic capitalist road. Zimbabwe became disastrously dependent upon Bank and Fund debt as well as cookie-cutter neo-liberal policy advice. From 1991, living standards plummeted and the deindustrialization of a once-strong manufacturing sector caused huge job cuts and a rash of expensive imports (mainly from South Africa).

The lost decade

As leader of the Zimbabwe Congress of Trade Unions, Tsvangirai predicted to me in a 1991 *Southern Africa Report* interview, "What is going to be sacrificed in this [structural adjustment] programme is democracy. When people go to the streets, complaining about these things, the state will be forced to use power to quell these riots." Tsvangirai spent the 1990s defending against repeated state attacks, deepening his organization and engagement on key socio-economic issues, and taking the union movement along a zig-zag strategic path. He began with classically leftist opposition to structural adjustment from 1989-92. When that was rebuffed by brute state force (he spent two weeks in jail in 1989 simply for defending student protests and a peaceful 1992 protest against structural adjustment was broken up and organisers arrested), Tsvangirai shifted into conciliatory gear.

In a 1996 alternative economic plan issued by the unions, he argued that government's free-market economic programme was "necessary but insufficient." From 1992-97 Tsvangirai sought tripartite bargaining forums (with big government and big business). This also proved fruitless, so when a deep eco-

conomic crisis began in late 1997 and was amplified by Mugabe's political gaffes, the ZCTU offered a logical base for a more sustained attack on political power.

Meanwhile, Zimbabwe's middle-class public intelligentsia – which in Zambia had helped shift Chiluba's Movement for Multiparty Democracy from political liberalism to economic neo-liberalism – began to self-destruct. One reflection was the ease with which, in the course of debate over constitutional reform in 1999, Mugabe picked off several key academic opponents who were once left-leaning critics, and turned them into ZANU boosters. Thus over the past two years the MDC came together as the "Workers' Party," still its colloquial name.

What are the weaknesses of the MDC project? The prime electoral challenge will be overcoming rural generational loyalties to Mugabe, liberation-movement memories, and patriarchal/ethnic traditions. Moreover, to simply get permission from white farmers for access to two million farmworkers on 3,000 large plantations, for example, pressure will emerge for the MDC to soft-peddle redistributive land demands. Likewise, the movement has a desperate need for business contributions to fund a national electoral campaign.

What degree of ideological flexibility is, therefore, required to add peasant votes and capitalist bucks to the MDC's core union and social movement networks? Given the party's lack of skilled politicians and its relatively short, undeveloped programme, Tsvangirai's ability to invoke a "social democratic" line follows largely from his own enormous personal influence.

Tsvangirai speaks

In a Johannesburg interview, I began by asking how the MDC's modern industrial workers and urban community activists can persuade the rural folk to abandon nationalism.

MT: The strategy hinges around

the constituency organization in the grassroots, so we're making sure the leadership constantly gets out to the rural areas, and ensuring that when we build policy forums, it is with the rural problems in mind. The working people provide the MDC base but the linkages to rural people are crucial. You must remember that 40 percent of wages used to end up in rural areas, through remittances and migration. What with the economic crisis, those resources are no longer there. Rural people have come to realize this, and now demand change.

PB: Are rural conditions so desperate as to undermine liberation movement loyalty?

MT: In many ways, we are moving from the nationalist paradigm to politics grounded in civic society and social movements. It's like the role and influence that in South Africa, the labour movement and civil society organisations had over the African National Congress in the early 1990s. MDC politics are not nationalist inspired, because they focus more on empowerment and participation of the people. ZANU's nationalist thinking has always been top-down, centralised, always trapped in a time warp. Nationalism was an end in itself instead of a means to an end. One of ZANU's constant claims is that everyone in Zimbabwe owes the nationalist movement our freedom. It's therefore also become a nationalism based on patronage and cronyism.

PB: What, then, is the MDC ideology?

MT: We are social democrats. The MDC can never be pure, ideologically, because of our broad orientation. Besides, social democracy is a half-way house, a spaghetti mix. In our case, the main characteristic is that we are driven by working class interests, with the poor having more space to play a role than they do now. But one of the components is an element of participation by busi-

ness, which is just not able to develop under present conditions.

PB: Is this reflected in a particular development strategy?

MT: Development must be genuine, defined by people themselves. We know that export-led growth is not a panacea. And we place a high priority on meeting basic needs. How could we not, with 75% of the population living below poverty? So our development strategy will highlight land, health, education and the like.

PB: How do you answer the concern that with such a multi-class project you might end up like the Zambian Movement for Multiparty Democracy?

MT: I think Chiluba did not come on board with any ideology at all. But the main lesson there is that if the workers are not careful, they may give up their initiative over the party. That means that even though we need to build coalitions, the structure of MDC has to be, and is, participatory, with far more control from the base than normal parties.

PB: What lies immediately ahead in building this party and contesting the April election?

MT: I expect that we'll win a majority in parliament. Then, of course we need to redefine a political path in a context where Mugabe is president until 2002. Unless his party says he must go earlier, that is. There are two options. One is to seek a confrontation, for example, over whether Mugabe has a moral right to appoint 30 members of parliament in addition to those ZANU wins. Confrontation might be counterproductive. The other option is cohabitation, which may be necessary until 2002 if we are going to avoid martial law and rule by decree.

PB: Mugabe is one of the most intolerant rulers in the world today. Will he let the MDC win control of parliament? Will the election be free and fair?



Eric Miller - Impact Visuals

MDC pre-election rally in Harare, 15 April 2000

MT: We should take stock of the fact that he accepted his defeat in the constitutional referendum humbly. I hope he maintains that attitude. Otherwise, social instability is a danger. Therefore, getting election monitors across the country is crucial, and international support is needed here.

PB: The armed forces are another factor, given how much the leaders are committed to the Congo war and the spoils they receive there.

MT: Obviously the armed forces are anxious about the situation, but they too are fed up with Mugabe.

PB: The immediate crisis points are around petrol shortages and other manifestations of fiscal crisis.

MT: I am confident that the energy situation can be managed. Sasol (the SA state oil company) is supplying a lifeline.

PB: Does Zimbabwe need a financial lifeline from the IMF and World Bank?

MT: They have put us into a serious debt trap. We may have to negotiate with the IMF to get out of that. What is important, down the line, is for Zimbabwe to work itself out of the IMF and World Bank's grip. In the short term, we have to distinguish between financial support that serves Mugabe, versus that which serves the country.

PB: What kind of support is the MDC after?

MT: Solidarity. Zimbabwe is in a transitional phase, becoming a more progressive, more democratic society. The international community, especially the progressive world, can facilitate with ideas and resources. A free and fair election requires monitors. Zimbabwe cannot afford

to go back now, to the possibility of a fascist state.

Indeed, fascism sometimes seems not far off in Zimbabwe. Intimidation of the MDC is readily condoned by Mugabe, and had the effect in May of compelling many white farmers and their labourers to retract support from the MDC and give donations to ZANU. (This turn of events made the MDC yet more dependent upon donations from urban white business elites.) The mid-June parliamentary election may yet transpire, but it is unclear whether free campaigning conditions will restore grassroots MDC members' confidence and leftward momentum, especially given the influence of Eddie Cross and his allies.

[The Movement for Democratic Change website is www.mdc.co.zw/ or alternatively www.in2zw.com/mdc/]

S A R

A New Zimbabwe?

Eddie Cross & the MDC

BY PATRICK BOND

Patrick Bond is author of a 1998 book, Uneven Zimbabwe: A Study of Finance, Development and Underdevelopment, published by Africa World Press.

A leading official of the Confederation of Zimbabwe Industries (CZI), Eddie Cross, was appointed economic secretary of the Movement for Democratic Change (MDC) in February. His first public presentation, in mid-March, represented a decisive signal that the MDC has graduated from its initial "Workers' Party" image and constituency, to ally with big business elements.

While the balance of forces within the MDC remains fluid, the worker-capitalist alliance against Robert Mugabe's Zimbabwe African National Union (ZANU) regime will no doubt win the MDC a large – potentially majority – share of votes in the May parliamentary elections. But the implications are complex, because Cross appears intent on mixing divergent political traditions.

Cross comes from a faction that has long supported the introduction of structural adjustment, and which applauded Mugabe for turning to free-market policies during the 1990s. Even after a decade of failure, Cross told the *Zimbabwe Independent* in May 1999, "We in industry believe that the only way to make a significant impact is to comply fully with the IMF conditions."

Two months earlier, the International Monetary Fund had explicitly ordered Mugabe to reverse the only three progressive things he had done in recent years, namely his imposition of a) a ban on holding foreign exchange accounts in local banks (November 1997), b) price

controls on staple foods (mid-1998, in the wake of mass food riots), and c) a luxury-goods import tax (late 1998). Although all three measures were emergency responses to a deep-rooted crisis, pressure from the CZI, IMF, World Bank and foreign donors, was sufficient to win Mugabe's consent and were rewarded with a temporary inflow of funds. But when Mugabe also pegged the Zimbabwe dollar to the US dollar after a speculative run in early 1999, holders of forex accounts began hoarding hard currency, and by late last year Zimbabwe ran out of foreign reserves and, in turn, could not pay for petrol imports. The crisis continued deepening, with Mugabe taking recourse in bashing the IMF, the British government and his own white subjects. But Zimbabwe's rich political terrain provides additional space for alternative strains of populism, as demonstrated in the speech given by Cross to a packed house at Harare's Book Cafe on March 16: "Zimbabwe at the Economic Crossroads: Which Way Forward."

From the corporate critique ...

Cross began with a diatribe against the massive state debt accumulated by the ZANU regime (there was no mention, until a questioner pointed it out at the end, that the debt was mainly built up as a result of the pro-corporate structural adjustment programme's logic). Cross turned quickly from the critical shortage of forex to the fact that Mugabe is "totally politically isolated," with only friends like Kabila, Nujoma, Mahathir and Qaddafi – "providing you don't ask them for money." He noted the total dependency of Zimbabwe upon one company, British Petroleum (for petrol imports) – but

"you [Mugabe] go and kick them in the teeth. A telephone call to the chairman of BP and we are sunk!"

The point was becoming clear: only Cross can restore to Zimbabwe the confidence of economic elites. As for Mugabe's recently-announced economic programme, the "Millennium Recovery Programme," Cross railed,

It is toilet paper. It is worth nothing. Complete junk and if implemented it would simply compound our problems. They talk about exchange controls, they talk about price control, they talk about continuing to maintain controls on the Zimbabwean dollar. They talk control on wages. But nothing in the document to address the fundamental problems, absolutely nothing. I actually met with the IMF team after they had spent four fruitless days in Harare, going through the document, going through the planning with the Government and everybody that the Government could bring to speak to them – including Bernard Chidzero the ex-Minister of Finance – to plead with them to reconsider their position. They saw me after the process and said that there was nothing in the document that they could take back to Washington. Nothing. They said if they took that back to Washington they would be the laughing stock of the financial community in Washington. And I am afraid that throughout the financial institutions of the world, Zimbabwe is the black sheep.

Similarly, Cross remarked, the controversial trip to Harare by South African president Thabo Mbeki and several key officials in early March generated very little. A threatened cut to Zimbabwe's electricity sup-

ply from SA's Eskom parastatal due to nonpayment was reportedly deferred pending Eskom's takeover of Zimbabwean state facilities, but a US\$120 million loan hinted at by Zimbabwe and widely reported as a bailout in the SA press was hastily denied by the SA Finance Ministry. As Cross interpreted,

South Africa is terrified of our situation here. When Thabo Mbeki was here he agreed to a programme of assistance with Mugabe and he agreed to a wide variety of other things. Went back to Pretoria and the guys in Pretoria said there is no way on this earth that we are going to allow you to prop up their regime in Zimbabwe. He had to go back to the drawing board, as you know. The financial proposals that were agreed to here in Harare were torn up and the South Africans are giving us very limited assistance.

What, then, does Cross propose to resolve the economic crisis?

First of all, we believe in the free market. We do not support price control. We do not support government interfering in the way in which people manage their lives.

We are in favour of reduced levels of taxation. We are in favour of introducing Value Added Tax and we will do so quickly, within six months. We are in favour of a National Revenue Authority, these things are things which the government has been talking about for years. We believe they are sound developments. We would like to cap tax levels, both for individuals and for companies. We would like to reduce the levels of border duties ... The tax burden is simply not sustainable. It is negative in terms of the way it impacts on our society. Now that means we have got to reduce the size of government and not just talk about it.

On privatisation, Cross was especially brash:

We are going to fast track privatisation. All fifty government parastatals will be privatised within a two-year time frame, but we are going far beyond that. We are going to privatise many of the functions of government. We are going to privatise the Central Statistical Office. We are going to privatise virtually the entire school delivery sys-

tem. And you know, we have looked at the numbers and we think we can get government employment down from about 300,000 at the present time to about 75,000 in five years.

This emphatic agenda has represented the medium-term wish-list of the CZI for several years. As Cross reaffirmed, "There is no doubt in my mind that the only way to grow the economy is on a free market basis."

...to anti-corporate populism?..

Yet Cross is not without the sophistication required to work within a party formed by trade unionists. He talks of "a mixture of a highly conservative approach to economics and a strong social emphasis on improving the quality of life for the average Zimbabwean." Indeed, Rhodesia hosted a peculiar brand of white politics traceable to British working-class immigrants who during the 20th century brought their successful struggle for a generous social welfare state out to the colonies. Confirmed Cross,

My father was an alcoholic and I was raised by a single mom. My mother



March by 2000 construction workers in Harare about wages and job related deaths - 23 Feb. 2000

Eric Miller - Impact Visuals

could not afford to pay school fees and I would not have received an education if the government of Rhodesia had not simply treated me like a special citizen and given me a free education of a very high standard.

At first blush, positive references to the IMF and "international community" may disguise the fact that historically, this political tradition often contested the interests of foreign capital. Indeed, to hazard a label, Cross is today a leading post-independence representative of a relatively patriotic white settler-bourgeoisie. Notwithstanding its British-colonial world-view, the assets of this class are more fully developed and cemented within Zimbabwe than anywhere else, thanks mainly to the 1960s-80s period of rigid exchange controls (a large degree of capital flight occurred in the 1990s, but Zimbabwe remains an extremely comfortable habitat for wealthy whites).

The roots of Rhodesian populism are in intra-white struggle against Cecil Rhodes' British South Africa Company (BSAC), which formally ran the colony from 1890-1923. Various factions of the white community expressed such strong grievances – small miners over royalty rights; white unions over wages; settler farmers over their need to block black competition; and the church over social and political relations – that "self-governing status" was chosen in a 1923 whites-only vote. In 1933, struggling white farmers, artisans, and civil servants elected a "left"-sounding (yet very racist) Reform Party under the leadership of Godfrey Huggins.

Huggins promised to rescind BSAC's mineral rights, to impose protectionism, to nationalise key parts of the economy, to provide unemployment relief and white labour rights, and to establish a central bank for the colony. The election was, as Iden Wetherell observed in his seminal 1975 analysis of white

politics, "fundamentally a populist protest designed to remind the State that its primary consideration lay not with the protection of profit, but with the promotion of institutional safeguards that would insure against a repetition of the recent experience."

After Huggins drifted towards establishment interests, angry white men reappeared on the political scene in 1962, when Ian Smith led the Rhodesian Front to power. Smith's broad coalition of white Rhodesians included not only those racists fearful of British decolonisation, but others who were adversely affected by the colony's early-1960s economic crisis. Indeed, the 1965 Unilateral Declaration of Independence (UDI), according to sociologist Giovanni Arrighi, "was directed as much against large-scale capitalism as against the Africans. The populist undertones of the UDI campaign were very noticeable." Those undertones harked back to the 1933 Reform Party victory, Wetherell insisted, since Smith's intention was "undoubtedly to conserve a system of safeguards that the radicals of the 1930s fought so hard to establish ... The inheritors of the pre-war populist or 'left-wing' legacy [were] now self-defined as 'right-wing'."

It is this uneasy combination which Cross appears to have inherited. It combines "conservative" economic policies that meet the needs of the white-dominated business elites, with the memory of state support for a then-white, now-black working class. For even while punting rapid privatisation, the argument Cross makes has an anti-monopolistic flair:

An MDC government will sell our shares in the Dairy Board [the partially-privatised national milk and cheese marketing board] immediately, use the proceeds to retire debt and we will work actively to encourage competition. What about all the other cosy monopolies? What about Anglo American Corporation and their stranglehold on the sugar

industry in Southern Africa? Let us open our border posts ... It is competition that will sort out the fat cats in the private sector.

Cross was especially scathing of his CZI colleagues:

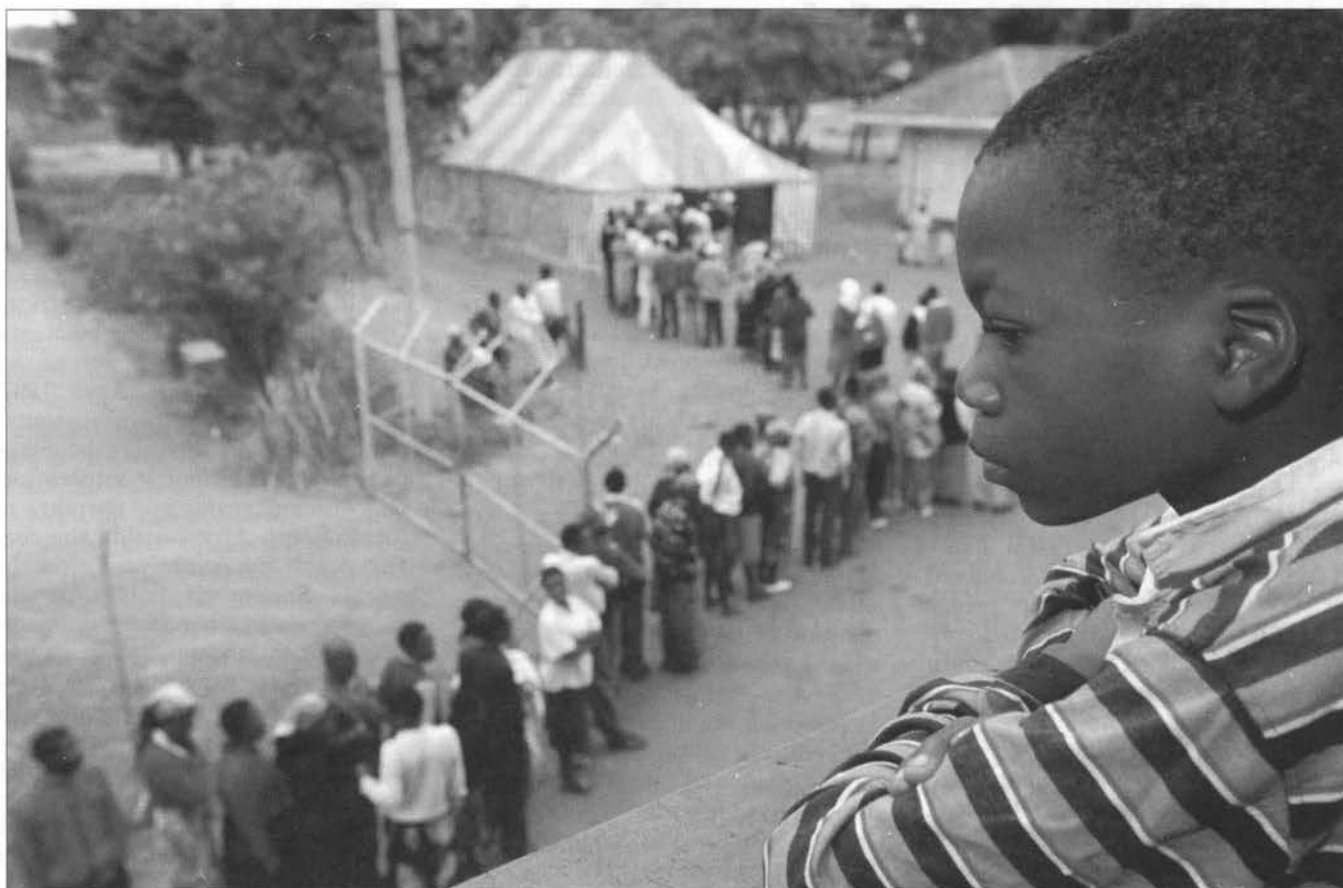
They have been too complacent, they have been playing footsie-footsie with this government for too long. They need to be tougher. This Millennium Reform Programme – we see leaders of the private sector saying it is a good programme! It is, well I was going to use a rude word but I won't. It is absolutely nonsense.

... to corporatism and social democracy?

Critical of fat cats living off ultra-cheap Zimbabwe labour and acquiescing to ZANU power, Cross adds two additional pillars – corporatist industrial relations and an expanded social plan – to the foundations of the MDC programme:

On the social side we are going to re-visit the issue of minimum wages. Now I am an industrialist and I am well known in industrial circles for actually following this political strategy. I do not believe in low wages. I do not believe in an industrialist or anybody else being allowed to pay wages which are well below the basic cost of living in cities ... So we will, as a Government, and with the private sector through a social contract, and working with the trade unions and employers, work towards a situation where we will pay much higher wages in industry, even if it means losing jobs, so that people working in the cities will be able to afford to live in those cities on a whole family basis. He will be able to send his children to school, he will be able to rent or own accommodation which means he can live there with his entire family. For us that is fundamental.

In addition to "attacking that [migrant labour] system with everything at our disposal" – in part because of migrancy's contribution to



Adil Bradlow – PictureNet Africa

Voters queue outside Harare polling station - 8 April 1995. What will 24 June 2000 look like?

the spread of AIDS – Cross sets out impressive social promises:

Education is the key and seven years of compulsory free education – free education – and free, not in the way we are doing it at the moment [with parent fees]. We mean free, parents will not be required to pay for it. And you ask, “Can we afford that?” Yes, we damn well can, we damn well can! And the international community has the resources to help us build that system and they are willing to do so ... We have a programme for housing – we are going to give tenure, freehold tenure, to everybody who holds tribal trust land leases, immediately we come to power ... The government has been talking about this for the past ten years, we are not going to talk about this, we are going to do it and we are going to fast-track the administration procedures through massive housing schemes, to

provide site-and-service schemes in all our cities for the entire backlog of housing within five years. And you say, “Can we afford to do it?” Yes, we can! Yes we can, and the international community is prepared to help us with a programme like that ... We have got to have primary health care throughout the country. We have got to get our hospitals back on their feet ... Our social programme is going to be strong and it is going to be dynamic and it is going to be directed at the absolute poor, and there’s no compromising that. We are totally committed to that, and you need to know it – this is not a rhetorical commitment, this is not a party of the “haves,” this is not a party on the gravy train.

Beginning around 1990, Zimbabwe’s have-nots were ferociously pummelled not only by Mugabe and his then labour minister (now

vice president), John Nkomo – who tried often enough to fracture the trade union movement – but by the IMF and international community. Here arises the central contradiction. Cross, ironically, now implies that his own ticket to the MDC dance is IMF access.

This leads to the obvious question: what is, and will be, the balance of power within the MDC when the obvious choice between free education and free markets must be made? That will be the real cross-road.

To his credit, Eddie Cross is transparent about his agenda. But it will be up to the MDC’s left-leaning populists, not populists who distortedly echo questionable traditions, to better represent the needs of Zimbabwe’s black *povo*.

S A R

South Africa in the Region

"Botha would be proud"

BY LARRY SWATUK

Larry Swatuk lectures in the Department of Political and Administrative studies at the University of Botswana.

Throughout the 1990s, there was much speculation regarding the post-apartheid era. "What futures for southern Africa?" asked Rob Davies and Bill Martin. "Gazing into the continental crystal ball," I along with Dave Black wondered if it was now possible to "bridge the rift." Other interested observers questioned whether South Africa would emerge as a "partner or hegemon" and, if the latter, would it be "benevolent, benign or malign"? More recently, Bertil Oden has interrogated the possibility that South Africa, far from being the regional "dynamo," will instead be its "albatross." More directly, Michel Chossudovsky speaks of "exporting apartheid to sub-Saharan Africa."

Few of us have been willing to abandon optimism, continually looking back to statements made in the RDP, early ANC policy papers and formal government statements regarding the importance of balanced and equitable *regional* development to South Africa's future. In the intervening years, it has become clear that South African policy makers are committed to the region and to SADC as a vehicle for regional economic development. But it has also become clear that South African involvement on the continent and in the region reflects a narrowly neo-liberal agenda, the beneficent language of the "African Renaissance" notwithstanding.

The recently held SADC consultative conference in Mbabane, Swaziland offers a lens through which to demonstrate not only the

parochial nature of South African government policy, but the increasingly belligerent attitude taken by policy makers in regard to the "hegemon's" involvement in the region. Without doubt, South Africa is emerging as the bully on the block.

Indeed, what rankles most with other member states is South Africa's increasing disregard for viewpoints emanating from beyond its own borders. When it comes to the "how" of regional development, South African policy makers believe they know best. According to one observer, "South African officials behave as though they are 90 percent ahead of the rest of the region ... and they are. So, they behave in an arrogant manner, because they can." Aside from the ongoing controversy between South Africa and Zimbabwe concerning the SADC Organ on Politics, Defense and Security (OPDS), few policy makers seem willing or able to challenge South Africa. According to SADC statistics, although South African GDP growth was a meagre 0.6 per cent in 1998, its proportion of total regional GDP had actually risen by about one percent over 1990 totals, from 92 to 93 percent. The tendency among SADC state policy makers, therefore, is one of hard-bargaining at the bilateral level: get what you can, since South African business, industry, capital and military power are preeminently determining factors in current, and in all probability future, regional relations. It is a regional strategy of which P.W. Botha would be proud.

Renaissance and penetration

Legitimizing – at least among South African policy makers – this increased economic domination in the

SADC region (and beyond) is the rhetoric of "renaissance." It is no accident that the idea of an "African renaissance" spearheaded by South Africa was first presented to an American audience in April 1997. Built around a neo-liberal discourse and trading on inclusive language of continental economic integration, the African renaissance purports to locate South Africa within the continent and the continent within the world. Supporters of this "renaissance" rely on a mix of economic and political argumentation, choosing particular aspects for emphasis depending on whether the audience is domestic (e.g. the importance to South Africa's economy of expanded manufacturing exports to Africa), or continental (e.g. South Africa's ability to serve as a launching pad for international capital investment into the continent).

The idea of "renaissance" and South Africa's "pivotal state" position therein have been of fundamental importance to American and EU policy on Africa. According to USAID's Regional Centre for Southern Africa (RCSA), peace in this "strategically important region" can have a "stabilizing effect in Africa." If southern Africa is to be a "zone of peace," South Africa must play a determining role. At the same time, part of SADC states' perceived inability to resist South African state and business penetration is that it slots so neatly into neo-liberal processes of globalization. There is a very clear line extending from South African support for (or acquiescence to) global multilateral organizations like the WTO, World Bank and IMF, to a domestic economic strategy which rests on the same neo-liberal principles, to South Africa's

penetration and domination of markets on the continent, and determined search for the same beyond.

There has been a great deal of pressure exerted on SADC members by donor countries, particularly the US and the EU, to bring individual state policy into line with "global imperatives." Both US and EU policy makers are keen to see liberal forms of regional integration. For America, the hope of a "democratic peace" forged around a regional constellation of "market democracies" hinges on South Africa. A great deal of effort has been expended by Western powers in the concerted attempt to make this formula "work" in South Africa. So, recent economic indicators notwithstanding, South Africa's "negotiated revolution" is unambiguously celebrated the world over in the context of liberal triumphalism. Extended to the region, USAID/RCSA's long-term strategic plan includes, first and foremost, helping foster "a cluster of well-functioning democracies in the region."

The Mbabane meeting

If South Africans have long been enamoured of all things American, policy makers are increasingly behaving, as one local newspaper dubbed them, like "the Yankees of Africa." A very clear demonstration of this swaggering approach to regionalism took place at the recent SADC Council of Ministers meeting in Mbabane, Swaziland, a meeting dubbed "Peace, Progress and Prosperity in the New Millennium." Shortly before the February 2000 meeting, on 25 January, South Africa ratified the long delayed trade protocol. The stated objective of the trade protocol is to "liberalize inter-regional trade in goods and services, ensure efficient production within SADC, contribute toward a climate for investment and enhance the economic development, diversification and industrialization of the region." While there remain many contentious elements regarding im-

plementation of the protocol – for example, an appropriate formula for determining "rules of origin" – South African officials felt it in their best interest to sign. And, as the ninth member state to ratify the protocol, it is now able to take effect.

South Africa sent a delegation of more than 45 people, including what one observer described as "a never ending parade of ministers and senior officials," to Mbabane. This behaviour runs contrary to SADC rules of procedure which clearly state that each delegation is to be led by one minister. Other SADC member states sent the normal complement of three or four representatives. According to one SADC official, it was hard to not draw parallels between South Africa's behaviour at Mbabane and the US's behaviour at the US/SADC forum held in Gaborone the previous July. At that meeting, US behaviour was said to resemble a bullying father lecturing recalcitrant and ignorant children.

There are two explanations making the rounds regarding South Africa's behaviour, one speculative, the other more informed. The speculative explanation centres around infighting and suspicion within South African government and policy making circles. Rather than trust one minister to adequately represent South African "interests," the decision was taken to send all interested parties. This explanation jibes quite closely with member states' general impressions of undue paranoia and scheming in the South African camp. The more informed explanation derives from the observed behaviour of the South African delegation at the Mbabane meeting. Keen to have their interests prevail, South Africa made sure that their sector representatives were present during all deliberations.

In particular, with the ratification of the trade protocol, South African officials pushed hard for the creation of a Protocol Implemen-

tation Office (PIO) to be located at the Secretariat headquarters in Gaborone, a move the donors firmly supported. The idea of a PIO has been in the works for some time, with a reticent Tanzania, as sector coordinator for trade and industry, leery of loss of status and power. In preparation for the Mbabane meeting, the Secretariat bargained very hard to gain Tanzania's acquiescence in the matter, appearing at one point to have reached agreement. Indeed, SADC officials expressed surprise when they discovered in Mbabane that Tanzania was being represented not by a minister, but by a permanent secretary whose presentation to the Council clearly stated Tanzania's opposition to the creation of a PIO, thus sending the issue back to square one. South African, EU and American officials are doubtful whether Tanzania has the capacity to act as the implementing agent of the protocol and so have created a united front in support of PIO. Other SADC member states – at least those who have ratified the protocol – appear to be in agreement with "big brother" on this issue, but fear the precedent that the loss of a sector, or part of a sector, would set in the region.

The push for the PIO corresponds with advances in the finance and investment sector, coordinated by South Africa, whereby a regional "bank of international settlements" has been agreed to by SADC finance ministers. Led by South Africa, this sector is clearly a club of like-minded central bankers. At the same time, South Africa has been highly critical both of the proliferation of sectors in SADC and of general organizational malaise. Making the rounds at Mbabane was the so-called "secret document" first leaked at the Maputo summit in which it is argued that SADC restructuring and rationalization is to now be a top-down affair, with responsibility lying firmly in the office of the presidents. This runs contrary to the 1997 review which suggested forma-

tion of national SADC councils and other bottom-up institutions. But it is clearly in line with the increasing tendency toward personalized politics and "big man" diplomacy in the SADC region. Where Mbeki cannot trade on the charisma and force of character of former President Mandela, he clearly carries with him in regional forums, the backing of the world's most powerful states and multilateral institutions.

In spite of its criticism regarding the proliferation of sectors, South African officials at the Mbabane meeting pushed for the creation of a social sector to be headed by them. Arguing that the impetus for such a sector comes from preparations for the upcoming UN-sponsored global social summit, more cynical observers feel that South African

control of a "social" sector would provide them with the legitimacy to interfere in virtually all SADC activities. Were that to come to pass, all that remains to complete South African hegemony would be to put their own national at the head of the Secretariat. According to one official, however, this is one eventuality to which no other member would agree. Indeed, it is one of the only issues that unites the alliance.

The OPDS, Mugabe and South Africa

One other issue that is said to unite SADC members is their mutually felt regret at fast-tracking the D.R. Congo into the organization. Mandela's "gesture of goodwill" has reaped an extremely bitter harvest. In retrospect, it seems fair to argue

that greed rather than goodwill was the driving force behind the SADC decision: visions of land, minerals, water and energy made Kabila's Congo virtually irresistible. Symbolizing the present bitterness and feelings of ill will is the continuing dispute over the state of the OPDS, chaired since its creation by Zimbabwe's president Robert Mugabe.

As is only too well known, Mugabe has been parading Zimbabwe's intervention in the DRC as a SADC action under the direction of the OPDS. In April 1999 at Windhoek, he convened a meeting of heads of state and government as well as their ministers of security and defense. Only four of SADC's 14 member states attended this meeting. Undeterred, Mugabe forged a



Kabila & Mugabe at Victoria Falls on 7 August 1998.

"Mugabe has been parading Zimbabwe's intervention in the DRC as a SADC action."

Adil Bradlow - PictureNET Africa



Adil Bradlow - PictureNET Africa (15)

S.A. troops in Maseru 24 September 1998 in "so-called 'SADC' operation."

defense pact among Angola, Namibia, Zimbabwe and the DRC, and claimed it to be a SADC peacemaking operation. The four states have their militaries in active service in the DRC at present. In contrast, South Africa has maintained its distance, preferring instead to work through Zambia's president Frederick Chiluba who has been at the centre of regional attempts to negotiate a ceasefire agreement. Both the US and EU support this latter initiative and stand equally critical of the actions of Mugabe.

A compromise of sorts was reached at the Maputo SADC summit. There it was agreed that Mugabe would continue to chair the organ (a SADC concession), but he was given six months to hammer out the operational modalities in consultation with the so-called troika: Mbeki, Chissano and Nujoma - the past, present and future chairs of SADC (Mugabe's concession). That six months has now elapsed with a solution nowhere

in sight. It is felt by informed observers that Nujoma and Mugabe stand in alliance against Chissano and Mbeki. What will come of this impasse is not clear. The Norwegians have waded into the fray and have offered to pay for the entire infrastructure of the organ if only SADC can get itself sorted on this issue.

Clearly, individual SADC member states are pursuing narrowly defined "national" interests using the guise of "regional peacemaking" as they see fit. For South Africa to be critical of Mugabe's behaviour in the DRC is tantamount to the pot calling the kettle black - the so-called "SADC" operation in Lesotho exposing the lie of transparency, accountability and ethics in government in the "new" South Africa. At the same time, South Africa's intelligence, defence, and foreign policy communities continue to resist participation in the US African Crisis Response Initiative, remain ambivalent about the OPDS, but clearly

favour bilateral "defence and security" initiatives with NATO/EU member states. In this way, it appears South African policy makers are committed to regional peace and continental renaissance but only on their own terms.

Regarding South Africa's trade negotiations with the European Union, it is both troubling and ironic that it is EU member states - not South Africa - which most consistently raise the issue of the agreement's implications for SADC member states (granted, largely in defense of their own European interests). Beyond half-hearted attempts by South African negotiators to incorporate the provisions of the SADC free trade protocol into the SA-EU agreement, at the end of the day it is South African producers' and consumers' interests that matter most.

Conclusion

It is not surprising how neatly this all fits into a neo-liberal global discourse. It is as if we are finally admitting the folly of our hopes for a state-led equitable post-apartheid future, large parliamentary and popular majorities in South Africa and Namibia notwithstanding. In answer to Bertil Oden's query at the outset of this piece, then, South Africa appears at once the "dynamo" and the "albatross": in the absence of particularly EU and Nordic donor interventions regarding equitable regional cooperation and balanced development, South African policy makers appear little concerned with "balance" and "equity." While the dynamo serves and helps itself, old SADCC (with two Cs) fears go unattended. In the presence of such dominance, it is little wonder that SADC policy makers strike what bargains they can. The albatross of unequal development seems impossible to shake. Relying on state makers has always been a mug's game. If an equitable regional future lies anywhere, it is surely not in the state houses of the region.

S A R

Raw Deal

South Africa - E.U. Trade Pact

BY STEPHEN GREENBERG

Stephen Greenberg is a policy researcher at the Environmental & Development Agency (EDA) Trust. This paper was written in his personal capacity and does not necessarily reflect the position of the organisation.

After 5 years of negotiations the SA-EU Trade, Development and Co-operation Agreement (TDCA) was signed at the end of 1999. It deals with "substantially all trade" between South Africa and the European Union (EU), including trade in agricultural products.

The South African government approached the negotiations with two misconceptions. The first was that global trade liberalization was a *fait accompli* that South Africa must accept. Integration into the global economy was the only option. The second misconception was that trade liberalisation is beneficial to most, if not all, South African citizens.

These misconceptions need to be dispelled.

Agriculture in the TDCA

To shed some light on the first misconception, recall that since the formation of the General Agreement on Tariffs and Trade (GATT) in 1947, international agricultural negotiations have been battles between the US, Europe and Japan about how best to protect domestic producers while simultaneously ridding themselves of their vast agricultural surpluses. Until the 1986 Uruguay Round of GATT, agriculture was barely considered a topic for international negotiation. At that time, the US effectively blocked any agreement to reduce subsidies to domes-

tic producers. The EU did the same in the preparatory talks for a new round of trade liberalisation negotiations in Seattle in 1999. Regarding trade in agriculture, what we see is a fluid situation with no clear (much less inevitable) trend towards liberalization.

Under the TDCA, this pattern holds: South Africa has not achieved fully liberalized access for its agricultural products. The EU will give duty free access to 61 percent of South African agricultural imports and another 13 percent will be subject to preferential tariff rates. The EU buys 40 percent of South African agricultural exports, making it a significant market for South African exporters. Yet these imports account for less than 2 percent of EU's total agricultural imports. More importantly, some of the more lucrative exports have been given quotas for their preferential tariffs rather than full duty free access. These exports include canned fruit, fruit juice, dairy, cut flowers, wine and sparkling wine. Approximately 26 percent of South Africa's agricultural exports have been put on the 'reserve' list, meaning they have been excluded from the agreement for now.

South Africa, in contrast, will provide duty free access to 83 percent of EU agricultural imports. The EU contributes a significant 20 percent of South Africa's agricultural imports. The trade agreement, therefore, is not equally free on both sides, with the EU gaining greater access to the South African market than South Africa is accorded to the EU market.

Tariffs and subsidies

Domestic markets may be protected either by imposing customs duties (which increases costs for competitors) or by offering producer and export subsidies (which reduce costs for domestic producers). The emphasis of the TDCA is to reduce and in some cases do away with customs duties, thereby reducing the costs for exporters.

Indeed, since 1994 South Africa has focused on reducing agricultural tariffs as a means to make its agricultural exports competitive, cutting them at a rate faster than required by GATT. Thus the TDCA will push South Africa further down this path. The EU, in contrast, has emphasized subsidies under the Common Agricultural Policy (CAP) rather than tariffs as a way to protect exporters. EU subsidies to farmers under the CAP were valued at US\$40 billion in 1998 - as much as the South African government's entire annual budget. Subsidies are not affected by this agreement.

South Africa should itself consider protecting small farmers as they struggle to become self-sufficient by offering well targeted subsidies. In this way the government could enhance local economic development and protect emerging black farmers from competition from highly subsidized products that are dumped on the South African market.

Even if over the longer term trade liberalization forbids such measures, at present, it is still possible to use domestic policy to build the capacity of small and subsistence producers to remain competitive in local markets. Domestic agri-

cultural policy can and should focus on building capacity and resilience for local food security by injecting resources into small farmer development, rather than unnecessarily emphasizing export production and sacrificing the local market. But such an approach would require that the national government change its attitude. However, the government does not consider state support for food production to be a priority.

At present, most state resources for agriculture are allocated for conservation, establishing of small farmers on the land and administration. But merely putting a few farmers on land is patently different from providing the resources and support required for them to sustain themselves in the long run. Central government cut-backs have seen agriculture's share of the budget decline from 0.49 percent in 1999 to 0.34 percent in 2000. Agricultural support is a provincial competency, meaning that nine provinces receive on average about R80 million to spend on agriculture each year. This has not been enough money to prevent the collapse of basic extension services to poor farmers. Thus the provincial governments have been unable to do more than preside over the gradual decline of state support to agriculture.

Who gains? (who loses?)

The National Department of Agriculture predicts that South Africa could make a net gain of up to R2 billion on the agreement. This figure is arrived at by deducting potential customs duties losses from the gains made through duty free access for exports. However not everyone gains equally. The state will lose customs revenue, and private exporters will gain through reductions in tariffs. The agreement therefore benefits a small minority of large scale private exporters at the expense of the public sector.

Since the late 1980s, the powerful white commercial farming lobby has been pushing for deregulation

of agriculture in domestic markets. The Agribusiness Chamber of South Africa has been the driving force behind the government's policy prescriptions for domestic and international trade liberalization in recent years. The National African Farmers' Union (NAFU) tends to support this approach, with export markets the goal of some of the few bigger commercial African farmers. Meanwhile, resource poor and subsistence farmers and farm workers have virtually no effective voice, and are mainly disorganized and marginalized from the debates around policy.

The TDCA in no way puts the rural poor at the centre of the transformation of the rural economy. It merely entrenches the status quo in the countryside. The South African government has not given enough thought to transforming the rural economy to benefit the rural poor, which was its historical mandate.

Impact on farm workers

Indeed, the second misconception of the South African government is the notion that South Africa has one "national interest." The suggestion has been put forth that an inter-state trade agreement benefits all citizens. This, however, is untrue, as the potential effects of the agreement on the agricultural and rural sector show.

The agreement is liable to result in a shift in commercial production patterns to emphasize more profitable high value crops (e.g. horticultural production). In other sub-sectors one can expect intensified global competition that will cut prices and profits in domestic markets. Since horticulture is labour intensive the result may be more jobs but not necessarily better conditions for farm workers.

Moreover, export orientation places producers at the mercy of fickle consumer fashion. For example, South African apple growers have been leading exporters

since the early 1990s. Yet now they are discovering how quickly consumer demand in rich countries changes. Some apple growers have been unable to respond rapidly to the changes – even to produce the new varieties of apples that are in demand. To over-emphasize export-orientation without a counter-balancing focus on local and household food security is therefore a dangerous strategy.

Export earnings will remain in the hands of private companies. The benefits to workers in these industries are supposed to come about through the infamous 'trickle down' effect. But few farm workers in South Africa have yet experienced the benefits of sub-sectoral economic growth and there seems to be little reason why this might change soon. The TDCA does not offer transformation, merely intensification of the privileges of a small and already wealthy segment of the population.

The other side of the coin will be the closure of farms unable to compete with highly subsidized European products (up to 48 percent of the production costs are subsidized through the CAP). In the early 1980s, a third of (mainly small and medium sized) white commercial farmers were so in debt that they were a credit risk. The situation has worsened since then and there has been a wave of farm closures during the 1990s.

One can expect that as the commercial agricultural sector is restructured to engage in the global economy, some farms and associated processing labour will bear further losses. Farm workers are hardest hit since they have no land or assets to protect them once they are thrown off the farms. Like resource poor farmers, farm workers are very disorganized and the conditions faced by progressive unions are extremely difficult as they try to organize the approximately 800,000 workers in this sector.

Small scale and subsistence farmers

South Africa has a history of national food security but not local food security. Indeed, a large proportion of the population do not have enough to eat on a daily basis. While the country as a whole is self-sufficient in key food items – grain, vegetables and meat – this masks high levels of food insecurity locally and within households.

It would be possible for domestic policies to be developed to support and build local food security capability amongst the approximately 823,000 subsistence farm households in the former homelands. About 72 percent of these are headed by women. As yet, there are no internationally agreed upon rules that prevent the government from supporting a program that would transfer land rights (whether collective or individual) in communal areas to the people living in that area. It is also possible, under the current international trade regime, to support the production of locally-needed food crops that can generate and circulate income and resources locally.

Yet the Department of Agriculture has chosen an export orientation at the expense of local food security. The primary reason for this is that agriculture is viewed as a way to earn foreign exchange rather than a way to produce locally required food. This is in line with the governments economic strategy, Growth, Employment and Redistribution (GEAR), which asserts the need for an export oriented growth strategy.

Nowhere is this more evident than in current proposals by the Department of Agriculture together with the United Nations Food and Agriculture Organisation (FAO) to draw communally owned land in the Eastern Cape into “the market driven economy.” Tracts of communal land in the Transkei will be leased to multinationals

(or a combination of domestic and foreign companies) on terms that are “attractive to investors.” The chiefs will be the ones to lease the land. Small scale producers will lose access to the land for their own production (formerly they had at least had nominal access to the land) but will “benefit” from the scheme as sub-contractors for the agri-business consortia.

Contract farming has been a global trend in agriculture for some decades now. Multinationals dominate the sector both through inputs like seed, fertilizers and credit, and processing, packaging, marketing and retailing of final products. They prefer to sub-contract the least profitable and riskiest aspect of the production of food commodities – the actual production of the crop or livestock.

Small and subsistence farmers will at best engage in dependant contract farming, and at worst be marginalised entirely from surplus food production for local needs. Soon, small-scale farmers may become dependent on the multinational for income and hence food. This undermines the already weak local food security by disrupting those few local markets that have been built up tenaciously – against all odds – over decades and that are responsive to local supply and demand conditions.

Impact on the Southern African region

The TDCA is a matter of grave concern to countries in the southern African region as well. The agreement contains no special provisions for the Southern African Development Community (SADC) or the Southern African Customs Union (SACU). Botswana, Lesotho, Namibia and Swaziland (BLNS) – who together with South Africa form SACU – share a common external tariff with South Africa. Therefore they will be forced to reduce their tariffs on EU products at the same rate as South Africa. Yet these

countries were excluded from the negotiation of the agreement, even though they asked to be involved.

The BLNS countries rely heavily on tariffs for state revenue. Lesotho relies on tariffs for 60 percent of government revenue. The agreement will result in an estimated 21 percent reduction in these revenues. Swaziland could lose up to 22 percent of its revenues as a result of the TDCA.

South Africa has granted SADC countries preferential tariffs under regional agreements. But, the TDCA undermines this by allowing duty free access for highly subsidised EU products. A substantial portion of the trade component of the TDCA deals with “rules of origin,” which essentially say that only those products that are certified as originating in South Africa will be given preferential access to the EU market. The combined effect is to undermine SADC regional economic integration; it could potentially result in the (re-)concentration of production and processing in South Africa. It is also estimated that unfair competition from EU products will cost the BLNS countries at least 12,000 jobs.

The agreement therefore has caused tension between South Africa and its neighbours. Many in SADC and in the African, Caribbean and Pacific (ACP) trade bloc feel that the SA-EU agreement has established a precedent for the formation of regional trading blocs. The EU is attempting to pressure these groups into doing away with the old Lome Convention type agreement based on preferential trade, replacing it with ‘reciprocal’ trade agreements between the EU and a number of separate fragments of the ACP. The 71 ACP countries see this as unfavourable since reciprocity will require that they further open their domestic markets to the EU. It also promises to give them less bargaining power as the EU plays one regional bloc off against another.

S A R

Land Reform in South Africa Still Waiting



Eric Miller - Impact Visuals

**BY SAM KARIUKI AND
LUCIEN VAN DER WALT**

Sam Kariuki and Lucien van der Walt teach in the Department of Sociology at the University of the Witwatersrand.

From the founding of the ANC in 1911 in response to the threat of what became the 1913 Land Act, to the rise of the Industrial and Commercial Workers Union (ICU) in the 1920s, to SACP organising drives in the Northern Transvaal, to current struggles to organize the country's one million farm workers, land and the agrarian question has been a key political issue and a

central component of the struggle in South Africa.

With the enactment of the 1913 Land Act, African land ownership was initially restricted to African reserves that made up less than 10 percent of South Africa's land surface. The Land Act was directed specifically against the small class of successful, market-oriented African farmers that had emerged over the preceding 50 years, as well as against the numerous African sharecroppers who rented white-owned land outside the reserve areas. The effect of the Land Act was to force sharecroppers into

labour tenancy, to increase the pool of migrant workers for the cheap labour mines, and to undermine the basis for an independent African peasantry.

With the collapse of the ICU in the late 1920s, no mass rural organization remained to organize workers against ruthless exploitation by farmers. Rural resistance continued, although its locus shifted in the 1940s and 1950s to the reserve areas, where peasants took up arms against "betterment schemes" and taxes in 1956 and 1958. In the 1960s, forced removal policies led to further emmiseration as an estimated 4

million people were relocated into segregated urban and rural areas.

By the early 1990s, when the apartheid government finally unbanned and entered into negotiations with the ANC, ownership of arable land was concentrated into the hands of an estimated 55,000 mainly white capitalist farmers holding 102 million hectares of land. In the former reserves, renamed "homelands," 1.2 million micro farmers shared about 17 million hectares. In 1994, apartheid ended officially with the electoral victory of the ANC, backed by grassroots community, labour, and student movements. Yet, the "new South Africa" began with 86% of the land remaining under white ownership, and an enormously impoverished rural population, of which an estimated 70 percent earned less than R300 a month per household. The rural working class, outside of such industries as forestry and food processing, was largely bypassed by the labour movement that emerged in the 1970s and expanded throughout the manufacturing industry in the 1980s and the public sector in the 1990s. Moreover, almost the entire agricultural sector was exempted from labour law prior to 1995.

Land reform in the early post-apartheid era

Given these enormous disparities, it might be expected that the newly-elected government would introduce a radical land reform programme. Indeed, the ANC had formally committed itself to this goal in the Reconstruction and Development Programme (RDP), initiated by labour and finalized after consultation between the ANC and its allied social movements. The RDP had identified the issue of land redistribution as vital, stating "a national land reform programme" that addresses the injustices of the apartheid past "is the central and driving force of a programme of rural development." Such a programme would be "demand driven" and "aim to supply residential and productive land to

the poorest section of the rural population and aspirant farmers." Special attention was also paid in the RDP to women who faced customary and legal obstacles to accessing land.

Yet the actual policies set out in the RDP to attain land reform were radically counterposed to the program's general Keynesian and developmentalist thrust. The section on land reform rested centrally on a restrictive and neo-liberal policy framework that had been lifted directly from a World Bank report on land reform in South Africa entitled the Rural Restructuring Programme. According to this framework, land reform in South Africa rested upon two central pillars termed "restitution" and "redistribution." "Restitution" referred to the establishment of legal channels to allow claims to be lodged with a Land Claims Court for the return of, or compensation for, land lost through racial laws or through illegal means *after* the passage of the 1913 Land Act. "Redistribution" referred to a process whereby the government would help communities and aspirant farmers buy land from existing land holders on a willing-buyer-willing-seller basis by providing grants of R15,000 to households.

These two pillars were incorporated into official government policy after the April 1994 elections swept the ANC into power, although a third pillar was added: the reform of land tenure. In an effort to regulate the evictions of labour tenants, the 1997 Extension of Security of Tenure Act set in place procedures governing how evictions would take place. Previously, tenants could be removed at the whim of the farmer. Evictions would now be regulated by court orders taking into consideration factors such as length of residence on the farm, and the reasons for the eviction. The law, however, was criticized by organizations such as the National Land Committee and COSATU for doing too little too late, for regulating rather than ending evictions.

Actually existing land reform

In practice, the land reform programme implemented by the ANC massively fell short of achieving its stated goal of redistributing 30 percent of South African land by the 1999 national elections. Despite the fact that the Land Claims Court was supposed to have finished its work and disbanded by then, less than 800 claims out of nearly 64,000 had been processed, mostly in urban areas. Evictions continued apace, and overall employment in the agricultural sector fell by 10 percent between 1989 and 1999. Despite the extension of union rights to farm workers in the 1995 Labour Relations Act and the 1997 Basic Conditions of Employment Act, unionization in the sector remains exceedingly low, with the most optimistic estimates placing the number of union members at under 40,000 out of one million paid employees. The main union, the South African Agricultural Plantation and Allied Workers' Union, a COSATU affiliate, has remained ineffective and its closure was suggested at the 1999 special COSATU congress.

Farm labour remains highly flexible and insecure, with at least 300,000 casuals and seasonal paid workers in addition to numerous labour tenants and undocumented workers. Average wages in 1995 were around R457 per month, with 50 percent of agricultural workers earning R400 or less. The highest wages in the sector were barely over R1,000 a month. Violence remains a common feature of agrarian social relations on the commercial farms. Recent high-profile cases include the death of six-month-old Angeline Zwane, after a farmer fired on her sister for trespassing; the appearance of a farmer and his sons in court for dragging a worker behind a tractor; and the arrest of a farmer for painting a worker silver.

On the ground

In retrospect, the failure of the land reform programme seems inevitable.



Eric Miller – Impact Visuals

The fiscal austerity policies of the ANC government – codified in the post-RDP neo-liberal Growth, Employment and Redistribution Strategy (GEAR) of 1996, continually undermined the overall land reform process.

In the largely rural Mpumalanga province, for example, it is not at all uncommon to find Department of Land Affairs (DLA) district offices, such as the one in Ermelo, with a staff of two people. Leaving aside the injustice of restricting land restitution claims to the post-1913 Land Act period, the land restitution process, which relies heavily on research and documentation, has foundered as the result of neo-liberal budget cuts. Infighting within the DLA itself as well as between national, provincial, and local structures, and underdeveloped land reform procedures compounded these capacity problems. Research in Mpumalanga showed that government has provided no real post-transfer support to resettled farming communities.

The market-driven willing-buyer-willing-seller approach championed by the World Bank and incorporated into the RDP had continually shown its inability to deliver real land reform across Africa. The basis for the failure of the policy is

its inability to address the underlying class relations that produce and reproduce unequal patterns of ownership. Simply ignoring the skewed power relations in the market, the ANC government dressed up a process of actually buying back land originally acquired in highly unjust circumstances as a program of redistribution to the poor, rather than a radical retreat from popular demands.

In addition, strict limitations on state expenditure also provided an incentive to government structures to hinder the allocation of grants and ensure that sufficient funds would never be available for buying back 30 percent of land in South Africa. The limited size of the grants, which were wholly inadequate to purchase farmland in most areas, also encouraged people to band together as “communities” in order to pool enough resources to gain access to land.

In several cases in Mpumalanga, this has effectively meant the invention or reconstitution of tribal groups under authoritarian chiefs who subsist on rent paid by other community members. In some instances, community members were under the impression that the land that they had purchased was actu-

ally owned by the chief. In other cases, they recognized the unfair nature of the situation, but accepted it as the only way of accessing land. The reconstitution of the chieftaincy – and the attendant dangers of tribalization and ethnic division that this portends – may have been unexpected by the formulators of the land reform policy. But it certainly underlines how a process meant to benefit the poor has not only failed to challenge *existing* power relations, but also laid the basis for the development of *new* exploiting classes.

How the land was lost

A range of factors help explain why South Africa came to adopt such an evidently flawed land reform programme. In part, the reasons lie in the nature of the compromise reached in the transition to a new South Africa. With neither the national liberation movement nor the apartheid regime able to secure a decisive victory in the clashes of the 1980s, the democratization process of the 1990s proceeded on the basis of a series of compromises.

The *class* content of these compromises centred on an agreement that private property would not be redistributed and that capitalist relations of production would remain unchanged, although reformed in ways that were politically desirable. The land question, in this context, differs fundamentally from questions such as the desegregation of the social welfare budget. Land, as a productive resource, was evidently not simply something that would be up for grabs for the working class. This compromise meant, in effect, that the class interests of capital – agricultural capital included – would not be threatened by democratization, even if social categories such as the white working class would lose their privileged position.

The international context reinforced class domination in South Africa. The unipolar neo-liberal world order ruled out more statist forms of capitalism and narrowed the space for radical reforms. The

general demoralization of the Left, the enormous influence of neo-liberal ideology, the power of the multi-lateral institutions and multi-national corporations, and the overall context of post-1973 global capitalist crisis provided the backdrop to the apparent victory of the national liberation struggle in South Africa.

In this context, it is not surprising that the World Bank's Rural Restructuring Programme was able to secure such an impressive influence within ANC circles. Lavish conferences and presentations by the Bank on this program helped secure this hegemony; and the ANC's neo-liberal position on the land question preceded and prefigured its dramatic general neo-liberal drift after 1994. It would be mistaken, however, to see the ANC as the victim of overwhelming forces. The ANC itself, as Oupa Lehulere pointed out in a previous issue of *Southern Africa Report*, was a party of the frustrated African petty bourgeoisie with a mass working class base, not a radical opponent of capitalist property relations. At its most radical, the ANC championed a mixed capitalist economy. Its petty bourgeois and bourgeois layers readily accommodated themselves to the new world order, even at the cost of the black working class.

Nor were working class forces able to stop this development. Trade unionism was historically centred in the urban areas, as were most post-1950s struggles, and rural issues never featured highly on the agenda of the 1980s national liberation movement. Rural workers and labour tenants remained largely disorganized and inarticulate outside of forums organised by NGOs, and they lacked the power to challenge the ANC's land reform policies. The only exception was labour tenants in the KwaZulu-Natal and Mpumalanga provinces, whose 1996 rallies and threats of "war with the farmers" underlay the passage of the 1997 Security of Tenure Act. Overall though, the NGO sector remains

under-resourced, and subject to declining funding in the 1990s. As such, the NGOs are unable to mount a major drive into the countryside, and their ability to capacitate rural communities is limited. Indeed, organizations such as the Farmworkers Research and Resource Project have collapsed entirely in this context.

By contrast, the chieftaincy, one of the few beneficiaries of the current land reform measures, had long been represented in the ANC and in the ANC-aligned Congress of Traditional Leaders of South Africa, founded in 1987. The ANC's increasing accommodation to the institution of the chieftaincy reinforces the power of this group.

From bad to worse?

Recent developments indicate that the land reform process is set to become even more anti-labour than before. Following the 1999 elections, the new Minister of Agriculture and Land Affairs, Thoko Didiza, set out a policy statement, the Strategic Directions on Land Issues. The document dropped the RDP's focus on "the poorest section of the rural population and aspirant farmers." The focus was now explicitly on creating a black agrarian capitalist class by changing the "structure of the South African agriculture by opening opportunities and thereby creating a significant number of black commercial farmers operating on a medium and large scale." This policy directive is bound to reinforce and reshape rural gender and class based rural inequalities. The new focus on the creation of a "black class of emerging farmers" represents a particular kind of response to the failure of the 1994-1999 land reform process. It is a response that abandons any concern for the working class and support for poor communities in the context of redistribution, in favour of redistributing land to bourgeois and aspirant-bourgeois Africans.

An overall commitment to rural development and rural redress has been replaced by a programme

championing rural capital accumulation and rural class relations, albeit now partly deracialized by the entry of African capitalists. This is underlined by proposed reforms of the government grant system for "land redistribution." To receive R30,000, the aspirant farmer must contribute R10,000. To access between R35,000 and R100,000, the aspirant farmer would be expected to contribute R40,000. For projects in the next window of up to R300,000, the aspirant farmer would have to raise R135,000.

Poor rural women, who constitute one of the most oppressed layers in South African society, are also set to be losers. The lot of working women on the farms has often been to provide cheap and often seasonal labour, with access to land typically dependant on employment in the homelands. In addition, women's access to land has been limited by traditional institutions such as the chieftaincy. The ever-increasing centrality of the market to the government's land reform programme is set to reproduce these patterns, as poor rural women lack the money necessary to set up as independent farmers.

The land reform process in South Africa underlines how patterns of class, gender, and racial inequality have been reproduced in the "new South Africa." The achievement of a non-racial parliament was an enormous advance for ordinary people. Yet in the wake of this accomplishment, there has been a steady consolidation of the power of a newly deracialized capitalism. The class agenda of the Mandela and Mbeki governments may be seen in the implementation of GEAR; in the drive to privatize; in cuts to social services; in the deregulation of capital and commodity flows; in attempts to discipline labour; and in a land reform programme that has moved from bad to worse. In the twenty-first century, the struggle for a new South Africa continues.

S A R

Mozambican Heroism

The Floods

BY BILL BUTT

Bill Butt, who works for the United Church of Canada division of World Outreach, is communication consultant to the Christian Council of Mozambique and is based in Maputo.

In the wake of Mozambique's economic collapse caused by the decade-long South African sponsored economic and military destabilization project, Mozambicans made painstaking efforts over the last few years to rebuild a devastated country. Recovery was seriously set back, however, by floods that assaulted the country earlier in February. There was extensive and sensationalized media coverage around the globe focusing on the assistance that had been provided by military forces - including South Africa's - and foreign development agencies. And while this assistance was appreciated, there was little coverage by the western media of the many ways Mozambicans helped each other, even when they had very little to offer except for courage and resilience.

The floods affected more than three million people, of whom one million were evacuated from their homes and are now homeless as their property was damaged or destroyed. By mid-April, several hundred people were already confirmed dead and bodies were being discovered daily as the waters slowly receded from river basins in the south and centre of the country. Due to a lack of communications technology and an adult illiteracy rate of 60% - higher in the rural areas - most Mozambicans did not have timely warning of the water's approach and many had no time to flee. Even emergency relief

personnel lacked the resources to adequately assess the situation in affected flood zones, a handicap that increased the loss of life.

A million livestock perished with many more at risk for flood-borne diseases and malnutrition. The floods covered 100,000 hectares of Mozambique's best farmland, destroying crops and in many

ways including the *Estrada Nacional 1*, the main north-south spine of Mozambique. This major artery is used by hundreds of trucks each day to distribute goods around the country. The devastation of the floods was more pronounced due to the country's poor infrastructure, a legacy of Portuguese colonialism, the costs of the liberation war and the destabilization campaign, Fre-



Streets of Chokwe in Xai-Xai

Michelle Janzen

cases contaminating or eroding soil. About 150,000 families lost their crops, meaning that for these subsistence farmers there is no means of survival until the next harvest in February 2001.

In Maputo, the floods created canyons several kilometres long and as deep as 20 metres. The water eroded a number of streets in the city, and many important high-

limo's own failed economic experiments of the 1970s and 1980s, and the impact of the structural adjustment program imposed by the IMF and the World Bank. It is estimated that recovery could take as long as 15 years.

The extensive western media attention lavished on Mozambique was not due to the scale of the floods. Many other countries such as China

and Bangladesh have suffered worse floods in the past with significantly less media interest. What the Mozambican floods offered for western consumption were sensational TV-ready images and the opportunity for westerners to reassert their perceived benign role as the saviours of passive Africans in desperate need of assistance. And since Mozambique is of political and economic interest to South Africa, it is of interest to the West.

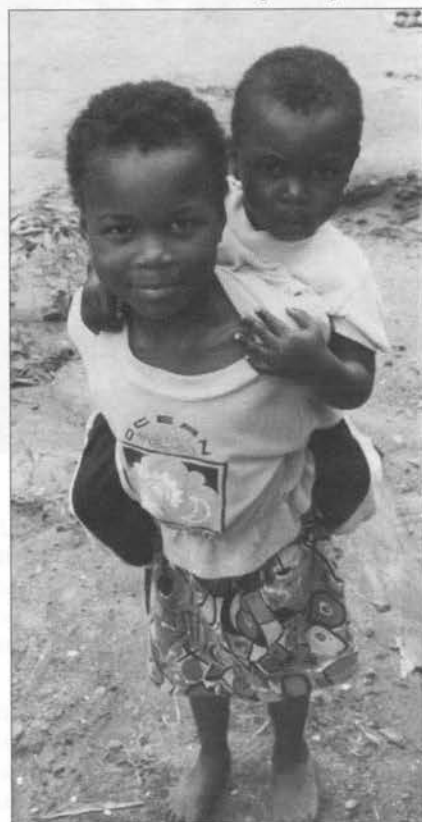
Even in the infamous case of the woman giving birth in a tree – images shown repeatedly in the western world – the stress was less on the mother's courage and competence than on the drama, suspense, novelty, and tabloid-level grotesqueness of the circumstances. The coverage was dehumanizing. The woman's name is Sofia Chivuri. Her calm and resourceful mother-in-law, who was in the tree with her, helped in the delivery. The baby's name is Rosita. Her father Salvador Josine had gone to Maputo looking for a job, and Sofia had made her way to Maputo with their three children to be with him as he found work on the docks. Sofia and Rosita met Mozambique's President Chissano, a fund was set up to provide for Rosita's education, and she has become a hopeful symbol for Mozambique – coming by way of disaster and on to a better future. This information was hardly noted in the international press.

Once the novelty of helicopter rescues had worn-off, the western journalists left. The story was "over," and as a media event, the floods no longer existed. This highly selective media coverage led to the erroneous perception – even by Mozambicans themselves – that Mozambicans lacked the initiative to help themselves. Yet what viewers and readers did not see was the dignity, co-operative spirit, bravery and persistence of Mozambicans battling against the flood conditions. Their strength and ingenuity that was needed to



Bill Butt

survive for days in those famous treetops could not be captured on film. Nor could journalists capture the cooperation necessary to contrive a bit of privacy when,



Karen Butt

for example, individuals had to defecate. Cameramen were not interested in the women who had to tie children and other weaker ones to branches to keep them from falling into the waters while they slept. They did not go to the emergency shelters to film the patience and the discipline with which the evacuees organized themselves, queued for food, water and toilets, cooked and kept clean their individual spaces. In short, the stories of how people managed with what they had were stories that never made it to the top of the news hour.

Had journalists gone to communities far from the flooded regions, they might have recorded scenes of Methodist and other churches gathering sacks of food and clothing that were distributed by volunteers from the congregations who knew their neighbour's needs.

In the *bairros* around Maputo, Presbyterian churches organized teams to go door to door, wading through the floodwaters to find those unable or afraid to leave their homes for the central emergency shelters. The churches organized food, dry clothes, personal prayer, and frequent visits for those who wished to stay home.

mozambique

Rotaract, the youth group of Maputo Rotary Club turned up in the nearly inaccessible *bairro* of Liberdade in a Coca-Cola delivery truck they had wheeled from a local business. The youth group brought donated supplies and comfort and joined neighbours working together to repair collapsed fences and house walls.

In the Anglican parish of St. Mary Ketwene near the village of Salamanga in Matutuine district, pastor Alberto Daniel and his small congregation helped list the families in need. They turned out with machetes to hack down trees to widen the road for relief-supply trucks, and spread the word so that all the essential supplies could be gathered, ready and waiting for the trucks that arrived on the newly constructed road.

Lichinga, the capital of Niassa Province is several days drive from the affected region. In this northern city, congregations took up weekly collections for the Christian Council to distribute to people affected by the floods.

Wealthier Mozambicans lent power launches, tools, vans, diesel pumps, warehouse space, or whatever they could offer in their own communities.

Others rescued people stranded by the floods. Titasi Josine is a 70 year old widow who lives in Chokwe. Here is her story in her own words. "Water was covering all my body. I spent three days standing on a table. I then decided to face the monster and save my life by getting off the table and walking across the waters to safety. No one was available to help. As I was going out of the house, a man arrived and said that he would take me to some safe place. When I asked of his name, the man refused to let me know of his name saying that it was not important at that time. The man left me once we arrived on dry land and said that I had to continue because he had to go back in search of other people." (This case was supplied courtesy of Nicodemus Chipfuma, Help Aged International.)

What was not shown on television screens or written about in newspapers was Mozambique's greatest strength in confronting this natural disaster: human resilience, courage and generosity; the real stuff of human drama and struggle.

Reporters frequently point out, in their own defense, that if it were

rected to the arduous, expensive and unglamorous task of recovering from the floods. Mozambique needs structural changes that would make the next floods less destructive. Of course the cycle of debt peonage, which forces Mozambique to repay a \$5.84 billion debt while two-thirds of the population lives in absolute



British Overseas Development Assistance

not for their cameras, many individuals and organizations in the western world would not donate so much to causes such as Mozambican flood relief. However, the distortion of imagery in the direction of what makes good TV and the shortness of the media's attention span have created a challenge for Mozambicans for they need constructive long-term international partnerships di-

poverty, leaves little left over for rebuilding Mozambique. The Jubilee coalition in Mozambique has called for this debt to be cancelled, and this call is supported by the Jubilee coalitions around the world including the Canadian Ecumenical Jubilee Initiative. If only this issue were to get as much media attention.

S A R



David Pottie

The Mozambique Elections Renamo Demands a Recount

BY DAVID POTTIE

David Pottie is a senior researcher with the Electoral Institute of Southern Africa.

In December 1999, President Joaquim Chissano was officially re-elected President of Mozambique and the ruling Frelimo party returned to power with a majority in parliament. Chissano won 52.3 percent of the vote while his only presidential opponent, Afonso Dhlakama of the Renamo-Electoral Union coalition won 47.7 percent of the vote. Frelimo also won a majority of seats in parliament (133 seats) with 48.5 percent of the vote

while the Renamo-Electoral Union won 117 seats with 38.8 percent. Two other party coalitions failed to reach the 5 percent threshold necessary to assure a seat in parliament. The smaller party votes totaled 12.8 percent of the popular vote which was slightly higher than in 1994.

Whereas the 1994 elections were widely hailed as a vote for peace, much of the focus on the 1999 elections was on electoral management. Unlike in 1994 when the elections were guided by the UN with widespread international attention, the 1999 elections were run by Mozambique with an international

presence limited to only a handful of observer organizations. However, as in 1994, the distribution of votes in the 1999 elections repeated the pattern of electoral support with Frelimo retaining a majority of the seats in the southern half of the country as well as Cabo Delgado in the north. Renamo retained its stronghold in the central provinces. While the presidential election is based on the total national vote, representation in the national assembly is based on the results of 11 provincial elections. Thus, while parliament is elected on the basis of proportional representation, regional electoral strength plays a significant role in a party's

electoral success. Nampula, Zambezia and Cabo Delgado have the most registered votes, thus they have the most national assembly seats assigned to them. On the basis of the distribution of votes in the 1999 elections, Mozambique is now a two-party electoral system with party support based on regional strongholds.

Despite relative success at the polls, Renamo clearly hoped to win both the presidential and parliamentary elections. The party rejected the official declaration of results when they were announced December 22, 1999, alleging widespread electoral fraud.

Renamo challenges the results

Renamo alleged that the computerized compilation of results in the provincial centres was fraudulent and that hundreds of individual voting station registers were ignored in both the presidential and parliamentary races. The party took its allegations of election fraud to Mozambique's Supreme Court but lost the appeal to have the votes recounted when the Court issued a January 4, 2000 ruling that upheld the official results. The Supreme Court ruled that the computerized results could be properly reconciled against the registers, and that while there were errors in some registers, they were insufficient to alter the results significantly. The Court did re-qualify a number of ballots and redistributed these among the various parties.

While the crux of Renamo's allegations was the charge of fraudulent compilation of the 11 provincial results that form the basis of representation in parliament, Renamo also alleged that its members had been denied full access to the provincial computer centres responsible for the counting and transmission of results to Maputo. Both the Supreme Court and Frelimo have rejected Renamo's allegations. Following the Supreme Court decision, Renamo General Secretary João Alexandre said that Renamo

would boycott parliament until a recount of the votes was ordered. Renamo leader Afonso Dhlakama called the Supreme Court president Mario Mangaze a liar, and claimed that the court was a private institution of Chissano. Mangaze denied that any political pressure was brought to bear on the court and defended the ruling of the court by declaring: "It is not enough to state the existence of fraud or illegality. It is necessary, as the law determines, to present proof which leads unequivocally to the conclusion that the facts alleged correspond to the truth."

Frelimo" and therefore Dias "should correct himself."

In the end, Renamo reversed its boycott stance and all parliamentarians took their seats during the first sitting of the new parliament on January 14, 2000.

Electoral management

In contrast to this acrimony, in their preliminary statements all of the international observer missions present for the December elections considered the elections to have been free of any systematic problems. While there were minor prob-

Distribution of National Assembly Seats

| Province | Frelimo | Renamo -- Electoral Union |
|-----------------|------------|------------------------------|
| Niassa | 6 | 7 |
| Cabo Delgado | 16 | 6 |
| Nampula | 24 | 26 |
| Zambezia | 15 | 34 |
| Tete | 8 | 10 |
| Manica | 5 | 10 |
| Sofala | 4 | 17 |
| Imhambane | 13 | 4 |
| Gaza | 16 | 0 |
| Maputo Province | 12 | 1 |
| Maputo Cty | 14 | 2 |
| Total | 133 | 117 |

Moreover, some of the smaller political parties that shared an electoral platform with Renamo and accounted for 18 of its 117 seats made it clear that they would not join any parliamentary boycott. In mid-February Dhlakama criticized Maximo Dias, the leader of the Mozambican Nationalist Movement (MONAMO), one of the parties in the Renamo-Electoral Union, after Dias had publicly distanced himself from Dhlakama's claims that he was the legitimate president of Mozambique. Dhlakama accused Dias of insulting the voters of Zambezia, Dias' home province, on the basis that Dias was "a lackey of

lems encountered on voting day, it was clear that there was no systematic attempt to manipulate the voting process. One of the minor problems identified was inadequate distance between the polling booth and polling station officials, and party agents who were present, thereby threatening to compromise the secrecy of the ballot. In another instance some voters, particularly older voters, were confused about the actual voting process itself and received considerable instruction from station officials, party agents and domestic observers. However, it was also generally noted that voting station of-

ficials were well-trained, the polling stations opened on time and operated according to established procedures.

In this regard then, Mozambique's second general elections were relatively successful, though the staging of well-run elections is a separate issue from gaining acceptance of the official results by all parties. Mozambique is a case in point since the legitimacy of Mozambique's recent commitment to multiparty elections, like many of its neighbours in southern Africa, hinges on all parties recognizing the election results. One of the key mechanisms for achieving this acceptance of election results is to ensure that the body administering the elections operates in a transparent and accountable manner. After all, even the suspicion or allegation of wrongdoing, well founded or not, can be sufficient to derail an electoral process. Mozambique's 1999 elections must also be assessed against the background of the widely criticized local government elections in 1998. Renamo and other opposition parties boycotted those elections and voter turnout was only 15 percent. The opposition parties alleged that the National Elections Committee (CNE) and the Technical Secretariat for Election Administration (STAE), the two bodies responsible for elections in Mozambique, were partial to Frelimo.

For the 1999 elections a new electoral law was passed and an entirely re-constituted CNE was made responsible for charting the course of the national elections. The political parties represented in parliament were represented on the CNE and their representatives were also present on the technical staff of STAE. Opting for the overt politicization of the administrative process, in the name of achieving consensual decision-making, Mozambique hoped to gain confidence in the elections. One of the results of this approach has been a long and often agonizing process in which all administrative decisions were sub-

jected to political bargaining. Nevertheless, Mozambique was able to mount a successful 60-day voter registration process, registering 85 percent of eligible voters. This registration process was also observed by domestic and international groups and was found to be relatively well-administered with very high rates of registration among female voters.

Renamo has always been prepared to play a game of duplicity in the elections. Regional party officials in Chimoio displayed a general suspicion of the electoral process, claimed for instance that there were "rumours" of disappearing ink for the ballot papers, and that "their people" would be on the look out for a high number of blank votes during the counting process. Indeed, there was an exceptionally high number of blank votes (9.6 percent of legislative ballots, 6.5 percent of presidential ballots) but Renamo still came out ahead in the very provinces where its officials claimed they suspected the worst. The blank ballots indicate the need for improved voter education, not the use of invisible ink!

Renamo's suspicions are even more difficult to accept given that their own party officials were integrated into the national and provincial electoral commission staff as well as the technical and administrative staff at district level (STAE). To be sure, there were problems at the level of election management, and it was evident that some Frelimo officials made their Renamo counterparts feel less than welcome in administrative posts. But Renamo also wanted it both ways, demanding representation through the politicization of election management on the one hand, and holding out by calling the legitimacy of the electoral process into question on the other.

The election campaign itself was largely peaceful, although there were incidents of intimidation alleged by the two main political parties. The three polling days were also peace-

ful and the elections were orderly and well-administered. There were technical problems with the counting process, as there were many exhausted polling station officials counting ballots by candlelight, and repeated computer glitches in the provincial counting centres. In this case there is room for improvement. However, it appears that the overall election results are not in question. South Africa was among the first of foreign governments to recognize the December 22 announcement of the election results, with the US government and others congratulating Mozambicans on their successful elections. The European Union, present as international observers, reiterated their assessment that the elections were "broadly free and fair."

For the moment, Renamo has claimed that it will take its case for a re-count of the election results to parliament, although Frelimo maintains that the results are non-negotiable. At one level, the 1999 Mozambican elections demonstrate general compliance with due process and the use of formal channels for complaints. After all, Renamo was fully within its rights to submit its appeal to the Supreme Court. However, interim statements by Renamo officials that Frelimo had "stolen" the elections, that the party would make Mozambique "ungovernable," and that the Supreme Court lacked independence should serve notice that Mozambique's path to democracy continues to require careful navigation. Immediately following the voting, Renamo's chief lawyer, Manuel Frank, expressed overall confidence in the election process despite his party's allegations of a limited number of specific incidents over the course of the voting. Obviously Renamo's evaluation of the electoral process changed as the results were tabulated and they saw much the same regional patterns of voting being repeated.

Manuel Tome, secretary-general of Frelimo, argued that whereas



David Pottie

Civic education parade

Renamo campaigned on ethnic-regional identity, Frelimo still pursued the goal of national mobilization. Frelimo campaigned on its traditional social issues such as improving investment in health, food and education. But the rightward shift in Frelimo's economic policy was also evident in its support for increased foreign investment and the promotion of development corridors linking Mozambique to South Africa, Zimbabwe and Malawi. Partially on this basis, Frelimo hopes to build on the estimated 10 percent growth rate posted for 1999, and the stabilization of the currency and inflation in recent years.

Post-election pitfalls

While Frelimo claims successful economic management for itself, the controversial aftermath of the 1999 elections is likely to continue to haunt the party. For example, before the elections, Frelimo officials maintained that there were no real campaign problems in Manica and Sofala provinces and they were confident of victory despite Renamo's traditional strength in the region. Frelimo's attempted

inroads were evident in the town of Meringue. Since the 1994 elections Frelimo has constructed a health clinic, an administration building and over a dozen brick houses with electricity in the town. Perhaps not surprisingly, the Frelimo regional party headquarters were adjacent to the new administration building while Renamo's headquarters were abandoned and the thatched roof of their building had collapsed. But neither claims of peaceful party relations, nor the attempt to run Renamo out of its strongholds produced much of a windfall for Frelimo. In the end, Renamo captured twice as many seats (10) in Manica province than did Frelimo (5), and routed Frelimo in Sofala province by winning 17 out of 21 seats.

"Return to the bush"?

Moreover, Renamo now threatens to establish parallel administrations at the provincial level in the six provinces where it won a majority of the national seats. Dhlakama has said, "There will be fighting if government tries to hinder Renamo's governance in the north."

Renamo has twice given Frelimo ten days to order a re-count, but each deadline has come and gone with no further action, other than that Renamo has announced the removal of its party headquarters from Maputo to Beira.

Renamo's threat to "return to the bush" is largely an empty threat. After all, its party officials and parliamentarians would hardly be looking to turn-in their salaries and privileges and return to extracting rents from rural folk, particularly in the immediate context of the devastation caused by heavy rains and widespread flooding that has destroyed much of Mozambique's transport, housing and agricultural infrastructure. But their tactics are also a partial indictment of the political power-sharing that has characterized electoral management in Mozambique. While intended to add legitimacy to the elections by including political representatives in the electoral administrative structure, Frelimo does continue to make use of its constitutional right as the governing party to appoint all provincial governors at the national level. This constitutional right – agreed upon by both Frelimo and Renamo ten years ago – imposes a major obstacle to continued reconciliation in Mozambique. After all, Frelimo is rightly suspicious that Renamo governors might be tempted to play the same game of working with Frelimo inside the government while threatening to undermine, as was often the case in the dynamics that emerged in the CNE. Frelimo is also obviously frustrated and refuses to bend to Renamo's demands in this regard, particularly because a hard fought constitutional settlement was lost immediately before the elections when Renamo refused to honour its commitments, calculating that it stood to win more power through the ballot box. Having failed in that goal, Renamo once again holds the country hostage, seeking the very political power it has won neither through constitutional amendments nor through elections. **S A R**

South Africa

The Inequality Challenge

BY SARAS JAGWANTH

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Inequality is often cited as the biggest challenge facing development and transformation in post-apartheid South Africa. Given the history of apartheid, this is no surprise. Indeed, severe poverty, inequality and discrimination are three key consequences of apartheid's economic growth strategy and policies of social control. As a result, a number of new laws and policies aimed at addressing different forms of discrimination have been passed since the election of the ANC government in 1994. The implementation of a concept of equality, however, has proven to be problematic.

Understanding Equality

A significant step in the process of addressing discrimination and inequality was the adoption of a new Constitution in 1996. The right to equality occupies a central place in it. For example, section 1 provides that the Republic is founded on the "values of human dignity, the achievement of equality and the

advancement of human rights and freedoms." Section 1 may only be amended by a majority of 75% of the National Assembly supported by six of the provinces represented in the National Council of Provinces. Chapter two of the Constitution, the Bill of Rights, contains several important references to equality. In section 9, equality is listed as the first substantive right. Section 7(1) provides that the Bill of Rights is the cornerstone of democracy in South Africa and that it enshrines the values of human dignity, equality, and freedom. Furthermore, section 39(1)(a) provides that in interpreting the rights contained in the Bill of Rights the courts and other tribunals must "promote the values that underlie an open and democratic society based on human dignity, freedom and equality." The centrality of freedom and equality in the vision of democracy embodied by the Constitution is apparent throughout the Act, from its section on local government to the chapter on public administration. Section 36 ("the limitation of rights") specifically ensures these principles are used to guide the development and implementation of other legislation and laws.

The adoption of the new Consti-

tution, with this strong commitment to addressing inequality, was applauded by women's organisations, trade unions, human rights groups and many individuals in the country. Indeed, the Act has earned the respect and admiration of many human rights activists around the world. But, of course, like all other policies and legislation, equally important to the writing of the document is its implementation and interpretation. In South Africa, the task of interpreting the Bill of Rights will fall primarily on the Constitutional Court. Given the importance and pre-eminence of the right to equality, how has the Constitutional Court interpreted and given meaning to it? In one of the first cases dealing with equality under the South African Constitution, *Brink v. Kitshoff* (1996), Judge O'Regan described the right to equality in the following terms:

"The policy of apartheid, in law and in fact, systematically discriminated against black people in all aspects of social life. Black people were prevented from becoming owners of property or even residing in areas classified as 'white', which constituted nearly 90% of the landmass of South Africa; senior jobs and access to schools and

Rights Provided by Section 9

- (1) Everyone is equal before the law and has the right to equal protection and benefit of the law.
- (2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality; legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.
- (3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status,

ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

- (4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.

- (5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.



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"Inequality is . . . the biggest challenge" - Alexandra and Sandton City, Johannesburg, October 1998

universities were denied to them; civic amenities, including transport systems, public parks, libraries and many shops were also closed to black people. Instead, separate and inferior facilities were provided. The deep scars of this appalling programme are still visible in our society. It is in light of that history and the enduring legacy that it bequeathed that the equality clause needs to be interpreted."

This early decision was important in that it made clear that the right to equality had to be understood in the context of South Africa's own history. This conception of equality sees the primary purpose of the provision being that of eradicating past patterns of disadvantage. As such, the court signalled its intention to move beyond the narrow meaning of equality (eg. formal equality) to a wider meaning of equality ('substantive equality').

While the former meaning tends to use standard measures to ensure the same rights and entitlement to all people, the latter addresses systemic and pervasive group-based inequality. In other words, this meaning would require the court to examine the social and economic conditions of groups or individuals in deciding discrimination cases.

It wasn't until the following year (1997) when the full test for equality, and the circumstances under which different treatment may constitute unfair discrimination was finally articulated by the Constitutional Court. In this case, *Harksen v. Lane*, it was found that differentiation will amount to discrimination if it is based on one of the specified grounds in section 9 of the Constitution, or if it is objectively based on a ground which has the 'potential to impair the fundamental human dignity of persons as hu-

man beings or to affect them adversely in a comparably serious manner.' The issues of whether discrimination is unfair (and therefore unconstitutional), was addressed in this case. Unfairness is presumed if the discrimination is based on a listed or specified ground (i.e. race or gender). This question is clearly at the heart of the equality enquiry. In *Harksen*, it was held that in order to determine whether discriminatory treatment is unfair, various factors must be considered including: (i) the position of the complainants in society and whether they have suffered from past patterns of discrimination; (ii) the nature of the provision or power and the purpose sought to be achieved by it. If, for example, the purpose of the provision or power is aimed at achieving a worthy societal goal such as equality for all, this purpose may well result in a finding that the discrimi-

nation is not unfair; (iii) any other relevant factors including the extent to which the discrimination has affected the rights or interests of the complainants and whether it has led to an impairment of their fundamental human dignity.

In theory, this test (the application of these factors) is designed to ensure that the equality clause is interpreted in the proper social and historical context. The importance of enforcing and interpreting discrimination within the context of past and existing social, political and economic disparities was further recognised by the court in the 1998 case, *National Coalition of Gay and Lesbian Equality v. Minister of Justice*:

"Particularly in a country such as South Africa, persons belonging to certain categories have suffered considerable unfair discrimination in the past. It is insufficient for the Constitution merely to ensure that statutory provisions which have caused such unfair discrimination in the past are eliminated. Past unfair discrimination frequently has ongoing negative consequences, the continuation of which is not halted immediately when the initial causes thereof are eliminated, and unless remedied, may continue for a substantial time and even indefinitely."

Thus, the court seems to recognize a conception of equality, which is remedial or restitutionary in nature, to protect groups which suffer social, political and legal disadvantage in South Africa.

Implementing Equality

Implementing the concept of equality has proved more difficult. Indeed, defining groups is a complex question, especially because they can comprise persons who are simultaneously privileged and disadvantaged, and individuals who suffer more than one form of disadvantage. The decision of the Constitutional Court in *City Council of Pretoria v. Walker* (1998), highlights the difficulties and possible contradictions

in this conception of equality, and its application by the court.

Some background information about the case is important here. As part of urban restructuring processes, a number of previously black townships, including Atteridgeville and Mamelodi, have been incorporated into the formerly white municipality of Pretoria City Council



Camp for evicted farm labour tenants, 1993

in 1994. Charges for services rendered in these areas were, largely for historical reasons, levied on a different basis. Residents in the formerly white areas (referred to in the judgment as 'old Pretoria') were charged on the basis of their actual consumption measured by meters installed on their properties. Residents of Atteridgeville and Mamelodi were charged a uniform or 'flat' rate for

services as no meters had been installed to measure individual consumption in these areas. The flat rate was calculated on the basis of an average cost of the bulk supply of services measured over a period of time and dividing the cost amongst the number of houses in the townships.

The applicant, the City Council of Pretoria, sued the respondent, a resident of old Pretoria, for arrear charges for services rendered during a nine month period. The respondent contended that he was entitled to withhold payment on the basis that it was unfair discrimination under section 8(2) of the interim Constitution for the Pretoria City Council. He argued that it was unfair discrimination to: (i) levy a flat rate in Atteridgeville and Mamelodi which was lower than the metered rate in old Pretoria (ii) continue levying the flat rate even after the installation of meters on some properties in Atteridgeville and Mamelodi; (iii) take legal action to recover arrears only against residents of old Pretoria while following a policy of non-enforcement of debts in Atteridgeville and Mamelodi.

Given that the areas are predominantly divided along apartheid lines, Walker was able to claim discrimination on the basis of race. The court held that this was a case of indirect discrimination on the basis of race ruled in favour of Walker. The fact that race was a listed ground, meant there was a presumption of unfair discrimination and the City Council was unable to rebut this presumption. This ruling reveals a critical weakness in the Constitution. Grounds for discrimination, such as race and sex, are couched in neutral terms and can be applied regardless of *how* the complainant was affected in the past by being a member of the group defined along the listed grounds. This, thus, led the court to conclude that unfair discrimination on the basis of race had taken place. The court held that white people in South Africa belong to a racial mi-

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nority which could be regarded in a political sense as vulnerable and who 'in a very special sense' need the protection of the Bill of Rights.

Based on this ruling, it appears that the court accepts that the group identified in *Walker* (white middle class suburban dwellers who have benefited from, rather than being adversely affected by, discrimination in the past) can be classified as a group deserving of special protection. What group then would not also qualify as deserving of special protection? This ruling has raised questions about whether the Constitution's commitment to equality, in terms of addressing systemic and pervasive group-based inequality, is being upheld. Indeed, the requirement of past patterns of disadvantage seems to have disappeared.

Discouraging for those who had hoped the Bill of Rights would be used to address discrimination and inequality in the country is South African case law. Case law reveals that it has not been the most disadvantaged groups who have invoked the protection of the equality clause in the Constitutional Court. Those who would benefit the most from this clause – indeed those who the clause was specifically designed to protect – have limited access to its application. Socio-economic barriers (the very inequalities the

Bill of Rights tries to address), combined with various institutional obstacles beyond the control of the court limit its scope and application. In addition, it is the task of the legislature rather than the courts to make decisions about the best ways to equalize the distribution of benefits in society. These problems aren't specific to South Africa, rather are characteristic of most legal systems in the world. Thus, while the court's ability to effect meaningful social change through the cases should not be overestimated, critical reflection on the role of the Constitution and the Constitutional Court in addressing extreme inequality is necessary.

A Positive Act?

Perhaps a more promising sign regarding the application of the equality clause in the Constitution is to be found in other policy initiatives. Recognising systemic gender and racial inequalities in the labour market, and the continued concentration of social and economic power in the hands of the powerful few, legislation has been introduced to address current forms of discrimination and inequality. These policies and legislation are designed to give effect to the equality clause in the Constitution, and as such, are a welcome development. One such development is the Promotion of Equality and Prevention of Unfair Discrimi-

nation Act, recently passed by parliament. The Act provides for the prevention and prohibition of unfair discrimination, hate speech and harassment, and the active promotion of equality and values of non-racism and non-sexism by both state and non-state actors. In this regard it goes beyond the requirements of the Constitution, where there is only an explicit obligation on the state to promote the achievement of the rights in the Bill of Rights. The obligation on the state includes developing awareness of fundamental rights and programmes of action in order to promote substantive equality, providing assistance advice and training on issues of equality, and conducting information campaigns.

The Act also sets up Equality Courts, to be based both at High Court and Magistrates Court levels, to enforce its provisions. The powers of the court are wide-ranging and provide for such civil remedies as granting an interim or declaratory order, an apology, a directive requiring the respondent to make regular progress reports to the court on its order, etc. It is hoped that through an accessible, cheaper and more user-friendly lower court enforcing its provisions, the Act will be more able to attend to the needs of disadvantaged groups in South Africa than has the Constitutional Court.

S A R

Sober Second Thoughts

SAR editorials over the years have invariably been opinionated and pugnacious, written not only to frame for our readers the articles in the particular number of the magazine itself but also to give some sense of our own evolving engagement, as a collective, with the key political issues that have come to mark southern Africa's contemporary situation. In our enthusiasm for the fray, however, have we sometimes overstepped the mark of editorial propriety and good judgement?

Some of the feedback we've had regarding the editorial in our last issue ("Capitulation?" Vol. 15, No. 2) suggests that, in taking sides so forcefully in the debate represented by the contributions of Glenn Adler and Eddie Webster on the one hand and Carolyn Bassett and Marlea Clarke on the other, we may have overstepped the mark in this way. And indeed some of our phrasing, especially with respect to the contribution of Adler and Webster, does appear to us now to have been

rather too bald and judgmental regarding the work of comrades whom we respect, even if we might continue to disagree with them on certain important issues. Certainly, we have no inclination to contribute to the kind of acrimonious rhetorical style that has too often marked exchanges on the left, in South Africa as elsewhere, and we apologize unreservedly to those who found our editorial to do just that.

S A R

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