

# Women and children suffer while Parliament shirks its oversight duties

Christi van der Westhuizen

THE slow but steady decline in ANC support, as shown again by the local government election results, has prompted the ruling party to consider introducing oversight mechanisms at local level, following the example of Parliament. But this may not be a panacea.

Jackson Mthembu, ANC national spokesman, explained: "Provincial and national government seem to be working better than local authorities because there are very strong oversight mechanisms institutionally. Parliament holds the executive accountable regularly and, portfolio committees can call whatever portfolio (sic) in cabinet to come and account."

While it sounds good in theory, Mthembu is painting an overly rosy picture of parliamentary oversight. "Portfolios" have successfully resisted being called to account, as was most amply illustrated by defence minister Lindiwe Sisulu who used Luthuli House muscle to get the pesky defence portfolio committee to back off as she shifts military information from public view.

In contrast, the ad hoc committee on the Protection of Information Bill slavishly toes the ANC leadership's line. ANC MPs' extraordinary antagonism towards civil society and the media stands in sharp contrast to their fawning over inputs from Minister of State Security Siyabonga Cwele.

This has been a case of account-

ability in reversal: The public hearings on the bill are being exposed as a ruse. ANC MPs merely going through the motions before giving effect to their political masters' wishes.

Generally, parliamentary oversight has been haphazard, depending on the agenda of the ruling party, especially when it comes to big ticket political items such as the arms deal, the Scorpions, Vusi Pikoli and, presently, what civil society has dubbed the secrecy bill.

Tshwaranang Legal Advocacy Centre has conducted a systematic investigation of departmental implementation of two vital pieces of legislation aimed at ending endemic violence against women, an abominable feature of post-

apartheid South Africa.

These laws are the Domestic Violence Act of 1998 and the Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007.

There was found to be both wide-ranging failure on the part of departments in executing their mandated duties and also on the part of parliamentary committees in calling these departments to account.

The findings include the following: The police have no explicit strategy in place to address either domestic violence or sexual offences.

The justice department has shifted its focus from "gender equality" to "vulnerability" within which a hierarchy of vulnerable groups has been created. The numbers show women at the bottom with the

least access to justice.

Less than half of South Africans who apply for protection orders in terms of the Domestic Violence Act ultimately succeed.

Similarly, the number of victim-centred sexual offences courts has dropped because such courts require more resources; magistrates resist specialising in sexual offences matters; and because such courts do not fit with what magistrates regard as "efficient" case-flow management.

The Thuthuzela one-stop centres, the National Prosecuting Authority's most thriving programme addressing sexual violence, seems to be funded in large part with foreign money, raising concerns about both government's commitment.

## Women are at the bottom with the least access to justice

The health department should have designated health facilities to provide post-exposure prophylaxis to rape victims to prevent HIV transmission, but has not done so.

There is little indication of Parliament taking action. The portfolio committee on women, youth, children and people with disabilities did conducted public hearings on the implementation of the Domestic

Violence Act in October 2009 but took a full year to table a report. Nothing seems to have come of it.

But even conducting such an inquiry was unusual. Committees are on the whole failing at the most basic level. Departments have missed deadlines for tabling reports in Parliament on the implementation of the Sexual Offences Act but are not being called to account.

The onus is on Parliament to change its processes to strike a balance between its legislative and oversight functions.

● *Van der Westhuizen is a journalist and an author. This monthly column series is made available by the Open Society Foundation for South Africa to monitor the health of our democracy.*

## CAPITALISM NEEDS RICH BLACK PEOPLE

# The era of white domination is over

Joseph Edozien

THE hidden overhang which seems to dominate most developmental experience in South Africa since transformation is background fear of 'The Black Peril'. But what does it mean to have a "Black Peril" anxiety in an African country on the African continent with an overwhelming majority of "black" citizens?

Whose fear is it? And is that fear, if it is a real fear, consistent with the real meaning of democracy? Can there be a genuine democracy in South Africa if Africans are considered to be 'The Black Peril'?

How is that supposed to make them feel? And what are they supposed to do about that fear in a land in which they are by far the most?

South Africa will have to deal directly with this issue in order to move itself forward in an economically healthy way for all. If White Anxiety is, in a coded way, driving the fevered national discourse and developmental priorities, even if expressed partly through the very different anxieties of other racial minorities, then this should be discussed honestly, even if painfully.

It seems unlikely that other racial minorities face a genuine Black Peril although they share, even if to a different degree, the same socio-economic challenges as the majority. Those minorities have far more to gain than to lose strategically by being themselves part of this so-called Black Peril. And when that verity is made manifest, it may even be seen by the remainder that this idea of a "black peril" is a disingenuous and destructive notion which will be for them a cul-de-sac.

South Africa is a microcosm of the emerging world dynamic. Thus it matters very, very much to world history what happens in this relatively small country in how it resolves its, for now, inevitably racialised economic power issue.

This land is undeniably the indigenous land of the Africans: the First Nations Africans here and their mixed descendants, and the Base Nations Africans who came next and learned their clicks from the originals while leaving them largely undisturbed, even if there were sometimes skirmishes over common resources. A clue to the future actions of black power in this

land. It is not imperialistic.

Should the majority shut up, be humble, and not parade its majority because we are a "rainbow nation" now and 300 years of gloating on one side need not translate into even one day of gloating on the other side because that is offensive and insensitive to minority fears – even if the fears of that majority were insensitively trampled upon for generations and most are still waiting for their day in the socio-economic sun? This is the suggestion which seems to dominate "respectable" discourse.

But is this honest? Is this fair? And is this realistic?

Is a developmental democracy mostly about minority privilege protection or about majority interest promotion when both cannot easily be served equally at the same time? By most relevant measures, South Africa is unquestionably African, and this includes the mixed descendants of the First Nations Africans whether or not they proudly acknowledge that original African ancestry deep in their blood and culture, even if it also contains significant and deeply flowing currents and ancestors from other continents and places. This country is after all called "South" Africa.

This is Africa. This is nowhere else. We should all feel privileged that we are on this continent and stop wishing it were somewhere else or like somewhere else. We are here. It is the last unpaved continent and it will be our historic challenge to steer it away from becoming yet another fully paved over continental parking lot full of needy consumers.

Transformation 1.0 (Political) is largely in place. Transformation 2.0 (Economic) needs to start now.

South Africa will slowly become an incoherent failed state for everybody in it if it continues to be disproportionately diverted (in all its many implicit, subtle, coded, and more overt forms) by minority privilege protection over majority interest promotion.

"Corruption" should be contextualised to its leading source before it can be resolved in a fair and reasonable way. It seems superficial, far too easy, and quite a bit off the mark, to talk about "corruption" and excessive displays of "conspicuous consumption" in the nouveau riche when the everyday lives of the old rich throw



COLOUR BOUND: A visitor at the District Six museum. Should we be playing by the old rules when there is a need for a new system which works better for most people? asks the writer. Picture: MICHAEL WALKER

blatant examples of such luxurious high life in the face of all as examples of the meaning of success. It is futile to fulsomely attack the crass imitators while the real source walks by in uncriticised splendour. Better to question the system of values itself, and the real source of that system, if "corruption" is to be questioned.

The deeper question is whether or not we should even be playing by the old rules when the real need is to construct a new economic system which works better for most people.

We would do better to train our energies on the big and very difficult, work of constructing a practically working new system of values within which we can all live more satisfying lives and not be disheartened when, in the meantime,

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people play by the old rules.

It is disingenuous and dishonest, and far beyond conceit, to use an ostentatious few as an obsessive proxy beating bag for a great and mainly unheard many who have unilaterally extended their hands far more than halfway to forgive.

The other hands have not come anywhere near halfway yet, but their complaints are by far the loudest in the land. Their self-indulgent whingeing is an unattractive self-reflection which is annoying to the dignified and quiet majority too polite to tell them to pause and sin-

cerely examine the mirror in a genuinely thoughtful way. We owe the majority our gratitude in many truly profound ways. The majority literally built this country with their hard and mostly unrewarded work – and they still do.

It is right and legitimate for the Africans, the First Nations and their mixed descendants and the Base Nations, to be encouraged to make their stumbles as they learn to rule, as they should, a complex society which today is shaped largely by a haughty non-indigenous civilisation and fused with homegrown wisdom for the sake of us all. This is neither an easy nor a simple task and it will be the next generation that will stride with full facility. The time

now is for respectful yielding on one side since its time is done, and determined and focused learning and self-confidence building on the other side whose time has come.

The work ahead is long and tricky but that does not mean it has to be unpleasant and conflictive. The oils to smooth those gears are mostly attitude: empathy, respect, and humility from the thoughtful and sympathetic appreciation of the enormous challenges on all sides of the now common toil. Dominant African financial and socio-economic power is inevitable in these lands and we may as well all start peacefully preparing for this by accepting its historic rightness. Doing otherwise is howling into the slowly approaching but very large wind.

The majority here is where the sustainable market here is, if anywhere, even within the logic of the capitalism built here by the minority. And that market will not be a sustainably profitable market of sufficient purchasing power, even for the minority, if it remains undercapitalised and impoverished.

The logic of capitalism will eventually force African enrichment and real African economic power if for no other reason than its own profitable survival. Capitalism needs rich black people far more than black people need capitalism, just as white capital needs Africa far more than Africa needs it.

Africa has everything it needs for itself: population, culture, creativity, energy, fortitude, diversity, low density, demographic advantages, and still abundant natural resources. All it lacks is a co-operative decolonised continental politico-economic structure with a self-affirming black population, an independent financial system, self-confident mentally decolonised leadership, and a genuine and self-developed indigenous vision for its future.

So what frustrates this? White capital, mostly, and a derivative African colonial lack of self-belief because too many "educated" and "leading" Africans are a mentally conquered elite "proudly" operating the self-defeating paradigms fed to them. And far too many Africans are seduced by branded consumables made elsewhere and not by themselves thus leaving themselves unskilled in disadvantaging ways.

This is a subtly sprung trap but it is also a consensual colonialism. The "West," and its agents here, and probably even some emerging powers, want a mentally colonised, materially lustful, weak, confused, colluding, deluded, divided, and stumbling Africa to plunder even more. And, so far, they are winning this game with the active collusion of the Africans they encourage and enrich with fake praise and fool's gold.

Many honestly aspirant Africans, befuddled by their colluding media, do not even seem to realise that they are being slyly recolonised for direct rule yet again, and shamelessly and contemptuously robbed in broad daylight. And it is Africans who themselves helped in the desperate new intrusion on their continent as if they felt they needed to be saved from themselves by those who robbed them blindly previously.

We should all be ashamed. The era of white power supremacy is over. It just does not know that yet, and so it keeps on fighting its own hallucinations in a sad spectacle of futile long wars against its own dissolving shadow. White power supremacism lacks the long-range moral insight and the common humble human sharing wisdom to lead this world from here.

And we don't want it to. Five hundred years of unrestrained psycho-cultural narcissism and racial hubris is long enough. We need new energy, fresh ideas, and different values from other peoples in our world: the previously dispossessed. So, serious economic power concessions, well beyond "window dressing," will have to be made. There is no way around this.

Africa is the next battleground of world history. Our continent is cursed, for it is still blessed with far too many riches for it not to be so. Old predators from the "West" and new predators from the "East" want those riches for themselves. But if we see through their guiles and now obsolete modes, Africa will be the mother continent, because it is still mostly unpaved, of the new modes of civilisations this world and all in it so desperately need now.

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## Let's remember a hero of love

ONE of the most moving moments for me at the funeral of Albertina Sisulu was when the mourners spontaneously burst into song after Graca Machel read a message from Nelson Mandela who said he would have loved to be at the funeral but, "It would be too painful for me to watch you go".

"The years have taken their toll on us; one by one friends and comrades have passed on and it feels like a part of oneself has been cut off. I want to bid farewell to a comrade and friend," Machel read to the crowd. "You are part of my being, you and Walter... I want to express my deep gratitude to you." And this is why I think the crowd started singing about Mandela because they know it won't be long before we miss him. When Albertina died, she was the same age as Madiba.

She never sought glory for her role in the struggle. Humility is a kind of genius. Albertina Sisulu was that kind of genius. At one point, her husband, children and a grandchild were all in prison for their fight against apartheid, yet through it all, she never lost her dignity and hope in human beings. Today, many of her children and grandchildren are in public service. One could call her family the Kennedys of South Africa.

### In My Arrogant Opinion khaya dlanga



Many people solely want to associate her with the struggle against apartheid, but something far greater she showed young South Africans was love. The resilience of that cheesy, insipid thing called love. Walter and Albertina's greatest story was their obvious love for each other. Considering how sceptical the youth are about love, the lesson we should take from the Sisulus is that love is possible.

Walter and Albertina were not just heroes of the struggle, they were also heroes of love. In our broken societies today, there are no greater role models than these two. Perhaps that is their greatest contribution to a youth that are constantly growing cynical about love. They search for it even though they no longer believe in it. Whenever we hear the story, or we see a picture of Makhulu Albertina Sisulu, she makes us believe in love again.

As a relatively young person, I think that it is sad that we seem to forget the heroes of the Struggle. Sometimes we forget them while they are still alive. Sadly,

We are running out of true heroes whose sole purpose was to serve the people. Our cups runneth over with self-serving "servants" of the people. Men and women who believe that they liberated the country to line their pockets. Albertina Sisulu was not one of them. She felt her duty was to teach her children to contribute to the nation. The duty of every grateful South African is to look for ways to serve the country. Let not those who struggled have struggled in vain.

I love heroes. And I don't mean the television series. What I love about our heroes is that they were all so human. What I love about Makhulu Albertina is that she was never trying to be hero. She was just doing what was right. It was for the right to be with her husband whom she loved so much. It was to free a country and a people she loved so much. It was always about love.

She was a midwife. She delivered many children, so it was only fitting that she would also deliver a nation. May her memory never diminish, may we remember her always. Her quiet dignity does not mean we ought to be quiet about what she did for the country.

There is nothing quiet about it, there is every reason for us to brag about it, despite her humility.

## SADC gets tough with Mugabe, Rajoelina

SOUTHERN AFRICA'S leaders were poised last night to tell two of their peers that they could not rush into elections on their own terms, disregarding the rules of fair contest.

Though the special summit of the Southern African Development Community (SADC) was still on as this was written, the early signs were that neither Zimbabwean President Robert Mugabe nor Madagascar's "de-facto" President Andry Rajoelina would be very happy with the outcome.

The leaders seemed likely to make significant changes to the Madagascar "roadmap" out of the present crisis and towards elections, which SADC's own mediator Joaquim Chissano had produced with Rajoelina and some other Malagasy parties.

This perplexing document would allow Rajoelina – despite his ousting elected President Marc Ravalomanana in a March 2009 coup – to remain in charge of the country in the run-up to elections. Ravalomanana, meanwhile, would not be allowed back into the country from exile in South Africa to contest the elections.

The SADC bosses would probably tell Rajoelina after yesterday's summit that he must allow Ravalomanana back, sources inside the

### Window on Africa peter fabricius



summit said. It was less clear if they would also insist that Rajoelina should resign as president at least six months before the elections. This would effectively postpone the elections from this year; as Rajoelina desires, until next year.

SADC's thinking on Zimbabwe was less clear at time of writing. Like Rajoelina, Mugabe seems intent on rushing to elections this year to rid himself of the albatross of his two Movement for Democratic Change (MDC) coalition partners in the unity government.

But President Zuma, SADC's Zimbabwe facilitator, has been doing a much better job than Chissano. He has been insisting that Zanu-PF – and the two MDCs for that matter – fulfil all the commitments they signed on to in the Global Political Agreement (GPA) in 2008, to create conditions for free and fair elections, before the country can go to the polls.

At a summit of SADC's security organ troika in Livingstone on March 31, Zuma and his counter-

parts from Zambia, Mozambique and Namibia sharply rebuked Zanu-PF (though not by name) for its tardiness in implementing its commitments – and for its growing political violence, arrests, intimidation and harassment of the MDC.

And since then the negotiations have been proposing fundamental reforms to vital institutions – which are key to free and fair elections – but which are now completely dominated by Zanu-PF.

These include the security apparatus, the state media and the administration of elections. Concluding these reforms and drafting a new, fairer constitution which would then still need a referendum, would delay elections until at least next year, Zuma's people have stressed.

Zanu-PF's negotiators are believed to have agreed to some of these proposals and also, significantly, to the necessary consequence of no elections this year.

But Mugabe and the Zanu-PF top brass are now reneging on these agreements and digging in their heels, insisting that elections must happen this year and that the reforms are inconsistent with the GPA, and are a violation of Zimbabwe's sovereignty.

Mugabe's chief spindoctor Jonathan Moyo launched a major

propaganda offensive last week, attacking the proposed reforms to Zimbabwe's institutions.

Moyo ranted, for example, that proposals to add some MDC people on the boards of Zimbabwe's notoriously pro-Zanu-PF state media, were an attempt to impose "jungle justice, Tarzan justice" on Zimbabwe, a violation of the law on how these boards must be constituted. Pause to soak up that irony.

But Moyo could not satisfactorily answer the question: if the control of the state media is not shared with the MDC (for example), how do you get from the present position, where such institutions are entirely in Zanu-PF control, to the impartial institutions which the GPA demands?

He could only retort that Zanu-PF was perfectly justified in controlling the state media – to balance the malign influence of the Western powers which allegedly sponsor the pirate radio stations broadcasting into Zimbabwe and private newspapers.

In other words, when all else fails, blame the Western imperialists. Zuma does not seem to have bought that line. Whether or not enough of his SADC peers also find it contemptuous, was the key question late last night.