PROFESSIONAL - 1991

Student sues university over thesis

(248)

B/Day 7/1/91

CAPE TOWN — The University of Stellenbosch faces a R114 000 lawsuit from an economics doctoral student whose PhD thesis it rejected.

The action, set down for March 6, was brought by John Pocock and cites economist Prof Jan Sadie as one of the respondents.

Pocock, who holds an MA (cum laude) from the University of Cape Town, was enrolled as a doctoral student for three years, with Sadie as his promotor.

The final draft of his thesis, submitted on December 8 1987 after two provisional drafts, was rejected as unacceptable for PhD purposes, according to papers

Pocock argues that Sadie failed to comply with his duties as promotor by not monitoring the progress of the thesis, despite regular requests for comment, feedback and analysis

As a result of the university's "breach of agreement", Pocock said he suffered damages totalling R114 000 because of loss of earnings

Alternatively, according to Pocock, Sadie was negligent in failing to comply with his "duty of care" as a promotor

The university has denied that Sadie was negligent or failed in his duties — Sapa

UK scholarships for graduate engineers

Sowetan 7/1/91

248

THE Confederation of British Industry is offering scholarships to graduate engineers in all fields, to further their training with British firms in the United Kingdom.

A spokesman said the closing date for completed application forms is January 18 1991 and can only be made by permanent South African residents

All applicants must meet the following requirements

* Hold a degree or degree equivalent in engineering issued by a university or equivalent,

* Be medically fit and be not more than 35 years of age (This requirement may be waived in exceptional cases);

* Speak and write English well - a formal test may be required;

* Provide a letter from their employer consenting to release them for the required period if an award is made and, if possible, assurance that he will meet the cost of travel to Britain

If the applicant himself is to meet the cost of his travel, he must provide a written undertaking that he is able and willing to do so; and

* Have had a year's engineering experience.

For further details and application forms contact

British Consulate-General, Box 2236, Johannesburg, 2000. Alternatively telephone (011) 337-9420.

Ed Southey sets out his views in an interview with the law journal De Rebus

The answer is 'justice for all'

Star 17/1/91.

248

THE greatest challenge facing the legal profession in South Africa is to make the judicial system accessible o the public There should be bout one and a half times as nany practising attorneys as here are now if we are to remain n the fringe of the First World.

The problem cannot be solved vernight without affecting stanlards, so the profession needs to ackle the problem using existing esources.

For instance, the Association of .aw Societies (ALS), which reprenents more than 7 000 attorneys in outh Africa, has just completed a uccessful pilot project for candiate attorneys.

This should be extended to enble more prospective attorneys o receive at least part of their raining otherwise than under arcles, although articles are likely o be with us for some time

We have persuaded the Departnent of Justice to extend the ghts of appearance of candidate ttorneys with B Proc degrees, nd also candidate attorneys who have completed their articles

The ALS has approved rules for taking on claims for damages under a special fee arrangement so that if they win they receive payment in accordance with a special tariff, but if they lose, the client pays nothing

Then there are the small claims courts which are now established throughout the country and in which a large number of attorneys provide their services free of charge.

But one must remember lawyers expect to be paid for what they do and here the Legal Aid Board renders an invaluable service. However, it is far too limited

I believe the Department of Justice gets a raw deal in the budget when compared to other social services.

It would help if donations to the Legal Aid Board were tax-deductible.

The money spent on legal aid is very well spent but there is not enough of it.

Also, the department should bring the *pro Deo* system under the wing of the Legal Aid Board.

Ed Southey . . . president of the Association of Law Societies.

This would improve the system by providing the *pro Deo* advocate with an attorney to enable a proper defence to be made available in serious cases

I have never understood why this could not been done.

The Legal Aid Board has been directed by the Minister of Justice to investigate whether there is room for a State-appointed public defender to assist accused persons in criminal trials.

The ALS has also been investigating the concept.

Personally, I doubt whether the public defender will be able to reach sufficient people to be able to make any impact on the problem. The money can be better spent through the legal aid system.

Regarding matrimonial and family-type disputes, I think the legal profession should encourage the use of alternative dispute resolution procedures which take disputes out of the confrontational court arena into a more relaxed atmosphere.

I think all attorneys' firms should commit themselves to a greater involvement in *pro bono* work A lot is spoken about this but there is little commitment.

In the United States and in Britain firms big and small devote time to civic, charitable and *pro bono* work and we should be doing likewise in a country where the need is so much greater

The whole system for appointing judges and magistrates will have to change.

Appointments to the Bench should be made by some sort of electoral college, made up of a cross-section of practitioners and others involved in the administration of justice.

Appointments shold be made not only from the ranks of advocates but also from attorneys and possibly academics and magistrates. Such a system will create a much larger pool from which to draw suitable people to hold judicial office.

It is frequently pointed out that no black person has been appointed as a judge and the number of black magistrates is small

An electoral college of the kind I have mentioned should help solve the problem.

We should rebuild respect for the law, not only in the political sense — although here obviously a lot of leeway needs to be made up

I am talking about the law as it affects people in their everyday lives.

How can there be respect for a court system when 80 percent of the population have no hope of being able to afford legal representation in the courts?

This may be part of the reason people resort to violence and boycotts.

And the problem is that one thing leads to another. The only remedy is to re-establish the respect of all citizens for our legal system, to make the law more "user-friendly" and to ensure all people can approach the courts at a resonable cost

● Ed Southey is president of the Association of Law Societies. He also serves as a commissioner of the small claims court in Johannesburg and is one of only two South Africans who are on the International Bar Association. □

(248)

Unibo head lambasts Bop government

Sowetan 18/1/91

IN an unprecedented move, University of Bophuthatswana vice-chancellor Prof M R Malope yesterday lambasted the homeland's government for serving a deportation order on lecturer Mr Paul Daphne.

Malope's statement is a direct contrast to his earlier views that he was not in a position to oppose government action, because authorities worldwide were entitled to review the continued

SA Press Association

presence of expatriates in their respective countries.

His apparent change of heart came shortly before the possible boycott of present supplementary Unibo examinations by local and foreign academics protesting against Daphne's deportation.

Fear

Malope said: "The University condemns in the strongest terms the continued use of these arbitrary powers by Government."

In a separate statement attached to that from Malope, the Unibo branch of the Union of Democratic University Staff Association said they noted the vice-chancellor's latest statement, but expressed fear over the consequences of the government's action against Daphne, which they said was likely to have serious and long-term implications on the university.

Bop lecturer set to defy ruling

Sowetan 21/1/91

248

A TOP academic at the University of Bophuthatswana is expected to report for work today in defiance of deportation orders served on him by the homeland's government in December last year.

By MATSHUBE MFOLOE

Mr Paul Daphne, a lecturer at Unibo and member of the Union of Democratic University Staff Association, was, together with Dr David Green, chairman of the Mafikeng Anti-Repression Forum, ordered to leave the homeland by January 1 because their "actions were not conducive to public interest"

Daphne and Green last week vowed to return to Mmabatho and said they were determined to resume their duties

If the two men return to the homeland they could be arrested for defying the deportation orders.

The *Sowetan* was told that the homeland government has issued warrants of arrest for the two men. Police were not available for comment yesterday.

A week ago, the two men petitioned the State President FW de Klerk, to intervene and stop repression in the homeland.

Patriotic

In a letter to De Klerk, Daphne and Green said they were "patriotic South Africans" and hoped their work in Bophuthatswana would contribute to the development of the country

They said president Lucas Mangope's actions "might delay or derail the process of negotiations" in the country.

Encouraged by the Government's reform initiatives, Daphne and Green cited their deportation orders as the latest pattern of "severe repression by the Mangope government".

Meanwhile, the Unibo Staff Association has called on the government to revoke its decision regarding Daphne

Legal profession hits at revamping of A-G's office

Sowetan 21/1/91

SOUTH Africa needs a classical ombudsman without further delay, to protect citizens against injustice as a result of maladministration, says the legal journal *De Rebus* in its January edition.

Disappointed

The legal profession was gravely disappointed with the Advocate-General Amendment Bill published in July last year, it said, slamming the Government's alleged "revamping of the Advocate-General's office" towards ombudsmanship as a "regurgitation of the original draft with minor, mainly editorial amendments".

The journal points out that pressure was inevitable for a future SA constitution to make provision for an ombudsman, and that his urgent appointment would be better dealt with now rather than be subjected to the political "rough and tumble of possibly protracted constitutional negotiations"

It called on legislators to make necessary amendments to the Bill before it becomes law at the next Parliamentary session.

It also called for the appointment of a further specialist ombudsman to intercede on behalf of taxpayers in dealings with the Receiver of Revenue. - *Sapa*

New public defence system to be launched

Star 22/1/91 (248)

Pretoria Correspondent

An experimental public defence system is to be launched in Johannesburg courts in June, the Legal Aid Board has announced.

Chairman Mr Justice C F Eloff said in Pretoria yesterday that 10 public defenders would be appointed from June 1 to represent "indigent accused" appearing in the Johannesburg Magistrate's Courts.

He said the board had set aside R2,5 million to fund the project, which will run over two years. The project would initially be confined to Johannesburg's lower courts.

Unrepresented

"This is an exploratory step and if it is successful, more public defenders may be appointed later," he said.

More than 80 percent of South Africans facing criminal charges appeared in court unrepresented and it was hoped the system would provide more of them with legal representation

Public defenders would probably represent only people charged with serious criminal offences, Mr Justice Eloff said.

Mr Justice Eloff said a steering committee had been set up to establish and monitor the project's progress, and planned to start recruiting "well-qualified" attorneys and advocates.

"This is an excellent opportunity for young lawyers and more experienced people. We want a good service," he said.

While the Legal Aid Board had provided R2,5 million to fund the project, it was hoped that the private sector would "recognise the need to provide legal representation for indigent accused".

He said financing was the biggest obstacle facing the introduction of a public defender system. A second obstacle was to decide who public defenders should represent.

Organisations represented on the steering committee include Lawyers for Human Rights, the National Association for Democratic Lawyers, the Black Lawyers Association, the Legal Resources Centre, the Legal Aid Board, the General Bar Council, the Association of Law Societies, and the Department of Justice.

Unibo may not employ Daphne

248

Sowetan 22/1/91

THE University of Bophuthatswana was unlikely to sanction the continued employment of deported ANC activist and lecturer, Paul Daphne, who was officially declared persona non grata with effect from January 1, a university spokesman said yesterday.

Unibo's public relations director, Colin Knowles, said the vice-chancellor, Prof A R Malope, tried all in his power to have Daphne's deportation order reversed, but to no avail.

Decision

"The vice-chancellor personally approached the Department of Internal Affairs on the matter but was told the decision could not be reversed," said Knowles.

Daphne, who has been on holiday in the Cape since December, has repeatedly threatened to defy the deportation order and said he would resume work at Unibo yesterday.

However, attempts to reach Daphne or his colleagues in the ANC structures in the homeland were unsuccessful. - *Sapa*

R10 000 boost for writers

Sowetan 23/1/91 (248)

THE African Writers Association has received R10 000 from Bertrams VO Brandy for a series of a series of writers workshops to run for several months beginning in February, writes **VICTOR METSOAMERE.**

AWA national co-ordinator Patrick Ngamlana said the workshops were designed to stimulate talent among writers and guide them in the art and craft of creative writing.

"The workshop series is also aimed at bridging the gap between aspirants and veterans in the field of writing and to encourage them to share their experiences and knowledge," he said.

Public defender scheme kicks off

Ulmar 25/1/-31/1/91

By CARMEL RICKARD Durban

248

THE country's first public defender scheme is due to get off the ground in Johannesburg on June 1 this year.

Legal Aid board director Nic Pretorius said yesterday that the date had been decided after the first meeting of an historic "pilot committee" consisting of the board, the General Bar Council, the Association of Law Societies and an alliance of the Legal Resources Centres, Lawyers for Human Rights, Black Lawyers Association and the National Association of Democratic Lawyers as well as the Department of Justice.

Pretorius said he was delighted that these organisations had come together and expressed their support for the scheme. They met under the chairmanship of Mr Justice Eloff.

Pretorius said statistics indicated that only about 20 percent of all accused in the lower courts were represented in court.

The new public defender system involved legally qualified people employed full time to represent accused during trial.

Legal experts have been arguing for such a system for some time, saying it has been established that such a system, where the public defender is in full-time employ, is cheaper than the existing one in terms of which the Legal Aid Board pays individual lawyers in private practice to do cases piecemeal.

Pretorius announced that the first pilot public defender project will begin in Johannesburg on June 1 and that 10 public defenders would be employed.

Lawyers and Wits to provide help for community court

B/Day 25/1/91 WILSON ZWANE 248

WITS Centre for Legal Studies and an association of lawyers would provide resources required in the setting up of a community court in Alexandra, Edwin Molahlehi, spokesman for the centre, said yesterday.

Molahlehi said a resource committee formed by the centre and the National Association of Democratic Lawyers (Nadel) would provide advice and training.

"The people will be trained in the mechanisms of arbitration, mediation and negotiation," he said.

The establishment of a community court was announced by Alexandra Civic Organisation president Moses Mayekiso this week as part of his organisation's Operation Khanyisa, which is set to start on March 1.

Mayekiso said the court, unlike kangaroo courts constituted at the whim of individuals, would involve trained people who would resolve community issues through the process of mediation, arbitration and negotiation.

Molahlehi said if the Alexandra project was successful it might be used in other communities "if those communities ask for this sort of assistance".

Lawyers for Human Rights (LHR) spokesman Peter Motle welcomed the idea as good, provided that "it has the consent of the Alexandra people".

In another development, Mayekiso yesterday invited Justice Minister Kobie Coetsee to an urgent meeting to discuss the setting up of community courts.

In an open letter Mayekiso said his organisation would like to meet the Minister in the first week of next month at a venue convenient to both parties.

GERALD REILLY reports the Association of Law Societies (ALS) president E M Southey as saying there was no place in SA society for people's courts or any other system of courts not recognised by the state.

However, Southey said the ALS welcomed any attempt to extend the court system to enable justice and the courts to be more accessible to the public.

The ALS believed, therefore, the concept of properly organised community courts within the established structure merited investigation. Also deserving of investigation was the notion of the appointment in magistrate's courts of black assessors with specialist knowledge.

The Department of Justice was willing, he said, to consider such ideas.

Bop activists living in fear of deportation

(248)

Argus 27/1/91

By DAN DHLAMINI

WHO will be the next victim of deportation from Bophuthatswana?

This is a question every Bophuthatswana academic and activist is asking following a spate of deportations in the homeland.

The most recent deportations are those of University of Bophuthatswana (Unibo) Staff Association president, Dr Jonathan Lewis, in February last year, followed by Mafeking ANC branch secretary and Unibo staff member Paul Daphney and National Medical and Dental Asociation member and chairman of a group campaigning for human rights in Bophuthatswana, Dr David Green.

No reasons for the deportations were given by the Department of Internal Affairs.

Dr Green, who is a member of the ANC's Mafeking branch committee, told *City Press* he had applied for an extension of time so he could wind up his business in the homeland, but had not received any reply from Bophutatswana authorities.

Both Daphney and Green had been in and out of detention without trial and had earlier ignored their deportation orders.

After the contents of a confidential document were leaked to the Press recently, fears are that many more people whose views are opposed to those of Lucas Mangope's government could be deported

Other Unibo staff members who have been deported since 1985 are Betty Dzingwa, James Senobulwa, Graham Reed, Hermin Kotze, Lesley Witz, Thembi Mkhatsha and Monty Roodt.

Attempts to contact Bop's Internal Affairs Minister Dr Victor Shuping for comment on the deportations drew a blank.

Engineers in short supply

B-Day 28/1/91 MARIETTE DU PLESSIS (248)

THE number of civil engineers graduating annually in SA needed to be raised by at least 50% if the country was to become internationally competitive, says SA Institute of Civil Engineers president Louis de Waal.

In a Regional Development magazine article De Waal said that during the past 15 years the number of first-year university students registering for civil engineering had dropped by a third.

Although relatively better than university figures, the number of students studying engineering-related courses at technikons was also too low, he said.

In Japan the annual number of graduating engineers was 500 per one-million of the population, against 370 per million in America.

But SA lagged way behind at 35 graduating engineers per million, he said.

7 1991

Watching the watchdog

W/Mail 1/2-7/2/91 (248)

LAW & THE COURTS

CARMEL RICKARD

Lawyers believe the best solution to dealing with maladministration by public servants would be to establish an ombudsman along the lines of such offices in other countries.

The Association of Law Societies and the Bar Council share this view and have urged that such an office be established to deal with public complaints and investigations into maladministration.

However, the drafters of the new Advocate-General Amendment Bill have not incorporated the suggestions of the organised legal profession, leading to a sharply critical editorial in the latest issue of the ALS journal, *De Rebus*. The ALS asks why the government has "failed to grasp the nettle of appointing a fully-fledged, classical ombudsman"

Instead, *De Rebus* charges, the government has chosen "to continue to inch along a path of (extremely) gradual evolution of the office of advocate-general towards ombudsmanship"

The government is accused of being reluctant to act decisively in this matter and *De Rebus* claims the proposed new legislation has a number of shortcomings.

De Rebus charges that despite a detailed response made to the government on changes to the proposed Bill, the new draft shows it is "essentially the same. The Bill in its present form comes down to a regurgitation of the original draft with minor, mainly editorial, amendments".

The *De Rebus* editor makes the point that the office of the advocate-general was never intended to fulfil the role of ombudsman. It was created for a different purpose — launching investigations into the maladministration of public funds — and its use to fulfil another function is problematic.

Among the issues raised by the ALS is the criticism of the name of the post The ALS feels "advocate-general" has "militaristic overtones" and does not convey to the public that the post has shifted its work and is now concerned with all acts of public maladministration, not only maladministration involving public funds.

There is also criticism about who should appoint the ombudsman/advocate-general The ALS has urged it should be a parliamentary appointment made "on behalf of the people", rather than an appointment by the state president.

"The appointment must be free of any hint of party political connection so that all members of the public will have absolute confidence in the appointee's ability to investigate their complaints and where necessary to probe the dark corners of government without fear or favour

"As necessary as that is now, so will it no doubt also be in the South Africa of the future."

The Bill as it stands now contains limits on the discretion to investigate complaints. The argument of the ALS is that there must be no limitation. The ombudsman/advocate-general must have a free discretion on investigating complaints, regardless of whether the person complaining has exhausted all other legal remedies, or whether the complainant suffered "only an injustice as against actual prejudice".

The present version gives the advocate-general the right to refuse to investigate a complaint until the complainant has exhausted all other legal channels

The draft Bill allows the advocate-general to ask the help of "any person in the service of the state" to help in an inquiry, a provision slated by the ALS as "completely unacceptable if he is to have the image of independence from the civil service".

Despite the short-comings listed by the ALS, the minister of justice has said the Bill will create an office which fully coincides with the accepted norms for an ombudsman — a claim which the ALS does not accept

"We reiterate with all the strength at our command our previous call on the government to appoint a classical ombudsman to protect the interests of the ordinary citizen against injustice as a result of maladministration without further delay.

"It is inevitable that there will be pressure for provision for an ombudsman to be made in a future South African constitution, as is the case in Namibia. Surely it is better that such an urgent matter be dealt with now rather than subjected to the political rough and tumble of possibly protracted constitutional negotiations."

Commenting on the *De Rebus* editorial, a spokesman for the Department of Justice said the representations of the ALS had not been ignored. Their comments were fully considered by the department, but as the department did not agree with the changes proposed by the ALS, they were not included in the Bill introduced into parliament.

He added that the Bill was now with the parliamentary joint committee on justice to which the ALS had also submitted their proposals, and the committee had invited the association to elaborate on their written representations in oral evidence.

The chairman of the joint committee was not available for comment, but as the committee is still considering the ALS proposals, the Bill may yet be amended. Asked for confirmation the spokesman from the department of justice agreed that changes could still be made.

He also said he was surprised at the *De Rebus* article since the minister of justice worked "very closely" with the association on the proposed amendment to the Act.

He added that according to Mr Justice Van der Walt, the present advocate-general, the proposed Bill will have many powers and should be more effective than the traditional, overseas ombudsman. "This is another reason, therefore, that we are rather surprised by the editorial in *De Rebus*."

It's more than just law

W/Mail 8/2-14/2/91.

(248)

LAW & THE COURTS

CARMEL RICKARD

A CONSTITUTIONAL court for South Africa appears as certain as a new constitution.

But there is far less certainty about this court's structure, the extent of its jurisdiction, its composition and the mechanism for appointing its members.

Will it be the final word on constitutional issues, or will the Appellate Division retain this function? Will members of the public have direct access to the constitutional court to demand rights granted them under the constitution which they are being denied? Will the court be empowered to consider proposed legislation before it is passed to ensure it does not conflict with the provisions of the constitution?

These are difficult questions, but the composition of the court is just as fraught.

The debate over the absence of black judges on the supreme court and AD bench has a long history; the question now is whether the controversy will spill over to the constitutional court.

If members of the court are drawn from the same "pool" as supreme court judges, namely from the ranks of the country's senior advocates, the problem of colour on the bench of the constitutional court appears no closer to a solution.

However, there is strong support among many lawyers for the field to be widened and for members of the court to be drawn from senior academics and attorneys as well as advocates.

This would make it highly unlikely the constitutional court would be all white and all male as is presently the case.

Last weekend, president of the National Association of Democratic Lawyers, Pius Langa, took the debate in a new direction. He made a plea for a shift of emphasis away from the colour of the judges comprising the court, focusing instead on the mechanism of the appointment of judges.

He argued that the issue was to ensure the appointment procedure was an acceptable and legitimate one, "for which the entire community could claim responsibility".

Speaking at a conference on the constitutional court, Langa said commentators had long pointed out that a racially exclusive judiciary "regardless of its merits" was unlikely to achieve the required level of credibility in the eyes of those who were not represented in its composition.

Solutions were not easy to find as "there could be no thought of a lowering of standards or turning a blind eye to incompetence and possible serious miscarriages of justice.

"In the context of the constitutional court, the issue is even more critical, the credibility of that court is fundamental to the viability, not just of the court, but of the entire process of the development of a rights culture."

There will be no sudden influx of legally qualified blacks with the required experience into the ranks of senior counsel, so another solution has to be found.

"I would suggest that the solution lies in a shift of emphasis. Inherent in the argument of a number of commentators is this concern about the absence of blacks in the administration of justice, more specifically, on the supreme court bench. Underlying these expressions of concern is the suggestion that the credibility of the courts in the eyes of the major part of the population will rise once they see that people of their own race are part of the judicial system.

"The credibility of the courts depends, in the first place, on the community's attitude to the whole process that brings the courts and the judiciary into existence.

"The fact that everything is imposed — there is no sharing of responsibility for their existence — militates against loyalty and a sense of belonging, not only with the courts, but with the entire legal system.

"A shift of emphasis would mean concentrating energies on legitimising the system, not by simply bringing blacks into the administration of justice, but by making blacks co-responsible for the system.

"The courts of the land need to be representative in terms of race, gender and so on But the absence of some component of the population on the bench is not per se fatal to the credibility of the court as long as the mechanism that makes the appointment is an acceptable and legitimate one for which the entire community affected can claim responsibility."

Langa's view is that the body which makes appointments to the constitutional court should include members of the executive and/or the legislature, but that they should not have a majority. Once the first constitutional court judges are appointed, they should have representation on the appointment body. Legal practitioners and academics should be represented as should organisations such as the Black Lawyers' Association, the National Association of Democratic Lawyers, Lawyers for Human Rights and the Legal Resources Centre.

Langa also recommended that other bodies such as the Human Rights Commission should participate in the selection and appointment process.

The question of ensuring black representation on the supreme court bench is high on the list of concerns for the department of justice and for the judiciary itself

At present there are only three black senior counsel in the country, and pressure from some influential quarters in the black legal community has until now made it difficult for these three to accept even an acting appointment.

But there is no reason why judges should continue asking only white men to act as assessors.

And Langa's paper suggests another approach: that at the same time as trying to find suitable candidates for the bench, attention should be given to the appointment mechanism as this could be a key to ensure improved legitimacy for the courts

Top UWC post for ex-prisoner

(248)

A FORMER journalist who was sentenced to seven years for being involved in SA Communist Party activities and who was jailed in Pretoria's maximum security prison, has been appointed to the academic staff at the University of the Western Cape (UWC).

Dr CA (Tony) Holiday has accepted the post as senior lecturer in Philosophy of Education

Holiday worked as a reporter for the Cape Times, the Rand Daily Mail and the Sunday Times in London.

After his release from prison in 1983, he went to Oxford University where he obtained a doctorate in philosophy in 1987. Sowetan 14/2 - 20/2/91.

He then lectured in philosophy at the Thames Polytechnic, a post he held until accepting the UWC appointment.

ANC constitutional expert, Professor Kader Asmal, and Zambian-born Dr Akapelwa Ailola, have also been appointed to UWC this year.

Asmal, who will be a visiting professor in Public and Adjective Law, has spent much of his academic life in Ireland.

Ailola has been appointed to the post of senior lecturer in Mercantile Law at UWC.

Top academics for city seminar

Sowetan 14/2 - 20/2/91

By Musa Ndwandwe

EMINENT national and overseas academics will participate in a historic workshop on "Budgeting for Redistribution" to be held in Cape Town later this month.

Economists from the United States, Europe and Africa will meet with South African economic experts in a workshop jointly organised by the University of the Western Cape's Economic Policy Research Project and the University of Cape Town's South African Labour and Development Research Union.

The African National Congress and the Congress of South African Trade Unions will also send representatives.

The workshop will be officially opened by UWC's rector, Professor Jakes Gerwel.

Workshop coordinator Professor Lieb Loots, said the closed sessions from February 24 to 28 and March 1, will deal with the detailed mechanisms of the various redistribution policies of which the overseas economists had experience. (248)

Open sessions of the workshop, to be held at UCT, will focus on specific areas where redistribution of wealth is needed in the country. Means of achieving this will be discussed.

Taking the sting out of the people's courts

248

W/Mail 15/2 - 21/2/91.

LAW & THE COURTS

CARMEL RICKARD

MENTION "people's courts" and chances are the bloody victims of kangaroo hearings come to mind, backs raw from their lashing "sentences".

Or elderly women on the Natal south coast accused of witchcraft, brutally killed and surreptitiously buried, their families threatened with a similar death should they tell the police.

While these horrors are continuing in some parts of the country, a new attempt is being made to rehabilitate acceptable elements of the community courts concept.

This week Justice Minister Kobie Coetsee and several senior officials heard details of a proposal to set up what is in essence a community dispute resolution mechanism, similar to mediation and arbitration schemes already operating in many sectors of society and in many parts of the world.

Coincidentally, draft legislation was published this week, the Short Process Bill, which reflects an attempt by the government to bridge the gap between the existing legal process and ordinary people. In terms of the Bill, arbitrators and mediators can be appointed to deal with matters which it is not appropriate for the magistrate's courts to hear, in special "short process courts".

The community court scheme was presented to Coetsee by members of the Alexandra Civic Organisation and by lawyers who have been helping them.

Speaking after these talks, a legal consultant to the ACO said there were several crucial differences between the scheme they had proposed and those "people's courts" which practised serious abuses

The dispute procedure would be voluntary, it would not hear serious criminal matters, and would not have the power to impose sentences. It would also operate as an adjunct to the existing police and court structures, rather than replacing them, in a similar way to labour arbitration or mediation in which management and workers agree to submit their dispute to a third party for help in finding a solution. In the United States and England similar structures — often government funded — are widely used to help resolve domestic and community disputes.

Another legal adviser to the ACO, Edwin Molahlehi of the Centre for Applied Legal Studies at Wits, gave an example from his own community at Kagiso where a dispute developed between students and teachers which led to a breakdown in schooling.

Fed up with the chaos, Kagiso people wanted to resolve the issue. It was not the sort of dispute to take to the police or the courts. Instead, experienced and trusted members of the community were asked to help.

The two sides agreed to submit to the procedure. Both presented their stories to the negotiators, who were able to suggest a way out of the deadlock which satisfied both parties, and schooling was soon back to normal.

The idea of a community dispute procedure is partly motivated by the alienation many people feel from the police and the courts.

"Many people feel the present structures lack legitimacy," Molahlehi said. "They want a system designed and implemented by the people for the people."

There are other problems apart from a sense of alienation: it is often not appropriate for the police to handle the kind of disputes which arise in a community; to go to court is too expensive, the proceedings are too technical and people would not be able to understand what is going on.

The ACO proposal is to establish a registrar's office to which everyone can have access for reporting problems.

The registrar will contact the other party to ask whether he or she is willing to submit to the jurisdiction of the "court".

Should the party be willing to participate the registrar will recommend one or more arbitrators to hear the matter, but if unwilling, the complainant will be advised to consult a lawyer about the possibility of laying a charge with the police.

Legal consultants to the project admit there is the possibility of abuses creeping in. But they argue this is all the more reason to set up an agreed official procedure with which everyone becomes familiar so that abuses can be prevented.

The proposed scheme relies on voluntary participation and therefore does not strictly speaking need approval by the authorities. However it could be in everybody's interests that this approval is given: with an official nod, communities would be able to approach professionals for assistance in training potential mediators; it would give communities a dispute resolution structure which is both lawful and effective, and would also help provide an off-stage deterrent to abuse, uniting the community behind the new, and against the old.

There are differences between the two proposals — for example, the Bill provides that only experienced lawyers may mediate or arbitrate while the ACO proposals would allow anyone suitably trained and acceptable to the community — but they are alike enough for some compromise to be found.

There are signs that the separate Coetsee/ACO initiatives could be brought together and a joint working committee has been set up between the government and the ACO to explore the community court proposal further.

Reformist for UCT

By EUGENE ABRAHAMS

THE new chairman of the University of Cape Town council is a vociferous opponent of apartheid.

New Zealand-born Ian Sims — retired chairman and chief executive of BP southern Africa — played a leading role in campaigns to force the South African government to change its policies

He was also an active campaigner for educational reform

Mr Sims, who was awarded a CBE in 1989, vowed this week. "I will fully support the policy of making the University of Cape Town fully accessible to students in South Africa, while at the same time retaining the high standard of teaching and research at UCT."

His appointment follows the resignation of Len Abrahamse, who had served as UCT's council chairman since 1976

17/2/91 S/Times

Sunday Scene

■ Arts ■ Theatre ■ Entertainment Guide

WRITERS HONOUR PROF MPHAHLELE

Cpress 17/2/91. (248)

By SANDILE MEMELA

INTERNATIONALLY renowned academic and writer Prof Es'kia Mphahlele will be honoured by the African Writers' Association (AWA) on Wednesday for his outstanding contribution to educational and literary development in the black community

The function, to be held at the British Council offices in Braamfontein, begins at 6pm and will be attended by the cream of the literary and academic world

The main aim is to acknowledge Mphahlele's contribution to black education and literature

AWA secretary Nhlanganiso Dladla told *City Press* Mphahlele had played a vital role in the development of literacy in the black community

"So far, honours that have been bestowed upon our people have mostly been mid-wifed by parties with a scant understanding of the inner workings of the African community, and whose motivations are often suspect," said Dladla

Prof Peter Thuynsma, a University of the Witwatersrand academic and former student of Mphahlele's, will give a detailed account of Mphahlele's life and achievements

Es'kia Mphahlele ... vital role in developing literacy.

Poet and writer Don Mattera – Mphahlele's friend and colleague since the early stages of the formation of AWA – will also speak.'

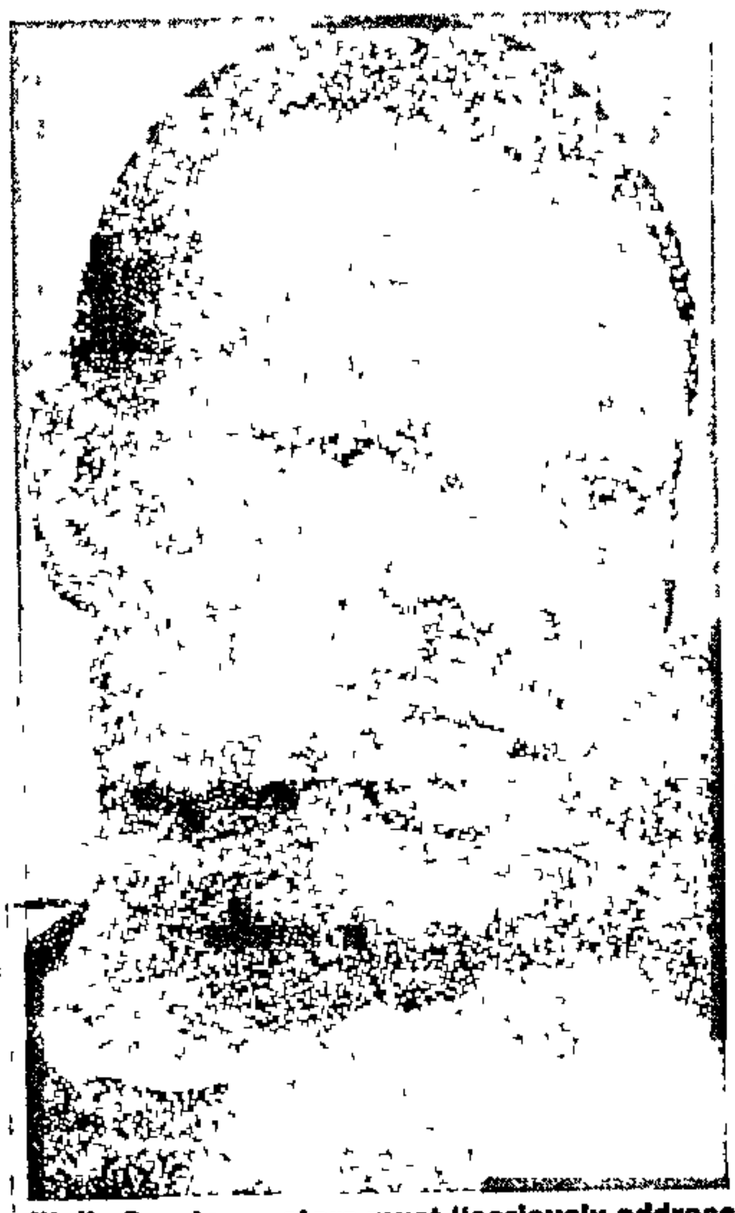
There will be poetry reading and performances by artists like Ingoapele Madingoane of *Afrika my Beginning* fame.

Mphahlele is a writer of worldwide reputation whose literary talent has not yet been subjected to close scrutiny by his own people because of the high rate of illiteracy

Realising this Mphahlele established the Council for Black Education and Research which, among its other objectives, aims to address the problem

The tribute will bring impressions of Mphahlele the writer, journalist, literary critic, academic and, equally important, Mphahlele the man

"Within the constraints of the censored imagination, black writers have served as historians of feeling that make us aware of ourselves as we are, have been and as we aspire to be," said Mphahlele.



Wally Serote ... stars must "seriously address lack of artistic resources in South Africa".

Freddie Jackson ... tour requirements include an ankle-deep carpet for his dressing room.

Scene & Heard

Lecturers in sleep-in protest

Sowetan 19/2/91

248

By MATHATHA TSEDU

THIRTY-FIVE black lecturers at Mamokgalake Chuene College of Education, Groblersdaal, have occupied new administration offices and turned them into sleeping quarters.

The occupation of the offices is also to protest against racism in the college where white and black staffers use separate toilets and staff rooms, a spokesman for the lecturers said.

The 20 men and 15 women have no beds and are sleeping on the floor, using sponges for mattresses.

They said black staffers who have to travel more than 50km in single trip each day have been asking for accommodation for the past 20 years at the college.

Instead, the authorities erected the administration block last year and told the staffers that there was no money to build a hostel complex for them.

This infuriated the black staffers who then moved into the new double storey administration block on January 31.

A spokesman said the Lebowa Minister of Education, Mr S Ledwaba, promised to bring

SA's artists must face the challenges of a new era

248

248

B/Day 21/2/91

ROBERT GREIG

ARTISTS in South Africa have been privileged to subtle, corroding ways The changes that have and are taking place have a profound, but subtle effect on how we work as artists There are advantages and disadvantages and they are closely entwined

The metaphor that comes into my head is that of a family whose dominating and powerful father has died After February last year, we breathed a sigh of relief we felt free A huge sense of strain started disappearing

One of the effects of living 42 years under an authoritarian regime was an inflated sense of importance as citizens and artists As citizens, we were or seemed important to the rest of the world We lived under a government which spent considerable time and energy and money warning, admonishing and regulating us — at our expense And finally, we were (and are) a privileged racial minority All this, in a perverse way, was good for the ego and it affected what artists produced — corrupting it

The corruption was that sense of self-importance Many artists believe their work either had or should have "relevance" After all, the works were testimonies or messages to posterity, despatches from the trenches of The System "My job is to witness," wrote Athol Fugard in his Notebooks

Not all artists saw themselves this way Inevitably some saw it as their job to flatter the powerful Many of our young, enlightened film-makers joined the SABC with fervent protestations about how they would "work from within" to "change things" Most of them are still there with a sound track record of having produced apologetics for apartheid It took the examples of Breyten Breytenbach, Uys Krige and Andre Brink to wake younger Afrikaans writers from their sleepy compliance

But most artists felt bound to say something about what was Going On Here For some 30 years, a mood of impending apocalypse dominated — and still dominates — most South African art, narrowing its scope Brecht's lines sum up the mood of artistic conformism

What times are these when
A talk about trees is almost a crime
Because it implies silence about so many horrors?

The conformism had several manifestations Some of us, the immodest, believed that our works might even encourage change Painters fervently hunted down "African" motifs for their work. There was a genre of realistic novels about the plight of urban blacks, based apparently on interviews with the writer's domestic servants

Our satirists yearned to be taken as seriously as pundits Low-browed pop singers went as political philosophers It was impossible to spend an evening in the theatre without being inundated in the fervent spittle of some juvenile black or white *enragé*. Plump, well-fed middle-class black and white audiences applauded as children solemnly said "We should burn down the schools" before embarking on song and dance routines based on the latest TV spectacular Local boys made good, peddling the country's misery on Broadway.

But after all those deafening declamations, little of substance remains It was work which told the reader, the audience, the listener that the artist had deep feelings, his or her heart in the right place It was work so preoccupied with response and effect that it had lost any sense of its own integrity as a work of art

Well, that time is going fast the game is up, Daddy and his admonishing finger are through, and our reflected status is dimming It turns out, too, that Daddy was pretty bankrupt in future, the arts will have to work harder to earn their keep Art is becoming a little suspect as a recipient of corporate funding, education is safer. The performing arts councils are down-sizing The worldwide boom in art is over and that in South African art is probably topping out, too.

Being on your own is scary but it also has opportunities. One example of the way opportunities are already being taken is the staging of a play about the intellectual and emotional agonies of a Christian don at The Market — an event that would have been unimaginable two years ago

The changes in this country provide several, major artistic opportunities First, they extend the range of the permissible — of what is said and how it is said One example the tone of public cultural discourse has been partly determined by the vainglorious notion that SA is a white, Christian, nationalist country None of this can be taken for granted now and that shift must affect the arts

Second, the new fluidity in this country allows artists to concentrate more on quality The pressure to make statements can yield a little to a pressure to make works

Third, this same fluidity can relieve artists of the burdens of political and cultural orthodoxy At risk of generalising, it seems to me that previously artists felt that they had to proclaim their allegiances in their work, covertly or overtly The simple matter of learning from foreign artists became fraught with questions of relevance or "belonging" and sometimes even of patriotism

This leads to the fourth opportunity, the opportunity to choose to be open to lives around us — and elsewhere In the bad old days, some artists felt they had to borrow from "African" traditions Well, the durability of those traditions can now be questioned But the salient point is that now artists can feel relieved of the false response — the artistic equivalent of being nice to black people at parties or angry at white people at the same parties There are choices now

Taking these opportunities won't be easy. Freedom can be terrifying. One response to the death of a father is to seek a replacement Already, some artists in this country are pallying up to the ANC and its apparatchiks to furnish us with an artistic policy The new freedom includes that right But it strikes me as dodging challenges and seeking bureaucratic solutions to artistic problems.

Some of the ANC people, like some of the Nationalists, may have some ideas about the best configuration of the arts in this country But our experience of the Nationalists combined with our experience of various cultural desks rather suggests that we should keep the politicians at arms' length The politician invariably seeks a political, cultural or religious conformity; this is death to the arts

The second caveat is that we might go on believing that because art matters to us, it should matter to others This seems unrealistic, a reflection of the self-importance of white artists To be realistic, it's unlikely that this country can afford to support artists significantly It would be nice to believe that societies have a duty to support artists, it is true that the quality of a society can be measured by the quality of its arts — and its treatment of children, lunatics and old people But the two are not the same

This country might just be able to afford an education which will cultivate artists, though any likely government here will be more concerned with producing technicians

Ultimately, artists in this country probably won't find much sympathy or support from their society (So what's new?) Their situation will be isolated and lonely the support they need will have to be from other artists and a small group of like-minded people here and abroad

To keep working in this climate, artists will need to be clear about their rights and fight for them against those who would continually remind them of their duties The rights are to create when, where, what and how artists like, the duties can be as simply stated to do so well

☐ **This article is based on an address last week at the opening of the Grahamstown, Alicedale and Port Elizabeth group (GAP) exhibition at the King George VI Gallery, Port Elizabeth.**

FM 22/2/91 (248)

ELBOWING IN ON ATTORNEYS

In gentler times, an executive with legal problems would reach out for the company law firm and a consultation would be held in a few days. Now the first call is not across town, nor across the country, but across the hall to the in-house legal department

The trend towards staff lawyers reached SA in the late Seventies and has taken off in recent years as the pace of business accelerates, thanks to express delivery services, fax machines, heightened competition and other factors. An estimated 300 companies now employ 1 000 legal advisers, as in-house lawyers are called (By comparison, there are 7 000 attorneys retained by SA firms)

"While attorneys probably see the practice of law as an end in itself, we see ourselves as a means to a greater end — the production of goods and services free from legally related hassles," says Hugh Lane of the Association of Legal Advisers of SA (Alasa).

It's a trend that could divide the profession in a fight for turf as legal advisers take on an increasingly substantial role in business On top of doing much of the spade work of attorneys, such as checking documents and agreements, legal advisers take part in negotiations and serve to make management more legally aware by pointing out problem areas in the company.

For now, both Alasa and attorneys are quick to stress that they want to avoid a competitive relationship Attorneys hired by corporate legal departments say how nice it is to be briefed by a lawyer And legal advisers say they don't want to be involved in all the nitty-gritty of an attorney's practice

But the rise of do-it-yourself corporate lawyering undoubtedly poses a threat to a notoriously coddled special interest group Ed Southey, president of the Association of Law Societies, which represents attorneys, agrees that the potential for attorneys losing a good-sized chunk of their business is there Commercial law is very lucrative, Southey guesses the turnover in the corporate law business runs into the hundreds of millions of rands each year. With figures like that, expect some pitched legal battles ahead The law lobby has long been successful in getting government to reserve work for attorneys and limit their competition But now this cocoon of protection is under attack

Alasa is focusing on two areas that have traditionally been the preserve of attorneys. the right to appear in a magistrate's court and the right to brief advocates, who argue matters in the Supreme Court Only attorneys may now brief advocates

Alasa hasn't yet tackled the issue of appearing in a magistrate's court but it has taken the issue of briefing advocates to the Competition Board and a ruling is expected soon Alec Pienaar, legal adviser to the Standard Bank group, says "The fact that legal advisers cannot brief advocates is silly, an unnecessary impediment "

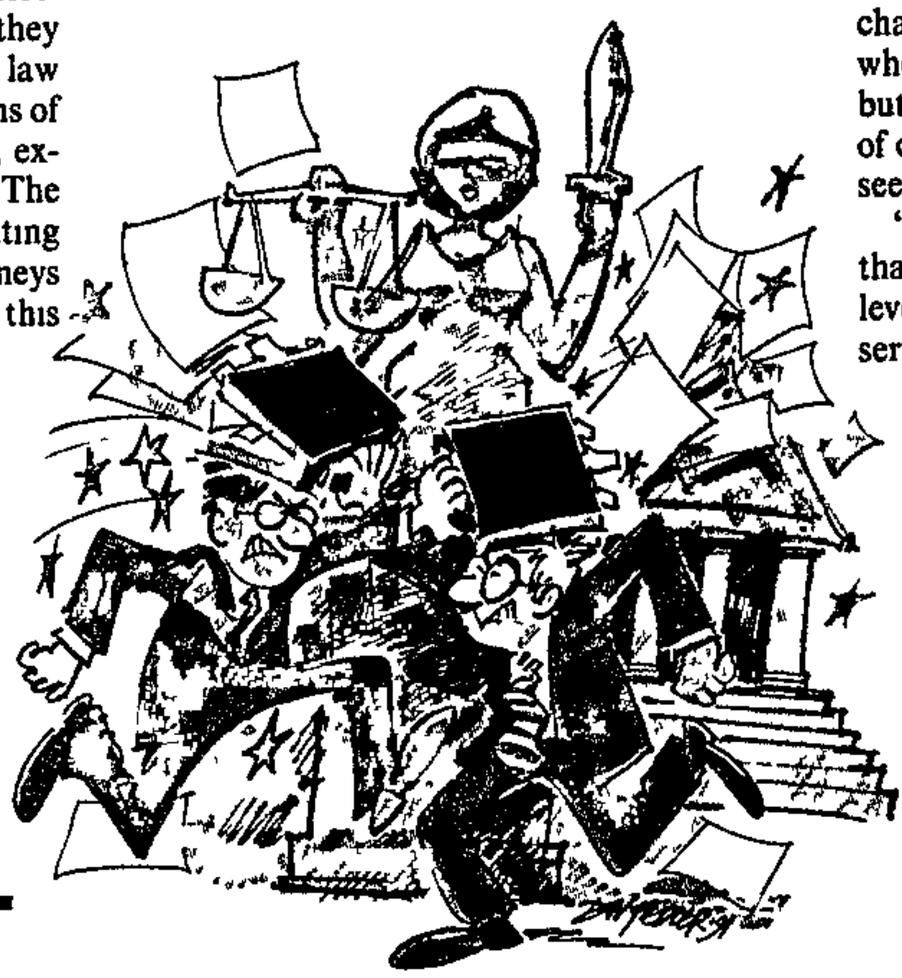
These are not the only areas that could lead to confrontation A vast source of income that non-attorneys can't touch is conveyancing If this area were deregulated, banks and building societies could do their conveyancing in-house, using staff lawyers. Pienaar says that if allowed, Standard Bank could set up an in-house conveyancing system and cut costs.

Southey concedes that legal advisers would become a serious threat to attorneys if the law were changed to allow in-house conveyancing and litigation, which would increase the cost-effectiveness of staff lawyers and encourage more companies to hire them.

Cracks in the attorneys' cartel have already appeared in other areas; for example, accountants have grabbed much of their tax advisory business But attorneys are prepared for a stiff fight to ward off any more intrusions into their closed shop Says Southey "Attorneys and advocates would resist opening up reserved work to people who are not professionals "

But in dismissing legal advisers as not professionals, Southey is vastly underestimating them Many legal advisers practised for years as attorneys or advocates before entering the corporate world. While some can boast only a law degree, Alasa recommends that a legal adviser first put in at least a few years as an attorney or advocate before joining a company

However, one drawback with legal advisers is that they're somewhat outside the legal mainstream So in the same way that attorneys can be removed from the latest corporate developments, it is difficult for legal advisers to stay abreast of legal developments, such as unpublished case law To combat this, Alasa holds seminars and encourages contacts between legal advisers.



Many factors are contributing to the trend towards in-house lawyers. Many companies simply value the advantage of immediate, easily accessible advice that is not billed by the hour And legal advisers are often better able to focus on the nub of the issue because of their knowledge of the company.

Another important factor is cost If litigation is involved, attorneys' costs are cut because the legal adviser helps to sort out the issues and to get witnesses and the necessary documentation Alasa president Richard Barlow maintains. "It is infinitely more expensive to use an attorney for everything a legal adviser does. Any company that is regularly spending R250 000 a year on legal costs could make substantial direct savings by using a legal adviser "

In-house lawyers are not cheap. The average corporate legal department, with three or four legal advisers, will have a budget of more than R700 000. Both Diners Club and the Standard Bank group say the cost savings are not the primary benefit, they cite accessibility and speed

Another factor may be companies' greater willingness to sue other companies, forcing businesses to be more aware of the legal implications of their actions The growing litigation mentality of the US and other countries — the claim syndrome — has "crept over here, corporations are much more ready to say 'let's sue' because of the vast amounts involved," Barlow says.

Diners Club MD Hugh Peatling agrees that "the risk of litigation is definitely increasing " He says this is one reason why he feels more confident in having an in-house lawyer

Johannesburg Attorneys' Association chairman Philip Botha says he's uncertain whether there's an upward trend in litigation but he believes that, in any case, the number of cases will never reach the epic proportions seen in the US

"The US system promotes litigation more than the SA system. We haven't reached the level of the US because our courts are conservative in the awards they make, we don't have the system of class actions, lawyers do not get a proportion of the payouts as fees and here the loser can be ordered to pay costs "

But he warns that growing consumer and environmental awareness in SA, now still in its infancy, could spark a surge in litigation That, of course, will mean more work for all lawyers, whether they be legal advisers or fully fledged attorneys and advocates

Justine White

SOUTH SIDE

S Dutlings 28/2 : 6/3/91

ARTS & LIVING SUPPLEMENT OF SOUTH NEWSPAPER • FEBRUARY 28 TO MARCH 6 1991

COSAW AT THE CROSSROADS

HEATHER ROBERTSON looks at what the options may be for the largest writers' organisation in the country, Cosaw.

THE STAGGERING WHEELS of bureaucracy that have hampered the progress of progressive cultural organisations, is slowly grinding to a halt. A case in point is the Congress of South African Writers (Cosaw) who at a national executive meeting in Cape Town last weekend turned an inward eye on its structures and activities.

Cosaw is one of the largest cultural organisations in South Africa. It employs 32 staff members in four regional offices in Johannesburg, Cape Town, Port Elizabeth and Durban. There are approximately 1450 members on paper nationally with 350 in the Western Cape, 200 in the Eastern Cape, 400 in Durban and 500 in Johannesburg and have used thousands of rands in funding — although no one in the organisation was prepared to say how much.

Has all the expenditure on maintaining offices to support this membership been justified? Are these members actively engaged in the business of writing, and are they producing insightful, entertaining and stimulating work?

These are questions being fired at the organisation from many quarters

Since its launch in 1987, while initiating projects such as suitcase libraries, writing workshops and publications, Cosaw has also been involved in MDM campaigns, the cultural desk and administration of its expanding infrastructure which detracted from the brief of a writers' organisation

"Our political image made us an element in the mobilising structure of the MDM," says Junaid Ahmed, Cosaw's national organiser

This political image was the price Cosaw had to pay for attracting mainly activists who saw the organisation as grassroots expression of political aspirations. The unwieldy mass mobilising structure of Cosaw into grassroots locals and branches mimicking the model set by trade unions, has in many areas failed because of an inability of staff to adequately train and service the large membership

"We neglected to deliver what 'serving' a writers' organisation meant," says Ahmed.

"We produced publications that did not set a useful standard for the development of literature, in particular new writing, " he adds

In a draft paper circulated to members, Njabulo Ndebele suggested that competency of writers and an effectively run organisation were pillars orting the same roof

"We are entering the period where

RIGHT: Njabulo Ndebele president of Cosaw PHOTOGRAPH Rashid Lombard

CONTINUED ON PAGE 12

CONTINUED FROM PAGE 11

COSAW AT THE CROSSROADS

South 15 28/2 -6/3/91

(248)

in order for us to consolidate the success of the struggle, it is important for all of us whether we are novelists, poets or journalists to develop the necessary skills.

"Writers should realise that the task of writing requires constant application and investment of time."

Yet, this is something which has never before been addressed in Cosaw.

Cosaw national publicity officer Frank Meintjies attributes the organisation's lack of direction to the vacuum in leadership with its president until this year being forced into exile in Lesotho.

"There are many more serious writers in the African Writers Association than in Cosaw and we need to evaluate this. Our vision has to incorporate more established writers and we need to ask how do we make up the deficit in the culture of reading," he says.

While the organisation has to grapple with ways of incorporating established writers, it also has to deal with the fact that South Africa's apartheid legacy in education has left almost half the population barely literate.

But how many professional writers are there in South Africa? asks novelist Nadine Gordimer.

"The whole idea in Cosaw is to encourage writers on a grassroots level. I'll be sorry to see Cosaw losing sight of that."

Another aspect of Cosaw's rationalisation of resources is the development of a more commercially viable publishing house. Already it has taken over the literary journal Staffrider from Ravan Press. In this year there are plans afoot to co-publish with Zed Books in London Robert Kavanagh's "Theatre and Cultural Struggle" and "The African Theatre Manual."

Cosaw has also secured a publishing contract with Raduga Press in Moscow, obtaining the rights for all of Maxim Gorky's children stories to be translated into Pedi, Zulu, Tswana, Xhosa, Afrikaans and English. The books were translated and illustrated in South Africa and will be printed in Moscow.

While the development of a commercially viable publishing house is a laudable objective, it remains to be seen whether this can be realised with the limited resources at Cosaw's disposal.

According to Donald Parenzee, chairperson of Cosaw in the Western Cape, the withdrawal of funding has forced Cosaw to reassess

"With the withdrawal of funding into more development projects and away from cultural organisations, we realise we have to become self sufficient. We tried to organise people into writers locals but this didn't work, the people really interested in writing were not served."

Some of the other proposals which will be discussed at the conference on April 26/27, are funding, whether to integrate the organisation's existing resources into established community libraries and the feasibility of establishing a writing school.

These are good intentions, but perhaps the question that needs to be addressed is whether this will be another meeting about what to do, rather than tackling the task at hand — developing writers □

Blacks honour literary legend Es'kia

(248)

City Press 3/3/91

By SANDILE MEMELA

PROF Es'kia Mphahlele has become the first man to be honoured by the black community for his concern with the battle against human suffering.

Mphahlele was last week presented with a portrait of himself at a function organised by the African Writers' Association (AWA) as an acknowledgement of his contribution to black education and literacy.

Various people, including youngsters who have never read Mphahlele's books, attended the function to bestow a long-overdue honour on a writer, literary critic and academic whose achievements have gone unrecognised by his own community.

Editors, writers, lawyers, publishers, unions, church bodies and cultural and educational institutions sent messages of support reflecting the high esteem in which Mphahlele is held among his people.

City Press editor Khulu Sibiya said such a reward had previously been the preserve of white people.

"By honouring Mphahlele AWA has once more proved that as a nation we do care about our people.

"This honour could not have been more timely and relevant, given the fact that for decades our own Zeke has gone unrecognised by our people."

Editor-in-chief of *The Star*, Richard Steyn, said Mphahlele featured prominently among the country's most accomplished writers.

"Mphahlele is indeed a literary legend in his time and his writings have enchanted many readers here and abroad."

Sowetan editor Aggrey Klaaste said Mphahlele deserved recognition for giving respectablity to the craft of writing, which was looked on with suspicion by the people.

"The most outstanding feature about Mphahlele is his commitment to education and writing."

The Congress of South African Writers (Cosaw) said Mphahlele was one of the most distinguished literary scholars to emerge from Africa.

"He has made a major contribution to the struggle against oppression and imperialism by working tirelessly at home and while in exile for the promotion of African literature and culture.

"As a result he remains a model and inspiration for all writers and society in general," said Cosaw.

The Soyikwa Institute of African Theatre said Mphahlele deserved the honour because of his untiring commitment to humanity as a whole.

The Black Lawyers' Association (BLA) congratulated Mphahlele for his contribution to the promotion of writing among his people.

"At a time when our history is being written by our colonisers, input from Mphahlele is critical," said the BLA.

The *New Nation* said Mphahlele "has made a contribution no self-respecting people can ignore or forget".

The South African Council of Churches said Mphahlele "has proved that with dedication and commitment nothing can stand in your way".

Black accountants lobby govt

THEO RAWANA

AN EIGHT-man delegation from the Association of Black Accountants of SA (Abasa) has discussed with Finance Minister Barend du Plessis ways of getting blacks more involved in SA's financial and commercial life. B/Day 4/3/91

Abasa executive director Mashudu Ramano said the talks, which were held in Cape Town on Thursday, were the first in a series of meetings with Du Plessis

Ramano refused to divulge Du Plessis' response to the delegation's proposals, saying only that the talks were "fruitful".

Regarding the proposals, Ramano said. "It is our belief that government must increase the number of blacks in all areas of the public sector — the Treasury and the Inland Revenue departments, the municipalities and the parastatals

"We need black tax assessors and inspectors and they should be exposed to the Budget area as well"

Ramano said another major issue raised with Du Plessis was the evaluation of non-SA accountancy qualifications in view of the expected influx of exiles who qualified as accountants overseas

He said the present system did not give due recognition to non-SA accountancy qualifications. (248)

Pointing out that the number of black accountants in SA had risen from seven in 1985 to 29 last year, Ramano said South African universities produced one black CA for every 1-million people, while among whites the ratio was one for every 370 people

He said South African universities needed to do more than blame Bantu Education for their failure to produce black commercial graduates.

"All of SA's universities combined produced 17% of black B Com graduates with majors in accountancy in the last five years, while Unisa produced the other 83%.

"These universities should follow Natal University's example by coming up with programmes that will enable them to handle the open university concept

"Natal University has a programme to have the student body 75% black by the year 2020," he added.

Wits deans 'deplore' students' actions

Star 9/3/91

248

PHIL MOLEFE, Education Reporter

THE deans of faculties at the University of the Witwatersrand yesterday "deplored" the intimidation of students, academics and members of support services staff by protesting students

They said this following the students' occupation of the vice-chancellor's office, council chambers, administrative offices and the faculties of arts, science and transport

The deans pledged support for the vice-chancellor's efforts to stop the "indefensible" behaviour of some students

Their statement said students had the right to protest against the university administration

"What cannot be tolerated, however, is the denial by protesters to other mambers of the university community of their right to teach, their right to learn and their right to pay fees"

The protesting students resolved to bring the university to a standstill until demands regarding exclusions, the admissions policy, lack of accommodation in residences and fees had been met.

Camp

A miniature "Charltonville" squatter camp, named after the vice-chancellor, Professor Robert Charlton, was set up on campus "to highlight the acute shortage of accommodation"

About 80 students were still occupying the administrative offices last night and vowed to stay through the weekend

Professor Charlton said action would be taken against students who refused to leave the administrative offices Police would be called only if there was violence

A member of the Black Students Transitional Committee, Tebogo Mngomezulu, said the university security staff threatened to lock the protesting students inside Senate House

A group of chanting students waved placards around the campus and marched towards Jan Smuts Avenue yesterday afternoon

Very few classes went ahead after the indefinite class boycott called by the BSTC. Early in the morning a flaming barricade blocked the Yale Road entrance to the university grounds Barricades were cleared on the campus.

BSTC chairman Khaya Ngema said exclusions were carried out in a "calculated manner" to keep the university white.

More CAs than jobs as recession pinches

(248) GILLIAN HAYNE (248)

CHARTERED accountants (CAs) are feeling the pinch of the economic recession and recruitment agencies say for the first time there are more accountants looking for jobs than there are jobs available.

One major accounting firm confirmed it had lowered its intake of university graduates from 65 in 1990 to 50 this year because it had a full complement of staff to service its clients.

However, Alastair Hubbard of Hubbard & Associates, which specialises in financial management recruiting, said it was unlikely that young CAs would have a "prolonged" problem finding jobs

"The difficulty emerges when the CAs have very clear ideas of which areas they want to enter — such as merchant banking and corporate finance — and are not open to alternatives."

One accounting firm said in SA the options had narrowed and salaries dropped, but CAs were still being employed. B/Day 13/3/91

The message from recruitment agencies is that CAs must adjust their perceptions of the market.

SA Institute of Chartered Accountants' (Saica) Ken Mockler said because of the economic climate, career change options were poor.

Auditing firms have also found that the traditional outflow of CAs, who have completed their three-year training contract and want to enter commerce, has definitely decreased

Broad range of careers are on offer

B/Day 14/3/91

THE forestry and forest products industry offers a broad range of careers in some of SA's largest and most successful companies

Forestry research also offers many opportunities, says Forestry Council promotion committee chairman Bruce Mackenzie

He says the well-trained and experienced forest and forest products professional is employable almost anywhere in the world where trees are grown

The manpower required in this industry includes

☐ Degreed people such as forest scientists, forest engineers, wood scientists (in the spheres of pulp milling and paper manufacture, and sawmilling), botanists, geneticists, entomologists, plant pathologists, ecologists and production scientists (including aspects such as logging and transport)

☐ People with diplomas in tree growing, analytical-chemistry, chemical engineering, pulp and paper technology and solid wood processing (sawmilling)

☐ People skilled in the construction of roof trusses, timber frame housing, special flooring and specially engineered wood products, many of which are computer designed, as well as skilled salesmen, computer programmers and operators, administrative personnel and qualified artisans such as mechanics, electricians and plumbers

The sector is becoming ever more competitive in respect of salary levels

There are three institutions where education can be obtained at degree and national diploma level, all three open to all

Science 248

☐ The University of Stellenbosch offers degree courses in forest science, forest science-nature conservation, wood science and forest science-engineering As the forestry faculty at Stellenbosch is the only one of its kind in the country, some lectures are given in English, and exams may be written in English or Afrikaans to accommodate English-speaking students who make up a substantial portion of the total

☐ The Saasveld School of Forestry at George offers the national diploma courses in forestry and in wood production engineering, in which academic semesters are backed by practical semesters on a forestry estate or at a timber processing plant.

☐ The Natal Technikon offers the national diploma in pulp and paper technology, in which academic semesters are backed by periods of practical training at the pulp and paper mills

A DEDICATED MAN Wits University's Professor Robert Charlton has given up a lot to do his job Picture PIERRE OOSTHUYSEN

Sunday Profile

The proud, shy, and principled principal

S/Times 17/3/91

248

PROFESSOR Robert Charlton, vice-chancellor and principal of the University of the Witwatersrand, knew nothing of protests when he was a biochemistry and medical student at Wits Student protests had not been invented when he was a young man.

There is no doubt that, should the opportunity have presented itself, he would have spoken out strongly in favour of freedom of speech and the upholding of human rights — for that is what he supports unequivocably today

He has been subjected to an uncomfortable six days this week and last, after he was forced out of his 11th floor Senate House office by 100 students staging a "squat-in" as a protest against exclusions fee increases and accommodation shortages.

Even so he respects the students' right to peaceful protest. His objections are to the form it took.

"Peaceful protest doesn't mean stopping other students from paying their fees, intimidating other students into joining you and refusing to give your name and obey legitimate instructions.'

A disciplinary committee will be hearing the cases of those students who have been identified.

He has sympathy with students' gripes about fees and accommodation. But on excluding the under-achievers, he says the university is faced with twice as many applications as places And he is determined to maintain academic standards at Wits

It is perhaps a mark of respect from the students that, though they said they were occupying Professor Charlton's office, in fact it was kept locked and no attempt was made to break in Only the anteroom was occupied.

They may respect him, but "they don't like me too much' he says. Years ago, students dubbed him Professor Bobbie Charlatan" Not professionally, he adds

Says Wits SRC head David Jammy "He s a dedicated man. Time will tell whether he can command the confidence of the university community in meeting the challenge the new South Africa poses to Wits."

The professor is a softly spoken, keenly observant and honest man with a cool and incisive mind. It is easy to picture him at a patient s bedside as the physician he was and intends to be again.

He is a strong team-player with an undercurrent of vulnerability caused, perhaps, by his reluctance to be the public figure his job demands

This aspect of the job has been his biggest problem. "You do what you have to do It was really very difficult. I used to get away from things by going off and playing golf with friends I can't do that now " His golf handicap has gone up to 13.

To achieve a smile mention trout fishing At least four times a year he heads for a fishing syndicate in the eastern Transvaal. Golf is his relaxation, fishing his therapy

He and wife Margaret have three daughters and a son, aged between 24 and 30 They have careers in law, advertising, architecture and one is a painter

All were at Wits. "I tried to keep out of their way and they certainly tried to keep out of mine," says Professor Charlton.

He has been moved most by capping one of his own children on graduation. The loyalty of his colleagues also touches him.

He is proud of Wits ' In the face of not only apartheid society but active attempts by government and other influencial stakeholders to make us stop doing what we were doing, to make us stop students from exercising their political rights, to make us stop taking black students, we've resisted. Perhaps one day we'll get the credit for that."

While Wits is committed to helping students with poor educational backgrounds, examination standards will not be lowered.

"We can help students catch up backlogs in their schooling, but we are not going to let them pass their exams until they have met our standards.

"I know white Johannesburg thinks that if blacks are passing we must have lowered our standards. Well, I can assure you black Johannesburg thinks we are deliberately failing blacks in order to keep Wits white. Both these propositions are rubbish."

The future is constrained by university subsidy cuts. "We have less money to cope with an increasing problem that needs more money Obviously, there's a limit to how much we can bite off."

Professor Charlton, 62, was born in Johannesburg. He attended St John's College and was admitted to Wits Faculty of Medicine in 1946 He graduated BSc in biochemistry and histology in 1948 and MC BCh in 1952

He held internships at the Johannesburg General Hospital. In the 50s, he went to the Edinburgh Royal Infirmary and achieved membership of the Royal College of Physicians of Edinburgh.

He was drawn into laboratory research and is author or co-author of more than 100 publications

In 1961 he was appointed tutorial physician, then later came appointments as professor of experimental and clinical pharmacology and assistant dean and then as deputy vice-chancellor

He was appointed to his present post in 1988, when he relinquished his post at the Johannesburg Hospital.

'In this job you never know when something might happen, so you can't arrange to spend the morning in the hospital.'

His colleagues regard him highly

"He's a man of enormous integrity," says Professor Elizabeth Rankin dean of the faculty of arts. He's firm, fair and totally trustworthy "

She admires his quiet ability to be firm without

Nothing holy about vicar's spirit

Sunday Times Reporter
London

A CHURCHMAN s life is in tatters — because he loves the spirit too much

The Rev Douglas Fulton is nicknamed Legless Douglas by parishioners on the Scottish island of Arran And he had to be rescued by two of them after a car accident

' I saw the minister s car coming round the corner, ' said one neighbour Then it went the wrong way and came to an abrupt halt overlooking the beach

'It was teetering over the edge of the cliff We had to get ropes and pull it back on to the road'

It was obvious that he d been drinking The poor chap certainly looked the worse for wear

Mr Fulton 63 confessed 'I do like a drink now and then " However he did not remember the cliff incident.

His wife mother-of-two Jess Fulton, who has left him and now lives in a cottage near the church said 'The reason we split up was his drinking He s always at it '

Row over Sinatra's will

Sunday Times Reporter
Los Angeles

FRANK SINATRA's fiery daughter, Tina, is threatening to sue her super-rich father over a will he has made out

Tina was furious when Frank, 74, revealed details of his revised will in which he leaves a large slice of his estimated R1-billion fortune to charity

Frank has apparently decided to settle millions on his children — Tina, Frank Junior, Nancy and current wife Barbara — but considerably more to charity

Police probe cheap liquor racket

By IVOR CREWS

POLICE investigating counterfeit liquor rackets have raided bottle stores and arrested several suspects

The cheap spirits are apparently bottled and sold as leading brand names.

A police spokesman said this week it was suspected that one of the main rackets was being run by a syndicate in the PWV area.

But the all-out police operation to stamp out the racket appears to have driven the culprits underground.

The Stellenbosch-based Cape Wine and Spirit Institute the mouthpiece of the wholesale liquor industry falsely labelled as a more expensive brand "

In a hard-hitting editorial in the latest edition of Liquor Store Monthly, the industry's official trade publication, editor Mike Froud claimed that some brands of spirits were being sold to retailers in two versions

Retailers who traded in falsely labelled liquor know full well what they

FEATURE FOR FEATURE

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"In this job you never know when something might happen, so you can't arrange to spend the morning in the hospital."

His colleagues regard him highly.

"He's a man of enormous integrity," says Professor Elizabeth Rankin, dean of the faculty of arts "He's firm, fair and totally trustworthy."

She admires his quiet ability to be firm without backing down in his search for amicable solutions.

Professor Alf Stadler, head of the political studies department at Wits, says "He's a very shy man. He feels he is a bit aloof for the job. I disagree.

"He's extremely bright. We don't see many bright people at university, so when we do, we take note.

"When I was on the senate academic committee we would go into different corners to draft press statements He was always the first one finished and it was always his statement we adopted

"He's not the best chairman of senate we have ever seen, in the sense that he is not a very glamourous public figure. But he does quietly lead and command it. He does not bully or domineer.

"I once described him as being very, very angry: his eyebrows had moved an eighth of an inch."

Of losing his temper at protesting students, Professor Charlton says· "No That's fatal"

— *Cas St Leger*

Professor admits his study defamed chief

(248) Star 19/3/91

Pretoria Correspondent

A Pretoria University professor, who is being sued for R90 000 damages by an exiled Bafokeng tribal chief, has admitted to defaming the chief

Professor R D Coertze, of the department of anthropology and archaeology at Tuks, conceded in the Pretoria Supreme Court that he unintentionally defamed Chief E P L Molotlegi

Chief Molotlegi, chief of the Bafokeng tribe in Bophuthatswana, went into self-imposed exile after detention and allegations that he played a part in the unsuccessful Bophuthatswana coup attempt in 1988

His younger brother was then placed in charge of the tribe by Bophuthatswana President Lucas Mangope

Professor Coertze admitted the defamation and has tendered to compensate the chief

The only issues to be decided by Mr Justice de Villiers were the amount of damages to be awarded and an order in terms of the costs.

The defamation suit resulted from research work done in 1968 by Professor Coertze which was published in Afrikaans in 1971 and translated into English in 1987.

In March 1989, Professor Coertze issued a press statement apologising for "erroneous material" contained in the work and offered unconditional apology to the acting chief. The work, "Bafokeng Family Law and Law of Succession", apparently gave the impression Chief Molotlegi's younger brother, M G Molotlegi, had no claim to succession

Professor Coertze said in his apology, which was nationally published, that he had submitted his work to Chief Molotlegi three times, but the mistake had not been rectified

Chief Molotlegi contended that Professor Coertze had defamed him because the press statement implied he had tried to use Professor Coertze's work to discredit his younger brother's claim to succession of chieftainship of the Bafokeng tribe

He said the statement intended to mean and would have been perceived by a reasonable reader to mean that he (Chief Molotlegi) deliberately and dishonestly omitted to correct the errors in the work.

The hearing continues.

American lawyers in SA indaba

248

A GROUP of 30 American lawyers, including some of the "biggest supporters of the anti-apartheid struggle", are to take part in a conference entitled *Constitution-making in South Africa* at the University of the Western Cape. Sowetan 19/3/91

The three-day conference starts on Sunday and will be officially opened by senior ANC national executive committee member Mr Thabo Mbeki.

Fort Hare takes back Tambo

W/Mail 22/3-27/3/91 (248)

By PHILA NGQUMBA King William's Town

THE president of the African National Congress, Oliver Tambo, has been appointed chancellor of Fort Hare University — 49 years after he was expelled from the institution.

The revamping of Fort Hare's administrative structure began last year after Ciskei President Lennox Sebe was deposed. In the wake of allegations of corruption, mismanagement and racism, council members appointed by Sebe either resigned or were dismissed.

Tambo graduated from Fort Hare with a BSc in 1941 While studying for a diploma in education the following year he was expelled for taking part in a student boycott.

Council members include ANC leader Govan Mbeki, Archbishop Desmond Tutu, Bishop David Russell and Durban advocate Lewis Skeyiya. It is chaired by University of Cape Town economist Professor Francis Wilson.

Tambo has honorary Doctor of Law degrees from the Jawaharlal Nehru University of New Delhi, the University of Atlanta and the University of the West Indies. He also has an honorary Master of Education degree from Cambridge college in the United States. — Veritas

From student rebel to head of varsity

C/P News 24/3/91 (248)

Symbol of unity and hope . . . ANC President Oliver Tambo's appointment as chancellor of Fort Hare University marks a new era.

THE appointment of ANC President Oliver Tambo as Chancellor of Fort Hare University – 49 years after he was expelled from the institution – is the latest in a series of moves to transform Fort Hare into a "people's university"

The Council of Fort Hare announced this week that Tambo had accepted an invitation to take up the largely ceremonial position of Chancellor

The revamping of Fort Hare's administrative structure began last year after Ciskei President Lennox Sebe was deposed. In the wake of numerous allegations of corruption, mismanagement and racism, council members who had been appointed by Sebe either resigned or were dismissed.

The new council appointed by the military council was unique in that for the first time it allowed for nominations from students, staff and workers

Present Council members include ANC and SACP leader Govan Mbeki – also a former student – Archbishop Desmond Tutu, Bishop David Russell of Grahamstown and Durban advocate Lewis Skweyiya It is chaired by UCT economist, Prof Francis Wilson

Tambo made chancellor of Fort Hare

The South African National Students' Congress (Sansco) said they viewed Tambo's appointment as a "victory for the progressive forces in general and the ANC in particular"

"We believe that Tambo can, and will, play a vital role in the transformation of Fort Hare, which is not separate from transformation of society at large"

Sansco said Tambo was a "symbol of unity and hope", as well as being an "outstanding academic and revolutionary"

Democratic Staff Association chairman Msimelelo Silinga, said the appointment should be seen as Fort Hare's "timely recognition of Tambo's role in the liberation struggle in South Africa".

"His presence in this position not only adds great lustre to the university but marks an important milestone on the road to liberation"

Tambo graduated from Fort Hare with a BSc in 1941 While studying for a diploma in education the following year he was expelled along with Nelson Mandela for taking part in a student boycott

He has honorary Doctor of Law degrees from the Jawaharlal Nehru University of New Delhi, the University of Atlanta and the University of the West Indies He also has an honorary Master of Education degree from Cambridge college in the US

Tambo will be formally installed as chancellor on October 19 – Veritas

Medunsa's plight 'desperate'

By SOPHIE TEMA C/P News 24/3/91

A MEDUNSA Staff Association (MSA) delegation and students marched to the Union Buildings in Pretoria this week and submitted a memorandum describing the financial plight of the university as "desperate."

The MSA said it deplored the plan to close the veterinary science faculty.

They stressed the need for veterinary education and said the faculty's valuable role in the community should be recognised.

The memorandum, addressed to the State President, said other faculties also did not have enough money, and were not meeting the needs of the community by providing enough qualified doctors, dentists and veterinarians.

The memorandum complained of:

- Inadequate funding for academic programmes at undergraduate level;
- Inadequate funding for academics to attend congresses, seminars, symposiums, and educational programmes;
- Inadequate financial support for meaningful research; and
- Deteriorating audio-visual support and library resources.

The MSA highlighted the poor image of the university, and said this did not encourage financial support.

Resignations of highly-qualified, enthusiastic staff were a matter of great concern as the university failed to attract properly qualified replacements.

Professionals take a new approach

B/Day 27/3/91 (248) (32)

Reports by
CHARLOTTE MATHEWS

THE TOUGH economic climate and increasing competition are forcing property professionals, such as architects and quantity surveyors, to re-examine their traditional roles.

Traditionally the professionals waited for clients to come to them — until recently they were not allowed to advertise their services at all — and performed the work they were commissioned to do

Now many firms and individuals are actively seeking work They find land, design a suitable development and sometimes even find the tenants Then they go to the institutions with a feasible scheme. Some firms will even finance and complete the development and then sell it on to the institution.

"I think this is happening because there are relatively few big developers in a very large industry," architects Stucke Harrison director Dave Robertson says

"Profit margins on property get smaller in an economic downturn, and only large institutions can afford to carry the lower initial yields These institutions are inundated with applications from professional firms to do their developments for them

"Between Party A, who only wants to do the project, and Party B, who has already secured the land and the tenants, Party B is more likely to get the commission."

Robertson emphasised that this trend was occurring in speculative commercial property developments. Corporate head offices, universities and similar schemes still needed professionals as before

Stucke Harrison, among other practices, has a separate property company called Stucke Harrison Projects

Quantity surveyors Norval Wentzel senior partner Louis Norval says he is leaving the firm to head a property development company, Parkdev, because of the conflict he perceives between the traditional role of the professional and the entrepreneurial role

"You have to be either a professional or a developer," he says "You cannot be both The professional has insider knowledge into the developer's way of operating. You get to the stage where you are in conflict with your clients"

One of the first professionals to start his own property development company is Office Accommodation Investments (OAI) chairman Konstant Bruinette, former head of consulting engineers Bruinette Kruger Stoffberg

"Infrastructural development in SA is far advanced," he says. "There is not the same need for the old professionals in the new SA as in the past and this is why people are leaving the professions You can see this in falling enrolments at universities."

On the developers' side, Retail International chairman Joe Bentel agreed that professionals would find a conflict between the old and new approaches.

"They may have to sacrifice the letting fees, the development fees and some of the other fees that go to the developers just to get the architectural project off the ground I imagine they would find themselves in an invidious position"

Retail Property Projects MD Mike Crawford, however, sees no problems in the more "pro-active" approach of professional firms

"It justifies our employing them," he says simply

HOUSE OF REPRESENTATIVES

QUESTIONS

†Indicates translated version

For written reply

General Affairs

Law students, departmental bursaries

7 Mr P R E DA GAMA asked the Minister of Justice

(a) How many (i) Blacks, (ii) Coloureds and (iii) Indians are studying law with the aid of departmental bursaries and (b) in respect of what date is this information furnished?

C42E

The MINISTER OF JUSTICE

(a) (i) LLB part-time 2
B Iuris (through Justice-College) 5
B Iurus part-time 49
Diploma Iuris part-time 7

(ii) LLB part-time 4
B Iuris (through Justice-College) 3
B Iurus part-time 4
Diploma Iuris part-time 3

(iii) B Iuris (though Justice-College) 2
B Iuris part-time 8
Diploma Iuris 1

(b) Information is furnished for the 1991 academic year

Own Affairs

Administration: buildings used

6 Mr W J DIETRICH asked the Minister of Housing †

(1) (a) How many office complexes and other buildings, excluding clinics, are currently being used by the Administration House of Representatives in George, Port Elizabeth, East London and Middelburg (Cape), respectively, (b) to what extent is the above-mentioned accommodation being used, (c) (i) what is the current rental per month for each of these buildings and (ii) at what percentage does it escalate, (d) since what date have these buildings been rented, (e) what type of floor cover does each of these buildings have, (f) which of these buildings are provided with air-conditioning, (g) who are the present owners of each of these buildings and (h) in what way was the office accommodation obtained,

(2) whether each of these buildings has sufficient parking spaces, if so, to what extent are they being used,

(3) (a) what amount is paid per month for parking spaces for each building and (b) (i) what amount in rental per month in respect of parking spaces is charged at each of these buildings and (ii) in what way,

(4) whether the Administration has disposed of unused parking spaces, if so, (a) at which buildings, (b) as from what date, (c) for how long were they unused and (d) (i) how much was paid per month for these unused parking spaces and (ii) why?

C27E

The MINISTER OF HOUSING

(1) (a) George One
Port Elizabeth Four
East London One
Middelburg (Cape) One

(b) Average 98%

(c) (i) + (ii) George

(a) Rentzburg Court R57 200,06 per month, escalation 9%

(i) + (ii) Port Elizabeth

(a) Elizabeth House R87 621,41 per month, escalation 10%

(b) Noma House R4 235,00 per month, escalation 10%

(c) Edufin Building R52 937,50 per month, escalation 10%

(d) Bridgeway House R58 225,00 per month Market related adjustment every two (2) years

(i) + (ii) East London

(a) Deals House R37 189,81 per month, escalation 10%

(i) + (ii) Middelburg (Cape)

(a) Educof Building R7 682,70 per month, escalation 9%

(d) Rentzburg Court 1 September 1987
Elizabeth House 1 December 1985
Noma House 1 July 1988
Edufin Building 1 July 1988
Bridgeway House 1 October 1988
Deals House 3 December 1987
Educof Building, 8 June 1987

(e) Rentzburg Court Carpeted and tiled (vinyl)
Elizabeth House Carpeted and tiled (vinyl)
Noma House Carpeted and tiled (vinyl)
Edufin Building Carpeted and tiled (vinyl)
Bridgeway House Carpeted and tiled (vinyl)
Deals House Carpeted and tiled (vinyl)
Educof Building Carpeted and tiled (vinyl)

(f) Elizabeth House 8 offices
Noma House 4 offices
Educof Building 2 offices

(g) Rentzburg Court Mr L Janse van Rensburg
Elizabeth House Puddler Investments
Noma House Noma Investments
Edufin Building Corfou Investments
Bridgeway House Kapbro Industrial Complex
Deals House Gorfill Brothers Investments
Educof Building K A Beherend

(h) Consideration of proposals and the invitation of tenders

(2) Yes for government vehicles and private motor vehicles of staff in accordance with laid down instructions

(3) (a) Tariffs in respect of parking areas are not separately specified in all lease agreements

(b) (i) Indoor parking R10,00 per month and open parking R2,00 per month as determined by the Department of Finance

(ii) Per stop-order

(4) Yes

(a) Port Elizabeth, Bridgeway House

(b) 1 July 1990

(c) Nineteen months

(d) (i) R3 000,00 per month

(ii) It was in accordance with the conditions of the lease agreement

Academic boycott 'still intact'

By Noel Bruyns (248)

THE academic boycott against South Africa is still intact, despite the fact that academics and experts from numerous overseas countries gathered at two major conferences in the Western Cape this week

A senior ANC official said this week that the boycott had always been against "racist South Africa, not democratic South Africa"

Thirty American lawyers attended a three-day conference on "Constitution-making in South Africa" organised by the National Association of Democratic Lawyers and the Community Law Centre of the University of the Western Cape on the UWC campus in Bellville.

At a five-star hotel in Somerset West outside Cape Town, about 150 international and local economic experts and academics held a four-day conference on economic policy and development in sub-Saharan Africa It was hosted by the University of the Witwatersrand

ANC NEC member Mr Aziz Pahad told SOUTH the overseas' visitors were not breaking the academic boycott as the ANC had in 1987 made a policy decision indicating that the campaign was "against racist South Africa, not democratic South Africa". South 28/3 - 3/4/91

"With the growth of the democratic forces in the late 80s, we called on the international community to continue to support nonracial South Africa."

One of the ways it did this was through international conferences overseas after consultation with the liberation movement.

"Now that all our organisations are unbanned, it would be silly to continue to have discussions overseas," Pahad said.

● **Rehana Rossouw** reports that the 30 American lawyers who attended the UWC conference see the visit as adding impetus to the sanctions debate.

Conference delegate Mr Lee Halterman, district counsel to US Representative Mr Ronald Dellums who drafted the comprehensive sanctions bill, said their trip to South Africa would "invigorate" US anti-apartheid organisations.

"For the first time, we have seen apartheid in its physical context. We have seen the disparities of resources in this country that we have only conceptualised before," Halterman said.

"It made me angry, witnessing the real pain and misery in people's lives, the human tragedy of the apartheid system "

He said their report back to anti-apartheid groups would spur them on to "remove the stain on their conscience" of US involvement in South Africa.

ANC constitutional committee member Mr Zola Skweyiya said the invitation to the US jurists stemmed from a long existing relationship with democratic forces in that country.

Bill will tighten business ethics, say accountants

B/Day 2/4/91

BRENT VON MELVILLE

THE Public Accountants and Auditors Bill, tabled in Parliament on Thursday by Finance Minister Barend du Plessis, is a significant step towards tightening up business principles in SA, accountants say.

Of several chartered accountants polled yesterday, all agreed the Bill would enable stricter control over the profession and inject it more into the roll of "watchdog" over SA ethics business practice.

Association of Black Accountants of Southern Africa (Abasa) executive director Mashudo Ramano said yesterday: "The Bill will address the issue of the deteriorating — and in some ways, the abysmal state of — business ethics in SA in the wake of many scandals that have rocked the SA business community." (248)

One of the most significant proposals of the Bill, which replaces the original Public Accountants' and Auditor's Act of 1951, is the power of the Public Accountant's and Auditors' Board (PAAB) to "take control or appoint a person to take control of the practice of any accountant and auditor in circumstances which the board deems to be in the public interest".

Ramano said it would be difficult to enforce the provision. It was difficult to see how practicable it would be for the board to take over control of accounting or auditing firms.

"In addition, the phrase 'the public interest' is too vague as to leave the whole exercise open to the very corruption that it is intended to address" he said.

Another important proposal of the Bill is that the procedures on reporting of material irregularities be expanded, allowing the board to disclose information to various government officials, creditors, the JSE and shareholders.

Academics dance on the grave of a dying boycott

(248) S/Times 7/4/91.

THE SUNDAY ASSESSMENT
By CAS St LEGER

THE academic boycott of South Africa is all but over

Officially, it is still in place Officially, too, the African National Congress wants men of learning in the country to aid its democratic process

"The most important point is, we have reached this position where we do want people to come," says the ANC's arts and culture spokesman, Wally Serote

"They assist us in building democratic non-racial structures"

The boycott continues — but exceptions are being made.

The head of Wits University's economics department, Professor Merton Dagut, said the ANC had been "exceptionally helpful" in assisting with the Wits Economics Initiatives conference on economic policy, which was held in Somerset West before Easter and attracted international academics

"We put together something that was looking to the new set of arrangements in South Africa and the ANC regarded that conference as exempt from the boycott," he said

"Anyone who is doing something academically that is looking into South Africa's future is likely to get the same response we did."

The dire predictions Professor Phillip Tobias advanced in 1986, when he was head of Wits University's anatomy department, that, should international cultural boycotts succeed, their proponents would dig the graves of South Africa's universities, have not come about. Even at its height in the 80s, the boycott was far from total

Today, Professor Tobias says: "Any diluting of the boycott stance is greatly to be welcomed and I look forward to its total removal."

For 45 years, he has fought for the free exchange of scientific knowledge and scientists

"I was always unhappy about the choice of an academic boycott as a strategy to force Pretoria to its knees

Unhealthy

"My great concern was that if this were kept up for a number of years it would undoubtedly lead to a serious decline in the standards of South African research Bright young men and women anxious to trade their ideas and research results would not have stayed in South Africa," he said

"I feared South African universities and other research bodies would become run-down and that our legacy to post apartheid South Africa would be a series of third-rate institutions"

At best, the boycott has been undignified, even silly

The *cause celebre* is that of Professor Tobias In 1986, he was due to attend the World Archaeological Congress in England with a party of 26 prehistorians. They were banned from attending. The International Union of Prehistoric and Protohistoric Sciences withdrew its recognition of the English conference and changed the venue to Frankfurt. South Africans attended.

Another much-publicised case occurred the same year at Cape Town University, where Irish academic and former Observer editor, Conor Cruise O'Brien, cut short his lecture tour — arranged in defiance of the anti-apartheid ban on academics accepting teaching posts in South Africa — after students and staff protested against his presence on campus. Neither did he appear at Wits, where students threatened violence

"The isolation has been partial only," says Wits vice-chancellor Professor Robert Charlton.

Desirable

"Our academics have not had problems attending conferences or visiting universities — with a few notable exceptions

"Where it did hurt us was that overseas academics were unwilling to come to South Africa. Whereas 20 years ago, a quarter of our staff would have been from other countries, the figure is now very much smaller That has meant an unhealthy degree of academic inbreeding

"Now we are receiving applications for employment from all parts of the world. There is a perceptible change in the trend."

Cape Town University's deputy vice-chancellor, Professor James Leatt, says "I am delighted the ANC has taken the view it has The boycott certainly cut back on the exchange of international scholars and ideas"

Overseas academics are showing increasing interest in attending the university, he says

"The boycott has clearly receded For example, the Fulbright Scholarship scheme has been re-opened."

Rhodes University in Grahamstown has felt little isolation, says vice-chancellor Dr Derek Henderson

"The major universities like Oxford and Cambridge set their face against the boycott They have taken the view that exchange of personnel and views would contribute to desirable change in South Africa"

QUESTIONS

†Indicates translated version

For written reply

General Affairs

Natal. facilities for Aids patients

7 Mr M RAJAB asked the Minister of National Health Hansard 9/4/91

Whether any facilities are available in provincial hospitals in Natal for the (a) treatment, (b) counselling and (c) monitoring of Aids patients, if not, why not, if so, (i) what facilities, and (ii) at which hospitals, in each case?

D41E

The MINISTER OF NATIONAL HEALTH

As for any medical condition the full facilities at all Provincial Hospitals in Natal are available to Aids patients with regard to treatment, counselling and monitoring

Own Affairs

Brickfield constituency: rent-controlled premises

15 Mr M RAJAB asked the Minister of Housing

(1) How many rent-controlled premises were there in the Brickfield constituency as at 31 December 1990,

(2) whether any such premises have been [illegible] and (b) when in each case,

(3) whether he will make a statement on the matter?

D40E

The MINISTER OF HOUSING

(1) Unknown, as there are no separate records of rent-controlled premises in respect of a particular area

(2) Falls away

(3) No

Lenasia South: homes for lower-income categories

16 Mr D K PADIACHEY asked the Minister of Housing Hansard 9/4/91.

(1) Whether his Department intends building homes in Lenasia South, Extension 14, for persons falling within lower-income categories, if not, why not, if so, (a) how many are to be built, (b) when are building operations expected to (i) commence and (ii) be completed and (c) for what income categories are these homes intended,

(2) whether he will make a statement on the matter?

D73E

The MINISTER OF HOUSING

(1) No There is no Extension 14 in Lenasia South at the moment

(a) Falls away

(b) Falls away

(i) Falls away

(ii) Falls away

(c) Falls away

(2) No

HOUSE OF ASSEMBLY

QUESTIONS

†Indicates translated version

For written reply

General Affairs

UWC: early retirement

116 Mr J VAN ECK asked the Minister of Finance † Hansard 10/4/91

(1) Whether, since 1984, any staff members attached to the University of the Western Cape have retired on early pension in terms of section 20(1) of the General Pensions Act, No 29 of 1979, if so, (a) (i) what are the names of the persons concerned and (ii) what position did each hold at this university at the time of his/her retirement and (b) (i) what payment was made to each applicant in respect of (aa) gratuity and (bb) pension and (ii) on what dates were these payments made,

(2) whether all these persons qualified for pension benefits in terms of section 20(2) of the said Act, if not, what are the relevant details,

(3) whether the University of the Western Cape was asked to comment on the reasons furnished by the persons who had applied for early retirement in terms of section 20(1) of the said Act, if not, (a) why not and (b) what procedure was followed to determine the validity of the above-mentioned reasons,

(4) whether the amounts paid out were recovered from the budget of the University of the Western Cape, if not, (a) why not and (b) from what Government Department or fund were these amounts recovered, if so,

(5) whether the said university was notified of it, if not, why not, if so, (a) in what way and (b) when?

B331E

The MINISTER OF FINANCE

(1) Yes

(a) (i)	*(a) (ii)*
Prof P P Kirstein	Unknown
Mr J H C Stassen	Unkown
Mr H J Pienaar	Registrar
Prof P J Smith	Prof Semitics
Mr N K Prins	Instrument Maker
Prof A D J van Rensburg	Dean Faculty of Law
Mr A PS de Kock	Librarian
Mr A J P J van Rensburg	Asst Registrar Academic
Mr E J van Zyl	Sen Lecturer Psychology
Prof N M du Plessis	Prof Applied Mathematics
Prof T J Roos	Prof Geography
Mr J M Payley	Sen Lecturer Law
Mrs C E du Plessis	Sen Lecturer Statistics
Mr M B de Kock	Horticulturist
Mrs C J Strutt	Home Economist
Mr G D Bekker	Deputy Librarian
Mr F H Boot	Sen Lecturer Anthropology
Mr G E Burger	Sen Lecturer Mathematics
Prof W P Basson	Assoc Prof Dept Latin
Mr C Horne	Technical Foreman

(248)

(b) (i) In view of the fact that the pension benefits and salaries of officials are regarded as a private matter, it it not deemed appropriate to publish such information

(2) Yes

(3) No

(a) Applications, as in the above cases, are only considered after the termination of services of those concerned —that is subsequent to their having severed connections with the employer body

(b) A police report was obtained in respect of the circumstances to which the personnel were subjected The responsible Minister (Minister of

Education and Culture in the House of Representatives) was also consulted in each case—in accordance with section 20(5)(a) of the Act

(4) No Hansard 10/4/91

(a) The university was unwilling to bear the costs (248)

(b) Administration House of Representatives

(5) No Arrangements for the recovery of the costs were concluded with the responsible Department

(a) and (b) Fall away

Aids education programme

169 Mr M J ELLIS asked the Minister of National Education

(1) Whether his Department is involved in drawing up an Aids education programme for use in schools in South Africa, if not, why not, if so, (a) in which categories of education will this programme be used, (b) who will be expected to present it and (c) who is responsible for drawing up this programme, Hansard 10/4/91

(2) whether it will be compulsory to use this programme in the categories referred to above, if not, why not? B450E

The MINISTER OF NATIONAL EDUCATION

(1) Existing general policy concerning norms and standards for syllabuses, examination and certification in pre-tertiary education is currently being revised At this stage it is not foreseen that the policy will extend to the level of specific guidance programmes In all possibility, only certain themes regarding guidance will be indicated This means, therefore, that the development of specific programmes will be in the hands of the various Ministers of departments of State responsible for education and that the Department of National Education will not be involved

(a) Falls away

(b) Falls away

(c) Falls away

(2) Falls away

Persons gainfully employed

200 Mr P H P GASTROW asked the Minister of Home Affairs

What percentage of gainfully employed (a) Whites, (b) Coloureds, (c) Indians and (d) Blacks were (i) directly and (ii) indirectly in State employ in the Republic as at 31 December 1990? Hansard 10/4/91 B521E

The MINISTER OF HOME AFFAIRS

	(a)	(b)	(c)	(d)
(i)*	23,6	13,0	10,6	6,3
(ii)**	9,2	4,8	3,5	6,2

* Represents — Central Government
— Provincial Administrations
— Government Trade Establishments

** Represents — Civil Services of the Self-governing Territories
— Local Authorities
— Parastatal Institutions
— Universities and Technikons
— Agricultural Marketing Boards
— Public Corporations

NOTE

1 The number of gainfully employed persons is estimated on basis of the midyear estimate of the economically active population, the number of unemployed persons and the ratio of self-employed persons according to the 1980 Population Census

2 The information furnished is as at 30 September 1990 as the results of the survey for the quarter ending 31 December 1990 are not yet available

Outstanding telephone applications

212 Mr R R HULLEY asked the Minister of Mineral and Energy Affairs and Public Enterprises

What was the total number of outstanding telephone applications in the area reserved for (a) White and (b) Black occupation in each specified major urban area of the Republic as at the latest specified date for which information is available? B560E

The MINISTER OF PUBLIC ENTERPRISES AND ECONOMIC CO-ORDINATION

The position as at 28 February 1991 was as follows

	(a)	(b)
Cape Peninsula	682	1 982
Port Elizabeth	48	2 081
East London	70	70
Uitenhage/Despatch	13	751
Central Johannesburg	1 036	0
East Rand	2 715	12 132
North Rand	2 359	1 891
West Rand	406	2 444
Pretoria	1 925	3 299
Vaal Triangle	948	5 603
Bloemfontein	81	558
Welkom	164	942
Kimberley	120	349
Durban	1 071	4 829
Pietermaritzburg	125	1 637

PE area: technikons

225 Mr E W TRENT asked the Minister of National Education Hansard 10/4/91

(1) (a) How many technikons for (i) Whites, (ii) Blacks, (iii) Coloureds and (iv) Indians are there in the Port Elizabeth area and (b) in respect of what date is this information furnished,

(2) what was the (a) capacity of and (b) enrolment at each such technikon as at the latest specfied date in 1991 for which information is available,

(3) whether there are any plans to build further technikons in the area, if not, why not, if so, (a) when, (b) where and (c) who will be allowed to attend these technikons,

(4) how many students were refused admission to technikons in the Port Elizabeth area in 1991 on the basis of a lack of adequate accommodation? B590E

The MINISTER OF NATIONAL EDUCATION

(1) (a) The Port Elizabeth Technikon is the only technikon which serves the Port Elizabeth area Students of all population groups are registered at this technikon which falls under the Department of Education and Culture, Administration House of Assembly

(b) 1991 Hansard 10/4/91

(2) (a) 3 000

(b) 4 400

(3) The Department of National Education does not initiate the planning and building of technikons The State Departments responsible for education should be approached in this regard

(4) This information is not available from the Department of National Education

Unemployment Insurance Fund

243 Mr P H P GASTROW asked the Minister of Manpower Hansard 10/4/91

(1) What was the balance of the Unemployment Insurance Fund at the end of 1990,

(2) (a) what was the total amount (i) paid into the fund by State employers and employees and (ii) paid out in benefits in that year and (b) to how many applicants were benefits paid,

(3) (a) what is the present average rate of interest received by the Fund and (b) what amount was paid from the Fund in 1990 in respect of administration costs,

(4) (a) what total amount in unclaimed money is held in the Fund and (b) how many persons are involved in this amount,

(5) how many employers were registered with the Unemployment Insurance Fund as at 31 December 1990? B631E

The MINISTER OF MANPOWER

(1) R1 194 000 276 (reserves)

(2) (a) (i) R80 278 453

(ii) R854 820 705

(b) 570 102*

(3) (a) 14,78%

(b) R41 757 077 (depreciation excluded)

(4) (a) Not available

(b) Not available

(5) 167 856

How to break the advocates' monopoly

S/Times 14/4/91 (248) (WS2)

ERROL PRICE reports that attorneys want a radical reform of the legal profession

THE extraordinarily high cost of litigation in South Africa has become a matter of public concern.

As part of a postgraduate study programme at the University of the Witwatersrand Business School, I helped conduct a nationwide survey on the issue among a sample of practising attorneys

The findings reveal a pervasive disquiet among attorneys with the structure of the profession in general and advocates' fees in particular.

Sixty-eight percent of the attorneys surveyed felt that the fees charged by junior advocates were excessive and an extraordinary 88 percent thought the fees charged by senior advocates were too high

The perception was that monopolistic conditions in the market for legal services — created by an artificial restriction on who may perform specific types of work — allow prices to be pushed to abnormal levels

This proposition is confirmed by the fact that 67 percent of the attorneys in the survey said they could charge lower fees than those at present charged by advocates if granted the right to appear in the Supreme Court.

Only 22 percent thought attorneys would not charge lower fees and 11 percent were uncertain

It is not only fees for court appearances which appear to be abnormally high.

Attorneys charge an average hourly consultation fee of R194, junior counsel (advocates) R297 and senior counsel R576, or nearly three times the fee charged by the average attorney.

The cumulative effect of all fees levied in litigation is simply that many potential litigants are unable to make use of legal services — certainly where appearances in the Supreme Court might be required.

An overwhelming preponderance of the attorneys surveyed were convinced that many individuals and small companies could not afford to litigate

Altogether, 74 percent of the attorneys believed a divided legal profession was more costly to the consumer than a unified profession might be

There are two strategies for tackling this problem

Tariffs for many more classes of legal work could be introduced, and there could be a radical reorganisation of the profession.

Here a number of possibilities may exist. granting attorneys full right of audience in the Supreme Court in competition with advocates (68 percent of attorneys support this), allowing advocates to form partnerships with firms of attorneys (85 percent in favour) and outright elimination of all distinctions within the profession (60 percent support this)

Academics pushing for an end to boycott

PATRICK BULGER

AN ANC-aligned organisation representing 5 000 academics at SA universities is pushing for an end to the academic boycott

The move is expected to accelerate the demise of SA's academic isolation and to initiate a major international effort to boost the country's tertiary education

It is also likely to cause tension between left-wing academics and the ANC, which officially still supports SA's isolation

An ANC spokesman said yesterday the body wanted to discuss the issue with the academics, who are organised under the umbrella of the Union of Democratic University Staff Associations (Udusa).

The spokesman said the isolation policy would be discussed at the ANC's national conference in July In principle, however, the ANC still supported the boycott

The academics have told the ANC of their stand

The boycott became prominent in 1986 when students drove Irish academic Conor Cruise O'Brien off the UCT campus

Since then international academic links have been scaled down, with visiting academics required to obtain clearance from the ANC and Udusa

Udusa, which has consistently aligned itself with efforts to end apartheid through isolation, is expected to decide in favour of an end to the boycott at its congress in June

Its national executive committee recently adopted a resolution recommending a review of the boycott, which will be discussed at the congress

The resolution reads. "The committee

☐ To Page 2

B/Day 25/4/91

Academics

B/Day 25/4/91

☐ From Page 1

resolves to recommend that congress reviews our policy on the academic boycott in the light of national and international circumstances that gave rise to the boycott . in order to fundamentally shift the emphasis in our policy away from isolation towards requesting major international support from universities, academics and other appropriate bodies to assist the progressive constituencies in the universities in their struggle to grapple with the problems of the transformation of the tertiary education sphere in SA"

Although Udusa does not have the final say over the academic boycott, adoption of the resolution would go a long way towards ending the boycott

Wits to appoint 13 students to senate, council

Political Correspondent

The University of the Witwatersrand is set to appoint 13 students to its highest controlling bodies Enabling legislation proposed by Democratic Party leader Dr Zach de Beer was passed by the House of Assembly last night

The University of the Witwatersrand, Johannesburg, Amendment Bill will change the university constitution to allow the Students' Representative Council to appoint three students to the Wits council A further 10 may be appointed to the senate, eight by the SRC and two by graduates.

The powers of the senate and council will be widened The senate would, for instance, be able to cancel the registration of students who failed their first term Star 25/4/91

DP education spokesman Roger Burrows said there would be three students out of 40 on the council and 10 out of 220 in the senate Six similar Bills would be coming up from other universities, he added.

The Conservative Party opposed the Bill. It believed students were not mature enough to make decisions about the fate of the university, indirectly elected MP Daan van der Merwe said

Lawyers plan human rights programme for public

Sowetan 20/4/91 (248)

THE National Directorate of the Lawyers for Human Rights is to establish a public-oriented Human Rights Education Programme, to be formally launched later this year.

A spokesman said their experience in servicing the public on human rights matters showed that there was a general need for human rights awareness. The absence of a human rights consciousness is evident both in the private and public sectors of the population

He said a draft Human Rights Education curriculum has been sent to various organisations and individuals for critique and comment.

The LHR Education campaign, he said, is intended among others, to make a contribution in addressing three important areas in the transition towards a non-racial democratic South Africa. These are:

* To facilitate grassroots or mass participation in the transition to a democratic South Africa. Concepts such as Bill of Rights, Constitution, Socio-Economic Rights and others, must be clearly understood. This awareness campaign will create an informed constituency from which leadership will draw mandates, in the course of negotiations for a future South Africa.

Transformation

* South Africa needs a transformation from culture of violence to a "rights conscious culture" The Human Rights Education Programme is intended to facilitate this transformation by promoting alternative conflict-resolution mechanisms such as arbitration and mediation

* Human rights have to be enjoyed and respected by all, including those empowered by law to enforce their protection. The public has an interest in ensuring that a human rights ethic is contained in the curricula of the training of law enforcement agents. These Human rights education materials will be helpful in this regard.

The spokesman said the draft curriculum is based on local and international human rights instruments. He said an attempt has been made to prepare the materials in a simplified form.

"The assistance of Nicel, a street law centre at the Georgetown University, and the Centre for Socio Legal Studies at the University of Natal has been helpful in this regard.

"In developing the content of the materials, we deemed it necessary to involve all sectors of the community, mainly the grassroots We are convinced that the subject of human rights education is not the exclusive domain of experts," he said.

Albie Sachs thrilled troubleshooters at UCT

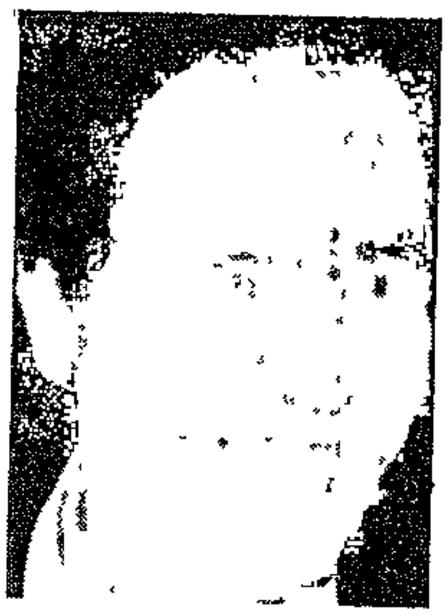
By EVELYN HOLTZHAUSEN

TOP ANC member Albie Sachs, appointed an honorary professor in the department of Public Law at the University of Cape Town, said this week he was "thrilled" to be back at his old university

Professor Sachs, 56, who graduated from UCT, said yesterday "It has a lively law faculty, and I'm going to enjoy being able to feed into it and take out of it."

He lost an arm in a car-bomb attempt on his life in Mozambique in 1988.

Prof Sachs said it was "not relevant" whether or not he was or had been a member of the South African Communist Party.



ALBIE SACHS
Lost arm in bomb attack

Influence

(248)

"I do hold strong political beliefs and, of course, they will influence my attitude towards my work at UCT, but only within the parameters of accepted academic discourse."

He added it was up to the appointing authority, not him, to decide whether an appointment was appropriate.

Prof Sachs is a leading academic lawyer on the ANC's constitutional committee which, among other research, is trying to define a Bill of Rights for SA.

He is attached to three SA universities and has close links with universities in the US and Britain.

He was recently awarded an honorary professorship at the University of the Western Cape and is involved at the Centre for Legal Studies at the University of the Witwatersrand

"I see myself as a bee spreading intellectual pollen," he said, confirming that the UCT appointment is for nine years.

UCT registar Hugh Amoore said the university was satisfied that Prof Sachs's well-known and close affiliation to the ANC would not compromise recognised academic standards of objectivity at the university or in the faculty of law

Mr Amoore said Prof Sachs was not the first honorary appointment of an academic who was known to hold strong political affiliations

He said in the '50s and '60s Prof Jack Simons in the department of comparative African government and law was politically very outspoken, but his academic ability had never been questioned

Dean of the faculty of law at UCT, Prof Dirk Van Zyl Smit, said he was "satisfied" that Prof Sachs would make a major contribution to the faculty.

S/Times 28/4/91

Milestone

Prof Sachs is a strong campaigner for human rights, whose published doctoral thesis on justice in SA is regarded as a milestone work for its comprehensive view of the workings of South African courts

He said he would give occasional lectures to students, but his primary focus would be on an "intellectual level" and in research in the area of constitutional law

Dutch varsities want ties renewed

S/Times 28/4/91

(248)

ACADEMIC BOYCOTT IGNORED

By ISABEL CONWAY: The Hague

LINKS between Dutch and South African universities, severed by the academic boycott 15 years ago, are now being re-established.

Three Dutch universities have already pledged support for the University of the Western Cape and plans are afoot to help other educational institutions in South Africa.

Despite the continued existence of the academic boycott, the Free University of Amsterdam, the University of Amsterdam and the University of Utrecht have offered help in the form of funding and manpower expertise.

An Amsterdam University spokesman said it was waiting for permission from the Dutch Education Ministry before plans could be finalised

Some areas of co-operation pledged are a computer-based research faculty on dialects, a women's studies programme, an up-to-date geology centre and a schools-based experiment to improve standards in science subjects.

The spokesman said: "We feel more than one university in South Africa should be involved in this new era of co-operation

"But we are treading carefully and will only choose those acceptable to Dutch anti-apartheid organisations."

Links that the Free University of Amsterdam had established with South Africa ended in 1976 after it had enjoyed a long association with Potchefstroom University.

Dialects

Heimo Heringa, head of the International Co-operation Department at the Free University, said: "We had close ties, especially those regarding language and theology.

"However, we could not accept their stand on apartheid and turned our attention to other southern African countries where we now have working programmes."

Dutch educationists believe the time is right to re-establish contacts and several missions will visit South Africa this year.

They hope to establish a programme with the UWC which will raise basic science standards in schools, ensuring a lower failure rate at university levels.

A graduate course in Afrikaans dialects will also be initiated. Several lecturers in earth sciences are also being sent to South Africa to help re-organise existing courses

Fading

The Dutch believe the UWC geology department is outdated and in need of drastic overhauling.

The University of Utrecht is devoting its entire anti-apartheid budget to a co-operation programme with UWC this year

Spokesman Henk Van Rinsum said· "We believe the academic boycott is fading although it is formally still there. But selective support is certainly possible."

An exchange of lecturers in the arts faculties, including language and theatre, is part of a three-year plan drawn up with UWC vice-chancellor Jakes Gerwel.

Schools in Cape Province: closure

*3 Mr K M ANDREW asked the Minister of Education and Culture

(1) Whether any schools in the Cape Province have been advised that they will or may be closed in 1991, if so, (a) which schools, (b) when will final decisions be made and (c) what is the maximum number of pupils these schools could accommodate, Hansard 30/4/91

(2) whether his Department has made a projection of the effect the adoption of one of the new models and the admission of children of other races will have on the closure of these schools, if not, why not, if so, with what result?

B869E

†The MINISTER OF EDUCATION AND CULTURE

(1) Yes,

(a) and (b) since the matter is still under consideration and talks with the interested parties are still taking place, the information is not available at present,

(c) approximately 2 800,

(2) when a school decides to adopt a new model the influence that it may have on the existing as well as the potential pupil numbers of the school, is taken into account

Social old-age pensions: backlog

*4 Mr K M ANDREW asked the Minister of Welfare, Housing and Works

Whether there is any backlog in the handling of (a) new applications and (b) queries in respect of social old-age pensions, if so, (i) why, (ii) what is the extent of the backlog and (iii) what steps are being taken to remedy the position? Hansard 30/4/91

B870E

The MINISTER OF WELFARE, HOUSING AND WORKS

(a) Yes

(b) Yes

(i) More than 50% of the present personnel corps have less than 12 months experience and are still being trained Hansard 30/4/91

(ii) Should no additional applications or queries be received, it would be possible to eliminate the exsisting backlog within three months

(iii) (a) Staff training receives preferential attention

(b) New and additional computer equipment is currently being installed to expedite the processing of cases

(c) New applications and urgent queries are screened and where possible dealt with immediately

(d) Everything possible is being done to expedite the decentralisation of social pensions and grants to the various regions

Educational institutions fully financed

*5 Mr R M BURROWS asked the Minister of Education and Culture

With reference to his reply to Question No 1 on 9 April 1991, what are the names of the educational institutions that are fully financed by his Department and have fewer than 50% plus 1 registered White pupils or students? Hansard 30/4/91

B874E

†The MINISTER OF EDUCATION AND CULTURE 30/4/91

I do not consider it to be in the interests of the educational institution concerned, or education in general to divulge the name

For written reply

General Affairs

State pension fund: money

217 Mr B B GOODALL asked the Minister of Finance Hansard 30/4/91

(a) What amount of money is there in each specified State pension fund, (b) what percentage of each pension contribution is made by the (i) individual and (ii) State and (c) in respect of what date is this information furnished?

B568E

The MINISTER OF FINANCE

(a) Government Service Pension Fund R23 324 979 002
Associated Institutions Pension Fund R3 884 883 056
Temporary Employees Pension Fund R2 545 815 899
Associated Institutions Provident Fund R9 738 360
Pension Fund for Persons in Authorities' Service R2 495 327 481
Superannuation Fund for Persons in Authorities' Service R119 975 020

(b) (i) Government Service Pension Fund 26,68
Associated Institutions Pension Fund 32,89
Temporary Employees Pension Fund 33,33
Associated Institutions Provident Fund 40,00
Pension Fund for Persons in Authorities' Service 32,89
Superannuation Fund for Persons in Authorities' Service 43,48

(ii) Government Service Pension Fund 73,32
Associated Institutions Pension Fund 67,11
Temporary Employees Pension Fund 66,67
Associated Institutions Provident Fund 60,00
Pension Fund for Persons in Authorities' Service 67,11
Superannuation Fund for Persons in Authorities' Service 56,52

Hansard 30/4/91

(c) 31 March 1990

State pension schemes

218 Mr B B GOODALL asked the Minister of Finance Hansard 30/4/91

(a) How many State pension schemes were there as at the latest specified date for which information is available, (b) what are their names and (c) what was the (i) State's contribution in respect of, and (ii) total value of the assets held by, each of these schemes as at that date?

B569E

The MINISTER OF FINANCE

(a) Three as at 28 February 1991

(b) Members of Parliament and Political Office-bearers Pension Scheme

Members of Statutory Bodies Pension Scheme Hansard

Military Pension Scheme 30/4/91

(c) As benefits payable by the schemes are financed from the State Revenue Fund, no employer contributions are made by the State The amounts mentioned hereafter therefore represent the total expenditure of the benefits paid out of Revenue 1989/90 financial year

(i) Pension Scheme for Members of Parliament and Political Office-bearers R46 921 229

Pension Scheme for members of Statutory Bodies R492 992

Military Pension Scheme R50 708 339

(ii) Nil

University of the North: White staff

232 Dr W J BOTHA asked the Minister of Education and Training † (248)

(1) Whether the State has at any time since the establishment of the University of the North given any oral and/or written assurances in respect of job security to the White staff of this university, if so, (a) when and (b) what did the assurances comprise, Hansard

(2) whether these assurances still apply, if not, (a) when and (b) why did the assurances fall away, if so, 30/4/91

(3) whether he will make a statement on these assurances,

(4) whether the staff of this university have been informed that the assurances have fallen away, if so, (a) in what way and (b) when, if not, why not?

B619E

The MINISTER OF EDUCATION AND TRAINING

(1) Yes

(a) 1968 and 1973

(b) No White member of staff with a permanent appointment would be compelled to work under a Black person In the case where Black members of staff would be appointed in higher posts, subordinate White members of staff so affected would be given a choice to accept another post or to be withdrawn

Pensions benefits of White persons whose services are terminated under certain circumstances, are guaranteed on certain conditions in terms of section 20 of the General Pensions Act, 1979 (Act 29 of 1979)

(2) (a) and (b)

Since 1 January 1974 all White candidates for appointment had to be informed of the possibility that they could work under a Black person

On 31 August 1984 section 15 of the University of the North Act, 1969 (Act 47 of 1969), which determined that the salaries and conditions of service of personnel shall be determined by the council of the University with the approval of the Minister, was amended by the omission of the requirement that the Minister's approval was necessary That ended the State's legal authority to guarantee previous undertakings At present the conditions of service of staff of the University of the North are prescribed by the Council of the University in terms of section 13 of the Universities Act, 1955 (Act 61 of 1955) The conditions of service of the University do not contain any provision which guarantees job security of White persons over that of other persons

Pension benefits of White persons whose services are terminated in certain circumstances, are still guaranteed under certain conditions in terms of section 20 of the General Pensions Act, 1979 (Act 29 of 1979)

(3) No

(4) No

Legislation is public information and the conditions of service of the University are available to all members of staff

Squatter camps

234 Mr H D K VAN DER MERWE asked the Minister of Planning, Provincial Affairs and National Housing †

(a) How many squatter camps were there in South Africa as at the latest specified date for which figures are available, (b) where are they situated and (c) what is the estimated number of inhabitants of each?

B604E

The MINISTER OF PLANNING, PROVINCIAL AFFAIRS AND NATIONAL HOUSING

Reply bound in Annexures of House—*see* M246

Home of Solomon T Plaatje: national monument

268 Mr E K MOORCROFT asked the Minister of National Education

(1) Whether a request has been made to the National Monuments Council to have the home of Solomon T Plaatje in Kimberley declared a national monument, if not, why not, if so,(a) (i) by whom and (ii) when was the request made and (b) what was the Council's response thereto,

(2) whether it is the Council's policy to encourage applications from all members of the South African community for the declaration of national monuments, if not, why not?

B729E

The MINISTER OF NATIONAL EDUCATION

(1) No Although the National Monuments Council received no verbal or written request for the declaration of the house of Solomon T Plaatje as a national monument, the initiative in this regard emanated from Mr A Lillie, former Regional Representative Northern Cape of the National Monuments Council

(a) (i) falls away

(ii) falls away

(b) The Northern Cape Regional Committee of the Council recommended on 22 February 1990 that the dwelling house together with 2,5 m of land to the sides and the rear of the house,

be provisionally declared a national monument At an *ad hoc* meeting on 12 March 1990 the Executive Committee approved this recommendation The owner of the property was informed in writing on 15 March 1990 of the intent of the Council to provisionally declare the dwelling house and a portion of land a national monument When no reaction had been received within the prescribed period of thirty days, the National Monuments Council proceeded with the declaration procedures The provisional declaration was published in the *Gazette* of 28 September 1990 under Government Notice No 2261

Mr M J Labuschagne, the owner of the house, lodged an objection through his attorney against the provisional declaration of the property as a national monument, the reason being that at the time that the notice of intent to declare the property a national monument was served on him, he was seriously ill and unable to raise objections For this reason the property was deproclaimed by Government Notice on 28 March 1991 This was possible as at present there is no imminent threat of demolition, as was the case in the previous instance where a provisional declaration was necessitated In terms of section 12(2A)(f) of the National Monuments Act the property is protected as a historic structure older than 50 years, which can only be demolished by permit issued by the NMC

(2) It is indeed part of the policy of the Council to encourage applications from all members of the South African community for the declaration of monuments

Colleges of Education, principals withdrawn

300 Mr A GERBER asked the Minister of Education and Training †

(1) Whether the principals of certain colleges of education under the control of his Department, particulars of which have been furnished to the Minister's Department for the purpose of his reply, have been withdrawn from these colleges since 2 February 1990, if so, (a) what colleges are involved and (b) what, in each case, (i) was the period of and (ii) were the reasons for the withdrawal,

(2) whether he proposes to reinstate in their posts any of the principals who are at present still withdrawn from service at the colleges concerned, if not, why not, if so, (a) what principals, and (b) when, in each case,

(3) whether he will make a statement on the matter?

B780E

The MINISTER OF EDUCATION AND TRAINING

(1) Yes

(a) Phatsimang, Kimberley
Kagisanong, Bloemfontein
Mphohadi, Kroonstad

(b) (i) Permanently

(ii) In each case there were specific reasons for the withdrawal of the rectors In essence it boils down to the fact that the persons were withdrawn because their personal safety was in question and because their continued presence could permanently impede the activities of the institutions

(2) No, for reasons mentioned in (b)(ii)

(3) No

Former principals employed in departmental offices

317 Mr J VAN ECK asked the Minister of Education and Training

(1) (a) How many (i) White and (ii) Black former principals of schools under the control of his Department are currently employed in the Western Cape offices of his Department and (b) how many such (i) White and (ii) Black principals left the schools where they were employed because of tension and/or conflict between themselves and the parent, teacher and/or student bodies at such schools,

356,65	356,50	993,13	990	Comm 2,7888	Comm 0,3589	Fin 3,3600	Fin

74% rise in gun licences issued

B/Day 3/5/91

JONATHON REES

THE number of firearm licences granted last year increased 74% compared with 1989, police said

The SAP Public Relations Directorate said yesterday 95% of last year's applications succeeded This meant 215 044 licences were issued, compared with 123 415 (also a 95% success rate) the previous year

Sapa reports a police spokesman ascribed the rise in the number of applications to the increase in crime and the unrest situation

A Bill tightening control of firearms was introduced in Parliament in March. The Bill widens demands that pistols and revolvers be kept in "holders" to include all arms

It also expands the definition of negligence for people who carry arms in their official capacity

Bulk of cases in lower courts lack legal representation

B/Day 3/5/91 248

LESLEY LAMBERT

CAPE TOWN — Only 20% of more than 2-million people tried by SA's lower courts were represented by lawyers, and more than 100 000 unrepresented accused were sentenced to imprisonment each year, a working group appointed to investigate the matter has found

Access to legal representation was limited by shortages of funds and legal practitioners, the Legal Aid Board stated in its annual report for the 1989/90 financial year

In an effort to extend access to legal services and the judicial system, the board motivated larger grants from the state and launched a fund-raising campaign in the private sector last year, it stated in the report tabled in Parliament yesterday.

It also considered a public defender system to alleviate the heavy burden on SA courts The system would engage legally qualified people — not necessarily attorneys or advocates — to defend the poor.

The board emphasised that while the state had a duty to fund legal aid for the poor, it could not be expected to shoulder the full financial load

The private sector, which had made no previous contributions to the board's funds, also benefited from the peace and order which resulted from confidence in the administration of justice.

"It is a matter of urgent national importance that access to legal services and the judicial system should be extended optimally as soon as possible," the board said

Eviction bid

Donation from Bonn

THE German Embassy will today donate a sum of R48 000 to Lawyers for Human Rights.

The donation would be made by German Ambassador Dr Immo Stabreit.

"By this contribution the Federal Republic of Germany continues its support for South African organisations engaged in the process of building a democratic, 'non-racial South Africa," a statement explained. - Sapa

Sowetan 16/5/91

Free academics, govts urged

Star 9/5/91

NAIROBI — A London-based human rights group yesterday accused African governments of infringing on academic freedom and urged them to free academics and students detained without trial

Africa Watch also appealed to donors "to protest the detention and abuse of academics and students at institutions" that receive their assistance

The charges and recommendations were contained in a report titled "Academic Freedom and Human Rights Abuses in Africa"

Other recommendations contained in the report urged African governments to

- End the practices of detaining, harassing, and dismissing academic staff.
- Allow student organisations to function independently of government and ruling parties — Sapa-AP

Bizos attacks key evidence

B/Day 10/5/91.

SUSAN RUSSELL

THERE were serious contradictions and discrepancies between the evidence of the two key state witnesses implicating Winnie Mandela in four counts each of kidnap and assault, her counsel argued in the Rand Supreme Court on Wednesday

George Bizos, SC, submitted that the evidence of Kenneth Kgase be rejected and that of Barend Mono at best be treated as the evidence of a single witness

He argued that the probabilities on the proven facts favoured the defence version, that Mandela neither ordered nor otherwise associated herself with the removal of Kgase, Mono and two other young men from the Orlando-West Methodist manse, that she was not there when it happened and took no part in assaults upon them

Mandela, 57, and her co-accused Xoliswa Falati, 37, and John Morgan, 61, have pleaded not guilty to kidnapping and assaulting Kgase, 31, Gabriel Mekgwe, 22, Mono, 21, and 14-year-old Stompie Seipei on December 29 1988

Mandela denied any involvement in the alleged kidnappings and assaults

Bizos submitted that associating herself with the kidnapping and participating in assaults on the four would have been contrary to Mandela's previous conduct

"Having gone to (SA Council of Churches secretary general) the Rev Frank Chikane with the complaints of sexual abuse of the 13-year-old youth in 1987 and again in September 1988, she had shown concern about the well-being of the youths at the manse."

Bizos said the people in the back rooms of Mandela's house led lives independent of those in the main house

"Neither of their witnesses (Mono and Kgase) say that Mrs Mandela ever came to the back rooms after December 29 during the period of some 10 and 20 days respectively that they spent there," he said

"The evidence of Mrs Mandela that she did not go to the back or concern herself with matters of housekeeping is uncontradicted"

In the circumstances, Bizos said, there was nothing inherently improbable in former Mandela United football coach Jerry Richardson and Falati, who lived at the manse at the time, agreeing between themselves without Mandela's knowledge to remove the four.

Nor was it improbable, he said, that Richardson and others, again without Mandela's knowledge, decided to punish the four for their alleged sexual misconduct and what was believed to have been Seipei's role as a police informant.

Bizos referred to a number of discrepancies between the evidence of Kgase and that of Mono

Bizos will continue with his argument today,

Magistrate sets a precedent

218

B/Day 10/5/91

WILSON ZWANE

ZELDA Moletsane this week became SA's first black woman magistrate

In an interview after being sworn in by Johannesburg chief magistrate OA de Meyer on Wednesday, Moletsane said she was excited at being given a chance to prove her worth as an administrator of justice

"The appointment will enable me to carry out my potential to the best of my ability," said Moletsane, who was previously a public prosecutor

She said her appointment had nothing to do with her being black or a woman "People are not appointed to senior positions because they are black or women but because of their abilities," she said

Moletsane was born in Krugersdorp After matric she enrolled for a B Juris degree at the University of the North in 1979, where she graduated three years later

Modest Zelda makes legal history

Star 11/5/91 (248)

PAT DEVEREAUX

SOUTH Africa's first black woman magistrate is camera-shy.

"I must first go on a Weigh Less course before I have my photograph taken," joked Zelda Moletsane, who takes up her post in the Johannesburg Magistrate's Courts on Monday

Sworn in on Wednesday this week at the Johannesburg Magistrate's Court by Chief Magistrate O A de Meyer, Mrs Moletsane said she welcomed the appointment with mixed feelings.

"I am naturally a shy and conservative person and never realised this move would throw me into the limelight as South Africa's first black woman magistrate," she said in an interview this week.

ZELDA MOLETSANE: "Naturally shy".

"Some of my women friends are magistrates in the homelands so I did not think I would be the first," she said

She hastily added: "But it is all a matter of competence, not politics — colour doesn't come into it."

Mrs Moletsane is not only camera-shy, she is also coy about her age, describing herself as "thirty-something". Her curriculum vitae says she is 31.

Mrs Moletsane joined the Johannesburg Magistrate's Court as a prosecutor in 1988 after graduating at the University of the North, near Pietersburg, with a B Juris degree. She is now studying for an LLB through Unisa.

Born in Krugersdorp and schooled in Rustenburg, Mrs Moletsane said. "I always wanted to be an air-hostess, but I soon realised I had brains and not beauty and studied law instead"

Other members of Mrs Moletsane's family, including her husband and her 21-year-old brother, are also pursuing legal careers.

The mother of a five-year-old son, Mrs Moletsane said she loved entertaining and cooking. "I would like to do a gourmet cooking course and a wine-tasting course.

"My other favourite thing is swimming, and whenever I get the opportunity I use friends' swimming pools."

Arbitrator drumming up business

(248)

S/Times (Bus Times) 12/5/91

By DIRK TIEMANN

THE LEGAL profession fears it could lose business because of a growing trend to by-pass the courts and settle disputes by arbitration

So says chairman of the London Chartered Institute of Arbitrators, John Tackaberry, who is in SA to promote arbitration

Mr Tackaberry says the Johannesburg Bar will not allow its members to be members of the arbitrators' association He says lawyers often exclude arbitration clauses from contracts they draft

Settling disputes by arbitration can save time and money for the parties involved They do not have to wait for months for a case to come before the courts Arbitration often also takes less time than court proceedings Mr Tackaberry claims the parties do not have to hire expensive advocates

Varies

Another advantage is that the arbitrator himself, chosen by the parties involved, is an expert in the field concerned

The losing party usually pays the arbitrator's fee

Recourse to the courts after an award has been made to either party is usually not possible, but arbitration legislation varies from country to country

Mr Tackaberry says one-stop litigation is arbitration's biggest advantage

The Institute of Arbitrators was founded in 1915 and has 6 700 members in 84 countries Members include practitioners in law, construction, shipping, finance, insurance, commodities and accountancy

The institute trains and examines potential arbitrators and monitors the conduct of its members

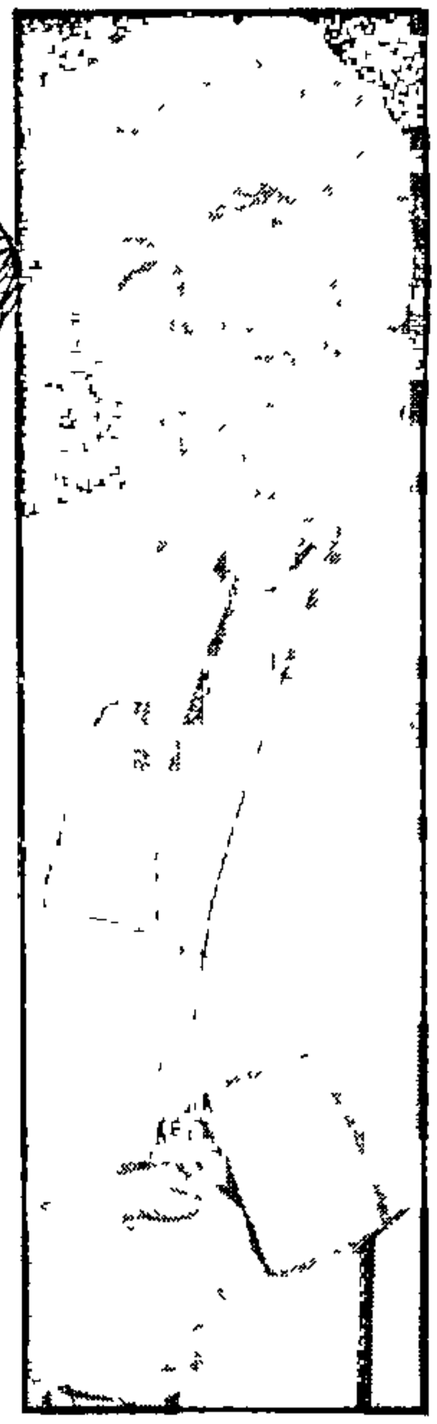
Provision for arbitration often arises when multinationals are doing business in Third World countries with shaky legal systems

Fee

The SA Association of Arbitrators has 600 members and is a non-profit organisation Members pay a subscription fee of about R80

Laywers are not necessarily excluded from arbitration procedure The "mini trial" is a way of settling diputes in business-like fashion A chief executive from each company will appear before the arbitrator, represented by his lawyer

The arguments are presented, the lawyers leave and the executives discuss the matter They either settle the dispute themselves or ask the arbitrator to give a ruling



JOHN TACKABERRY Bypassing the courts

Interim measures towards a more representative judiciary

W/Mail 24/5 - 29/5/91.

LAW & THE COURTS

Carmel Rickard

(248)

A crop of new senior counsel announced in Natal this week included veteran political activist Zac Yacoob.

His appointment brings the number of black silks in South Africa to a grand total of four — obviously far too few to cope with the demand that the judiciary better reflect the population composiposition.

Many people are concerned about what should be done to deal with this problem and others which have developed because of apartheid and the elitism of the profession.

Obviously a restructuring of the profession and the legal system must be on the cards, but in the meantime two interim recommendations are doing the rounds: dropping the Latin requirement and introducing judges' clerks modelled on those in the United States.

In Cape Town last Friday parliament passed the Admission of Advocates Amendment Bill, likely to become law soon. It changes the Latin requirement for admission to the Bar, from a full university first-year Latin I credit to Special Latin or matric Latin.

The Democratic Party and Conservative Party found themselves voting partners against the Bill — the DP because it wants the Latin requirement scrapped altogether, the CP because it wants the old requirement of Latin I retained.

The DP view is that Latin should go because virtually no other country in the world requires it of lawyers.

The party says the requirement is an infringement on the right of the profession to set its own standards: the advocates's profession, attorneys, the deans of every university law school, as well as law teachers and students, all want the requirement scrapped

Opponents, including the African National Congress' Kader Asmal, contend that the Latin requirement is elitist and discriminates against the majority of students, whose schools do not offer Latin.

Only one black school under the Department of Education and Culture offers Latin. It is offered at five of the 2 054 coloured schools, none of the 142 Indian schools and 75 of the 659 white schools.

Ironically, Latin is the only subject besides English and Afrikaans which the government prescribes must be passed for admission as an advocate There are no state requirements that, for example, would-be advocates must have criminal law or constitutional law in their degree.

Those against retaining the Latin requirement say it is a relic of the days when lawyers tried to keep a closed shop, with barriers to ensure only certain social classes had entrance.

It is certainly not in keeping with the needs of the profession in South Africa today.

Among the objections raised is that Latin is not the only subject the study of which ensures discipline of the mind. Neither Latin I not Special Latin equips a student to read the old Latin texts — the justification used by some to retain the requirement

It also reinforces the advantage of students from the few elite schools where Latin is offered and acts as a self-screening hurdle, keeping out students who might otherwise make a valuable contribution to the profession in a new order.

Maybe the pool from which judges are chosen will be widened beyond senior counsel, but until then the concern about how to increase the number of silks from disadvantaged groups continues. Retaining Latin will not help

More positively, the introduction of judges' clerks modelled on those in the United States has been suggested as an instrument of affirmative action.

The big law firms handling commercial work rarely brief black counsel, one of the reasons why black advocates often lack the all-round experience needed for appointment as senior counsel

If new graduates were to spend time clerking for judges, it would improve their confidence and skills, and help overcome the traditional prejudices against briefing black counsel

What about funding? Experts in these matters believe overseas funders might be taken with the idea as a novel affirmative-action programme. The legal profession may also be prepared to help finance bursaries which pay the salaries of such clerks.

Visiting Fullbright US constitutional lawyer Thomas Krattenmaker says the idea merits consideration, both as a help to judges and as an affirmative-action device.

On the basis of the US experience, he dismissed fears that judgments might decline in quality, as well as concerns that new graduates "would not have much to contribute".

But he did anticipate some difficulties. If the hiring of clerks was left to individual judges, for example, they may choose students with whom they were compatible — which could mean old-school-tie considerations would come into play, defeating the affirmative-action intentions of such a scheme.

Lawyers back new system

(248)

A "no win, no fee" legal system like the contingency law practised in the United States has been approved in South Africa. Sowetan 29/5/91

The Association of Law Societies on Monday announced its approval of the system, which is applicable only to damages claims

The decision was a result of concern over the high costs of litigation and the consequent inaccessibility of the courts, said ALS president Mr Ed Southey.

According to the system, the client would pay his attorney's fees only if the case was successful. Attorneys who won such cases would earn a fee higher than normal.

Advocates to be engaged in such cases are advised to first obtain permission from their bar councils before accepting a brief.

Southey said: "It will start off slowly, but I think there are quite a lot of attorneys and advocates who would eventually participate

"It is simply a way of formalising a practise which is already in use in the legal fraternity, a way of instituting proper control over the fee structure," he said

Asked whether the system would not lead to unneccessary litigation, Southey said it was unlikely.

"An attorney is unlikely to take on a case which he has no potential of winning in a contingency case," he said - *Sowetan Correspondent.*

policies
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hment of pre-sentence
ommittees to advise pro-
rs

Johannesburg's youthful former senior deputy health director Nicky Padayachee was expected to be appointed the city's new health and housing executive director at a council meeting last night Picture ROBERT BOTHA

Advocates paid R5,3m in case claiming R5,1m

B/Day 29/5/91

(248)

Political Staff

CAPE TOWN — Government paid R5,3m to four advocates who appeared in the KTC case when 3 220 victims of "witdoek" violence claimed R5,1m from the police, Law and Order Minister Adriaan Vlok disclosed yesterday

The fees paid to these four individuals who served as counsel were "staggeringly high", DP caucus chairman Colin Eglin commented

Eglin also said he would certainly be putting more questions in Parliament about the matter

"This appears to be a case that should be referred to the Cape Bar Council, particularly in view of the large amount of taxpayers' money involved," he added

The case was eventually settled after extended evidence over two-and-a-half years when the state agreed to pay R2m to the KTC Relief Fund which was established to undertake community development projects and make ex gratia payments to people who had suffered losses in the violence in May and June 1986

Vlok, replying to a question tabled by Eglin, said two senior advocates who appeared for the police were paid R1,81m and R1,27m

The two junior advocates were paid R1,10m and R1,07m in the cases of The Methodist Church in Africa vs The Minister of Law and Order and P N Mzamka and 20 Others vs The Minister of Law and Order.

These cases were agreed test cases for the claims of the 3 220 KTC residents and lasted, with some breaks, from September 1987 to February 1990

The KTC residents were represented by one senior counsel and initially two junior counsel but this was reduced during the trial to one junior advocate They were briefed by the Legal Resources Centre.

The fees paid to these advocates are understood to be substantially lower than those paid to the advocates who appeared for the police

During the trial, the former head of the riot squad in the Cape Peninsula, Maj Dolf Odendaal, gave evidence for about three months This is believed to be longest time any individual has spent in a witness box in a trial in SA

Battle for lawyers as towns fight to keep petty apartheid

W/mail 30/5 - 6/6/91.

(248)

LAW & THE COURTS

Carmel Rickard

Around the country human rights lawyers are matching wits with segregationist town councillors.

In the platteland and in towns around the big cities, these councillors are fighting to implement disguised petty apartheid.

Following the repeal of the Separate Amenities Act, the search is on for ways of ensuring libraries, swimming pools, parks, even graveyards, stay white.

Some municipalities have already introduced new by-laws which effectively keep these amenities white; others are negotiating new regulations which will have the same effect.

But their efforts are being monitored by Legal Resources Centres and other human rights lawyers, determined to test any loophole which could frustrate the scrapping of the Act.

Latest to tilt at new look municipal apartheid is Durban's LRC which is taking on the Vryheid librarian and town council on behalf of two black clients, Johannes Mnyeni and Ignatia Khumbuza, who want to join the library.

They tried to become borrowers but were told this was out of the question because they were "not residents of Vryheid" (they live in townships nearby).

The librarian advised that they approach their local authorities to establish libraries in these townships.

The by-laws allow for an appeal to the council should library membership be refused, but nearly three months later Mnyeni and Khumbuza have not heard the result.

Instead, the town clerk told the LRC that the Vryheid library committee had recommended the library be opened to all races "after certain by-laws had been amended to substantially increase the tariff of charges for new members wishing to join"

The town clerk also said that at present no black person could join the library and that when it was opened to all races, a levy of R20 or R30 would be charged to all new members.

LRC has now launched an application in the supreme court saying the council had an ulterior motive in changing the by-laws, and asking that Mnyeni and Khumbuza be admitted as library members — the first time since the repeal that a court has been asked to order that a council admit blacks as members of a municipal facility

The Johannesburg LRC has had to deal with a similar problem when the Springs council tried to close down two swimming pools. This was overruled by the supreme court, but lawyers at both centres said there had been a rash of new by-laws introduced by municipalities trying to ensure the Separate Amenities Act lived on.

Director of the Johannesburg LRC, Mahomed Navsa, said it was happening on such a scale that it presented a "massive problem" However, it was not a task that lawyers alone should tackle, but had to be attacked "at a political level".

Howard Varney of the Durban LRC said it was also a significant problem in Natal, where various strategems were used to keep black people out: some municipalities had a ceiling on the number of people who could use certain amenities; others began to charge exorbitant joining fees for a facility previously offered at no cost; some only admitted rate-payers or residents.

He said the LRC would monitor and challenge changes to by-laws which had the effect of keeping out black people.

The court challenges resulting from this kind of monitoring will be important for redefining the law

Many long-settled legal questions will have to be looked at again and decided by the Appellate Division, some of which have been raised by David Knight SC, attached to Cape Town's LRC.

For example, the old "separate but equal" doctrine would appear still to hold in the provincial divisions until the AD sets it aside. According to this ruling, if "separate but equal" facilities are provided for different race groups, the courts will not interfere on the grounds of discrimination.

What arguments will lawyers have to advance to persuade the AD that separation is itself discriminatory, and that society's views have changed since the 1950s?

If, after the scrapping of the Separate Amenities Act, a municipality provides a park for blacks and another with similar facilities for whites, would there be grounds for a successful legal challenge?

And what would be the situation where a municipality had provided "separate but substantially equal" parks long before the Act was scrapped?

These and many related questions must be answered by the highest court, but judging from the prevalence of the problem, there will be no shortage of opportunities for the AD to give attention to these issues.

Mojanku - slick pro and warm mother

Sowetan 6/6/91

WOMAN

(248)

By PEARL MAJOLA

AT first glance Mojanku Gumbi, the national secretary of the Black Lawyers Association, appears to be one of those cold professional women obsessed with making it in the world of men.

But after talking to her the soft and friendly, yet frank, woman she really is emerges and she speaks as articulately and as passionately about her profession as she does about politics, family life and even feminism.

Not only is this dynamic woman the first in the executive of the 13-year-old BLA, she is also in the national secretariat of Azapo, is involved in the steering committee of the Public Defender System and is project officer for the Legal Education Centre.

At the centre she is in charge of the human rights cases that are brought to them by litigants unable to afford legal fees.

"I practised as an attorney in Pietersburg for three years before joining BLA When the position of project officer within the Legal Education Centre was advertised I decided to apply.

Variety

"In private practice one is limited to matters brought by the individual clients one serves but here I am connected to a wider variety of people and cases.

"The centre is funded by international donors. They regularly visit the centre. I also meet jurists and lawyers from outside the country, so I am exposed to that professional exchange and networking"

Gumbi, born at Thaba Nchu, began her career in law about 10 years ago in Pietersburg.

She moved to Johannesburg to take up the post at the centre in 1987. She married a lawyer in 1984 and they have two children.

As a parent she is concerned about the violence, which she says is devastating the country.

"When I grew up we feared dead people. But the violence that our children are exposed to now has changed that.

"Instead they run towards dead bodies. We are bringing up a society where life is cheap and violence is a way of life, even in family situations

"If it goes on like this we will get to a stage when people, desperate for peace at any cost, will settle even for a sellout solution like collaborating with the Government," she said.

How does she cope as a woman in a profession that is dominated by men, demands most of her time as well as requires her to travel? Does she have to be a conservative feminist and struggle to prove herself?

"I believe in spending profitable time with my family My husband also travels a lot and we make it a point that one of us is at home. I come from a very supportive family structure and someone is always there for my children when my husband and I are away

"I feel we all benefit from my business trips because the conferences I attend stimulate me and therefore make me a positive person which I reflect on my family

Belief

"There is still a lot of chauvinism within the legal profession One of the first things that strikes me when I attend conferences is that most of the time I am the only woman in attendance. But that does not bother me because I believe that gender is the men's problem," she said.

As secure as she seems Gumbi has her fears in life. "My worst fear is losing touch with the community I fear to be on a pedestal

"As a child I had role models and I think intellectuals in our society should not remove themselves from their communities," she said.

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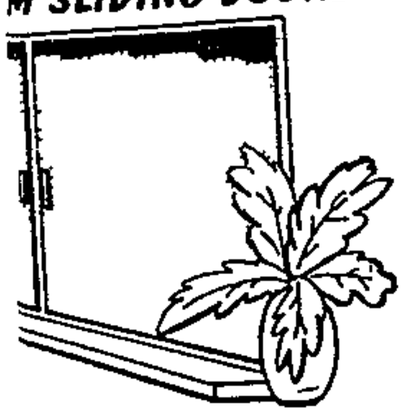

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Judge's attack spurs lawyers to defend their profession

(248)

S/ Times 9/6/91

LEADING lawyers sprang to the defence of their profession after attacks on legal practice by an eminent judge and a senior attorney this week

At a seminar of the Johannesburg Attorneys' Association, Mr Justice Johan Kriegler of the Transvaal Provincial Division and acting judge of the Appellate Division was scathing about lawyers who frittered away their time. Attorney Schalk Willem "Billy" van der Merwe, a member of the Council of Law Societies and its past president, said shoddy work made him ashamed to belong to his profession.

By CAS St LEGER

The profession was accused of

- Not fulfilling its function in society;
- Internecine squabbling about rights of Supreme Court appearance,
- Being an enclave of privilege,
- Poorly prepared conveyancing, motion court and Estate Agents Board work

Philip Botha, chairman of the Johannesburg Attorneys' Association, took issue with Judge Kriegler's remark that the legal profession was an "enclave of privilege". Projects were organised in communities such as Alexandra township, where attorneys were trying to inculcate respect for the law in a society torn apart

There were many ways in which lawyers were contributing to society without being at the forefront of the news

Advocate John Myburgh SC, chairman of the Johannesburg Bar Council, said he did not know what Judge Kriegler was talking about when he referred to shoddy motion court work.

Free

On the law's function in society, he said "I said at the conference that one of the areas we should be concentrating on is giving access to the unrepresented accused The state should provide representation and it should be done at low cost"

Mervyn Smith, acting president of the Association of Law Societies of SA, said attorneys gave freely of their time in every sphere Attorneys were doing their utmost to provide access to justice for all They were taking the lead in alternative dispute resolution, which lowered costs, they manned small-claims courts free of charge and handled legal-aid cases at reduced fees.

Attorneys' lack of appearance rights was one of the causes of high litigation costs. South Africa was one of the few countries in the Western world where such rights did not exist, Mr Smith said

On the accusation of poor work, Transvaal Law Society president Dr Antonie Gildenhuys said if members of the public and judges complained, the society would act against those who did poor work

Reduced

He said steps were being taken to make the profession more accessible A practical law school would be an alternative route of entry Candidates could now do their articles with a law clinic rather than a law firm and an inexpensive first interview system existed to advise clients at reduced cost on whether they had a case

Sholto Helman, a Johannesburg attorney with a mainly black practice, said that while it was true that many people did not have access to the law, rules of the Supreme Court contributed to this. A litigant had to have an address within 8km of the seat of the court

"So what do these poor people do in the rural areas, assuming they can get legal representation? Whoever may represent them out in the sticks has to have an attorney as a correspondent, which increases fees"

Respect for law must take lead'

Argus 6/6/91 (248)

The Argus Correspondent

JOHANNESBURG — The legal profession represents "enclaves of privilege in a wasteland of misery", a Supreme Court judge said during a seminar on the future of the profession

Mr Justice Johan Kriegler, of the Transvaal Provincial Division and at present acting judge of the Appellate Division, was one of the speakers yesterday at the seminar organised by the Johannesburg Attorneys' Association

The seminar was characterised by outspoken criticisms of the legal profession from within and searching questions — and concrete suggestions — on what should be done to address many shortcomings in the legal system

Regarding a debate on whether attorneys should be allowed to appear in the Supreme Court, Mr Justice Kriegler said he was torn between depression and fury that the topic was still being discussed when violence threatened to become endemic, the birth rate was spiralling and the environment threatened more and more

There was no future for anyone unless the legal profession took the lead in inculcating into society a culture of respect for the law And no one need throw up their hands in horror at people's courts as a suppurating sore in black society because that society had been abandoned by the law

Yet all people came from traditions which respected doing things the right way People who did not respect the law because the law was not worthy of respect could not survive, he said

Professor Albie Sachs, a member of the ANC constitutional and legal committee, spoke in his private capacity. He said as a young advocate he had been "nursed" by other lawyers and he urged the legal profession to do the same for those who were struggling against "glass barriers"

He said the legal profession was out of character with the rest of society because it was mainly white, male and urban Without some form of affirmative action, this would not change

Asked about the ANC's view of the future, Professor Sachs said it would be a disaster if the new South Africa picked up old authoritarianism If the ANC became the next government or part of a ruling coalition, and strayed from the path of human rights, he urged the legal profession "to tug at our coat-tails and get us back on track"

No win, no pay plan gets law societies' go-ahead

W/Mail 7/6 - 13/6/91. (248)

LAW & THE COURTS

Carmel Rickard

IT HAS taken years of deliberation, but the Association of Law Societies (ALS) has now agreed in principle that its members may accept "contingency fee" work — cases in which attorneys charge costs only if they win

ALS officials say the move is prompted by concern to improve access to the courts for people who would otherwise not be able to afford civil action

However, the new rules must still be passed by the provincial law societies and many lawyers consulted this week still do not know the details Judging from the response once they were informed, it seems the new rules may run into some opposition

Opponents form two camps some feel the new ALS-approved system is bureaucratic and clumsy, interfering with the free market system, others feel illiterate and unsophisticated clients are still inadequately protected against unscrupulous lawyers, who may charge unfairly high legal fees should they win

The draft rules approved by the ALS provide that payment by the client shall be contingent upon the client's claim or counterclaim for damages being successful. If the action does not succeed, the client does not have to pay.

Attorneys are not obliged to accept work on the basis of this "special fee arrangement", but if they agree, the rules say an attorney must arrange with the client about paying sundry costs ("disbursements") incurred bringing the matter to court For example, it is recommended that where the client would qualify, the Legal Aid Board be approached with a request to guarantee the payment of disbursements other than advocate's fees

The ALS and the Bar Council have agreed that advocates asked to appear in contingency fee cases should apply to the council to accept the brief on that basis

The ALS also requires that attorneys must record in writing the contract they have made with a client and counsel, giving details such as the method to be used in calculating counsel's charges and who is responsible for disbursements

A copy of this document has to be lodged with the relevant law society within 10 days of being signed, and the attorneys involved must advise the opposing party that it is a contingency fee case

A crucial provision is the amount which may be charged by the attorney. The draft rules state the total may not be more than the total of "party and party costs" plus a surcharge of 100 percent, with the proviso that costs may not be more than the damages actually recovered by the client.

If the award does not cover all the legal costs, disbursements other than counsel's fees must be paid first and the balance shared between the attorney and advocate "on a *pro rata* basis"

The two most controversial of the ALS rules are the paperwork, and the amount of costs which the attorney may charge

Several attorneys said the red tape provision would ensure they did not accept contingency fee work

"It's the kind of time consuming bureaucracy we don't need," commented one

Others were concerned that the fees which could be deducted were "party and party" costs, not the higher costs of "attorney and client" They predicted that clients, knowing they did not have to pay fees themselves, would continually phone and ask for consultations about their case, but that these costs ("attorney and client costs") could not be recovered

On the other hand, some felt it was not reasonable to authorise attorneys to charge up to double their normal fees.

Chairman of the Natal Bar Council Malcolm Wallis, SC, said if the aim of a contingency fee system were to provide a public service, there should be an upper limit on the legal costs which clients would have to pay, otherwise it could happen that clients were left with nothing

However several attorneys said they felt the provision for a 100 percent surcharge (ie twice what they would otherwise be entitled to charge) was "reasonable" — or even too little — as lawyers were entitled to adequate compensation for the risk involved

They urged that instead of laying down figures, the ALS should leave it to the discretion of attorneys who would know if a client complained to the law society that this would be investigated by assessors appointed by the society.

It is widely acknowledged that many attorneys already do contingency fee work and that the ALS rules will simply codify this practice

However, some lawyers currently doing "no win, no pay work", say it will no longer be worth their while to take such cases if the ALS rules on paperwork and fees are approved If enough lawyers take a similar position, the ALS intention of improving access to the courts, will be thwarted.

'Sick' legal profession under fire

(248)

Star 8/6/91

'Enclaves of privilege in wasteland of misery' says judge

CATHY STAGG

THE legal profession came under stinging attack from a Supreme Court judge this week.

Mr Justice Johan Kriegler of the Transvaal Provincial Division and presently Acting Judge of the Appellate Division, was a speaker at the Johannesburg Attorneys Association's seminar on the future of the legal profession.

"We are enclaves of privilege in a wasteland of misery," was the judge's opening remark and no one was spared as he continued.

"When I hear of the 'new South Africa', I want to vomit — not only because it is empty sloganeering — but because it is untrue

"We are the self same country There are no changes in our social or ethnic make up. What is true is that we are having a new look at ourselves"

The judge noted that

- There were 4 500 members of the population per lawyer — "a shocking statistic in itself but a distortion of reality because it is very much worse in the platteland where it is unthinkable for 20 million of our fellow citizens to have any legal advice whatsoever Most of them don't even know of the availability of the protection of the weak against the strong"
- There were 400 candidates for eight articled clerk posts in the city
- 100 000 people in prison went there without any legal representation "There is something weird about that equation," the judge noted

He compared the legal profession to an African woman with a bundle of wood, which had taken her four hours to collect, balanced on her head, and walking under high tension wires

South Africa did not have a problem in turning out lawyers at university, he said. The question was how those lawyers made a living in society to perform services for the public

There had been extensive debate during the seminar on whether attorneys should be allowed to appear in the Supreme Courts, something reserved for advocates

"When I listened to the debate over fusion of the bar and the side-bar, I don't know if I was more depressed than furious This is June 1991. The future which faces us frightens anyone with sense And we are debating the fusion of the profession

"I have heard about it for the past 25 years and I am fed up to the back teeth And now to have it served up to me as something to make the lives of our poor black brethren better! I have heard no attorney offer to do *pro deo* work in the Supreme Court," Mr Justice Kriegler said

Attorneys want to do work which was lucrative, which was of course their right. "But don't tart it up to me as some sort of sacrifice for the weak," the judge said.

Turning to the advocates, the judge said they wanted to hold on to the lucrative motion court practice "which enables young Wasps to get richer and richer

"They earn R100 per brief and the work does not justify R1. If they were prepared to do the work (properly), I would give them the R1," the judge said

"We have here in the Transvaal alone R1,5 million's worth of work being given bakshee, it's complimentary work, it's not real work, but who pays for it?

"It is Mr Mofokeng who was unable to keep up the payment on his bond and now has a default judgment against him. That is what keeps Innes Chambers (the building where advocates have their chambers) in good books and food in its common room," Mr Justice Kriegler said.

He did not blame people when in future-shock they tried to ignore the future, the judge said But he urged the lawyers present not to hide their heads in the sand

"Violence threatens to become endemic The economy is in tatters The birth rate is spiralling The environment is more and more under threat, and we talk about fees and rights of audience!

"There is no future for any of us, there is no future for our children, unless the legal profession takes the lead in inculcating into society a culture of respect for the law"

All South Africans came from traditions which respected doing things the correct way "Let us not throw up our hands in horror at people's courts as a sore in the urban black community which is erupting and pouring out pus It is a manifestation of a society which has been deserted by law because the law has not fulfilled its function."

The reason people resorted to self help was because they did not have respect for the law And people who do not respect the law cannot survive, Mr Justice Kriegler said

Judge 'furious and depressed' over lawyers

Star 6/6/91

248

By Cathy Stagg

The legal profession represents "enclaves of privilege in a wasteland of misery", a Supreme Court judge said yesterday during a seminar on the future of the legal profession.

Mr Justice Johan Kriegler, of the Transvaal Provincial Division and at present acting judge of the Appellate Division, was one of the speakers at the seminar, organised by the Johannesburg Attorneys Association.

The well-attended gathering in the Carlton Hotel was characterised by outspoken criticism of the legal profession by its own members as well as searching questions and concrete suggestions on what should be done to address the shortcomings of the present legal system

Regarding a debate on whether attorneys should be allowed to appear in the Supreme Courts, Judge Kriegler said he was torn between depression and fury that the topic was still being discussed when violence threatened to become endemic and the birth rate was spiralling

No one need be horrified by people's courts in black society, he said, because that society had been abandoned by the law

Professor Albie Sachs, a member of the ANC constitutional and legal committee, said that as a young advocate he had been "nursed" by other lawyers, and he urged the legal profession to do the same for those who were struggling against "glass barriers".

He said the legal profession was out of character with the rest of society because it was predominantly white, male and urban. Without some form of affirmative action, this would not change

If the ANC became the next government or part of a ruling coalition, and strayed from the path of human rights, he would urge the legal profession to get the ANC back on track.

George Bizos, SC, said the "outrageous" fees charged by advocates who represented the Government were a form of corruption

The advocates, the Government and the attorneys who charged the fees were all to blame.

Attorney Henry Vorster said even senior advocates complained that going to the Supreme Court was like going to a casino because the result could go either way and principles of law were not being applied

Jo'burg Bar Council 'fully supports Bill'

THE chairman of the Johannesburg Bar Council, John Myburgh SC, reacting to Mr Justice Kriegler's comments, said it was not correct that the bar wanted to hold on to unopposed motion court work.

"The Government asked us to comment on a move to transfer this work to the registrar of the court That means it will not be heard by a judge and no advocate will have to appear The bar is 100 percent behind the proposed Bill" (248)

Chairman of the Johannesburg Attorneys' Association, Philip Botha, said there were 16 official speakers, plus people who spoke from the floor.

"There was a great deal of controversial, provocative comment. I am sure Judge Kriegler expressed an honest viewpoint We do not necessarily agree with all the viewpoints expressed but will consider them all" Star 8/6/91.

"The Transvaal Law Society is having a circle conference next week and the matters raised will be dealt with, we are not sitting back," he said

The Association of Law Societies of South Africa yesterday reacted sharply to Mr Justice Kriegler's insinuation that they were "enclaves of privilege in a wasteland of misery"

ALS acting-president Mervyn Smith issued a statement saying Mr Justice Kriegler should not take out the poverty and misery existing in the country on attorneys Attorneys were concerned about the high costs of litigation and lack of access to the courts.

The lack of appearance rights by attorneys was one of the causes of the high costs of litigation. "South Africa is one of the few countries in the Western world where attorneys do not have Supreme Court appearance rights." If attorneys were permitted to appear in the Supreme Court, they could do *pro deo* work — and had offered to — Sapa

Law Society seeks to bar 3

The Argus Correspondent

PRETORIA — In a series of separate urgent applications brought in the Pretoria Supreme Court, the Transvaal Law Society has contended that three of its members are not "fit to continue practise as attorneys"

In the applications placed before Mr Justice de Klerk, the Law Society submitted facts it claimed constituted "such a deviation from the standards of professional conduct" that the three men were not fit to continue practising

The case against Johannesburg attorney Mr Leopold Brian Cohen was postponed to August 8

In an affidavit Law Society President Dr Antonie Gildenhuys said the society had received information that Mr Cohen had abandoned his practice and fled the country

Action against a second attorney Mr Francis Rakgwaki Magolego of Denniltón was postponed to June 25 by agreement.

In terms of the draft court order, Mr Magolego must furnish the Law Society with an auditors report of his trust account The third attorney, Mr Joseph Themba Gumbi of Diepkloof, Johannesburg, was told to show cause on August 15 why he too should not be barred from practising after showing a shortfall in his trust account of R1 413 in February last year

ARG 13/6/91

248

Law Society acts against 3 members

248

Star 13/6/91

Pretoria Correspondent

In a series of separate urgent applications brought in the Pretoria Supreme Court, the Transvaal Law Society has contended that three of its members were not "fit to continue to practise as attorneys".

In the applications placed before Mr Justice de Klerk on Tuesday, the Law Society submitted facts which constituted "such a deviation from the standards of professional conduct that the three men were not fit and proper to practise as attorneys"

Abandon

The case against Johannesburg attorney Leopold Brian Cohen was postponed to August 8.

He was ordered to show cause then why he should not be suspended from practising, pending an application by the Law Society to strike his name from the roll of attorneys

In an affidavit the president of the Law Society, Dr Antonie Gildenhuys, said the society had received information that Mr Cohen had abandoned his practice and fled the country

"Although it appeared he had a large investment practice, very little evidence of this practice could be found," he said

A preliminary investigation showed a substantial shortfall in Mr Cohen's trust account but a specific amount could not yet be determined

Complaints by some of Mr Cohen's clients or people who had entrusted him with trust money had also been filed.

Action against a second attorney, Francis Rakgwaki Magolego of Dennilton, was postponed to June 25 by agreement

In terms of the draft court order, Mr Magolego must furnish the Law Society with an auditors' report of his trust account.

He was barred from practising pending delivery of the report

Mr Magolego allegedly failed to keep proper accounting records to safeguard his trust money

He failed to rectify the situation and on April 16 was found guilty of practising without a fidelity fund certificate.

The third attorney, Joseph Themba Gumbi of Diepkloof, Johannesburg, was told to show cause on August 15 why he too should not be barred from practising pending an application to strike his name from the roll

Mr Gumbi showed a shortfall in his trust account of R1 413 in February last year

He has since ceased practising and there was no indication that he would resume his practice, according to Dr Gildenhuys

Judge's criticisms of legal profession hit a nerve

W/Mail 14/6- 20/6/91-

LAW & THE COURTS

Carmel Rickard

JUGULAR-JABBING criticism of the legal profession by the outspoken Mr Justice Kriegler has provoked defensive response from many lawyers.

But with widespread outrage at the fees charged by some members of the profession contributing to a generally poor public image, the judge will find support for his views.

While lawyers argue over whether his comments were justified, they must remember that in the opinion of many people, even the Department of Justice appears to responding with more vigour to the challenges of preparing for transition than the traditionally organised profession.

Judge Kriegler made his controversial remarks at a meeting called by the Johannesburg Attorneys Association and the Law Society of the Transvaal. The seminar, entitled The Future of the Legal Profession, was addressed by, among others, Albie Sachs, Judge Trengove, and representatives of the Transvaal Law Society, the Department of Justice and the Black Lawyers Association.

Mr Justice Kriegler spoke during the last session, following discussion on what the profession should be doing to prepare itself for a radically changed future South Africa.

In his speech the judge heaped coals, with vividly phrased criticism still causing passionate debate: were his remarks justified, was he aiming his lance at the profession as a whole, or at the side-bar alone?

One participant said his comments were relevant to the profession as a whole rather than to the discussion at that particular seminar where lawyers were seriously trying to get to grips with the demands and challenges posed by transition; also his criticisms did not sufficiently take into account the enormous contribution made by organisations with a large attorney composition such as the Legal Resources Centres, the National Association of Democratic Lawyers, the Black Lawyers Association and Lawyers for Human Rights.

He said the judge, having lost none of his considerable skills as an advocate, was defending his arm of the profession against the side-bar.

Unfortunately for those who believe the judge was over the top in his expressions of disgust, the seminar followed widely publicised reports of Harms Commission advocates being paid huge amounts of money.

Following a bar council investigation into fees paid to counsel for the state, six Pretoria advocates were told to repay a large slice. But their six-figure fees have fuelled public disquiet about legal charges — and about the priorities of members of the profession.

By comparison the recent record of the Department of Justice is well ahead in its response to society's pressing needs for an affordable, accessible, speedy legal system.

Defending the profession against the judge's attack, acting president of the Association of Law Societies Mervyn Smith said attorneys were "the backbone of the community and give freely of their time and efforts in every single sphere of activity"

Listing contributions by attorneys, he said they were taking the lead in alternative forms of dispute resolution, and that many presided over small claims court free of charge. He also mentioned the legal aid cases and civil and criminal cases where attorneys appear at lowered tariffs.

But Democratic Party MP Peter Gastrow, party spokesman on justice and a lawyer with a keen interest in the profession and its response to current challenges, is less convinced that attorneys — and advocates — are doing enough.

He paid tribute to attorneys who ran the small claims court, to individuals who made other contributions which increased the accessibility of the courts, and to organisations like the LRCs. But he was sceptical about the role played by the profession as a whole.

"The amount of *pro deo* work done by some public spirited lawyers is not the central issue. The issue is whether the legal profession as a whole is taking enough initiative in meeting the needs of a fast-changing and soon to be transformed society."

Gastrow claims the Department of Justice has overtaken the profession in spearheading law reform. He said it was not enough during times of change merely to hold good views and propagate sound principles.

They had to be translated into visible campaigns, otherwise the perception would continue that lawyers were sitting back unlike other professions which were "scrambling to become part of the debate about how to adapt to the changing times".

"This is the public perception. It is a pity because there are many key people with bright ideas, but the profession does not seem able to channel them into initiatives which would help change the public view.

"That is why it is going through tough times. If it were not for organisations like the LRCs, the public image of lawyers would be in really serious trouble."

Legal system open to all advocated

Star · 17/6/91 (248)

The recent seminar on the future of the legal profession has generated many concrete proposals to improve the services lawyers provide to the public, reports CATHY STAGG.

THERE are not enough lawyers in South Africa The problem, it was agreed at the seminar, was how to make entry into the profession more accessible while not allowing standards to fall to unacceptably low levels

Although Andries Geyser, a Maritzburg attorney and a past president of the Association of Law Societies, and John Myburgh, SC, chairman of the Johannesburg Bar Council, disagreed on whether attorneys and not only advocates should be allowed to appear in the Supreme Court, both stressed that it was vital to provide representation for people who appear in magistrates' courts, most of whom have no representation at all

Mr Myburgh was concerned about access to the courts for every citizen, including the poor, and the criticism that the Bench does not have the credibility it should because it does not reflect the social make-up of South Africa

He addressed both problems by suggesting a widening of the public defender's role

The Government recently made provision for a pilot project for public defenders in Johannesburg Mr Myburgh said public defenders should not necessarily be people with a law degree

For instance, prosecutors have a practical training Their academic training is provided in-house by the Department of Justice

This means that someone with a matric certificate could join the civil service, soon start prosecuting petty criminal cases and at a relatively young age (before 30) sit as a magistrate in district courts

Public defenders could have a similar system, run under the aegis of the Legal Aid Board, which is divorced from the civil service but financed by the State

It could provide opportunities for people who could not afford tertiary education and at the same time serve the community by providing legal aid for the poor

As the public defender became more experienced, studied and passed more exams, he or she could represent accused who were faced with even the most serious crimes in the Regional Court

Mr Geyser suggested that everyone who had a law degree should be allowed a limited form of practice

After registering with the Law Society, they should work under a fully qualified attorney or advocate and be allowed to appear in all magistrates' courts Then, after a set period — Mr Geyser suggested five years — they could apply to practise on their own

"In addition I support the development of a legal technician whose qualifications may be obtained at a technikon, with the same access to practise as a university gradudate

"The qualification can be tapered to cater for the mass of people, who require basic, as opposed to sophisticated, legal services," he said

Regarding the appointment of judges, Mr Geyser said he would like to see suitable academics and magistrates also entitled to be appointed (At present, judges are drawn from the ranks of senior advocates only)

Clive Plasket, chairman of the Johannesburg branch of the National Association of Democratic Lawyers, said the State should provide more funds for legal aid — and lawyers should accept the challenge of doing legal aid work instead of shunning it for more glamorous or lucrative work

Encouragement and assistance should be given to the Black Lawyers Association and Lawyers for Human Rights, which had litigation programmes and advice offices, he said

Regarding broader accessibility, Mr Plasket said the legal profession needed to change focus from the traditional approach of litigation to other forms of dispute resolution which were cheaper and less time-consuming

"The great success of mediation and arbitration in the field of labour law is a good example of this approach"

Professor Albie Sachs, a member of the ANC's constitutional and legal committee, said South Africa needed a more free, diverse legal profession

At present the profession was dominated by middle-aged, white males

Their children and grandchildren would also have education and money, so some form of affirmative action was necessary to enable all people of talent and courage to get to the top, he said

He urged the legal profession not to feel that it was doing anyone a favour by encouraging blacks or women They would enrich the profession with their own personalities, life experiences and insights

The idea that if blacks entered the profession in large numbers, standards would automatically drop, was both incorrect and insulting, he said

Although Professor Sachs received a medal for Latin, he questioned whether it was still a necessary requirement

"A bill of rights is the major instrument for resolving competing claims of education, health and housing, and to ensure that the correct procedures are being applied

"A rights culture is essential That will be how we South Africanise ourselves, move away from the idea of blacks, whites, English, Afrikaans or Tswana-speakers"

"The legal profession itself should be imbued with a bill of rights, it should not be racist or sexist," he said □

Little rationale in rationalisation moves

South 20/6 - 26/6/91

(248)

When the Committee of University Principals (CUP) meets next month the question of rationalisation won't be the only issue on the table. **HENRY LUDSKI** reports:

THE Committee of University Principals (CUP) is facing mounting criticism of its partisan approach to rationalisation which in most cases has favoured more established universities.

South African universities, facing an ever increasing cutback in government funding, are being hard-pressed to make a success of their attempts at rationalisation.

However, after three years CUP, which has been entrusted to investigate and come up with recommendations on rationalisation, have little, if anything, to show for their efforts

In 1989 the University of Cape Town, University of Stellenbosch and University of the Western Cape agreed that UWC should take responsibility for all pharmacy training in the Western Cape.

CUP has been less successful with its own attempts at rationalisation Its recommendations on library science and geology in the Western Cape have been disputed and the committee is set to run into similar difficulties with its other proposals

It is presently investigating areas such as music, modern comparative languages and the performing arts.

Among other things, the CUP rationalisation evaluation is based on student enrolment and the academic standards of personnel

Said Professor Wally Morrow, dean of UWC's faculty of education with the special responsibility for rationalisation "One of our major difficulties is the fact that the CUP has proceeded with rationalisation in an ahistorical fashion which, not intentionally, had led to the advantaged becoming more advantaged "

Their investigation is not linked to the question of gaining access to university education and also does not take into account the political history of institutions or its departments

In at least two instances recommendations made by CUP have favoured UCT. "We are in the process of contesting the agenda of CUP to get it to recognise an additional and different set of criteria," said Morrow.

He is quick to point out, however, that "not UWC nor anybody else can afford to let CUP collapse

"The resources available for university education is declining and things are not expected to improve even should there be a new political dispensation," he said

Professor John Reid, acting UCT vice-chancellor, believes that much more time is needed for rationalisation to be implemented at campuses and also that the major rationalisation process "could well not be at that (CUP) level

"A fair amount of work has gone into the CUP investigation into rationalisation and after three years it is correct to say that there isn't a great deal to show for it on the ground," said Reid.

Wally Morrow

"An enormous amount of rationalisation has been taking place internally at UCT and in some instances four departments have been amalgamated into one

"What we have done internally has amounted to an enormous saving," he said.

"I will be very glad if we could reach a point where the Western Cape universities and technikons could develop a more collective approach to tertiary education."

Professor Johan Brink, director of information sciences and the person responsible for rationalisation at UWC, has confirmed that the university is unhappy with criteria used by CUP in evaluating universities.

"UWC feels that criteria of student enrolment and academic standards of personnel is biased in favour of elitist universities," said Brink

He said he expected the issue would be debated again when CUP, which consists of 17 university principals, meets again next month.

In his 1989 vice-chancellor's report, the rector of UWC, Professor Jakes Gerwel, warned against the dangers of a superficial rationale in the rationalisation project.

He said rationalisation had to take into account social responsibility, the currently massively unequal distribution of university education and the political dimensions of rationalisation.

US scholars return to SA

S/Times 23/6/91

(248)

Sunday Times Reporter

SIX American university professors have taken up posts at South African universities, marking the end of a 20-year suspension of the Fulbright Scholarship programme to South Africa.

Visits to SA universities by American professors were suspended in 1971 in protest against apartheid in education.

Professor Jerry Eckert, of the Department of Agricultural Economics at Colorado State University, is visiting the University of Cape Town Economics Department. Five other scholars are working at Wits, Rhodes and the University of the Western Cape.

During the 80s Professor Eckert directed a research programme on income inequality sponsored by the SA government.

Professor Eckert will be conducting research on post-apartheid economic policy options.

He believes South Africa has a strong economic future, but that democracy requires more economic equality than exists in South Africa.

More than half pass exam for accountants

GILLIAN HAYNE (248)

MORE than 58% of the candidates who wrote this year's Public Accountants and Auditors Board exam passed, results released at the weekend showed.

The overall pass rate was 58,4% compared with 55,9% in 1990, with 918 and 811 candidates passing respectively B/Day 24/6/91.

SA Institute of Chartered Accountants (Saica) executive director Lucas van Vuuren said the institute was very pleased with the results.

"It was a very practical paper this year and the students did well," he said

Of those who passed, 65% were writing the exam for the first time

Five candidates achieved honours, with top marks going to Laurent Scholtz of the Rand Afrikaans University

Both Scholtz and Craig Mullet of the University of Cape Town, who came second, are employed by Deloitte Pim Goldby (DPG).

DPG education partner Terry Moore said the high pass rate reflected the calibre of university students He said 71% of DPG staffers who wrote the exam passed.

Ernst & Young staff partner Russell Carter said he was very pleased with the results, and the 74% pass rate for the Johannesburg office was expected.

Price Waterhouse staff partner Chris Morris said that one of his employees was in the top four

The Johannesburg office achieved a 64% pass rate, while the firm's national average was 61%, Morris said.

Saica president Des Arnold said the resu[illegible] would not mean a sudden influ[illegible] countants into an already slo[illegible] arket, as most candidates had still to complete their articles

Academic visits from US resume

CT 24/6/91

Education Reporter

THE US government has resumed its sponsorship of academics visiting South Africa after suspending the Fulbright Scholarship programme 26 years ago in protest against apartheid

Six US professors are now in the country, including Prof Jerry Eckert of the agricultural economics faculty of Colorado State University, who is researching post-apartheid economic policy at UCT

A spokesman for the university said the restoration of the programme would allow US academics to participate in rebuilding South Africa

The programme is expected to be expanded in future to include more local universities

Attorneys losing out, De Rebus survey shows

B/Day 24/6/91 (248)

TIM COHEN

A SURVEY in the latest issue of the attorneys' journal De Rebus indicates that advocates earned on average 29% more than attorneys last year, providing ammunition for the argument that attorneys should have Supreme Court appearance rights

In addition, the Law Society of the Transvaal has released the Pretoria Bar Council's suggested parameters for fees which say top advocates should charge up to R36 000 for a week's work in court

The survey produced by De Rebus indicates that advocates earned on average R129 400 last year compared with R100 700 by attorneys

The survey, which canvassed self-employed people in a large variety of professions, places advocates 17th on the list, earning about the same as plastic surgeons and auditors, while attorneys are 35th on the list, earning about as much as doctors in general practice

The author of the article, Mauritz Bobbert, writes that the top 25% of advocates earned more than R250 000 last year on average, while the top 25% of attorneys earned about R150 000 The bottom 25% of both professions both earned about R73 000

The Law Society of the Transvaal included in their newsletter the proposed parameters for advocates' fees which were released to the organisation by the Pretoria Bar Council

"The council does not approve of these parameters and it is published only for the information of members," the insert in the newsletter says "On the contrary, the council has indicated to the Bar Council that a reasonable hourly tariff for advocates should by considered which will be payable only for work done"

The parameters suggested range from R45 to R75 per half-hour consultation for a junior advocate with less than five years' experience, to between R210 and R270 for a senior advocate with six years' experience.

For chamber work the figures are R30 to R50 and R140 to R180 respectively and for Supreme Court work R600 to R1 200 per day and R3 000 to R6 000 a day respectively

Association of Law Societies director general Andre van Vuuren says access to the courts would be enhanced if more of the profession's members could argue cases in the Supreme Court

If qualified attorneys have the right of appearance, there will be more actors in the field and the competition will force down prices.

Mandela named for presidency

B/Day 24/6/91

TIM COHEN

NELSON Mandela has been nominated for the ANC presidency by two of the strongest regions, while Walter Sisulu is being backed by Border for the deputy-presidency, regional spokesmen said at the weekend

Border and Natal have not nominated ANC president Oliver Tambo for any of the ANC's top five posts

They have also failed to nominate Umkhonto we Sizwe chief of staff Chris Hani or international affairs head Thabo Mbeki for any of the top five posts, which will avert a "hawks versus doves" battle, but they both have been nominated for NEC posts

Other than Nelson Mandela, the only common nomination for the top five is ANC NEC member Jacob Zuma

Border has also nominated regional chairman the Rev Arnold Stofile for secretary-general, Jacob Zuma for treasurer-general and trade unionist Cyril Ramaphosa for assistant secretary-general

ANC southern Natal spokesman Linda Zama said at the weekend that Natal Midlands ANC leader Harry Gwala and been nominated for deputy president, Jacob Zuma for secretary-general, Mendi Msimang (currently the organisation's London representative) for treasurer-general and former UDF leader Popo Molefe for assistant secretary-general

Four die in unrest

PRETORIA — Four people were killed, several others were injured and arrests were made on Saturday in unrest-related incidents, police said yesterday in their unrest report

Police also said they had arrested 49 ANC supporters in Dysselsdorp, near Oudtshoorn, after they occupied the local charge office and then held a policeman hostage — Sapa

Protein to raise milk yield gets nod

B/Day 24/6/91

PAUL ASH

A SYNTHETIC protein which boosts the milk yield of dairy cows by an average 10%-20% has been cleared for distribution in SA after creating a storm in Europe and being banned in some US states

Bovine Somatotropin (BST), developed by international pharmaceuticals and chemicals manufacturer Montsano, created controversy in Europe and the US when it was tested late last year

Johannesburg-based vet Dr Chris Palmer, who has been involved with the local testing of BST, said most farmers welcomed the introduction of the product

"BST is the cheapest and most efficient short-term means of increasing production available to the farmer without additional capital outlay," he said Farmers using BST would recoup the cost of the product by the end of each month.

The average cow produces 12-14l of milk a day and use of BST could boost the daily yield by approximately 2-5kg, Palmer said

In the US, some dairy farmers, aided by the Foundation for Economic Trends, opposed the product, fearing that increases in production would put less efficient farmers out of business

Despite a ruling from the US Food and Drug Administration that the product was harmless, consumer fears persisted and some states banned distribution of BST

BST received a similar welcome in the EC Attempts were made to capitalise on public fears that consumption of BST, which is identical to the hormone which stimulates milk production in cows, would endanger consumer health

But doctors say traces of bovine growth hormone present in milk is destroyed in the human digestive system

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Cape harbour gears up for flood of ships

B/Day 26/6/91

LINDA ENSOR

CAPE TOWN — Traffic volumes in Cape Town harbour are expected to increase dramatically as Russian, Japanese and Chinese fishing boats from the Antarctic use Cape Town once sanctions are lifted

Port Captain Bill Shewell said cargo boats which in the past used Australian and South American ports could now use Cape Town

He said an aggressive marketing campaign was under way to promote Cape Town harbour, with rebates of up to 25% offered to ships which returned to Cape Town more than once

The harbour was being cleaned up and greater controls were being introduced

To cope with the greater volumes of fruit destined for the export market once foreign markets open up for trade, a modernised fruit storage warehouse was being planned

Shewell said in the last four months the volume of cargo being handled had increased by about 20% over last year

While the reasons were unclear, he said it could be that importers were stocking up ahead of VAT to avoid having to pay the increase in port handling charges

TB rife in Cape Town hostels

B/Day 26/6/91

LINDA ENSOR

CAPE TOWN — A picture of chronic overcrowding, poverty and ill health among the broader migrant population has been painted by a health status survey of hostel dwellers in Cape Town.

The findings of the survey by University of Cape Town anthropologists Mamphela Ramphele, Marion Heap and Denham Trollip were published in the latest SA Medical Journal

The survey investigated the health of residents of council-built migrant hostels in Langa, Guguletu and Nyanga It was undertaken at the request of hostel dwellers, who wanted information on which to base a campaign to upgrade their accommodation into family housing

The authors said a significant proportion of the western Cape's hostel-dweller population included women and children

Conditions in the hostels were characterised by severe overcrowding (one bed to 2,8 people), poor and inadequate amenities (one tap to 117 people, one toilet to 133 people), and poverty (an average weekly cash income of R100 for the needs of both rural and urban dependents)

Overcrowding and poverty led to a high level of tuberculosis relative to township dwellers

However, a low prevalence of disease was found, which led the researchers to suggest that migrant labour, by sifting out the able-bodied and employable, reproduced a "healthy worker effect" among the migrant population with access to cash wage earnings in the city

"The healthy, as evidenced by the low prevalence of disease, are employable, can renew contracts and return to the urban workplace The sick, the unemployed, the unemployable and the elderly are returned to or remain in the 'rural' homelands, the health status of which are reflected in infant mortality data

"The high infant mortality rate suggests that the disease burden of the migrants is being carried by the home-base population"

The poverty of the migrant worker's home base meant children not born in Cape Town also recorded higher levels of chronic undernutrition and lower levels of immunisation than those born in the city

The researchers concluded that hostel dwellers were not representative of the larger migrant population, but relative to township residents they were not experiencing the improvement in health status which normally accompanied urban settlement

Improved living conditions rather than health education that focused on individual behaviour would have a greater effect on improvements in health status, they said

New body provides litigation alternative

B/Day 26/6/91. 248

GERALD REILLY

PRETORIA — The Alternative Disputes Resolution Association of SA (Adrasa) was launched in Pretoria yesterday with the aim of making the law more accessible to those who cannot afford litigation

Association of Law Societies (ALS) director-general Andre van Vuuren said Adrasa was was being fully promoted by ALS and the general council of the Bar

A major advantage of the system, Van Vuuren said, was that parties to a dispute could often achieve a quicker and cheaper resolution of problems than using the courts

The system should not be seen as a substitute for litigation but as an integral part of the whole system of justice, but it was more flexible than strict litigation conducted in courts

Since the beginning of the year, groups of advocates and attorneys in the major centres have been working towards the formation of Adrasa

Van Vuuren said that in line with similar non-profit organisations in the US, Britain, Australia and the Netherlands, Adrasa would encourage the use of alternative dispute resolution to reach more considered and creative solutions to domestic and international disputes

Alternative dispute resolution had to form part and parcel of the skills on which a lawyer could call in delivering legal services to clients

The public would be told of the appropriate procedures including mediation, expedited arbitration and conciliation which could be more suitable for handling disputes Mediators, arbitrators and "other neutrals" would be trained and standards of competence laid down

Adrasa's first council would be appointed in July when it would hold its first meeting It wanted to be fully functional by the end of the year

Wits forced to reduce number of employees

(248)

B/Day 28/6/91

A SHORTAGE of funds had forced Wits University to cut back on staff, vice-chancellor Robert Charlton said yesterday

Addressing a graduation ceremony at the university, he said the financial position for universities was unlikely to improve

"The state subsidies for the universities have been reduced in real terms each year for several years

"For 1991, we have been given the same number of rands as last year — in other words, there has been no increase to cover the increases in the costs of electricity, water, books and journals, in fact in running expenses in general, although the state will contribute some of the cost of the staff salary increases which are to be implemented from July 1"

Charlton said even after saving 11% on wage bills, the 1991 budget made inadequate provision for non-recurrent expenditure on items such as teaching and research equipment, library books and repairs and maintenance of buildings.

"Skimping on these essentials cannot be allowed to continue.

"It is unfortunately clear that we cannot expect there to be any improvement in state funding in future years"

"Indeed, we must plan for the possibility that there may even be a further deterioration"

Charlton said many black students were ill-prepared for university

"These are students who, although of course possessing the formal qualifications for entrance to the university, and although in many cases of high ability, are through no default of their own very far from adequately prepared for university study

"They are mainly, but not entirely, the products of the schools of the Department of Education and Training for blacks"

Charlton said since 1986, the number of black matriculants had increased sharply and there had, consequently, been a considerable increase in the number of black students at Wits — from 1 262 in 1986 to 2 912 in 1991.

Inadequate

The number of white students had diminished by nearly 1 000 — from 15 139 to 14 166, in line with the decline in the number of matriculants

White students constituted 73% of the total number of 19 316 in 1991.

"The inadequate educational preparation of many black students manifests itself in a number of ways

"Virtually all of them do not have sufficient command of the English language for university purposes."

This was because their school teachers did not have English as a first langauge

A high degree of competency in English was needed for university courses.

Also, students were taught to pass exams by memorising the right answers, and this method was not suitable for passing courses at university — Sapa.

KaNgwane minister for UCT

(248)

CT 2/7/91

A FORMER chief minister of KaNgwane has been appointed part-time consultant with the Centre for Intergroup Studies at the University of Cape Town

Mr Enos Mabuza will commence duty on September 1, the university announced yesterday

Since his resignation as chief minister, Mr Mabuza has been in great demand in the corporate sector in the Transvaal and has accepted directorship of a number of companies

"His presence here, and his anticipated involvement in a number of centre projects, will provide an additional dimension to what are already vital areas of concern," said Professor H W van der Merwe, director of the centre — Sapa

Making the law serve interests of powerless

(248)

Star 5/7/91

JO-ANNE COLLINGE reports on a sustained experiment in taking legal services beyond the islands of privilege.

LAWYERS can only be persuaded to abandon their "enclaves of privilege in a wasteland of misery" if legal institutions are radically refashioned

This is the view of the Legal Resources Centre following the remarks of Mr Justice Johan Kriegler, who levelled the "enclaves of privilege" accusation against his profession recently

LRC spokesman Geoff Budlender says the very existence and the astonishing growth of the LRC underscores the judge's accusation that the cost of representation by lawyers in conventional private practice means the vast majority of South Africans are denied access to the law

But it is not the LRC's mission to exist as a rebuke to the profession, its purpose is to explore mechanisms for making the law serve the interests of the powerless

In just more than a decade, the organisation has expanded from one small office to a national office and six regional offices employing about 100 staff members, of whom a third are lawyers In a single year, the LRC sees about 20 000 people

The LRC's regional offices also service 100 independently sponsored regional advice offices — training staff, liaising by telephone, taking more difficult cases on referral

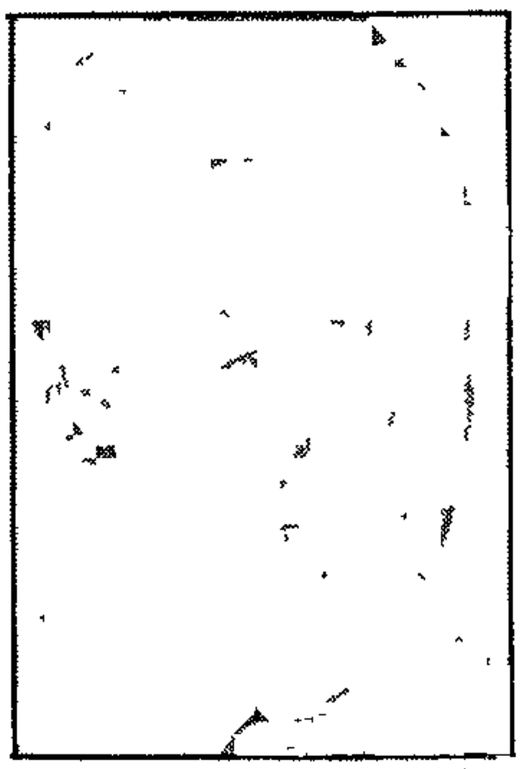
The pattern of demand is as telling as the volume The LRC is not a legal aid bureau, geared to defending the poor in criminal matters Much of its work is a response to people who want to use the law to assert their fundamental rights

It stands, for instance, by the jobless, the landless, the homeless and victims of State-sponsored violence in their quest for social justice

Until recently the bulk of this work was a defence against the ravages of apartheid — finding legal loopholes to stop forced removals, check shack demolitions, counter pass laws and prevent landlords exploiting Group Areas Act "illegals"

With the demise of key apartheid statutes, blacks may no longer be hounded on the grounds of race — but most remain poor and often powerless

Argues Mr Budlender "Public-interest legal services are needed in societies which have never known apartheid In a South Africa where institutionalised discrimination is set aside, there will be a continuing need for the poor to have access to focused legal services"



Geoff Budlender . need for a proper legal aid scheme

The word "development" features prominently in his scenario for the LRC It has a twofold application the development of the law itself, through test cases, and the employment of law in the service of socio-economic development

"A bill of rights will open up vastly new areas for the development of the law The LRC is well placed to make a vital contribution as it is likely to see the cases which can potentially be dealt with through the application of a bill of rights

"For rights to prove effective, the direction in which the courts are guided should be correctly set in early cases"

The role of lawyers within development is not unrelated It focuses on securing "second generation" constitutional rights — social and economic benefits — for society's poorest

The LRC has always sought "maximum impact cases", where large groups may benefit from a single judgment It has often served entire communities This focus is likely to be sharpened in the future

Hopefully this will take place in a context of expanded public assistance for the more routine legal problems Mr Budlender believes that a "proper State-funded legal aid scheme, working through community advice offices and a legal aid board," holds hope for significantly improved access to the law under a democratic government

Publicly funded projects could harness the vast pool of academically qualified lawyers barred from practising by restricted opportunities for serving articles. Law graduates' applications for articles outnumber available positions five to one.

At present there is a cautious loosening of the articles' stranglehold to accommodate law clinics such as those run by the LRC and on various campuses It may be further relaxed in respect of the public defender programme planned by the Legal Aid Board

Without conceding to the primacy of State-funded legal assistance, Mr Budlender argues there will always be an absolute need for institutions like the LRC, which is funded by non-governmental bodies and is fully independent of the State

He points to the experience of the US Legal Services Corporation, which is State-funded and contracts with various bodies to represent those who cannot afford private legal representation

One of its partners, California Rural Legal Assistance, acted for farm workers against powerful land-owning interests Ronald Reagan was governor of California at the time Protracted battles ensued when Mr Reagan became president and tried to close down the Legal Services Corporation — first by attempting to stop funding and then by installing hostile members on its board

"You've got to have people outside the system to keep the system honest," comments Mr Budlender

Not that the relationship needs to be one of unrelieved antagonism. The independent Legal Assistance Centre in Namibia acts in some matters as a consultant to the Namibian government In others, it represents members of the public against the government "There is some tension involved, but it works," says Mr Budlender

While foreign funding for political trials in South Africa is surely drying up, the LRC's developmental orientation has won the support of foreign funding agencies, and no drastic cuts are likely

Nevertheless, Mr Budlender remarks that the South African legal profession has not developed the tradition that exists elsewhere of private-sector practitioners assisting public-interest law programmes □

Remuneration of Town Clerks Act, 1984 (Act No 115 of 1984), hereby amend Annexure A to Government Notice No R 1153 of 29 May 1987 as follows

Effective from 1 January 1991

1 By—

(a) the deletion of the word "Heidelberg" where it appears in the column for the Transvaal under Grade 7, and

(b) the insertion of the word "Heidelberg" in the column for the Transvaal under Grade 8 after the word "Ermelo"

J. S. KITSHOFF,
Acting Secretary.
(5 July 1991)

gevolge artikel 8 (2) van die Wet op die Besoldiging van Stadsklerke, 1984 (Wet No 115 van 1984), wysig hierby Bylae A by Goewermentskennisgewing No R 1153 van 29 Mei 1987 soos volg.

Met ingang van 1 Januarie 1991

1 Deur—

(a) die woord "Heidelberg" waar dit in die kolom vir Transvaal onder Graad 7 voorkom, te skrap, en

(b) die woord "Heidelberg" na die woord "Ermelo" in die kolom vir Transvaal onder Graad 8 in te voeg

J. S. KITSHOFF,
Waarnemende Sekretaris
(5 Julie 1991)

BOARD NOTICE 86 OF 1991

THE LAW SOCIETY OF THE ORANGE FREE STATE

(248)

NEW RULES AND AMENDMENTS TO EXISTING RULES

The undermentioned amendments to the existing rules of the Law Society of the Orange Free State have been made by the Society and after consultation of the Council with the Judge-President of the Orange Free State Provincial Division of the Supreme Court of South Africa, have been approved by the Chief Justice of South Africa in terms of section 74 of the Attorneys Act, 1979 (Act No 53 of 1979), as amended (Amendments are printed in **bold letters.**)

1.

The amendment of rule 15 by re-numbering and amending the existing rule 15 (d) to read

"**(d) 1** The Council or the committee, as the case may be, shall not proceed to the assessment of the fees unless the Secretary of the Society has duly given notice by prepaid registered post to both the practitioner and the person liable to pay the fees, stating the time and place of such assessment and recording that he is entitled to be present and represented thereat· Provided that such notice shall not be necessary if both the practitioner and such person have consented in writing to assessment in their absence

(d) 2 At the assessment the Council or the committee, as the case may be, shall permit the practitioner and such person to submit their representations and arguments, either orally or in writing

(d) 3 After receiving such representations and arguments, the Council or the committee, as the case may be, shall be entitled to reserve its decision

(d) 4 As soon as the Council or the committee, as the case may be, has arrived at its decision, it shall deliver to both the practitioner and such person either by hand or prepaid registered post, a copy of the fee list submitted for assessment, duly endorsed with the allocatur of the Council or the committee, as the case may be, under the hand of the Secretary of the Society, **provided that, where the decision is that of the committee, either the member or such person, if he objects to the decision of the committee, shall within 10 days after the date of the allocatur and after he has given written notice to the other party of his intention to object against such a decision, but before taking any other steps, submit that decision to the Council with a view to having the decision amended or withdrawn, stating in his submission, which shall be in writing, the respects in which he takes objection to the decision and the grounds upon which he claims that amendment or withdrawal of the decision is justified.**

RAADSKENNISGEWING 86 VAN 1991

DIE PROKUREURSORDE VAN DIE ORANJE-VRYSTAAT

NUWE REELS EN WYSIGINGS VAN BESTAANDE REELS

Onderstaande wysigings tot die bestaande reëls van die Prokureursorde van die Oranje-Vrystaat, is deur die Prokureursorde aangeneem en na oorlegpleging van die Raad met die Regter-president van die Oranje-Vrystaatse Provinsiale Afdeling van die Hooggeregshof van Suid-Afrika, deur die Hoofregter van Suid-Afrika goedgekeur, kragtens die bepalings van artikel 74 van die Wet op Prokureurs, 1979 (Wet No 53 van 1979), soos gewysig (Wysigings is in **vet letters** gedruk)

(d) 5 Upon submission to the Council of an objection in terms of the proviso to rule (d) 4 the Council shall consider the objection and if in its opinion a prima facie case for amendment or withdrawal has been made out shall, after the objector has been given an opportunity to make further written representations, and the other party an opportunity of replying in writing to those further representations, with a further opportunity to the objector to respond to the reply of the other party, and after the committee's comments on the objection have been obtained:

(d)5.1 reject the objection and confirm the decision of the committee; or

(d)5.2 amend the decision of the committee in such manner as the Council may deem just, and substitute its own allocatur for that of the committee; or

(d)5.3 withdraw the decision of the committee and substitute its own decision and allocatur for those of the committee.

(d) 6 The Council shall advise the objector and the other party of its decision in writing.

(d) 7 The submission to the Council of an objection in terms of the proviso to rule (d) 4 shall suspend the decision of the committee. The decision of the Council in terms of rules (d) 5 and (d) 6 shall be deemed to be the decision of the matter in question, and the date of the allocatur shall be the date of the dicision of the Council in terms of those rules.

(d) 8 Subject to the provisions of section 74 (5) of the Act the fees determined in terms of the allocatur shall be deemed to be reasonable fees payable to the practitioner for the services rendered "

The amendment of rule 17 by·

2 1 Deleting rule 17 (8)

2 2 Amending rule 17 (9) to read "The stating in his letterhead **or a directory or a law list or** professional cards or any other papers or documents or name plates or sign boards on which his legal qualifications may appear

(a) of the expressions "conveyancer" or "conveyancers" or "notary" or "notaries" unless a member of the firm or a professional assistant in the exclusive employ of that firm is entitled to be described as such;

(b) of the expression "et cetera" or any similar expression or of any other qualification or any appointment he may hold, or any occupation he may follow, other than the following Parliamentary Agent, Patent and Trade Mark Agent, Draftsman of Wills, Estate Planner, Associated Valuer, Valuer, Liquidator of Estates, Appraiser, General Agent, Auctioneer, Commissioner of Oaths or an academic qualification conferred on him by a University or University College"

2 3 Inserting the following new rule 17 (37) after rule 17 (36) **No member may employ or continue to employ in any capacity whatsoever, without the written permission of the Council being first obtained, any person whom, to the knowledge of the member, the Council has found not to be a fit and proper person for purposes of section 4 of the Act or in respect of whom the Council has cancelled or suspended his articles of clerkship in terms of section 72 (1) (b) (i) of the Act: provided that the requirement of written permission may, in its discretion, be waived wholly or in part by the Council, on such conditions as it may determine".**

1 .

Die wysiging van reel 15 deur die bestaande reel 15 (d) te hernommer en te wysig om te lees

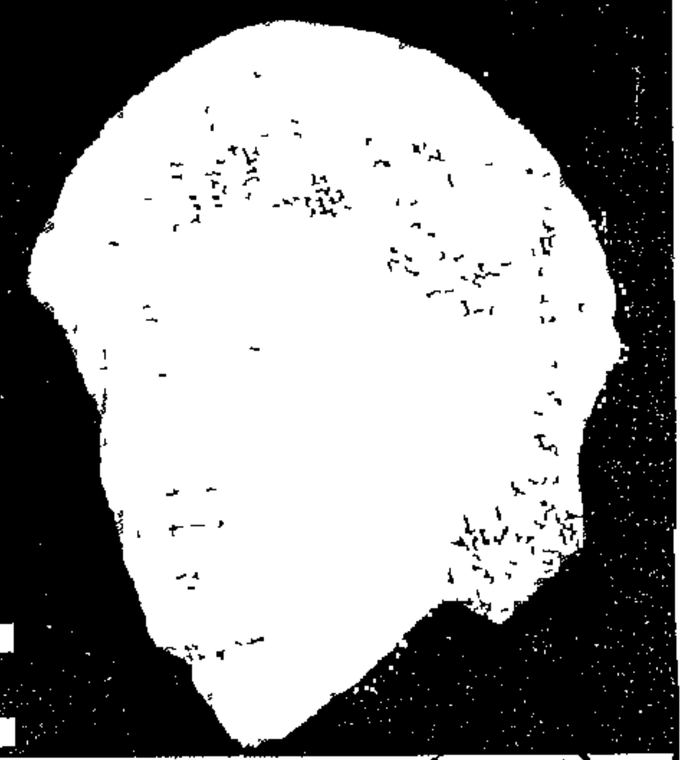
"(d) 1 Die Raad of die komitee, na gelang van die geval, gaan nie oor tot die berekening van die gelde nie tensy die Sekretaris van die Orde behoorlik en per vooruitbetaalde geregistreerde pos aan sowel die praktisyn as die persoon wat vir die betaling van die gelde aanspreeklik is, kennis gegee het, met vermelding van die tyd en plek van sodanige berekening en met vermelding dat hy geregtig is om daarby teenwoordig te wees en verteenwoordig te word Met dien verstande dat sodanige kennisgewing nie nodig is nie, indien beide die praktisyn en sodanige persoon skriftelik toegestem het tot berekening in hulle afwesigheid

(d) 2 By die berekening moet die Raad of die komitee, na gelang van die geval, die praktisyn en sodanige persoon toelaat om hul vertoe en argumente mondelings of skriftelik in oorweging te gee

(d) 3 Die Raad of die komitee, na gelang van die geval, is na ontvangs van sodanige vertoe en argumente geregtig om sy besluit voor te behou

Sunday Scene ■ Arts ■ Theatre ■ Entertainment Guide

The write stuff: Naidoo reveals his talent



C/Press 7/7/91 (248)

COSATU general secretary Jay Naidoo this year became part of the increasing number of black writers who have been nominated for the prestigious CNA Literary Award.

His autobiographical book, *Coolie Location*, was published last year by Taurus publishers and was one of the nominees for the English section

But shortlisted for the top literary award are ANC constitutional specialist Albie Sachs for his autobiography *The Soft Vengeance of a Freedom Fighter*, Nadine Gordimer's *My Son's Story* and JM Coetzee's *Age of Iron*

At least eight black authors, including three women, were part of the total of 73 titles – 37 English and 36 Afrikaans – which were submitted for the 1990 award.

Black authors who were nominated in the English section include Sindiwe Magona, Poona Shobana, the late Richard Rive, Lauretta Ngcobo, Zakes Mda, Achmat Dangor and Ahmed Essop

The award celebrates its 30th anniversary this year and winners will be announced at a formal dinner in Johannesburg next month

In 1985 Ellen Khuzwayo made history when her book, *Call me Woman* became the first submission by a black writer to be shortlisted.

ANC constitutional specialist Albie Sachs is one of the three writers on the shortlist for the prestigious CNA Literary Award.

Award organiser Stephen Johnson told City Press that the nomination of Naidoo for the award was an important literary step

"Naidoo's nomination reflects the need to change people's perceptions about the abilities of some important anti-apartheid activists in the country

"He is one individual who through his book has shown writing abilities that need to be exposed for South Africans to begin to be open-minded in their perception of each other and avoid stereotyping each other," said Johnson

Professor Njabulo Ndebele, head of the Wits African Literature Department and one of the three judges in the English section of the competition, said the nomination of Naidoo's book was a milestone in helping people to understand each other in the country

"The work was beautifully presented and does a great job in eliminating the perception of the Indian community as only the merchant class

"Naidoo has captured the pain, suffering and tragedy of growing up as an Indian and I believe people can learn a lot from the book," said Ndebele

Unions' officials complete law course

THE UCT Department of Labour Law recently concluded a four-week training course for trade union officers

This was the first time that memebrs of the country's two major trade unions, Cosatu and Nactu, had participated in a joint venture

The course was designed to enhance the practical legal skills of union organisers, thereby making them independent of lawyers

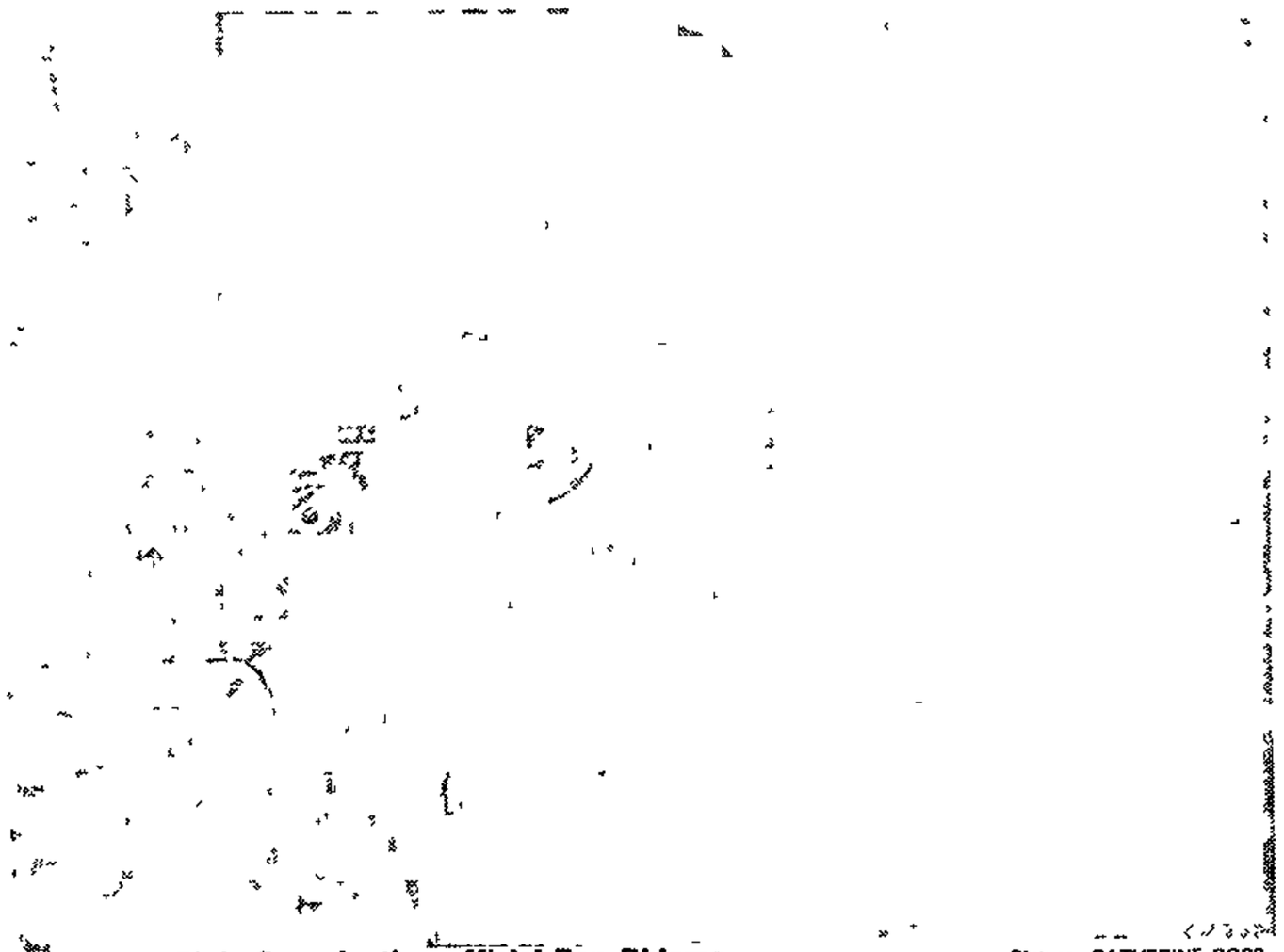
Ms Sarah Christie, the course co-ordinator, said UCT was responding to the concerns of the unions about the high cost of legal fees and the inaccesibilty of lawyers

Although two of the participants had legal qualifications the rest of the 22-strong class had no formal legal background

Teachers were drawn from people in the legal field who had experience in dealing with industrial disputes as well as two industrial relations experts

Ms Christie said the course would to be run annually

The Department of Labour Law is in the process of compiling an officer's manual on labour law



Alexandra Civic Organisation official Ben Dhlomo

Picture CATHERINE ROSS

A 'lawyer' with local standing

B/Day 10/7/91 (248)

WILSON ZWANE

BEN Dhlomo has no legal background Yet his standing in Alexandra township — he is an official of the Alexandra Civic Organisation (ACO) — has landed him a leading role in the "community court" being set up

Dhlomo hopes to be equipped for his task by training offered by the Community Dispute Resolution Resource Committee (CDRRC), a committee formed by the Wits Centre for Applied legal Studies and the National Association of Democratic Lawyers

The court is the first of its kind to be established in SA and, the CDRRC says, it will precede similar courts in other townships where communities "want this kind of assistance"

"I will be the registrar or the intaker and my task is to assess the disputes which are brought to the centre by the community

"After assessing the nature of a dispute, I will then have to decide if it warrants mediation — which the centre will provide — or if it merits being referred to the police or social welfare organisations," Dhlomo said

He stressed that the centre would not deal with criminal or serious cases

"The centre will deal with minor community disputes such as a quarrel over a shared washing line, for example And because mediation is voluntary, I as a registrar will have to ascertain if the parties involved in a dispute prefer it to a conventional judicial system

"Once it has been ascertained that the parties concerned prefer mediation, it will then be my job to get the process going," he said

Dhlomo, who was born in Soweto 30 years ago, said although he had no legal background, he was confident that the CDRRC training would equip him with skills necessary for his job

"I have been made to understand that (after) the training in mediation mechanisms, which I and 10 other people are receiving, I will get special training which will enable me to function as a registrar," he said

He said that as a member of a civic organisation, he had been involved in dispute resolution "on the ground" "But I have never been involved in the kangaroo courts"

Dhlomo matriculated from Alexandra High School in 1985 He has received no tertiary education "apart from a salesmanship course through correspondence"

"I'm not employed and the involvement in the dispute resolution centre will, I hope, provide me with a livelihood as I will be working full-time at the centre," he said

Black co-op 'on verge of buying coffin business'

B/Day 10/7/91

THAMI MAZWAI

AN ORGANISATION representing more than 100 000 black families is on the verge of buying a coffin-making firm, a deal which it believes will seal its efforts to garner the lion's share of the R300m-a-year funeral industry

The organisation — Letsema, which means "togetherness" — was launched three months ago by the National Association of Co-operative Societies of SA (Nacssa), an organisation of black burial societies and women's clubs

Spokesman Sam Muofhe said at the weekend acquiring the manufacturing concern, or part of it, would enable Letsema to sell coffins to the scores of undertakers in black townships In return Nacssa members, a client base of at least 100 000 families, will give their business to these undertakers

Muofhe would not name the manufacturing company Letsema wants to buy, as it "would prejudice us"

"All I can say is that negotiations are 70% done, and at a sensitive stage"

At least 130 black burial societies and women's clubs, with membership varying from 50 to 5 000, are affiliated to Nacssa Some hold 1-million 1c ordinary shares in Letsema A futher 10 000 voting R1 redeemable preference shares are held by the Centre for Black Economic Development, a section 21 company set up by blacks to facilitate black economic empowerment Nthato Motlana is chairman of Letsema and the centre

Township funerals are big business A funeral costs at least R1 000 This includes the Hearse, family car, coffin, a tent and chairs, two buses, a cow and groceries for the wake

Hunger soars

Award a valuable yardstick

Business Day Reporter

ONE of the best reasons for entering the South African Non-Listed Company Award, says Rand-Air MD Brian Shekleton, is that it provides a measure of your company's performance against industry leaders

Rand-Air has been a finalist five times in a row — a feat matched by only one other company, Avroy Shlain

The contest is being sponsored again this year by Business Day, Arthur Andersen & Co and the Wits Business School It is open to companies not listed on the JSE and close corporations meeting eligibility criteria

Shekleton said that apart from encouraging the company to produce its best, success in the contest had won recognition for Rand-Air in industry, and financial recognition from corporate bankers and suppliers of credit

The award goes to the company which, in the opinion of

ACCOUNTANCY (248)

BOOSTER

Fm 12/7/91

In response to more than 3 000 inquiries and 675 applications for new bursaries, the Chartered Accountants' Education Endowment Trust has revised its 1991 target Chairman Henri de Villiers says it has already awarded 75 new bursaries and will try to help a further 40 students The total contribution towards the cost of teachers' subventions at universities will be R350 000

Last year 134 students were assisted at a cost of R910 000

There are now 13 000 CAs, of whom only

Fm 12/7/91 (248)

500 are black Only 41 of those are African By the end of the century an estimated 20 000 CAs will be needed and the trust aims to give disadvantaged students the opportunity to meet this need, says De Villiers

This is part of an SA Institute of Chartered Accountants (Saica) thrust to raise the ratio of its membership outside the traditional white sector to 10% by the year 2000

The Institute of Accounting Technicians, launched in 1979 by Saica, is also training people with practical skills to provide medium and small businesses with accounting services Saica's Brian Hawksworth says. "A great deal of the Third World's business requires accounting of this nature About 625 000 of SA's 1m businesses are small, unrecorded, unlicensed and untaxed"

The institute has a membership of 4 000 Students train under the mentorship of a member of the profession, training is moni-

Continued p

ECONOMY & FINANCE (248)

Fm 12/7/91

tored and the education programme incorporates a "communication skills development component and academic support"

An institute qualification, says Hawksworth, entitles students to a training period remission and credits for some university courses should they wish to qualify as CAs ■

Goldstone urges support for ADR procedures

248

JUDGES and magistrates have been urged not to feel threatened by alternative disputes resolution (ADR) procedures, but to see them as an important complement to the courts.

Speaking at last week's Bar conference in Durban, Mr Justice Goldstone of the Appellate Division gave a strong vote of approval to ADR, stressing that it should not be viewed by the courts as "some kind of opposition to be frowned upon".

He said too many lawyers used only litigation to resolve disputes; they should make themselves better informed about ADR and then use it more often in suitable cases.

Law schools should research and teach ADR, and the legal profession should ensure that it provided "efficient, available and trustworthy" ADR facilities — properly trained and skilled mediators and arbitrators, as well as premises in which to operate.

This more open approach to ADR would result in more and not less work for the profession.

Mr Justice Goldstone also urged that the new Bill of Rights being debated for South Africa should allow for class actions. (Mail 12/7 - 18/7/91)

If people were allowed to join together, pooling their financial resources, this would make the courts financially accessible in public interest law cases involving civil rights matters, consumer protection and environmental issues.

Mamphela Ramphele ... We have to break with the past

Photograph: JUSTIN SHOLK

Ramphele takes up the UCT challenge

248

W/Mail 12/7-18/7/91

By GAYE DAVIS · Cape Town

HER brief is both explicit and daunting: translate the University of Cape Town's stated commitment to non-racialism and non-sexism into reality.

For Dr Mamphela Ramphele, this means "more black faces" in UCT's top posts, more women in decision-making positions at every level — in short, the overhaul of an institution founded by white men specifically for white men into one where "equal opportunity" actually means what it says.

She hauls out a list of statistics: "We have an unfortunate situation where only three percent of UCT's professors are women, while only 12 percent of associate professors are women.

"If you look at UCT's administration, I am the first black and also the first woman to be appointed a deputy vice-chancellor."

Her appointment itself demonstrates UCT's commitment to change. "They know I won't just sit and twiddle my fingers. I think they really have decided to take the plunge."

So has she. For two years she fended off the appointment. "I guess I changed my mind because I saw, or was convinced by those who talked me round, that given the momentous changes in the country there was now a window of opportunity — a chance to make a significant impact if one intervened now.

"It's a lot easier now for institutions to think about radical change. It's not as if we're doing something here that no-one else is thinking of doing — there's a tide which can help even the UCT ship to rise."

She hopes her appointment will convey a message to black students: "I hope my being here will say to them, I am here to support their endeavours, but I am also there to make demands on them to deliver."

She abhors what she calls the "victim image. It's a case of, we're victims of apartheid, so we're entitled to be ill-disciplined, to do sloppy work, to stay away from class when we feel like it.

"We have to break with the past. We must change attitudes and lead people beyond the notion that a 50 percent pass is OK. It's a defence mechanism to deal with possible failure. Excellence has been devalued because it's unattainable for a lot of black students.

"We need a programme of action that will help black students overcome the many obstacles they face when they come to a predominantly white institution like UCT."

Defamation case starts LHR row

(248)

By ELIAS MALULEKE

A STORM is brewing in legal circles because Lawyers for Human Rights is defending a civic leader who is being sued for defamation

Open 14/7/91

Several lawyers said the LHR may be defaulting by defending Pasty Malefo, a spokesman for the Mamelodi Civic Association, who is being sued for R15 000 by a local school principal.

Attorneys who spoke to City Press said the LHR should not "stoop" so low as to defend community leaders in ordinary civil claims if it was using donors' funds and should rather concentrate on human rights activities

A Pretoria lawyer said a libel claim between two ordinary people was not what money donated to the LHR was meant for

One of the lawyers said that if a person was involved in a civil claim, that person was entitled to approach the Legal Aid Board for assistance

The lawyers said although it was not clear on what basis LHR were acting for Malefo, they would be defaulting if he was not paying the costs

Malefo allegedly made the defamatory remarks in an SABC television interview on April 17

The national director of the LHR, Brian Currin, was in Durban and is due to return today City Press was unable to obtain comments from other officials

Lancaster House in London.

Fired law firm trio take court action

Sowetan 17/7/91

248

By MONK NKOMO

THREE former employees of a Pretoria firm of black attorneys who were allegedly unfairly dismissed last month have turned to the Industrial Court.

They want the court to force their employers to reinstate them.

The three, who allege they were unfairly dismissed by Matlala Attorneys, are Miss Julia Khoza, a switchboard operator, Mrs Maria Nhlapo, a cleaner, and Miss Johanna Makgatholela, a typist.

They have given detailed accounts of how they were dismissed. The contents cannot be published as the matter is *sub judice*

Attorney Mr Cyril Morolo yesterday confirmed that he had already filed an application in the Industrial Court seeking an order declaring the dismissal of his clients illegal.

He said they would also seek an order declaring that their dismissal constituted an unfair labour practice.

The application filed in the Industrial Court requested an order directing Matlala Attorneys to reinstate the applicants "on terms and conditions not less favourable to them than those prevailing prior to their dismissal".

Matlala Attorneys could not be reached for comment yesterday as their offices were damaged by fire recently

Morolo said they would seek an order directing the respondents to comply with the contract of employment between them and the three applicants as well as the payment of legal costs.

Human-rights lawyers decide to go it alone

W/Mail 1917- 25/7/91

248

LAW & THE COURTS

Carmel Rickard

After a long, cosy relationship with political activists and organisations, one of South Africa's most prominent civil-liberties groups, Lawyers for Human Rights (LHR), wants a separation.

Since President FW de Klerk's nothing-will-ever-be-the-same-again speech of February 2 last year, LHR has been aware it would have to redefine its role and re-examine its relations with political groupings.

At last weekend's AGM, two top officials — Jules Browde SC, who chairs the organisation, and Brian Currin, its national director — spoke strongly about the need for political neutrality. They warned this was essential for LHR's continued credibility now that previously banned organisations had become political contenders.

Browde said when LHR tried to bring about a democratic society under the rule of law, it had to avoid being seen as partial to any particular political organisation.

"We must never take sides in the struggle for political power. Our concern is that South Africa be free, as far as lies within our power, from violations of international standards set for the protection of human rights.

"The fact that thus far we have been concerned with violations of those standards enshrined in our statute books in the name of apartheid, must not make us complacent that once apartheid has finally been buried our work will be over.

"New regimes bring new dangers — one tyranny often replaces another — and the abuse of human rights goes on. We must be vigilant."

Currin was equally frank: "What happens to that cosy relationship which we enjoyed with political activists who spearheaded the struggle against apartheid and its ghastly consequences? The struggle for human rights and the political struggle for liberation, democracy and justice have been synonymous. In the result, many human-rights organisations are very close to, and even part of, political organisations on the threshold of political power.

"Prior to February 2, political organisations participating in the extra-parliamentary political movement had no foreseeable prospect of being part of a future government. For that reason, there was no difficulty in being both a political activist and a human-rights activist simultaneously.

"All that has changed. Extra-parliamentary political organisations such as the ANC are beginning to participate in the political arena; they are competing for political power; they are providing political leadership, they are potential governments. Human-rights organisations are non-government organisations, they do not participate in power politics, they represent the rights and interest of the people."

LHR's reaffirmation of this principle coincides with a growing tendency among members of the National Association of Democratic Lawyers (Nadel), another of the country's "alternative" lawyers' organisations, to reach the same conclusion.

Nadel's national co-ordinator, Nomazizi Ramaphosa, said that at the last general council meeting a resolution was taken on the issue. Members had realised that the ANC was an open political organisation fighting for political power. "Nadel cannot function if we are in the pocket of the ANC," she said.

If LHR's relationship with political organisations was cosy, Nadel's was positively intimate and a separation will be painful and difficult to achieve — something officials acknowledge. Ramaphosa commented: "It will be hard, since most members are also members of the ANC."

Many Nadel officials hold office in the ANC, but Nadel president Pius Langa feels this in itself is not a problem — as long as the organisation is able to act independently.

Will it be able to do so? Some officials of the Black Laywers' Association (BLA) have serious doubts.

While Nadel has been seen by BLA and others as "charterist" (the organisation early on gave its backing to the ANC's Freedom Charter), BLA is perceived as pro-black consciousness.

Against the major rethink on political neutrality comes a request from Nadel for some form of rapprochement between the three human-rights lawyers' bodies.

Langa said the exact nature of a new relationship could be discussed if the others were interested. It might simply be co-operating more closely, or a federation or even unity in a single, new organisation.

Both LHR and BLA are to have discussions with Nadel to clarify its suggestion.

The clear voice with which all three organisations are now speaking on the issue of political neutrality will certainly make it easier than in the past for them to consider working together.

The bureau which defends the people

(248)

W/mail 19/7 – 25/7/91

The Legal Aid Bureau operates from a dingy suite of offices, has 14 staff members, a miniscule budget, and gives free assistance to about 22 000 people every year

By PAT SIDLEY

GLADYS QUAYISO's son — a trainee policeman in the Ciskei Police Force — died while exercising Two other young men died at the same time. By the time an inquest established the police had negligently caused the deaths, the time to claim from the police had lapsed.

By law, citizens have only six months to make a claim against the police, and this case had dragged on for over two years This did not stop a firm of small-town attorneys near the Ciskei from taking a R500 deposit from Gladys Quayiso to make a claim they cannot by law make.

She had come to Legal Aid to try and get assistance.

Nora Ndlovu's ex-husband died last year. She has custody of their children and has been trying without success to find out from his former employers if there is a provident fund or pension fund which would pay out death benefits for his children. The company has not bothered to reply Ndlovu wants help in finding this out and has come to Legal Aid.

Pauline Lipson, Legal Aid's director, has chain-smoked her way patiently through these cases and literally close to a million others for more than 40 years.

There is almost nowhere else for these desperate people to go when bureaucracy and crookery threaten to overwhelm them

Lawyers' fees are high — often R300 an hour — and letters, stamps and phone calls add to the cost. This before the case gets anywhere near a court.

The state provides limited legal aid, and in the past decade several public interest law firms and legal assistance groups have sprung up But they tend not to deal with the bottom of the line daily hassles of ordinary people, like divorces, credit deals gone sour, illegal repossessions and administrative problems in getting money from pension funds

Of two million prosecutions in South Africa annually (excluding the TBVC homelands), at least 90 percent are not represented by lawyers, according to Lawyers for Human Rights.

The prison population in 1989 (again excluding the TBVC homelands) was about 112 000 and LHR thinks it is probably closer to 120 000 now. Of those, about 90 percent were unrepresented in court before they were sentenced to terms in prison, LHR says

At any given time, according to LHR, between 30 000 and 40 000 prisoners are in jail waiting to be tried — most of them with no legal aid.

Despite this the legal profession was scandalised when it was attacked by one of its own — Mr Justice Johan Kriegler.

He accused lawyers of greedily grabbing at everything they could, while millions of South Africans remained out of reach of legal assistance The profession, he said, was simply not dealing with the advent of a new society

The howls of righteous indignation from lawyers which greeted the judge's criticism may have been dampened had they been sitting in the offices of Legal Aid Bureau Defence of the Poor — a Johannesburg charity which offers, free of charge, legal aid to those who would not otherwise get any help.

Legal Aid Bureau operates out of a dingy suite of offices in central Johannesburg with broken furniture, manual typewriters, about 14 staff members — "paid worse than anybody else in the country", according to the director — and a few volunteers

There is no fax machine — they only recently acquired a copying machine from a donation and another grant provided a few electric typewriters.

On a miniscule budget of less than R200 000 annually, and a bit of free time from the less greedy lawyers, 22 000 people are helped every year

From about 7am on any day of the week a queue of desperate people turns up at the offices. Shortly after 8am they will be allowed in but the doors will be shut On the bureau's meagre budget, the employees do half a day's work and thus cannot see more than 120 people in a morning

Lipson, the director, is one of the few lawyers on the staff. One other is a social worker, and a third mainstay of the operation has no qualifications but years of sorting through the legal hassles of divorces according to both African customary law and South African civil law.

The filing clerk is also the translator

Most of Legal Aid's funds come from small donations from local sources It was not until last year that the organisation was granted permission to raise funds out of South Africa, but to date it has only received one grant from a foreign country — the Canadians donated R10 000 The Johannesburg municipality, which was jolted into generosity after a tour around the office, recently gave them R25 000

Johannesburg lawyers do give money and time — but in limited doses

Attorneys are asked to donate a R10 levy annually "and you would be surprised how many do not" When she is not seeing clients, Lipson is trying to raise lawyers to do the legal work required which nobody is qualified to undertake at Legal Aid She has a list of attorneys in Johannesburg who will give their time and assistance free

They form a small proportion of the attorneys in town and many of them, tired of her constant requests, duck the calls if they can.

"I hear them shouting at their secretaries. 'Tell Mrs Lipson I'm not in'," says Lipson.

Legal Aid was started in 1937 by the South African Institute of Race Relations who had hoped that such an organisation could provide legal aid in the courts

The two organisations have no relationship nowadays.

"The idea was originally that there should be a legal aid office that would give people legal representation in the criminal courts in the magistrate's court."

The state introduced its own Legal Aid Board in 1962.

"This is basically a legal welfare office and a lot of it is not law, like claiming for workman's compensation

"There are people who get into trouble because they do not know any better; people who get into trouble who know that they should not get into trouble; people who buy things they can't afford. They enter into contracts that they have read and realise what it is going to mean to them — and still sign it.

"There are people who buy large amounts of furniture and lie through their bloody teeth about their incomes . and of course after three months they cannot keep up their payments. These sort of people I want to kill."

For the others she does what she can.

LEGAL AID IN ACTION . . Tension (seated centre), the bureau's messenger, translator and counsellor and two members of the bureau assist a member of the public with his problem Photo: GUY ADAMS

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FM 19/7/91

Leatt *balancing supply and demand in education*

248

FM 19/7/91
JAMES LEATT

248

WILLING SPIRIT

As someone charged with steering one of the country's leading universities through the education crisis, James Leatt has a tough job ahead of him But the new vice-chancellor and principal of the University of Natal seems perfectly suited for the job

For a start the former Methodist minister has an impressive track record as a business negotiator and was a founder member of the Independent Mediation Service

Working in the Cape Flats and District Six communities in the mid-Sixties gave him first-hand experience of the effects of apartheid on young people Part of his ministry was to set up adult education and day-care programmes

Leatt (52) also knows what it's like to work your way through school He couldn't afford university so he joined a bank after matriculating at Muizenberg High He then became a candidate for the Methodist Church, which sent him to Rhodes University. In 1965 he was ordained and graduated with degrees in theology and anthropology

After earning his doctorate in social ethics, Leatt was asked to teach at the Federal Theology Seminary, then at Alice "I taught there for a while, then government expropriated the entire seminary So we went on trek, ending up at Umtata on land owned by the Anglican Church "

Eventually he found his way back to Cape Town and began to lecture at UCT His interest in business ethics and industry was tested when the SA Council of Churches offered to mediate in the prolonged dispute between Fattis & Monis and the Food & Canning Workers' Union in the late Seventies "Mediating was a fairly new concept in those days and we had to make the role as we went along Luckily, I was able to find a way to solve the problem "

That had two results UCT's Graduate School of Business asked him to design and teach a course for its MBA programme, later creating a chair for him, and the practice of independent mediation caught on

He became deputy vice-chancellor at UCT in 1987 During a stint as a Visiting Fellow at Cambridge last year, Leatt was chosen to succeed Peter Booysen at Natal

University principals face daunting challenges "On the one side we have decreasing subsidies, with the State no longer able to afford the needs of higher education with its other financial pressures And on the other we have increasing demands with the advent of black students on campus coming from the Department of Education & Training system This has led to major costs in financial aid and the designing of an academic support programme "

He and his wife, Jenny, a remedial teacher, have a son and daughter, both completing their degrees in Cape Town Leatt enjoys walking, swimming, reading and listening to jazz He'll be based in Durban and he hopes to bring his dinghy up from the Cape ■

REPRESSION DOSSIER

New trust fund for legal defence

(248)

South 25/7 - 31/7/91

As the International Defence and Aid Fund winds up operations, a new trust fund is being established in Cape Town to do similar work. **HENRY LUDSKI** reports.

A NEW trust fund which will assist in providing legal defence and promoting human rights in South Africa is in the process of being set up in Cape Town

The South African Legal Defence Fund (Saldef) will operate from offices in Observatory before the end of the year

The organisation will continue much of the work previously undertaken by the International Defence and Aid Fund (Idaf) which is now in the process of winding up its London operation

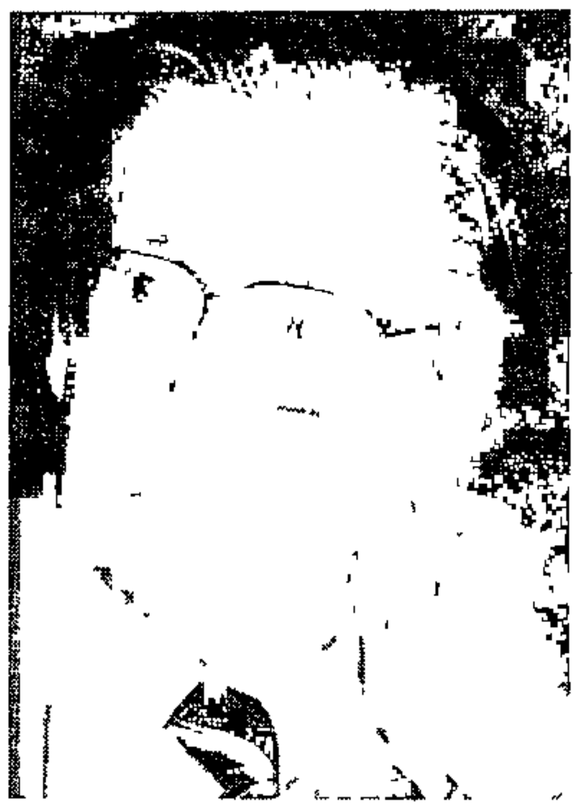
Idaf over the years has provided for the legal defence of thousands of South Africans. It is estimated to have spent R500 million.

The Observatory head office of Saldef will be staffed by a director and about eight to 10 other workers who have still to be appointed

The former general secretary of the South African Council of Churches (SACC), Dr Beyers Naude, has been appointed chairperson of the trust which was set up last month.

He said this week that many of the details of the fund would be finalised at a meeting to be held in Cape Town on August 20.

Saldef's board of trustees includes representatives of political organisations such as the African National Congress and the Pan-Africanist Congress, human rights organisations and organisations representing civil rights lawyers.



Beyers Naude

Saldef has set itself the task of providing legal defence, promoting human rights and advocating the promotion of the public defender system and a bill of rights.

Idaf's director in London, Mr Horst Kleinschmidt, said his organisation was "being phased out" and it was planned that Saldef would take over its role.

Kleinschmidt said Idaf, which had a budget of R50 million last year, was operating on a reduced budget of R35 million this year

He said that contrary to expectations, there had been an increase in applications for legal assistance this year.

"Most of the applications warrant support in terms of our criteria but it is inconceivable that money can be obtained from donors that will enable us to match our support in previous years."

He said Saldef would operate on a reduced budget and would also not be able to handle the same volume as Idaf.

"Saldef will have different priorities appropriate to the current situation in the country Clearly, the possibilities are very exciting "

Lawyers fight indemnity cut-off date

South 25/7 - 31/7/91 248

LAWYERS plan to challenge the conditions of the Pretoria Minute by bringing indemnity applications for scores of people who were arrested for political offences several months after a government cut-off date for clemency

In at least two instances in recent weeks, lawyers have succeeded in having political trials postponed to allow them to lodge the indemnity applications

The applications are for offences committed in the past three months, whereas the Pretoria agreement between the African National Congress (ANC) and the government stipulates that the indemnity applies only to offences committed before October 8 last year The indemnity applications will be brought for 37 people who were arrested in May on charges of illegal gathering, and three others who were arrested last month on charges of illegal possession of a firearm and two hand-grenades

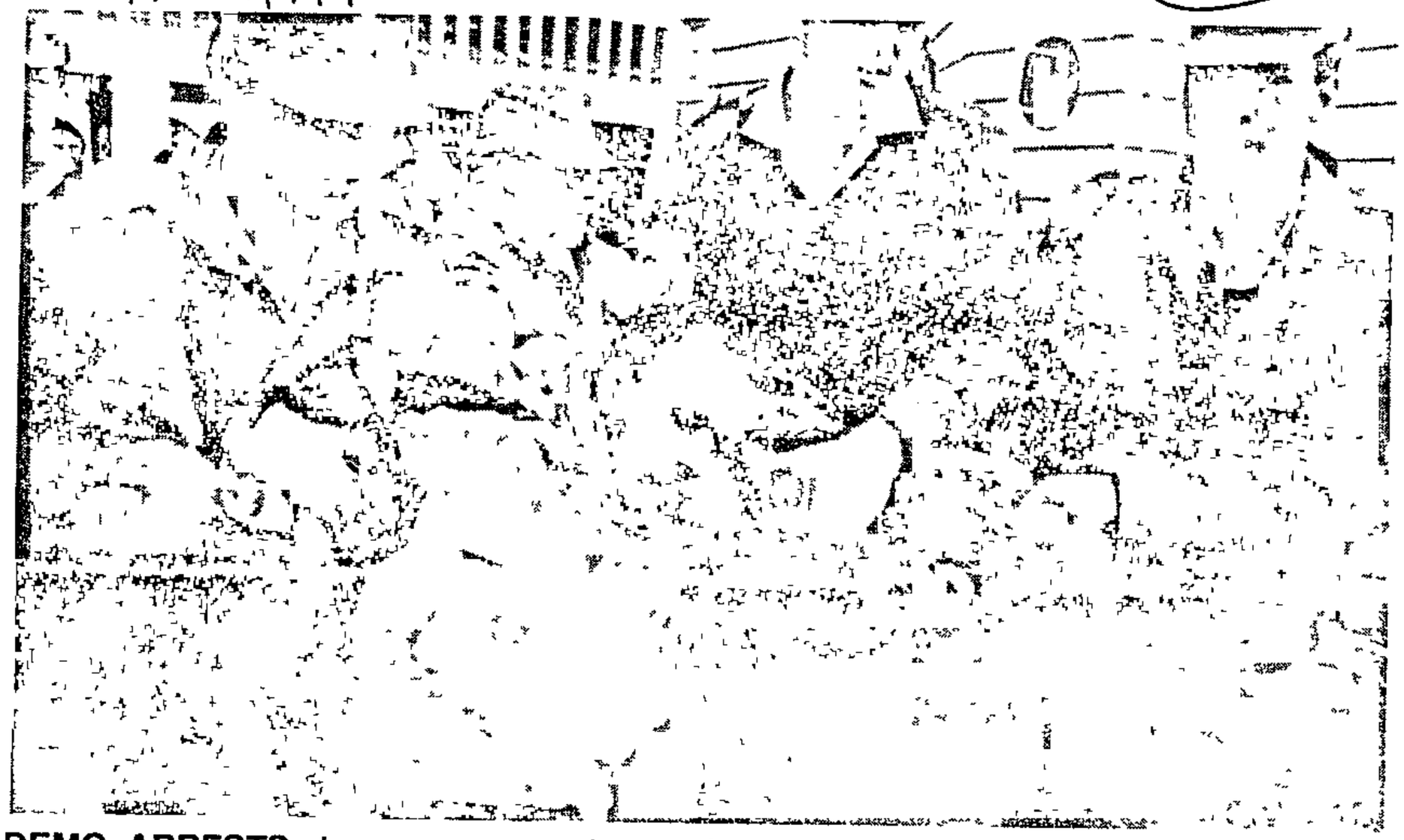
Lawyers representing the 40 people will argue that the political offences fall within the ambit of the Pretoria Minute and that the government cut-off date for clemency and indemnity should be changed to include political offences of recent months

In the past few months several thousand ANC supporters have been arrested on charges of illegal gathering and trespassing after widespread protests to demand the release of political prisoners

About 700 protesters, including several members of the ANC national executive, were arrested in the Western Cape after protests in the city centre near parliament

A Cape Town lawyer who is monitoring the trials this week said that several hundred of these had already appeared in court He also confirmed that warrants of arrest has been issued for about 200 trialists who did not turn up at court for the hearings

Several of them had subsequently paid admission of guilt fines, he said



DEMO ARRESTS: Lawyers are seeking indemnity for people arrested during demonstrations, as above

PIC YUNUS MOHAMED

Sunday Profile

S/Times 28/7/91

248

Boycott-breaking O'Brien is back — unrepentant about his clash with UCT

CONOR CRUISE O'BRIEN was last seen in South Africa five years ago — engaged in outraged debate with furious University of Cape Town students over his breaking of the academic boycott.

He had just been prevented by left-wing students from lecturing on the UCT campus and one of the lecture halls had been trashed The incidents led to a crisis in SA universities and unleashed a heated debate over academic freedom.

But it was a relaxed and expansive Dr O'Brien, former United Nations diplomat, academic and journalist, that I met this week in a Johannesburg hotel Different, but by no means contrite.

This time, he was quick to point out, he was not in South Africa as a boycott buster, but as a journalist on assignment for the Times of London and the Atlantic Monthly

Despite the row over his last visit, Dr O'Brien said this week he would do it again if he was invited to lecture at UCT — if somewhat differently

"I would only accept if the administration were to assure me that they would not permit my classes to be disrupted by violence," he said

"And anyone that did attempt it would be punished and not just slapped over the wrist."

In the earlier incident, four students were reprimanded by the UCT administration and one was fined R250

To ask for these guarantees would be unusual, he said, but he learnt the hard way that South Africa was not in a normal situation. He would still refuse to ask permission of any political party

However, he doubted he would be invited to lecture at UCT under the present administration.

A commission of inquiry to investigate the disruption of his lectures "put the blame on me for the breaking up of my classes by a mob", he said.

Dr O' Brien used the word "mob" frequently and with visible distate.

The UCT Commission found that the Irish academic had a "mercurial and volatile temperament which found itself unable to regulate academic detachment under conditions of excitement and emotional stress"

He said "It was very damaging to me internationally The administration in effect capitulated to the militant students.

"The administrations of these two respected universities (UCT and Wits) have sold the pass — sold out, if you like"

Born in Dublin in 1917, Conor Cruise O'Brien read modern literature and modern history at Trinity College and entered the Irish diplomatic service.

In 1961 he resigned an appointment as United Nations special representative to Katanga which he had taken up at the request of the then secretary general, Dag Hammarsjkold, during the turmoil of the province's secession from the newly independent Congo

This was followed by a spell as vice-chancellor of the University of Ghana, four years at New York University and eight years in Irish politics. In parliament he was first in opposition and then in government.

After his defeat in the 1977 election, he became editor in chief of the Observer the following year, later returning to academic life as visiting professor at Dartmouth in New Hampshire

Dr O'Brien still believes the academic boycott was wrong — "now it looks ridiculous", he said. Five years ago he outraged left-wing students by dismissing the boycott as "Mickey Mouse stuff"

"The so-called academic boycott was just a way of fingering certain people who refused to toe some part of the ANC line."

Dr O' Brien said he was singled out because he stated quite categorically, if "imprudently", that his visit to SA was a statement to bust the boycott.

Dr O'Brien has always reluctantly approved of economic sanctions and approved of the sports boycott, but never felt an academic boycott should be part of the same package to isolate SA.

"The reason is that, in general, the intellectual community in the world opposed apartheid, including South African academics — particularly in liberal universities To punish them in order to bring pressure on Pretoria was inherently ridiculous. Pretoria only laughed.

"It was like kicking the cat because you were afraid of the tiger"

It was important for the future of the country that universities be free to teach and not be "overawed by mobs into parroting slogans from outside the so-called ivory tower"

If this did not happen, the university would cease to be a university and become a place of political indoctrination

Dr O'Brien is an avid follower of South African current affairs

"I find the question of control over the security forces very worrying," he said.

"What concerns me is that the government has been funding, through the police, a political party which is also a paramilitary organisation and which is carrying on something like a mini civil war in Natal.

"A paramilitary movement closely associated with the security forces is a pathological condition."

He hoped President De Klerk would announce a commission of inquiry into the events and believed that ministers Vlok, Malan and Botha should resign

— *Edyth Bulbring*

NO REGRETS Irish diplomat and journalist Conor Cruise O'Brien, who says he is willing to speak at UCT again Picture DAVID SANDISON

'Review academic boycott'

W/Mail 26/7–1/8/91

By PORTIA MAURICE

(248)

THE international anti-apartheid community should channel its energies into supporting the transformation of tertiary education rather than screening academics coming to South Africa.

This was the thrust of a resolution on academic exchange passed at the 5 000-strong Union of Democratic Staff Association's (Udusa) fourth national congress in Durban this month.

Delegates from universities and colleges across the country confirmed a shift in emphasis away from the academic boycott — part of the anti-apartheid sanctions package against South Africa — towards affirmative action to address the tertiary education crisis

The July congress sanctioned the view of Udusa's national executive committee that the time was nigh for a review of the boycott, which the organisation had applied selectively It has supported its members to travel overseas for purposes of research or other intellectual endeavour International academics were allowed to come at its invitation and encouraged to make their services available to other groups while in South Africa.

"Specific goals need to be set within universities aimed at redressing apartheid's inequalities, and a major infusion of financial and academic resources is required to ensure that they are able to give effect to these goals," the resolution reads.

Udusa proposes that financial aid, institutional links, academic inputs, transfer of expertise and policy assistance be orientated towards constituencies which prioritise transformation, and that forces which resist change be isolated.

Distribution of international funding is directed towards few universities, and promotes uneven development, Udusa claims.

The new national executive committee plans to meet the Committee for University Principals to air its grievances and make distribution more equitable, with emphasis on black campuses.

Udusa also resolved to focus on democratising university councils, promoting employment opportunities for blacks and women, and investigating new policies on admissions and accreditation at tertiary level.

SOWETAN Friday August 2 1991

Klaaste appointed to the Wits Council

By THEMBA MOLEFE

THE Editor of *Sowetan*, Mr Aggrey Klaaste, has been appointed to the Council of the University of the Witwatersrand

The announcement was made by outgoing Minister of Education and Culture Mr Piet Clase Klaaste will serve on the council until February 28 1995 Sowetan 2/8/91

The appointment does not mean Klaaste will resign as Editor of *Sowetan*

The university's vice-chancellor and principal, Professor Robert Charlton, said the appointment was "absolutely delightful" and that Klaaste's contribution would be invaluable

Klaaste said he felt honoured to be on the council of his alma mater He was a student at Wits from 1959 to 1962 where he completed a Bachelor of Arts degree in Political Science. (248)

"I do not think this appointment is a political statement This university believes I have an important role to play in improving the quality of education for South Africans," said Klaaste

Klaaste started his journalism career as a reporter on *Bantu World* He became Editor of *Sowetan* in 1988.

AGGREY KLAASTE

Here's to you, Brutus!

C/Press 4/8/91 (248)

ASPIRANT writers and poets came together recently at Kippie's Bar, Johannesburg, to listen to the haunting poetry of Dennis Brutus

The occasion was organised by the Congress of South African Writers (Cosaw) to honour Brutus for his contribution to the development of literature in the country and to welcome him back after decades of self-imposed exile

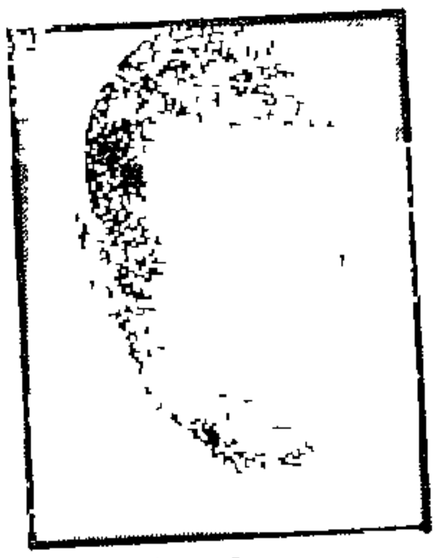
Renowned poet and Fuba Academy director Sipho Sepamla captured the feeling just before Brutus's first poetry reading in the country in 30 years

"Brutus's rendition after so many years in exile will be enough to give meaning to what has brought us together and to fuel the desire to write among our young people," said Sepamla

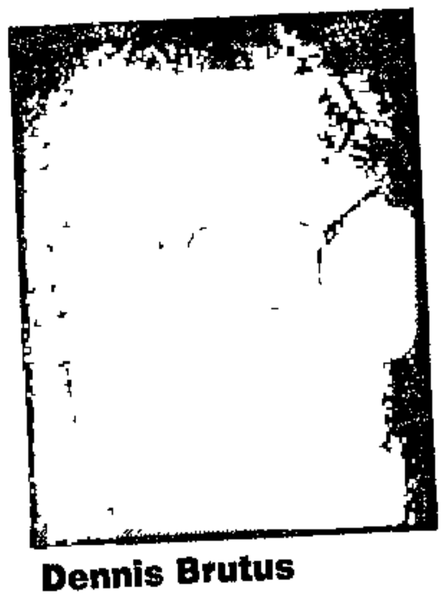
Brutus read a wide variety of his poetry, which he said was inspired by hard years on Robben Island

He told how he was moved by the mine dumps of Johannesburg and his friendship with the late Ruth First who was parcel-bombed in Mozambique

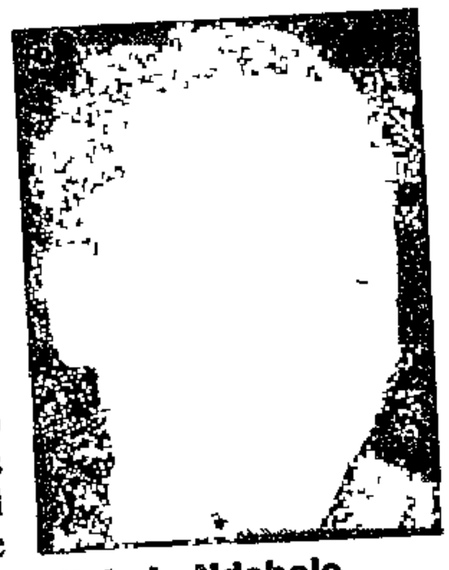
Cosaw national co-ordinator Buyisile Jonas said Brutus's return was a significant literary milestone that would impact positively on local writing



Wally Serote



Dennis Brutus



Njabulo Ndebele

Keorapetse Kgositsile

"We have fought and campaigned for his citizenship to be reinstated

"As writers we feel his presence in terms of his contribution and the advice he's shared with us as a writers' organisation," said Jonas, adding Brutus would play the same constructive role as writers like Professor Njabulo Ndebele, Keorapetse Kgositsile and Wally Serote

Ndebele returned early this year after he was exiled in Lesotho for many years Cosaw campaigned vigorously for his right to return.

Kgositsile and Serote returned after the unbanning of the ANC and are today Cosaw patrons

Cosaw will host an intensive three-day workshop at the Wilgespruit Fellowship Centre from Friday.

The session will be divided into four categories poetry, short-story writing, stage scriptwriting and review writing.

Facilitators include Achmat Dangor, Nadine Gordimer, Keorapetse Kgositsile and Tyrone August.

Jonas said: "Aspirant writers never had a literary home and have been writing with very little understanding of what is required.

"We believe that people like Brutus will fit into existing programmes and help to address the problems that plague black literature today"

However, Jonas stressed that the return of writers like Brutus and others did not mean a totally new start for Cosaw.

"We believe that they will bolster us in carrying out the projects that are already running."

Jonas said Cosaw would also invite international writers like Nigerian Ngugi wa Thiongo to encourage an exchange of ideas and information about writing and literature

He said Cosaw did not invite Wa Thiongo this month because of change in the country

"We do not believe that their coming will breathe life into apartheid On the contrary, it will benefit victims of apartheid."

Every SA law under review – Coetsee

(248)

Star 10/8/91

MALCOLM FOTHERGILL

EVERY single law on South Africa's statute books is being examined by hundreds of experts, most of them legal academics

The review, unprecedented in South Africa's history, was announced by Justice Minister Kobie Coetsee when he handed over the SA Law Commission's interim report on group and human rights in Bloemfontein this week. It will cover 17 areas of law

Mr Coetsee said the task of the committees would be to identify, through study and research, which areas of the law needed reform. "The reports of these committees will result in executive and legislative action"

Mr Coetsee said it was more imperative now than ever before that the laws, the legal system and the administration of justice "should keep abreast of the development of a new and dynamic South Africa

"It is of particular importance that the principles of private and public law should be in pace with the needs of societies and communities — it is our task as law reformers and law givers to remain sensitive to their rights and obligations"

● **Full analysis by Dennis Davis of Wits University on Page 13.**

Judge Ismail Mahomed appointed first black judge

THE government has announced the appointment of the country's first black judge

He is Mr Ismail Mahomed, SC, a prominent Johannesburg advocate.

The elevation of Mr Mahomed to the Transvaal Provincial Division of the Supreme Court was confirmed by Minister of Justice Koble Coetsee

His appointment takes effect tomorrow

Mr Justice Mahomed has extensive judicial experience, having served on the Swazi Appeal Court for 12 years. He is also president of the Court of Appeal in Lesotho and sits on the Supreme Court Bench in Namibia.

His appointment, which opens the way to the Bench for other senior black lawyers, has been widely welcomed by legal colleagues in their personal capacities.

Among them are PAC vice president Dikeng Moseneke, ANC national executive member Dullah Omar, Jules Browde SC of Lawyers for Human Rights and George Maluleke of the Black Lawyers Association

They all said it was "high time" someone of his calibre was elevated to the judiciary

While still at the Bar, Mr Justice Mahomed appeared in a number of celebrated cases, including the famous "scissors case", but his influence has been felt most strongly in human rights and political trials.

He has appeared in a number of marathon political cases involving anti-apartheid activists, including advocate Braam Fischer, Professor Fatima Meer, the Biko family and ANC veteran Govan Mbeki.

Mr Justice Mahomed also argued several landmark challenges to the state of emergency, during which he urged that the presiding judges should exercise their discretion in favour of human rights.

He has made his pro-civil rights stance clear with a Namibian judgment, based on that country's bill of rights, in which he outlawed court-imposed corporal punishment of adults and juveniles and ruled that corporal punishment could not be imposed by schools.

Colleagues said the Pretoria-born judge, one of a family of six children, ought to have been appointed to the Bench many years ago He is senior in experience to most judges on the Bench.

While Pretoria refused to consider appointing a black judge, he gave South Africa's neighbours the benefits of his skills.

During his long and distinguished legal career in South Africa, however, Mr Justice Mahomed, along with other black colleagues, suffered many humiliations through government legislation, both in his personal and professional life.

For example, before the Group Areas Act was amended he was unable to have chambers in the city centre building occupied by his white colleagues.

For 12 years, on arriving for work, he would ask which of his colleagues was in court and would then "borrow" their chambers until the advocate concerned returned.

If there were no colleagues out, he had to work in the library

During the years when Indians were barred from staying in the Orange Free State for more than 24 hours there were occasions on which he had to drive from Bloemfontein, where he was appearing in a case, to Kimberley, the nearest Cape province town, to sleep.

He was admitted as an advocate in 1957

Another milestone came in 1974 when he was the first black advocate to be appointed senior counsel, joining the ranks of top advocates from whom judges are appointed.

The popularity of Mr Justice Mahomed's decision to accept the appointment reflects a change in attitude by many of his anti-apartheid colleagues across a wide range of organisations, all of whom have welcomed his appointment, saying it was an honour long overdue.

The national chairman of Lawyers for Human Rights, Mr Jules Browde SC, welcomed the announcement, saying LHR believed that, in the eyes of the public, a nonracial Bench would have a legitimacy that was presently lacking.

Another LHR executive member and counsel for the Mandela family, Mr George Bizos SC, said in a "just society", Mr Justice Mahomed would have already "graced the Bench for many years".

Similar tributes were paid by the attorney for the Sisulu and Mbeki families, Priscilla Jana, who said the country had entered a transition period and the time had come to "set the pace" in anticipation of a new society.

"He should have been a judge in this country a long time ago and the fact that he is accepting the appointment will be an asset to the new society."

HISTORIC FIRST . . . but Ismail Mahomed has felt the bite of apartheid Picture: PIERRE OOSTHUYSEN

Senior official of the National Association of Democratic Lawyers Azhar Cachalia expressed his delight, adding the appointment was an important step in restoring the poor image of the judiciary.

Another Nadel official, Mr Dullah Omar, who also serves on the ANC's National Executive Committee, said: "I am delighted. We can walk tall."

Mr Govan Mbeki agreed it was "an important and welcome development".

A former colleague of the new judge, advocate Dikeng Moseneke, vice-president of the PAC, welcomed the news and said that on sheer merit, seniority in the profession and skill, the appointment was both "overdue and richly deserved".

Chairman of the legal education committee of the Black Lawyers' Association George Maluleke said he believed the appointment of Mr Justice Mahomed was a necessary step in dismantling apartheid "in a very critical area".

By SANDILE MEMELA

Writers hearing some wise words

C/Press 11/8/91 (248)

THE two big black writers' groups – the Congress of South African Writers (Cosaw) and the African Writers' Association (AWA) – are holding events aimed at improving creative writing

Cosaw today closes a three-day Writers' College seminar at Wilgespruit Fellowship Centre.

Prominent writers delivered papers and conducted workshops on poetry, short story and stage script-writing and reviews

AWA will, in the next few weeks, host writing symposia around the country

Notable poets and writers Don Mattera, Andries Oliphant, Professors Es'kia Mphahlele and Peter Thuynsma of the African Literature Department at Wits University will deliver papers

On Saturday, the AWA annual literary seminar will be held at the Funda Centre from 9 am to discuss the theme "The new South Africa Challenge. Realising the dream or chasing shadows?"

This will be followed by a symposium at the University of Transkei, Umtata, on August 23 and 24 which will feature prominent African literature lecturers from Transkei and Bophutatswana universities.

There will be a poetry and prose workshop at the Funda Centre on August 31.

Patrick Ngamlana ... control of written word. ■ Pic: EVANS MBOWENI

AWA national co-ordinator Patrick Ngamlana said: "We believe that if we do not commit ourselves in the next few years to a programme to change the dreadful situation we may finally lose control of the written word, which is instrumental in shaping and safeguarding our cultural values."

SA gets first black judge

Sowetan 12/8/91

248

By ISMAIL LAGARDIEN
Political Correspondent

South Africa has a black judge - and that's official.

Mr Ismail Mohammed takes up his new position on the Transvaal Provincial Division of the Supreme Court today, the Ministry of Justice confirmed at the weekend

His appointment signals a massive shift in Justice Department thinking.

While Mohammed has been ignored by the South Africa Government for decades, his services have been valued by the judiciary of neighbouring states, where he has held senior positions

Besides having served on the Swazi Appeal Court for 12 years, Mohammed sits on the Supreme Court Bench of Lesotho, and the Supreme Court of Namibia

The promotion of Mohammed to the Supreme Court Bench was long overdue, a Pretoria advocate, the deputy president of the PAC, Mr Dikgang Mosencke, has said

He was admitted as an advocate in 1957 and reached a milestone when he became the first black advocate to be appointed senior counsel

Mohammed has appeared in a number of prominent political cases involving political activists charged with anti-apartheid activities

Among his clients were Mr Bram Fischer, the Biko family, Mr Govan Mbeki of the ANC and Professor Fatima Meer

He also argued several landmark challenges to the mid-eighties State of Emergency, during which he urged that that presiding judges should exercise their discretion in favour of human rights

Commenting at the weekend, Mr George Bizos SC, said in a "just society" Mohammed would have already "graced the Bench for years".

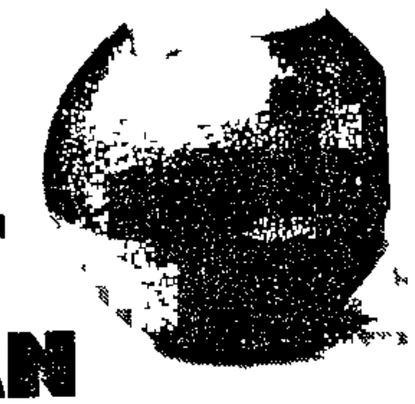
winners

CONGRATULATIONS TO THE WINNER OF THE FIRST TWO-ROOM ZOZO!

S.S Ndaba Q 970 Umlazi Township P O. Umlazi Natal 4031. And congratulations to the 200 winners of King Korn Dingaan Thobela T-Shirts drawn this week!

Remember, there are still 4 more weekly draws for a two-room Zozo and 200 T-shirts. PLUS, the BIG draw for 5 ZOZO shops, 10 two-room ZOZOs and 1500 T-shirts.

So keep those entries coming in!



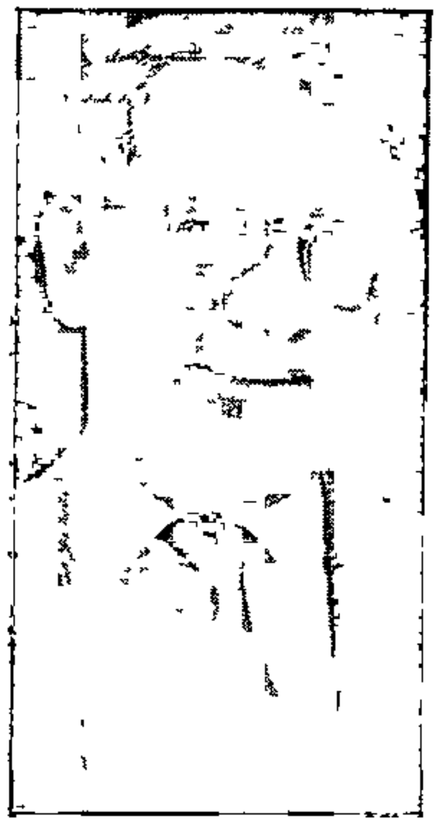
KING KORN
THE HEART AND SOUL OF AFRICA.

EAST SHEARER 0504

Mahomed atop his mountain

Star 12/8/91 (248)

South Africa's first black judge is more an icon than a token, writes The Star's Political Editor SHAUN JOHNSON



Ismail Mahomed

UNANIMITY among members of South Africa's legal profession is a rare thing, but it exists on the subject of Ismail Mahomed No one doubts that Mr Mahomed, SC, would have been Mr Justice Mahomed many years ago, had it not been for apartheid

Ironically, therefore, the historic appointment of South Africa's first black judge is also one of the least controversial elevations to the Bench

Professionally, Judge Mahomed is senior to most incumbent judges There has been no suggestion that his appointment is an exercise in tokenism by a reforming Government, because the man's record renders such a thought ludicrous

Asked to put into words Judge Mahomed's most characteristic trait, his colleagues use one adjective often, but rigorously he is a brilliant man His overwhelming passion is justice, and he has, in its cause fought celebrated cases which lesser men might have declined

Over the years he has brought to his challenges to civil rights abuses in this country enthusiasm and conviction of heroic proportions

But he remains a private man close friend to only very few, role-model-at-a-distance to countless young lawyers He is approachable and risible but not gregarious The biggest tragedy in his life was the death of his mother to whom he was devoted, some five years ago

A colleague who numbers among Judge Mahomed's few confidants says he is a man who "makes friends very slowly He is universally liked and respected, but his intimate friends are few Once made, though, his commitment is complete and all-encompassing"

The lawyer speaks of Judge Mahomed's "peerless capacity for work. I have never met anyone who works as hard or is as devoted It is not unusual for him to work — even during a case — until 3 am, breaking only for a sandwich

"Junior advocates would greet the news that they were to work on a case with Ismail with a mixture of excitement and fear — even horror Excitement because of his imagination and genius, fear of the test to their intellect and stamina Most hearts would sink"

Stories about Ismail Mahomed SC, are legion in legal common-rooms Lawyers recall with delight his extraordinarily original legal arguments, and his magnificent use of language in court

A favourite dates back to the Supreme Court review of a magistrate's decision in the Raditsela inquest in the mid- 1980s Judge Mahomed believed his opponent was asking a witness leading questions, securing bland agreement rather than cross-examining him "No, no," he boomed "The truth is not discoverable by a ritualistic incantation of assent."

His sharpness could be turned on his own side, too He once told a junior, whose preparation for a case was less than excellent "I'm in this case not because of you, but in spite of you" The junior, needless to say, mended his ways

Judge Mahomed has lived in Laudium all his life, commuting to Johannesburg from Pretoria In the early years he took the train, but now travels by car

His friend recalls "When he first came to the Bar he could not occupy chambers in his own name, because he was black

"It was only after he took silk (became a senior counsel) that he was invited by the Johannesburg Bar Council to make use of the Bar common-room That was in the 1970s Until then, he would eat sandwiches for lunch wherever he could"

Judge Mahomed has never traded on his personal experience of apartheid — he has had no need to, in professional terms — although he has felt it keenly This has infused his performances with fire

Says a colleague "With Ismail, there was never any proposition that was obvious He would attack anything, even if it looked hopeless

"The arguments he launched were always plausible — judges listened to him with immense respect, and in his opponents he induced a sense of sinking, of foreboding He could weave webs thinking on his feet I saw it countless times

An opponent once commented, during an application concerning Affected Organisations 'You know this chap s like a hydra — as soon as you chop one head off another one grows'

It is widely expected that Judge Mahomed will progress to the Appellate Division in time, and will play a key role in the development — and transformation — of South Africa s legal and constitutional dispensation

In doing so he will become increasingly, a symbol of what can be achieved by a brilliant lawyer of any colour in this country

A legal student once remarked, without a trace of disingenuity 'I will be happy if I can become half the lawyer Ismail Mahomed is" It is not an unrepresentative sentiment □

LAWYERS FOR HUMAN RIGHTS - NATIONAL DIRECTORATE

South 15/8-21/8/91 (248)

Invitation to students to apply for our loan bursary scheme for1992

1. The National Directorate of Lawyers for Human Rights hereby invites all law students to apply for a Loan Bursary for 1992

2 A limited number of loans are available to law students for 1992 academic year These loans are arranged with a bank. Lawyers for Human Rights stands surety for students who do not have the necessary security to acquire a loan in any commercial bank

3 The loan, plus interest, is payable to the bank upon graduation or abandonment of studies or employment This however is subject to the student making good progress in the academicprogramme

4. Lawyers for Human Rights reserves the right to subsidise the interests of the loan/bursary holders who make satisfactory progress in their academic programme. Applications are also expected from the current bursary holders. Any application approved, is valid for only the academic year in which it was approved.

5. Applicants must provide sufficient personal information to enable arrangement of interviews even during school vacations. The deadline for all applications is the 30th October 1991

6. All applications must be directed to Mrs Rose Motsepe, Bursary Officer, National Directorate Lawyers for Human Rights, 713 Van Erkom Building, Pretorius Street, Pretoria, 0002

Lawyers for Human Rights takes this opportunity to wish all law students success in their end of the year examinations.

THE WEEK
22 1991

SA's newest judge makes the courts acceptable

W/Mail 16/8-22/8/91 (248)

LAW & THE COURTS

Carmel Rickard

AS South Africa's newest supreme court judge completes his first week on the Johannesburg bench, congratulations are still pouring in.

Delight that Mr Justice Ismail Mahomed has accepted an appointment appears universal.

His absence from the bench has been a scandal at least a decade long, a race-based slur which made many white colleagues uneasy about accepting appointments

But the significance of his appointment goes beyond the fact that he is the country's first black judge.

For many years, possibly since the late 1940s, the courts have steadily lost status, their credibility tied to the appointment of judges whose hallmark (with a few exceptions) was a tendency to favour the rights of the government over the rights of the individual.

When human rights lawyers complained during the recent prolonged State of Emergency that the message from the courts was "pack your bags", they were noting a low point on the curve, not an aberration.

As the status of the courts declined, so did the desire of many senior counsel to accept an appointment

But since the nadir of the Emergency, there has been a change.

A happy coincidence of political reform with the appointment of a new chief justice has seen a distinct improvement in public regard for the supreme court and the Appellate Division.

One spin-off is that an appointment to the bench is again coming to be seen as the apex of a good lawyer's career, rather than as something to be held at arm's length as long as possible.

Transvaal lawyers claim an indication of this trend is the fact that several senior "commercial" advocates have recently accepted appointments.

Mr Justice Mahomed's decision to accept an appointment is another barometer of the fact that the status of the courts — and the legal system — is improving (although there is obviously a lot of work still to be done)

His appointment is also significant because there have been relatively few judges with a history of political opposition to the government before their appointment. The rule was to prefer appointments unlikely to rock the boat politically.

Again Mr Justice Mahomed's appointment is significant — there is no doubt he comes from a background of strong opposition to apartheid and other anti-human rights features of the past decades.

The political activists he has represented read like a who's who of the country's anti-apartheid hierarchy, and this makes his appointment a clear statement by the government that it is prepared, far more than before, to tolerate a divergence of views on the bench.

Thirdly there is the fact of his appointment being the first one outside the white legal establishment.

It will have impact on his black colleagues, clearing the way for them to accept appointments when they are offered something they would have been reluctant to do until he had been elevated to the bench.

His white judicial colleagues will also be affected by his presence on the bench, and so will the black public. For the first time they will see on the bench, deciding their fate, a judge who has had the same experience of South African racial discrimination as they have had. While white judges might show empathy, his skin colour gives him a unique insight into the sting of race-based discrimination.

But while he was experiencing these racial humiliations — and the additional slur of being ignored for appointment, his brilliance was recognised in several neighbouring countries He has been a judge in the Swazi Appeal Court for 12 years, is president of the Lesotho Appeal Court and sits on the Supreme Court of Namibia and Botswana.

The appointment of Thurgood Marshall to the US Supreme Court — that country's highest court — in the 1960s raises some possible parallels with that of Mr Justice Mahomed. Both played a leading role in civil rights litigation on behalf of black people. Both were expected to be judicial activists on civil rights issues Mr Justice Marshall lived up to that expectation until his recent retirement. Mr Justice Mahomed has already shown, through key human rights judgments in Namibia, that he is unlikely to disappoint.

●Carmel Rickard has been awarded a scholarship to study in the United States. This is her last column before leaving.

Workers' hopes dashed

CP Correspondent 18/8/91

THE ANC decision to lift the consumer boycott in Pietersburg did not take into account the plight of 419 workers dismissed from Sakkor Manufacturing

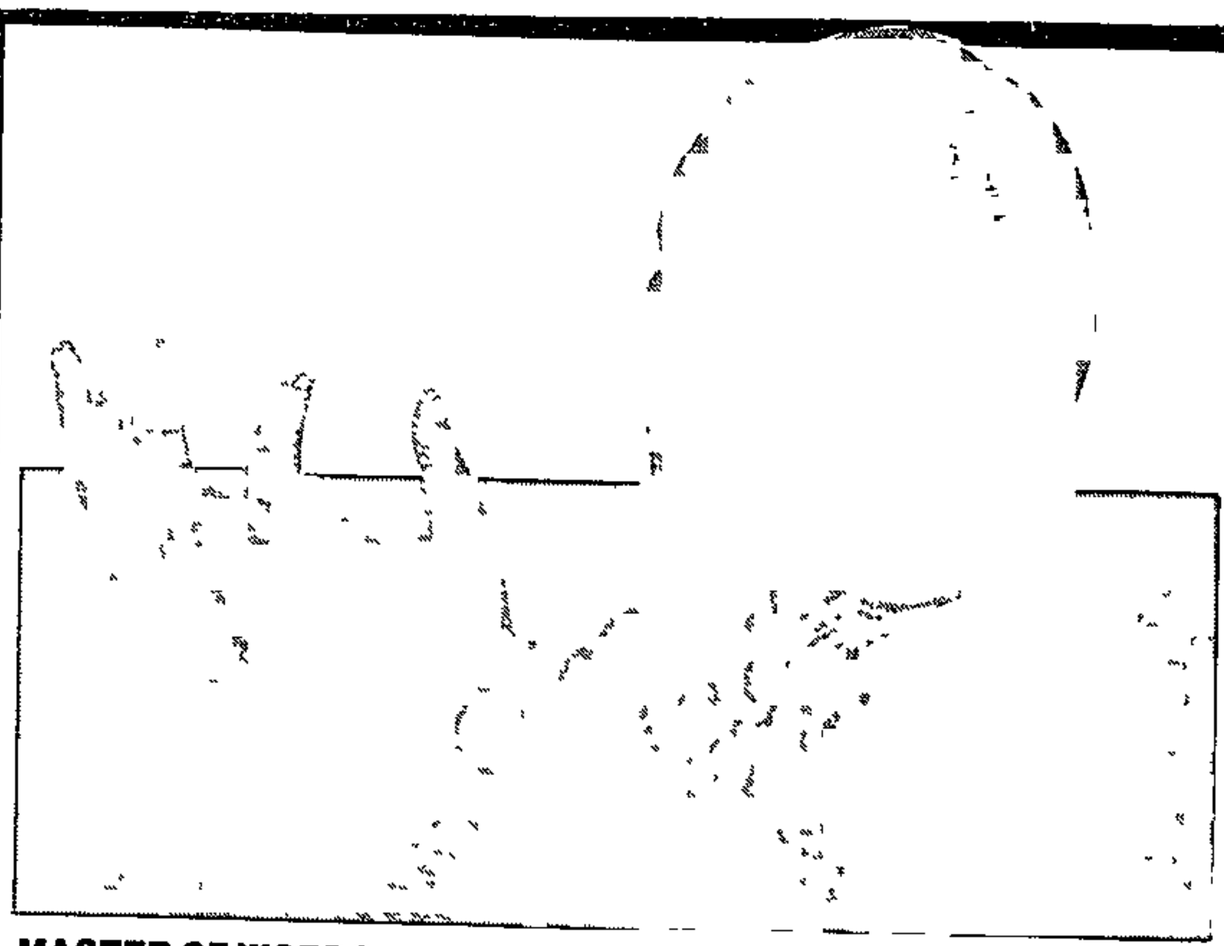
So says Azapo's Northern Transvaal publicity director, Kangale Makhado, in a statement

Topping the agenda of the boycott, which started on July 1 and ended a fortnight ago, was the reinstatement of the workers who were fired following a strike

Accusing the ANC of suspending the boycott prematurely, Makhado said the ANC had dashed the workers' hopes

The statement warned the owners of the company – Taiwanese brothers Jack and Jayson Fangh – to re-employ the workers, all members of the Media Workers' Association of South Africa

Otherwise, said the statement, "they will have to leave our country as they have chosen the wrong place to reintroduce slavery"



MASTER OF WORDS . . . Kenyan writer Ngugi wa Thiong'o speaking on the role of indigenous languages in Africa. ■ Pic: SIPHIWE MHLAMBI

Kenyan writer gets ovation

By MONWABISI NOMADOLO and LULAMA LUTI 18/8/91

ACCLAIMED Kenyan novelist, playwright and academic Ngugi wa Thiong'o received a standing ovation from students, writers and academics at Wits University this week on his first visit to South Africa

Wa Thiong'o, 53, had presented a public lecture on "The Role of Indigenous Languages in African Literature"

The lecture was the first in a series he will be presenting at tertiary institutions throughout the country

He challenged African writers in the "post-colonial situation" to develop indigenous African languages

Famous for his novels of Africa in transition, Wa Thiong'o was born in the remote area of Limuru in 1938 He graduated with honours from Makerere University in Ugarda in 1964 and did post- graduate studies at Leeds University in the UK

This April he was awarded the coveted Paul Robeson award for his contribution to world literature

Wa Thiong'o, who is also a prolific playwright, is scheduled to lecture at universities and writers' forums in the Northern Transvaal, Natal, and Cape Town

Sputnik blasts racism

By ELIAS MALULEKE

A 'COLOURED' eastern Transvaal mother of 10 who battled for a year to replace her lost identity document became 'black' this week due to a mistake by the Department of Home Affairs

When Sesane Joyce van der Merwe, 55, of eMzinoni township in Bethal, and her son Sputnik van der Merwe, 32, returned to the Bethal regional office of Home Affairs to re-apply for their lost ID's, they were informed that Sesane was registered under her step-grandfather's surname, Mathebula

Sputnik said the official told them his mother was black and not coloured and would have to engage a lawyer to apply for the change of her surname before they could give her a new ID

"I thought apartheid was dead and colour was no longer the case since President FW de Klerk did away with the Population Registration Act, but I was wrong 'Apartheid is dead, long live apartheid'," Sputnik said

Legal firm raps Bar for 'arrogance'

S/Times 18/8/91 248

By CATHY STAGG

THE Bar Council was this week accused of "arrogant" behaviour by a lawyer involved in a dispute over an advocate's fees

A series of letters, each more heated than the last, has been exchanged by Allan Levin and Associates and the Professional Sub-Committee of the Johannesburg Bar Council over the past three months

Mr Levin said this week that his firm had been told that unless it paid part of the fees owed to an advocate, Mr Jerris Fasser, the firm would be put on the "defaulters' list"

This means that until the advocate is paid — as well as all amounts owed to other members of the Bar, whether due or not — no member of the Johannesburg Bar can do work for that firm of attorneys

Because only advocates can appear in the Supreme Court, the firm's entire Supreme Court practice would come to a halt

"To threaten our livelihood when there is a genuine, unresolved dispute about the reasonableness of Mr Fasser's fee is highly improper," an indignant Mr Levin said this week

He claimed that most attorneys were fed up with the arrogance of the Bar Council and the Law Society had been asked to take up the issue with the Competitions Board.

Reply

However, the chairman of the Bar Council, Mr John Myburgh SC, pointed out that Mr Levin's firm was not going to be blacklisted and that it did owe something to Mr Fasser

There will be a meeting of the Bar Council on August 27 and until then it would be inappropriate to comment on the merits of Mr Levin's complaint, said Mr Myburgh

"We don't litigate with attorneys through the Press, we correspond privately," he said.

A proper reply to Mr Levin's latest letter would be made, said Mr Myburgh.

"At various previous public forums, attorneys have expressed resentment that they have to act as "debt collectors" because they collect the fees for their own work as well as work done by the advocate

The Johannesburg Bar's local rules state that if the advocate's fee is not settled after three months, the attorney is given seven days' notice that he risks being barred

If there is no genuine dispute and the money is still not paid, the attorney is put onto the defaulters' list

Mr Levin and his partners claim they have a genuine dispute — yet claim the defaulters' list was used as a threat to make them pay a portion of the fees

Simple but mighty voice of Africanist

Sowetan 20/8/91

(248)

NGUGI wa'Thiongo is a very simple guy, maybe a bit too simple. He is short, stocky and very black.

FOCUS

Sowetan **Staffer MUSA ZONDI assesses the message of Ngugi wa'Thiongo, a powerful voice of Africa.**

But then looks are deceptive And this is where that simplicity ends Underneath those rather disappointing looks lies a brilliant writer, a 'Kenyan and an Africanist'.

Ngugi is probably one of Africa's most respected writers, but his incisive writing has got him into trouble with Kenyan authorities

He has been detained, tortured and exiled, but he refuses to budge and nothing will stop him in search of truth

Essentially, for him, that is the role of the writer not to be afraid to ask crazy questions "in search of truth and justice".

Ngugi, who was in Johannesburg at the invitation of the Congress of South African Writers, delivered two lectures He shared some of his "controversial" ideas with hundreds of people who turned up to hear him speak

Colonial

This role was especially true during colonial times where the "settlers" not only oppressed people, but controlled their culture as well

"The most powerful instrument of control is mental control, which comes about out of cultural control "

This control has led the oppressed people to see themselves in relation to others

In Kenya, for instance, the society was structured like a pyramid At the top were the few whites who controlled all the riches, then there were the Asians who were also relatively rich and at the bottom were black African peasants

But this has not changed with independence What has happened is that a few Africans have entered the upper caste system at the expense of the peasants This has led to many African writers becoming disillusioned "because they can't write critically of what is happening in their own societies"

Critical

He quoted an example of how far our new governments are prepared to go to remove anything that is critical In 1986 a book, *Matigari*, was published

Matigari, the main character in the book went around asking for truth and justice. He had been one of the fighters during the war of liberation but had stayed in the mountains a little too long When he came back he could not find his home So, disillusioned, he went around asking crazy questions

The authorities misunderstood, thought Matigari was a real person and started searching for him They appealed to the public to help them trace this Matigari, who went around asking wrong questions

Eventually they realised that this was just a character in the book So they seized all copies in bookshops and printing places and even those in warehouses

But this does not mean that writers do not appreciate the historical importance of independence, Ngugi says

Perhaps Ngugi's most controversial idea is the use of "settler" languages at the expense of indigenous languages In the mid-80s he published a book called *Decolonizing the Mind*

Ordinary

In the book, he argues that African writers must give more emphasis to their own indigenous languages.

Writers ought to write in the language ordinary people understand. Hence the success of Matigari which was written in Kikuyu Most people thought if they spoke a foreign language they were much better.

Some of these very people find it difficult to construct a sentence in their own language They become embarrassed by talking their own language.

"European languages have been associated with power and the riches (while) our languages have been associated with all the negative things," he said

Languages

This trend had continued. It was up to the budding African writer to make sure their languages did not die

In countries where there are many indigenous languages - like South Africa - there is the problem of which languages are to be used

But these problems had to be tackled head on, Ngugi said

There is nothing ready-made about struggles

There are contradictions here and there but they must be tackled

"One language must not develop at the expense of others," he said.

There must be dialogue between languages We must translate Tolstoy or Shakespeare into our own languages - not just from our languages into others We must enrich our own as well, Ngugi argued

Ngugi is not new to controversy He used to be James Ngugi but changed his name by dropping the European one

On the neutrality of writers, Ngugi said it is quite impossible to be neutral when someone is sitting on top of you

Tribute

"There are situation where you can't afford to be non-aligned."

He paid tribute to South African writers like Alex Laguma and especially Professor Eski'a Mphahlele who, he said, was responsible for starting book clubs in African countries like Kenya and Nigeria

"South African writers have affected writers all over Africa," he said.

He also said for people in Africa, Soweto symbolised the struggle, not just the South African struggle.

Fiery

Those who expected to see a big man, smartly dressed, were seriously disappointed But those who were expecting fireworks from this fiery writer, went home more than satisfied.

As one friend remarked "This guy is too simple He could easily be from Mshenguville or any other place here in Soweto "

Indeed, Ngugi is simple It is this simplicity that makes his ideas more accessible to ordinary people He is one of them

Printed by M Lass (Pty) Ltd – Johannesburg

Engineers advised to head into Africa

(248) B/Day 22/8/91

LINDA ENSOR

CAPE TOWN — South African consulting engineers could generate millions of rands in export earnings through marketing their expertise in Africa, says SA Association of Consulting Engineers president Ian Scott

The 1 000 members of the association in 360 firms were involved in capital works with an estimated value of R10bn in the year to end-February, he says in a statement, adding that this amount could increase considerably by getting involved in projects in Africa

"The continuing improvement in the climate towards South Africa certainly extends to our profession," says Scott

He attended a meeting of African member associations of the International Federation of Consulting Engineers (Fidic) in Nairobi earlier this year and is hoping an Africa-based member of Fidic's executive will attend the SA association's convention in October in Somerset West

"The areas in which the South African profession could serve the continent span the spectrum from housing developments and the related infrastructure through to projects such as Mossgas, Lesotho Highlands water scheme and electrification," Scott says

He adds that overseas experience has shown that the export of engineering designs for projects invariably leads to growth in the manufacturing and contracting industries in the exporting country

He said it was not uncommon for governments to encourage their consulting engineers to take on such assignments because of the spin-offs for the economy

PROFESSIONAL CONDUCT

On review

(248)

FM 23/8/91

A recent hearing of the disciplinary committee of the SA Institute of Chartered Accountants (Saica) failed to reach the same conclusion about two charges of unprofessional conduct, laid against a member, as the Public Accountants & Auditors Board

The board, the statutory body regulating the practising arm of the profession, found Archie Nankin guilty on both charges, in March 1990 It cautioned him on the first

Continue →

(248)

and, on the second, removed his name from the register of accountants and auditors and permanently disqualified him from registration This precludes him from carrying on the practice of a public accountant and auditor FM 23/8/91

A further hearing, on charges relating to the same conduct, was held by the Institute, a professional association to which all chartered accountants must belong whether in practice or not

The first charge was found to be "too trifling a matter to consider any further" And, on the second, the disciplinary committee told Nankin· "We are not satisfied that the case against you has been proved satisfactorily And, for that reason, we are unable to find you guilty"

Nankin intends instituting proceedings in the Supreme Court to bring the board's decision under review ■

By

Putting Africa in perspective

C/Press 25/8/91

(248)

EXILED Kenyan writer Ngugi wa Thiongo is without question the most prolific and provocative writer to emerge from Africa since he published his first novel in 1964

It is not easy to mistake this 53-year-old writer for another

He wears his hair unkempt, does not wear designer clothes and has a deep African accent to match his worker image

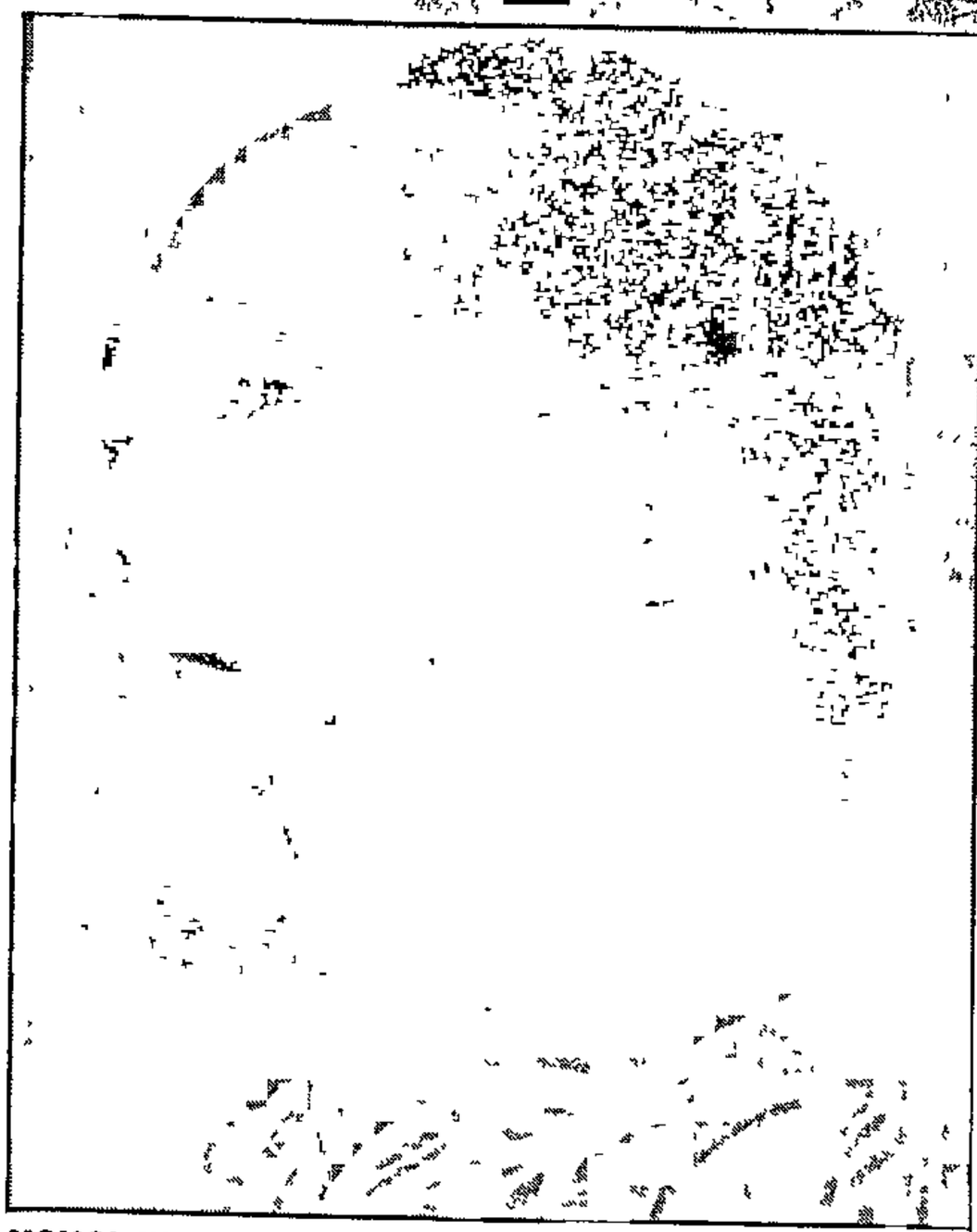
In fact, all his writings are written from a peasant perspective But his articulate voice has in the past few days left its mark on literary minds in South Africa

His 12-day visit here , which ends on Tuesday, is part of a continuous bid by the Congress of South African Writers (Cosaw) to redress the lack of contact between local writers and those north of our borders

During his visit he has been to the urban and rural areas, presented papers, conducted workshops and read from his works such as the internationally acclaimed *Petals Of Blood, A Grain Of Wheat, Decolonising the Mind* and *The Writer and Politics.*

Cosaw patron Nadine Gordimer said local writers had had very little contact with "writers from our own continent who have very much in common with us"

"He (Ngugi) has been in the forefront of the struggle against colonialism by writing novels that have shown how the people have lived through it and overcome it," she said



NGUGI WA THIONGO ... Art has to look negatively at forces preventing the full realisation of life. ■ Pic: SIPHIWE MHLAMBI

While in detention in 1978 Ngugi wrote one of his highly acclaimed novels, *The Devil On The Cross*, on toilet paper

"The toilet paper was very hard as it was meant to punish political detainees I think it was very good writing material," said Ngugi

His characters are taken from different impressions of Kenyan life

According to Ngugi, the relationship of the writer to the State depends on his standpoint "Writers who come from the background of the dominated communities play the role of articulating the real aspirations of the people

"Art generally is for life and it should be used for the enhancement of those forces which are pro-life.

"As a result such art has to look negatively at all the forces that prevent the full realisation of life," said Ngugi.

He stressed that African literature had made a great impact on the continent and the world

"Literature by writers from our continent has no doubt made outsiders look at Africa in a different way

"Colonialism has always tried to uphold a cultural tradition that portrayed African people negatively

"African literature has in fact tried to correct that view of Africa and this has corrected not only the perception by outsiders, but of Africans themselves who are made to look at Africa through the eyes of Europe

"This literature has contributed to a positive awareness of ourselves as African people and by other people outside the continent "

Ngugi said there was a need for Africa to develop indigenous languages to a level where they become medium of community communication

A minority of foreign languages have dominated the continent

"As a result we find that in the continent the majority are not involved in debate about science, technology, literature and even politics, which affects their day-to-day lives as human beings," said Ngugi

(248)

Engineers in line to earn millions for SA

Star 26/8/91

Finance Staff Star 26/8/91

Members of the SA Association of Consulting Engineers could generate millions in export earnings for South Africa through marketing their expertise in the rest of Africa, says association president Ian Scott

He says the 1 000 members in 360 firms were involved in capital works worth an estimated R10 billion in the year to February.

"This could increase markedly through involvement in projects in the rest of Africa. The continuing improvement in the climate towards South Africa certainly extends to our profession."

Mr Scott attended a meeting of African member associations of the International Federation of Consulting Engineers (FIDIC) in Nairobi earlier this year and is hoping an Africa-based member of FIDIC's executive will attend the SA association's convention in October in Somerset West

To focus attention on export earnings potential, the theme of the convention forum will be "South African technology — we serve our continent".

"The areas in which the South African profession could serve the continent span the spectrum from housing developments and the related infrastructure through to projects such as Mossgas, the Lesotho Highlands water scheme and electrification".

Overseas experience has shown that the export of engineering designs for projects invariably leads to growth in the manufacturing and contracting industries in the exporting country.

"It is not uncommon for governments actively to encourage their consulting engineers to acquire this kind of assignment because of the tremendous spin-off for the economy as a whole.

"SA's readmission to the international community presents a tremendous opportunity for South African consulting engineers to export their technology to Africa and to the world".

SA will host major writers

(248)

A MAJOR writers' conference, bringing together acclaimed African, Latin American, Indian and European authors, is to be held in SA in December, the New Nation newspaper announced yesterday

Writer Nadine Gordimer, summing up the aims behind the December 1-14 conference, said "We can't wait for change to be completed We can't wait for apartheid and racism to be totally defeated

"We have got to work towards it through culture and various other ways"

The plan was announced only days after exiled Kenyan writer Ngugi Wa Thiong'o concluded a 12-day visit under the auspices of the Congress of South African Writers

At a news conference in Johannesburg New Nation editor Zwelakhe Sisulu said his newspaper wanted to be "an active participant in the process of social transition Our country has been isolated The time has come for us to begin to interact"

Conference papers and follow-up discussions will centre on the theme "Making Literature Reconstruction in South Africa" B/Day 29/8/91

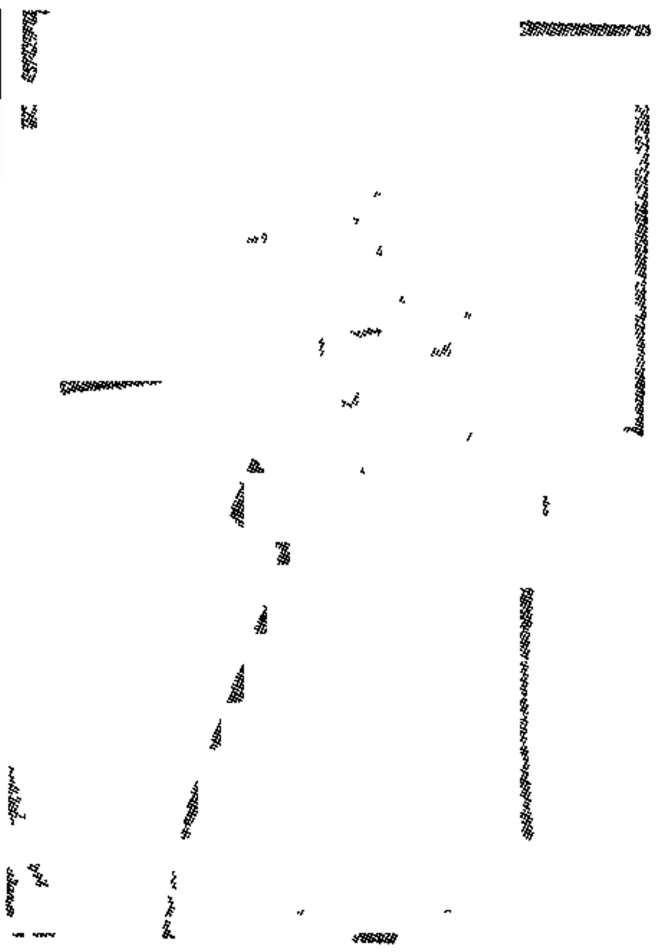
Authors expected from Africa include playwright Wole Soyinka (the first African writer to win the Nobel prize for literature), Chinua Achebe, Charles Mungoshi, Chenjerai Hove and Jack Mapanje

From other parts of the world, writers include Gabriel Garcia Marquez, Mario Vargas Llosa, Alice Walker, Gunter Grass and Milan Kundera

The opening event will be held in Johannesburg after which the writers will spread around the country holding workshops and seminars

SA poet Sipho Sepamla bemoaned the "terrible isolation" in which "we have lost many years of writing"

He hoped the conference would be the "beginning of new things in this country, particularly for writers of this country" — Sapa



● MARQUEZ

THE STAR VAT WATCH

Lawyers fees and VAT clarified

Star 29/8/91. (248)

By John Miller
Starline

The amount of VAT to be charged to legal clients will be left to each lawyer and his conscience, says the president of the Transvaal Law Society, Dr Antonie Gildenhuys.

However, he does point out that anyone who needs a lawyer or legal advice must shop around.

If a legal matter is in process before September 30 and concluded afterwards, VAT is only applicable on the amount of work done after that date.

Clients dissatisfied with the amount charged can and should contact the society in Pretoria who will appoint an assessment committee to investigate the charges and if need be reduce the amount.

Each month the society receives about 10 complaints from clients who believe they have been overcharged and one a month of unethical overcharging.

Dr Gildenhuys said "With a few exceptions, attorneys do not work according to fixed tariffs but negotiate a reasonable fee for each job."

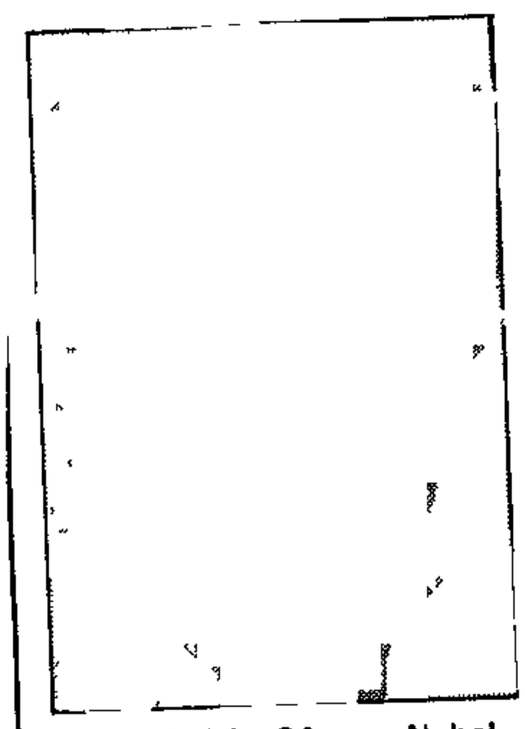
He said clients are entitled to ask and be told how the attorney arrived at the amount and what provision had been made for VAT

Wits writers conference could end SA's isolation

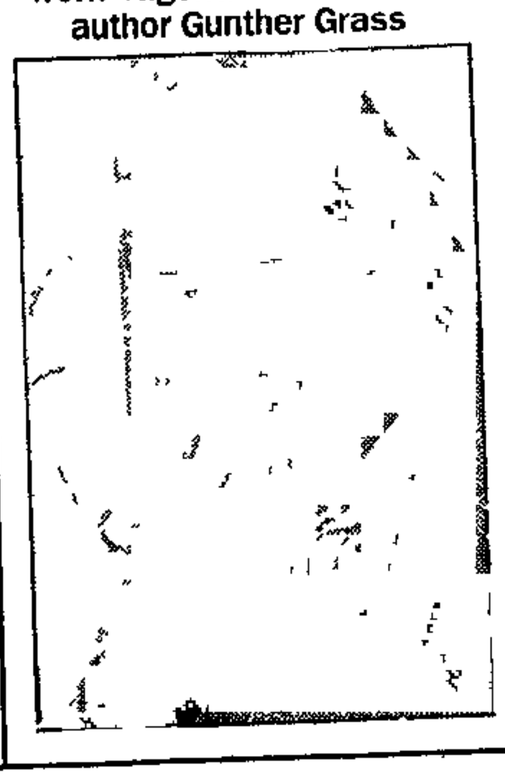
Star 29/8/91

248

By Brian Sokutu



Expected in SA Nobel literature prize winner Wole Soyinka (above) from Nigeria and German author Gunther Grass



In a move that could lead to an end to South Africa's cultural isolation, world-renowned writers will take part in a historic conference at the University of the Witwatersrand in December

At least 60 writers representing countries in Africa, Europe, America and Asia will take part in the event which will be hosted by by the New Nation newspaper

Guest writers will run workshops in other regions of the country

The International Writers Conference, which begins on December 1, would be funded by foreign writer's organisations and local businessmen, New Nation editor Zwelakhe Sisulu said yesterday

"It is now time for cultural activists to interact With the changes taking place in the country New Nation had to redefine its role We will now focus on culture and education and this conference is a series of many still to come"

Titled "Making Literature Reconstruction in South Africa", the conference aims to unite writers worldwide, including some of Africa's prominent writers like Chinua Achebe, Buchi Emecheta, Wole Soyinka, Ngungi WaThiongo and Yusuf Idris

Other top delegates include Linton Kwesi Johnson from Britain, Augusto Boal from Brazil, Gunther Grass from Germany and Per Wastberg from Sweden

Veteran South African author Nadine Gordimer, who on Tuesday won her fourth CNA Literary Award for her novel, "My Son's Story", is one of the organisers of the conference

Others are Professor Njabulo Ndebele, head of the department of literature at Wits and president of the Congress of South African Writers (Cosaw), Sipho Sepamla director of the Federation of United Black Artists (Fuba), Barbra Masekela from the ANC's cultural department, Professor Es'kia Mphahlele, retired head of the department of literature at Wits and Andries Oliphant, editor of Cosaw publications

Beezy Baily - he has charged the Johannesburg Gallery with racism.

White artist cries racism

(248)

Sowetan 6/9/91

A WHITE Cape Town artist has accused the National Gallery in Johannesburg of racism.

Mr Beezy Bailey drew this conclusion after three of his paintings, submitted to a triannual exhibition under the pseudonym of Ms Joyce Entobe, were bought by the gallery for a total of R300

The gallery has not purchased a single work by Bailey under his own name, although he is a resident artist at the same gallery

Director of National Gallery Marylin Martin has dismissed Bailey's allegations

"We have to assume that artists are honest when they offer their works for sale.

"We look at art works on their merit Colour does not come into the picture. Bailey's accusations are therefore unfounded and are no more than a silly prank We bought the work by Joyce Entobe We are happy with the work and we will keep it," said Martin

True identity

Said Bailey. "I entered three of my own works by the pseudonym of Joyce Entobe for the triannual I tackled the project with the challenge of working as a black woman artist with full respect for the oppressed, banal life of a domestic worker supporting a family in Khayelitsha," said Bailey

The three works were titled *Go Home*, *Cook Supper* and *Go To Sleep* and depicted a woman supposed to be the artist waiting for a taxi in the city, a child strapped to the woman's back and the woman and her family in a single bed in a tiny shack

"These pictures were rejected by the triannual and purchased by the National Gallery, who contacted my girlfriend who acted as Joyce Entobe's employer.

"A cheque for R300 made out to N Douglas was sent to my girlfriend with no further questions. The works were then reproduced and exhibited at the National Gallery under the title *Shelters*," said Bailey

About five months after buying the prints, the National Gallery telephoned, making inquiries about Joyce Entobe, wishing to get her signature for copyright of her work. It was then that Beezy Bailey alias Joyce Entobe decided to inform the Press of the artist's true identity.

"As the second artist in residence at the National

By VICTOR METSOAMERE

Gallery, as a fulltime international artist with 15 one-man shows and countless group shows on my curriculum vitae, the National Gallery has not purchased one of my works

"Yet a domestic worker with no record, no CV and no training, producing simple, illustrative works, is purchased by the National Gallery to represent to the public what contemporary South African art is."

Apartheid policies

He said he was continuing with the Joyce Entobe project "I wish to exhibit my works under my real name and under Joyce Entobe The proceeds will go to children's foundations in Cape Town," he said

Bailey said it was sad to note that the National Gallery was practising racism when institutions of its calibre had to begin undoing 40 years of racism that was based on apartheid policies

BOOKS

Literary giants for SA conference

W/Mail 6/9-12/9/91 (248)

ACCLAIMED Nigerian writer Chinua Achebe, author of *Things Fall Apart*, and his countryman Wole Soyinka, the first African writer to win the Nobel Prize for Literature, American Alice Walker and Gunter Grass are expected for a major writers' conference to be held in South Africa towards the end of the year.

The conference, a project aimed at ending the isolation of South Africa from world culture and education, according to organisers, will be held in Johannesburg from December 1 to 14. Its theme is "Making Literature — Reconstruction in South Africa", and a national tour is planned to follow it.

Bringing together African, Latin American, Indian and European authors, the event will explore perspectives on issues of race, language, gender, and writing beyond domination — the genres of writing which will feature in post-apartheid society.

Steering committee member Njabulo Ndebele, president of the Congress of South African Writers (Cosaw), said the idea is not to violate the cultural boycott but "when these international artists disseminate skills to the oppressed community, they will contribute to our understanding of culture".

It is also hoped the conference, hosted by *New Nation*, will facilitate the process of integrating South Africa with the rest of the world, especially Africa. In the process, the world would begin to see South Africa as part of Africa.

"We can't wait for apartheid and racism to be totally defeated. We should begin to help transform the country through culture and other means," said Nadine Gordimer, a member of the committee. "Indigenous languages in the country should also be given exposure. English should be not the only language of literature."

Staffrider editor Andries Oliphant said the event will be different from the Weekly Mail's Book Week, which he said was urban centred, in that it was held in Johannesburg and Cape Town. "This one will be made accessible to everyone, from the rural areas to cities. We want to create a reading public. Cultural activists should ensure that they meet that demand."

New Nation editor Zwelakhe Sisulu said: "The media should play an active role in the transitional period, they should contribute in the development of cultural and educational projects."

Committee members described the conference as one that would be non-sectarian because it will involve writers from the African Writers Association as well as Cosaw.

AWA representative Patrick Ngamlana said his organisation would support the initiative although organisers had not thoroughly consulted AWA.

Among the writers expected to participate are From Africa: Charles Mungoshi, Achebe, Ayi Kwei Armah, Buchi Emecheta, Soyinka and Sembene Ousmane.

From America: Claribel Alegria, Walker, Carlos Fuentes, Augusto Boal and Noam Chomsky. From India. RK Narayan. From Europe: Grass, Linton Kwesi Jonhson, Milan Kundera, Hanif Kuresh, Per Wastberg and Caryle Phillips

Titus Pemba

WRITING THE WRONGS

AT LEAST 60 leading writers from around the world – including 30 well-known Africans – are expected to arrive in South Africa in December for an international literary conference

The conference will be held at Wits University for a week from December 1 and will concentrate on a post-apartheid perspective

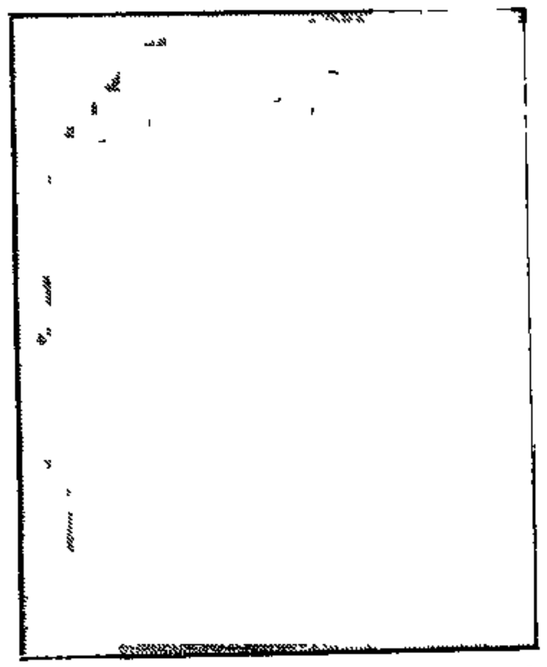
The writers will then travel around the country for a week, giving workshops and delivering papers

Nigerian writers Wole Soyinka, winner of the Nobel Prize for Literature in 1990, and Chinua Achebe, the first African to publish a novel in English, are on the list of those invited to take part in the historic gathering

So, too, are Ngugi Wa Thiongo, who recently visited the country at the invitation of the Congress of South African Writers, Ayi kwei Armah, Buchi Emecheta, Jack Mapanje, Sembene Ousmane, Micere Mugo and Charles Mungoshi

Many acclaimed African writers invited to the conference have expressed eagerness to attend

The conference entitled "Making Literature – Reconstruction in South Africa" is aimed at marking a turning point in relations between local writers and their counterparts in other parts of Africa and the rest of the world



INVITED ... Nigerian Nobel Prize winner Wole Soyinka.

It is also hoped the conference will forge closer links between different writers' organisations in the country, which are divided along racial and ideological lines

A move in this direction has been made by drawing on the expertise of high-profile writers professors Es'kia Mphahlele and Njabulo Ndebele, writer Nadine Gordimer and poet Sipho Sepamla to serve on the planning committee

So far, 12 writers from North and South America, seven from Europe and one each from India, the West Indies and Japan, are also expected to be among the superstar lineup

These include Americans Alice Walker and Noam Chomsky, Brazilian Augusto Boal, Canadians Michael Ondaatje and Margaret Atwood, Colombian Babriel Marquez, Ariel Dorfman from Chile, Mario Varga Llosa from Peru and Claribel Alegria from El Salvador

From the United Kingdom will be Benjamin Zephania, Hanif Dureshi, Linton Kwesi Johnson and Caryl Phillips, German Gunther Grass and Per Wastberg from Sweden

Kenziburo Oe from Japan, George Lamming from the West Indies and RK Narayan from India have also been invited

It is hoped the conference will help to integrate South Africa with the rest of the world and afford guests and participants the opportunity to make a practical contribution to the development of a new literary culture in the country

The conference will also restore cultural links between South Africa and the rest of the world, which were severed by the cultural boycott

A steering committee member, Gordimer said she was excited about the conference

"The time is just right for such a conference and I believe we cannot wait for apartheid to be totally defeated and for change to be completed before we do anything (248)

"The importance of the conference is that we are opening up the world for both our writers and readers to be exposed to ideas from other parts of the world" C/Press 8/9/91

"Our cultural connections were running towards Europe and we had very little to do with our own continent long before apartheid came into being

"One important thing about the conference is to change the perception that English is the only language of literature," said Gordimer

Ndebele said the conference would have a positive impact on local writing, especially as it came soon after Ngugi Wa Thiongo's visit

Working committee member Andries Oliphant said the conference was of historic significance

"Never before has such a concerted attempt been made to make the ideas, views and literature of the world available to as many people as possible in our country"

Law Society investigates their attorney's conduct

(248) S/Times 15/9/91

By DE WET POTGIETER

THE Law Society of Transvaal has launched an investigation into the conduct of Pretoria attorney Wim Cornelius, who represented the three right-wing hunger strikers.

The vice-president of the society, Mr Tony Hutchinson, confirmed yesterday that "the wheels had been set into motion" to probe certain actions of Mr Cornelius.

"If any transgression of any rules or regulations of the Law Society has taken place, appropriate steps will be taken against Mr Cornelius," Mr Hutchinson said.

Among the questions raised about Mr Cornelius's conduct were statements on behalf of his clients on several occasions claiming that they were near death.

On August 15, Mr Cornelius stated publicly that the starving trio at that stage virtually had only "several hours" left to live.

Mr Cornelius also compared the conditions of Henry Martin, Lood van Schalkwyk and Adrian Maritz to Belsen concentration camp victims.

After the first pictures of the "dying" activists were published a week ago, doubts about the seriousness of their condition, as claimed by Mr Cornelius, increased further. Mr Cornelius's claims were publicly challenged by Democratic Party MP Peter Gastrow.

In addition, an official medical report published this week denied that the three men were at any time in danger of dying.

Mr Cornelius, a well-known legal adviser in right-wing circles, was also involved in the much-publicised representation to President FW de Klerk for an indemnity for convicted mass murderer Barend "Wit Wolf" Strydom.

Amendment plan 'ludicrous'

Star 19/9/91

(248)

CAPE TOWN — A proposal to change the law in order to allow judges to appoint attorneys to appear in the Supreme Court even when there were advocates available, was ill-conceived, unnecessary and based on ludicrous reasoning, the General Council of the Bar said in a statement yesterday

The Council said the Admission of Advocates Amendment Bill, which was published recently, represented "a piecemeal tampering with our legal system" and urged that it be dropped

At present, the Admission of Advocates Act gave a judge discretion to permit an attorney to perform the functions of an advocate if there was no advocate available or willing to act

Under the amending Bill a judge would be able to permit an attorney to appear before him in the Supreme Court even if an advocate were available and willing

"The amendment therefore proposes a radical departure from the existing system whereunder attorneys do not enjoy a right of audience in the Supreme Court, other than in the most exceptional circumstances"

The explanatory memorandum to the Bill claimed that available advocates did not always have sufficient experience for specialised or complex cases in the Supreme Court

"The notion that the advocates who are available lack sufficient experience to appear in such cases but that there are attorneys available who do, is ludicrous and without factual foundation"

As far as the Council was able to ascertain, the judiciary had not been consulted in advance about the Bill, nor did they support it The existing law allowed sufficient flexibility and gave the court a sufficiently wide discretion to appoint an attorney to appear where this was essential — Sapa

Leakey visit will help to bridge the African gap

S/Times 22/9/91.

THE visit to South Africa by celebrated Kenyan Dr Richard Leakey has been hailed as a breakthrough for archaeology.

A vociferous critic of apartheid, Dr Leakey, 48, an acknowledged expert on the origins of man, has previously refused to set foot in South Africa.

"By coming to South Africa, Richard will be bridging a gap in the research into the origins of man," said Prof Phillip Tobias, an authority on early man who is director of the palaeo-anthropology research unit at the University of the Witwatersrand and a friend of the Kenyan scientist

By EVELYN HOLTZHAUSEN

"I am delighted that he is coming. It is high time that the two fossil families and respective custodians of fossil research in Africa got together for a freer exchange of ideas," said Prof Tobias

Tourists

In an attempt to halt elephant poaching, Dr Leakey, who is director of the Department of Wildlife in Kenya, helped initiate the worldwide ban on the sale of ivory, which he said, could halt poaching of up to 80 000 elephants a year

His visit to South Africa in November is being sponsored by Thompsons International Tour Operators to encourage South African tourists to visit Kenya

During his visit Dr Leakey will deliver a public lecture titled "Human Origins A Kenyan Perspective", in the Great Hall at the University of the Witwatersrand on November 13

Accompanied by Prof Tobias and other South African anthropologists, he will also visit digs at Sterkfontein and other fossil sites in the Transvaal.

He will also give talks on Kenya's appeal to tourists and is expected to visit the Kruger Park accompanied by Dr GA "Robbie" Robinson, chief director of the National Parks Board

Dr Leakey's parents, Dr Louis Leakey and his wife, Mary, uncovered what are believed to be the fossil remains of man's beginnings in Olduvai Gorge in Tanzania's Rift Valley in the 50s and 60s

Major conference on law in October

B/Day 25/9/91

(248) ANTHONY NDLOVU

THE Association of Law Societies (ALS) has covened a major conference for next month, focusing on access to justice and legal education in SA.

The conference is jointly sponsored by the Ford Foundation of the US and the Attorneys' Fidelity Fund — a fund established to protect the public from malpractice by legal practitioners.

It will be opened by international legal expert Prof Mauro Cappelleti and takes place at the Council for Scientific and Industrial Research (CSIR) in Pretoria on October 3 and 4.

Other groups involved include the Association of University Legal Aid Institutions, the Black Lawyers' Association, the General Council of the Bar and Lawyers for Human Rights.

Speakers include Perm MD Bob Tucker, Wits University academic Lawrence Schlemmer and ANC constitutional expert Albie Sachs.

In a statement, the ALS said it had for some time been concerned about the issue of access to justice and entry into the legal profession. The statement said extending the range, reach and impact of legal services in a just legal system would be explored.

Doctorate for Oliver Tambo

Sowetan 27/9/91 248

THE University of the Western Cape will bestow an honorary doctorate on African National Congress honorary President Oliver Tambo on October 25.

A Press statement released in Cape Town said the LL.D degree will be awarded two days before his 74th birthday and through it UWC will formally recognise Tambo as an "unswerving advocate" of nonracialism and democracy during a lifetime of leadership

Previous UWC doctorates have been conferred on Mr Nelson Mandela, Mr Breyten Breytenbach, former UWC rector Professor Richard van der Ross, Mr Govan Mbeki and former university council chairmen Prof JC de Villiers and the late Prof Erika Theron. - *Sapa*

Wage agreement ends week-long UCT friction

B/Day 1/10/91

LINDA ENSOR

THE week-long strike by UCT workers which threatened to deeply divide the campus ended yesterday when strikers and university authorities agreed on wage increases

However, the administration has reserved its rights on disciplinary action against students and workers involved in intimidation, disruption of lectures and erecting burning barricades No action will be taken against workers for going on strike. (248)

Vice-Chancellor Stuart Saunders said in a speech at an assembly of staff and students yesterday the university "will have to deal firmly with those who have disrupted its activities during the past week" The students' representative council is demanding that students be consulted on any disciplinary action

Registrar Hugh Amoore said the agreement involved a restructuring of the original offer The workers, represented by the Transport and General Workers' Union, demanded a R600 across-the-board increase, later dropping this to R300

The wage increases will be backdated to July 1 and not to April as demanded by workers

Archbishop Desmond Tutu, in a speech to the university, stressed the need for a culture of tolerance in SA which recognised each person's right to follow his own path without undue interference

ANC information director Pallo Jordan said the assassins were bent on sabotaging the peace accord.

RAU probes academic's security police operation

PATRICK BULGER

248

RAND Afrikaans University (RAU) has begun investigating a senior academic whose labour relations consultancy has been exposed as a security police operation.

The investigation into RAU human psychology professor Kobus Slabbert follows an admission by Law and Order Minister Hernus Kriel that Slabbert's Bureau for Labour Relations Services was funded by the security police from 1989 until July 31 this year.

RAU principal Cas Crouse said through a spokesman yesterday that Slabbert would be investigated. He would provide no other details. Slabbert was not available for comment yesterday and has yet to make any statement on the issue. SB Day 1/10/91

Kriel said last week the former security branch funded Slabbert's bureau in the interests of promoting labour peace. He said the funding had now stopped although "still-to-be-honoured contractual obligations" needed to be fulfilled. He praised the bureau's work.

Meanwhile the Advisory Committee appointed by President F W de Klerk to examine all aspects of secretly funded state projects was expected to complete its work by mid-November, the commission's chairman Prof Ellison Kahn said yesterday.

Kahn said he was precluded by the Protection of Information Act from providing details. He said, however, that draft legislation aimed at tightening financial control of secret projects was well advanced.

He said the committee would disband on completing its task.

SAP, labour unit 'still in contact'

B/Day 2/10/91.

LINDEN BIRNS

THE kingpin behind a security police-funded labour relations group maintained contact with his controller after the date Law and Order Minister Hernus Kriel said his department had ended the contact, the Financial Mail reports today.

According to the article, Rand Afrikaans University academic and kingpin behind the Liaison Bureau for Labour Relations Services, Prof Kobus Slabbert, sent the bureau's latest "concept newsletter" to security policeman Maj Derick Botha on September 4

Kriel said last week the cut-off date for his department's involvement in the secret project was July 31 — "with the exception of still-to-be finalised individual contracts"

The article alleges that all the bureau's staff were paid by the SAP's security branch, mainly in cash. Slabbert was allegedly paid R5 000 a month tax free, the article said.

The bureau was apparently launched with a R50 000 payment, supplemented at monthly intervals authorised by Botha

Botha was named earlier this year as having supplied R1,5m in secret funds to Inkatha's union, Uwusa

According to the FM — which claims to have a copy of Slabbert's letter to Botha — Botha had replied to Slabbert, complimenting him on his "good exposition" of matters on the theme of affirmative action

In another document written in August this year, Slabbert outlined the bureau's goals for the next year, saying he was devising a business strategy for the secret project, and new letterheads He said he was planning a "think tank" with fellow RAU professor Naas Raubenheimer and Absa executive Petrus Claassen.

The FM reported Claassen was paid R40 000 by the bureau while Raubenheimer was paid R20 000 At a meeting in September last year it was agreed that Claasen should be paid R21 000 for a "Spoornet contract", the FM reported

The article claims that at least R250 000 of the slush funds came from Lowaldi Enterprises — an organisation with a Pretoria bank account — and that according to a deposit slip, an F P R Botha (Botha's initials) paid more than R53 000 to the bureau on April 10 this year

Flitestar to pay travel agents more

B/Day 2/10/91

LINDEN BIRNS

TRAVEL agents selling tickets on SA's newest airline Flitestar will get 1% more commission than they receive for selling seats on SAA domestic flights

Flitestar will enter the market with fares identical to SAA's current domestic tariffs

However, travel agents will receive 8% commission on Flitestar tickets, compared with the 7% they get for SAA tickets

In a statement yesterday Flitestar MD Jan Blake announced off-peak incentive discount fares ranging from 15% on business class tickets, 20% weekend discounts, 30% senior citizens discounts, a 25% youth fare for people between 12 and 21 years old and 20% spouse discounts

He described the new commission structure as a breakthrough, as travel agents had asked for a revision of the structure "for years".

SAA spokesman Leon Els said the airline "took note" of Flitestar's revised commission structure He could not say whether SAA would match or better it.

Flitestar's first service will be between Johannesburg and Cape Town Services from Johannesburg to Durban and Port Elizabeth will begin on October 30 and a service between Cape Town and Durban in mid-January 1992

Settlement 'will not cost UCT extra'

B/Day 2/10/91

TANIA LEVY

PARENTS of students will not have to fork out extra money to cover the 17% across-the-board wage increase which ended a week-long strike by UCT general workers

Vice-chancellor Stuart Saunders said yesterday the university would not have to find any more money than it had budgeted to cover its original wage offer in July

All that had happened was that the offer had been repackaged so that it was more acceptable to the Transport and General Workers' Union The total cost would be the same

In July UCT offered a 13,5% wage increase and 100% contribution to workers' medical aid subscriptions

248

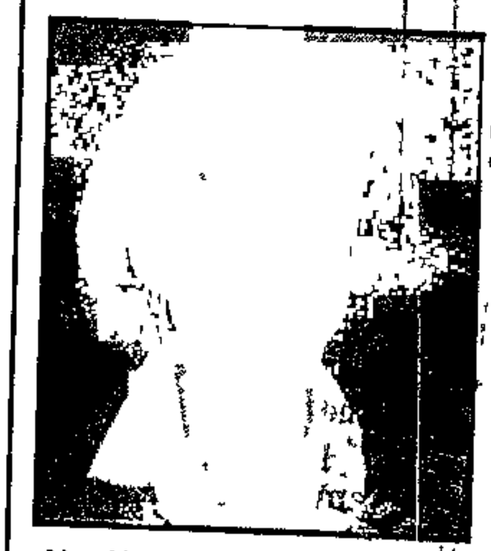
This week's 17% across-the-board increase was made possible by diverting a part of employees' pensionable earnings into non-pensionable allowances.

Workers will also have to contribute a portion of their medical aid rates.

Gordimer thrilled at prize

Star 4/10/91

(248)



Nadine Gordimer wants to use prize money to help black writers.

By James Mitchell
Books Editor

South African author Nadine Gordimer (67), whose books were once banned here, yesterday expressed surprise and delight at having won literature's highest accolade — the Nobel Prize.

"I'm really tremendously surprised and thrilled," Gordimer said from New York.

"I would use the attention the prize brings to me as a South African writer to promote the country's writers in general and black writers in particular," she said

In its citation, the Royal Swedish Academy said Gordimer "through her magnificent epic writing has — in the words of Alfred Nobel — been of very great benefit to humanity"

Gordimer said she did not know how she would use the R2,8 million prize money but said she wanted to help black writers

In August Gordimer won the CNA Literary Award for the fourth time.

● Profile — Page 13

Gordimer will use prize to aid black writers

B/Day 4/10/91. (248)

NEW YORK — SA novelist Nadine Gordimer said yesterday she hoped her winning of the Nobel Prize for literature would help SA develop a post-apartheid culture and encourage black writers

"I would use the attention the prize gives to me as an SA writer to promote the country's writers in general and black SA writers in particular," she said

She was surprised to hear her prize was worth the equivalent of $1m, and though she did not yet know how she would use the money, she said she wanted to raise funds to help black SA writers develop their talents and get published

In particular, Gordimer — who noted that she was an ANC member — said she wanted to aid the predominantly black Congress of SA Writers (Cosaw).

Gordimer said she saw the Nobel award as recognition of her life's work, adding "It's the quality of the work that counts"

Applause greeted the announcement of her win in Stockholm yesterday aftertoon Academy permanent secretary Sture Allen said Gordimer's award was not for her political work or because she was a woman but for "literary value".

Cosaw president Prof Njabulo Ndebele said Gordimer's firm stand against racism had kept the black dream of freedom alive The ANC issued its congratulations in a statement, saying that in honouring Gordimer, "the people of the world pay tribute to all South Africans who stand for truth, human dignity and freedom".

Archbishop Desmond Tutu, a fellow Nobel prizewinner, applauded her literary acumen and her stand against apartheid.

President F W de Klerk said yesterday "It gives me great pleasure to congratulate Nadine Gordimer on this exceptional achievement, which is also "an honour to SA"

☐ Gordimer won the CNA Literary Award — for the fourth time — in August, for her novel My Son's Story — Sapa-Reuter

● See Page 9

Gordimer's work 'part of the struggle'

B/Day 4/10/91 (248)

Nadine Gordimer . . "through her magnificent epic writing (she) has been of very great benefit to humanity".

NADINE Gordimer, one of SA's foremost novelists, is an unwavering critic of apartheid and an outspoken advocate of black majority rule

Her writing has mirrored the struggle against apartheid and the plight of oppressed blacks She sees her work as part of the struggle against apartheid

"It is not enough for whites to say they would be prepared to live under black majority rule You have to help bring that about," she said in a 1988 interview

The 67-year-old Gordimer received the Nobel Prize for literature yesterday

The Swedish Academy said Gordimer, "through her magnificent epic writing has — in the words of Alfred Nobel — been of very great benefit to humanity"

Gordimer "writes with intense immediacy about the extremely complicated personal and social relationships in her environment", the academy said "At the same time as she feels a political involvement — and takes action on that basis — she does not permit this to encroach on her writings

"Nevertheless, her literary works, in giving profound insights into the historical process, help to shape this process," the academy said

Only a half dozen women have been honoured with the Nobel Prize in literature since its inception in 1901 Gordimer was the first woman in 25 years to win the prize

She regards the ANC's Nelson Mandela and Oliver Tambo as her leaders and once said she supports the use of violence against the SA government

She has written 10 novels in 38 years and more than 200 short stories Her most recent novel, published in 1990, is My Son's Story This year, she published a collection of short stories, Jump

Her previous novel, A Sport of Nature published in 1987, followed its heroine through more than 40 years of political and personal turmoil in southern Africa

Three of her earlier books were banned for varying periods by government Gordimer is a member of the ANC but she does not consider herself a political writer

"I couldn't be, because I started writing so young, I did not know what some things were," she said in an interview with the SABC in April

"But even then I was writing stories that I now see have political significance, so my writing is regarded as political It's impressibly political"

She is a patron of the Congress of South African Writers, a movement of anti-apartheid authors that seeks to fight censorship and promote African culture

Stephen Clingman, author of a 1986 study of Gordimer's works, wrote "If we are searching for an inner pathway to guide us through SA history over the past 20 years, there are few better places to look for it than in the novels of Nadine Gordimer"

Gordimer grew up in the mining town of Springs, the daughter of Jewish immigrants from England and East Europe

Her dream was to be a ballet dancer, but her mother forbade physical exertion because of an accelerated heart rate She withdrew the girl from school at 11, saying the company of other children would aggravate the problem

Gordimer, who had been writing since she was 9, turned to books for companionship and spent hours in the Springs library

She credits The Jungle, Upton Sinclair's exposé of the Chicago meat industry, for planting the seed of social awareness in her young mind

She said many years later. "The way the meat workers were treated related to what I had taken for granted was simply a God-given circumstance — the mineworkers in their compounds not far from where we lived — and I then began to look objectively at the way blacks were treated as units of labour I think I was puzzled, I was disturbed But it was the beginning, I suppose, of what you call a social conscience."

Gordimer's first story was published when she was 15, her first book, Face to Face, at 27

She lives in Johannesburg with her second husband She has two grown-up children She is currently lecturing in New York

She said SA provides "wonderful subjects . . because people are living under pressure".

"I must take my freedom as a writer to show human beings as they are If you do not, you become a propagandist" — Sapa-AP

Gordimer gets Nobel Prize for her 'magnificent epic writing'

W/Mail 4/10 — 10/10/91 (248)

NOVELIST Nadine Gordimer, who won the Nobel Prize for Literature yesterday for "magnificent epic writing", said in New York she would use the attention the prize has brought "to promote South African writers in general and black South African writers in particular".

She said she wanted to share the honour with other South African writers who had committed themselves to fighting apartheid.

The first South African writer to win the prize is probably the country's most celebrated — from the Booker Prize in 1974 (awarded for *The Conservationist*) to this year's CNA Award, her fourth (for *My Son's Story*).

Her 10 novels and seven short story collections deal, in the main, with the pressures on ordinary people of life under apartheid.

She told *TheWeekly Mail* in an interview earlier this year that "my purpose in life has never changed; it has been set simply on trying to write well, on trying to become a writer".

But in recent years she has taken an increasingly active role in the anti-apartheid struggle. She is an official of the Congress of South African Writers, a committee member of the Anti-Censorship Action Group, a member of the African National Congress, and was an official of the Friends of National Union of South African Students until Nusas disbanded a few weeks ago.

"When people say there is no idealism in politics it fills me with despair," she said. "Because if there is no idealism there is no hope of ever changing the world.

"I am still amazed at how extraordinary it is to live and have lived in a country where there are heroes, where there are people who go off to jail for 10, 20 years out of a belief in democratic ideals."

Gordimer describes herself as "a creature of history".

"I would rather not be a political writer," she said, "but life in South Africa is so full of political references that even the portrayal of a simple human being acquires political dimensions."

Nobel winner Nadine Gordimer ... world renowned writer and, recently, activist

Curiously, it is the personal as well as the political that captures the reader, with her sharply-observed, richly-drawn characters — from the daughter of an activist trying to escape her fate, to an apolitical northern suburban woman looking to her former servant for salvation during a revolution — or the coloured activist and white anti-partheid worker whose affair forms the centre of her latest novel, *My Son's Story*.

"I think people are torn between the different pressures put on them in their lives," she said. "And it is very rare, I would almost say never, that the personal doesn't give up without a tremendous struggle. The conflict is always there."

Nobel Prize for Nadine Gordimer

Sowetan 4/10/91. (248)

By IKE MOTSAPI and Sapa-AP

NADINE Gordimer, one of South Africa's foremost novelists, has been awarded the Nobel Prize for Literature.

The award was announced yesterday in Stockholm, Sweden.

Gordimer (67) grew up in Springs, the daughter of Jewish immigrants from England and Eastern Europe.

She started writing at the age of nine and turned increasingly to books for companionship, spending hours in the Springs library

Her first story was published when she was 15 in a literary magazine and her first book, *Face to Face*, when she was 27.

An unwavering critic of apartheid and an outspoken advocate of black majority rule, most of her writing has mirrored the struggle against the system and the plight of oppressed blacks

She has always regarded her work as part of the struggle against apartheid

"It is not enough for whites to say they would be prepared to live under black majority rule You have to help bring that about," she said in a 1988 interview

She regards Nelson Mandela and Oliver Tambo of the African National Congress as her leaders and once said she supports the use of violence against South Africa's white government

Gordimer has written 10 novels over 38 years and more than 200 short stories. Her most recent novel, published in 1990, is *My Son's Story* This year, she published a collection of short stories, *Jump*.

Her previous novel, *A Sport of Nature*" published in 1987, followed its heroine through more than 40 years of political and personal turmoil in Southern Africa.

Three of her earlier books were banned for varying periods by the Government, and Gordimer is a member of the ANC, but she does not consider herself a political writer

"I couldn't be, because I started writing so young, I did not know what some things were," she said this April in an interview with the SABC.

"But even then I was writing stories that I now see have political significance, so my writing is regarded as political. It's impressibly political."

She is a patron of the Congress of South African Writers, a movement of anti-apartheid authors which seeks to fight censorship and promote African culture.

The Cosaw was overjoyed yesterday over the award.

"We welcome the news because Nadine is a founder member of the organisation. It is an indication of her stature.

"She ranks among the best short story writers in the world today and has made an extraordinary contribution to the modern novel."

Gordimer is the third South African to receive the Nobel Prize The others are the late former president of the ANC, Chief Albert Luthuli, and Anglican Archbishop Desmond Tutu.

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The day the Guest of Honour turned up at the finest ball of all

(248)

Star 4/10/91

Doyenne of South African writers Nadine Gordimer yesterday received the ultimate accolade of winning the Nobel Prize for Literature. Books Editor JAMES MITCHELL reviews her past.

NADINE Gordimer (67) is South Africa's leading writer, if awards and public recognition — as opposed to sales — are the criterion for success

She has won the CNA Literary Award no fewer than four times, the most recent being this year Now her writing has been crowned with the ultimate accolade the Nobel Prize for Literature

Gordimer "writes with intense immediacy about the extremely complicated personal and social relationships in her environment," the Royal Swedish Academy, which judges the awards, said in Stockholm "At the same time as she feels a political involvement — and takes action on that basis — she does not permit this to encroach on her writings"

The academy selected Gordimer's novel, "A Guest of Honour", as a landmark in the first half of her career, but praised the later, more complex technique which she had developed since the mid-'70s.

Her South African hardback publisher, David Philip, commented from London that it was "a thoroughly well-deserved award".

Speaking en route to the Frankfurt Book Fair, he told The Star "Nadine has been on the point of winning the Nobel Prize previously

"I believe the prize is being awarded not only for her writing, but for her general encouragement to black writers, because she is a very prominent member of the Congress of South African Writers (Cosaw). She is also a prominent member of the Anti-Censorship Action Group Nadine has altogether been an intrepid activist in South Africa," said Mr Philip

David Philip will be publishing a volume of short stories by Gordimer at the end of this month, entitled "Jump, and Other Stories"

Nadine Gordimer has written 10 novels and more than 200 short stories. The hero of her prize-winning "My Son's Story" is Sonny, a married black man who falls in love with a fellow anti-apartheid activist, a white woman

In June last year there were reports that Gordimer had been selected to collaborate with ANC president Nelson Mandela in writing his autobiography, due to be published next year. At the time the proposed book was said to have broken all records for a publisher's "advance", with US-based Little, Brown paying more than $12 million (about R33,5 million), and the Bonn-based publisher S Fischer buying the German rights from Little, Brown for some R2,5 million

The Parktown, Johannesburg-based author, who is married to Professor Reinhold Cassirer, has been an unwavering critic of apartheid and an outspoken advocate of black majority rule

In December 1989 she testified in mitigation for 11 UDF leaders and Vaal Civic Association activists

She said then that she regarded the ANC's Nelson Mandela and Oliver Tambo as her leaders and accepted the movement's decision to use violence

"Having lived here for 65 years," she said, "I am well aware for how long black people refrained from violence"

As well as being a member of the ANC, she is on the Transvaal regional executive of Cosaw, whose members are 95 percent black and generally regarded as being highly "committed" writers.

Until April this year she refused to be interviewed or allow her work to appear on the SABC, saying the corporation was "apartheid culture"

In the first interview screened by SABC-TV, Gordimer told Johannesburg writer/journalist Jenny Hobbs how she had been profiled by the German ADF-TV

After retracing her footsteps as a girl in Springs, the team "went down to Cape Town to see Gerrit Viljoen They asked him which of my books he'd liked most. He admitted that he'd never read any of them. That's a little strange, don't you think, coming from a Minister of Education?"

Nadine Gordimer grew up in Springs, the daughter of Jewish immigrants from England and Latvia □

'Gordimer feels a political involvement, but does not permit this to encroach on her writing'

FM 4/10/91 (248)

UCT VIOLENCE

Disruptive elements

What are the lessons of last week's violent disruption of activities at UCT, in the wake of a legal strike by workers demanding higher wages?

The behaviour of the 300-odd strikers and a handful of radical student supporters followed a now familiar pattern of brutish intolerance and disregard for the liberal values on which UCT is built

The university is a well-known soft target The past week's terror tactics were similar to those used to disrupt lectures by Irish academic and journalist Conor Cruise O'Brien in 1986, to break up classes of students who chose to study rather than attend a Sharpeville commemoration service in 1987, to overrun a dinner to have been addressed by Denis Worrall at a university residence later that year; and to disrupt a meeting called by a rightwing student group at which a conservative black politician, Tomasinqa Linda, was to have spoken.

In all those cases, the university authorities, with the claimed support of the majority of students and staff, condemned the action and took disciplinary steps against perpetrators who could be identified

Vice-chancellor Stuart Saunders said this week that similar steps would be taken after an investigation into the violence Judging by letters to Cape Town newspapers over the past few days and open protest by students and academic staff against the disruption of university life, he will again have overwhelming support He says he already has the support of "more than 14 000 of our 14 400 students and the great majority of staff."

The violence was a battle in the class war, its strategy based on a contemptuous disregard for the democracy demanded by its participants. In classic Marxist style the workers and students attacked the liberal establishment on which they depend for relatively high wages and subsidised education — knowing that the response would be classically liberal tolerance.

The workers had a right to strike and students had a right to boycott classes in support. They had a right to picket and make their views known. Saunders conceded this But they had no right, said Saunders, to barricade entrance roads to UCT, intimidate or turn away students, staff and visitors, violently disrupt lectures and smash university property

The characteristic tolerance of Saunders and his lieutenants, academic staff and students was remarkable in the face of incredible provocation, including drenchings with fire hoses, dancing on desks in lecture halls and the destruction of lecture notes No retaliation was reported and the police, showing a new tolerance, kept right out of it

Despite the physical onslaught to support demands that Saunders close the university, it stayed open except for a day when staff and student safety was at risk.

The wage issue — which was settled this week when both sides made concessions — became a sideshow in the battle to prevent the triumph of anarchy But sadly there were no winners The workers will get more money, but not as much as they wanted; some will be disciplined, as will students who took part in the violence

UCT is the biggest loser The unjustified public perception of the university as a hotbed of radicalism will be heightened, even though the vast majority of students and staff opposed the disruption

It's not the sort of image UCT wants while it wages a vital campaign to raise nearly R100m in the private sector to supplement dwindling State subsidies. The university must act fast to repair the damage — and be seen to be doing so. ■

Once-banned Gor books place with

Star 5/10/91 (248)

JAMES MITCHELL
Books Editor

NADINE Gordimer's work and attitudes arouse strong emotions You either love or hate her: there are no in-betweens

Now that she has received the world's premier literary award, there is no doubt about her peers' acclaim for her work.

As a Nobel laureat, she now ranks among the official greats of literature She also takes her place among a tiny group of South Africans Max Theiler (Medicine, 1951), Chief Albert Luthuli (Peace, 1961); Allan Cormack (Medicine, 1979), Aaron Klug (Chemistry, 1982), and the then-Bishop Desmond Tutu (Peace, 1985)

At the other end of the scale have been the comments of local censors, who in 1979 banned "Burger's Daughter"

The explanation given was that her novel was "a pad from which to launch a blistering and full-scale political attack on the Republic of South Africa, its government's racial policies"

And in 1982 when the London publishers, Virago, asked permission to use a painting by South African artist Nerine Desmond on the front cover of "A Lying Gaze" there came an abrupt refusal, on the grounds that Gordimer was "an enemy of South Africa"

Now this "enemy" finds herself lauded not just by those for whom she has long fought, but by the very Government she attacks so strongly as illegitimate

SHE hears President de Klerk saying "As South African head of state I'm always pleased when one of my countrymen does well and achieves international recognition . It gives me great pleasure to congratulate Nadine Gordimer on this exceptional achievement which is also an honour to South Africa"

A far cry from the reaction of then Minister of National Education Gerrit Viljoen who, when asked by a German TV team which of Gordimer's books he had most liked, replied (according to the writer's account) that he had never read any of them

Who is Nadine Gordimer, and how did she start on the path which would lead her to the Nobel Prize — gaining, along the way, no less than four CNA Literary Awards in her own country, as well as countless foreign honours?

She was born in Springs on November 20 1923 to Isidore Gordimer, a Jewish watchmaker and jeweller who had emigrated from Latvia Her mother Nan emigrated from England

In a 1965 interview she acknowledged having been "brought up on the soft side of the colour bar". She went on to say that she found the middle-class colonial life so stiflingly dull that she spent her childhood reading

In other accounts it was her physical weakness that led to her being withdrawn from school — the Convent of Our Lady in Springs — at the age of 11, after which she turned increasingly to books for companionship She had in fact been writing since the age of 9.

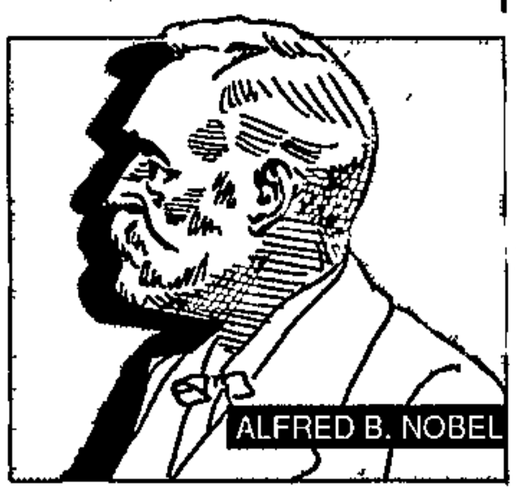
The young Nadine Gordimer had hoped to become a ballet dancer; again for health reasons this was impossible

She continued to write, and even before she entered Wits University in 1945 for a year of study, had been a published writer — in Forum, a Johannesburg weekly.

In 1946 she married Gerald Gavronsky. marriage ended years later Then in she married R Cassirer They Parktown,

Despite her she is not without her tractors Political rather than literary have commented — ably unfairly — there is little between "colonial" fort in which G supposedly lives and anguished concern for black majority in country

In the short story There Nowhere Where We Can Meet



NOBEL

Literature

1991 Winner
NADINE GORDIMER
South Africa

List of winners of the Nobel Prize in literature over the past 10 years:

1990	Octavio Paz, Mexican
1989	Camilo Jose Cela, Spanish
1988	Naguib Mahfouz, Egyptian
1987	Joseph Brodsky, Soviet-born American
1986	Wole Soyinka, Nigerian
1985	Claude Simon, French
1984	Jaroslav Seifert, Czechoslovakian
1983	William Golding, British
1982	Gabriel Garcia Marquez, Colombian
1981	Elias Canetti, Bulgarian

LAUDED "ENEMY": Winner Nadine Gordimer. ● Picture:

nned Gordimer lace with greats

5/10/91 (248)

LAUDED "ENEMY": Winner Nadine Gordimer. ● Picture: Agence France-Presse; Graphics: Associated Press

Facts About the Nobel Literature Prize

Number of prizes awarded 84

Number of winners: 88

Women winners: 7

Shared prizes
5: 1904, 1917, 1919, 1966, 1974

Shared by 2 from same country:
Denmark 1917, Sweden 1974

Decision reserved to following year:
8 times: 1914, 1915, 1918, 1919, 1925, 1926, 1927, 1935

No prize awarded:
7 times: 1914, 1918, 1935, 1940, 1941, 1942, 1943

By country
(where prize winners were living, regardless of where they were born)

Australia	1
Belgium	1
Britain	8
Chile	2
Columbia	1
Czechoslovakia	1
Denmark	3
Egypt	1
Finland	1
France	13
Germany	6
Greece	2
Guatemala	1
Iceland	1
India	1
Ireland	2
Israel	1
Italy	5
Japan	1
Mexico	1
Nigeria	1
Norway	3
Poland	2
South Africa	1
Spain	5
Sweden	7
Switzerland	2
USA	10
USSR	3
Yugoslavia	1

four CNA Literary
is in her own coun-
as well as countless
honours?

e was born in
on November 20
to Isidore Gordimer,
ewish watchmaker
jeweller who had
from Latvia
mother Nan emi-
from England.

a 1965 interview she
knowledged having
"brought up on the
side of the colour
She went on to say
she found the mid-
class colonial life so
flingly dull that she
her childhood read-

other accounts it
was her physical weakness that led to her being withdrawn from school — the Convent of Our Lady in Springs — at the age of 11, after which she turned increasingly to books for companionship She had in fact been writing since the age of 9.

The young Nadine Gordimer had hoped to become a ballet dancer, again for health reasons this was impossible

She continued to write, and even before she entered Wits University in 1945 for a year of study, had been a published writer — in Forum, a Johannesburg weekly,

In 1946 she married Gerald Gavronsky The marriage ended three years later Then in 1952 she married Reinhold Cassirer They live in Parktown, Johannesburg

Despite her popularity she is not without her detractors Political critics, rather than literary ones, have commented — probably unfairly — that there is little relationship between "colonial" comfort in which Gordimer supposedly lives and her anguished concern for the black majority in her country.

In the short story "Is There Nowhere Else Where We Can Meet?" a white girl and a black man pass on the lonely veld There is a brief scuffle, and the girl's purse is snatched

TERRIFIED, she first intends going to the police, but then thinks of her assailant's torn feet and obvious deprivation She asks herself "What did I fight for? Why didn't I give him the money and let him go?"

We are perhaps more used now to the theories of "the victim as the guilty person" than when those lines were written Nevertheless they remain uncomfortable

But Gordimer's concern has not been limited to words, however gracefully penned In August, when she accepted the 1990 CNA Literary Award for "My Son's Story", she said she would donate the R10 000 prize money to the overwhelmingly black Congress of SA Writers (Cosaw) and the ANC's cultural department

There are already indications that at least some of the R2,8 million from the Nobel Prize will benefit similar causes Speaking in New York within hours of being informed of her success, she said she did not yet know how she would spend the money, but that she wanted to raise funds to help black writers develop their talents and get their work published

She remains strongly committed to South Africa, although it is a South Africa far from the image associated with a Johannesburg suburb such as Parktown As was the case with Rosa Burger, the child of a martyred SACP leader in "Burger's Daughter", she feels that no other country could claim her love and interest

Gordimer's Nobel 'a boost'

By SANDILE MEMELA

NOVELIST Nadine Gordimer this week became the sixth South African to win the Nobel Prize

However, Gordimer is the first to win the prestigious prize for literature.

She has pledged to use some of the $1-million (about R2,8-million) prize money to encourage black writing

Gordimer also achieved international acclaim when she won the Booker Prize for *The Conservationist* in 1974.

The head of African Literature at Wits University, Professor Njabulo Ndebele, said the prize was a long deserved honour for Gordimer.

"Over the years Gordimer has made an indelible impact, not only on our literature, but also on world literary trends"

Ndebele said Gordimer's winning the prize was a great boost for South Africa.

IMPACT ... Gordimer influences the world.

All agree the law must change but how?

S/Times 6/10/91 (248)

By CATHY STAGG

THE legal profession needs to change. This was the unanimous view of nine organisations which took a hard look at access to justice and legal education during a two-day conference in Pretoria this week.

That the conference took place at all was remarkable. Some of the nine organising bodies had previously been at arm's length But they sat down together to hear papers presented by acknowledged experts — then held group discussions, characterised by frank exchanges of views.

The nine organisations were: the Association of Law Societies (representing attorneys), the Association of University Legal Aid Institutions, the Black Lawyers' Association, the General Council of Bar of SA (which represents advocates), the Legal Resources Centre, the National Association of Democratic Lawyers and the Society of University Teachers of Law.

When the conference ended on Friday, it was agreed that the momentum should not be lost Some areas needed immediate change, other issues could proceed after research. But someone was needed to handle the drawing up of priorities

Differing groups lobbied for representation on the committee to continue the work begun by the conference. For a while it seemed consensus would not be reached.

Then Mr George Maluleke, of the Black Lawyers' Association, announced that what was needed was a chairman who had the confidence of all. The person with the experience and neutrality was, he said, Mr Justice John Trengove

The retired Judge of Appeal was sitting unobtrusively in the back row near the door. Quoting Nadine Gordimier (who won the Nobel prize for literature earlier this week), he said: "This comes as a bit of a surprise to me." But he accepted the position

Views expressed during the conference covered a wide range. But some areas of agreement emerged fairly early. For instance, nobody opposed the contention that articles of clerkship for candidate attorneys, as a requirement to gain entry into the legal profession, should be scrapped. Lack of articles has been a barrier to many graduates, particularly women and blacks.

But there were differing opinions on the type of practical training that should replace articles

Some speakers felt the practical part of qualifying to be a lawyer (pupilage in the case of advocates) could be done as part of the student's final year at university, using mock trials and other simulations of the situations they would find in practice.

Others said compulsory work at law clinics, under the supervision of qualified practitioners, would prepare the students and at the same time assist clients who could not afford legal advice

Law clinics providing free advice to the poor should be the equivalent of teaching hospitals. Medical students have to do a year's housemanship, so law students should also work for a low salary to repay the state for its investment in their university education, it was suggested.

Students should have the right to appear in lower courts, some speakers urged, and asked what had become of this suggestion, which was placed before the Department of Justice some time ago.

The profession should have more than one level of entry. A "ladder system" was widely supported. This means a "paralegal" could qualify after doing a diploma of a year or two. Later, that person could upgrade the diploma to a BProc degree — and later still study for a LLB

Core subjects could be taught at the first level, then the student could choose a field in which to specialise

An African language should be a requirement in the same way that Latin was a requirement to go to the Bar, it was argued. This would "level the playing fields" for black students, most of whom had not done Latin in high school, and assist white students to communicate with their clients and to understand witnesses. The clients of the future would be black, the conference heard

Legal profession 'needs diversity'

(248)

B/Day 4/10/91

GERALD REILLY

PRETORIA — A prominent legal academic has suggested that provision for "para-legal" advice should be seriously investigated

Rand Afrikaans University law professor Johannes van der Walt said the present structure of the legal profession in SA was incapable of providing legal services to the whole community at a reasonable cost

He mooted the possibility of allowing "sub-professional" services, as was the practice in the medical field

Inflexible

Speaking at the Future Legal Education conference at the CSIR on Friday, Van der Walt said "The services of highly trained law professionals are out of reach of the ordinary man This creates a vacuum for legal services and a serious obstacle to access to legal services"

The structure for delivery of legal services was rigid, inflexible and "fairly closed".

Membership was only for those who qualified as either an attorney or advocate

In contrast, the medical profession was diversified and provided a variety of sub-professionals within the profession

He said it was plain that a varied, diversified and flexible structure would provide greater opportunities for entry into the profession

The possibility of diversifying the legal profession had to be seriously investigated. This would entail an empirical study of the viability of sub-professions

These could range from "para-legals" to highly specialised advocates

Not everyone needed an attorney or an advocate for his particular legal problem, he said

Van der Walt recommended that a representative commission should investigate the problem

"I doubt whether the legal profession itself can effectively investigate the issue It has too many vested interests in the present system"

The community as a whole expected a reasonable opportunity to enter the legal profession, high standards of academic and professional training and access to reasonably priced legal services

Van der Walt added that academic standards and requirements had improved dramatically over the past three decades

However, indications were that these standards were threatened by the legitimate expectations of great numbers of students from disadvantaged communities who wanted to enter the profession

Fraud cases make students of prosecutors

B/Day 9/10/91 (248)

PATRICK BULGER

SUPREME Court prosecutors are going back to school to learn the intricacies of banking and accounting.

Several prosecutors at the Rand Supreme Court are furthering their studies to help them cope with a flood of commercial fraud cases.

Some are taking night courses in accounting, but at least seven are doing masters degrees in banking law and related fields.

The surge in commercial cases came after the state legal system shifted its emphasis from the security-related cases of the total onslaught era.

"When we first started getting these cases we were overwhelmed by the figures and technicalities that characterise a major fraud case," one prosecutor said.

The cases now dominating the courts centre on financial rand roundtripping, "kite-flying" to hide shortfalls in bank accounts, forged share certificates and securities, and fictitious overseas front firms

Between June last year and July this year, Johannesburg's prosecutors spent 8 882 hours preparing indictments for fraud — as opposed to 651 hours the previous year. Fraud cases involving an estimated R5bn are now before the Rand Supreme Court

For some prosecutors, the newly acquired financial finesse is leading them to look beyond the public service to a career in the business sector "If one works 15 hours a day as an advocate one can earn about R40 000 a month. But in business, with my legal background, I could get up to R100 000 a month — and that's for an eight-hour day," one said

NADINE GORDIMER

FM 11/10/91 (248)

Writing and the struggle

Ever since she was a lonely nine-year-old who found companionship in books at the Springs library, Nadine Gordimer (67) has been fascinated by words and characters As a teenager, she woke up to the horrors of apartheid, thus finding the crucible for her writing

When she won the Nobel Prize for Literature last week, the debate was opened once again over whether she's really a good writer or just a so-so writer who bravely tackled tough topics when most white South Africans had their heads buried in the sand.

By winning the award, she joins the ranks of famous writers such as Ernest Hemingway, George Bernard Shaw, John Steinbeck and Rudyard Kipling She's the first woman to win since 1966 and only the second African.

Like every other winner, Gordimer has her devoted fans as well as a legion of detractors She is no stranger to criticism — both from literary critics and government Though she was never detained, several of her 10 novels and 200 short stories were banned at one time or another The censors observed that in her 1979 novel *Burger's Daughter* "the negative is stressed, the positive is ignored "

Gordimer . *wanting to be free of privileges and guilt*

Despite the harassment of bannings, she was never jailed. In 1983, she told *The Times* of London that this was perhaps just as well, as she did not feel she had the strength to suffer a true revolutionary fate and spend her life in jail

One of the frequent attacks on her writing is the bitter tone and lack of humour. Indeed, a short story she wrote in 1988 for *The Weekly Mail*, called *A Fairy Tale of Suburban Life*, has a white family surrounding its home with more and more security devices in an attempt to keep out the encroaching Third World. It concludes with the young white son being torn apart after he crawls into a razor-blade coil.

She's also been attacked for daring to write from a black point of view. She replies· "Blacks and whites in SA know each other very well "

Even the Nobel committee said her short stories are "dense " It's not unusual to find 100-word sentences that defy readers to pick their way through a thicket of colons, semicolons and dashes

But Gordimer has never promised her readers a rose garden, be it style or substance She has journeyed into the underbelly of SA over and over again In *July's People* (1981), one of the three books called a "masterpiece" by the Nobel selection committee, she paints a harrowing portrait of a white family forced to live in the primitive village hut of their servant July, after he leads them out of an armed rebellion in Soweto As the family becomes increasingly reliant on July, the master-servant relationship is turned upside down

The Nobel committee took pains to point out that she was not being honoured for her politics Gordimer "writes with intense immediacy about the extremely complicated personal and social relationships in her environment," the academy said. "At the same time as she feels a political involvement — and takes action on that basis — she does not permit this to encroach on her writings "

And Gordimer herself has rejected the suggestion that she is a political writer But there's no doubt that she is a political animal Testifying for the defence at the Delmas treason trial in 1988, she said Nelson Mandela and Oliver Tambo were her leaders and she supported Umkhonto we Sizwe. "I am against violence," she said, "but I can see that, in the circumstances brought about in SA by the intractability of the establishment to black aspirations, the time had to come when there had to be some sort of military wing."

She remains a darling of the Left. When she won her fourth CNA Literary Award in August for her novel *My Son's Story*, she split the R10 000 prize between the predominately black Congress of SA Writers, which she helped found, and the ANC's cultural department, no great friend of free speech. When asked if she would donate the $1m Nobel prize money, she said she had "obligations" and would have to think about it, though she expected to give some of it away.

"I would use the attention the prize brings to me as a South African writer to promote the country's writers in general and black South African writers in particular," she said last week

She's reportedly brusque with interviewers who veer off literature, censorship or politics and try to delve into her personal life The basic outline is that her father, Isidore, a watchmaker, was a Jewish immigrant from Lithuania and her mother, Nan, came to SA from England Her childhood dream was to be a ballet dancer, but her mother forbade physical exertion because of an accelerated heart rate and pulled her out of convent school at 11

After a stint at Wits and a short first marriage, she married Reinhold Cassirer, a Rosebank fine art dealer, in 1954 Despite her strong record of opposing apartheid and the government, her two children did not join struggle in SA Her son, Hugo, is a filmmaker in New York and her daughter, Oriane Taramasco, is an English teacher living in the south of France

Gordimer's first story was published when she was 15 in the literary journal *The Forum*. When she was 27, her first novel, *Face to Face*, appeared Her latest book, *Jump*, a collection of short stories, is due out this month She credits *The Jungle*, Upton Sinclair's exposé of the Chicago meat industry, for planting the seed of social awareness in her young mind

Gordimer, who calls herself a "white African," says "there have not been nearly enough changes in SA," so there is little doubt that she will continue to hammer her familiar themes She understands that no matter how politically correct her views, she's still a white woman in a black continent Perhaps typical of the way she feels about her homeland is this excerpt from the essay *Where Do Whites Fit In?* in the 1988 collection *The Essential Gesture*

" If we're going to fit in at all in the new Africa, it's going to be sideways, where-we-can, wherever-they'll-shift-up-for-us This will not be comfortable, indeed, it will be hardest of all for those of us (I am one myself) who want to be ordinary members of a multi-coloured, any-coloured society, freed both of the privileges and the guilt of the white sins of our fathers.

"This seems to us perfectly reasonable and possible and, in terms of reason, it is But belonging to a society implies two factors which are outside reason the desire to belong, on the one part, and acceptance, on the other part

"The new Africa may, with luck, grant us our legal rights, full citizenship and the vote, but I don't think it will accept us in the way we're hankering after If ever, it will take the confidence of several generations of jealous independence before Africa will feel that she can let us belong " ■

UWC human rights post for Asmal

Sunday Times 13/10/91

BY KURT SHARKEY

FORMER political exile and founder member of the Irish Anti-Apartheid Movement, Professor Kader Asmal, has been appointed law at the University of the Western Cape.

This is the first post of its kind at UWC.

Prof Asmal, returned from an exile spent labour law, joined UWC earlier this year after 30 years in exile.

He attained his barrister-at-law at the Universities of Dublin and Dublin in 1966 and MA degree at Dublin's Trinity College in 1975 and practised as a barrister in Dublin and London and London (Universities) from 1980 to 1986.

His chairman of the Anti-Apartheid Movement in Ireland (Humanities) and also served as vice-president of the Irish Anti-Apartheid Movement, Defence and Aid fund for southern Africa.

He is also served as vice-president of the Irish Anti-Apartheid Movement, Defence and Aid fund for southern Africa.

He is at present a member of the national executive committee of the African National Congress and is one of the publications and publications include a book, Shoot to Kill, based on an inquiry by British lawyers into the use of firearms in an article for the Northern Ireland and an article in Northern Ireland.

Expert

Agony of South Africa, "The United Nations is a partitled South Africa" which document to apartheid has re-position to human rights, aspects searched international labour law, and constitutional and international stan-dards in the protection of minor-ities.

He is a former winner of the United Nations Educa-tion, Scientific and Cultural Organisation (Unesco) prize for the teaching of human rights.

His duties at UWC will consist mainly of research and he will also protection of human rights.

"I will be looking at how human rights can be inte-grated into leadership and my work will involve re-searching different aspects of a new, democratic consti-tution for South Africa," he said

urgently reviewing the developing crisis caused by the increasing number of squatter camps

railway line

More land should be set aside in the Durbanville, Kraaifontein and Fisantekraal areas

area placed on housing development, Klapmuts was being investigated with further development at Mbekweni.

Relax the academic boycott, says Azapo

B/Day 18/10/91

ANTHONY NDLOVU

(248)

AZAPO's education secretariat head Gomolemo Mokae yesterday called for selective relaxation of the academic boycott and sanctions to uplift traditionally black tertiary institutions.

Addressing an affirmative action conference at the University of the North, Mokae said the most important consideration of affirmative action with regard to black tertiary institutions was the need for an aggressive programme to kill the pariah "bush college" status of these institutions

He said tertiary institutions providing exclusively for blacks educational needs like the University of the North, Fort Hare, Zululand and the Western Cape have had an unfortunate history Set up by the regime on ethnic lines in tandem with its divide-and-rule policies, "they came to be viewed as so-called bush colleges by the black community itself, as well as the world at large"

"Affirmative action was not apartheid in reverse, but victims of racial oppression and capitalist exploitation over three centuries are deserving of an aggressive programme based in their favour to redress past educational imbalances," Mokae said

Sanctions on academics to go

W/Mail 25/10-31/10/91 (248)

FOREIGN academics will no longer require letters of support to visit South Africa, following a recent decision by the executive committee of the Union of Democratic Staff Associations.

At a meeting last weekend, its executives decided to scrap the vetting of academic visits and the campaign to isolate conservative tertiary institutions. It will now encourage academic exchange which benefits transformation in South Africa. 25/10-31/10/91

Udusa general secretary Nico Cloete said this week the academic boycott had lost what the sports boycott had gained: unification as a prerequisite for re-entry into the international arena.

There had been an influx of academics to the country over the last year, he said, and hardly anyone had been asking for permission

The organisation would, in future, try to channel overseas visitors and funding towards progressive programmes and "excluded" universities

Now we have our own Rosie O'Neills

248

Star 26/10/91

CARRIE CURZON

THE appointment of the country's first two public defenders will be good news for fans of the TV series "The Trials of Rosie O'Neill" — they will now be able to watch similar legal battles on their own doorstep

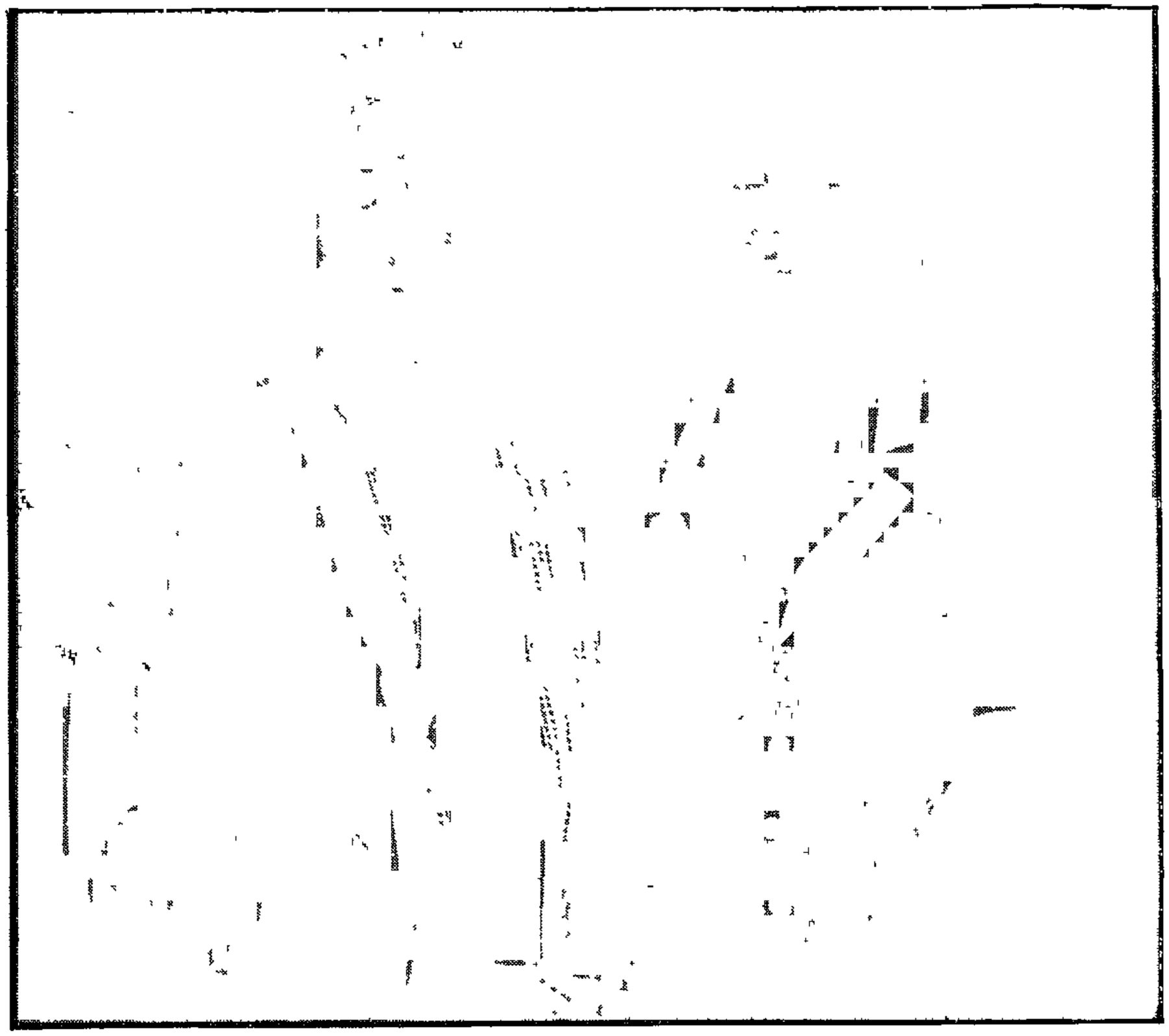
Advocates Carol Bruyns and Vivian Fortunat say their new role is very similar to that of the heroine in this popular TV series They just hope they won't suffer the same personal problems that sees Rosie making regular visits to her psychiatrist

Appointed by the steering committee of the Legal Aid Board, the two women were selected from about 30 applicants on the basis of their qualifications and expererience in criminal law As senior public defenders they are now responsible for setting up a new department and appointing eight colleagues

"The department will be totally independent and partly funded by private organisations," says Ms Bruyns "We don't want to be seen as a Government department"

The new public defender system is based on the American system whereby accused persons who cannot afford their own counsel are provided with free legal counsel

Next year the two advocates will be visiting the US to see how they can best apply the system to local needs



READY TO DO BATTLE South Africa's first public defenders, Carol Bruyns (left) and Vivian Fortunat They will eventually be joined by eight other lawyers. ● Picture· JOHN HOGG

For the moment the public defenders will be concentrating their work on the Johannesburg Magistrate's Court During this time an investigation will be made into the feasibility of such a system for the whole of South Africa If it works, branches will be set up in other major centres

Clients will be selected on the basis of a flexible means test, and all the public defenders will be highly qualified attorneys and advocates

"We believe this is very important We don't want junior people handling our cases We will be employing experienced people who can provide a quality service They will be required to work long hours and work fulltime for a salary," says Ms Bruyns

The setting up of the new department is the result of an outcry over legal representation At present 80 percent of all accused have no legal counsel and a staggering 100 000 people go to jail each year undefended

Up until now the only recourse for indigent persons was to go to the Legal Aid Board The board would select those who qualified for counsel and send them to an appropriate attorney or advocate who would be paid for by the board

The new system, by using permanently employed public defenders, is intended to be more cost-efficient

A large proportion of clients are expected to be blacks, the poverty stricken and the criminal element Both women have had several years' experience in criminal law

Ms Bruyns (56) joined the Johannesburg Bar in practice as an advocate in 1971 For two years she had a mixed practice, then specialised in criminal law For the last three years she has been concentrating on criminal appeals She sees her new appointment as a very worthwhile project that deserves to succeed

"The only possible reason for failure would be a shortage of funds"

Ms Fortunat (37) has had 10 years' experience in criminal law After working as a prosecutor in the Johannesburg Magistrate's and Regional Courts, she was promoted to the Attorney-General's staff as an advocate She then spent time as an assessor for criminal trials

During the two-year pilot project launched this month, the women will be feeling their way as to how best to run the department "This is a very new system for us and therefore an exciting challenge"

Law priced out of the citizen's reach

(248) Sowetan 31/10/91

FOCUS

Sowetan Correspondent

SOUTH AFRICAN law assumes that all are equal before it but it is estimated that 80 percent of people who appear in court accused of crimes - many serious - are unrepresented by attorneys or advocates.

According to one legal academic "only the very rich or the very poor can afford legal counsel", and the fees charged by legal practitioners are "absolutely outrageous"

A senior advocate can earn up to R3 000 for a day in court, while a consultation fee of R400 is not unusual Young advocates starting out can earn between R200 and R300 a day Attorneys earn about half

Just having particulars of a simple claim drawn up by an advocate costs about R80

Recently the Supreme Court dismissed two court applications by a former journalist on the grounds that his papers did not conform with the rules of court governing applications and motions and were "materially and procedurely defective"

Mr Brian Grobbler, retired motoring editor of the Cape Times and a former Supreme Court reporter, told the court he could not afford a lawyer and drew his own papers in a dispute with two former business partners

But the judge threw the case out, advising Grobbler to obtain the services of an attorney and counsel "to present your case properly"

Grobbler said he did not even have the R10 000 deposit he had been asked to pay before lawyers would take on the case

Professor Dennis Davis, the director of the Centre for Applied Legal Studies at the University of Witwatersrand, said "One has to ask oneself the extent to which one can say one has a fair legal system without a right to counsel and the answer must be 'no' "

It was likely there would be argument for the right to counsel as a basic human right to be incorporated in a bill of rights, he said

"I doubt very much, in the context of our resources, whether that will extend to civil matters "

The answer regarding civil cases could be to simplify and restructure legal procedures

"Only the very rich or the very poor can afford legal counsel," he said

Mr Johan van den Berg, an advocate connected to the legal aid clinic in Stellenbosch, said "For the average person the law is a very expensive process "

"Some procedures, where a matter is decided only on papers, such as urgent interdicts, are affordable, but where expert witnesses are called, it's more expensive "

The answer was either to simplify the system which, he said, would lead to a lesser degree of fairness and effectiveness, or to lower lawyers' fees

"In ideal circumstances everybody would have access to a legal representative, but one has to face up to economic realities "

A city advocate said "It is not a legal system for the people, but one for the elite Only companies can afford to litigate, not middle-of-the-road people "

A pro Deo system run by the Department of Justice provides free legal representation for people accused of capital crimes

The advocate said pro Deo counsel were usually young and inexperienced, often not standing a chance against experienced State counsel, to the disadvantage of the their clients

According to a recent Appeal Court judgment, accused people need not have legal representation for a trial to be fair

The court, however, did indicate sympathy for the issue and recommended that a feasibility study be done on guaranteeing legal representation for every accused

This follows the 1988 landmark judgment of Natal judge Mr Justice J Didcott who ruled that all accused should be entitled to legal representation as the denial of this right would result in unfair trials

Mrs Ingrid Hoffmann, director of the Law Society of the Cape of Good Hope, said attorneys charged various tariffs, most of which were prescribed by statute

A certain range of work was covered by statutory tariff, but the society provided guidelines

It is estimated that about 80 percent of the more than two million people appearing in the lower courts annually are unrepresented Of these more than 100 000 are sent to jail

The Legal Aid Act has established a board which provides legal assistance for indigent people

In terms of a means test, single people qualify for aid if they have a "calculated" income up to R500 a month, while married people with a "calculated" income up R1 000 a month qualify In both cases R150 a month a dependent child is added

The assistant director of the Legal Aid Board, Mr Hans Klingenberg, said the board had "a whole new approach to calculating income" and had succeeded "in quite a big way" to reach the ordinary citizen

"In our calculations we deduct full bonds and make deductions for tax and annuity policies We also take rented accommodation into account "

In addition, the Legal Aid Board director could make exceptions on merit and type of case

"We have problems coping with the large numbers of people who apply to the board "

The board also recently launched a public defender system, and two legally qualified "public defenders" were employed to defend indigent accused free

The director of Lawyers for Human Rights in the Western Cape, Mr Stefan Raubenheimer, said one could not deny that the legal system was inaccessible to the majority of South Africans

"There is no doubt that a sophisticated legal system is required for serious issues such as murder trials or large civil disputes where much is at stake Most people however confront the law with smaller problems but are still required to finance an expensive legal process when a less sophisticated one would suffice."

There were moves afoot to remedy this situation, such as public defenders Lawyers for Human Rights' pro bono system, the small claims courts and alternative dispute resolution, which needed to be supported on a large scale by the State, he said

"The legal system is as accessible as its image presents it to be To many black people the legal process is an alien system which they cannot trust, let alone afford "

Chance for aspirant lawyers

Sowetan 31/10/91 (248)

STUDENTS of all races have been invited to apply for a bursary from the Centre for Human Rights Studies at the University of Pretoria.

Several bursaries, each worth between R5 000 and R10 000 a year, are available for law studies.

The bursary was set up in 1989 with the aim of breaking down racial stereotypes and to give students of all races the chance to study law at the university

Each student is assigned to a particular member of the law faculty and is expected to assist in the activities of the centre for a maximum of six hours a week

The supervising faculty members also assist the bursary holders in the adjustment process

Registration forms may be obtained from the Centre for Human Rights at the University of Pretoria The closing date for applications is November 30. - *Sapa.*

Attorneys given the go-ahead to advertise

(248)

DAVE LOURENS

ATTORNEYS will be allowed to advertise their services, subject to strict guidelines, after a majority of Transvaal and Natal law society members supported the move at the societies' annual meetings

"Discretion will be the important factor," said Transvaal Law Society Council president Tony Hutchinson yesterday

Natal Law Society president Errol Smith said it could take up to six months before the first advertisements were seen

Hutchinson said advertising would be subject to certain conditions, including a ban on comparative or competitive advertising "This is more of a marketing tool, and is certainly not going to be competitive Lawyers will not be able to claim they are cheaper or better than others, but will be able to indicate the range of services within which they operate"

General Council of the Bar chairman Adv Milton Seligson welcomed the decision, but said the same would not apply to advocates

Whereas there were about 8 000 attorneys in SA, there were only 1 200 advocates, and they were briefed by fellow professionals who were fairly familiar with them.

There was, however, merit in making the services offered by advocates known to attorneys, and a proposal was being considered to "expand the scope for advocates to describe their counsel and specific services offered"

Wits University law professor emeritus Ellison Kahn said "I do not see anything wrong with it provided it is kept within the bounds of decency and the dignity of the profession is maintained"

B/Day 6/11/91

Journal defends advocates' rates

GERALD REILLY

(248)

PRETORIA — The majority of advocates charge reasonable fees, and any claim that charges are excessive is a misconception, says the SA Bar journal Consultus

The journal says recent media reports that certain advocates had received exorbitant fees for appearing before the Harms Commission had probably damaged the image of the profession

The impression had been gained that advocates had become too costly and there were now suggestions that the system should be changed to permit greater competition — for instance by granting right of audience to attorneys in the Supreme Court

The journal said the profession had no objection to the system being scrutinised What was objected to was misconceptions being used to promote changes to the system

Advocates, the editorial points out, had also been severely affected by current poor economic conditions

The fees paid by the state in the Harms Commission hearings should not be regarded as a rule, and the "roughly R66 000 a month" seemed high

It would be wrong to judge the income of advocates generally in the light of these cases, said the journal

It was clear from Human Science Research Council reports that although advocates featured fairly high on the lists of self-employed persons with incomes of R55 000 a year or more, their incomes were clearly not excessive

Other professionals earned more than advocates

The Bar councils, it was stated, did not shrink from taking steps when it seemed advocates had charged fees that were prima facie too high.

The question of granting audience rights to attorneys therefore had to be judged on a basis of considerations other than alleged high fees paid in isolated cases.

The editorial added that an attorney appearing in the Supreme Court would not normally charge less than an advocate because his overhead expenses were much higher

A question which needed investigation was whether advocates should be allowed, on a selective and clearly defined basis, to accept briefs without the intervention of an attorney

B/Day 6/11/91

Release of prisoners 'injudicious'

GERALD REILLY

PRETORIA — Attorneys-general should be detached from the public service and placed on an independent footing, says the SA Bar journal Consultus.

An editorial in the latest issue says the discovery that non-political prisoners had been released on a large scale sent shock waves throughout the country.

Some had committed serious crimes and should have remained behind bars for many years.

B/Day 6/11/91.

The situation was aggravated because no considered statement explaining, in full, the releases was made by government beforehand.

Attorneys-general expressed disapproval of the releases which they said were "injudicious".

One of them referred to the public perception that the legal system was being undermined by the releases.

It emerged afterwards that the misgivings of the attorneys-general were contained in a confidential letter to the Minister of Justice.

However, the contents were leaked.

If the letter had not come into possession of the Press the public would have been unaware of its contents and would not have had the benefit of the views of important office bearers responsible for the day-to-day execution of criminal justice.

The occurrence had again focused attention on the proposal that attorneys-general should be independent of the executive. The editorial added it was heartening that a conventional ombudsman — the Advocate-General — had been instituted with wide powers.

Attorneys now free to advertise

By Shirley Woodgate (248)

Transvaal attorneys have been given the green light to advertise specialised services after the move was approved at the Transvaal Law Society Council's annual meeting.

President Tony Hutchinson said no comparative advertising would be allowed and strict guidelines would be handed down

Claiming the move could push up costs, University of the Witwatersrand law professor emeritus Ellison Kahn said the practice had been allowed in the United States since a 1977 landmark Supreme Court case.

"It was held that the right to freedom of speech granted by the US constitution allowed attorneys to place advertisments as to the availability and costs of certain routine services in general newspapers"

Since then, advertisements offering "divorce for 200 dollars or bankrupcy cases for 250 dollars" had become commonplace in the US

Professor Kahn predicted the move would encourage specialising and the end result could be improved service to the public

He said this was not the first time that legal advertising had been allowed in South Africa

In 1903, The Friend newspaper carried a legal column and legal services were advertised in Uitenhage in 1904.

Strict codes of ethics would have to be enforced, he added

Wits academic joins brain drain

(248)

A top academic at the University of the Witwatersrand, Professor Clive Rosendorff (53), will become part of the medical exodus from South Africa when he leaves at the end of the month to take up a senior position in academic medicine in New York Star 6/11/91

The professor of physiology said his decision to move was considerably influenced by the bleak outlook for South African academic medicine

Law society says yes to adverts

TRANSVAAL attorneys have been light to advertise specialised services after the move was approved "by a clear majority" at the annual general meeting.

The president, Mr Tony Hutchinson, said no comparable advertising would be allowed and strict guidelines would be laid down to ensure that only given information was given to the public.

Claiming the move could push up costs, University of Witwatersrand professor Ellison Kahn said the practice has been allowed since 1977 in the law society's home province, Ameriica after the Transvaal State Bar of Kahn said the Witwatersrand Bar had allowed advertising since 1977 in Arizona case in the United States Supreme Court.

"It was held that the right to freedom of speech granted by the US constitution allowed advertisements as to place, advertising and costs of the available rounds of general newspapers," he said.

Since then advertising of fees of $200 or bankruptcy cases for $250" had become commonplace in the States, he said.

Kahn predicted the move would encourage specialisation among lawyers, and would be one-man suit. Service to the public would be improved and the end result would be improved advertising had been that legal not the first time that this was raised in South Africa.

"In 1903 The Friend newspaper carried a legal column and advertised services were Ultenhage in 1904," he said.

Strict codes of ethics would have to be enforced to prevent lawyers from soliciting for work. Advertisements would have to be purely informative.

Hutchinson doubted whether costs would be increased because advertisements would be allowed on television.

Inheritance claim warning

TIM COHEN

LAWYERS' organisations have warned the public that unscrupulous businesses are charging large amounts to release inheritances from trust funds when beneficiaries could do so themselves for free

The businesses misled beneficiaries, most of whom had been left inheritances entrusted to the Master of the Supreme Court's Guardian's Fund until they reached majority, one near victim said

The businesses suggest they can collect the money from the fund more cheaply and quickly than the beneficiaries' lawyers or the beneficiaries themselves B/Day 13/11/91

An agent for one of the businesses said the standard rate for collecting the money was 33% of the inheritance and 50% of the interest it had accrued He denied this proportion was extortionate, saying the beneficiaries would not have known about the money were it not for the businesses involved

Association of Law Societies president Ed Southey said yesterday the Guardian's Fund did not charge beneficiaries for issuing the money and most lawyers would tell their clients how to get the money for free

The names of beneficiaries who had not claimed their money were occasionally printed in the Government Gazette The practice of the businesses was undesirable and the amounts they charged unacceptable, Southey said

But as long as there was no misrepresentation, the contract signed by the beneficiary was valid and could not be overturned except in the most exceptional circumstances, he said

Johannesburg Bar Council vice-chairman Wim Trengove, SC, said the contract could be nullified if the agent had misrepresented the situation, and if the misrepresentation was deliberate the agent would be guilty of fraud

Grenade seen on night 11 killed

Own Correspondent

AN SA Police constable yesterday said he had noticed a stun grenade on the dashboard of the police vehicle, when he accompanied former New Hanover station commander, Lt Brian Mitchell, to Trust Feed the night 11 people were killed in 1988.

Const Jason Wiliam Burton said Mitchell had fetched two black special constables, carrying shotguns, from the home of Inkatha leader Jerome Gabela that night He had dropped them, Burton and a reserve constable at a burning store.

Shortly afterwards they heard shots and pellets falling onto a nearby roof B/Day 13/11/91

En route back to Trust Feed the next day they saw a spent shotgun shell lying on the floor, which Mitchell threw out the window. He removed more shotgun rounds from his trousers and threw these away.

The hearing continues today.

Our writers must prove themselves

Sowetan 14/11/91. (248)

By ELLIOT MAKHAYA

THE small and struggling South African scriptwriting fraternity is about to face one of its biggest challenges - having to compete in the world market in the wake of the cultural ban being lifted.

This is the view of Dr Hermien McCaul-Dommisse, chairman of the SA Scriptwriters Association Saswa has organised a top-flight scriptwriting workshop and master class aimed at equipping the locals to compete more effectively in the world market.

The workshop takes place this week and is run by Syd Field, a world-recognised teacher of scriptwriting. "It is our most ambitious venture to date We want to see South African scriptwriters not just survive but thrive in the new era which is dawning on our cultural horizon," said McCaul-Dommisse.

"The sanctions environment itself has posed unique and difficult challenges which our scriptwriters have met admirably on the whole But to an extent these restrictions had created a 'big fish in a small pond' attitude among local scriptwriters".

McCaul-Dommisse said that they now face the more difficult challenge of having to match what is being produced by scriptwriters overseas. Scriptwriters here have a lot of catching up to do.

"The response to our workshop has been excellent We have attracted the full spectrum, from top people right through to complete newcomers," she said

● Syd Field of Los Angeles has trained countless screenplay writers around the world

Shortage of accountants

B/Day 19/11/91 (248)

ROBERT GENTLE

A SENIOR partner with a leading accountancy firm yesterday called for a "change of approach" to bring more blacks into the profession without debasing the qualification

Managing partner of accountancy firm Arthur Andersen Sam Abrahams said "Blacks with degrees are failing examinations on a regular basis We cannot continue in the way we have for the past 20 years"

Abrahams said there were about 45 black accountants in the country out of a total accountant population of just over 13 000 SA needed about 200 to 300 new black accountants a year 19/11/91

Ndebele gets top position at UWC

Sowetan 20/11/91 - (248)

By PHANGISILE MTSHALI

PROFESSOR Njabulo Ndebele has been appointed vice-rector of the University of Western Cape.

He will be responsible for student affairs

Ndebele (43), currently Professor of African Literature at the University of the Witwatersrand, was elected to the UWC post in 1989 but could not take up the appointment because the Government would not issue him a work permit

Ndebele is an accomplished writer, an outstanding scholar and an intellectual

He is best known for his collection *Fools* which earned him the Noma and Mofolo-Plomer Awards and a share in the Sanlam prize for outstanding fiction in 1986.

He is also the national president of the Congress of South African Writers, a position he has held since 1987.

Ndebele obtained his BA degree at the University of Botswana, then went to Cambridge University in Britain for a Masters of Arts degree.

The University of Denver in Colorado in the United States awarded him his PhD in English and Creative Writing.

He also worked at the University of Lesotho.

NJABULO NDEBELE

SA, Soviets agree to scientific deal

B(Day) 20/11/91.

248

GERALD REILLY

PRETORIA — An agreement to improve co-operation between the SA and Soviet scientific communities has been signed by top representatives of the Soviet Academy of Sciences and the Foundation for Research Development (FRD) of SA.

Vice president of the Soviet Academy Konstantin Frolov signed on behalf of the presidium of the academy in a ceremony at Jan Smuts airport at the weekend

The FRD was represented by its president Reinhardt Arndt

"This was a substantial breakthrough which will open many doors in the Soviet Union to South African scientists and engineers to the benefit of both countries," Arndt said yesterday

Frolov met chairmen and presidents of research councils, high ranking government officials and directors of national research facilities during the past week

An FRD spokesman said that in addition to the field of earth sciences, where collaboration between SA and the Soviet Union already exists, new fields had been identified for co-operation, including biotechnology, conversion technology, safety aspects of large engineering operations and nuclear reactors, the study of natural disasters and their impact on populations and the environment, and outer space exploration

Ways of launching the co-operative programme would include study visits for individuals, exchange of scientific and technological personnel and the exchange of students at advanced levels of post-graduate study

An FRD newsletter will go to the Academy in Moscow in early 1992 It will be translated into Russian and electronically distributed to reach an estimated 3-million Russian scientists, technologists and engineers A newsletter from the academy will be distributed to SA experts.

Call for social upliftment forum

B/Day 20/11/91 (248)

● TEN KROODEN

Reports by PETER GALLI

THE time is right for a forum on social upliftment, in which communities could meet professionals to discuss their needs and how they could help one another, says André ten Krooden, a partner at consulting quantity surveyors Walker Mare

"There should be a forum where communities can make their needs known Then professional bodies can assist them in formulating these requirements, and take the suggestions further," says Ten Krooden, a member of the SA Quantity Surveyors' public relations committee

In this way community needs could be translated into appropriate development projects

Consultants with specialised skills in the construction industry could assist in such an upliftment programme, which would offer business opportunities in many fields

Quantity surveyors could assume the role of project managers, to mobilise the unemployed in contracts within their own communities Some form of training could be given at the same time, thereby contributing to general upliftment

"However, this road tends to be more expensive and very time-consuming for consultants, and the projects could take longer to complete In this regard, government could offer a tax incentive of some sort, to encourage developers and institutions to undertake labour-intensive projects, encouraging local communities to undertake the work afforded them in their own areas"

Roads and bulk services could be handled on a labour-only sub-contract basis, using labour instead of machinery.

The Development Bank of SA is investigating how such projects could be implemented, he says

In addition, more innovative systems involving low-cost housing were needed These should not be systems that employed less people, but rather systems which made maximum use of unskilled labour

Professionals needed to look beyond the profit motive and combine their skills with projects to provide employment and the upliftment of the poor

Concerned professionals also needed an avenue through which they could inform communities about assistance they could provide Communities could look also at the possibility of drafting a register of their people's skills

Ten Krooden believes the future does not lie in sophisticated industry systems using large machinery, but in the use of hand labour, which will have the spin-off of creating pride and responsibility in the community concerned

"Quantity surveyors can play a role in keeping checks on money to be spent Consultants can be responsible for this, and sub-contract to workers from the community where the particular development is situated

"While this is more expensive when it comes to professional fees, it is essential for the growth in housing development and employment"

The "process of awareness" could be started at university or technikon level Students in quantity surveying, architecture and engineering could be required, as part of their courses, to spend six months in the field helping communities with housing and related projects

To supervise the process, a resources centre could be established at the university, under the supervision of a body of professionals who would take turns in manning it.

Quantity surveyors and other professionals would, to some extent, need to "unlearn" what they knew, and become more development-minded and not just commercially oriented for such a scheme to succeed

The establishment of a forum and the employment of local people in projects initiated for their benefit would also need the support of trade unions and community leaders, he says

The building business is fraught with problems, but taking the labour intensive route could be effective

"Perhaps this is the price SA should pay to address the unemployment problem," says Ten Krooden

Leslie Social Sciences Students' Council

Exiles return for Writers' Conference

248

W/Mail 22/11-28/11/91.

A NUMBER of exiled South African writers will return home to meet with authors from around the world for the New Nation Writers' Conference, to be held at Wits University from December 1 to 6

Lewis Nkosi, known for his volume of autobiography and criticism, *Home and Exile,* and his novel, *Mating Birds,* will be among those who return after long absences from this country. Mandla Langa, who is connected to the African National Congress' London office and is the author of *Tenderness of Blood* and *Rainbow on a Paper Sky,* is another.

Also returning for the conference is Mbulelo Mzamane, author of the short story collection *Mzala* and the novel *Children of Soweto* — banned here for many years. Mzamane is currently professor of comparative literature at the University of Georgia in America. Poet Dennis Brutus will also be coming home for the conference. Breyten Breytenbach, who now lives in Paris, will also attend

They will be joined by locally based writers like Nadine Gordimer, Stephen Gray, Es'kia Mphahlele, Njabulo Ndebele, Welma Odendaal, Wally Serote and André Brink.

Writers from the developing world who will contribute to the conference are Sergio Ramirez, poet and former Nicaraguan vice-president under the Sandinista government; Trinidadian novelist Earl Lovelace, American poet Sterling Plumpp, playwright Ngugi wa Mirii from Kenya; Noma Award-winning novelist Chenjerai Hove from Zimbabwe; poet Ernesto Cardenal, former Sandinista minister of culture; and the West Indian novelist Caryl Phillips.

The conference will address a number of issues that are germane to the condition of writers in the developing world today: racism, sexism, the legacy of oppression and the problem of history.

Lawyers feel the pinch as foreign funding wells dry up

South 28/11-4/12/91. (248)

Without foreign funding to cover legal costs, thousands of South Africans would have entered the dock naked in the past three decades. But, **REHANA ROSSOUW** discovered, with cuts in foreign funding to the legal profession, it is attorneys and advocates who are not appearing in court as well-dressed as they were a few years ago:

IN APRIL this year, the international defence and Aid Fund (Idaf), which in three decades channelled a staggering R500 million into South Africa ended its flow of funds to the country. For attorneys and advocates representing victims of apartheid, Idaf was probably their most reliable client.

The organisation had more than 150 attorneys and 80 advocates on its books.

From its exile base in London, the banned Idaf provided legal defence funding for thousands of anti-apartheid activists, bankrolling an estimated 70 percent.of South Africa's human rights cases.

The announcement of the closure of the cash-strapped fund was a severe blow to lawyers whose firms received regular work from the organisation

The South African Legal Defence Fund was launched in Cape Town last week to assist in providing legal defence and promote human rights in South Africa, and most of Idaf's funders have pledged to redirect funds to the local body although on a smaller scale than in the past

"Since the change in political direction in South Africa, funding has to a large extent dried up, particularly for victims of apartheid," said Cape Town attorney Mr Essa Moosa, whose firm handled the largest volume of political work in the Cape

"The financial assistance that was available for detainees and prisoners has now been allocated for the purposes of empowering people to meet the new challenges of the post-apartheid South Africa," said Moosa

"As a result of this different emphasis, funding for political cases has dried up completely."

While most attorneys and advocates who handled large political caseloads did so as a genuine contribution to the political cause in South Africa, some had "jumped on the bandwagon" to reap the guaranteed payments from foreign donors

However, abuses were not widespread, as organisations like Idaf paid half the tariffs laid down by the Law Society and the Bar Council

While a number of progressive attorneys and advocates in the Cape and Transvaal did political work because of personal commitment to the anti-apartheid struggle, in the Eastern Cape and Natal there were some instances of abuse

Advocates from other centres would fly in to handle lengthy political trials, take up residence in the most expensive hotels and bill funders for excessive amounts of consultations with clients or witnesses, both inside the country and abroad.

"Most of us were very genuine about the work we did and still are, but we are suffering in the process," said a local advocate

"The gravy train mentality was really bad in firms which were created expressly to do political work.

"What has happened in the end is that these people just don't have a practice anymore.

"Others are struggling to build up a completely new client base — something they neglected to do while they were working on foreign-funded trials."

Moosa agreed some smaller practises which handled political work almost exclusively were unable to meet financial commitments when funding stopped.

With less political work available, some firms were close to collapse.

Moosa's firm was one of the few in the country which handled political cases because of the partners' commitment to the anti-apartheid struggle.

Before 1985, very few lawyers were willing to take on the police harassment associated with political casework.

"At one stage, we were swamped with political work and were forced to give those matters priority while pushing our other work into the background," Moosa said

"The majority of the funding for that work came from Idaf as our clients often did not have the means to afford legal representation."

Obtaining financial support from Idaf was illegal, and the firm had to be careful not to advertise where their funds came from as they were afraid the government would cut off that channel.

Moosa said although his firm handled a significant amount of political work, their other legal services continued, even at the height of state repression.

In the past year, however, their legal department has been reduced from six professional people to one.

But, he said, the new political climate has opened up new opportunities for people in the legal profession

Black South Africans now had to learn how national and local administration worked, the laws regulating budgets, rates and taxes which opened up a completely new field of work for lawyers.

"The process of adopting a new constitution, a bill of rights and electoral laws will also need the expertise of the legal profession," he said.

"The challenge now is to educate ourselves and service our clients effectively."

Moosa said another exciting new field for progressive lawyers was the debate on the democratisation of the judiciary.

Black lawyers would need to prepare themselves to serve on the Bench, to become ombudsmen and to staff a public defenders' system.

"Doors will open in the new South Africa and opportunities which were denied us for so long will become available," Moosa said

In Natal, only six firms represented people in political matters prior to 1985 and only one firm opened when political work began pouring in

ATTORNEYS THERE have also experienced a dramatic decrease in their political caseloads in the past year. "From February 2, my firm anticipated a fall-off in political work, especially after banned organisations were legalised," said Durban-based attorney Ms Daya Pillay

"The work that we were doing was then taken over by political organisations themselves, like monitoring the violence in the townships and making applications for marches

"Since the Peace Accord was signed, there has been a dramatic fall-off in litigation because going to court is no longer the proper course in instances of violence "

Pillay said her firm was not adversely affected as they had also maintained a conventional legal practice as well as a political department

They have since restructured the firm to give more attention to conventional legal work.

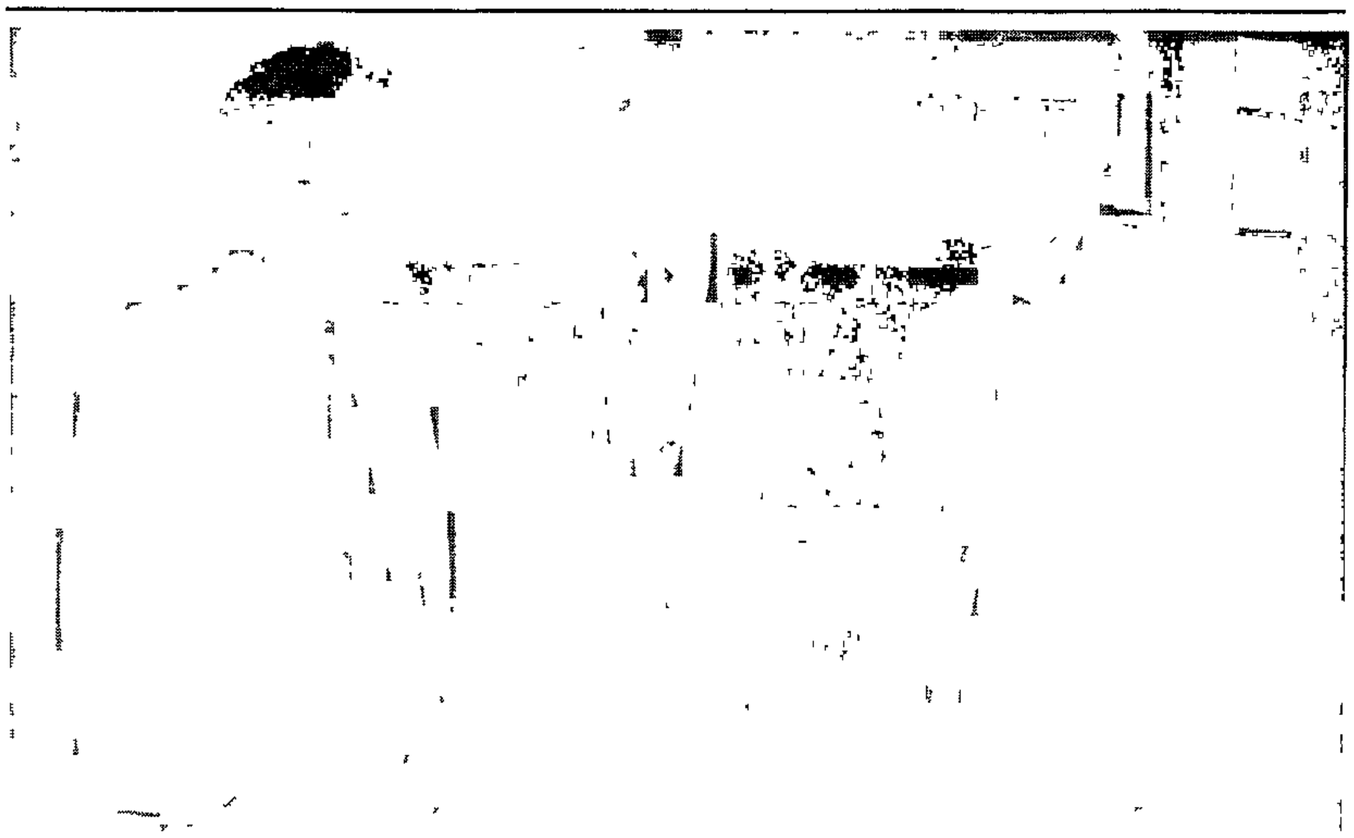
"What has been painful though, is that we are still waiting to be paid from abroad for political work which we completed more than a year ago," Pillay said.

"We are not sure what the reason is for the funders' delaying payments."

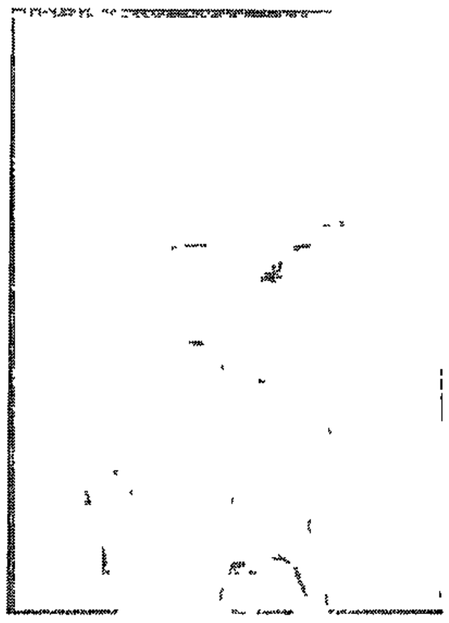
Pillay said she could count her firm's recent political cases "on one hand".

They ranged from assassinations of policemen to damages claims for the Operation Vula trialists and one case of police spying on an ANC member.

"While we are far from closing down, we have been financially affected by the lack of political work," she said.



AT THE LAUNCH: (From left) Mr Albie Sachs, Mayor Frank van der Velde and Advocate Arthur Chaskalson at the launch of the South African Legal Defence Fund



Essa Moosa

Human rights vs economic survival

W/Mail 29/11-5/12/91 (248)

Human-rights lawyers are facing a crisis a dramatic drop in funding means they can no longer take on the mounting number of cases of victims of political violence and oppression **By ANTON HARBER**

SCORES, perhaps hundreds, of victims of political violence and repression are being turned away from lawyers' offices because of a crisis in the human-rights law industry

At a time when demand for political-legal expertise is soaring, attorneys who specialise in the field are being retrenched, whole departments in some of the bigger firms are being shut down and some of the smaller human-rights law firms are facing total closure In the words of one Johannesburg attorney "Public-interest lawyers — as many as 50 to 100 of them — are being made to walk the streets at a time when political violence is greater than ever "

The problem is funding the International Defence and Aid Fund (Idaf), which for many years oiled the motors of the human-rights industry with an annual budget of almost R30-million, has closed down shop at its base in London Its replacement, the Cape Town-based South African Legal Defence Fund (Saldef), is getting off to a much-delayed and unsteady start

There is general agreement among lawyers that it was correct for the funding body to be repatriated and fall under local control, but there is also a strong feeling that it has been done too hastily, with Idaf closed down before Saldef was ready to start its work In the interim, the lawyers are finding they cannot keep their practices alive in a recessionary economic climate

"We are seriously facing the danger of closure," said Johannesburg attorney Priscilla Jana, who was associated with many major political trials during the past decade

She has cut her staff to almost one-third of what it was — from eight attorneys to three — and still may not survive

Priscilla Jana and Associates was one of a number of small or medium-sized firms that were built around political work and who now find themselves most vulnerable The bigger firms often have enough commercial or other work to sustain themselves, but lawyers like Jana had put everything into their political practice "I have done no other work and that means we are starting from the beginning in building up a practice in other fields That is not easy at this stage," she said this week

She says she has had almost no funding since April and the new funding organisation, Saldef, has not given her authorisation to continue with any work "The irony is that the volume of work has increased These are not show trials and prominent people are seldom involved, but the work on cases of public violence, murder, intimidation, sedition, obstruction of justice and other human-rights issues has increased There is also a lot of work to be done for exiles and for new organisations springing up

"But we have to turn away virtually all of these people," she said

Jana warns of the grave consequences of this Apart from the fact that more people are going undefended in the criminal courts, it is causing resentment

"People on the ground do not understand why they are not getting the support they have had in the past It stretches so far as to cause disillusionment with organisations that were previously seen to provide this backing "

At one of the few bigger Johannesburg commercial firms involved in human-rights work, the public-interest department has been reduced to a handful of people who are handling only outstanding obligations "The tragedy is that it comes at time when this work is absolutely necessary," one of the firm's attorneys said

Another hard-hit firm, Cheadle, Thompson and Haysom, is reducing its staff through natural attrition, though the firm will be sustained by labour work

"We are seriously affected The funding cutback has meant that we have not been paid for work done a year ago and a huge bill is outstanding," said Halton Cheadle

"We have built up an enormous debt on the promise of funding and now they (Idaf) are saying they cannot pay "

"The effect is disastrous We saw it coming a while back, so we lessened our dependence on this money, but we are having to turn clients away all the time We cannot take the work on without guaranteed funding, and the guarantees are not there," Cheadle said

The Delmas trialists . Who will defend people like these?

Most seriously hit are small town and rural legal firms, often one-person operations that provided the only access many people had to advice and assistance These will be the first to close

Less seriously affected are institutions such as Lawyers for Human Rights (LHR) and the Legal Resources Centre (LRC) There is still funding for the kind of "development" work they are increasingly focusing on, such as legal education, development of new law and policy formulation

LRC deputy national director Geoff Budlender said there was a "disastrous hiatus in funding" because all of us were too slow in getting Saldef off the ground '

Budlender and LHR director Brian Currin are both Saldef trustees and are hopeful that the new organisation will have sufficient funding to step into the breach soon "Maybe we will not have the same level of funding, but it will still be substantial," Budlender said.

Though few lawyers in private practice share this optimism, the newly appointed Saldef national director, Ntobeko Maqubela, is attempting to be reassuring "Some firms are in serious trouble because of previous debts that Idaf was unable to meet We can't meet these demands, but we will have sufficient funds to meet demands for any work done now "

Idaf cannot be blamed for the debt crisis, he said Many firms had submitted huge bills — running into millions of rands — long after Idaf's deadline and there simply wasn't enough money to meet all these demands

Horst Kleinschmidt of Idaf said fingers could not simply be pointed at funders "Yes, we are in arrears and are trying to address that

"I am quite aware that some very important and very good legal firms are being hurt The last thing we want is any of these firms to close "

But, he added, some of them "have to adjust radically" They had to account better for the money they had spent and those who ran exclusively political practices dependent entirely on funding would have to broaden their work

"They must realise that funds which have gone to the lawyers are seen in some quarters as disproportionate to the needs of other areas of the struggle," he said

Whoever is to blame, the current crisis is likely to have serious long-term consequences Attorney David Dison believes it is contributing to current violence "Black people are being turned away from lawyers' offices, they don't have legal redress for their grievances, and so they feel they must take matters into their own hands "

Apart from the increase in people going undefended in court, the legal firms that are closing down are those which have also helped shore up the defences for media, trade unions and women's and other special-interest groups

They have also provided many of the experts needed in negotiations and contributed to debates over a future constitution

"A Bill of Rights will only work if it is litigated Who is going to do that if all these firms close down?" one attorney asked

If and when Saldef starts funding public-interest work, it could find there are far fewer lawyers to do it To survive they will have had to turn to commercial or other law

It may be that what is happening is those who rode the international-funding gravy train — and there were plenty of those in the profession — are now being thrown off

But there are three catches to this Firstly, honest lawyers are being cut off along with the chancers

Secondly, the dual bar system which separates attorneys and advocates in our courts means that it is the former, and not those advocates who received the bulk of the funding, who have to bear the brunt of the crisis

More importantly, many people desperately in need of legal advice are being thrown to the wolves

Labour Law degree

■The University of the Witwatersrand Law School is to offer an LLM degree in labour law next year described as "the first of its kind".

The two-year course, aimed at graduates with some experience in labour law, would be "for small numbers, intensive and with top-flight tuition", said Professor Martin Brassey, of the Wits Law School.

Teaching the course will be some of South Africa's foremost academic and practising labour lawyers, including Brassey himself, Edwin Cameron, Halton Cheadle, Dennis Davis, Paul Benjamin, Joe Campanella and Janet Hersch.

Reports by Weekly Mail staff, Sapa

W/Mail 29/11/91

Frozen posts: Minister acts to halt protest

S/Times (CM) 1/12/91 (248)

By KURT SWART

EDUCATION minister Mr Tommy Abrahams has denied that 108 lecturers at teacher training colleges will lose their jobs.

At a press conference on Friday, Mr Abrahams said the impression given that 108 lecturers under his House of Representatives department would be out of work next year was incorrect.

"We are scrapping 108 posts at teacher training institutions across the country. We have determined that 41 of these posts are already vacant.

"There are 42 seconded teachers, who have posts elsewhere and who have been used at colleges."

This left 25 lecturers with temporary contracts due to expire at the end of the year, he said.

The reduction of posts was a contingency measure the DEC had been forced to take because of budgetary restraints, which had made the closure of some of the department's 13 colleges a possibility.

If the reduction is implemented, Hewat College in Athlone, for example, would lose 15 lecturers out of a staff of 76, Perserverance 13 out of 51, and South Cape 11 out of 33, all with corresponding drops in the first year intake of students.

The South African Democratic Teachers Union (Sadtu) and the Co-Ordinating Committee for Colleges of Education (CCCE) have warned the minister that failure to treat the matter "sensitively" could result in a major crisis.

Sadtu said last week the possibility of mass action could not be discounted if the department implemented their decision.

Concern

Reacting to the minister's statement yesterday, Sadtu general secretary Mr Randall van den Heever expressed "serious concern and dissatisfaction".

"Sadtu is also perturbed about the fact that the minister refused to meet with a delegation from the colleges on Wednesday."

The CCCE at a meeting last Saturday demanded that first year student quotas be increased, and that a moratorium be placed on staff and student reduction

Lawyer cleared

(248)

THE Law Society of the Transvaal said on Friday a "thorough" investigation had shown there was no need for action against Wim Cornelius, the lawyer who represented rightwingers Adrian Marjtz and Henry Martin while they appeared to be on hunger strike.

B/Day 2/12/91

PROFESSIONS

1992

BUSINESS

Taxing us to death by degrees

W/Mail 2/1-9/1/92 (248)

A suggestion that a special tax on graduates should be imposed for redistribution was greeted with no little disbelief **REG RUMNEY** *suggests some other yuppie taxes*

Count the day won when, turning on its axis,
This earth imposes no additional taxes
— **Franklin P Adams**

UNIVERSITY of the Transkei Professor Wiseman Nkhulu has advocated a tax on university graduates as one way of redistributing wealth

He didn't later deny it, so we have to assume he meant it

Graduates have profited from the apartheid education system, and so should put some money back into the system

Opponents of such a scheme could argue that many uneducated people have benefited from apartheid at least as much as graduates have Conversely, many graduates, particularly those unwise enough to have entered education or journalism, are not particularly wealthy

As a revenue-raising device a graduate tax might not be particularly effective

But let's accept that special taxes should be instituted to redistribute wealth

Truly creative thinking demands that we don't stop there Besides, a broader tax would be fairer and more efficient Naturally, it has to be aimed at the wealthier members of society, or it would merely be a revenue-raising exercise

What else could be taxed besides degrees?

Long a symbol of sybaritic suburban whites, swimming pools would be an obvious tax target It could be progressive too the bigger the pool, the bigger the tax Trouble is *Sunday Times* editor Ken Owen has already filled his in However, this is a definite possibility

A logical extension would be a tax on jacuzzis and private steam rooms. Another possibility is a tax on second bathrooms

A progressive (the more you have the more you pay) national property tax has already been advocated This would have to be on the basis of municipal valuation The Norwood trend of wealthier whites moving into tiny properties for security reasons would rule out tax on the basis of land size alone Never mind that Trade and Industry Minister and former Gencor chairman Derek Keys has been living in a flat in Killarney, which presumably means he at least wouldn't be in line for the tax

Luxury cars are another status symbol that suits a redistributive tax

True, almost all new cars are becoming a luxury purchase And luxury cars incur extra tax in the perks tax tables But some observers, particularly members of the South African motor industry who manufacture Japanese cars (of course), argue that the number of luxury German cars on South African roads has reached obscene levels

One can confidently predict, however, that with the already exorbitant price of BMWs and Mercedes Benz cars, a luxury car tax will quickly induce drivers to "buy down" The result will be a windfall for Toyota and the other car manufacturers

So perhaps a tax should be placed on 16-valve fuel-injected models, or power steering

Even more specific, a tax on car phones would hit exactly the right people — if it didn't kill the nascent car phone industry stone dead

Similarly, there is no doubt which class of people would be subject to a tax on laptop computers, real leather brief cases, filofaxes, and computer programmes that enable you to play the stock exchange from home Add to this airconditioned offices and big desks of exotic wood and leather

Once again, though, if you want to tax the affluent businessman, you should for tax efficiency bring his wife into the tax net as well

This means a tax on beauty salons and health clubs, racing bikes, home gym equipment, psychiatrists and mineral water, retro tortoise-shell spectacles and answering machines The possibilities are almost endless

Ah, but what about taxing the obvious, you ask? Imported suits and shoes and designer clothes from all corners of the globe, are surely fair game These (and some of the above) are subject to pretty high import surcharges on luxury goods already Add in Value-Added Tax and you have prices that make all but the super-rich blanche

This is the beauty of the graduate tax you can t avoid it In this it resembles the UK's infamous poll tax

An important principle of tax law — one which the present government doesn t seem to agree with — is that one should be able to arrange one s affairs so as to pay as little tax as possible

People do anyway The UK window tax of old is illuminating The rich bricked up many of their windows The poor could do little to avoid the tax

So the yuppie taxes mentioned, if high enough would encourage those with disposable income to lead an ascetic, low-tech and even unhealthy lifestyle They would certainly be resented and most definitely be resisted

So would a tax on graduates, and — if high — it could also speed up the brain drain

If taxes are low but widespread, the theory is they only cause mild resentment and people get used to them quickly That is the thinking behind taxes like VAT However if they are too low they don t raise enough revenue to make any difference

In the end, income tax is still a pretty powerful instrument for redistribution Granted, as a political gesture if nothing else, new taxes will probably be introduced Estate duty, now all but nominal, could be beefed up again Now the first R1-million is exempt, as are bequests to a surviving spouse, according to KPMG Aiken and Peat's Alister MacKenzie, and the flat rate of tax is 15 percent.

There may be big money slipping out of the tax net But remember that individuals already shoulder a big part of the tax burden

The individual's share of income tax has risen from 19,9 percent in 1979 to 37,6 percent in the 1991/92 budget

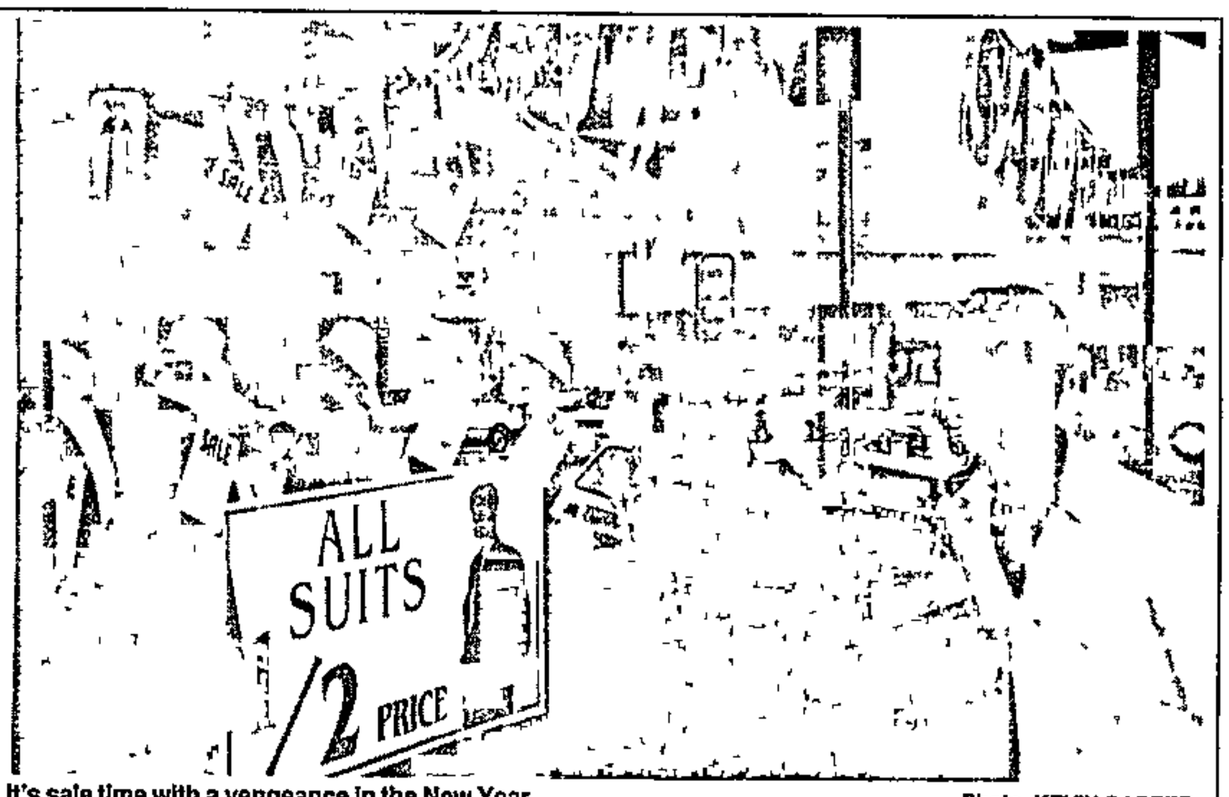
The individual tax burden doesn t include sales tax or VAT, of around 20 percent This is ultimately paid by the consumer — that s you and me We could pay more, but not much

So will anyone who has new creative ideas for the Receiver of Revenue give us a break Please

Retailers suffer an un-merry Christmas

W/Mail 3/1-9/1/92

There were fewer jingles in the store tills this Christmas, as the recession finally cut deep into consumer spending **REG RUMNEY** *reports*



It's sale time with a vengeance in the New Year Photo KEVIN CARTER

GET ready for some great New Year sales — if you have any money left

For the first time in years it was not a merry Christmas for those who depend on the season of goodwill and bonuses to make a good part of their yearly profit

Pre-Christmas sales in some retail chains should have been a clue Goods that last year moved off the shelves as if by magic had to have their prices slashed to budge Retailers are cagey about stock, but the pre-Christmas sales have already been followed by post Christmas price slashing in some stores

Retailers *The Weekly Mail* spoke to confirm that a South African Chamber of Business pre-Christmas survey was at least not too far off the mark and was in some cases optimistic

Sacob s survey said retailers expected Christmas sales to be down around five percent in real terms Individual retailers will judge their own performance against that depressing yardstick Those *The Weekly Mail* spoke to felt happy to have matched or slightly bettered the November inflation rate of 15,5 percent

Chain store OK Bazaars managing director Gordon Hood this week described Christmas this year as "not very exciting"

OK turnover in nominal terms ie not adjusted for inflation, was 17 percent up on last year in real terms for the Christmas season

Big-ticket items such as furniture and appliances were hardest hit

OK is part of the South African Breweries group, which also includes Edgars Stores

Drinks and retailing group SAB executive chairman Meyer Kahn was quoted just after Christmas as saying that Christmas sales looked like they could be the lowest in six years

"We are comfortable with the real growth we ve achieved,' said Edgars financial director Robert Maydon, without quantifying that growth He qualified this by saying he could only speak for the Edgars chain itself, not the other stores in the group, Sales House and Jet

Unlike previous years, where Christmas has come earlier and earlier, shoppers seemed to delay buying until the last minute

"We had a fantastic Christmas week," said Pick 'n Pay financial director Chris Hurst, "with sales up 28 percent in nominal terms " For the full five-week Christmas season, however, it looked as if the chain would achieve only an 11 percent increase in cash terms "It was about as good as we could expect There isn't a lot of money out there " He added that people were selective in their spending

Chain store Game operations director Barry Clements said shoppers were a lot more price conscious and shopped around at Christmas Pricing on big ticket items was very competitive He said Game turnover was marginally up in real terms on last year, but only just It was a lot better than we'd hoped"

Spending was disappointing up to Christmas, but shoppers came to the stores after Christmas itself

Furniture and appliances store Morkels also had a late shopping rush, with good trading in the few days before Christmas

Morkels operating director Bob Smith said sales were marginally up in real terms until Christmas and in the final week were holding steady He stressed, though that there were two or three days of trading left He said the last few months had been difficult with discounts in place for some time

On the other hand, Rusfurn director of strategic management Johan Kruger said sales had held steady in nominal terms This implies a fall of 15 percent

Department store group Greatermans financial director Izak du Plooy said the chain's Christmas sales were only marginally up in nominal terms Adjusted for inflation they fell 10 percent compared to last year

Similarly, Garlicks group MD Hymie Sibul said turnover in the group, excluding Game, but including Beares, Savilles and other stores was only five percent up in nominal terms. Taking the economic circumstances into account he was not unhappy with that, he said "It's bloody tough out there"

It's not all gloom and doom Sibul added ' People are still buying " The furniture division had achieved turnover up 25 percent on last year

Consumer electronics group Milstan joint MD Stan Etkind said the group was satisfied to have gone some way to matching inflation, given the high base that last Christmas represented for the group "We're more or less on the same level " Since the last three months had been tough, the company had been apprehensive "We re more than satisfied "

The holiday cities were also hit

Durban and Cape Town appear to have had a lacklustre Christmas season

"The general feeling among hoteliers was that the season was not too wonderful," said Durban Publicity Association managing director Frank Vincent this week The recession had meant that Durban s 30 000 beds have in all probability not been filled

An indication of the squeeze is that the R500 000 spent by the association in bringing upcountry visitors to Durban in the traditional "valley" in the first half of December had had little effect However, many people would have switched from hotel stays to visiting friends and relatives, so the retail trade might not be as badly hit as the hotels

Captour director Gordon Oliver said indications were the number of visitors to Cape Town had surged But the hotels had had a quiet time, with visitors preferring the cheaper bed-and-breakfast establishments or staying with family or friends "The recession is being felt "

Balancing the scales of justice

W/Mail 10/1/-16/1/92 (248)

For more than a century thousands of South Africans have been judged — and found guilty — without the benefit of legal representation. This imbalance is now being addressed.

HUBERT MATLOU *reports on the first case taken up by the Public Defenders' Office*

UNEMPLOYED Portuguese immigrant Alvaro dos Santos stood silently in the dock as the charge sheet was read to him and translated by an interpreter at the Hillbrow Magistrate's Court on Tuesday

As the sun penetrated the small packed courtroom, his wife Vanda and their 15-year-old daughter Patricia murmured at intervals — comforting each other, anticipating the unknown

Their expressions reflected a deep concern over Dos Santos, who keeps the home fires burning by doing part-time jobs They sat desolate and lonely among a dominantly black and indifferent audience — feeling foreign in a foreign land.

Dos Santos (61), represented by public defender LM Koopasammy, appeared before Magistrate H Viana on a charge of driving under the influence of liquor. His alcohol consumption read 0,25, considerably exceeding the permitted 0,08 grams per 100ml. He pleaded guilty and was released on R500 bail. His case was remanded to February 18.

The Dos Santoses, who stay in Joubert Park, emigrated from Portugal in 1982. Alvaro has been unemployed for the past 22 months.

Speaking to *The Weekly Mail*, with their 15-year-old daughter as interpreter, the Dos Santoses expressed relief about the granting of bail and the assistance rendered by the Public Defenders' Office (PDO), which provided the attorney.

Dos Santos' case was the first to be undertaken by the newly opened Johannesburg PDO, run along lines similar to the American system which provides the poor with free legal representation

It is the first independent initiative in South Africa's legal history to redress the need for free legal representation for the poor Over a century, more than 100 000 people, particularly blacks, have been sent to jail without a proper hearing or legal representation

The project is paid for by public and private funds, which cater for the services it renders and the salaries of its full-time staff.

The 10-strong team was initiated by a number of lawyers' organisations, including the Legal Resources Centre, Legal Aid Bureau, Black Lawyers Association and the National Association of Democratic Lawyers

Located two blocks away from the Johannesburg Magistrate's Court, at Cape House, the office is run by two advocates, Vivian Fortunat and Carol Bruyns, assisted by eight attorneys. There is also an interpreter

Fortunat explained the 10 were selected from 138 applications, countrywide.

"Selection was made on the basis of candidates' commitment to community service. And all have been in practice for some time, and had abandoned their private practice for this new venture," Fortunat said

The PDO employs full-time staff, making it more cost-efficient than the Legal Aid Board's system of instructing lawyers in private practice on individual cases and paying them for each appearance, she said.

Bruyns said her office would apply the LAB "means test" as a yardstick to determine which applicants qualify for assistance.

"This project is directed at people receiving the lowest income and the unemployed. However, this will be applied elastically on a case-by-case basis.

"We represent a client throughout the trial — from bail application to mitigation of sentence," Bruyns said.

Although the office is a two-year pilot project confined to the Johannesburg Magistrate's Court, an exception was made with the Dos Santos case, which is being heard in Hillbrow. The project may expand to other areas of the country on the basis of its effectivity and success.

"This will depend largely on the volume of work and the amount of money used. The large turn-up of people for assistance would also count in favour of its continued existence," Fortunat said

The project could use more publicity among the people who need its services. At the Johannesburg Magistrate's Court a poster reading "Be careful of Terrorist Bombs" welcomes people at the entrance. But no PDO poster — in any language — was in sight. People questioned said they had not heard of it.

However, by the middle of the week word must have spread, because the office had 30 cases on its list, ranging from fraud and robbery to malicious damage to property.

No trust without enough funds

By PHILIPPA GARSON

THE Standing Commission of Inquiry into Public Violence and Intimidation is in the throes of a funding crisis which, if not timeously solved, could derail a pivotal arm of the National Peace Accord.

This view, expressed by Lawyers for Human Rights (LHR), has been backed by several lawyers at the commission who say that if funding is not made available for legal representation for the various parties and individuals testifying before it, it will fail.

The state has refused to step in to solve the crisis and Inkatha's legal representatives pulled out of the proceedings last month due to lack of funds.

Without legal representation, witnesses "simply don't talk", says LHR executive director Brian Currin.

In a bid to ensure the success of the commission, LHR is in the process of setting up a trust fund and is appealing to big business for contributions.

The commission, headed by Mr Justice R Goldstone, began sitting in November after the National Peace Accord was signed by the government, Inkatha and the African National Congress.

Its parameters were laid down by the Prevention of Public Violence and Intimidation Act, also passed late last year.

It is expected to investigate, among other things, allegations of security force involvement with Inkatha in fuelling violence and has been given a mandate to look at both causes and ways of preventing violence. Its findings will in all likelihood have far greater implications than those of previous commissions.

"Unlike the others it was born out of a process of negotiation which included most of the relevant political actors. It's a highly credible commission and has the support of the majority of people," says Currin.

Foreign embassies have so far contributed R1,5-million towards the kitty but a lot more will be needed if, as is highly likely, the commission runs for some time — perhaps two years.

A sub-commission looking into the September/October Tokoza violence began sitting on November 15 and is still hearing evidence on the first of the three incidences of violence under scrutiny.

The new trust body set up by LHR will give legal funding to civic and other community-based groups but not political parties. The Tokoza Hostel Dwellers Association has been the first to receive aid and the organisation is now being represented by the legal team formerly acting for Inkatha.

Currin is disgusted by the state's refusal to offer funding: "It's incredible that the state refused. We asked them to set up a resource for funds and we made the point that the commission can't run unless all parties are represented. But the state said that no law makes provision for that."

Although the setting up of the commission was part of a joint state-Inkatha-ANC initiative, other countries frequently go so far as to fund anti-state litigation, notes Currin.

"It is absurd for foreigners to pay for our future," he adds. "We need funding from South Africa and we appeal to South African businesses. An ongoing commission of this nature is a crucial practical arm in the process towards peace negotiations."

Lawyers need to beat a new path to the Bar

WIMail 10/1/-16/1/92

The legal profession is debating its future. One of the main challenges it faces is the admission of black law graduates to the profession. **By LINDA RULASHE**

ALTERNATIVE routes into the attorney's profession — other than the system of articles — will have to be established in a post-apartheid South Africa. Other sorts of internships were proposed by Legal Resources Centre national director Arthur Chaskalson in the annual report released last week.

The idea was mooted during a conference of legal bodies, he said, and broad consensus was reached on the issue Those participating included the Association of Legal Aid Institutions, Black Lawyers Association, General Council for the Bar of South Africa, Lawyers for Human Rights, National Association of Democratic Lawyers and the Society of University Teachers of Law

Chaskalson said different ways could be found for young law students to involve themselves in serving their country.

One way would require they serve a period of internship in law clinics. Besides providing one of those alternative routes mentioned, it would also provide the nucleus to a more extensive legal aid system

(248)

"If state funding were to be made available for such purposes, as it is for medical interns, the flawed criminal justice system could be rehabilitated," he said.

He added: "Young law graduates who are presently excluded from the profession because of their inability to find articles could be incorporated into the profession and the ethic of public service and public responsibility could be instilled into the legal profession"

Chaskalson pointed out women and black men had difficulty in finding articles and each year, a substantial number of law graduates were unable to become attorneys

"In the (Legal Resources Trust) chairman's report, reference is made to a recent amendment to the Attorneys Act which will enable institutions such as the LRC and university law clinics to provide articles to candidate attorneys

"While this may be of importance in the short term in providing more place for law graduates to acquire articles, it would be insufficient in the long run to meet the needs of the public and of the burgeoning and changing legal profession."

He said new structures would still have to be created for this purpose.

Chaskalson estimated 90 percent of local lawyers to be white They had generally provided efficient services to a small segment of South Africa. This consisted largely of the state and commercial sectors

The legal profession had, however, failed to meet the daily needs of the black community and this being "part of the legacy of apartheid", it called for urgent attention.

He said the gatekeepers controlling the placement of candidates were the attorneys themselves, almost all of whom, inevitably, were white

Although more white students still graduated compared to black ones, Chaskalson admitted the ratio was shifting and time would soon come when more blacks than whites would be seen trying to enter the profession.

Male graduates 'get better work deals'

STAR 15/1/92 (248)

By Helen Grange
Pretoria Bureau

Women graduates in the workplace generally earn less than their male counterparts — and men get better fringe benefits than women

This is one of the conclusions of the latest Human Sciences Research Council report, headed "The income of graduates in 1991"

In addition, the report states, in 1990 white male graduates earned more than male graduates of other races in 1991

Graduates in urban areas also usually earned more than those in rural areas

It was established that the male teachers surveyed (not heads of departments) with between 10 and 15 years' experience earned a total package of R47 700 a year

Women within the same experience bracket earned just over R39 000

Of the teachers who were heads of departments, the men earned a median salary of R52 500 compared with R51 100 for women

Some of the few occupations in which women earned more than men were clerical and other administrative occupations in the public sector Here, women with seven years' experience earned R26 300 compared with men with 10 years' experience earning R25 200

Women graduates get raw deal — poll

Sowetan 16/1/92

THERE are very few professions in which women graduates earn more than their male counterparts, according to a latest report of the Human Sciences Research Council.

The report, called The Income of Graduates in 1991, sets out the salaries and income packages of women graduates from all population groups

Women

It found out that women graduates usually have a lower income than black, coloured and Asian male graduates

In 1990 white male graduates earned more than male graduates from other population groups Graduates in urban areas also earned more than those in rural areas

A total of 29 109 graduates, of whom 22 698 were white women, participated in the survey on March 1 last year In addition 4 616 male and 1 757 female black, coloured and Asian graduates took part in the survey

About a third of all the women and just over half of the men graduates were teachers

Experience

The male teachers, not heads of departments, with 10 years experience earned an average salary of about R38 500 and a total income package of R47 700 a year The figures for women were R33 800 and R36 800, but these women had two years less experience than men

There was a much slighter difference among teachers who were heads of departments An average salary of R52 500 a year for men as compared to the R51 100 for women

Teachers in Natal earned more than those in other provinces Here the teachers earned an average salary of about R39 000 a year, in the Free State R36 000 and in the rest of the country, about R34 000

On average, however, the teachers in Natal had a few more years' teaching experience than those in the rest of the country

Specialist

Male medical specialists with their own practices earned R140 000 The comparative figure for women was R120 000 The same gap in income was evident in the incomes of managers in the private sector

Men with 12 years experience earned a salary of R69 000 and a total income package of R89 100 In the case of women managers with 10 years' experience, the figures were R60 100 and R80 100

The non-chartered female accountants in the private sector had an average salary R49 600 and their income package amounted to R62 400 In contrast the figures for their male counterparts were R55 100 and R70 700

Occupations

Some of the few occupations in which women earned more than men were clerical and other administrative occupations in the public sector Here women with seven years' experience earned R26 300 compared with men with 10 years' experience who earned R25 200

On comparing the two groups' total income packages, the converse was true Men received R34 800 and R30 700

'BA brigade' worst off, but even science, computer and engineering graduates find it tough

Jobless queue growing by degree

STAR 18/1/92 (248)

IS THE South African university system geared to producing ever increasing numbers of under-skilled people? AL-AMEEN KAFAAR reports.

FIFTEEN years ago a degree meant guaranteed employment. Today all it may secure is a place in the unemployment queue.

Graduates, especially those holding Bachelor of Arts degrees, are finding it increasingly difficult finding employment, according to both university and employment agency sources

Not only BA graduates, but inexperienced engineers, who until a few years ago stepped into a position shortly after graduation, are also falling victim to the struggling economy

Although very little research has been done in South Africa on how easy or difficult it is for a graduate to find employment, a number of education experts have agreed that last year was one of the toughest for university-leavers entering the job market This year will be as bad, economist believe

Susan Edey, a placement officer at the Wits Counselling and Career Unit, said BA graduates, especially ones with a "generalised" degree, struggled more than others

Most BA graduates top off their degree with a diploma or further studies

Although it had become very difficult to find work, many BA graduates eventually managed to do so, though not always in the field they were aiming for, Miss Edey said

Although she disagreed that local universities were producing masses of unemployable graduates, she said last year's batch of people with degrees — even engineering and computer degrees — were having difficulty finding work

"This is the first time engineers have actually made inquiries to us for placement, and a number of them have been unemployed for some time

"With professions such as medicine or dentistry, employment is still relatively easy to find Even in certain science fields like botany, graduates are struggling"

The job market was very skills-based and, because of limited positions, employers tended to look for more skilled and experienced people

"I'm very weary of making dogmatic statements One should remember that 1991 was a significantly bad year and that the job market tends to change from time to time"

Mel Holland, information officer of the National Education Co-ordinating Committee, said that nowadays a degree did not necessarily guarantee employment University graduates were educated but were not trained to perform the skills required for their respective careers

Miss Holland said exceptions were in the field of engineering but even there shortcomings were apparent

"South Africa is following the American example where education is producing under-skilled graduates The legacy of apartheid is the reason for this Education is a linear process and in SA it needs to be addressed from primary to tertiary levels," Miss Holland said

She added that the high entry requirements at universities also made it difficult, especially for black matriculants, to attend tertiary institutions

"Universities should realise they are not neutral in the education process One can concede that access to tertiary institutions should be based on merit, but then there should be more involvement from their side to address the legacy of apartheid"

Professor Merlyn Mehl of the Independent Development Trust in Cape Town said that to a certain extent the SA graduate market had reached saturation, especially in the cities

Professor Mehl said BA graduates with a teacher's diploma were reluctant to leave the cities for the rural areas where a shortage of qualified teachers existed

He said that while in the past a degree was the doorway to wealth and success, the job market was now very specific and had a definite focus The closer a graduate could come to that focus, the better

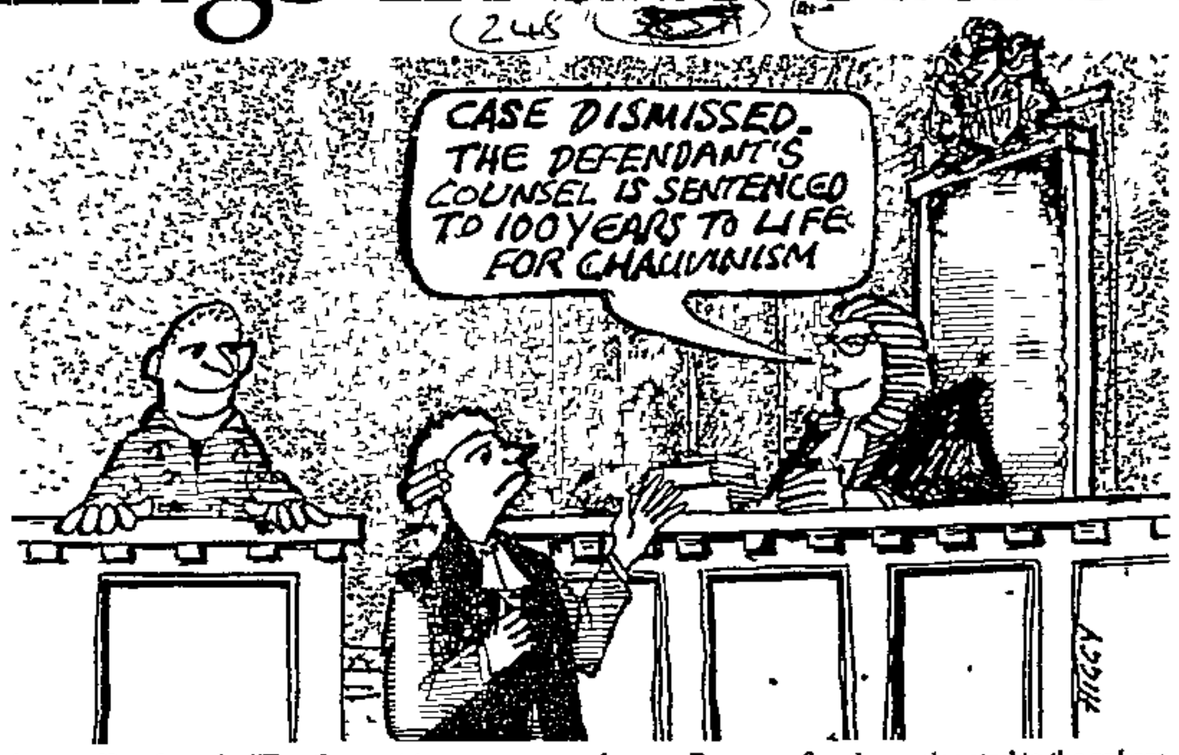
"We still need more technically trained people, and the number of technikon graduates in technical fields is still undersubscribed At this stage I would prefer going to a technikon because I'm led to believe that technikon graduates, especially blacks, find jobs more easily Then, technikons do place emphasis on technical training," he said

Certain professions, such as engineering, were still very undersubscribed, Professor Mehl added

Glass ceilings in the old boys' club

W/Mail 24/1 - 30/1/92. (248)

Do women lawyers have to drop their briefs to get any briefs? **PORTIA MAURICE** *looks at the struggle for equality in the legal profession*



SOUTH AFRICAN women lawyers may no longer have to resort to dressing up in drag as did Portia in Shakespeare's *Merchant of Venice,* but they still have to fight discrimination in a male preserve which won't bend to their needs

In a wide survey conducted by *The Weekly Mail,* frustrated women lawyers complained of the "glass ceiling" which hinders promotion for many women in the corporate world But chauvinism appears to rear its ugly head more viciously in law, said to be one of the most conservative professions

The structure of law firms breeds nepotism and bigotry, some say "It's like an old boys' club with the senior partner as autocrat," said one woman "Everybody kowtows to his whims and fancies and women are not taken seriously They behave as though they possess you."

Difficulties faced by professional women are overshadowed by those of their shopfloor counterparts But their battle for sexual equality is a lone one — fought across the boardroom table on the strength of individual performance and assertiveness Many women lawyers are vulnerable and insecure, creating what one calls a "syndrome of apology and abject gratitude for being allowed in" For this and ethical reasons, few sources would be named for this article

One attorney says South Africans have been fed the mythology in television programmes like *LA Law* that all are equal within the law Although Americans may be more comfortable with women lawyers, she says, South Africans have followed the British role model of "pinstriped gentlemen with bowler hats"

In law school, women are now more equally represented than they were 10 years ago but only a handful end up practicing Eager graduates seeking articles of clerkship are likely to be sent from pillar to post whether or not they wear pants, because of economic recession It's two years of slog and grovel, any lawyer will tell you But, many claim, women are still the last choice If you're black, it's even worse

One prominent Johannesburg firm refused female applicants this year Of three women who recently completed their articles only one has been offered a job "For the past two years we took only women," said a partner at the firm "Now there's an imbalance What if they all fell pregnant at once?" He believes there are many "excellent" women lawyers, but that they "expect too much sympathy I think they sometimes go on the offensive when it's not really necessary", he says

Some female candidate attorneys feel undermined. "If responsibility is likely to be delegated, the males get it all," said one. "You can be very diligent and do your best — all you get is telephone calls and requests to make tea You're just a glorified messenger "

A successful advocate tells the story of how she went searching for a job seven months' pregnant. "I went for an interview with this huge stomach and from the look on their faces I told myself 'girl, there's no way you're going to get this job' My grades were good, but they had a mental block against me "

A glance through the lists in the Hortors Legal Diary shows a smattering of "Ms's" in a sea of other names which one assumes to be male because there are no honorifics These are the partners — the top layer of decision-makers in any firm In most cases, women comprise less than 10 percent of partners, although there are exceptions Of about 720 South African advocates, only 65 were women in 1990 and fewer than 10 of them black too Justice Leonora van den Heever of the Orange Free State Provincial Division is the country's only female judge

The crux of the matter is that women lawyers, it seems, are defined more as potential wives and mothers than as competent and intelligent human beings Raising a family is relegated to the sphere of the private, and little support is forthcoming from the firm

"I had just married and the first question I was asked at my interview was whether I was considering having children," said one And another "Even if you say you have no plans, they don't take you seriously because they think you won't be 'alive' for a period of your career "

The bottleneck really tightens as women reach their 30s, and are forced to juggle a double shift or make hard choices between career and family

Very few law firms surveyed had structured maternity policies, and women were left to negotiate ad hoc arrangements on their own. Some get good deals — six months paid leave and flexitime for a while thereafter But others just leave or foresake having children for fear of taking the gamble There are no job guarantees

It's a tough job and women lawyers end up being more male than men, offering each other little support. Many follow sexual stereotypes — either with an extra dose of aggression to prove they can make it in a man's world or useing the dollybird image to curry favour "Many believe that because they are able to cope they don't need to worry about the rest. The result is competition rather than solidarity," said an advocate.

Clients are often patronising many women lawyers tell of how they are assumed to be the boss' secretary when they answer the telephone The tone on the other end of the line is one of palpable disappointment, they say

Sexual soliciting is rife It is alleged many women "prostitute" themselves to get ahead Although life at the Bar is a little more comfortable, some male attorneys are said to trade their "briefs" for a sexual favour "He may pass his cases on to you regularly but if you refuse his lunch and dinner invitations he disappears off the scene," said one advocate

"You are under pressure to conform — if you don't get yourself a sponsor or mentor, you may not get briefs " Female advocates also often get pigeon-holed into family and criminal cases and seldom get a shot at commercial suits

Responses from males in the profession varied from indifference to intolerance Die-hard campaigners were not found. "They go off and have children and sometimes they come back. If they have been satisfactory, we accept them back," was the typical response of one senior partner

Things are not as bad as they used to be though South Africa saw its first female attorney in 1926 but American judges of that time left no room for colleagues of the other sex. "The peculiar qualities of womanhood, its gentle graces, its quick sensibility, its tender susceptibility, its purity, its delicacy, its emotional impulses, its subordination of hard reason to sympathetic feeling, are surely not qualifications for forensic strife Nature has tempered women as little for the juridicial conflicts of the courtroom as for the physical conflicts of the battlefield," one US judge said

Today, as more and more women enter the profession, something will have to give But change is very slow in coming It is accepted that law practice does not stop at lunchtime, so half-day shifts are no real solution.

Only one firm surveyed, Bell, Dewer and Hall, had creche facilities at work to assist parents This, said a lawyer there, saves working women from mothering over the phone and allows them the choice to breastfeed. "It's very easy and relatively inexpensive to set up," she said "All it needs is the commitment to assist your staff "

Another option being explored is job sharing or joint filing systems Women set up their own firms and share clients' files, covering for each other on a roster system and allowing them to spend time with their young ones

One pioneer said such systems would be able to cater for the "wealth of talented women sitting at home and wasting their degrees" Although joint filing is a little less practical, the extra effort affords parents the best of both worlds

"The answer is for us to get together and create conditions conducive to ourselves," she said The question is, should women have to leave top firms in order to accommodate their needs? Or should the legal profession bend towards a co-operative and sensitive ethic which regards all as equal and children as a societal responsibility?"

Leadership workshop in Cape 'just the start'

STAR 25/1/92 (248)

OWN CORRESPONDENT

BELLVILLE — Forty-six South African academics and an official of the Development Bank of Southern Africa yesterday completed an intensive week-long workshop on leadership and public administration, designed and led by faculty members from the John F Kennedy School of Government at Harvard University.

The workshop was held on the campus of the University of the Western Cape in Bellville, and underwritten primarily by the Social Responsibility Programme of Otis South Africa.

Support was also provided by Otis SA's parent company, United Technologies, and by the Ford Foundation, IBM and Harvard University.

Eighteen South African universities and technikons were represented.

Speaking at the graduation ceremony, Antonia Chayes — a director of United Technologies, adjunct lecturer at the Kennedy School and a member of the workshop faculty — said "This has been an exciting seminar and, we hope, the start of a continuing collaboration between the Kennedy School and the South African academic community.

"The transition to a new South Africa provides an enormous challenge for South African universities.

"Teachers of public administration and related fields, like the talented and dedicated people we have worked with here this week, will have to mount an enormous effort to train and retrain the men and women who will work in government at all levels in the years ahead.

"There has been tremendous interest here in our working together to assist the South African academic community."

This workshop began on Sunday night and finished yesterday afternoon. Workshop sessions focused on teaching techniques for successfully preparing people to work in the public and non-profit sectors in a post-apartheid society.

(d) Geweefde meltonstowwe. (Item 307 08/51 12/01 00)

(e) Rubberlateks (Item 307.09/40 05/01 00)

(f) Swamdoders (Item 308.01/38 08/01 00)

(g) Vinielchloriedpolimere, in film, vel of reep, met 'n dikte van hoogstens 0,5 mm, vir die vervaardiging van nagemaakte lakleer (Item 308 01/39 19/01 00)

(h) Vinielchloriedpolimere, in film, vel of reep, met 'n dikte van hoogstens 0,5 mm, vir die vervaardiging van nagemaakte lakleer (Item 308 01/39 20/01 00)

(i) Sulluloiedrame, vir die vervaardiging van sierleergoedere en -handsakke (Item 308 02/39 26/01 00)

(j) Rubberkleefstof. (Item 308.02/40.05/01 00)

[RHN-verw T5/1/2 (910465)
(Mnr G E. Rudman)]

Applikant:

Die Kommissaris van Doeane en Aksyns, Privaat Sak X47, Pretoria, 0001.

Algemeen:

Skrapping van tariefsubpos 1001.90.20 deur die voorsienings by tariefpos 10.01 te vervang deur die volgende.

Tariefpos	*Beskrywing*	*Skaal van Reg*
10 01	Koring en mengkoring	
1001 10	Durumkoring	vry
1001 90	Ander	vry

[RHN-verw T5/2/2/3/1 (910391)
(Mnr. J M. van der Merwe)]

Applikant:

Die Kommissaris van Doeane en Aksyns, Privaat Sak X47, Pretoria, 0001

Lys 2/92 is by Algemene Kennisgewing 75 van 24 Januarie 1992 gepubliseer

(31 Januarie 1992)

RAADSKENNISGEWINGS

RAADSKENNISGEWING 5 VAN 1992

AANSOEK- EN JAARGELDE BETAALBAAR DEUR PERSONE GEREGISTREER KRAGTENS DIE WET OP DIE INGENIEURSWESEPROFESSIE VAN SUID-AFRIKA, 1990 (WET 114 VAN 1990)

Die Suid-Afrikaanse Raad vir Ingenieurswese maak hierby bekend dat hy, kragtens artikel 6 (1) (g) van die Wet op die Ingenieursweseprofessie van Suid-Afrika, 1990 (Wet 114 van 1990), die gelde voorgeskryf en die bepalings uitgevaardig het soos in die Bylae uiteengesit

BYLAE

1. In hierdie Bylae beteken "Kennisgewing" die kennisgewing wat kragtens artikel 6 (4) van die Wet op die Ingenieursweseprofessie van Suid-Afrika, 1990 (Wet 114 van 1990), in *Staatskoerant* No. 13228 onder Raadskennisgewing 67 van 17 Mei 1991 gepubliseer is.

(d) Woven melton fabrics. (Item 307 08/51.12/01.00.)

(e) Rubber latex. (Item 307.09/40.05/01 00)

(f) Fungicides (Item 308 01/38.08/01 00.)

(g) Vinyl chloride polymers, in film, sheet or strip, of a thickness not exceeding 0,5 mm, for the manufacture of imitation patent leather (Item 308 01/39 19/01 00)

(h) Vinyl chloride polymers, in film, sheet or strip, of a thickness not exceeding 0,5 mm, for the manufacture of imitation patent leather. (Item 308.01/39 20/01 00)

(i) Celluloid frames, for the manufacture of fancy lether goods and handbags. (Item 308 02/39.26/01 00.)

(j) Rubber adhesive. (Item 308.02/40.05/01.00)

[BTI Ref. T5/1/2 (910465)
(Mr G. E. Rudman)]

Applicant:

The Commissioner for Customs and Excise, Private Bag X47, Pretoria, 0001.

General:

Deletion of tariff subheading 1001.90 20 by the substitution for the provisions under tariff heading 10 01 or the following.

Tariff Heading	*Description*	*Rate of Duty*
10 01	Wheat and meslin	
1001 10	Durum wheat	free
1001 90	Other	free

[BTI Ref. T5/2/2/3/1 (910391)
(Mr J. M van der Merwe)]

Applicant:

The Commissioner for Customs and Excise, Private Bag X47, Pretoria, 0001.

List 2/92 was published under General Notice 75 of 24 January 1992.

(31 January 1992)

BOARD NOTICES

BOARD NOTICE 5 OF 1992

APPLICATION AND ANNUAL FEES PAYABLE BY PERSONS REGISTERED IN TERMS OF THE ENGINEERING PROFESSION OF SOUTH AFRICA ACT, 1990 (ACT 114 OF 1990)

The Engineering Council of South Africa does hereby make known that, in terms of section 6 (1) (g) of the Engineering Profession of South Africa Act, 1990 (Act 114 of 1990), it has prescribed the fees and made the provisions set out in the Schedule hereto.

248

SCHEDULE

1. In this Schedule "the Notice" means the notice in terms of section 6 (4) of the Engineering Profession of South Africa Act 1990 (Act 114 of 1990), published in *Government Gazette* No 13228 under Board Notice 67 of 1991 dated 17 May 1991.

2. Klousule 2 (1) (a) van die Kennisgewing word hierby gewysig deur die aansoekgelde deur die volgende aansoekgelde te vervang, wat BELASTING OP TOEGEVOEGDE WAARDE insluit

(i)	professionele ingenieur	R200,00
(ii)	professionele tegnoloog (ingenieurswese)	R200,00
(iii)	geregistreerde gediplomeerde ingenieur	R200,00
(iv)	geregistreerde ingenieurstegnikus	R200,00

3. Klousule 2 (1) (b) van die Kennisgewing word hierdeur gewysig deur die aansoekgelde deur die volgende gelde te vervang, wat BELASTING OP TOEGEVOEGDE WAARDE insluit

(i)	professionele ingenieur	R125,00
(ii)	professionele tegnoloog (ingenieurswese)	R125,00
(iii)	geregistreerde gediplomeerde ingenieur	R125,00
(iv)	geregistreerde ingenieurstegnikus	R125,00

4. Klousule 2 (2) van die Kennisgewing word hierby gewysig deur die aansoekgeld van R30,00 deur die volgende aansoekgeld te vervang, wat BELASTING OP TOEGEVOEGDE WAARDE insluit.

R75,00

5. Klousule 2 (3) van die Kennisgewing word hierby gewysig deur die aansoekgelde ten opsigte van subklousules (a), (b) en (c) (i) en (ii) respektiewelik deur die volgende aansoekgelde te vervang, wat BELASTING OP TOEGEVOEGDE WAARDE insluit

(a)		R424,00
(b)		R106,00
(c)	(i)	R 53,00
	(ii)	R 84,60

6. Klousule 4 van die Kennisgewing word hierdeur gewysig deur die vervanging van—

(1) klousulenommer "4 " deur nommer "3 ";

(2) die jaargelde in subklousule (1) deur die volgende jaargelde, wat BELASTING OP TOEGEVOEGDE WAARDE insluit·

(i)	professionele ingenieur	R190,00
(ii)	professionele tegnoloog (ingenieurswese)	R180,00
(iii)	geregistreerde gediplomeerde ingenieur	R180,00
(iv)	geregistreerde ingenieurstegnikus	R180,00

(3) die jaargelde in subklousule (2) deur die volgende jaargelde, wat BELASTING OP TOEGEVOEGDE WAARDE insluit

(i)	professionele ingenieur	R90,00
(ii)	professionele tegnoloog (ingenieurswese)	R90,00
(iii)	geregistreerde gediplomeerde ingenieur	R90,00
(iv)	geregistreerde ingenieurstegnikus	R90,00

(4) die jaargeld in subklousule (3) van R25,00 deur die volgende jaargeld, wat BELASTING OP TOEGEVOEGDE WAARDE insluit.

R40,00

2. Clause 2 (1) (a) of the Notice is hereby amended by the substitution for the application fees of the following application fees, which include VALUE ADDED TAX

(i)	professional engineer	R200,00
(ii)	professional technologist (engineering)	R200,00
(iii)	registered certificated engineer	R200,00
(iv)	registered engineering technician	R200,00

3. Clause 2 (1) (b) of the Notice is hereby amended by the substitution for the application fees of the following application fees, which include VALUE ADDED TAX.

(i)	professional engineer	R125,00
(ii)	professional technologist (engineering)	R125,00
(iii)	registered certificated engineer	R125,00
(iv)	registered engineering technician	R125,00

4. Clause 2 (2) of the Notice is hereby amended by the substitution for the application fee of R30,00 of the following application fee, which includes VALUE ADDED TAX·

R75,00

5. Clause 2 (3) of the Notice is hereby amended by the substitution for the application fees in respect of subclauses (a), (b) and (c) (i) and (ii) of the following application fees respectively, which include VALUE ADDED TAX

(a)		R424,00
(b)		R106,00
(c)	(i)	R 53,00
	(ii)	R 84,60

6. Clause 4 of the Notice is hereby amended by the substitution for the—

(1) clause number "4." of the number "3 ",

(2) annual fees in subclause (1) of the following annual fees, which include VALUE ADDED TAX

(i)	professional engineer	R190,00
(ii)	professional technologist (engineering)	R180,00
(iii)	registered certificated engineer	R180,00
(iv)	registered engineering technician	R180,00

(3) annual fees in subclause (2) of the following annual fees, which include VALUE ADDED TAX

(i)	professional engineer	R90,00
(ii)	professional technologist (engineering)	R90,00
(iii)	registered certificated engineer	R90,00
(iv)	registered engineering technician	R90,00

(4) annual fee in subclause (3) of the fee of R25,00 of the following annual fee which includes VALUE ADDED TAX

R40,00

Bewigged, cloaked defender . . . the advocate is in court most of the time while an attorney works in an office.

Advocate or attorney: training is different

(248)

STAR 6/2/92.

Professor David McQuoid-Mason, dean of law at the University of Natal, highlights the differences between advocates and attorneys

The distinction between advocates and attorneys is based on the English system of barristers (like advocates) and solicitors (like attorneys) Other countries do not have these distinctions

Advocates go to court a lot while attorneys spend their time in their offices. Advocates practise alone

To become a practising advocate a person must go to university for at least five years to get a BA LlB or a B Com LlB or any other degree with an LlB

Pupillage

People who have passed the LlB degree must serve a four-month period of "pupillage" if they wish to join a practising group of advocates. This means that the person has to work under a practising advocate in an advocate's office

During this time the pupils are not normally paid except if they defend people charged with certain crimes.

In addition to pupillage, advocates must pass a Bar examination

Attorneys collect money from people who do not pay debts, they transfer properties, draw up legal documents, handle claims for personal injuries and damage to property, and do commercial work A few lawyers do criminal law work.

An attorney instructs an advocate about the details of a case before going to court Attorneys need B Proc or LlB degrees.

After students have passed the LlB or B Proc they have to work with firms of attorneys for two years during which time they get paid They must then pass an examination

WOMAN

Women aim to make themselves heard

Sowetan 7/2/92

248

By SIZAKELE KOOMA

BLACK professional women need a collective voice to respond to issues that impact on their lives and a club, they believe, is just the vehicle to make themselves heard.

About 60 professional women, among them lawyers, accountants, businesswomen and company managers, decided this week that the time had come for them to reassess their participation in both the corporate world and in their homes

The club, still to be launched and still to be named, will be the second attempt by the women to organise themselves

The first venture in 1989 failed because of a "lack of commitment from members"

Founder member of the earlier club and one of the facilitators for the new one, Wendy Luhabe believes that the club would be an ideal platform for women to establish a power base that would enable them to lobby on issues that affect them.

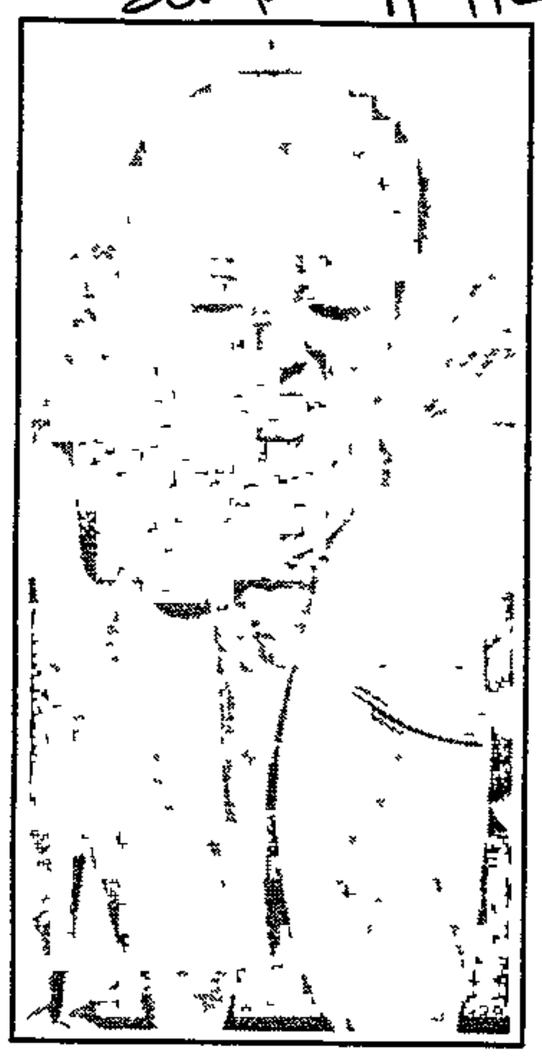
Luhabe said the corporate world was designed with the white man in mind and a white woman somewhere No consideration was given to the black woman who nevertheless had been able to succeed

"Black women have succeeded in their own individual capacities but their success has been lost because of the lack of a visible structure that acknowledges their efforts," Luhabe said.

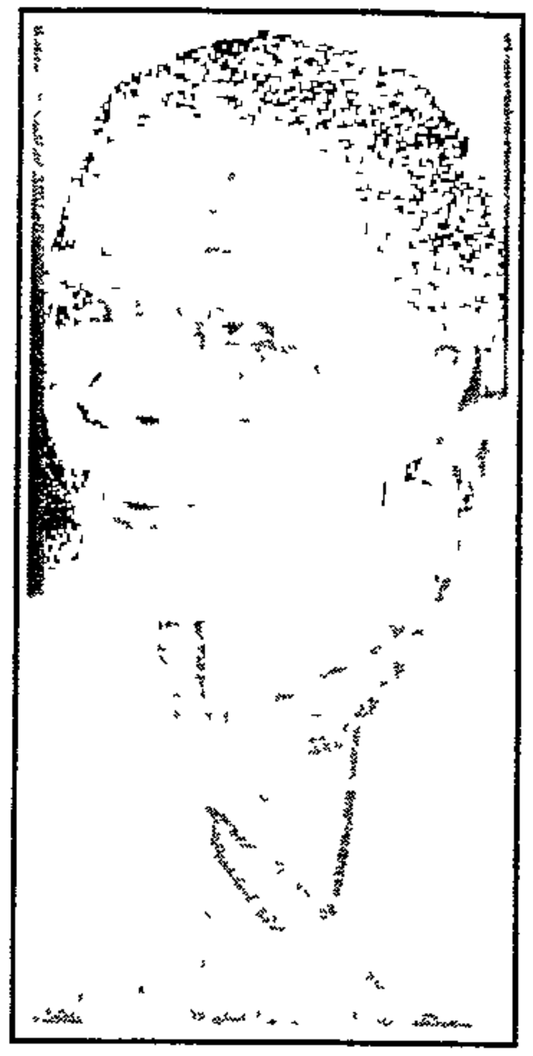
She said it was important to recognise the transformation of black women and to help them face the challenge to develop themselves, something the club would do

"We also need to define our stand as professional women We should not be just a vague force in the corporate world.

"We need to reassess our participation both as professionals and as mothers," she said



Gail Mlokoti, manager of intra-organisational communications at Eskom - "The club should not be another powerless organisation that would end up useless."



Ursula Johnson, specialist with US Foreign Commercial Service - "We are mainly filling the need. I strongly believe the club should be black driven."

Wendy Luhabe, who runs her own consultancy - "Black women have succeeded in their own individual capacity but their efforts are not acknowledged."

Nana Magomola, a lawyer - "Women should spread the circles of interaction and get to know others in different profession."

Asked why it was important to have a black women's club at a time when the country was preparing for a nonracial society fellow-facilitator Ursula Johnson said the club would tackle problems peculiar to black women They would later address issues that are common among women all over the world

"There are clubs for people of any group you can think of but for black professional women

"We are mainly filling a need I would not like to see us shutting other people out although I strongly believe the club should be black driven with black thinking," Johnson said

She said corporate South Africa did not trust black women and hesitant to give them responsibilities

It had not learned how to work with them It is this issue and many others that the club would debate and seek to address

Johnson does not think the Black Management Forum (BMF), formulated on similar ideals but encompassing black professionals of both sexes, is the right forum for women to address their problems

"The BMF is orientated towards the black man Although it opened its doors for everyone who is upwardly mobile it never made room for women.

"It alienated them by not actively involving them in the offices," she said

She said their first venture had failed because of a lack of commitment. But now she believed there would be action and commitment by members

SA estate agents to join world body

(248)

B/Day 12/2/92

Business Day Reporter

ESTATE agents in SA have been invited to join an international federation representing their profession

The International Real Estate Federation (FIABCI) decided at a recent meeting of its board in Sao Paulo, Brazil, to invite an application by the Institute of Estate Agents of SA (IEASA) for "principal membership" of the international body

FIABCI deputy world president-elect David Blumberg said approval of the application by a board meeting during the federation's world congress in Montreux, Switzerland, in May would be a formality.

Blumberg is a former South African living in Israel and has worked for many years to get SA's membership accepted

"This is a tremendous opportunity for South Africans who are now, after years of sanctions, coming back into the international community," he says

"There is a great deal of business to be done out there, and FIABCI provides access to it through its sub-committees, conventions and membership list"

Trevor Downing, president of the IEASA, says FIABCI is a federation of professional real estate associations, represented in 48 countries In addition to access to international business, the federation provides real estate agents with an effective means of communication to enable them to share their knowledge and experience

Downing says the IEASA will now be responsible for the formation of an SA chapter of FIABCI and its administration.

Other associations in the building industry or individuals wishing to join the organisation would, in the case of estate agents, have to be members of the IEASA, or, in the case of other professions, members of their professional association

"We are proud to be associated with an organisation which has as its members many of the foremost property and related companies in the world, representing the widest range of disciplines — from construction, engineering and development companies to architects, valuers, town planners, lawyers and brokers."

FIABCI world president Alan Hood of Britain and Blumberg will attend the IEASA annual convention at Sun City in August

Hood has also expressed interest in meeting cabinet ministers and others involved in the housing industry.

Science of body talk finds a whole new language

Hearty happiness . smile and your body smiles with you, according to research

The mere act of making a facial expression is enough to make the body respond as if the emotion depicted were real, a study says.

Dr Robert W Levenson, a professor of psychology at the University of California in Berkeley, says studies in two cultures show a direct connection between facial expression and physiological activity such as the heart rate

The professor claims there is a pattern detector in the brain which will detect a fearful face and activate a fear physiology The same is true of other emotions such as anger, disgust sadness, and happiness, he says.

The study was conducted by getting subjects to make the face of an emotion without actually naming the emotion

The subjects were connected to instruments that monitored heartbeat and skin temperature.

When they made the expression of fear, for example, the heart rate increased and the hands cooled down

With anger, the heart raced and the hands warmed up With sadness, the heart beat rose, and with disgust, the heart slowed down.

The tests were conducted with subjects aged 16 to 90 and reactions were consistent, Dr Levenson says

"Young people report feeling the emotions, but older people say they don't," he says

Dr Levenson conducted the same studies with subjects in Indonesia and found the same reactions, suggesting the finding may be universal. — Sapa-AP

TOMORROW

No-one likes paying tax or worse, paying more than is necessary A tax consultant says tax "avoidance" is your right

'Get real' – and get rich

STAR 17/2/92. (248)

PURE PROFIT
Productivity and profit are the wheels that keep society moving in the right direction, says the founder of the Objectivist Forum **MARIKA SBOROS** reports

NOW you no longer need feel any guilt about amassing all that lovely lolly by the sweat of your own brow The Objectivist Forum is poised to clean up the lacklustre image of filthy lucre, and solve the world's problems along the way

Being productive and making piles of profit are the wheels that keep society moving in the right direction for survival and growth, says ardent capitalist and forum founder Steven Weiss, a Johannesburg assurance broker

After all, the incentive to produce is drastically curtailed if the fruits of one's labour are just going to be handed over to someone else.

Mr Weiss launched the forum earlier this year with a group of businessmen to promote "the right ideas", the essence of which is pure capitalism — "the truest form of free enterprise" — which is not practised anywhere on this earth, he says.

The Objectivist Forum is based on the four tenets of author Ayn Rand's philosophy enshrined in her epic novel, Atlas Shrugged. objective reality (believe it or not, there is such a thing, Mr Weiss says), reason, self-interest and capitalism.

Capitalism is the only social system truly consonant with man's rational nature, says Mr Weiss Self-interest and capitalism, he says, are related concepts, which recognise the primacy of reality and reason.

Profit is not a dirty word, if you go through a productive process to acquire assets, says Mr Weiss.

"Profit should be a measure of your productivity," he adds

Capitalist bastion businessman and objectivist Steve Weiss outside the Johannesburg Stock Exchange Picture Etienne Rothbart

Objectivists claim to be right, not because they have any authority, he says, but because their philosophy is based on reality and reason Other values follow through logic, he says, and then no other options are available.

Objective truth is possible, but it can only be determined by reason Most people don't like using their reason and thinking abstractly, he says. They prefer to languish in the myths of religion, group collective consciousness and cults which separate the participants from reality

The most productive members of society should be rewarded, says Mr Weiss, who has a horror of "parasites"

You don't need to penalise the unproductive, he says "A truly free market will do that automatically"

Altruism is out, and egoism is in, says Mr Weiss Altruism is predicated on 'non-value of the self" — self-sacrifice — the aim of which must be death. Only a system based on freedom of exchange and no coercion can possibly sustain itself

Mixed economies just don't work, he says, because they combine antithetical values

Any compromise of capitalism is ultimately theft he says

Through the forum, he hopes to explore solutions to problems that are not peculiar to South Africa The events in Eastern Europe and the Soviet Union, he says, have demonstrated what happens when a society is based on false or compromised values

● The Objectivist Forum is holding a meeting on Wednesday February 19 in Parktown from 5 30 to 7 30 pm

(a) The Estate Agents Act, 1976 (Act No 112 of 1976) is entirely being revised at present

(b) It is anticipated that amending legislation will be furthered during the 1993 Parliamentary session

Financial problems. teachers/lecturers

*19 Mr D H M GIBSON asked the Minister of Finance

(1) Whether he has received any complaints and/or representations relating to the financial problems being experienced by teachers and university lecturers whose conditions of employment enable them to obtain free or subsidised education for their children, which benefit is now subject to taxation as a result of the deletion by section 12(1)(j) of the Income Tax Act, No 129 of 1991, of the provisions of section 10(1)(qA) of the Income Tax Act, No 58 of 1962,

(2) whether he will consider amending the legislation in question to provide relief to these educators? B132E

The MINISTER OF FINANCE

(1) No complaints or representations relating to the financial problems being experienced by teachers and university lecturers as a result of the deletion of section 10(1)(qA), have been received Representations have, however, been received regarding the principle that benefits of this nature will, in future, be taxable

(2) No The fact that a teacher or lecturer's child may study free of charge at the educational institution where he is employed, is unquestionably coupled to the services rendered by such teacher or lecturer and represents a fringe benefit which is, as is any other form of fringe benefit, taxable in the hands of that teacher or lecturer

In accordance with present legislation, the value of the fringe benefit will be equal to the cost thereof to the employer In the case of free or subsidised education for children or teachers or lecturers, the cost to the employer will accordingly be determined on the basis of the marginal-cost method, ie the cost to admit a further scholar or student In the majority of cases, the value of the fringe benefit for tax purposes will be minimal and should therefore not cause any financial problems for parents

Mercury pollution Mngcweni River

*20 Mr W U NEL asked the Minister of Water Affairs and Forestry

(1) Whether a certain company, the name of which has been furnished to the Minister's Department for the purpose of his reply, has been given any instructions by his Department regarding mercury pollution of the Mngcweni River, if so, (a) what are the relevant details and (b) what is the name of the company concerned,

(2) whether this company has complied with such instructions, if so, what are the relevant details, if not, what steps, other than legal steps, have been taken by his Department in this regard? B134E

The MINISTER OF WATER AFFAIRS AND FORESTRY

(1) Yes

(a) The company concerned was requested to cease production of mercurial effluent thus obviating the need to use evaporation dams for mercurial effluent disposal and to obtain the services of a recognised consultant to determine the cause of the mercury pollution and to advise on measures to prevent such pollution

(b) Messrs Thor Chemicals SA (Pty) Ltd

(2) Yes The company concerned complied with the Department of Water Affairs and Forestry's instructions and undertook the following measures to eliminate water pollution

(a) Lined all evaporation dams used for mercury effluent disposal,

(b) improved housekeeping to prevent contamination of ground and surface water,

(c) closed off the leach pad which was a major cause of pollution in the past, and

continued

(d) process wash water and rainwater being held in the containment area and which was contaminated, are now force evaporated through a steam process

In order to safely dispose of the historical mercurial effluent, the company concerned has been authorised to irrigate this effluent under strict conditions, which include, *inter alia*, pre-treatment to a mercury limit well within the General Standard and control of the irrigation to prevent any further ground water pollution

Continuing monitoring is taking place and has so far revealed that the concentration of mercury in the particular stream downstream of the factory is well within the accepted standards applicable to drinking water and is thus safe for human consumption and other domestic uses

Imported substances defined as raw materials

*21 Mr R F HASWELL asked the Minister of Environment Affairs

(1) Whether it is the policy of the Government to define all imported substances from which something is extracted as raw materials, if so,

(2) whether the Government recently amended this policy, if so, what are the relevant details, if not, why not,

(3) whether the Government still considers mercury-containing wastes imported by a certain company, the name of which has been furnished to the Minister's Department for the purpose of his reply, to be raw materials, if so, why, if not, what is the position in this regard,

(4) what is the name of the company in question? B135E

The MINISTER OF ENVIRONMENT AFFAIRS

(1) No The policy not to import wastes remains unchanged Raw materials are not waste materials The definition of a raw material does not depend on the origin or the physical or chemical state thereof Whether it is imported or manufactured locally, is also irrelevant The phrase "raw material" is defined in acknowledged dictionaries as a substance from which something is, or will be manufactured A raw material could be a substance such as iron ore from which iron is extracted for the production of steel, a manufactured product such as flour for baking bread, a waste product such as blast furnace slag that serves in turn as a raw material for the manufacture of cement, or a by-product such as polypropylene from Sasol's oil-from-coal process

(2) This question falls away As already stated this is not a matter of policy but rather the definition of a term

(3) Yes Mercury is extracted from the substances concerned for the manufacture of a product and thus per definition, those substances are raw materials

(4) The name of the company concerned is as provided to me by the hon member

Pollution of Mngcweni River: legal steps

*22 Mr M A TARR asked the Minister of Water Affairs and Forestry

(1) Whether any legal steps have been instituted against a certain company, the name of which has been furnished to the Minister's Department for the purpose of his reply, in connection with pollution of the Mngcweni River, if so, what are the relevant details, if not, why not,

(2) what is the name of the company in question? B136E

The MINISTER OF WATER AFFAIRS AND FORESTRY

(1) No When the pollution came to the attention of the Department of Water Affairs and Forestry, immediate steps were taken to rectify the pollution problems I refer the hon member to my earlier reply to Question 20 in which I gave particulars of the actions taken by both the Department and the company concerned to prevent water pollution In the light of these actions, the compliance with the Departmental instructions and the positive response, it was decided not to institute any legal steps I wish to stress, however, that should the situation

SADF lawyers censured for 'shocking' fees

(248) LANDEN BIRNS

TWO senior Pretoria lawyers have effectively been barred from appearing in court and a third temporarily restricted after the Bar Council found them guilty of misconduct for charging clients "totally excessive and shocking" fees

Advocates Willem Burger SC and Piet Kemp had had their membership of the Society of Advocates terminated, while advocate Hennie Goosen's membership was suspended for three months, the Bar Council said in a statement yesterday

The three had to repay more than R109 000 to the Pretoria State Attorney This was money deducted from the inflated fees they charged the Defence Minister, the SADF chief and Col Malcolm Kinghorn, whom they represented during hearings on applications against their clients by three former Civil Co-operation Bureau (CCB) members last year

Although none of the lawyers had been struck off the court's roll of advocates, the termination and suspension of their society membership was the strictest censure the Bar Council could deliver, said an advocate who asked not to be named.

"It's as if the death sentence has been passed on their practice."

Should Burger, Kemp or Goosen in the next three months attempt to represent clients in court, the Bar Council could bring an action to have them struck off the roll, he said B/Day 20/2/92

Burger and Kemp also represented former Defence Minister Gen Magnus Malan, former SADF chief Gen Jannie Geldenhuys and the SADF during the 1990 Harms Commission probe of alleged state-sponsored hit squad activities.

Yesterday's decision on Burger, Kemp and Goosen was not related to the Harms Commission It pertained only to the subsequent applications by three former CCB members — D Farrell, R Bosch and D du Toit — against Malan, the SADF chief and Kinghorn relating to the CCB's severance package offer.

The Bar Council described the fees the

☐ To Page 2

Lawyers

B/Day 20/2/92 (248) ☐ From Page 1

three advocates charged as "totally excessive and shocking"

Burger had subsequently repaid R81 180 of the R123 480 he charged Kemp and Goosen each repaid R54 720 of the R89 920 they had charged their clients

According to the statement the three lawyers withdrew their appeal against the findings last October, a day before it was to be heard by the General Council of the Bar Appeal Committee

The council found Burger and Kemp had deliberately charged fees at an hourly rate for hours they did not work Goosen was found to have negligently charged fees at an hourly rate for time he did not work

Burger was found guilty of misconduct in that, in spite of his fees being calculated at an agreed tariff, he had not kept record of the amount of time spent working

All three were found guilty of misconduct in that they drew up statements of account, or alternatively associated themselves with statements sent to their instructing attorneys, detailing the work undertaken and time spent on it, and for receiving payment based on those statements

The council found that Burger and Kemp knew the statements of account were incorrect, but that Goosen had not checked his statements Burger was also found guilty of misconduct for failing to attend the second day of the inquiry without the Bar Council's consent, and was therefore in contempt of the council

Burger, Kemp and Goosen could not be contacted for comment yesterday

Disbarred advocates still on state payroll

W/Mail 21/2 - 27/2/92 (248)

Weekly Mail Reporter

WHY does the state continue to hire advocates who have been shown to overcharge it by up to 300 percent?

Some of these advocates even charged for work they did not do. Why then do they continue to get briefs at taxpayers' expense?

These are the questions being asked after this week's Bar Council action against three Pretoria counsel who were found last year to have hugely overcharged the minister of defence, the chief of the South African Defence Force and a Colonel Malcolm Kinghorn.

On Monday, Willem Burger SC and Piet Kemp were thrown out of the Bar Council of Pretoria and Hennie Goosen was suspended for three months. The evidence against the three was overwhelming and the Bar Council's remarks damning.

Yet at least some of them continue to do work for the state. Kemp, for example, is currently representing the South African Police at the Goldstone Commission of Inquiry.

He charged R82 480 for a matter for which the Bar Council set a maximum fee of R28 200. He has paid back the difference. Burger paid back R81 180 of a R123 480 bill and Goosen R54 720 of a R82 920 bill.

The three were also charged with misconduct, leading to this week's Bar Council disbarring. The council said all three had charged "fees which can only be described as totally excessive and shocking". Burger and Kemp were also found guilty of charging fees for hours in which they did not work.

The ruling against them does not prevent them from working as advocates, but it does mean they cannot operate from the Bar.

There is no sign, however, that the state intends to stop using them. They all do a great deal of work for the security services.

The state is also using taxpayers' money to assist officials in taking action against newspapers who criticise them.

In many of the major recent civil actions by state officials against newspapers — such as General Lothar Neethling's case against *The Weekly Mail* and *Vrye Weekblad*, and Attorney General Klaus von Lieres' case against *Vrye Weekblad* — the state is providing these individuals with the funds to challenge the papers in court.

Von Lieres, who last week lost an appeal against the *Vrye Weekblad* costs judgment against him, said in court that the the understanding between him and the state was that he would personally pay if the judge ruled against him.

However, in the interim it is taxpayers' money that has allowed him the opportunity to attack *Vrye Weekblad* in court.

In the Neethling case, this has run into millions of rands and costs continue to mount as Neethling — with state support — has taken the matter to the Appellate Division.

Time to mix 'n match local universities' staff

W/Mail 21/2 - 27/2/92. (248)

A recent study linked to affirmative action reveals that few women and even fewer black academic staff members are employed by South African Universities.

By **PORTIA MAURICE**

IT could take 30 years before blacks make up half of the academic staff population at South African universities if present trends continue

And, according to 1989 and 1990 figures from the Committee for University Principals, women are also severely under-represented Whereas black educators comprise just under 12 percent of all university educators, 71 percent of them are male

These startling figures have emerged from a study of Race and Gender Discrimination conducted by researcher Lael Bethlehem for the Union of Democratic Staff Associations as input to the debate about affirmative action at universities

Ratios vary from one institution to another, but most campuses retain the ethnic complexion with which apartheid's brush painted them The traditionally Afrikaans ones — the universities of the Orange Free State, Potchefstroom, Port Elizabeth, Pretoria, the Randse Afrikaans Universiteit and Stellenbosch — all have 99 percent white academics In fact, according to the study, UPE, Potch and OFS each employ a solitary African educator.

Even on black campuses, most academic staff is still white The universities of the North and Zululand have the highest number of African educators in this group — but these amount to only 48 and 49 percent.

More than half the staff at the universities of the Western Cape and Durban-Westville are black, but they also employ the largest number of coloured and Indian educators respectively

Between 1986 and 1990 the proportion of black academics rose by only 1,3 percent — a trend which appears out of tandem with the prevailing ethos of reform. "Clearly, South African universities as a whole are not following a path which will lead to a racially representative academic staff body in the foreseeable future," Bethlehem comments

For female staff, concentrated at lower levels of university hierarchies, academic success is a battle hard-won They had a late start. before the 1960s state regulations curbed the employment of women, especially if married, at some universities.

In some cases, said Bethlehem, conditions of service militate against women entering academia as a profession Married women are denied a housing subsidy and have unequal access to pension funds. "These discriminatory conditions of service may not affect appointments and promotions directly, but they are a disincentive for married women to remain in university employment," she said.

Relatively few universities provide on-campus childcare facilities and many women interviewed believed they bore greater loads of teaching and administration and had less time for research and higher degrees

"It's mostly women around here who take teaching seriously, particularly when it comes to academic support," said one law lecturer at Wits "At the end of the day, that isn't really what gets you promoted But because women are socialised to nurture and to listen, they are the ones to take those sort of things on."

Bethlehem said many interviewees complained of a "male culture" in their departments In some cases, this takes overt forms such as harassment, sexist comment and gossip In others, it is more subtle Said one female senior lecturer: "There are many unwritten codes which affect academic success. Like being mentored by a more senior staff member, knowing how to get work published in a number of places, how to be elected to committees and to win favour in the department For men, these are well-trodden pathways — but these codes are not always passed on to women."

Women are in shorter supply further up the ladder of success. according to the survey they form 61 percent of all junior lecturers in the country, but 44 percent of lecturers, 22 percent of senior lecturers, 17 percent of associate professors and five percent of professors

The University of the North has a single woman professor and Rhodes has none at all.

Academia reflects legacy of racialism and sexism

South 27/2-4/3/92

248

Debates are raging on whether affirmative action is necessary in the appointment and promotion of academic staff **Thoraya Pandy** reports

SOUTH AFRICAN women occupy the least prestigious and lowest paid positions in universities, according to a recent survey Even more worrying to progressive educators in South Africa is the under-representation of black women on campuses

Black academics form a tiny minority of the more than 10 000 academics in the country

According to the Committee of University Principals' 1990 figures, African educators constitute only six percent of academic staff Coloured and Indian educators constitute 2,5 percent and 3,1 percent respectively

According to a survey on "Race and Gender Discrimination in University Employment Practices", commissioned by the Union of Democratic University Staff Associations (Udusa) recently, all but one university have more men than women on the academic staff

Male academics form 71 percent of academic staff nationally

"But perhaps even more importantly, women are concentrated at the lower levels of the university hierarchies," said Ms Lael Bethlehem of Udusa

Women form 61 percent of all junior lecturers in the country, but 44 percent of lecturers, 22 percent of senior lecturers, 17 percent of associate professors and only five percent of professors

There is a variety of factors which lead to the predominance of men in the higher echelons of academia, Bethlehem said

"There is little doubt that women entered academia later than men It was only during the sixties that women began to have a real presence there," she said

"For many years after that regulations curbed the employment of women at some universities"

WELCOME: Women in academia are under-represented

Professor M Malatji, vice-rector of the University of the North, said that until the mid-1980s, the university was prohibited by Department of Education and Training regulations from employing married women on a full-time basis

"Discrimination against women continues in the form of differential conditions of service for men and married women," said Bethlehem

"Married women are denied a housing subsidy, and have unequal access to the pension funds in the university system."

"Married women are denied a housing subsidy, and have unequal access to the pension funds in the university system."

Moves have been made by some universities to extend housing subsidies to women breadwinners

"These discriminatory conditions are a disincentive for married women to remain in university employment," Bethlehem said.

The presence or absence of university childcare facilities also has a strong impact on a woman's ability to progress in her academic career, and to manage a family

This is especially the case in families where husbands are absent or where they do not share meaningfully in managing the household and in the raising of the children.

"The fact that relatively few universities provide childcare facilities and that where they exist they are relatively new, helps explain why few women have managed both to raise children and to advance in their academic career," Bethlehem noted.

"Similarly, maternity leave was not available in most universities until the eighties and women academics who chose to have children had to do so during vacations"

Bethlehem said many women interviewed for the Udusa research reported that they believed they bear the greater loads of teaching and administration, and have less time for research and to embark on studies for higher degrees, which are widely seen as the most important basis for promotion

"The importance of a department's culture — the way different people are treated and the expectations below the surface, is overlooked in understanding power relations among academics," she said

"Many women referred to a 'male culture' in their departments For some it takes overt forms such as sexual remarks by fellow academics, sexist comments in the tea-room and departmental gossip"

One academic complained that men in her department did not have to be sensitive to sexuality

"The fact that I'm a woman is a constant issue and I have to watch for comments which can undermine my ability to build a reputation as a serious academic," she said.

THIS ALSO affects some women's behaviour in situations such as departmental meetings or seminars, the survey showed

"You have to be really assertive to be heard and listened to," said a law lecturer at the University of the Witwatersrand "Some women are like that but many are not.

"I'm not prepared to fight to be heard and I also feel less confident than many men, so I keep quiet"

Some women reported that they have not actively sought promotion, because they are financially secure without it This was expressed by a commerce lecturer who said "Why push yourself to do a PhD or more publications if you don't have to?

"It would be nice to be a professor but I have to practically kill myself to achieve it. My husband is the major breadwinner, and my family does not need the higher salary If I was the breadwinner it would be a different story"

It is important to move beyond a shallow perception of this as merely a reflection of a male-dominated society, Bethlehem said.

"While it most certainly is a reflection of a male-dominated society, we need to explore the exact mechanisms and processes which produce gender inequality in universities

"For this reason, Udusa has recently commissioned research designed to examine gender inequality in the university system"

Too many male cooks may spoil the broth at Codesa

VOCIFEROUS MORAL indignation about white domination is commonplace But national outrage at male domination is more than muted

While power is changing hands, those hands still belong to men and that's where power seems set to remain for some time

The sprinkling of women delegates at Codesa has caused concern How can a democratic constitution emerge from a process that does not include half of South Africa's population?

When Democratic Party delegate Mrs Helen Suzman proposed that there should be at least one woman active in each of the five working groups, Codesa 1 thundered in hefty applause

But nothing came of it Although no one objected to the proposal, working groups are in full swing without their female quota

Members of women's organisations doubt whether Codesa is sufficiently geared to deliver a non-sexist constitution. In November, a women's alliance was established among 30 organisations

One of the alliance's goals is to set up a women's lobby to influence politicians They are already sending women to Zimbabwe and the United States to learn how such lobbies operate

On their return, the men at Codesa might find that by ignoring the women's demands, they have struck a rock which might sink the good ship Codesa! **Quentin Wilson**

R710 000 grant for Wits academic

STAR 28/2/92 (248)

University of the Witwatersrand sociologist Dr Richard Levin has been awarded a MacArthur Foundation research grant of R710 000 for research into land and agrarian reform in South Africa, the university said yesterday

The topic which won him the grant was "Community Perspectives on Land and Agrarian Reform in South Africa"

"The issue is topical, and of immense importance to rural, disenfranchised South Africans," Dr Levin said.

The research will touch on land tenure and productivity and land use intensity. — Sapa

Ill professor retires early after claims of racism

S/Times 1/3/92

248

By HEATHER ROBERTSON

THE seriously ill dean of Medunsa's medical sciences faculty, Professor Theo Heyl, took early retirement this week after students accused him of racism.

Professor Heyl, 60, retired on Monday after a resolution by the Students' Representative Council called for his dismissal on the grounds of racist practices and incompetence He was replaced by Professor Hennie Joubert.

The SRC resolution was supported by the Association of Medunsa Academic Staff, which comprises black academics and doctors from Garankuwa Hospital

But Professor Colin Cotton, the chairman of the Medunsa Staff Association, the official staff body, said he had never found Professor Heyl to be racist or incompetent

Negative

"Professor Heyl has been very ill lately and, after receiving the letter of complaint from the students, he decided to take early retirement."

Medunsa vice-principal Professor Neville Owen dismissed the students' claims, saying his impression was that Professor Heyl was firm in applying the rules rather than racist

"We interpret the complaints against the dean's office as being mainly administrative rather than personal attacks," he said

He said the university administration recognised that there were deficiencies in teaching methods

"Faculties have been instructed to look into the problem and there are funds available to improve the student academic support programme"

A woman who answered the telephone at Professor Heyl's home this week said he was too ill to comment. She declined to identify his illness.

SRC president Moss Sekhu said students who assessed the dean's role on February 13 decided he should be dismissed

"We found he was stunting the growth and development of the institution and, in particular, displayed a negative attitude towards students," said Mr Sekhu

The SRC claimed that Professor Heyl excluded students who failed their first year without considering that most students came from schools which had been disrupted by township violence

Problems

It also alleged that Professor Heyl opposed black students' promotion in certain specialist sciences and that he only appointed white staff for advertised posts, even when there were qualified black academic applicants.

Professor Queenie Mokhuane, of the Association of Medunsa Academic Staff, said black doctors and consultants had experienced "problems" with Professor Heyl and had written a letter to the principal in support of the students

2. Duplikaat Registrasiesertifikaat (Reel 4.4)

Uitreikingsgeld. R10

Inspeksiegeld (Reël 3.2 6)·

Geld vir ondersoek van Register... .. .. R 5

SECOND SCHEDULE

RULES OF THE SOUTH AFRICAN COUNCIL FOR TOWN AND REGIONAL PLANNERS

Fees:

1 Registration and annual fees payable by Town and Regional Planners and Town and Regional Planners in Training (Rule 4 2 1)

1 1 ***Registration fee:***

Town and Regional Planner. R100

Town and Regional Planner in Training..... .... R 50

1 2 ***Annual fee:***

Town and Regional Planner. R310

Town and Regional Planner in Training.. .... R150

The registration and annual fee shall be payable to the Council in full with the submission of an application for registration and thereafter the full annual fee shall become due and payable on 1 April each year· Provided that where the Council refuses and application for registration the annual fee submitted shall be refunded in full and one half of the registration fee submitted shall be refunded

2. Duplicate Registration Certificate (Rule 4.4)

Fee for issuing..... .... R10

3. Inspection Fee (Rule 3.2 6)

Fee for inspecting the Register..... .... R 5

(6 Maart 1992)/(6 March 1992)

RAADSKENNISGEWING 19 VAN 1992

DIE SUID-AFRIKAANSE RAAD VIR NATUURWETENSKAPLIKES

REGISTRASIE- EN JAARGELDE BETAALBAAR DEUR NATUURWETENSKAPLIKES EN NATUURWETENSKAPLIKES-IN-OPLEIDING KENNISGEWING KRAGTENS ARTIKEL 7 (6) (b) VAN DIE WET OP NATUURWETENSKAPLIKES, 1982 (WET 55 VAN 1982)

Algemene Kennisgewing No. 34 gepubliseer in *Staatskoerant* 13094 van 28 Maart 1991, word hiermee soos volg gewysig·

1. Deur in klousule 2 (a) die uitdrukking "Registrasiegeld: R75:" te vervang met "Registrasiegeld (BELASTING OP TOEGEVOEGDE WAARDE INGESLUIT): R82,50:".
2. Deur in klousule 2 (b) die uitdrukking "Jaargeld:" te vervang met "Jaargeld (BELASTING OP TOEGEVOEGDE WAARDE INGESLUIT):"
3. Deur in klousule 2 (b) (i) "R90" te vervang met "R99".
4. Deur in klousule 2 (b) (ii) "R144" te vervang met "R158,40".
5. Deur in klousule 3 (a) die uitdrukking "Registrasiegeld: R15:" te vervang met "Registrasiegeld (BELASTING OP TOEGEVOEGDE WAARDE INGESLUIT). R16,50:".
6. Deur in klousule 3 (b) die uitdrukking "Jaargeld:" te vervang met "Jaargeld (BELASTING OP TOEGEVOEGDE WAARDE INGESLUIT).".
7. Deur in klousule 3 (b) (i) "R30" te vervang met "R33" en "R90" te vervang met "R99"

BOARD NOTICE 19 OF 1992

THE SOUTH AFRICAN COUNCIL FOR NATURAL SCIENTISTS

(248)

REGISTRATION AND ANNUAL FEES PAYABLE BY NATURAL SCIENTISTS AND NATURAL SCIENTISTS IN TRAINING: NOTICE IN TERMS OF SECTION 7 (6) (b) OF THE NATURAL SCIENTISTS' ACT, 1982 (ACT 55 OF 1982)

General Notice No. 34 published in *Government Gazette* 13094 of 28 March 1991, is hereby amended as follows:

1. By substituting the expression "Registration fee· R75:" in clause 2 (a) with "Registration fee (INCLUDING VALUE-ADDED TAX). R82,50."
2. By substituting the expression "Annual fee·" in clause 2 (b) with "Annual fee (INCLUDING VALUE-ADDED TAX):".
3. By substituting "R90" with "R99" in clause 2 (b) (i).
4. By substituting "R144" with "R158,40" in clause 2 (b) (ii).
5. By substituting the expression "Registration fee: R15:" in clause 3 (a) with "Registration fee (INCLUDING VALUE-ADDED TAX). R16,50."
6. By substituting the expression "Annual fee·" in clause 3 (b) with "Annual fee (INCLUDING VALUE-ADDED TAX):".
7. By substituting "R30" with "R33" and "R90" with "R99" in clause 3 (b) (i)

8. Deur in klousule 3 (b) (ii) "R54" te vervang met "R59,40" en "R144" te vervang met "R158,40".

9 Deur in klousule 4 die uitdrukking "uitreikingsgeld vir duplikaatregistrasiesertifikaat: R7,50:" te vervang met "uitreikingsgeld vir duplikaatregistrasiesertifikaat (BELASTING OP TOEGEVOEGDE WAARDE INGESLUIT): R8,25:".

(6 Maart 1992)

RAADSKENNISGEWING 21 VAN 1992

STADSRAAD VAN KRUGERSDORP

WYSIGING VAN ELEKTRISITEITSVERORDENINGE

Kennis geskied hierby ingevolge die bepalings van artikel 96 van die Ordonnansie op Plaaslike Bestuur, 1939, dat die Stadsraad van voorneme is om sy Elektrisiteitsverordeninge te wysig.

Die algemene strekking van die wysiging is om 'n verhoging van tariewe deur Eskom van 1 Februarie 1992 aan die verbruiker oor te dra

'n Afskrif van die wysiging lê gedurende kantoorure vir 'n tydperk van 14 dae vanaf die datum van publikasie hiervan in die *Staatskoerant* by die kantoor van die Stadsekretaris, Kamer S118, Burgersentrum, Krugersdorp, ter insae.

Enige persoon wat beswaar teen genoemde wysiging wil aanteken, moet dit skriftelik binne 14 dae na die datum van publikasie van hierdie kennisgewing in die *Staatskoerant* op 6 Maart 1992, by die ondergetekende indien.

M. C. C. OOSTHUIZEN,
Stadsklerk.

Burgersentrum
Posbus 94
Krugersdorp
1740.

6 Maart 1992.

(Kennisgewing No. 30 van 1992)

(6 Maart 1992)

RAADSKENNISGEWING 22 VAN 1992

SUID-AFRIKAANSE RAAD VIR INGENIEURSWESE

WYSIGING VAN GELDETARIEF: DIE WET OP DIE INGENIEURSWESEPROFESSIE VAN SUID-AFRIKA, 1990 (WET No. 114 VAN 1990)

Kragtens artikel 6 (4) van die Wet op die Ingenieursweseprofessie van Suid-Afrika, 1990 (Wet No. 114 van 1990), maak die Suid-Afrikaanse Raad vir Ingenieurswese hiermee bekend dat hy kragtens artikel 6 (1) (k) van genoemde Wet die voorsiening in die Bylae hiervan gemaak het en dat die Minister van Openbare Werke sodanige voorsienings goedgekeur het.

8. By substituting "R54" with "R59,40" and "R144" with "R158,49" in clause 3 (b) (ii).

9. By substituting the expression "Fee for issuing a duplicate registration certificate: R7,50:" in clause 4 with "Fee for issuing a duplicate registration certificate (INCLUDING VALUE-ADDED TAX): R8,25:".

(248)

(6 March 1992)

BOARD NOTICE 21 OF 1992

TOWN COUNCIL OF KRUGERSDORP

AMENDMENT TO ELECTRICITY BY-LAWS

Notice is hereby given in terms of section 96 of the Local Government Ordinance, 1939, that the Town Council intends amending its Electricity By-laws.

The general purport of the amendment is to pass on the tariff increase by Escom to the consumer as from 1 February 1992.

A copy of the amendment is open to inspection at the office of the Town Secretary, Room S118, Civic Centre, Krugersdorp, during normal office hours for a period of 14 days from the date of publication hereof in the *Government Gazette*.

Any person desirous of lodging an objection to the said amendment must do so in writing to the undermentioned within 14 days after the date of publication of this notice in the *Government Gazette* on 6 March 1992.

M. C. C. OOSTHUIZEN,
Town Clerk.

Civic Centre
P.O. Box 94
Krugersdorp
1740.

6 March 1992.

(Notice No. 30 of 1992)

(6 March 1992)

BOARD NOTICE 22 OF 1992

ENGINEERING COUNCIL OF SOUTH AFRICA

(248)
(189E)

AMENDMENT OF TARIFF OF FEES: ENGINEERING PROFESSION OF SOUTH AFRICA ACT, 1990 (ACT No. 114 OF 1990)

In terms of section 6 (4) of the Engineering Profession of South Africa Act, 1990 (Act No. 114 of 1990), the Engineering Council of South Africa hereby makes known that, in terms of section 6 (1) (k) of the said Act, it has made the provisions in the Schedule hereto and that the Minister of Public Works has approved such provisions.

8. Deur in klousule 3 (b) (ii) "R54" te vervang met "R59,40" en "R144" te vervang met "R158,40".
9. Deur in klousule 4 die uitdrukking "uitreikingsgeld vir duplikaatregistrasiesertifikaat: R7,50:" te vervang met "uitreikingsgeld vir duplikaatregistrasiesertifikaat (BELASTING OP TOEGEVOEGDE WAARDE INGESLUIT): R8,25:".

(6 Maart 1992)

RAADSKENNISGEWING 21 VAN 1992

STADSRAAD VAN KRUGERSDORP

WYSIGING VAN ELEKTRISITEITSVERORDENINGE

Kennis geskied hierby ingevolge die bepalings van artikel 96 van die Ordonnansie op Plaaslike Bestuur, 1939, dat die Stadsraad van voorneme is om sy Elektrisiteitsverordeninge te wysig.

Die algemene strekking van die wysiging is om 'n verhoging van tariewe deur Eskom van 1 Februarie 1992 aan die verbruiker oor te dra.

'n Afskrif van die wysiging lê gedurende kantoorure vir 'n tydperk van 14 dae vanaf die datum van publikasie hiervan in die *Staatskoerant* by die kantoor van die Stadsekretaris, Kamer S118, Burgersentrum, Krugersdorp, ter insae.

Enige persoon wat beswaar teen genoemde wysiging wil aanteken, moet dit skriftelik binne 14 dae na die datum van publikasie van hierdie kennisgewing in die *Staatskoerant* op 6 Maart 1992, by die ondergetekende indien.

M. C. C. OOSTHUIZEN,
Stadsklerk.

Burgersentrum
Posbus 94
Krugersdorp
1740.

6 Maart 1992.

(Kennisgewing No. 30 van 1992)

(6 Maart 1992)

RAADSKENNISGEWING 22 VAN 1992

SUID-AFRIKAANSE RAAD VIR INGENIEURSWESE

WYSIGING VAN GELDETARIEF· DIE WET OP DIE INGENIEURSWESEPROFESSIE VAN SUID-AFRIKA, 1990 (WET No. 114 VAN 1990)

Kragtens artikel 6 (4) van die Wet op die Ingenieursweseprofessie van Suid-Afrika, 1990 (Wet No 114 van 1990), maak die Suid-Afrikaanse Raad vir Ingenieurswese hiermee bekend dat hy kragtens artikel 6 (1) (k) van genoemde Wet die voorsiening in die Bylae hiervan gemaak het en dat die Minister van Openbare Werke sodanige voorsienings goedgekeur het.

8. By substituting "R54" with "R59,40" and "R144" with "R158,49" in clause 3 (b) (ii).
9. By substituting the expression "Fee for issuing a duplicate registration certificate: R7,50:" in clause 4 with "Fee for issuing a duplicate registration certificate (INCLUDING VALUE-ADDED TAX): R8,25:".

(6 March 1992)

BOARD NOTICE 21 OF 1992

TOWN COUNCIL OF KRUGERSDORP

AMENDMENT TO ELECTRICITY BY-LAWS

Notice is hereby given in terms of section 96 of the Local Government Ordinance, 1939, that the Town Council intends amending its Electricity By-laws.

The general purport of the amendment is to pass on the tariff increase by Escom to the consumer as from 1 February 1992.

A copy of the amendment is open to inspection at the office of the Town Secretary, Room S118, Civic Centre, Krugersdorp, during normal office hours for a period of 14 days from the date of publication hereof in the *Government Gazette.*

Any person desirous of lodging an objection to the said amendment must do so in writing to the undermentioned within 14 days after the date of publication of this notice in the *Government Gazette* on 6 March 1992.

M. C. C. OOSTHUIZEN,
Town Clerk.

Civic Centre
P O. Box 94
Krugersdorp
1740.

6 March 1992.

(Notice No. 30 of 1992)

(6 March 1992)

BOARD NOTICE 22 OF 1992

ENGINEERING COUNCIL OF SOUTH AFRICA

AMENDMENT OF TARIFF OF FEES: ENGINEERING PROFESSION OF SOUTH AFRICA ACT, 1990 (ACT No. 114 OF 1990)

In terms of section 6 (4) of the Engineering Profession of South Africa Act, 1990 (Act No. 114 of 1990), the Engineering Council of South Africa hereby makes known that, in terms of section 6 (1) (k) of the said Act, it has made the provisions in the Schedule hereto and that the Minister of Public Works has approved such provisions.

BYLAE

1. In hierdie Bylae beteken "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing R 1113 van 11 Junie 1982 soos gewysig by Goewermentskennisgewings R 1638 van 30 Julie 1982, R. 1497 van 8 Julie 1983, R 2396 van 2 November 1984, R. 1737 van 22 Augustus 1986, R. 2590 van 23 Desember 1988, 480 van 15 Junie 1990, R. 2057 van 31 Augustus 1990 en R 2543 van 2 November 1990.

2. Regulasie 2 van die Regulasies word hierby gewysig deur regulasie 2 3.4 deur die volgende regulasie te vervang:

"GELD OP 'N TYDBASIS

Die geldeskaal op 'n tydbasis sal soos volg wees:

2.3.4.1

Vennoot of direkteur—19,5 sent per uur per R100 of gedeelte daarvan van die totale jaarlikse salaris wat in verband staan met 'n direkteursgradering in die Staatsdiens.

2.3.4.2

Geregistreerde ingenieur sowel as vennote/direkteure wat op hierdie vlak dienste lewer—17,5 sent per uur per R100 of gedeelte daarvan van sy totale jaarlikse salaris insluitende 'n gereelde bonus, indien enige: Met dien verstande dat hierdie tariewe geag word vestigingsheffings en heffings ten opsigte van tyd deur klerklike personeel bestee, in te sluit, wat dus nie afsonderlike heffings uitmaak nie: Met dien verstande voorts dat indien dit sou blyk dat die tydtarief ingevolge regulasie 2 3 4 2 die tydtarief ingevolge regulasie 2 3.4.1 sal oorskry, daar vooraf tussen die betrokke partye ooreengekom word

2.3.4.3

'n Lid van die gesalarieerde professionele en tegniese personeel—15 sent per uur per R100 of gedeelte daarvan van sy totale jaarlikse salaris insluitende 'n gereelde bonus, indien enige: Met dien verstande dat hierdie tariewe geag word vestigingsheffings en heffings ten opsigte van tyd deur klerklike personeel bestee, in te sluit, wat dus nie afsonderlike heffings uitmaak nie. Met dien verstande voorts dat indien dit sou blyk dat die tydtarief ingevolge regulasie 2.3.4.3 die tydtarief ingevolge regulasies 2.3 4 1 en 2.3 4.2 sal oorskry, daar vooraf tussen die betrokke partye ooreengekom word ".

3. Regulasie 3 van die Regulasies word hierby gewysig deur regulasie 3.3 4 deur die volgende regulasie te vervang

"GELD OP 'N TYDBASIS

Die geldeskaal op 'n tydbasis sal soos volg wees:

3.3.4.1

Vennoot of direkteur—19,5 sent per uur per R100 of gedeelte daarvan van die totale jaarlikse salaris wat in verband staan met 'n direkteursgradering in die Staatsdiens

SCHEDULE

1. In this Schedule "the Regulations" means the Regulations promulgated under Government Notice R. 1113 of 11 June 1982, as amended by Government Notices R. 1638 of 30 July 1982, R 1497 of 8 July 1983, R. 2396 of 2 November 1984, R. 1737 of 22 August 1986, R. 2590 of 23 December 1988, 480 of 15 June 1990, R. 2057 of 31 August 1990 and R 2543 of 2 November 1990.

2. Regulation 2 of the Regulations is hereby amended by the substitution for regulation 2 3 4 of the following regulation:

"TIME BASIS FEE

The scale of fees on a time basis shall be as follows:

2.3.4.1

Partner or director—19,5 cents per hour per R100 or part thereof of the total annual salary attached to a director's grading in the Public Service.

2.3.4.2

Registered engineer as well as partners/directors rendering services at this level—17,5 cents per hour per R100 or part thereof of his total annual salary including a regular bonus, if any. Provided that these rates shall be deemed to include establishment charges and charges in respect of time expended by clerical staff which shall, therefore, not be chargeable separately: Provided further that if it should be found that the time basis fee in terms of regulation 2 3.4 2 will exceed the time basis fee in terms of regulation 2 3.4.1 the fee shall be agreed upon beforehand by the relevant parties.

2.3.4.3

A member of the salaried professional and technical staff—15 cents per hour per R100 or part thereof of his total annual salary including a regular bonus, if any: Provided that these rates shall be deemed to include establishment charges and charges in respect of time expended by clerical staff which shall, therefore, not be chargeable separately: Provided further that if it should be found that the time basis fee in terms of regulation 2.3.4 3 will exceed the time basis fee in terms of regulations 2 3 4 1 and 2 3.4 2, the fee shall be agreed upon beforehand by the relevant parties "

3. Regulation 3 of the Regulations is hereby amended by the substitution for regulation 3.3 4 of the following regulation:

"TIME BASIS FEE

The scale of fees on a time basis shall be as follows

3.3.4.1

Partner or director—19,5 cents per hour per R100 or part thereof of the total annual salary attached to a director's grading in the Public Service.

3.3.4.2

Geregistreerde ingenieur sowel as vennote/direkteure wat op hierdie vlak dienste lewer—17,5 sent per uur per R100 of gedeelte daarvan van sy totale jaarlikse salaris insluitende 'n gereelde bonus, indien enige Met dien verstande dat hierdie tariewe geag word vestigingsheffings en heffings ten opsigte van tyd deur klerklike personeel bestee, in te sluit, wat dus nie afsonderlike heffings uitmaak nie: Met dien verstande voorts dat indien dit sou blyk dat die tydtarief ingevolge regulasie 3.3 4.2 die tydtarief ingevolge regulasie 3.3.4.1 sal oorskry, daar vooraf tussen die betrokke partye ooreengekom word.

3.3.4.3

'n Lid van die gesalarieerde professionele en tegniese personeel—15 sent per uur per R100 of gedeelte daarvan van sy totale jaarlikse salaris insluitende 'n gereelde bonus, indien enige Met dien verstande dat hierdie tariewe geag word vestigingsheffings en heffings ten opsigte van tyd deur klerklike personeel bestee, in te sluit, wat dus nie afsonderlike heffings uitmaak nie: Met dien verstande voorts dat indien dit sou blyk dat die tydtarief ingevolge regulasie 3.3.4 3 die tydtarief ingevolge regulasies 3.3 4.1 en 3.3.4.2 sal oorskry, daar vooraf tussen die betrokke partye ooreengekom word.".

4. Regulasie 4 van die Regulasies word hierby gewysig deur regulasie 4.3 4 deur die volgende regulasie te vervang:

"GELD OP 'N TYDBASIS

Die geldeskaal op 'n tydbasis sal soos volg wees:

4.3.4.1

Vennoot of direkteur—19,5 sent per uur per R100 of gedeelte daarvan van die totale jaarlikse salaris wat in verband staan met 'n direkteursgradering in die Staatsdiens.

4.3.4.2

Geregistreerde ingenieur sowel as vennote/direkteure wat op hierdie vlak dienste lewer—17,5 sent per uur per R100 of gedeelte daarvan van sy totale jaarlikse salaris insluitende 'n gereelde bonus, indien enige: Met dien verstande dat hierdie tariewe geag word vestigingsheffings en heffings ten opsigte van tyd deur klerklike personeel bestee, in te sluit, wat dus nie afsonderlike heffings uitmaak nie: Met dien verstande voorts dat indien dit sou blyk dat die tydtarief ingevolge regulasie 4.3.4 2 die tydtarief ingevolge regulasie 4 3 4.1 sal oorskry, daar vooraf tussen die betrokke partye ooreengekom word.

4.3.4.3

'n Lid van die gesalarieerde professionele en tegniese personeel—15 sent per uur per R100 of gedeelte daarvan van sy totale jaarlikse salaris insluitende 'n gereelde bonus, indien enige: Met dien verstande dat hierdie tariewe geag word vestigingsheffings en heffings ten opsigte van tyd deur klerklike personeel bestee, in te sluit, wat dus

3.3.4.2 (248)

Registered engineer as well as partners/directors rendering services at this level—17,5 cents per hour per R100 or part thereof of his total annual salary including a regular bonus, if any: Provided that these rates shall be deemed to include establishment charges and charges in respect of time expended by clerical staff which shall, therefore, not be chargeable separately: Provided further that if it should be found that the time basis fee in terms of regulation 3.3.4.2 will exceed the time basis fee in terms of regulation 3 3.4.1 the fee shall be agreed upon beforehand by the relevant parties.

3.3.4.3

A member of the salaried professional and technical staff—15 cents per hour per R100 or part thereof of his total annual salary including a regular bonus, if any: Provided that these rates shall be deemed to include establishment charges and charges in respect of time expended by clerical staff which shall, therefore, not be chargeable separately· Provided further that if it should be found that the time basis fee in terms of regulation 3.3.4.3 will exceed the time basis fee in terms of regulations 3.3.4.1 and 3 3.4.2, the fee shall be agreed upon beforehand by the relevant parties.".

4. Regulation 4 of the Regulations is hereby amended by the substitution for regulation 4.3 4 of the following regulation:

"TIME BASIS FEE

The scale of fees on a time basis shall be as follows:

4.3.4.1

Partner or director—19,5 cents per hour per R100 or part thereof of the total annual salary attached to a director's grading in the Public Service.

4.3.4.2

Registered engineer as well as partners/directors rendering services at this level—17,5 cents per hour per R100 or part thereof of his total annual salary including a regular bonus, if any: Provided that these rates shall be deemed to include establishment charges and charges in respect of time expended by clerical staff which shall, therefore, not be chargeable separately: Provided further that if it should be found that the time basis fee in terms of regulation 4.3.4 2 will exceed the time basis fee in terms of regulation 4.3.4 1 the fee shall be agreed upon beforehand by the relevant parties.

4.3.4.3

A member of the salaried professional and technical staff—15 cents per hour per R100 or part thereof of his total annual salary including a regular bonus, if any: Provided that these rates shall be deemed to include establishment charges and charges in respect of time expended by clerical

nie afsonderlike heffings uitmaak nie: Met dien verstande voorts dat indien dit sou blyk dat die tydtarief ingevolge regulasie 4.3.4 3 die tydtarief ingevolge regulasies 4.3.4.1 en 4.3.4.2 sal oorskry, daar vooraf tussen die betrokke partye ooreengekom word.". 268

5. Die regulasies tree in werking op datum van publikasie daarvan in die *Staatskoerant.*

(6 Maart 1992)

RAADSKENNISGEWING 23 VAN 1992

STADSRAAD VAN THABAZIMBI

WYSIGING VAN WATERVOORSIENINGS-VERORDENINGE

Die Stadsklerk van Thabazimbi publiseer hierby ingevolge artikel 101 van die Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie 17 van 1939), die verordeninge hierna uiteengesit.

Die Standaard Watervoorsieningsverordeninge, afgekondig by Administrateurskennisgewing 21 van 1977 en deur die Raad aangeneem by Administrateurskennisgewing 738 van 15 Junie 1977, soos gewysig, word hierby verder gewysig deur die vervanging van artikel 12 (1) (a) met die volgende.

"12. (1) (a) Uitgesonderd in die geval van die Regering van die Republiek van Suid-Afrika, die Transvaalse Provinsiale Administrasie, die Departement van Vervoerwese, of 'n ander klas verbruiker deur die Raad goedgekeur, moet elke aansoeker om 'n toevoer of diens, voordat sodanige toevoer of diens gelewer word, by die Raad 'n bedrag geld stort soos deur die Raad van tyd tot tyd ingevolge artikel 80B van die Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie 17 van 1939), soos gewysig, bepaal."

P. E. ODENDAAL,

Stadsklerk.

Munisipale Kantore
Privaatsak X530
THABAZIMBI
0380.

(6 Maart 1992)

RAADSKENNISGEWING 24 VAN 1992

STADSRAAD VAN AKASIA

WYSIGING VAN TARIEWE VIR WATERVOORSIENING

Daar word hierby kragtens die bepalings van artikel 80 (B) (3) van die Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie 17 van 1939), bekendgemaak dat die Stadsraad van Akasia op 27 November 1991 besluit het om die gelde insake watervoorsiening te wysig en dat dit in werking tree met ingang van 1 Desember 1991.

Afskrifte van hierdie wysigings van gelde lê ter insae by die kantoor van die Stadsekretaris, Kamer 122, Dalelaan 16, Akasia, vir 'n tydperk van 14 dae vanaf publikasie hiervan

staff which shall, therefore, not be chargeable separately: Provided further that if it should be found that the time basis fee in terms of regulation 4.3.4.3 will exceed the time basis fee in terms of regulations 4.3.4.1 and 4.3.4.2, the fee shall be agreed upon beforehand by the relevant parties."

5. The Regulations shall come into affect on the date of publication thereof in the *Government Gazette*

(6 March 1992) 268

BOARD NOTICE 23 OF 1992

TOWN COUNCIL OF THABAZIMBI

AMENDMENT TO WATER SUPPLY BY-LAWS

The Town Clerk of Thabazimbi hereby in terms of section 101 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), publishes the by-laws set forth hereinafter.

The Standard Water Supply By-laws, published under Administrator's Notice 21 of 5 January 1977 and adopted by the Council under Administrator's Notice 738 of 15 June 1977, as amended, are hereby further amended by the substitution of section 12 (1) (a) for the following.

"12. (1) (a) Except in the case of the Government of the Republic of South Africa, the Provincial Administration of the Transvaal, the Department of Transport Services, or any other class of consumer approved by the Council, every applicant for a supply or other service shall, before such supply or service is given, deposit with the Council a sum of money as determined by the Council from time to time in terms of section 80B of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), as amended.".

P. E. ODENDAAL,

Town Clerk.

Municipal Offices
Private Bag X530
THABAZIMBI
0380.

(6 March 1992)

BOARD NOTICE 24 OF 1992

TOWN COUNCIL OF AKASIA

AMENDMENTS OF TARIFFS REGARDING WATER SUPPLY

It is hereby notified in terms of section 80 (B) (3) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), that the Town Council of Akasia resolved on 27 November 1991 to amend the tariffs regarding water supply with effect from 1 December 1991.

Copies of these amendments are open for inspection at the office of the Town Secretary, Room 122, 16 Dale Avenue, Akasia, for a period of 14 days from the date of publication hereof

SUNDAY

PROFILE

Anti-apartheid veteran hits at 'intolerant' ANC

S/Times 8/3/92

IRISH writer and politician Conor Cruise O'Brien caused a stir this week when he quit the Anti-Apartheid Movement, saying he would not support an ANC-dominated government

But to Mr O'Brien there has always been a clear distinction between opposing apartheid, which he has done all his life, and supporting the ANC, which he believes is intolerant

Mr O'Brien has long been disenchanted with the AAM because of its lapdog relationship with the ANC, but until now has felt unable to resign because of his deep commitment to fighting apartheid.

In an interview from his Dublin home this week, he said·

"I think that a South Africa run by the ANC alone would be an awful place If I lived in South Africa I would not be supporting the ANC However, they must be part of a coalition"

The 75-year old writer and former UN diplomat, who was chairman of the AAM in the 1960s and remained a member until now, says he grew away from the AAM over the years as its executive aligned itself more and more with "the communists" and organisations bent on terror and murder campaigns, such as the IRA

But his disenchantment reached a peak in the late 80s with the cultural boycott, which he called self-defeating and unfair, cruel to the wrong people and institutions.

"They chose to boycott SA universities, something which I could not understand These institutions did not support apartheid. In fact, they campaigned against it"

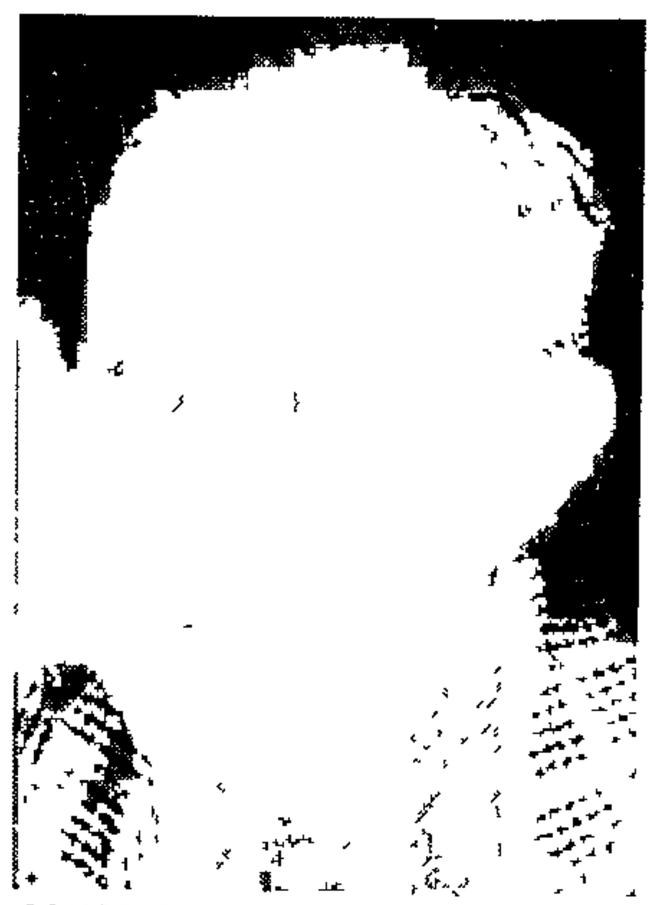
He personally felt the whiplash of ANC intolerance five years ago when he found himself engaged in outraged exchanges with furious University of Cape Town students over his breaking of the academic boycott

In an incident which led to a debate over academic freedom, he was prevented by left-wing students from lecturing on the UCT campus

He recalls "My lectures were mobbed and broken up People carried placards which read, 'Viva ANC', and, on the same banner, 'Viva IRA'."

Shortly before the UCT fiasco, Britain had held a world archaeological conference to which South Africans had always been invited.

"That year, under pressure from ANC activists, South African scholars were disinvited I joined in the public protest and denounced the cultural boycott That was the point at which I broke with the ANC. It showed me what an intolerant lot they were



CONOR CRUISE O'BRIEN: Admires FW

"It is this intolerance that I believe will not bode well for South Africa should they come into power alone

"I have had enough reason to resign from the Irish AAM over the years But I stayed because to resign might have been seen as my giving up the fight against apartheid I would not resign until now. I cannot reconcile myself to their partisan treatment of the ANC

"An AAM newsletter that I received in January reiterated old ANC policies, even those which are contrary to Codesa. If it were honest, the newsletter would title itself as Irish supporters of the ANC"

He also questions the relevance of the AAM once a coalition government in South Africa is achieved

Mr O'Brien said he had "great admiration" for President De Klerk.

"I hope there will be a coalition government in SA, including the ANC and the National Party"

Charmain Naidoo

Transvaal judges condemn their new cells

B/Day 9/3/92

(248)

STEPHANE BOTHMA

TRANSVAAL judges are up in arms about what they say are inferior and inadequate chambers provided for them in the new multimillion-rand Pretoria Supreme Court building.

Most of the judges are refusing to move from their spacious, wood-panelled chambers in the historic Palace of Justice on Church Square unless their complaints are addressed

Several feel so strongly about the situation that they are considering forming an association, or a judges "union", to present their grievances to Justice Minister Kobie Coetzee They believe such an association will also be able to tackle other problems they have encountered

Although the existing judges' chambers were old and far from adequate, they were preferable to the new ones, a source said

Judge President Frik Eloff said at the weekend he was aware that "all" the Transvaal judges were dissatisfied with the "pokey little rooms" being provided in the new court building He acknowleged that most would refuse to vacate their current chambers

"The new chambers are unsuitable to the requirements and status of a judge, are just not adequate and do not permit adequate furnishings," Eloff said

The original design of the building has been significantly altered by the building norms committee which advises the Public Works Department

The general appearance of the building was disappointing and did not suit the image of a Supreme Court, said Eloff

The size of the new chambers — de-

☐ To Page 2

Judges

B/Day 9/3/92

(248)

☐ From Page 1

signed to accommodate 40 judges on five floors — has been reduced from 36m³ to 26,5m³

Compared with the accommodation provided for senior magistrates in the division, and the judges' chambers in the recently built Bophuthatswana Supreme Court, it was quite inferior, Eloff said

Judges often received senior counsel and large groups of people in their chambers and the space allocated did not allow for such meetings The large legal libaries required by judges could not fit into the built-in bookshelves provided

"Appeals have been made to the Public Works Department to do something about the matter, which is still under consideration," Eloff said

Sources said at the weekend that time was running out for the department to rectify the situation as the building was scheduled for completion at the end of November this year

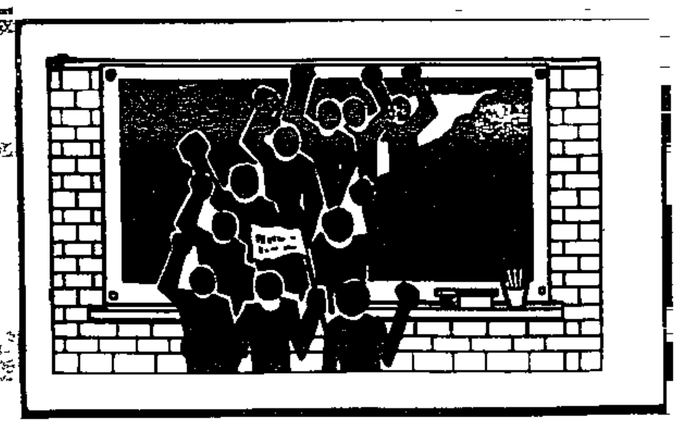
Department of Works spokesman Andre Meiring said talks were held with the Judge President and a few other judges on February 27 At the time it was believed the issue had been settled, said Meiring

Although the building was nearly finished, it was not too late to make changes to the judges' chambers if discussions indicated the need for this

His department, in consultation with the Justice Department, was addressing the issue and hoped to resolve it soon The matter would be dealt with by the Public Works director-general and his counterpart in Justice

Meiring said Public Works did not deal directly with the "user" of a government building — in this case the judges — but with the "user department", which was Justice A final decision on the chambers was likely this week

EDUCATION



Intellectuals and Policy Makers

248

New Nation - Learning Nation 20/3 - 27/3/92

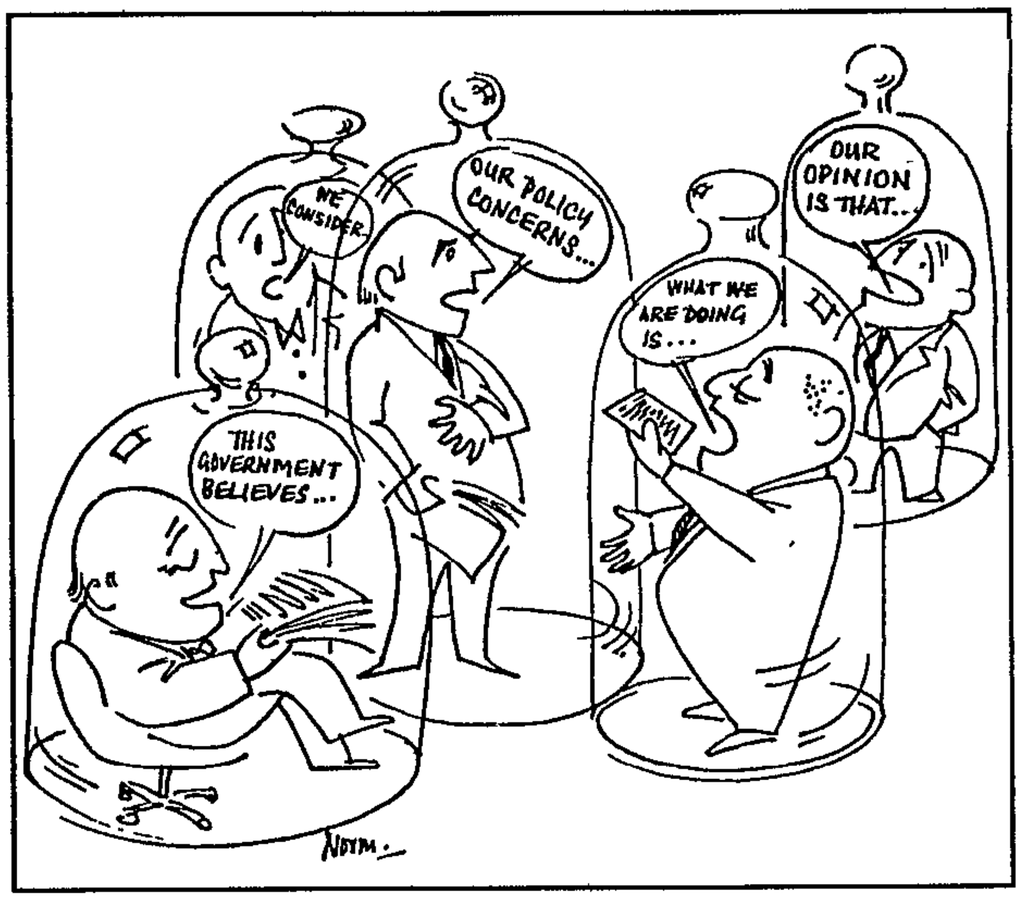
In South Africa today progressive intellectuals, especially academics and researchers, are beginning to play a powerful role in shaping the future. **Rigorous intellectual work and research** is of course crucial for policy-making. This is important to acknowledge since within sections of the liberation movement there has been an unfortunate tendency to oppose theory and intellectual debate. However there is also the real danger that under the pressures of negotiations, the masses and mass struggles that have been so crucial in bringing the ruling class to the negotiation table, **could become sidelined** as intellectuals and leaders formulate policy **over the heads** of the people.

Within the liberatory movement today many people argue that in the period of negotiations we must not forget our previous strategies of mass mobilisation, mass action and the building of democratic mass organisations. Real social change in South [illegible] technical process that can be left to the experts and technocrats. At the end of the day change is essentially a political process. A truly democratic South Africa will only come about with the **conscious participation** of the masses of the people, particularly the organised workers. It is in this context that the role of intellectuals in policy-making for social transformation has to be addressed.

Intellectuals and Policy-making

Jakes Gerwel, rector of the University of the Western Cape, argues that any "serious research project that desires to come to grips with investigating policy options for a new South Africa has to draw in the most creative and progressive intellectuals our country has. If a project fails to do this then inevitably it will flounder if not fail dismally." What Gerwel recognises is that progressive intellectuals possess **valuable experiences** and **skills** which need to be drawn on by mass organisations.

However to say that progressive intellectuals have an important contribution to make does not mean that policy-making must be left in their hands. This would be privileging intellectuals as people who supposedly know best about everything. Also this would be undemocratic since the masses and mass organisations would be turned into mere spectators - the very thing that we criticised the government for in previous articles. Instead, ways have to be found to bring mass organisations and intellectuals together in a **structured** and **democratic** relationship. Such an organised partnership is not a simple affair and various important issues have to be debated and resolved. Some of these issues have to do with:



- the **autonomy** of researchers being allowed to conduct research in a critical spirit;
- the **accountability** of researchers and intellectuals; and
- the **responsibilities** of intellectuals and mass organisations to each other.

Autonomy

The relationship between progressive intellectuals and mass organisations is not a straightforward one. Let us explore some this in some detail.

Firstly, there is the danger that the organisations could prefer to see progressive intellectuals as simply **spokespeople** of their existing political policies. That is, they may desire that the role of intellectuals simply be that of confirming the priorities and policies of mass organisations. This however sets up a tension. Because a feature of good intellectual work is, that despite commitment and support of social transformation, it continues to be critical in character. In other words it is not afraid to challenge the existing positions of organisations and pose uncomfortable yet necessary questions about priorities. To deny research its **critical** function and to try to reduce it to propaganda is not in the interests of mass organisations or social transformation. Ultimately, it is in the interests of transformation that the **space for critical** thought and work is guaranteed and that intellectuals not be expected to simply become apologists and ideological servants to mass organisations. This we call **autonomy** for the researchers.

An example relates to the **Parent-Teacher-Student Associations** which are regarded by the NECC as vital to democratic school administration and management. Policy research on this issue cannot tailor itself to confirming the NECC's position on PTSA's but would need to research them critically. This would involve examining the viability of the PTSA structure the NECC proposes; the performance of PTSA's in schools where they exist; and other options for democratic school management. At the end of the day, research may well show PTSA's to be the best means for democratic schooling; but equally, it may also well show they are seriously flawed as vehicles for democratic administration and that other better options exist The important point of this example is that although PTSA's have been taken as a starting point, research has not been reduced to a propaganda effort of merely uncritically supporting PTSA's Instead PTSA's are critically examined and raised as one among a range of possible policy options for democratic schooling. Indeed, it is in this very spirit that NEPI is conducting research into education policy options.

Accountability

A second problem area in a partnership of mass organisations and intellectuals may be around ideas of **accountability**. Often in the name of "accountability to the community" the critical work and autonomy of intellectuals is challenged by some members of mass organisations who are more comfortable with seeing intellectuals as ideological servants of mass organisations. Accountability however is not a simple issue. Depending on the relationship of a person to an organisation, the task/s a person carries out and so on, accountability can take various forms. In the NEPI for example, accountability of researchers is **to the principles** (for example non-racialism, non-sexism and democracy) guiding policy research. Furthermore, accountability is also accepting that the researchers cannot themselves make policy but must be **guided by the decisions** of the structures of the mass organisations.

In the case of policy research however, accountability cannot mean that intellectuals must sacrifice their right to produce work that is critical. This would do mass organisations more harm than good. For, as in the PTSA example, the NECC itself is best served not by insisting that intellectuals confirm its policies, but by intellectuals honestly researching policy options and presenting these, together with their implications, to the NECC.

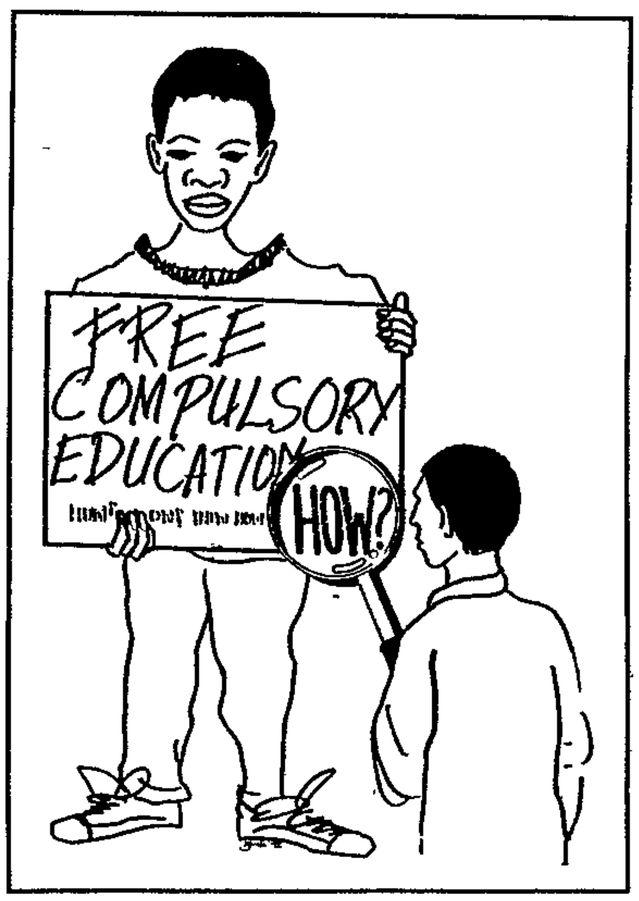
This then allows the NECC to formulate and adopt policies on a much more informed basis and with also greater awareness of the implications of the option it has chosen.

Responsibilities

From the side of mass organisations the need to ensure space for critical intellectual work has been emphasised. However, progressive intellectuals also have certain **responsibilities** to mass organisations and their membership Some of these are:

- to work **collectively with organisations** in identifying priority issues for policy research,
- to **involve** wherever possible representatives/members of organisations in the policy research process;
- to assist in **setting up forums** to consider and debate policy options and their implications;
- to present research and policy options in a **manner** and **language** that can **easily be understood** by members of organisations;
- to **network** with other intellectuals and **work collaboratively** in the interests of social transformation, and not simply for individual gain; and
- to be **sensitive** to the serious **racial** and **gender** inequalities created by apartheid with regard to trained academics and researchers, and to actively work to address these imbalances.

The role of progressive intellectuals is not to make policies for organisations. Instead it is to enable mass organisations to formulate policy on a more informed basis. While mass organisations need to respect the autonomy of intellectuals and ensure space for critical intellectual work, on their side intellectuals also have the responsibility to ensure that their skills are transferred to the mass organisations so that working people can decide for themselves



CULTURE

The World at our Feet 3: The Ro

Last week we saw in the game of soccer a model of colonialism in Britain during the 1800s. We also saw in it a common culture between the English ruling class and the working class. Can you recall what it was that united the ruling class and the playing of sport as part of their control. Playing sport involved [illegible] the other answer [illegible]

Soccer comes to South Africa

The British exported their 'gospel of sport' to their colonies during the 19th century. In South Africa, African people were first exposed to football by British soldiers stationed in Natal and in the Cape in the late 1800s.

Initially the game was played only by English soldiers as well as immigrants to the Cape. It is not clear when African people started playing the game, although there is some evidence that there were casual games between English soldiers and Zulu-speaking people around the period of the Anglo-Zulu war in 1879.

There is some basis to this, because Ladysmith - where most of the British regiments were stationed - produced the most formidable soccer players during those early days. According to Henry Molife (past president of the Natal Football Association) football among Africans started in Ladysmith with the descendants of slaves set free by white farmers. This grouping formed the **Rainbows F.C.**, which is probably the oldest football club in the country. The players in the team had names like Afrika, Swimbo, Dhlamini, Kazi and Olifant. In those early days, the Rainbows were the best in South Africa and therefore changed their name to the **Invincibles**.

Soccer and the African middle class

Apart from the British army, missionaries also influenced the early development of soccer in South Africa. It was through missionaries that the British ruling class ethic of "manliness" and "self-control" was exposed to local Africans. Missionaries here focused on education. They wanted to produce African teachers and evangelists who would spread the gospel as well as European cultural values. This was encouraged by the successive governors of the Cape and Natal, such as Sir George Grey, who governed the Cape during the 1850s and 1860s. As a result the first section of the modern African middle class was formed from amongst these people

This focus on education saw the founding of mission schools and educational institutions, starting with **Lovedale** in the Eastern Cape, in 1824 Other famous institutions followed. **Healdtown** in the Cape, **Adams College** and **Ohlange Institute** in Natal and **Lyndhurst Road** in Kimberley. In keeping with the British moral ethic, sport was an integral part of the curriculum and all the traditional English sports were represented: cricket, rugby and football.

The parallels between the development of soccer in Britain and in this country are striking Just as the game was rough and wild when it first took off among the elite school boys of the British public schools in the 1860s and 1870s, so it was in the mission schools. At Adams College, the game was very rough and players had no rule-books to refer to.

Furthermore, just as the public schoolboys formed clubs once they left school, so did the mission-educated Africans during the 1890s The middle class Africans in Kimberley played the sports they had learned at school They formed clubs such as the **Come Again** Lawn Tennis Club, the **Eccentrics** Cricket Club and the **Rover's** Rugby Football Club. **Rovers** RFC played rugby as we know it today, and not soccer, which they considered rough and wild.

As soccer developed and more and more clubs and associations were developed, the bulk of the office-bearers were mission-schooled Africans. They had the advantage of education as well as the experience of playing the game whilst at school. It is not surprising then, that control of football clubs, as well as the different football associations, has remained firmly in the hands of these people.

Soccer and the African working class

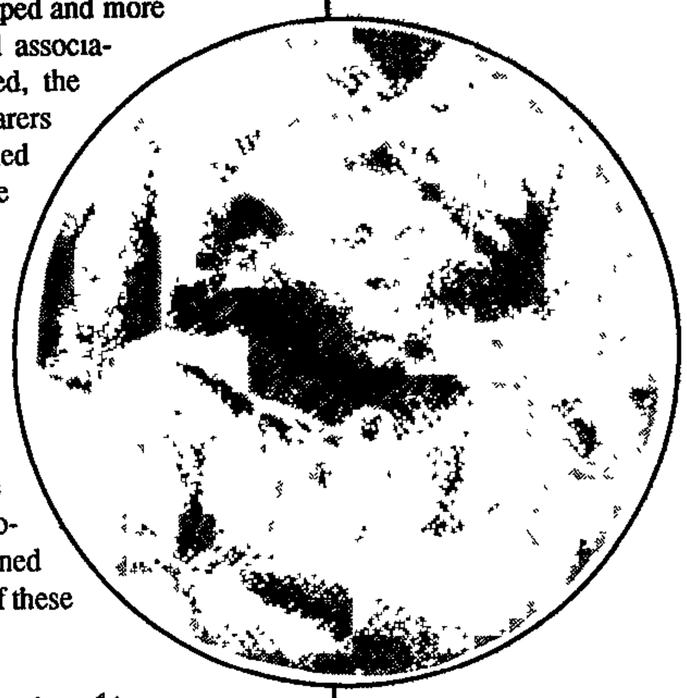
But, as in Britain, soccer also appealed to working class people living in the rapidly expanding urban areas. This was especially so on the Witwatersrand, where, following the discovery of gold in the 1880s, thousands of people flooded the area in search of work. It is thus easy to understand why soccer became extremely popular among the residents of the newly forming townships on the Reef - Doornfontein, Sophiatown, Pimville, Eastern and Western Native Townships and Alexandra

In the 1920s, the yards of Doornfontein - **Makapan's Yard, Rooiyard, Brown Yard,** etc - would form teams and challenge each other. During these matches, the 'aunties' from each team, who acted as treasurers, would collect a small sum of money and hand it to the referee. The winning team collected the jackpot It was out of these years that a Doornfontein team called **Rangers** was formed and played against teams from other areas such as Vrededorp and Pimville.

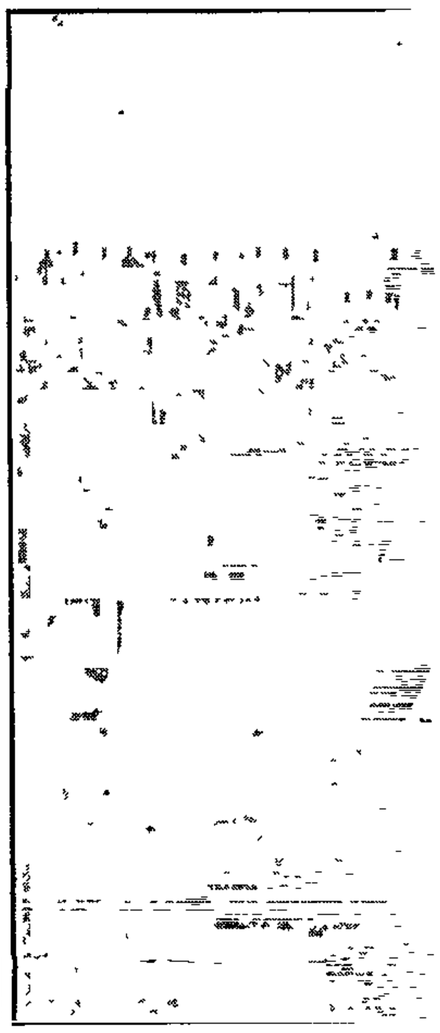
But these people were not playing football to 'cleanse their minds'. In fact, the game reflected their conditions of existence. For people living in townships, football came to represent the street and neighbourhood rivalry which existed and still exists in the townships today.

Children in the townships began (and still begin) playing football by forming street teams. According to **George Thabe** (ex-president of the South African National Football Association), this was a general township trend and many of the top clubs, such as Orlando Pirates, emerged from the street teams.

An example of one of these early neighbourhood teams was Sophiatown's most famous football club, the Sophiatown Naughty Boys. The club was formed in 1929 by players from the same neighbourhood in Sophiatown, who were still in their 'teens. The team included one of South Africa's early football greats, Sidney "Shordex" Kitsa. It also had a member of the infamous Sophiatown gang, the "Americans", called Boikie "USA" Baphela, who, according to Drum writer mike Phahlane, "was as dainty as the American clothes he wore outside the football grounds.")



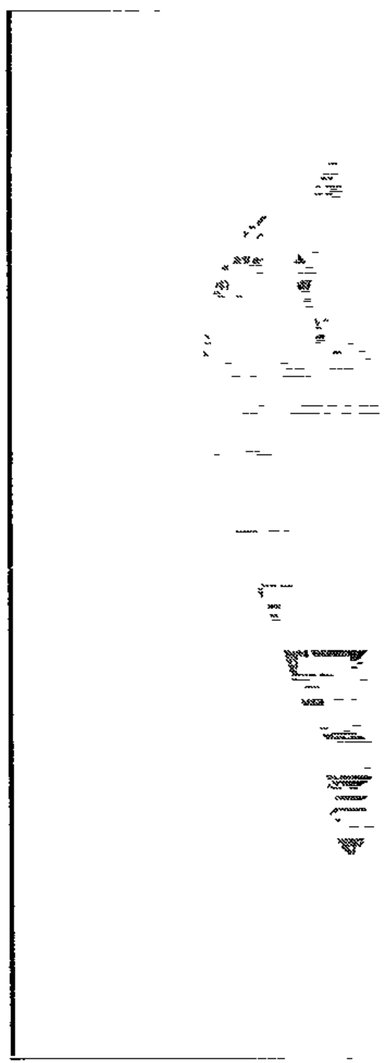
Sidney "Shordex" Kitsa



As a cultural form, then, football in the township did not follow the British ethic, but represented life in the [illegible]

But the game was also a site of [illegible] between different interest groups [illegible] white ruling class and the emerging working people.

As it became popular, so the game [illegible]



The legendary Steve 'Kalamazoo' [illegible] South African to play professional [illegible]

Education department rejects 70 000

B/Day 27/3/92

Political Staff

CAPE TOWN — About 70 000 applications to study at black training colleges were turned down this year — even though white teacher training colleges were half empty.

Education and Training Minister Sam de Beer said yesterday 70 000 applicants were refused admission to colleges falling under his department.

Earlier this week, Education and Culture Minister Piet Marais said although his department's training colleges had a capacity of 10 150, the number of students enrolled was 5 471.

This means there are 4 689 empty places at "white" training colleges.

Marais said the number of students at the white training colleges declined from 13 077 in 1986 to 7 934 last year.

De Beer said his department had a maximum number of students who could be enrolled at each college of education, as well as the intake of first-year students.

Interim govt 'the key to ending violence'

B/Day 27/3/92

KATHRYN STRACHAN

VIOLENCE would not stop unless SA got an interim government with sovereign power to take charge of the security forces and gain access to government covert operations, SA Council of Churches general secretary the Rev Frank Chikane said last night

Speaking at the Wits University arts students' graduation ceremony, Chikane said the peace accord could only deal with open organisations, and that it was only the government of the day that could deal with covert operations

"The apartheid system has created a dangerous and disastrous culture of violence and intolerance among whites and blacks which threatens the negotiations process," he said.

Democratic principles for whites were only upheld within the framework of apartheid

"For blacks, the system and laws created a situation where they had to fight for every single right and demand for justice. And for every articulation of their rights, violence was used against them," he said.

Chikane said universities faced a difficult challenge in redressing inequalities as they were called to start from a situation where only 10% of black students who wrote matric in 1991 gained university exemptions

Special educational and training programmes were needed to turn the tide

New means of entering legal profession proposed

B/Day 27/3/92 GERALD REILLY (248)

THE Association of Law Societies has proposed new entry routes into the legal profession

An association spokesman said until now the only route had been that law graduates with B Proc or LlB degrees had to complete two years' articles at an attorney's firm before being admitted to the profession.

The new routes would alleviate the problems many law graduates experienced in obtaining articles of clerkship.

If the proposals were accepted it would mean the traditional system of articles could be shortened, or replaced, by community service at the offices of public defenders, law clinics or similar organisations

The community service would be aimed at giving graduates wider representation in criminal cases as well as in civil actions. Should this system be introduced, about 600 more people would be able to represent members of the public in court

It would operate under a legal aid dispensation and could be funded from the existing legal aid budget and a part of the savings the system would bring about Advantages of the system would be

- ☐ Wider representation of accused,
- ☐ Fewer people sentenced to jail,
- ☐ Big savings for the Correctional Services Department,
- ☐ Widespread extension of the legal aid system,
- ☐ Enhanced chances of entering the profession, and
- ☐ More employment for law graduates and attorneys

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Degree of hope as blind riot victim gets job offer

STAR 28/3/92

248

LIFE has become a little brighter for Danny Kekana, of Diepkloof, who lost his sight in 1977 after being shot during a riot in Soweto.

Against tremendous odds, Kekana went on to earn a Masters degree in sociology, but was unable to find a job.

However, after reading about his plight in a recent Saturday Star article, several people telephoned to offer employment.

One of them, Aziz Jardine, an assistant training co-ordinator for The Community Based Development Programme, a non-profit organisation linked to the Wits Business School in Johannesburg, offered Kekana a job in his company after seeing the article

"We run a certificate programme teaching people management skills for community-based organsations With

OVERCAME THE ODDS: Danny Kekana.

CAROLINE HURRY

Kekana's academic skills, he could become a facilitator.

"We have invited him to attend some of our lectures to gain a clearer sense of the programme and our methodologies.

"We're also exploring the possibility of training him in other areas. Kekana's research skills are very advanced and we're looking at several possibilities.

"Right now we're keen to get him interacting with people because that's what he really wants to do Very often blind people have perceptions sighted people don't have, and were he to become involved in teaching, the possibilities are endless," he says.

Kekana says he can't wait to start "The work Mr Aziz is offering is ideal for me. I love working with people

"I'm already starting to feel more confident and optimistic and I'm very grateful to the Saturday Star for bringing this about

"Too often blind people are relegated to the background, in spite of our capabilities, but now I feel excited for the future," he says.

Up pens down chalk

(248)

CIPRESS 29/3/92

By MOSS MAMAILA

A RELAY-RACE boycott of lectures was in progress at the University of Venda this week when lecturers embarked on a boycott barely hours after the students had suspended their week-long boycott.

While students downed pens demanding the dismissal of Professor SP Olivier, who they accuse of racism, the staff vowed not to teach until the campus was free of student intimidation.

The staff association stated that they had noted with horror and disgust the use of violence against academics, and had resolved to boycott lectures

The university's public relations director, Rufus Kharidza, confirmed that classes had been brought to a halt.

Approached for comment, Dan Leshaba of the SRC said the student body had called off the boycott because the 34 students – whose admission problems also fuelled the strife – were finally registered.

Asked why the students insisted Olivier should go, Leshaba said the professor had a negative attitude towards the SRC, and his influence at four decision-making committees at the university was to the disadvantage of the students.

Bid to ease access to legal profession

STAR 30/3/92

Pretoria Bureau (248)

In an effort to alleviate existing problems experienced by many law graduates in obtaining articles of clerkship, the Association of Law Societies (ALS) has proposed five new routes of entry into the profession

A press statement released by the ALS in Pretoria said that until now the only route for entry into the profession for graduates with a B Proc or LLB degree had been a two-year period of articles at an attorneys' firm before being admitted as attorneys

The association did not reveal the proposals but said that, if accepted, the proposed routes would either shorten the traditional system of articles or, in some instances, replace the existing system.

The ALS said a new system would increase the number of legal representatives in courts by approximately 600 It would operate under the legal aid dispensation and would render services at the offices of public defenders, law clinics and similar service organisations.

The proposed system would bring a wider representation of accused and reduce the number of people sentenced to jail

It would bring large savings to the Department of Correctional Services as fewer people would be sent to jail It would eliminate overcrowding in prisons and increase employment opportunities for law graduates and admitted attorneys.

The ALS also announced plans to open a second practical law school in January next year to ensure that more law graduates were given the opportunity of completing a substantial part of their articles through intensive skills-training

The school would be in Cape Town. The first school for candidate attorneys was launched in Pretoria in 1990

The ALS said candidate attorneys who attended the school "obtained better results in the admission examination for attorneys than the average of other candidates"

The ALS added that the new school would be run jointly by the ALS and the University of Cape Town

State lawyers are accused of being racist

248

Sowetan 31/3/92

By MONK NKOMO

STATE Attorneys have been accused of racism and denying black advocates advancement in the legal profession by only briefing white lawyers in Supreme Court cases.

Several local black advocates, who insisted on anonymity because of their profession's code of conduct, confirmed that only their white colleagues were briefed by respective State Attorneys countrywide

"The only reason why this is done is to frustrate black advocates and deny them advancement in the legal profession," one advocate said

Investigations revealed that, because black advocates were not being briefed by the State Attorneys, they could not gain enough experience to help them improve and become senior advocates and eventually judges

State Attorneys' offices pay out millions of rand a year to white advocates for services provided in the Supreme Courts, black lawyers said

"This is taxpayers' money and we also deserve a cut of the money," the lawyers said

Sowetan has established that there are about 50 black advocates in South Africa and only three were senior advocates They include Mr Louis Skweyiya, Mr HE Mall, both from Durban, and Mr Ismael Mahomed, who was appointed a judge last year

Sowetan has also established that there are about 120 judges - only one of them black (Mahomed) - in the country

Black advocates interviewed the situation in a very serious light and said even in a new South Africa new democratic laws would be interpreted by white judges who would set a precedent which would have to be implemented by black judges.

"Blacks are being deprived the right to progress in the legal field by the State Attorneys who only brief white advocates who in turn climb up the ladder faster than their black colleagues and end up being senior or judges because of the vast experience they gather from these briefings," some black advocates said

A spokesman for the State Attorneys office in Pretoria denied the allegations and said their policy was to try and distribute jobs among all advocates irrespective of colour and "depending on merit, availability and suitability for the case"

Asked if he had at any stage tried to brief a black advocate, the spokesman mentioned the names of two advocates but said they could not secure their services as they were busy at the time

"How can it be by coincidence that blacks are not briefed? The State Attorney's office has a racist tendency to frustrate black advocates," one black lawyer said

Wits honours John Dugard

STAR 1/4/92.

(248)

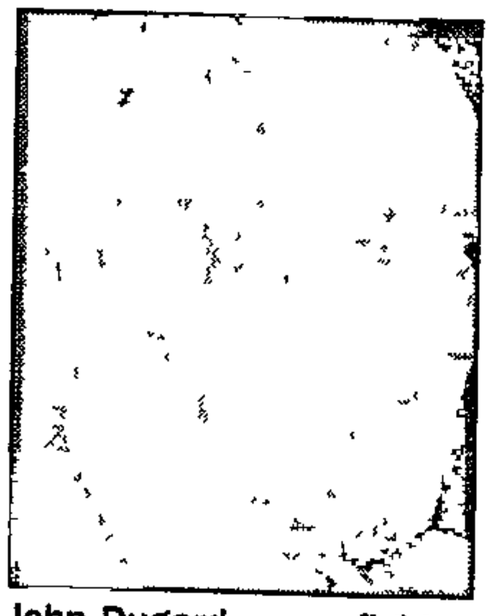
By Jo-Anne Collinge

Wits University academic John Dugard has been recognised for his contribution to the defence of human rights — the new library at the Centre for Applied Legal Studies has been named after him

The John Dugard Documentation Centre, housed on the west campus, is a specialised collection on constitutional and human rights and labour matters

Professor Dugard was director of the Centre for Applied Legal Studies from its inception in 1978 until the end of 1990, when he relinquished the post

ANC secretary-general Cyril Ramaphosa, whose relationship with the centre was forged during his years in the trade union movement, spoke warmly of the centre's lawyers who were "able to give their all in terms of fighting against laws which were intended to oppress the workers"



John Dugard . . . a fighter for human rights.

He recalled the centre helping the National Union of Mineworkers chalk up its first legal victory — securing the right to refuse to work under unsafe conditions

This victory is one of many reported in "Fighting for Justice", a book on the first 12 years of the centre's existence, which was released this week

Mr Ramaphosa paid special tribute to Professor Dugard as the centre's guiding force during very hard years, as the central presence in a legal institution built on "a unique form of dedication and commitment".

The documentation centre's "opening" on Monday night was really a move to new premises

Established six years ago, it collects, organises and actively distributes material not readily available elsewhere

Fighting for justice

STAR 2/4/92 (248)

The Centre for Applied Legal Studies' review recalls the grimness and the grit of the apartheid years. JO-ANNE COLLINGE reports.

THE CENTRE for Applied Legal Studies at Wits University opened the John Dugard Documentation Centre this week and simultaneously released a book recounting the centre's first 12 years

Entitled "Fighting for Justice", it contains some ghost stories from the just-dead past

In the Johannesburg Commissioner's Court, Mr X from Rustenburg stands in the dock As he admits to being arrested without an identity document, his plea is entered as "guilty"

Asked why he was in Johannesburg, Mr X responds "I was on my way to my aunt's place to tell her that her twins had died in Rustenburg"

Commissioner Why didn't you write or send her a telegram? I suppose there is no post office in Rustenburg?

Mr X My mother thought it is better for me to tell my aunt personally and to go back to Rustenburg with her (He also mumbles that anyway he cannot write)

Asked if he has anything to add before sentence, Mr X asks "Please phone my aunt"

Prosecutor There is no phone here

Commissioner I find no mitigating circumstances R24 or 48 days

This trial took two minutes and 20 seconds, "Fighting for Justice" recounts

When CALS was founded in 1978, under the directorship of Professor Dugard, annual pass law arrests were peaking at close to 300 000 and the reoccupation of "white" group areas by disqualified black tenants had just begun

A legal holding operation against the mass prosecutions in both these areas, together with a focus on labour law and repressive censorship laws, formed part of the early work of CALS

Over the years CALS lawyers have been associated with memorable legal actions of the late apartheid epoch — the marathon Delmas treason trial, the Wendy Orr action against assault and torture of detainees, the inquiry following the Hlobane mining disaster, the commission on the Langa shootings, the unbanning of the Freedom Charter, the Appellate decisions declaring unlawful the forced removal of Mogopa, and the incoporation of Moutse into KwaNdebele

The centre's close work with trade unions and communities led to interesting expectations In the 1987 mineworkers' strike, one of its lawyers was negotiating with the police, as the riot squad gathered purposefully across from demonstrators According to "Fighting for Justice", a demonstrator summoned the lawyer to ask "Are you the lawyer the union has brought along to disperse the police?"

Litigation has only been a fraction of CALS's work Teaching is another significant component — within the Wits Law School, as well as in the special winter/summer schools run for trade union members

Research and mediation/negotiation services have always been strongly represented within CALS and become ever more significant in this phase of political transformation

Few institutions have been so consistently involved in researching, exposing and attempting to halt political bloodshed It was CALS that published the first national study on the vigilante phenomenon in 1986

CALS lawyers were among those who tried to use the courts to bring perpetrators of violence to book in Natal One such case led to the establishment of the Complaints Adjudication Board in Maritzburg in 1988 And, as the Transvaal staggered to its feet after the mass killings of late 1990, CALS attorneys joined the backroom figures involved in forging the National Peace Accord.

Gender rights, gay rights, the right to citizenship and to conscientious objection, freedom of speech and association all have been fought in past court battles, all present CALS a new challenge in the era of constitution-making Some CALS staffers are directly involved in Codesa as advisers to various parties

In his introduction to the book, Dennis Davis — who became CALS's second director in 1991 — adds a few more challenges to the legal imagination "In order to meet the demands of an economy which will be responsive to the needs of all South Africans, lawyers will have to consider the present labour dispensation, alter company law to allow for more democratic participation in commerce and industry, and fashion a taxation system which will meet the enormous demands for economic reconstruction.

"Public law must be developed in order to render the bureaucracy in general and the police in particular accountable to the population which they serve.

"Very little attention has been paid to private law, particularly the area of family law, which will need to be reconstructed carefully in order to contribute to the end of gender discrimination And perhaps the most pressing issue of all concerns the land and the demands of dispossessed communities"

Of course, few CALS achievements were solo efforts Lawyers in private practice, public-interest law firms, trade unions and community organisations have almost always been an integral part of the action Nevertheless, the record is considerable — for instance, almost 100 percent success in appeals against Publications Act censors.

Even a former KwaNdebele chief minister who stood firmly against giving women the vote and who was confident that "God is on our side" met his match Women of KwaNdebele, assisted by CALS and other lawyers, took the matter to the Transvaal Supreme Court which declared the KwaNdebele constitution invalid and effectively doused the chief minister's dream of homeland independence □

Lecturers flunk Crocker's degree

w/Mail 3/4-9/4/92 (248)

By BULELWA PAYI

RHODES University academics have joined the growing chorus of criticism over the university's decision to award an honorary degree to former United States assistant secretary of state for Africa Dr Chester Crocker.

Crocker is to receive an honorary doctorate in law at a graduation ceremony in East London in May.

The head of the Rhodes politics department, Professor Roger Southall, and politics lecturer Dr John Daniel say they "cannot accept" the decision.

In an article in a university journal, *Comment*, the two criticised Crocker's role in formulating the US policy of "linkage", which linked Cuba's withdrawal from Angola to Namibian independence. Besides scuttling peace plans for Namibia, the policy had resulted in the deaths of thousands of South Africans, Namibians and Angolans, they said.

According to Southall and Daniel, in 1990 Crocker was appointed to the board of Minorco, the off-shore holding company of Anglo American. They said although the university's chancellor, Gavin Relly, was no longer chairman of the board of Anglo, he was still active in Minorco.

"Could there be a connection? Could this be a case of Rhodes doing a favour to its corporate friends, touching up the image of someone whom that sector believes could be useful as it expands its operations in Africa?" they asked.

Lebona Mosia, a lecturer in the Rhodes International Studies Unit, said he was "outraged" by the decision. As an exile in Angola, he had "witnessed and suffered the atrocities of Crocker's 'constructive engagement' policy".

According to Mosia, just when Namibians had braced themselves for independence in 1979, the US administration introduced "linkage".

"It took members of Swapo who were in Angola 12 years before they saw their families again, if they survived at all. Instead of peace and independence, Namibia in the 1980s experienced an unprecedented escalation of war."

The university's decision was earlier criticised by student bodies, which have also condemned the decision to turn down the nomination of ANC stalwart Govan Mbeki for an honorary degree.

The university has refused to comment on the matter, saying nominations for honorary degrees are done by secret ballot. Media liaison officer Mary Burnett said the university could not explain the reasoning for the nominations. — Albany News Agency

Lawyers set up new ethics body

Sowetan 7/4/92

(248)

By ALINAH DUBE

A NEW organisation to encourage and maintain the standard of ethics among legal practitioners was formed in Pretoria at the weekend

The body, which is known as the Southern African Progressive Legal Practitioners Association, was launched during a function held at a city hotel on Sunday It is intended to cover lawyers in the entire Southern Africa including Tanzania, Malawi and Mozambique Both the Botswana Law Society and the Reciprocity Committee of the Law Society of Swaziland have indicated interest in having dealings with the new body Mr Thokwane "Post" Moloto, convening chairman of Saplepa, said one of their aims was to create a spirit of justice consciousness without a specific political ideology "We want to participate in the administration of justice in the region, concerning the appointment of judges and magistrates and the classification of courts Racial discrimination in our courts also has to be discouraged by all court officials

"The organisation intends to further address the issue of dual practise by some people in the legal profession There are cases where you find that someone is an advocate in one country and at the same time a judge in a neighbouring state," Moloto said The protection of consum

B/Day 16/4/92

Call to accountants

(248)

SA Institute of Chartered Accountants president Neville Vorster yesterday urged accountants to become more involved in socio-political issues In his inaugural address in Durban, Vorster said SA needed men and women of "commitment and courage, of competence and courtesy".

WHY DR MANDELA SAID NO TO CHANCELLOR LEON

S/Times 19/4/92

BY ROY RUDDEN

MANDELA biographer Fatima Meer disclosed this week that — at Nelson Mandela's request — she had tried to persuade Natal University to replace its chancellor, Mr Justice Leon, as the one to bestow an honorary doctorate on him.

She was responding to charges put to the Sunday Times by academic and legal sources that she had helped stir up a threatened boycott of the ceremony by students.

This was not true, said Professor Meer.

However, she confirmed that she had alerted Mr Mandela to the fact that Mr Justice Leon was the judge who had sentenced ANC activist Andrew Zondo to death for the 1985 Amanzimtoti bomb blast.

Five people, including two children, were killed and scores were injured in the supermarket blast.

As there were no extenuating circumstances (a finding subsequently confirmed by the Appellate Division), Mr Justice Leon was legally bound to apply the death sentence.

Mrs Meer, a former professor of sociology at the university, who gave evidence on extenuation at the trial, subsequently wrote a book sympathetic to Zondo.

She said. "When I alerted Nelson he was shocked and asked me to do everything I could to save him the embarrassment of receiving an honorary degree at Leon's hands

"This was clearly unacceptable because Andrew Zondo would go down in history as a national hero of the people's struggle."

She had then met "three relevant senior members" of the university staff and had told them about her concern.

Two of them had agreed with her.

Although the procedure had already been cleared with the chairman of the ANC's Southern Region, Mr Jeff Radebe, it was undertaken to consult him again

"It was quite extraordinary," said Mrs Meer.

"Jeff Radebe repeated that there was no objection to Ray Leon officiating.

In the event, Mr Justice Leon did officiate at last Saturday's graduation ceremony.

But Mr Mandela was unable to attend because of "reasons of state".

Nurture young authors

JENNY HOBBS says that instead of preening about Nadine Gordimer's Nobel Prize, we should invest in writers of the future

S/Times 19/4/92

SINCE Nadine Gordimer won her Nobel Prize last year, the South African literary establishment has been basking in reflected glory — and there is a lot to bask in. The award was richly deserved and we can be proud of our world-class writers

The big guns of Gordimer, Paton, Coetzee, Van der Post and Fugard have pounded the modern consciousness with their rigorous interpretations of South African society; Brink and Breytenbach have laid down impressive literary barrages in France

But there's a certain sameness about these writers. All are (or were, in the case of Paton) white, 50-plus, well educated and middle class They have had the time and the space to become writers through their own efforts

The literary establishment, certainly on the English side, can claim no credit for its successes While Afrikaans writers are encouraged by their community, there is no equivalent support system for writers in English and the black languages

The teaching of English ranges from so-so to appalling in the vast majority of schools University English departments are sniffy about student requests for creative writing classes.

With the exception of Potchefstroom's extra-curricular ATKV Skryfskool, not one institution of higher learning offers formal writing classes

For a would-be writer, the options are either to search out the rare gifted teacher like Lionel Abrahams, who conducts private writers' groups, or to attend one of the country-wide workshops run by the Congress of SA Writers.

From a head office in a dingy Fordsburg building, Cosaw is the only organisation seriously addressing the problems of young writers at present — but it is constantly strapped for cash

The astonishing fact is that while the performing arts in our country receive hundreds of millions of rands annually, not a cent of taxpayers' money goes to writers other than playwrights.

The 1989-1990 Pact budget, for example, was nearly R36-million, including R3,5-million spent on ballet and over R5,5-million on opera

Without wanting to denigrate either ballet or opera, why for God's sake are we spending such huge amounts on imported art forms whose costly tickets make them accessible only to a tiny percentage of the elite?

We've got to get our arts priorities straight.

Far more effort should be devoted to encouraging potential writers and getting their books into print at a reasonable cost

Not only literary writers — popular writers too We need love stories and thrillers for the newly literate. We need books written in the vernacular languages, at affordable prices

Stephen Johnson, marketing director of the Literary Group, suggests that we should consider setting up a development trust aimed at the encouragement of local writing and inexpensive publishing

I believe that we could go further, and imitate the Japanese system of "national treasures": the specially gifted are subsidised to enable them to devote their creative energy full-time to their works of art and passing on their skills to younger artists.

We also need a massive change of heart in training college and university English departments.

To pre-empt the tired old argument they always trot out of course one can't teach just anyone how to write But we should be actively searching out writers of merit and helping them to develop their talents Academic courses for artists and musicians are taken for granted, why are writers always expected to struggle along on their own?

For inspiration, the professors could visit the University of East Anglia in Norfolk, which has been running an innovative MA in Creative Writing for 20 years. Its graduates include the extraordinarily gifted Kazuo Ishiguro

It's time we stopped preening about that Nobel Prize and started doing something concrete to encourage the young writers who may win it for us again one day.

● *Jenny Hobbs is an author*

HOUSE OF ASSEMBLY

QUESTIONS

†Indicates translated version

For written reply

General Affairs

Redundant members of staff: South African universities (248)

195 Mr R M BURROWS asked the Minister of National Education

With reference to some members of the academic staff of certain South African universities who are deemed to be redundant owing to the closure of certain departments at such universities, what are the terms relating to (a) their severance pay, (b) the *pro rata* payment of (i) pensions and (ii) gratuities and (c) any lump sum payments? B448E

The MINISTER OF NATIONAL EDUCATION

(a) Universities are autonomous and their respective councils determine their own service conditions for their personnel Terms relating to their severance pay and/or lump sum payments are therefore determined domestically by each respective council

(b) (i) The payment of pension and gratuities is calculated according to the number of years service and the age of academic personnel, as determined in the Regulation promulgated under the Associated Institutions Pensions Fund Act, 1963, which is administered by the Department of Finance

(ii) See (b)(i) above

(c) See (a) above

Black medical students

198 Mr M J ELLIS asked the Minister of National Education

How many Black students were studying in each medical discipline at each medical school in South Africa as at the latest specified date for which information is available? B453E

The MINISTER OF NATIONAL EDUCATION

The table below indicates a headcount taken in 1990 of all Black students enrolled at Universities with medical schools

	Medicine/ surgery
University of Cape Town	60
Medical University of Southern Africa	686
University of Natal	288
University of Pretoria	0
University of the Witwatersrand	163
University of Stellenbosch	0
University of the Orange Free State	5
Total	1 202

SA citizenship regained: Blacks

220 Mr P G SOAL asked the Minister of Home Affairs

(1) How many Blacks in each independent Black state regained their South African citizenship in 1991 in terms of the provisions of the National States Citizenship Amendment Act, No 13 of 1978,

(2) whether any applications were refused, if so, (a) how many from each state, and (b) why, in each case? B499E

The MINISTER OF HOME AFFAIRS

(1) Owing to the provisions of the Restoration of South African Citizenship Act, 1986 (Act 73 of 1986), which came into effect on 1 July 1986, no Black of any of the independent states applied in terms of section 3 of the National States Citizenship Act, 1970 (Act 26 of 1970), as amended by the National States Citizenship Amendment Act, 1978 (Act 13 of 1978), for South African citizenship during 1991

(2) (a) and (b) Fall away

HOUSE OF REPRESENTATIVES

QUESTIONS

†Indicates translated version

For written reply

General Affairs

Applications for identity permits: referendum

2 Mr M A HENDRICKSE asked the Minister of Home Affairs

(a) How many persons were issued with South African identity documents subsequent to the repeal of the Population Registration Act, No 30 of 1950, (b)(i) how many such persons (aa) applied for and (bb) were issued with identity permits for the purpose of voting in the referendum on 17 March 1992 and (ii) how many of the applications for such permits were refused and (c) in respect of what date is this information furnished? C4E

The MINISTER OF HOME AFFAIRS

(a) Since the repeal of the Population Registration Act, 1950 (Act No 30 of 1950), the following numbers of identity documents have been issued

first issues to South African citizens	239 774
first issues to persons who are not South African citizens	8 622
re-issues to the afore-mentioned categories of persons	561 487
Total	809 883

(b) (i) (aa) It is not possible to determine how many temporary identity certificates had been issued to persons referred to in paragraph (a) as statistics are not kept on such a basis

(bb) and (b)(ii) Fall away

(c) 29 February 1992

HOUSE OF ASSEMBLY

QUESTIONS

†Indicates translated version

For written reply

General Affairs

State pension funds: actuarial report

194 Dr W J BOTHA asked the Minister of Finance·†

(1) When is the next actuarial report on the state of the State pension funds expected to be available,

(2) whether the State guarantees any other pension funds other than the State pension funds, if so, (a) what are the (i) names of these funds and (ii) guarantee amounts concerned, (b) (i) how many and (ii) which of these amounts represent deficits and (c) what are the State's total commitments in respect of pension funds, excluding State pension funds?

B445E

The MINISTER OF FINANCE

(1) A joint actuarial report on the State pension funds does not appear Each fund is evaluated as an entity, whereafter a report on the evaluation concerned is done The third actuarial report on the position of the Government Services Pension Fund is expected to be available by September 1992

(2) No

"Income tax: Persons and Individuals"

227 Mr K M ANDREW asked the Minister of Finance

(1) How many (a) persons and (b) individuals classified under the heading "Income Tax Persons and Individuals", as reflected on page 5 of the Estimate of Revenue for the Financial Year ending 31 March 1993 [RP 3-1992], paid tax for the (i) 1989-90, (ii) 1990-91 and (iii) 1991-92 financial year,

(2) what was the total amount paid by such (a) persons and (b) individuals in each of these three financial years?

B512E

The MINISTER OF FINANCE

The term "individuals" denotes natural persons while the term "persons" denotes other legal personae which are not companies and which are consequently subject to tax at the progressive rates applicable to natural persons for example trusts

These taxpayers are not separately identified in the Departmental data base, and the requested information is thus not available

HOUSE OF DELEGATES

QUESTIONS

†Indicates translated version

For written reply

General Affairs

Emigrants/immigrants: various professions

28 Mr M RAJAB asked the Minister of Home Affairs·

How many (a) Indian, (b) White, (c) Coloured and (d) Black (i) doctors, (ii) dentists, (iii) lawyers, (iv) architects, (v) social workers, (vi) quantity surveyors and (vii) scientists (aa) emigrated from and (bb) immigrated to South Africa in each of the latest specified three years for which figures are available?

248

D121E

The MINISTER OF HOME AFFAIRS

	(aa)			(bb)		
	Total	(b)	(a)+(c)+(d)**	Total	(b)	(a)+(c)+(d)**
*1989*****						
(i)*	36	34	2	69	61	8
(ii)*	4	4	0	4	3	1
(iii)	13	13	0	9	8	1
(iv)	13	13	0	13	13	0
(v)	6	5	1	7	7	0
(vi)	7	7	0	8	8	0
(vii)***	79	75	4	128	124	4
1990						
(i)*	30	27	3	135	124	11
(ii)*	1	1	0	14	9	5
(iii)	19	17	2	16	15	1
(iv)	6	6	0	11	11	0
(v)	3	2	1	3	2	1
(vi)	10	10	0	8	7	1
(vii)***	116	111	5	144	139	5
*1991****						
(i)*	23			229		
(ii)*	3			12		
(iii)	5			14		
(iv)	2			16		
(v)	8			10		
(vi)	10			12		
(vii)***	80			149		

* Including specialists

** Information on the non-White population groups is not separately available

*** Natural scientist occupations only

**** Since 1991 information by population group is no longer available

***** With reference to corresponding Question 25 of 12990 (Hansard Column 256) Figures under columns (i) and (ii) of the Reply thereto to be switched

Language warning

GERALD REILLY

PRETORIA — SA Law Commission vice-chairman Judge Pierre Olivier yesterday warned politicians not to ignore minorities' language rights in a new SA if they wanted to avoid a potential source of conflict.

Addressing an HSRC conference on language and law, he said politics and political parties "come and go, but the claims of cultural and linguistic groups remain forever".

He said 6,1-million people (15,66%) had Afrikaans as their mother tongue. There were 3,4-million (8,08%) whose home language was English. Zulu was spoken by 8,5-million (21,61%); 6,9-million (17,44%) spoke Xhosa; 3,6-million (9,11%) Tswana and 3,4-million (8,7%) North Sotho.

Olivier said to prohibit an individual from using his own language appeared contrary to basic freedoms

He said the ANC draft bill of rights implied the government of the day would be able to choose an official language.

The question was, could SA afford a new official language every four or five years, Olivier said.

B/Day 28/4/92

SA tax laws lag behind international changes

B/Day 29/4/92 (248)

PETER GOWER Intertax

INTERNATIONAL isolation in recent years has meant changes to SA tax legislation have had a largely introspective focus

Developments abroad which have seen the fiscus in various countries enacting legislation to bring foreign profits within the home country's reach, have largely eluded South Africans trading internationally

Examples of this continuing widening of the international fiscal net are to be found in the controlled foreign corporation, transfer pricing and branch profits tax rules which have been enacted in many First World countries over the past two decades

Many countries have even co-operated to introduce an anti-abuse treaty shopping clause into their double tax treaties

These clauses prevent parties who are not residents of a particular country from forming a company in that country to access the tax relief available in terms of the tax treaty in question

Perhaps one of the most stark anachronisms of SA's tax system is that it continues to tax income in the main on a source basis, in contrast to many industrialised countries which tax residents in those countries on their worldwide income.

It is perhaps interesting to note, that in spite of the recommendations of the Franszen Commission in 1969, that SA should adopt a worldwide basis of taxation, the Margo Commission rejected this approach, largely because of the small benefits which it expected such a system would generate in relation to the implementation costs

The failure of SA's tax laws to keep pace with many of these international developments has been both good and bad news for the international businessman

The good news is that the long arm of the Receiver in this country has not been extended further abroad by statute in the same way as its counterparts have been doing internationally

This omission may be attributable to the historical view that the exchange control rules and regulations severely curtail the extent to which SA sources of income can be relocated outside the borders of this country

Absent

The negative side, however, is that many of the reliefs to be found in the tax systems of First World countries are also absent from SA legislation

Examples of these reliefs are provisions allowing for group taxation, the taxation of small business profits at a lower rate of corporate tax, the ability to carry back losses in certain cases to offset against profits of a previous year and the indexing of allowances and certain reliefs

It is not that the SA fiscus has failed to recognise the need to reform the tax systems to bring it into line with international norms and practise. However, the attempts to change have generally been inadequate, sporadic and insignificant, as is illustrated by the introduction of Section 6 quat into the Income Tax Act a few years ago

This section, which is entitled Rebate in respect of Foreign Taxes on Income (suggesting fairly generous concessions) allows a rebate only to a resident of SA in respect of foreign taxes payable on income derived from a foreign source

One may well question why the rebate should be limited to persons who are residents of SA rather than SA taxpayers (especially as SA does not generally tax on a residence basis), and why the relief should in addition be limited to only those taxes paid on income derived from a foreign source.

As international economic interface with this country grows, pressures will mount to introduce amendments to SA's domestic legislation and to many of the double tax agreements to bring SA in line with the more important international tax reforms

Until this happens, however, and in spite of various obstacles facing foreign parties interested in SA, there remain a number of planning opportunities available to those prepared to take advantage of the status quo

In many instances this planning will involve the recharacterisation of a particular flow of income

By way of example, a foreign group wishing to establish a manufacturing joint venture in SA might consider jointly forming an SA company with a local party It would then receive dividends, less any applicable non-resident shareholder's tax, out of the company's post-tax income

Alternatively, and assuming that the foreigner intended to contribute its technology to the SA venture, it could accept a smaller participation in the SA partnership and instead license such technology as may be required to conduct the manufacturing operations, through the use of a Dutch licensing company

The royalties payable would then be remittable free of any SA income tax and would normally only attract a relatively small amount of Dutch tax before being remittable to the foreigner in his home country

Similar tax advantages are often available to South Africans conducting business operations abroad.

However, the problem for South Africans licensing technology into First World countries is that they frequently cannot "treaty shop" in order to take advantage of lower foreign withholding taxes since many First World treaties contain anti-abuse provisions referred to earlier.

Once again, the problem can sometimes be overcome by recharacterising the income flow

Advantages

Significant tax advantages are often available to companies which have obtained exchange control approval to invest abroad.

These approvals are granted in appropriate circumstances, particularly where the result will produce enhanced economic benefits to the SA economy An example of this type of economic benefit is where the investment will facilitate new or increased exports from this country

The result of such an investment could be that the SA company is able to establish a foreign trading base aimed at securing export orders for SA goods, the profits of which can usually be structured so as to be earned in a tax efficient form

PETER GOWER

In order to regain its rightful share of international economic activity, SA will also need to attract and retain the services of suitably skilled manpower

One of the least costly ways of achieving this objective is for the employer to find ways of improving its personnel's after-tax remuneration

Intertax has on major capital projects as well as in the course of trading activities seen how much money can be saved by employer and employee by using the existing rules to maximum advantage.

Thus in spite of the attempt made by Section 9(1)(d) bis of the income Tax Act to deem the income earned by an SA resident employee for services rendered abroad on behalf of an SA employer to be sourced in SA, and in spite of the comprehensive UK rules which tax employment income earned for services rendered in the UK, it is possible for South Africans to work in that country, particularly for relatively short periods of time, without incurring any tax liability in either country

Given their mobility and flexibility, coupled with the generous reliefs granted in terms of certain of SA's double tax treaties, efficient tax planning can help to entice foreign sports stars, entertainers, university professors and other highly qualified people to offer their services in SA

For their part, skilled SA individuals can usually structure their arrangements before venturing abroad so as to ensure the receipt of enhanced after-tax cash flows

To a successful business, income tax is often its largest single overhead and one which in the international context can usually be reduced with careful early planning

Law on legal issues must be changed'

(248)

B/Day 30/4/92

CAPE TOWN — Government had to introduce legislation to open up the legal profession and make representation more accessible to the public, Tony Leon (DP Houghton) said in Parliament yesterday.

In the debate on the Justice Budget Vote, Leon, an attorney, said the closed-shop practice of only allowing advocates to appear in the Supreme Court should be done away with. If the profession would not do this, legislation had to be introduced to allow attorneys appearance rights.

The system of providing public defenders for indigent accused could be improved on by using final-year law students.

About 500 public defenders would be able to defend the approximately 100 000 accused who could not afford representation at a cost of about R25m a year — a figure which could be cut considerably if final-year students were used

Routine conveyancing matters should also be deregulated and the public be allowed to do these transactions themselves.

The loss of revenue to the state could be made up by levying additional revenue stamps on certain civil actions.

Lawyers should also be allowed to receive a portion of damages in lieu of fees in civil actions — allowing "more people to have their day in court" — Sapa.

LOOKING TO THE FUTURE: Human rights advocate Mr Sydney Kentridge prepares to address an LRC function on the organisation's road ahead . On his right is LRC national director Mr Arthur Chaskalson. Photo Eric Miller

Kentridge sees winds of change blow for LRC

SOUTH 2/5 – 7/5/92 (248)

By Justin Pearce

THE changing political climate has opened up new areas of work for bodies such as the Legal Resources Centre (LRC), human rights advocate Mr Sydney Kentridge said last week.

Speaking at a function to mark the first award of the Morris Zimmerman Scholarship, Kentridge paid tribute to the work done by the LRC since its formation in 1978

The LRC was no longer confined to litigation, but could now take on the role of negotiator on behalf of communities for long-term solutions, he said.

Originating in the repressive days of the BJ Vorster government, the LRC often challenged the influx legislation in terms of which the then Minister of Plural Relations and Development, Dr Andries Treurnicht, had near-total control over the lives of most South Africans

"These test cases showed how much could be done, without a bill of rights, by skilled lawyers," Kentridge said. "They also showed how an independent judiciary has a value that transcends the state of affairs in a country"

Kentridge said the denial of rights took place at the level of bureaucracy as well as legislation

He told of a case in which a woman who had a right to an identity book was told to "come back later" no fewer than 41 times The LRC was able to intervene successfully in such cases

The decline of legalised apartheid had meant a change in emphasis for the LRC's work, notably towards the right of black people to occupy rural land

As the government showed more openness towards the needs of communities, the threat shifted to local authorities and farmers, Kentridge said. The LRC had successfully obtained interdicts to prevent these removals

Where have all the graduates gone?

South 2/5-7/5/92 (248)

By Mcebisi Bata

It is scandalous that the University of Fort Hare does not have a single women professor, when more women than men graduated there last year, says a visiting lecturer from London

Ms Miranda Alcock, of the Training for Equality Project at Kingsway College, London, addressed a public meeting at the university recently on "Creating a Gender Sensitive Society"

She said for an institution such as Fort Hare to adequately address gender discrimination, there should be consultation between students, staff and the management of the university

"The gender issue is about how men and women relate to each other. It is not only feminism, but an agreement on equality of both sexes "

Real equality was the recognition that women and men were of different sexes but should be afforded equal opportunities, she said

She challenged the university to develop a policy regarding gender issues "Where does power lie at Fort Hare?" she asked

Alcock said a sound policy with clear procedures should be developed for dealing with sexual harassment, and should aim to create a safe and comfortable working environment

A public commitment should be made to show that sexual harassment was unacceptable **Veritas**

Crocker degree plan sparks academic row

S/Times 3/5/92. (278)

By BILL KRIGE

A ROW is brewing at Rhodes University after 57 academics criticised plans to confer an honorary doctorate on Dr Chester Crocker later this month.

Two senior political scientists have suggested Dr Crocker, former US president Ronald Reagan's assistant secretary of state for Africa, was lined up for the honour because of his links with Anglo American.

When Dr Crocker kneels in East London's Guild Hall, his degree will be conferred by Rhodes's chancellor, Mr Gavin Relly, the former chairman of Anglo who remains active in the giant conglomerate's offshore wing, Minorco

Dr Crocker, chief architect of America's policy of "constructive engagement" in the 80s, was appointed to the board of Minorco last September.

CHESTER CROCKER
'Political failure'

An open letter critical of the university's decision has been endorsed by 57 academic staff, including 10 professors, and follows the debunking of selection procedures by political studies professor Roger Southall and his colleague, Dr John Daniel

In an article published on campus, they argued that the Reagan administration was corrupt and inept. It was "as close an ally of Pretoria as any in history" and fought to blunt the thrust of sanctions

US policies supporting South Africa led to 10 more years of war in Namibia "So in honouring Dr Crocker, we are not only rewarding a political failure, but one who in the eyes of most South Africans has the blood of thousands of southern Africans on his hands," the academics said

"To add insult to injury, we are giving him an honorary degree in law"

Debate

They also condemned the "unacceptable procedures" for selecting honorary graduates, claiming that neither university councillors nor members of the senate (the academic body) were properly canvassed. Nominations were approved without debate.

In an interview, Professor Southall said the problem lay with the composition of Rhodes's senate and council, both of which were dominated by white males.

The director of Rhodes's East London campus, Dr Stephen Fourie, said that while he believed a "university is by its nature a place for free speech and debate, there is a way of going about it"

REPORTS, Political Staff, Sapa Own Correspondent.

B/Day 15/5/92.

Auditors seek indemnity against claims

B/Day 15/5/92 (248)

MICK ELLINGHAM

THE increase in white collar crime is forcing many auditing firms to seek out professional indemnity to protect themselves against punitive claims.

Speaking at the Deneys Reitz seminar on accountants' liability held in Johannesburg yesterday, Absa chairman Herc Hefer blamed the high incidence of white collar crime in SA on "high inflation, high tax rates and political uncertainty".

Attempts at retribution were often directed at the auditors responsible for the financial statements of companies involved in litigation, said Hefer, requiring auditing firms to take out indemnity insurance.

Deneys Reitz partner Michael Hart said the scale of litigation against accountants had led to the arrival of "forensic accounting" as a business development in SA.

"Until the second half of the '80s, expert accounting testimony was the domain of a selected number of senior practitioners," said Hart. However, in the past few years younger practitioners had set about developing their skills in this area

Hart said accounting experts were required in two general areas

- Technical accounting evidence which applies to issues such as share valuations and interpretations of financial records which fall outside a court's own expertise; and
- Liability evidence which essentially entails giving evidence in cases where the professional conduct of colleagues is being questioned.

Wim Trengrove SC said accountants' liability legislation ought to be such that "professional men of integrity are able to identify, assess and avoid the risks of liability to which the law exposes them"

UK-based indemnity lawyer David Arthur said it was unlikely that moves to limit auditors' exposure would occur until "there have been major accounting firms collapsing under the weight of litigation, investigation and disciplinary procedures".

Arthur said "large firms of accountants are becoming increasingly difficult to insure and are generally only insured at levels which might be considered as catastrophe cover for most other businesses" If this continued, the auditing profession would become an endangered species

beneficiaries only in March

Grobler said the "administrative vation as a result of the TPA 'review' procedure"

ment said in London yesterday

REPORTS: Political Staff, Sapa Own Correspondent.

B/Day 15/5/92

warning of upcoming reviews and dated in August had been received by beneficiaries only in March

Grobler said the "administrative

stated by May 18

It said its clients were "facing starvation as a result of the TPA 'review' procedure"

Auditors seek indemnity against claims

B/Day 15/5/92 (248)

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Arthur said "large firms of accountants are becoming increasingly difficult to insure and are generally only insured at levels which might be considered as catastrophe cover for most other businesses" If this continued, the auditing profession would become an endangered species.

Consult a lawyer before trouble starts, not after

STAR 19/5/92 (248)

Professor David McQuoid-Mason, Dean of Law at the University of Natal, discusses the role of lawyers in this extract from his series on "Street Law" (Juta, R15)

There are nearly 7 000 lawyers serving 30 million people in South Africa Of these about 700 are advocates and the rest attorneys.

A small number of lawyers work as university lecturers, judges, politicians and in public-interest law firms. The practice of law usually involves giving advice, drafting legal opinions, negotiating settlements or otherwise providing out-of-court legal assistance

In civil cases lawyers argue their clients' cases on both sides. In criminal cases lawyers for the accused try to show that their clients are not guilty

Advice

If a person has to appear in any court, it is important that he or she should get legal advice or assistance. Every person should have the right to be represented in court by a lawyer.

Many people think of seeing an attorney only after they get into trouble, but the best time to see an attorney is before the trouble happens Advice on how to prevent legal problems is one of the most important services a lawyer can provide.

People should think about seeing lawyers when:

- Buying or selling houses.
- Starting up businesses
- Thinking of marriage or divorce.
- Making wills (documents saying who they want to give their property to when they die).
- Signing important agreements ("contracts").
- Handling accidents involving injuries or damage to property
- Needing bail and defending criminal charges.
- Bringing civil actions.
- Trying to collect money owed to them.

It would be expensive to see a lawyer every time a person has a legal problem Some times a teacher, doctor, clergyman or friend may be able to help or advise.

Legal aid

If a person cannot afford a lawyer he or she should contact a university law clinic or the Legal Aid Board

There are four types of practising lawyers in South Africa advocates, attorneys, conveyancers and notaries public.

Advocates do different work from attorneys. They are also trained differently after they have finished their university studies. Attorneys may also qualify as conveyancers and notaries

HOUSE OF DELEGATES

QUESTIONS

†Indicates translated version

For written reply

General Affairs

Attorneys struck off roll/admitted

27 Mr M RAJAB asked the Minister of Justice

(1) (a) (i) How many attorneys were struck off the roll in each province during the latest specified period of three years for which information is available and (ii) what are their names and (b) (i) how many attorneys were admitted to practice in each province during the above period and (ii) what are their names,

(2) how many attorneys does his Department estimate will be admitted to practice during the next three years?

D120E

The MINISTER OF JUSTICE

The required statistics are not kept by the Department In an attempt to be of assistance to the hon member, the Association of Law Societies of the Republic of South Africa was approached The following information regarding the respective law societies was received from the Association

A) *The Law Society of Transvaal*

1 Attorneys struck off the roll
1989— 7
1990—14
1991—10

2 Attorneys admitted to practice
1 4 1989 to 31 3 1990—240
1 4 1990 to 31 3 1991—276
1 4 1991 to 31 3 1992—206

3 An estimated 250 attorneys per annum will be admitted to practice during the next three years

B) *The Law Society of the Cape of Good Hope*

1 Attorneys struck off the roll
1989—7
1990—9
1991—5

2 Attorneys admitted to practice
1989—135
1990—165
1991—200

3 By 1995, an estimated 300 attorneys per annum will be admitted to practice

C) *The Natal Law Society*

1 Attorneys struck off the roll
1989—2
1990—2
1991—3

2 Attorneys admitted to practice
1989—76
1990—63
1991—86

3 An estimated 80 attorneys per annum will be admitted to practice during the next three years

D) *The Law Society of the Orange Free State*

1 Attorneys struck off the roll
1 7 1988 to 30 6 1989—1
1 7 1989 to 30 6 1990—0
1 7 1990 to 30 6 1991—0
1 7 1991 to 14 4 1992—0

2 Attorneys admitted to practice
1 7 1988 to 30 6 1989—35
1 7 1989 to 30 6 1990—32
1 7 1990 to 30 6 1991—30
1 7 1991 to 14 4 1992—21

3 An estimated 30 to 33 attorneys per annum will be admitted to practice during the next three years

Own Affairs

Persons qualified as teachers

26 Mr M RAJAB asked the Minister of Education and Culture

(1) Whether any persons qualified as teachers at the (a) University of Durban-Westville and (b) Springfield College of Education in 1989, 1990 and 1991, if not, why not, if so, how many in each of these years,

(2) how many of these teachers were employed by his Department in each subsequent year?

D123E

The MINISTER OF EDUCATION AND CULTURE

		1989	1990	1991
(1) (a)	No Qualified at University of Durban-Westville	106	127	122
(b)	Springfield College of Education	55	55	62
(2)	No Appointed from			
	University of Durban-Westville	95	114	110
	Springfield College of Education	51	51	61

Upgrading of educational posts

28 Mr K PANDAY asked the Minister of Education and Culture

With reference to his reply to Question No 12 on 30 March 1992 in regard to the upgrading of the posts of certain superintendents of education, school psychologists and education planners, on what dates (a) (i) did the relevant vacancies arise and (ii) were they filled and (b) did the relevant promotions become effective?

D130E

The MINISTER OF EDUCATION AND CULTURE

The following schedules apply to Question No 28 and Question No 29

Superintendents of Education

28(a)(i) (ii) (b) 29(a)

Promoted from Level 4 to Level 5

		Date of vacancy	*Date filled*	*Date promotion effected*	*Experience*
1	G S Ibrahim	30/4/86	1/11/89	1/11/89	10
2	J Govender	1/1/86	1/11/89	1/11/89	2
3	L Naidoo	11/7/87	1/12/89	1/12/89	11
4	P Govender	1/12/89	1/12/89	1/12/89	11
5	A C Janesen	1/12/89	1/12/89	1/12/89	11
6	M A Padayachee	1/12/89	1/12/89	1/12/89	10
7	H B Singh	1/12/89	1/12/89	1/12/89	9
8	I Rawatlal	1/12/89	1/12/89	1/12/89	7
9	R Valjee	1/12/89	1/12/89	1/12/89	5
10	F R David	30/4/90	1/9/90	1/9/90	14
11	F Laban	1/9/90	1/9/90	1/9/90	12
12	K P Govender	1/12/89	1/9/90	1/9/90	9
13	P Naidu	1/2/91	1/2/91	1/2/91	11
14	M Persad	1/2/91	1/2/91	1/2/91	11
15	P Maharaj	1/2/91	1/2/91	1/2/91	9
16	S Balkisson	1/2/91	1/2/91	1/2/91	16
17	D D Naidoo	1/2/91	1/2/91	1/2/91	14
18	J Fakir	1/2/91	1/2/91	1/2/91	13
19	V Ramlall	1/2/91	1/2/91	1/2/91	7
20	S Ismail	1/9/89	1/2/91	1/2/91	11
21	D L Naidoo	1/9/90	1/2/91	1/2/91	11
22	S Pillay	1/3/90	1/2/91	1/2/91	5
23	D M Moodaly	30/4/90	1/2/91	1/2/91	5

cont →

B/Day 22/8/92

60 attorneys ousted

SIXTY attorneys were struck off the roll between 1989 and 1991, Justice Minister Kobie Coetsee, said yesterday Seventeen had been struck off in 1989, 25 in 1990 and 18 last year. (248)

Exile honoured

EXILED South African poet Dennis Brutus has returned to accept a visiting professorship in English at the University of Durban-Westville. He left on an exit permit in 1966, since which he has held professorships at various United States universities, founded the African Literature Association and was founder president of the South African Non-Racial Olympic Committee. (268)

W/Mail 27/5-2/6/92

Training workshop

Sowetan 22/5/92

(248)

A WORKSHOP on the identification of training needs for social workers and public interest lawyers will be held at the University of the Witwatersrand tomorrow.

The workshop will be hosted by the Community Law Centre of the Institute for Public Interest Law and Research and it will focus on juvenile justice administration and the generation of proposals for the reform of the correctional service system

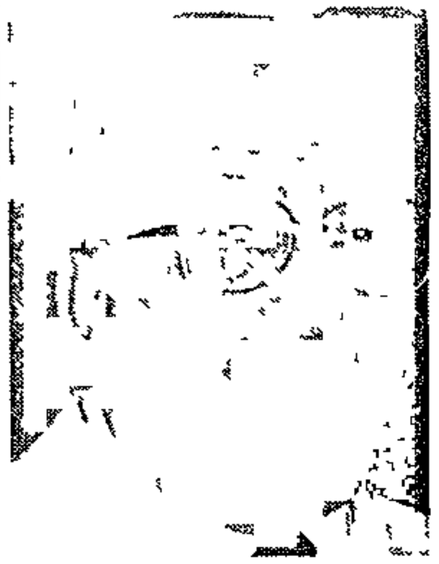
Among the speakers are Prof MCJ Olmsdaal of Natal University, Ms Michelle Morris of the University of the Western Cape and Advocate M Motshekga of the University of South Africa - *Sapa*

cause neither I nor the new minister of finance seem to know how South Afri- | terrible mistake No, I am an actress, and when I watch rugby I see a choreo- | thumbs up or thumbs down afterwards But then there is this troupe of scabby | If you do, I promise, I will crack a bottle of bubbly in your honour

The gentle fighter for human rights

S/Times (Cape Metro) 31/5/92 (248)

Profile by EVE VOSLOO



KADER ASMAL
'Warm person'

PROFESSOR Kader Asmal, who was inaugurated this week as professor of human rights law at the University of the Western Cape — the first such chair in South Africa — has been described as "a kind and gentle man with a formidable intellect and an unwavering commitment to his field"

"He is a very warm person," one of Professor Asmal's students said "And in his field he's the best."

Professor Asmal's knowledge and expertise was gained largely outside the country of his birth, which he left for about 30 years as a political exile

During that time he obtained Ll B and Ll M degrees from London University and became a barrister at Lincoln's Inn, London He also has an MA from Dublin University

He lectured in law at Trinity College, Dublin, finally becoming Dean of the Faculty of Arts (Humanities) there

Professor Asmal has lectured or been visiting professor at universities around the world and in 1983 won the Unesco prize for the advancement of human rights

He has published widely on different aspects of international law in countries as far afield as Israel, Lebanon, Ireland, Namibia and South Africa and on the role and future of the United Nations

He was also a founder member of the Irish Anti-Apartheid Movement and a vice-president of the International Defence and Aid Fund He is also a member of the national executive committee of the African National Congress

Professor Asmal is married and has two adult sons His wife, Louise, is secretary of the Irish AAM

In his inaugural address this week Professor Asmal spoke on "Victims, survivors and citizens Human rights, reparations and reconciliation"

He said that UWC had instituted its Chair of Human Rights law at a time when the legal landscape in SA "remains littered with racist and discriminatory laws, the shameful detritus of a constitutional order which virtually denied the existence of tghe majority of our countrywomen and men"

He said South African society was wounded, divided and deeply scarred

"We have a history of wars of annexation and extermination, slavery and racial discrimination

"Nevertheless the South African experience has also produced a vision of human relations that is the antithesis of the apartheid heritage

"This lecture is therefore a celebration of the alternative moral order which has played an indispensable part in the struggle for the freedom and dignity of the people of South Africa"

He said the struggle in South Africa was part of the worldwide struggle for freedom, equality and human rights for the victims of colonialism

"The liberation of South Africa and the removal of the legacy of apartheid will therefore provide the catalyst for the achievement by people of colour of a proper place in the sun, and their entry into a patrimony denied by slavery, racism, colonialism and exploitation"

Turfloop rector joins list of resignations

STAR 4/6/92 (248)

PIETERSBURG — The rector of the University of the North has joined other council members in a resignation from Turfloop, the university's public relations department said yesterday.

The resignations coincided with an appeal by the SA Students Congress (Sasco) for the dissolution of the "illegitimate and undemocratically appointed" council.

Education and Training spokesman Corrie Rademeyer said Turfloop students had gone to Education and Training Minister Sam de Beer's offices in Pretoria to hand him a memorandum, but he was not there. Mr Rademeyer denied there had been a sit-in at the offices

Sam de Beer ... students went to his office.

A Sasco statement said those who had resigned from the council included: rector N Manganyi, vice-rectors M Nkondo and M Malatji, two deputy registrars, a faculty dean and a department head. — Sapa.

Lawyers 'must get involved' in property issues

MOST lawyers deal with property to some degree so if they get involved in all aspects of it, they and their clients will benefit, says Silberbauers Attorneys partner Anton Musgrave.

"Interaction with people involved in all the other aspects of property improves your awareness of what is happening in the industry, and this knowledge is always useful," he says.

Being involved, through Sapoa, in draft legislation before it is published serves two purposes. It allows members to submit comments and objections to proposals.

Knowing what is in the pipeline can be invaluable in terms of understanding and implementation.

Sapoa is also involved in land legislation.

It plays a role in ensuring that good, effective laws are put in place.

B/Day 10/6/92.

Specialising

"I belong to Sapoa as I am a property development practitioner, specialising on the property development side rather than just in conveyancing.

"The firm identified the need to provide specialist services over and above conveyancing," he says.

Sapoa, through its members, is a leading developer, and needs to specialise in all areas. This allows professional people to play a part in the industry's future.

"While Sapoa is concerned with the industry as a whole, regional representatives play a major role, concentrating on local issues and liaising betweeen government, provincial authorities, members of the industry and the public.

"Its function is to smooth the feathers that might be ruffled by these bodies on particular issues," Musgrave says.

Sapoa's western Cape regional committee, of which he was recently elected chairman, has been involved in issues like facilitating proposals for road structures and assisting in the drawing up of guidelines on the disposal of state land.

The reintroduction of enhancement levies is being examined.

It is an issue Sapoa will oppose through various channels.

248

Strategic

Sapoa will also become involved in a number of strategic issues in the future.

Its role is to facilitate an environment that is conducive to sound property development.

"The organisation is alert to events in the general political and economic environment and has recognised that it needs to change and adapt," he says.

Shirley Walters

UWC confronts gender issues

(248)

SOUTH 13/6-17/6/92

THE UNIVERSITY of the Western Cape (UWC) senate has taken a major step in addressing gender issues by agreeing to the establishment of a gender standing committee

The committee is believed to be the first of its kind at a South African university, UWC News reports

"At UWC — like all South African universities — a very low percentage of professors are women," said Professor Shirley Walters, co-ordinator of UWC's gender policy task group, which recommended the formation of the committee.

"And, while there are many women in lower positions in administration and among academics, there are few in senior positions or on senior committees

"Such practices are part of a national issue, as is sexual harassment, which has reached disturbing levels all over"

The task group had recommended the university establish an office staffed by three people, to give effect to their aims It is hoped the co-ordinator would be appointed within the next few months.

Walters said UWC's 20 000 staff members and students could magnify the committee's impact by taking the message of gender equality into their homes, organisations and other structures.

"It must become the norm that sexual harassment is not tolerated and that women's voices are actually heard"

The 1991 annual report will urgently be tabled in Parliament

South African Certification Council. reports

327 Mr R M BURROWS asked the Minister of National Education

Whether he has laid upon the table in Parliament reports of the South African Certification Council as required in terms of section 17(3) of the South African Certification Council Act, No 85 of 1986, for each of the years since the inception of the Council, if not, why not?

B814E

The MINISTER OF NATIONAL EDUCATION

Yes

The South African Certification Council was constituted with effect from 12 December 1986 However, the members of Council were only appointed during 1988, for a period of four years ending on 31 December 1991

According to section 17(2) of the South African Certification Council Act, 1986 (Act 85 of 1986) the Council must not later than three months after the end of each financial year submit to the Minister a report on its functions during that financial year, including an audited balance sheet and a statement of income and expenditure To date the South African Certification Council has submitted the following Annual Reports to the Minister of National Education whereupon the reports were tabled according to section 17(3) of the above-mentioned Act

1988/89, 1989/90 and 1990/91

Regarding the 1991/92 Annual Report it is expected that the report will be submitted towards the end of June 1992 which means that it will only be tabled during the next session of Parliament

South African Council for Natural Scientists: reports

328 Mr R M BURROWS asked the Minister of National Education

Whether he has laid upon the table in Parliament reports of the South African Council for Natural Scientists as required in terms of section 9(5) of the Natural Scientists' Act, No 55 of 1982, for each of the years since the inception of the Council, if not, why not?

B815E

The MINISTER OF NATIONAL EDUCATION

For every year since the inception of the South African Council for Natural Scientists a report was tabled in Parliament However, a combined report covering 1987/88 and 1988/89 was tabled during the 1990 session of Parliament The reason why a separate report for 1987/88 was not tabled during the 1989 session, was the administrative problems the Council encountered as a result of—

(a) the relocation of the Council's administrative offices, and

(b) the serious illness of the Registrar of the Council who died during June 1989

Certification Council for Technikon Education: reports

329 Mr K M ANDREW asked the Minister of National Education

Whether he has laid upon the table in Parliament reports of the Certification Council for Technikon Education as required in terms of section 16(3) of the Certification Council for Technikon Education Act, No 88 of 1986, for each of the years since the inception of the Council, if not, why not?

B816E

The MINISTER OF NATIONAL EDUCATION

Yes

The Certification Council for Technikon Education was constituted with effect from 12 December 1986 However, the members of Council were only appointed during 1988, for a period of four years ending on 31 December 1991

According to section 16(2) of the Certification Council for Technikon Education Act, 1986 (Act 88 of 1986) the Council must not later than three months after the end of each financial year submit to the Minister a report on its functions during that financial year, including an audited balance sheet and a statement of income and expenditure To date the Certification Council for Technikon Education has submitted the following Annual Reports to the Minister of National Education whereupon the reports were tabled according to section 16(3) of the above-mentioned Act

1988/89, 1989/90 and 1990/91

Regarding the 1991/92 Annual Report it is expected that the report will be submitted towards the end of June 1992 which means that it will only be tabled during the next session of Parliament

Amount spent on industrial infrastructure

331 Mr A E DE WET asked the Minister of Regional and Land Affairs

What total amount was spent on industrial infrastructure in (a) Phuthaditjhaba, (b) Industriqwa and (c) Botshabelo in the 1990-91 financial year?

B818E

The MINISTER OF REGIONAL AND LAND AFFAIRS

(a) Phuthaditjhaba	R	14 135
(b) Industriqwa	R	12 080 459
(c) Botshabelo	R	337 669

Requests by foreign journalists refused

333 Mr P G SOAL asked the Minister of Home Affairs

(1) Whether any requests by foreign journalists or other members of the foreign media to visit South Africa in 1991 were refused, if so, (a) how many, (b) what were the names of the individuals concerned and (c) which newspapers or organizations did they represent,

(2) whether he will furnish the reasons for refusing these requests, if not, why not, if so, what were the reasons in each case?

B820E

The MINISTER OF HOME AFFAIRS

(1) (a) The hon member is referred to my reply to his Question for written reply, No 231 on 20 May 1992

(b), (c) and (2) It is not considered expedient to disclose information of this nature, as an application for a visa is a personal matter between the applicant and the Department of Home Affairs

Amount set aside for monitoring of media

334 Mr P G SOAL asked the Minister of Home Affairs

(a) What amount of the total amount allocated to his Department for the 1991-92 financial year has been set aside for the monitoring of the media and (b) how is this amount made up?

B821E

The MINISTER OF HOME AFFAIRS

With the withdrawal of the Media Emergency Regulations on 2 February 1990, monitoring of the media by the Department of Home Affairs was discontinued No amounts have therefore been set aside for the monitoring of the media since then

Work force participation of women

335 Miss M SMUTS asked the Minister of Home Affairs

(1) (a) What was the work force participation of women in the Republic during the latest specified 12-month period for which statistics are available, expressed both as a percentage of the total work force and in figures, and (b) what percentage of women in the work force were (i) Black, (ii) White, (iii) Coloured and (iv) Asian,

(2) how many (a) Black, (b) White, (c) Coloured and (d) Asian women were, during the above period, employed in each of the following categories of employment, *viz* (i) medical, (ii) dental, (iii) pharmaceutical, (iv) legal, (v) engineering, (vi) accountancy, (vii) manager/administrative executive, (viii) school teacher, (ix) nurse/midwife, (x) librarian, (xi) clerical and (xii) sales,

(3) (a) what percentage of (i) high-level and (ii) middle-level manpower is female and (b) in respect of what date is this information furnished?

B823E

The MINISTER OF HOME AFFAIRS

(1)* (a) 33,3% 3 687 000
(b) (i) 65,4%
(ii) 17,9%
(iii) 14,0%
(iv) 2,7%

(2)**

	(a)	(b)	(c)	(d)
(i)	152	3 059	67	467
(ii)	316	1 211	147	115
(iii)	73	2 438	61	185
(iv)	32	1 709	111	111
(v)	28	900	30	41
(vi)	256	26 432	947	844
(vii)	1 244	25 672	1 429	1 073
(viii)	80 676	42 321	22 922	6 183
(ix)	38 085	35 223	12 693	3 525
(x)	132	2 439	123	110
(xi)	48 253	344 104	56 313	25 591
(xii)	39 081	55 487	20 317	8 694

(3)** (a) (i) 6,7%
(ii) 11,5%
(b) 29 March 1990

* Mid-year estimates as on 30 June 1990
** Manpower survey as on 29 March 1990—excludes Agricultural sector and Private households

Charges against persons withdrawn: Bruntville

338 Mr W U NEL asked the Minister of Law and Order

(1) Whether charges against persons who were arrested and disarmed at scenes of violence and multiple murders in Bruntville on or about 4 December 1991 were withdrawn owing to lack of evidence, if so,

(2) whether sufficient new evidence has since been found to enable the South African Police to bring fresh charges against those concerned, if not, what steps are being taken to collect such evidence, if so, when will charges be pressed,

(3) whether he will make a statement on the matter? B834E

The MINISTER OF LAW AND ORDER

(1) Yes

(2) No, the case is still under investigation New information is evaluated and investigated on a regular basis, but up to date no *prima facie* evidence could be found to enable the South African Police to bring charges against those concerned

(3) No

Amounts owing to the State

339 Mr H J BESTER asked the Minister of Law and Order

(1) Whether any amounts are currently owing to the State in respect of costs awarded to the State or any state official in any unsuccessful court applications or any other civil actions brought by persons, or on behalf of persons, who were detained, banned or otherwise acted against in terms of the provisions of the Internal Security Act, No 74 of 1982, or any regulations promulgated in terms of section 3 and/or section 5A of the Public Safety Act, No 3 of 1953, if so, (a) what amounts and (b) in respect of what date is this information furnished,

(2) whether he intends to institute civil proceedings for the recovery of these amounts, if so, what are the relevant details? B835E

The MINISTER OF LAW AND ORDER

As the information required is not recorded and other departments are also involved, the question cannot be replied to within the period specified

SAP: progress in solving of certain murder cases

342 Mr L FUCHS asked the Minister of Law and Order

Whether the South African Police have made any progress in solving the murders of certain persons, whose names have been furnished to the Police for the purpose of the Minister's reply, which occurred during the period 1 November 1977 to 30 April 1992; if not, why not, if so, what progress? B844E

The MINISTER OF LAW AND ORDER

As a result of the extent and nature of the question it is not possible to reply within the prescribed time

Social Relief Scheme for Farmers and Farmworkers

344 Mr J H MOMBERG asked the Minister of National Health

(1) (a) On what date did the Social Relief Scheme for Farmers and Farmworkers come into operation, (b) as at the latest specified date for which information is available, how much money (i) was available for disbursement in this scheme and (ii) had been disbursed to persons in need of aid and (c) in respect of each of the recipients of such aid, what are the particulars in regard to (i) race, (ii) sex, (iii) age, (iv) magisterial district, (v) type of farming activity and (vi) occupation,

(2) whether any farmers, while receiving such aid, retrenched or dismissed farmworkers, if so, how many,

(3) whether aid granted in terms of this scheme is distributed to farmworkers directly, if not, why not,

(4) whether representatives of farmworkers have been included in the (a) steering committee of or other structures responsible for this scheme and (b) district assistance committees, if not, why not in each case,

(5) whether she will take steps to ensure that all the structures of this scheme are made more representative of (a) those at whom the aid is directed and (b) the population of South Africa, if not, why not, if so, (i) what steps and (ii) when,

(6) whether any church denominations, trade unions and/or other representative institutions have been drawn into this scheme, if not, why not, if so, (a) which (i) church denominations, (ii) trade unions and (iii) other representative institutions and (b) for what reasons was each of these so drawn in? B841E

The MINISTER OF NATIONAL HEALTH

(1) (a) 1 April 1992,
(b) 31 May 1992
(i) R20 million
(ii) R2,5 million and
(c) specified information is not available,

(2) no, not as far as known,

(3) no, assistance is given to farmers in order to meet the needs of their farmworkers,

(4) (a) and (b) no, because the farmers apply for assistance for their farmworkers and the farmers' financial circumstances are evaluated in order to qualify for asssistance,

(5) (a) yes,
(b) yes,
(i) negotiating more representative composition within the existing structures,
(ii) according to needs,

(6) (a) (i) yes, the prominent church societies operating in each area,
(ii) yes, farmers' associations, Women's Agricultural Union, South African Agricultural Union,
(iii) banks, co-operatives, agricultural credit boards and welfare organizations,
(b) to promote community participation

Amounts granted in aid in terms of certain scheme/programme

345 Mr J H MOMBERG asked the Minister of National Health

(1) (a) What are the (i) minimum and (ii) maximum amounts granted in aid by her Department to recipients in terms of the (aa) Social Relief Scheme for Farmers and Farmworkers and (bb) Nutrition Development Programme and (b) what factors are taken into account in calculating these amounts,

(248)

1992 English Acadamy award for Abrahams

STAR 18/6/92

Lionel Abrahams, a leading figure in South African English literature, was awarded the 1992 Medal of the English Academy of Southern Africa yesterday for promoting good writing in English.

Academy president Professor Elwyn Jenkins said the medal had been awarded for Abrahams's "conspicuous contribution to English language and literature".

As a prolific literary critic, Lionel Abrahams had had a major influence in establishing critical standards for South African literature, he said. — Staff Reporter.

ACCOUNTANCY FM 19/6/92 (248)

Fresh crop

A record number of 959 new accountants can hang out their shingles this year The results of this year's final qualifying examination, written in March, were released last week — 57,5% of candidates passed The pass rate of first-timers to the examination was 65,6%

Though the pass rate was higher last year, more candidates sat for the examination — and passed it — this year Two of the top 10 are women and they are the only ones who

FM 19/6/92 (248)

passed with honours

Universities represented by former students in the top 10 are Wits and RAU with three each, Unisa with two, and UCT and Potchefstroom with one each

The examination is administered by the Public Accountants' & Auditors' Board Candidates who have attained a certificate in the theory of accountancy and have served — or are serving — their articles are eligible to write the exam Only on passing is an accountant qualified to sign corporate financial statements as an auditor ■

EDUCATION BRIEFS

W/Mail 19/6 25/6/92 (248)

THE Union of Democratic University Staff Associations (Udusa) will debate the transformation of South African universities at a special conference at the University of Durban-Westville between July 1 and 3.

Growing interaction sees lawyers team up

(245)

JOHANNESBURG attorneys Werksmans has teamed up with commercial law firms in southern Africa to form Lex Africa.

Werksmans partner Howard Pelkowitz says the initiative makes particular sense with the ever-increasing amount of work flowing between SA and the rest of Africa. B/Day 23/6/92

Werksmans initiated Lex Africa to meet clients' growing needs for legal and business advice, arising out of the increasing interaction

The association includes Zimbabwe's Scanlen and Holderness, Armstrongs in Botswana, Lorent and Bone in Namibia and a leading Swaziland commercial law firm, whose name can not yet be disclosed

Discussions with law firms in other African states are at an advanced stage, says Werksmans partner Sean Larkan

SUN

Legal school a first

(248)

S/Times [Cape Metro]

THE first school of para-legal studies in South Africa is to open in Cape Town in August 28/6/92.

Completion of a course at the school will qualify trainees as para-legals, who will be able to advise people and take a case up to court level, where it can be handed over to an attorney

The first course to be offered is in debt collection, followed by one in conveyancing, said a spokeswoman for the school, Ms Sallayan Child

"Both debt collecting and conveyancing involve an enormous amount of paperwork If this is done by para-legals, attorneys will be freed to be more productive," she said.

Ms Child said there had been a great deal of interest in the course Most of those who had enrolled were legal secretaries but others included a teacher and several people who worked in banks and the retail sector

The course on debt collecting starts on August 10

The six-week course, which is run on two evenings a week, costs R495 a person Registration has to be before mid-July

BENCHMARKS

CARMEL RICKARD'S *weekly look at the law, the lawyers and the courts*

R50m more to defend the poor

W/Mail 3/7-9/7/92

THE right to be represented in court remains only a dream for most South Africans facing criminal charges. But R50-million could make it a reality. (248)

That's how much the director of the Legal Aid Board, Nic Pretorius, estimates it would cost to expand the pilot "public defender scheme" now operating in the Johannesburg magistrates' courts, and offer a similar service countrywide.

The pilot scheme aims to help some of the more than 100 000 accused people, too poor to afford their own lawyer, who are jailed every year after a trial in which they defended themselves.

For a moment in 1988 it seemed the courts might step in and stop the unacceptable situation in which the quality of justice depended on the individual's bank balance. The Natal Supreme Court ruled that under certain circumstances a trial could not be fair unless the accused was represented.

But the Appeal Court squashed that hope. The judges said representation for all was an ideal which they supported. However, many different and urgent needs competed for public funds and they could not find legal grounds allowing the right to counsel to jump the queue.

By the time this judgment was delivered, however, plans for a pilot scheme were close to completion.

Ten public defenders — three advocates and seven attorneys — together with an office manager, a secretary, an interpreter and a clerk, started business on January 2 on a budget of R2,5-million. Exactly six months later, their success is obvious.

They appear in the 40 Johannesburg regional and magistrates' courts, and have so far been able to accept virtually all the work that comes in. News of their service has spread quickly, so many more people are asking for their help. They are now booking cases "far into the future" which, senior defender Vivian Fortunat says, is cause for some concern. Like Pretorius she believes that the pilot scheme should expand — more staff would make it possible to handle cases without such long delays.

By the end of May they had been asked for help by 1 122 people whose cases included murder, rape, assault, house breaking and theft. Lawyers appeared in 203 bail related cases. In 89 of these bail was granted, it was reduced in 95 cases and refused in only 19.

In cases handled by the public defenders, where the accused pleaded not guilty, they have an acquittal rate of about 63 percent.

Fortunat wants more money and more staff so the scheme can be extended to the other courts around Johannesburg like Hillbrow, Soweto and Jeppe. She is also keen that the project should soon be established around the country.

Pretorius shares this hope. He says the only problem holding back expansion is money.

He estimates it would cost R50-million to employ 600 public defenders to staff legal defence centres at all the magistrates' courts in the country. Durban, Cape Town and Pietermaritzburg would probably be the next cities at which such a scheme would start. As for the more remote rural areas, Pretorius says some kind of arrangement would probably have to be made with the closest centre to send staff out as needed.

Many involved in the pilot project believe it has another value, apart from ensuring the best defence for the accused. It enhances the much-battered image of the legal system in the eyes of the public and begins to repair the alienation developed over many decades of apartheid.

This is also the view of Natal Supreme Court Judge Andrew Wilson, who says a national public defender scheme would be valuable. "It also has an important role in maintaining public confidence in this country's courts."

Justice Minister Kobie Coetsee says the pilot project would provide experience from which to expand the service to other areas. Asking the legal profession to help look for money, he says it is "imperative" for the private sector to become more involved in funding. However, the minister might find resistance to the idea that business must provide legal defence for the country's poor.

Race bias in ivory towers

(248)

C/Press 5/7/92

Whites hold most academic posts

By S'BU MNGADI

MORE than 70 percent of permanent academic posts in all SA tertiary institutions are held by whites.

As if this is not enough, whites have an overwhelming advantage even in administrative appointments in institutions established "to serve the interests of other groups who are not white".

This overview of the post-secondary education system was presented by Professor IA Bunting of the University of Cape Town and Peninsula Technikon senior vice-rector Brian Figaji at a three-day annual conference of the Union of Democratic University Staff Associations (Udusa) in Durban this week.

Called "Transforming South African Universities: the Search for New Policy and Strategic Directions", the conference was attended by more than 500 participants from all local universities, except the University of Orange Free State, and more than 10 universities in Africa, the United States, Brazil and Europe.

In a joint paper, Bunting and Figaji said the government's current education model had strong racial biases built into it.

"The distribution of power and hence of resources in the system has favoured those institutions which by law are supposed to serve the interests primarily of the 'white'," they said.

Serious crisis

Opening the conference, University of Durban-Westville vice-chancellor Professor Jairam Reddy said there was a tendency for the education crisis to be viewed as encompassing only primary and secondary schooling levels.

"However, the crisis facing our tertiary education is serious: not only are resources diminishing quite rapidly, but the institutions themselves require fundamental transformation to move away from their apartheid base."

Reddy said universities had an important role to play in promoting and implementing democracy. The absence of democracy as the primary cause of the chronic crisis of Africa emerged at a conference of the United Nations Economic Commission held in Arusha, Tanzania, in February 1990

On behalf of the Committee of University Principals, Professor RW Charlton called for a single department of education, or possibly a department of higher education, science and technology.

Charlton said there should be an increase in the number of university students to bring SA in line with other comparable countries and correct the gross racial and gender distortions.

The Star Monday July 6 1992

Wits University proud to claim Prof Shear as its own

STAR 6/7/92

Professor Mervyn Shear always in the thick of things

PROFESSOR Mervyn Shear is a man who enjoys getting his teeth into things Not surprising for one who for many years has been a leader in the dentistry field, and just last week for his services to science and the University of the Witwatersrand was honoured with the degree Doctor of Laws *honoris causa*

Dr Shear finally retired from the university, after a 40-year association, in 1990, but his name — and fame — will always be synonymous with his alma mater

Revered by students for his involvement in all matters relating to student affairs, Dr Shear always conducted himself with great sensibility and dignity, whether seeking to assist students arrested after a demonstration or as an honoured guest at a rugby dinner

Indeed, one of the most memorable aspects of his work as deputy vice-chancellor (with the portfolio of student affairs) was the courageous and skilful role he often played as negotiator in confrontations between students and police, a role that, apart from the physical danger involved, was often conducted — close colleagues will tell you — at considerable personal cost.

Professor Shear served as deputy vice-chancellor for eight years — from 1983 until his retirement at the end of 1990 — a period during which the task became a progressively more difficult one, with the rising temperature of national politics being increasingly reflected on campus

Dr Shear's association with the university goes back to 1950 when, as a BA from Rhodes, he enrolled at Wits as a dental student. He was awarded the Bach-

Shafto's People

elor of Dental Surgery degree in 1954 and was appointed junior lecturer in 1956 At the Eastman Dental Hospital London, he became senior house officer in oral surgery

Many honours were to follow, among them Doctor of Science in Dentistry at Wits, election as a Fellow of the Royal College of Pathologists He would become the founder of the South African division of the International Association for Dental Research and was elected president of the International Association of Oral Pathologists for the period 1981-84

Wits University is proud to claim Dr Shear as its own

□ □ □

Staying with the academic world, in a manner of speaking, a sheaf of requests to advertise school reunions has come in recently from all parts of the country

The matric class of 1932 at Girls' High, Maritzburg, is holding a diamond jubilee reunion at the school on August 8 Moira Tarr asks if interested past pupils will contact her either at Beacon Banks, Box 206, Estcourt 3310 or telephone (evenings) 0363 24758

Matriculants of 1962 at the Hoerskool Wonderboom, Pretoria, are asked to phone any of the following numbers in connection with a reunion 83-2845 (Smit), 83-3858 (Marie de Wit), 46-4869 (Pretorius), 45-3938 (Elsa Shaw), all on the 012 code, of course

Epworth girls of 1952 mat class are planning an August 23 get together which promi to be prolifically poetic if or niser Audrey Read has anythi do with it Here's just a sam of her invitation in verse *T men we'll leave behind, I far more fun one of kind /Of boys and joys can discuss/Without any the usual fuss/At Bonama Game Reserve* That s t venue and anyone interest should phone Audrey on 03 31653

MICHAEL SHAF

LETTERS

Institute of

Relaxing rules will help boost CFA's growth

B/Day 8/7/92 (248)

ALREADY the second largest accounting institute in SA after the SA Institute of Chartered Accountants, the CFA could become SA's largest institute in the accounting field

But this could depend on how far the authorities go towards relaxing certain company and accounting requirements, because this will dictate the CFA's future growth rate

Feasible

CFA president John Lardner-Burke says that as government introduced close corporations with their less stringent requirements, so it is feasible to expect more companies to utilise CFA members to assist in-house chartered accountants and other highly qualified financial managers

Also, stokvels may require some legal status in future and CFAs could play a role

"Another area could be in incorporated partnerships, which may be tightened up in the future and require some formal bookkeeping."

Rules which currently relate to estates and their administration, and to trusts, could also be changed to allow CFA members to perform certain functions

"We've already applied for some relaxation in the trust administration area and something could come of this in the future," he says.

"We've seen that our qualification levels are higher than we originally anticipated To ensure that we continue to perform our original functions, it's possible that a new tier could be introduced below our current standards for membership," he says

However, Lardner-Burke says it is a good sign that CFA's want higher qualifications "But we must be able to include those with basic skills for the market. membership of the CFA is important for many, as it allows them to sell their skills in the market," he says

He points to the way Namibia has recognised the need for a lower tier of accounting personnel. "Now, the CFA member in Namibia is set to become the 'middle' tier," he says

Umbrella

As far as having so many different bodies for the profession is concerned, he points to the possibility of having a single umbrella body, a practice already working in countries like Tanzania

"We believe tiers could well be created under the Public Accountants and Auditors Board

"Specialisation in various fields could also be possible, whether in trusts, tax, or other areas This would require practitioners to register as specialists"

At the end of the day

JOHN LARDNER-BURKE

though, it is important that practitioners — no matter their level of qualification — can belong to an institute and fall under a single code of ethics and other controls

Lardner-Burke says another matter under consideration is wider acceptance of subject credits for the various qualifications, so credits for a certain diploma or degree would be acceptable for others, preventing the current practice where it is necessary to re-do what are basically similar subjects for the different qualifications in the profession

Membersh mirror cha

B/Day 8/7/92

MEMBERSHIP patterns of the CFA mirror the changes taking place in SA

Increasing numbers are black indicating the

Youthful image kept up for past decade

B/Day 8/7/92 (248)

A PROFESSIONAL body with a youthful image is how CFA executive director Bill Shellard describes his institute

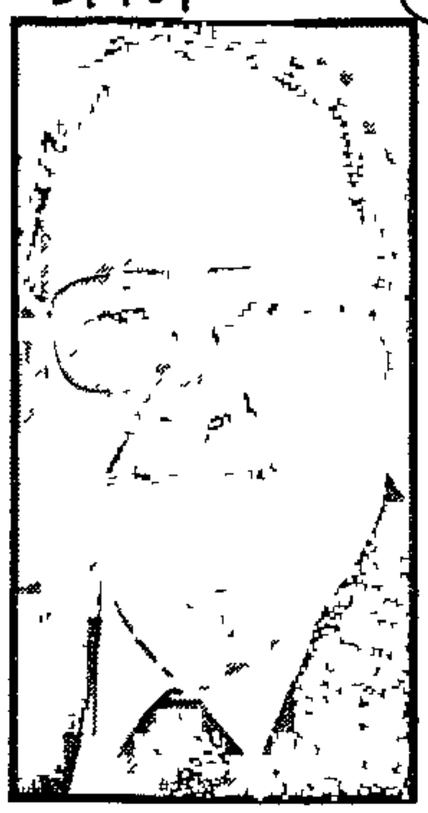
And little has changed since the CFA was formed a decade ago.

While the accounting profession is often regarded as staid, the CFA has consciously kept its "youthful" image by monitoring its approach to issues and to members

"This has been necessary because we've broken into a number of new fields One of these has been bringing blacks into the accounting profession," says Shellard

The CFA's member profile reflects the "old order of SA", while the student profile shows the new SA, with about 45% being black

"The niche market our members have chosen is the small to medium-sized business, believing that the future of the SA economy lies in the small business sector



BILL SHELLARD

"But this in itself a challenge because one of the biggest adaptations facing the small black business is to gradually move into the formal sector and to get over the 'bogey' of having to pay taxes

"The education process can't be handled by the CFA alone, but must be done in conjunction with other accounting bodies and organisations such as the SBDC"

For the future, he believes it is important that unification takes place in SA's accounting profession There has been talk of a possible tiered structure like that in Botswana, Lesotho and Swaziland

A continuous drive is to ensure CFA members are permitted to provide services for which they are appropriately qualified, says Shellard

"There is a significant amount of inhibiting legislation in SA and the Law Review Project and the Sunnyside Group (funded by the Urban Foundation) are currently looking at regulation affecting the accounting profession

"We're not looking at lowering standards, but if legislation changes are effected we would regulate our members so that only those who qualified academically and practically would be allowed to offer specific services"

The CFA is also looking at co-operating with bodies in neighbouring countries

Namibia, for instance, sees the need for a large "technician" accountant level with professional backing to cope with the needs of a mixed First and Third World economy

"One of our great concerns is the maintenance of standards and the enforcing of our disciplinary rules, especially in these hard economic times."

Another problem with the wider accounting profession is that anyone can offer accounting services without belonging to any professional body and there is no protection for clients

"To help here, we're looking at launching another grade of membership This would encompass, for example, those who have satisfied our first level, but while not being fully qualified, will also be subject to our code of conduct"

Looking back, Shellard says that the CFA has several organisations to thank for its successes

"The Transvaal Institute of Chartered Accountants, for example, shared its offices with us for six years, while we had a loan from the Institute of Chartered Accountants and lots of support in our early years from Anglo American's chairman's fund and latterly from SAB"

Funding from corporate members has been used for training

hip trends anging SA

own language, so the CFA's black members are playing a critical role in this important sector of the economy," he says

"A problem we hope to address is that very few blacks participate on our committees and councils. Considering their important role in a future SA, it's important that this changes

"Another problem is to obtain work stations for some of our black students, many black businesses aren't prepared to employ female trainees to do their bookkeeping, but also, some white-owned organisations aren't keen to employ young black students

Education under the spotlight

B/Day 8/7/92

THE Future of Accounting Education in SA (FAESA) project is sponsored by The Public Accountants and Auditors Board under the chairmanship of recently retired rector of Natal University Prof Piet Booysen.

248

The project has been commissioned to look at future education for accounting. The CFA has been drawn into interest groups and the consultative council.

CFA executive director Bill Shellard says: "One of the major areas of concern is the lack of cross recognition of qualifications between the technikons and universities and other institutions.

Repeat

"Many people must repeat core material they have already covered for a previous qualification.

"Also, there are inconsistencies now because one university may give one credit and another give seven credits for the same course."

The current system means a waste of man-hours on the part of the student, as well as stretching limited lecturing resources because it is necessary to re-lecture to students who are obliged to repeat courses.

Changes are on the cards, with the FAESA project aiming to cut down on overlapping and other problems.

DEBIT CREDIT

Membership trends mirror changing SA

B/Day 8/7/92

MEMBERSHIP patterns of the CFA mirror the changes taking place in SA

Increasing numbers are black, indicating the swing towards formalising businesses previously operating in the informal sector

The institute now has an estimated 100 black members, 540 coloureds and Indians, and the ratio of male to female members is 8,5 1

Of the CFA's 1 100 students, 45% are black, and almost half are women

CFA President John Lardner-Burke says· "In the past, we catered for people with various qualifications, wanting to belong to a registered body

Important

"Now, we're seen as an important goal for many blacks — and women — who never aspired to the highest qualifications in the profession," he says

There are 2 500 practising CFA members running their own businesses, and many are providing services in the informal sector, which is gradually moving to close corporation or higher status

"The fact that more students are coming from the black community, indicates a greater awareness of accounting in this community, and the willingness among small black businesses to move towards keeping accounts and formalising their businesses in some way

"These businesses relate to people who speak their own language, so the CFA's black members are playing a critical role in this important sector of the economy," he says

"A problem we hope to address is that very few blacks participate on our committees and councils Considering their important role in a future SA, it's important that this changes

"Another problem is to obtain work stations for some of our black students, many black businesses aren't prepared to employ female trainees to do their bookkeeping, but also, some white-owned organisations aren't keen to employ young black students.

Maintenance of standards ensured

B/Day 8/7/92. (248)

THE object of any disciplinary measure is to maintain standards.

And because the CFA is not bound by the Public Accountants and Auditors Act, it takes it upon itself to ensure institute standards are maintained.

Technical manager Linda Jarvis says. "We do this through investigations and disciplinary measures

"It is up to members to ensure they abide by standards. However, they occasionally default because of ignorance and in these cases it is important to identify weaknesses and put them right."

She says most complaints arise from problems of a technical nature.

But there are also some complaints by members about their colleagues, whether about the way they advertise, or because they are not acquiring or releasing clients in a professional way

"If a client is dissatisfied with the professional conduct of a member or unhappy with the fees that have been charged, or that he is charged for services which were not provided, we must have the complaint in writing so we have sufficient evidence.

"While we encourage our members to sort out their problems with their clients, it's sometimes unavoidable that the institute becomes involved"

If the institute gets involved, the member is given an opportunity to reply and the matter is handed to an investigation committee, which may then be refer it to the disciplinary committee

Jarvis says the worst scenario is to strike members off the roll. But in most cases the member is warned.

"If we feel the institute could have helped, we may amend the by-laws or publish the case in our bulletin."

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CFA training helps alleviate the shortage of professionals

B/Day 8/7/92

QUALIFIED CFA members represent a vital tier in the accounting profession, providing greater expertise than unqualified bookkeepers, but not requiring the specialised background of more highly qualified accountants

CFA executive director Bill Shellard says small businesses, as envisaged in the close corporations legislation, do not necessarily require complex and involved accounting systems to operate efficiently

What they need is a person who is professionally qualified to provide for their accounting needs — a person who is able to consult and advise on a regular and continuing basis

"There is an increasing demand in all business sectors of southern Africa for sound, professionally qualified and technically competent accountants to alleviate the severe shortage of more highly qualified accountants"

Qualified CFAs represent a vital tier in the profession. The CFA trains staff from all sectors of the community

"Through our diploma course, we produce professional staff who are aware of their obligations to clients and to the community, providing accounting for the future," says Shellard.

He says the emergence of the CFA as the second largest accounting institute in SA during 1991 brought with it many increased responsibilities, but the institute welcomes the opportunities

248

"Political changes in SA demonstrate the necessity for the CFA to meet many new challenges — not only in the social environment, but also in the business sector

The CFA is also involved with the Future of Accounting Education in SA (Faesa) project commissioned by the Public Accountants and Auditors Board, and continues to work closely with ABASA and the CA's Eden Trust

"Further afield, we've also renewed contact with the UK's AAT and will be presenting a paper at the inaugural conference of technician accountants in Washington in the US in October

B/Day 8/7/92

Body that represents the new generation

(248)

THE CFA is seen as the organisation for "a new generation" of accountants

Membership requirements depend on people having satisfied two distinct requirements, both academic and practical, so membership is reserved for the following:

- People aged 23 and older who have a recognised academic qualification in the accounting field whether B Acc, B Com (Accounting), B Compt, or CTA, and have served either three years' Articles of Clerkship or a three-year supervised training period or have six years' practical experience;
- Members in good standing of any of the sponsoring bodies (CA, CIS, or CIMA);
- Trainees who qualify in the National Diploma Accounting;
- People with other recognised diplomas which include the following subjects: Accounting III, Taxation, Corporate Law and Auditing, in addition to experience.

Benefits of membership include:

- In the Close Corporations arena, CFA members enjoy recognition in terms of the Close Corporations Act No 69 of 1984 and are eligible for appointment as accounting officers to CCs;
- Regular journals;
- Medical aid fund and professional indemnity insurance at favourable rates;
- Technical assistance;
- Marketing of services on behalf of practising members,
- Representing members' interests to other organisations, and
- The CFA also serves its members by offering a professional home which sets standards, provides services, protects the status of practitioners and creates public awareness

The CFA is committed to setting up and maintaining standards for these accountants who serve the needs of the small- and medium-sized business sectors

Catering for the needs of second tier accountants

CELEBRATING its 10th anniversary and a name-change this year, the Institute of Accounting Technicians is embarking on a new era, having rapidly become the second largest accounting institute in SA

It has proved itself as a significant force in SA's small and medium-sized business sectors, in which many members practise

Now called the Institute of Commercial and Financial Accountants of Southern Africa (CFA), the body was launched in 1982 following a commission of inquiry into developments in the accounting profession

The inquiry was followed by a think-tank in 1980 initiated by the SA Institue of Chartered Accountants

Qualified

CFA communications manager Simon Burdett says "It was decided that a body should be formed to cater for the needs of accounting personnel who are professionally qualified, at a level that is loosely termed as second tier"

The institute's sponsors are the Institute of Chartered Accountants, the Chartered Institute of Secretaries and the Chartered Institute of Management Accountants

A major step for the CFA was the 1984 ruling that members would be permitted to act as accounting officers for close corporations

"For our members, this move meant that belonging to the institute would actually prove vital and an important potential source of revenue for them Today only practising members can sign the financial statements of close corporations," he says

B/Day 8/7/92

248

But the institute has had other successes

One of these emanates from attracting members who offer financial and related accounting services

"In SA, it's possible to sell financial and other services without any formal professional affiliation, but many are realising the benefits of membership They abide by our ethics and code of conduct, and find that this pays off in terms of client confidence and increases their competitive advantage"

Benefits for clients are also evident, if they have any complaints they can contact the CFA for help, and they know that members have certain rules and regulations to comply with.

The institute places a major emphasis on attracting blacks into the profession

With only a very small number of black CAs in SA, the profession realised the urgent need to get more blacks involved through the CFA with its training scheme While membership details are not kept on racial lines, it is estimated that 100 members are black Possibly more significantly, 45% of the student population of 1 100 is black

We have contact with organisations like the Small Business Development Corporation and are currently working with them to encourage smaller businesses to adopt certain formalities such as keeping financial records and accounts and getting professional advice, says Burdett

"However, it's common for smaller businesses to shy away from administration Many turn to accountants only when they have tax problems, so accountants are often seen as tax specialists rather than financial specialists, with the negative connotations being obvious," he says

A major challenge for the future is to change the perceptions of informal businesses and to educate them about the important role of accounting

This is some task To rely on formal small business organisations to spread the word is difficult There are more than 400 small business organisations in SA so fragmentation is unavoidable and it is difficult to ensure all have similar goals and objectives

The CFA has nine regional associations run on a voluntary basis They organise seminars and other events, with the focus being on looking after the needs of members in their areas

As the associations have developed, so they are now looking a little beyond their original aims and are starting to become involved in small business development and related projects, for example

Business Day SURVEY

The Institute of Accounting Technicians, the second largest accounting body in SA, is 10 years old and has changed its name to the Institute of Commercial and Financial Accountants of Southern Africa (CFA). It has proved to be a significant force in the small and medium-sized business sectors in which many members practise. ***MELANIE SERGEANT*** *reports.*

Graeme Jay explains management principles to students at Boston City Campus, Orange Grove, Johannesburg.

Ties with other institutions on the cards

B/Day 8/7/92.

INCREASING involvement with other institutions and related industry bodies is on the cards for the CFA

For example, the association has applied for representation on the Accounting Practices Board (APB)

The outcome should be known in September

There is good reason for seeking representation on bodies such as the APB, because issues which are discussed are as pertinent to CFA members as they are to members of other accounting bodies

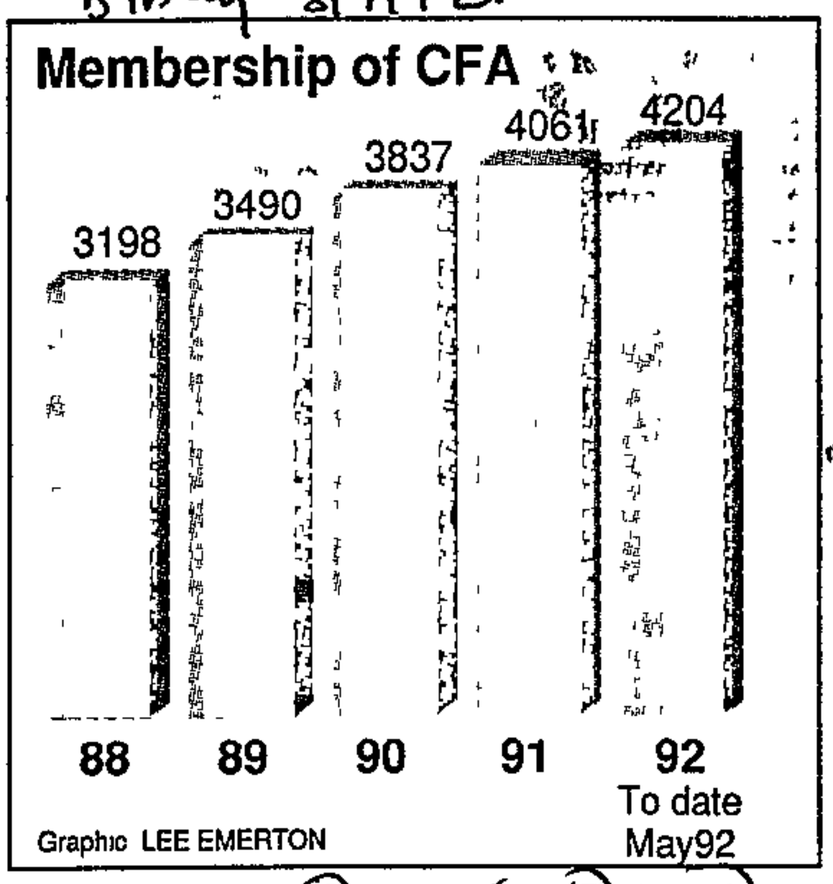
Liaise

Already, says technical manager Linda Jarvis, the CFA has several committees which liaise with government and other bodies

"However, there is often duplicated work being done by other bodies, and this is seen as wasted effort," she says

"It would make more sense for us to work together," says Jarvis

"Then the CFA could concentrate on filling in any gaps that may exist and which are pertinent to its own members"



Since the beginning of this year, the CFA has started five committees

- ☐ Accounting standards and practices,
- ☐ Tax and trusts,
- ☐ Membership services,
- ☐ Continuing education, and
- ☐ Promotion

Jarvis says there was initially one committee for practising members which tried to handle all aspects

But this became difficult because there were no terms of reference, it was difficult to pinpoint the exact cut-off level for its authority and too few CFA members were involved

This committee has now been dissolved and the new ones tailored to deal with and resolve problems

The new committees include both practising and ordinary members so that the needs of all CFA's can be served

"In essence, the committees are mainly advisory

They make recommendations to the council, which then makes final decisions

Proactive

"At the moment, the technical committees are reactive, but in the future they intend to become proactive so that they can give comments, for example, on proposed legislation

"It is hoped that the committees will spearhead the CFA's drive for representation on other bodies in the future"

The institute is also involved in the Sunnyside Group, which is a coalition of interested parties who support appropriate regulation for the accounting profession

This focus team is looking at the informal business sector, which is keen to formalise operations in some ways but does not always see the need for accounting procedures and tax obligations

There is a need for changes in legislation so that the profession can be opened up to others.

Much of the current legislation recognises CAs as the only ones qualified to perform certain functions

This is because they are the only members of the accounting profession who can register with the Public Accountants and Auditors Board

There is also a need for changes within the profession, for example its structuring and the examination of reporting requirements for various entities

If change is brought about, it will be necessary for the professional institutes to decide on what qualifications are needed for people to perform specific jobs

"At the end of the day, however, the emphasis is on maintaining standards so the industry can provide clients with services at the necessary levels — and at the right price," she says

FM 17/7/92 (248)

UNIVERSITIES

More housekeeping

Expected cuts in State funding of universities could be a blessing in disguise if they become innovative about providing services instead of passively trimming back They could, for example, slash academic staff salaries to stave off redundancies

Few of the traditionally white institutions expect to escape severe budget pruning when future governments steer funds to other areas of social expenditure With the removal of statutory apartheid, many overseas donors' funds that subsidised university projects and bursaries are now more likely to be directed to other development projects

Natal University is conducting a major strategic planning exercise to identify ways of minimising effects of any paring Principal and vice-chancellor James Leatt says "The exercise is broad-ranging, covering most university activities but, because salaries account for 70% of expenditure, this area will come under particular scrutiny"

Cedric Savage, chairman of the university's development foundation, says cutbacks have already started Last year State support of the university system was reduced considerably to only 59% of the amount theoretically allocated

"Resources available for tertiary education will continue to be restricted as more State money goes to primary and secondary education," says Savage "To balance the budget, Natal University had to make major cuts to reduce essential spending by R25m"

One solution was mooted by philosophy professor James Moulder He suggested that academic staff could prevent mass lay-offs by accepting salary cuts of about 40% Leatt says this is a theoretical option He believes it emphasises the problem and stimulates the debate

"We must be pro-active and follow the example of our British counterparts who, when faced with similar cuts under Margaret Thatcher, identified innovative revenue-providing ways to service the community to supplement dwindling income This is what this strategic planning exercise is all about," says Leatt

He adds that the university is likely to come under increasing pressure from both ends — the provision of funding and a growing need to support the education of gifted students from disadvantaged backgrounds

He points out that about 40% of Natal University's student body is black Most of them come from families that cannot afford the cost — averaging R14 000 a year — of putting them through university Most have bursaries or loans from organisations like the EC and Independent Development Trust, "which have had the foresight to assist us," says Leatt He adds that the trust is working on an innovative "education now, pay later" loan scheme

The discipline of being paid for services in a free market system is a good one It helps the institution to keep in touch with market needs At the same time it should not lose its primary focus, which is to uphold excellence in teaching, research, scholarship and service to the community ■

Call for probe into legal profession

SUSAN RUSSELL

THE General Council of the Bar of SA has called for a commission of inquiry to investigate the structure and role of the courts and the legal profession B/DAY 28/7/92

The council, which held its 47th AGM in Johannesburg last week, said yesterday it was concerned about the lack of progress made to accommodate into the profession returning exiles with legal qualifications.

"The council's proposals in this regard were submitted to the Minister of Justice during February 1991 and all justice groups in Parliament have been furnished with these proposals," the council said. (248)

It said the commission of inquiry should investigate the quality of legal services and the establishment of a comprehensive legal aid system, the qualifications and requirements for entry into the profession and the restructuring of the Supreme Court.

The council "noted with concern the apparent readiness" of the parties at Codesa to accept the principle of detention without trial, and restated its opposition to provide for such detention in any future dispensation

Law students to discuss human rights issues

Law students from universities in southern Africa will meet in Harare, Zimbabwe, in September to discuss human rights issues. N/Nation [Pupils Forum]

Tessa Wessels of the University of Pretoria said the objective of the meeting was to encourage communication and co-operation between the different law faculties, and to promote an awareness of human rights. 3117 – 6/8/92.

This will lay the foundation for present and future generations of legal academics and practitioners to pool their resources and resourcefulness and to find answers to common problems through co-operation, said Wessels. 248

Trials

The meeting to be held from September 11 to 13, would be on mock trials It has also been organised by the Centre for Human Rights Studies of the University at Pretoria

Wessels said that the competition would be held in two sessions In the first session, a typical bill of rights case would be argued before a panel of judges consisting of the deans of the various law faculties.

In the final session, the students would argue another case before a panel comprising the chief justices of various southern African countries, she said.

Many students from the universities of southern African countries had already indicated that they would take part, added Wessels.

Note.Interested people should contact Tessa Wessels at tel. (012) 420-2276

administration would continue to protect an unprofitable farming sector, and those farmers dependent on protectionism should speedily reassess their opposition to the market system. Productive and competitive farmers, however, had little to fear from a new government.

A less constrained market system was ... and consumer prices. Producers received only 45% of the consumer's rand.

Meyer said average dam levels throughout the country had decreased by 20% over the past year. The number of districts partly or totally under the drought assistance scheme increased from 31 in July last year to 130.

'Urgent legal issues cannot wait'

B/DAY 3/8/92

GERALD REILLY

PRETORIA — Urgent legal issues, including the right of attorneys to appear in the Supreme Court, could be addressed without waiting for the findings of a commission of inquiry which might never be implemented, according to the Association of Law Societies.

Association president Mervyn Slith said this in reaction to a General Council of the Bar statement proposing a commission of inquiry to investigate structures and roles of the courts.

(248)

"Such a commission would take years and would have to cross political divides and its recommendations might never be implemented," Smith said.

On the question of attorneys having the right to appear in the supreme court, there was no need to hold a commission of enquiry as both public and professional requirements demanded that it be implemented without delay.

The association met different interest groups in June to discuss the issue of returning exiles. Proposals were made that would enable South Africans with overseas academic and practical qualifications to obtain recognition. The proposals were currently under consideration by all interested parties, he said.

By Charles Schulz

a tractor to the airfield by the Farquhar coconut

preoccupied to have been afraid" He would return to Cerf and start again if

baguettes filled with honey and banana, he said

Law Society trains new officials

(248) STAR 4/8/92

Staff Reporter

The Law Society of Transvaal (LST) says it has taken the lead in training presiding officers and arbitrators for the short procedures civil court, which is to be established as a pilot project on September 1.

LST president A C Hutchinson said the first courts of the project would be set up in Pretoria Central and Wonderboom, Pretoria

Since the short procedures court would not be subject to the rules and formalities of regular courts, cases would be resolved far quicker with greater efficiency and less expense for parties involved, Mr Hutchinson said.

The court would provide arbitration on disputes when possible Otherwise, it would attempt to isolate legal points of difference between parties in order to promote efficient litigation, he said.

Although the short procedures court will have the same jurisdiction as magistrate's courts, the presiding officials would be former magistrates and academics

Parties would also be entitled to employ attorneys or advocates, Mr Hutchinson said

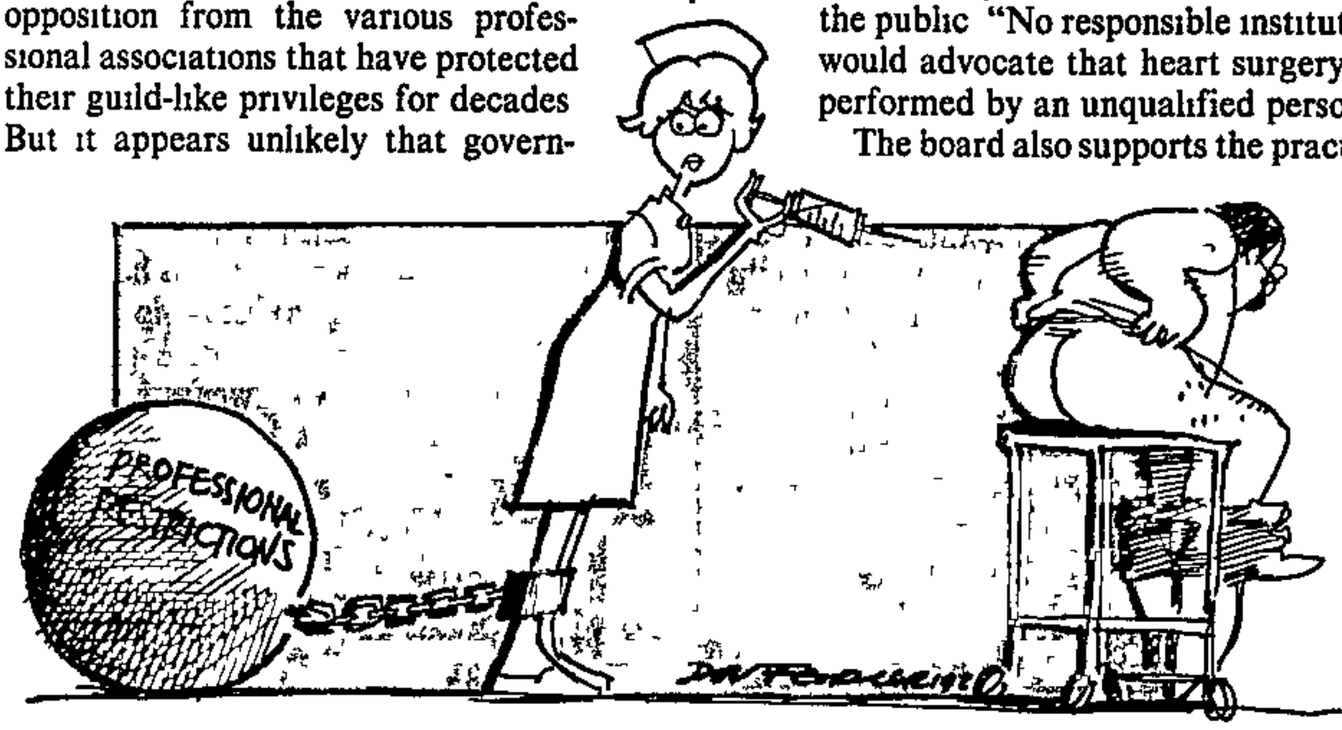
THE PROFESSIONS FM 7/8/92

Attacking the cosy cartels

(248)

An array of legal restrictions bar qualified people from performing many routine tasks that are reserved for lawyers, doctors and other professionals But recommendations by the Competition Board would end this job reservation for professionals, along with the numerous rules that restrict competition in each profession and guarantee professionals their sometimes exorbitant fees

When the proposals are formally released this month they are sure to spark fierce opposition from the various professional associations that have protected their guild-like privileges for decades But it appears unlikely that government will be sympathetic to the old arguments that keep professional barriers in place, supposedly to keep standards high



The proposals, if adopted by government, would mean the end of monopolies that conveyancers and some other specialists have on their line of work, the end of restrictions on advertising and marketing that preserve the status quo, and many other reforms.

Many of these professional restrictions have the force of law because they were approved by Acts of parliament over the years, others are traditional practices that would be banned under the Competition Act. Chairman Pierre Brooks says some of the professions already adhere to many of the board's proposals.

The board, after a two-year study ordered by the Cabinet that resulted in a 22-page report, is particularly critical of the professions regulating the supply of their services to their own liking

"This means that a profession can exercise control over how many persons are allowed to supply a certain service, the requirements that need to be met for entry, and the fixing of identical fees — actions typical of a cartel "

The board is adamant that professions do not in essence differ from other types of work It stresses that, at the end of the day, a professional service is rendered for remuneration only It also points out that it is not a coincidence that one profession is described as being more profitable than another. "The view that professions are noncommercial is simply unrealistic. Because a professional service is supplied with a view to profit, the suppliers should be subject to the same norms as other profit-directed undertakings "

The board stresses that certain restrictions on entry into a profession can be justified, such as requirements that protect the health and safety of the public, or funds invested by the public "No responsible institution would advocate that heart surgery be performed by an unqualified person "

The board also supports the practice of experts in a profession setting its entry requirements, though it says these experts should not necessarily be only practising members of the profession, who have a direct interest in setting the entry requirements as high as possible

Nevertheless, the board says many of the restrictions on entry hurt the public when they're too strict because they reduce competition and force up prices For example, the board says some professions require a doctorate, but a lesser requirement would serve the public better because there would be more practitioners.

The board also criticises rules that require unnecessary specialisation. While it accepts that more qualifications might be justified for certain medical procedures, they are not justified in other instances For example it is not necessary for an attorney to be further trained as a conveyancer "Additional requirements could mean that certain areas are reserved for higher-qualified persons to the detriment of the public."

Beware of dangerous drugs

But the Medical Association of SA says a great deal of health care is already being provided by less highly qualified personnel, but it stresses that the highly technical and skilled functions as well as the prescription of dangerous drugs must be reserved for those who are adequately trained and qualified

With conveyancers, the board's study showed that many routine bond deeds are almost always completed by experienced deeds typists, often with the aid of computer programmes Strict controls by the deeds office serves as an additional safety measure "Ordinary attorneys — those not qualified as conveyancers — should at least be allowed to do work of a routine nature "

Former Association of Law Societies president Graham Cox, however, stresses that the law of property is extremely complicated and it is difficult to anticipate when a deeds transfer will become complicated

Cox does support the board's belief that the bar on attorneys appearing in the Supreme Court hurts the public by raising costs and limiting the choice of representation Brooks says removing this bar would mean also allowing advocates to solicit business directly from the public

The board says flexible entry requirements into each profession would help open it up It suggests that requirements often entail extensive training that is not fully utilised when the lawyer, doctor or other professional goes to work. For example, it recommends that a public defender for criminal cases needs only to study subjects applicable to the type of law he will practise, rather than undergo a comprehensive legal training

The board sharply criticises the numerous restrictions that prevent price competition and marketing In particular, the board views the fixing of fees — minimum, maximum and recommended — as uncompetitive. Minimum fees mean that the consumer usually can't obtain the service for less than the set fee and often ends up going without it Maximum fees usually become the prevalent tariff Instead, the board recomends that fees be fully negotiable ■

ABACOR'S PRIVATISATION FM 7/8/92 (3) Meat

A competing proposal

The highly suspect privatisation of the Abattoir Corp (Abacor) and "deregulation" of the meat industry have been under attack for allegedly being just a smoke screen for the sector's vested interests to maintain control

Now the Competition Board has joined the fray by making four recommendations for Abacor's privatisation and the industry's deregulation that, critics say, largely contradict government's plans

The recommendations, released by chairman Pierre Brooks last week, follow by a few weeks the announcement that Abacor will go for a listing on the JSE this year (*Business & Technology* July 17) They're closely in line with proposals made by the supermarket

Continued

Lawyers under spotlight in funds scandal

By FRED KHUMALO

LEGISLATION could soon be passed that would compel bank managers to report any irregularities in a lawyer's trust account to the Association of Law Societies.

This week, Maritzburg attorney Younus Bayat was struck off the roll after the Supreme Court found a "massive" shortfall in his trust account, bringing to 10 the number of lawyers – most of them black – getting the axe in the same number of months in Natal alone.

Bayat's case has turned the spotlight on the law fraternity – showing what Natal Law Society spokesman David Randolph recently called a "marked increase" in the number of lawyers finding themselves on the wrong side of the law.

Randolph said the society had noted with concern that lawyers were "cunning and clever" and with the aid of their bank mangers had been able to conceal irregularities in their trust accounts.

To counter the trend the society had recommended to the government a law which would force banks to divulge information about lawyers' trust accounts.

Bayat has reportedly fled overseas and Randolph said the Attorneys' Fidelity Fund would now reimburse clients "whose money was stolen".

In 1989 the Fidelity Fund forked out R3,6-million to reimburse cheated clients.

Meanwhile, two prominent lawyers' trust accounts are under intense scrutiny following allegations of irregularities in the accounts.

The Natal Law Society has applied to the Supreme Court to have Stephen Dawson, a prominent Durban lawyer, struck from the roll of attorneys because he allegedly misappropriated funds.

Dawson has denied the charge, saying he had been sick and unable to check the bank statements.

Durban attorney Kwanza Mlaba is also alleged to have received stolen funds which were deposited into his trust account

Rector urged: Quit Broeders

S/Times [C/Metro] 16/8/92 (248)

THE controversy over the rector of the University of Stellenbosch's alleged membership of the Afrikaner Broederbond has flared into the open again after a demand by the student newspaper, Die Matie, that he resign from the secret organisation.

The call, made in a hard-hitting editorial in the latest edition of Die Matie, is the strongest stand the newspaper has taken against the university administration

Prof Andreas van Wyk's membership of the Broederbond was like a "salty finger pressing on the wound of apartheid," Matie editor, Mr Dirk van Eeden, said in the signed editorial

The rector's resignation from the secret society would "symbolically help to heal the wounds caused by apartheid" and serve to establish the university as the democratic institution it ought to be, he said.

Prof Van Wyk, said to be a senior member of the Broederbond, was apparently in the running early this year, to succeed Prof Peter de Lange as head of the organisation

Prof De Lange was re-elected to the post.

Prof Van Wyk has consistently refused to admit or deny that he is a member of the Broederbond.

"My door is open to members of staff and students who want to discuss matters relating to the university," is the only comment he has made

Prof Van Wyk, who was unanimously elected as rector by the university's senate, took up his post early this year He is popular with both students and staff.

He is seen as the "best man for the job", but has been tainted by his alleged membership of the secret organisation, says Die Matie

"But a small stone can make even the most comfortable shoe uncomfortable," it commented.

ANDREAS VAN WYK
'My door is open'

By EVELYN HOLTZHAUSEN

In his editorial, Mr Van Eeden said that, in an interview with Die Matie in October last year, ANC President Mr Nelson Mandela said he believed the Broederbond was the "think-tank" which initiated the reforms adopted by the National Party

Impede

This, said Mr Van Eeden, was an awesome (bewonderenswaardige) turnabout in Broederbond thinking, especially as the organisation has traditionally promoted discrimination on the basis of race, sex and language

White Afrikaners, he said, had for too long acted as "fathers" to all the people of South Africa by telling them what was good for them.

This had altered on February 2, 1990, when President FW de Klerk had called on all South Africans to take part in the political process

"The Government, the Broederbond and the University should not act to impede this emancipation."

Mr Van Eeden said the Broederbond carried the symbolic weight (las) of the past.

No other member of the organisation carried this burden more heavily than the rector of the University of Stellenbosch, he added.

The university, he said, had taken the intellectual lead in the early justification of the apartheid ideology.

The wounds of apartheid will not be fully healed, therefore, until the university rejects apartheid and the hierarchy responsible for the birth and early years of apartheid

● Student members of the Conservative Party at the university have also called on Prof Van Wyk to resign from the Broederbond

They claim the organisation plays an instrumental role in the selection of professors for senior university posts.

These professors, they claim, then use their influence to impose the process of reform on students and influence university policy

● The hand of the Broederbond was seen to be behind a recent decision to have Afrikaans entrenched as the "official" language of the university.

In spite of being strongly opposed by staff and students the "language clause" was accepted and made law when the University of Stellenbosh (Private) Bill was passed during the last session of Parliament.

Mandela to attend memorial

ANC president Nelson Mandela and Mrs Graca Machel, widow of the late Mozambican president Samora Machel, will be among the guests at a two-day colloquim at the University of the Western Cape.

The event is to mark the 10th anniversary of the death of Ruth First, a prominent ANC member and the wife of SA Communist Party leader Joe Slovo. She was killed by a letter bomb in her office in Maputo on August 17 1982.

Mr Mandela will deliver the keynote address tomorrow night at a special ceremony where an award will be presented to a senior journalist for "reportage characterised by exceptional initiative and courage in the spirit of Ruth First's work".

Mrs Machel, a former Mozambican minister of education, will present a paper at the colloquim tomorrow morning.

Other speakers at the two-day seminar, which deals with "The possibilities of radical transformation in Southern Africa after negotiations", include the ANC's Albie Sachs, Thozamile Botha and Frene Ginwala, and the SACP's Jeremy Cronin.

Some of the issues to be discussed include education, local government, health, the media, trade unions and the role of women.

The colloquim will be opened by UWC rector, Professor Jakes Gerwel.

S/Times (CM) 16/8/92

Academics join forces

S/Times (CM) 16/8/92

EMINENT African scholars will join forces with exiled South African academics and local social scientists in Cape Town this week to examine this country's future political, social and economic options

The four-day conference, starting on Wednesday at the Protea Ritz Hotel, is entitled "South Africa Which Way Forward?"

The conference has been organised by the African Association of Political Science (AAPS) and the Southern African Political Economy Series (SAPES) Trust to launch the SAPES South African chapter

SAPES, established in 1987, encourages research, teaching, debate and publication by black scholars and promotes co-operation and exchange among social scientists and research institutions in Southern Africa

IALITY FOODS

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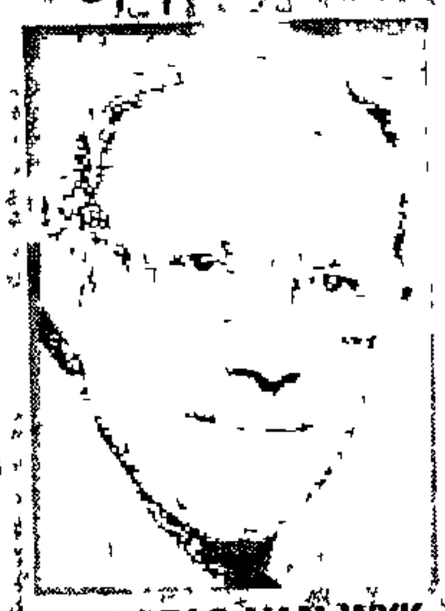

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IALITY FOODS

Professions find openings

ST Times (BUSS) 16/8/92 (248)

SERVICE companies are opening offices or establishing links in many African states

They are providing legal, accounting, travel and information services

One such firm is attorney Hofmeyr van der Merwe

Partners Fiona Walker and Danie Erasmus say the firm is establishing informal links with professional people, such as those in law and accounting.

It is also making contacts with central banks and tax departments of African nations

Mr Erasmus says the firm has a large corporate client base It offers legal and other services to SA companies wishing to do business in the rest of Africa

Miss Walker says: "We draw up documents, such as contracts, in SA and send them to the local people for them to fine tune We draw on expertise from several different firms. They are also selected for their connections in both private and public sectors."

Hofmeyr van der Merwe has formed links with Botswana, Namibia, Zimbabwe and Kenya. High on the list for the future are Angola, Mozambique, Nigeria and Zambia.

Also in the legal field is the Lex Africa network established by attorney Werksmans.

Quality

It includes firms in Kenya, Zimbabwe, Botswana, Namibia and Swaziland.

Partner Sean Larkan says: "This will ensure that our clients who have business interests extending into Africa will have immediate access to high-quality lawyers whom we know, work with and can recommend.

"The network is non-exclusive and any member can place a client's matters in the hands of the lawyer it believes is most appropriate, even a non-member."

Standard Bank Africa banking group chief executive, Manfred Schutte, says the bank has set itself the task of expanding its operations across SA's borders.

Standard has the Union Bank in Swaziland, the Union Bank of Botswana, the Standard Bank of Namibia and the Standard Bank of Bophuthatswana It holds a minority stake in Banco Standard Totta in Mozambique and has a representative in Angola. It is negotiating to start operations in Madagascar. High on the list of priorities is establishing operations in Zambia, Kenya and Zimbabwe

Mr Schutte says: "It is not that the banking services in these countries are inadequate. Many of them have established international banks. However, we see a large increase in regional trade and our existing clients will be the ones involved in it We want to be in those countries to help them."

On the auditing front Ernst & Young member firms in Africa have established Ernst & Young Africa Group. Members co-operate in the provision of audit and consultancy services to clients throughout the continent

Deloitte Pim Goldby Management Consultants Natal managing director Guy Harris says a recent meeting of all the Deloitte consulting offices in Africa agreed to co-operate in areas such as training and marketing.

Mr Harris says there was a strong emphasis on helping both public- and private-sector clients to exploit opportunities, counter threats and build on strengths

"For any African enterprise to compete effectively in the global village, we have to provide world-class consulting solutions"

Brain drain on increase

STAR 24/8/92

(248)

Staff Reporter

Immigration to South Africa suffered a setback in the first four months of 1992, with the overall gain of 3 027 in the first quarter of 1991 slashed to only 1 430 from January to April this year, according to the Department of Home Affairs.

And a steady flow of people are emigrating from the country. In April alone, 409 people left the country, 75 more than the 324 in April 1991.

About half of the people who left this country in April were economically active, headed by 95 professionals, semi-professionals and technical experts, of whom 33 were engineers and related technologists, 44 clerks and salesmen, 32 artisans, 28 people in the managerial field, 19 in the mining profession and 15 involved in education.

The 201 emigrants who were not economically active included housewives, students and pensioners.

During the same month, immigration was slashed from 1 144 in 1991 to only 519 in April this year.

On the plus side, 228 of the 519 who settled in South Africa in April this year were economically active.

They included 86 professionals, of whom 25 were engineers and 23 doctors.

The largest contingent of settlers (247) came from Europe, of whom 104 were from the United Kingdom. The 122 who came from Asia included 40 from the Republic of China.

A total of 97 immigrated to South Africa from Africa, including 43 from Zimbabwe, and of the 47 who flew in from the Americas, 21 were from the United States and 13 from Argentina.

NEWS Education at standstill in Mdantsane since May ● Detention-without-trial against law

It is really hard to grow up among bullies. The young lad on the ground is at the end of a rough kick from an older and stronger fellow at Victoria Park in Kimberley at the weekend.
PIC: PHANUEL MAHUNTSI

Attorneys slam proposed law

Sowetan 26/8/92

248

■ Codesa plans for detention - without trial

LAWYERS were disturbed by the apparent agreement at the Convention for a Democratic South Africa (Codesa) for the provision of detention-without-trial in states of emergency during a transitional constitutional phase.

This is according to the SA attorneys' journal, *De Rebus*, in its August issue

Detention-without-trial

The journal says "The organised South African attorneys' profession has long spoken out against detention-without-trial which, it believes, is not compatible with the rule of law, a concept which it fully supports," the editorial points out

While the agreement does allow for certain procedural controls over detention-without-trial, such administrative controls are insufficient to cure the defects of the system, which has been shown by South Africa's own experience.

"We have often expressed our pleasure at the stated commitment of the government and its main negotiating parties to a bill of rights The agreement about detention-without-trial during states of emergency is puzzling in the light of that commitment," De Rebus argues

It continues that the danger is standards set during the transitional stage - nobody knows how long it will last - may become the norm in whatever final constitution is agreed upon

"Likewise, states of emergency imposed initially for limited periods have a habit of being extended, as experience in Zimbabwe, for instance, teaches "- *Sapa.*

Board says: open the professions

B/DAY 26/8/92. (248)

PETER DELMAR

CONSUMERS should negotiate tariffs with doctors, lawyers, architects and accountants without restriction, while professionals should be allowed to freely advertise their fees, the Competition Board has recommended.

The board's long-awaited report on the professions has come out strongly against price setting.

It also recommends that the professions should no longer enjoy unqualified self-regulation Outside, non-practising experts should be involved to prevent practising professionals dominating their statutory controlling bodies. The 22-page report recognises that "a professional service is just like any other commodity" and says restrictions on competition should be "speedily" removed

Coming out against requirements for unnecessary qualifications, the board says lawyers not qualified as conveyancers should be allowed to do routine deed work.

It also proposes "incremental" access in which partially trained people will be able to compete with fully trained practitioners, as with medical technologists who can now compete with pathologists

The board further states that defining "work reservation" — the area of operation which can only be performed by specific professionals — should be carried out, in all professions, with the concurrence of the board There are too many differences between individual practitioners to believe that a specific tariff is reasonable

"If one takes seriously the notion that free competition is usually to the advantage of consumers, professions should not be allowed to issue even a system of so-called recommended fees. This would entail that every practitioner and client should negotiate on a completely open basis regarding fees.

"If the fee structure of a specific profession is considered to be justified in the public interest, it can be accommodated in terms of existing competition legislation," it says

The board rejects restrictions on associations between professionals. If, for example, attorneys and accountants could practise together, clients could benefit from the combined expertise of such a firm, without having to pay for repeated consultations

Proposing greater freedom in advertising, the board says "The present set-up where professional services are cloaked in secrecy does not protect the public, but the profession"

The 22-page report will now be used by the board as a working document in negotiations with the professions concerned about the guidelines

Africa 'needs skills of SA accountants'

B/DAY 28/8/92 (248)

GAVIN DU VENAGE

SA ACCOUNTING firms could provide expertise to the rest of Africa, usurping the role usually played by the UK, Canada and the US, Deloitte Pim Goldby's African board chairman Daniel Ndonye said yesterday

Ndonye, who also heads Deloitte's Kenya firm, said "we see business to business services thoughout the sub-Saharan region becoming much more closely associated, and SA can replace the usual sources of expertise now that she is once again part of Africa"

Services had to extend beyond traditional accounting to assisting trade relations and developing a common accounting strategy for the continent

Deloittes found itself providing information as diversified as how to obtain work permits and what products would be competitive in each market

He said cross-training programmes would give accountants the opportunity to participate in the daily life of host countries, while getting to grips with the financial environment

London expert discounts Big Bang as JSE solution

B/DAY 28/8/92

MERVYN HARRIS

A UK-STYLE Big Bang is not what the JSE wants or needs, says London Stock Exchange CE Peter Rawlins, who is on a brief visit to SA to advise on changes to the domestic market

"We engineered a process of huge and wide-ranging reforms for reasons of our international competitiveness, which was under threat The success of Big Bang is that we regained and enhanced our international capacity so that now two-thirds of all cross-border equity trading and 95% of all such trading in the European time zone goes through the London market," Rawlins said

"The commercial threat which London had to respond to in 1986 was and still is very different to the scenario the JSE is facing We did everything all at once in a great hurry

"My advice to the community here is to make sure that the implications of the reforms you want to introduce are fully understood, before you actually implement them

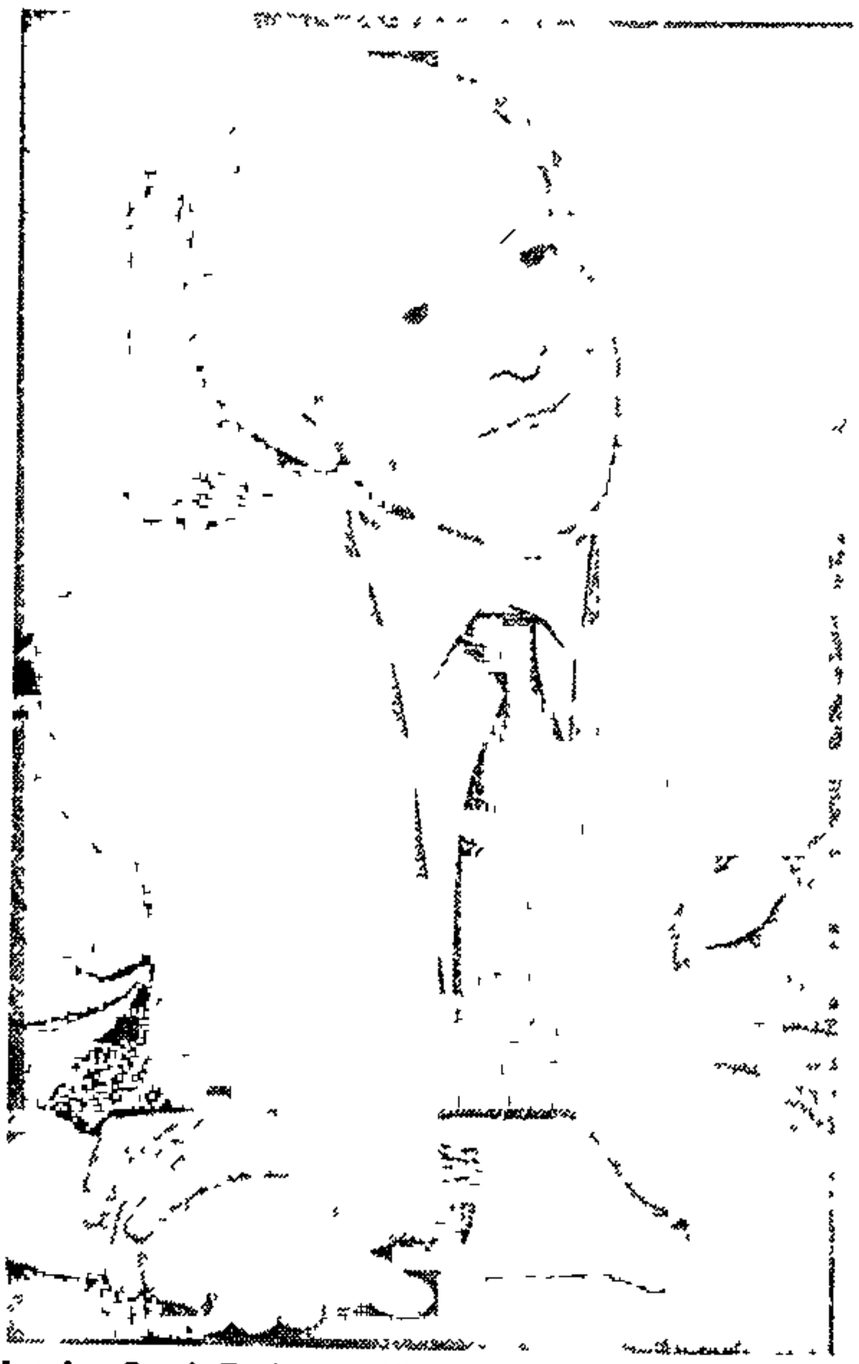
"If you decide on dual capacity (brokers dealing as both principal and agent), for instance, do not lose sight of the fact that it will bring pressures and conflicts that do not exist in a single capacity (agent only) environment," he said

"Management capacity was not adjusted and upgraded in line with the changes being introduced at the time on the London market Looking back on Big Bang, an excess amount of money was poured into the great white hope of information and communication technology," said Rawlins

"Many of the people taking the decisions at the time did not understand the implications of what they were doing

"Had we had more technically literate senior management, they would have seen some of the problems that have since had to be sorted out"

Since Rawlins took the helm of the London Stock Exchange three years ago, he has whittled down the number of employees from 3 500 to 1 500 And, he added, there had been no material reduction in the nature of the services provided



London Stock Exchange CE Peter Rawlins in Johannesburg yesterday

Picture ROBERT BOTHA

"My message to the JSE and the community here is to make sure you have the management to deliver the goods when introducing reforms Tomorrow's world may be very different to today," Rawlins said

Waterfront company negotiates for hotel

B/DAY 28/8/92

LINDA ENSOR

CAPE TOWN — The Victoria & Alfred waterfront (V & A) company is negotiating with a major international group to operate an international businessmen's hotel planned for the waterfront

Groups such as the Hilton and Sheraton have been mentioned as possible contenders for the contract

Sun International might be interested in building the hotel, MD Ken Rosevear said yesterday, provided government introduced incentives for the hotel industry

V & A MD David Jack said it was envisaged that the new hotel would have between 200 and 250 rooms and would be linked to the 26 500m² Victoria Wharf retail and entertainment complex under construction next to quay 5.

While he would not disclose the identity of the financial backer of the project, Jack said negotiations for financing the hotel were well advanced

Rosevear said Cape Town was high on Sun International's shopping list of places for a new hotel to market internationally with the Lost City Palace at Sun City. The Waterfront had a lot of attractions, had a high density and merited attention

He said Sun International had looked at the waterfront site but had decided it would not be financially viable to build a hotel at present without incentives

A new hotel would bring to three the number of hotels at the waterfront There is an existing 68-room hotel, the Victoria & Alfred Hotel, which has enjoyed one of the highest occupancies in SA

In its first year it had an occupancy rate of 86% compared with the national average of 60% At the beginning of the year this rose to 90%, before dropping to 80% during the winter

And a 164-roomed City Lodge is being built at a cost of about R20m

Jack said the Waterfront had exceeded all expectations, with 6-million people visiting it in 1991 The V & A was expecting to match, at least, and even increase on last year's attendance despite economic conditions and the wearing off of the novelty factor

At present the number of visitors was running at between 10% and 15% higher than last year.

Tourists represented 12% of the visitors and contributed about 25% of the income

Jack said most businesses on the waterfront had exceeded their projected targets in the first year.

Some retailers were trading at densities well above the average

Businesses were continuing to do well, while the returns of the project had also surpassed expectations.

The V & A has invested R200m so far in the project in infrastructural development, conversion of old buildings and construction on the Victoria Wharf

Another R200m had been committed by outside parties.

Council agrees to delay charges for new services

ADRIAN HADLAND

PROPERTY developers received a major boost from the Johannesburg City Council this week with the announcement that newly introduced fees for the supply of stormwater drainage, streets and electricity services to new developments would be implemented only from September 25.

Developers threatened to withdraw or scale-down several major projects planned for the Johannesburg area following council's decision in February to add charges for the three services to standard water and sewerage costs The addition of the three services added almost 350% to developers' anticipated services costs and "threw their feasibility studies right out", said Planning and Development Committee chairman Eddy Magid

Developers complained that insufficient notice had been given concerning the addition of contributions for the three services

Council engineering director Francois van Aswegen said the moratorium on the payment of contributions until 25 September was "a gesture toward the developing community to encourage development in Johannesburg"

Council agreed that development companies who had paid contributions for the three services since February 25 would be refunded if applications were made during the 1992/93 financial year

Blacks take on conveyancing

B/DAY 28/8/92

WILSON ZWANE

A JOHANNESBURG firm of attorneys has started a drive to increase the number of black conveyancers for property law in SA

Webber Wentzel partner Gaby Norton said yesterday her firm had embarked upon the drive after a black lawyer, Justice Moloto, complained that conveyancing seemed to be an enclave of white lawyers

Norton said Webber Wentzel took note of Moloto's remarks and took on eight black lawyers on a free, nine-month conveyancing course

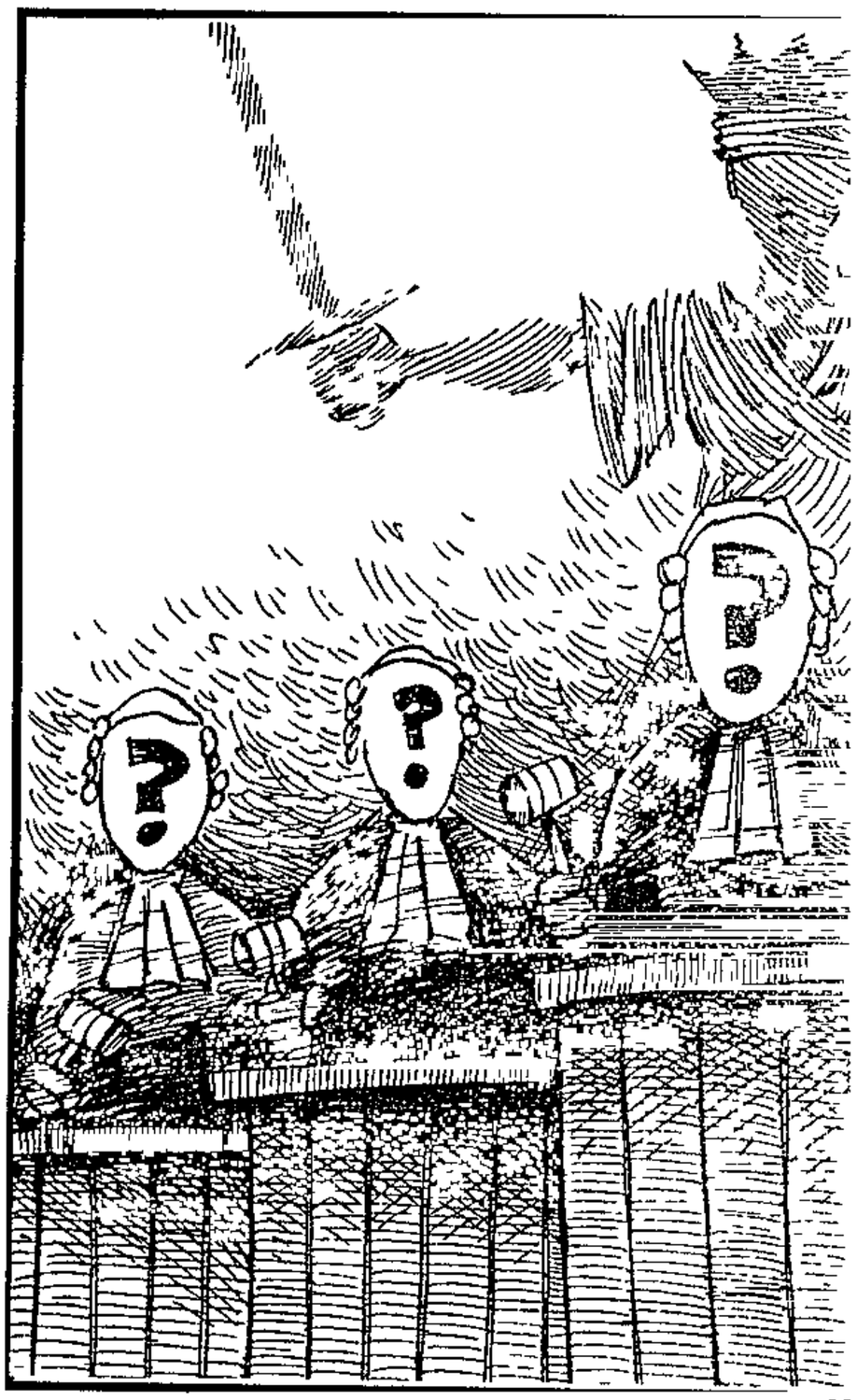
Of the eight, three — Nozipho Sithole, City Serobe and Philemon Tsoka — in May passed the course

Prior to this there had been only four black conveyancers in SA

Time to open up the old boys' club

W/M aug 28/8 – 3/9/92. (248)

Who should be tomorrow's judges? And what should happen to yesterday's? CARMEL RICKARD speaks to legal experts whose suggestions include widening the pool of judges, active recruiting of blacks and women, special training for new judges and even the impeachment of "apartheid judges"



UNDER a new constitution with a Bill of Rights, South Africa's judges, particularly those on the Constitutional Court, will become enormously powerful

The new constitution will give them the right to overturn laws passed by the people s elected representatives

This concentration of power in judges' hands makes it important to think seriously about the kind of people who should sit on the bench, how they should be selected, and what should happen to the judges already appointed

Apartheid has tainted the whole legal system, including the judiciary At one time they were listed as targets for elimination by radical opponents of apartheid, because they were symbols of repression No judge was ever attacked, and the idea moderated into a call that they should all resign so the system of justice could make a fresh start Now pragmatic considerations appear to over-rule such demands

Representatives of the African National Congress legal and constitutional affairs department said wholesale sacking of judges was out An official of this department, Matthew Phosa, said it was a decision based purely on practical considerations A new government would be justified in "removing the whole lot of them" if it wanted to, and he would feel quite happy if that were to happen

However, both Phosa and head of the ANC's constitutional committee Zola Skweyiya said no such action was planned Instead attention would be focused on finding and training suitable replacements for retiring judges so that the judiciary would better represent the make-up of the population This would help restore popular confidence in the courts

A variety of ideas are being floated by lawyers, legal activists, politicians and academics about how to deal with the transition Should all judges be asked to take a new oath of allegiance? What if this did not prove self-selecting and "unwanted" judges agreed to swear allegiance? Some feel the appointment of all existing judges should be reconsidered and they should have to undergo the same selection procedures as will be used for any new appointments There is also a view supporting "private hearings" at which judges are asked to explain their past record

National Association of Democratic Lawyers (Nadel) publicity secretary Krish Govender goes further He suggests that, based on these hearings, certain judges might be "impeached", while others might be declared suitable candidates for "re-education programmes"

Many of these suggestions are based on the need to "legitimise" the judiciary, so that from the moment the new constitution begins to operate, people will have confidence in the judges who try them However, it seems likely a number of judges with a record of strong pro-human rights judgments will refuse to go through a procedure of re-selection and thus would be lost to the bench

There is also the problem that the independence of the judiciary could be seriously affected if a new government tried to decide which judges may stay on and which not This could set a dangerous precedent for interference, and undermine judicial independence from the start

A search for lawyers to be appointed under a new constitution comes up against the old problem very few candidates except white males Should the solution be to wait for some years until people from groups now not properly represented are suitably qualified? Or should the rules be changed to increase the pool from whom judges may be chosen?

The almost unanimous feeling is that the days of choosing judges only from the ranks of senior advocates have gone There appears to be widespread approval even among advocates for the idea of allowing certain experienced attorneys the right of appearance in the supreme court Once this right has been granted, these attorneys could well be considered for appointment to the bench The inclusion of legal academics however proves more controversial, with judges and advocates generally against, academics and attorneys generally in favour

At the same time as widening the pool, however, special efforts will be needed to increase the number of women and black students studying law This means recruitment at schools, finding bursary money and giving encouragement Once students have the paper qualifications, more efforts will also be needed to help graduates enter into articles or pupilage

Another serious problem needs immediate attention if more black advocates are to be appointed to the bench

Too few black counsel are briefed by the big firms of attorneys In the past many black advocates made their living out of political cases Very little commercial litigation came their way As a result many black counsel lack the all-round experience required before they can take silk and thus be considered for judicial appointment

Attorneys, challenged about why they do not brief black advocates, usually reply that their clients "want the best available ' and prefer not to be the guinea-pigs for untested counsel

However there seems to be no reason why the deputy state attorney's office should not immediately instruct that a wider range of counsel — including women and black advocates — be briefed by the state

Several senior (white) advocates, tired of hearing attorneys cite client preference to justify not using black counsel, suggest new ways be tried to deal with the problem Perhaps clients should be asked directly whether in fact they wish black counsel not to be briefed Perhaps the mayors of major cities should be probed on whether they would object to their attorneys broadening the range of advocates whom they instruct

The present old-boys' club selection procedure for judges will also have to go No one appears to defend the system in which judicial appointments are made in private discussions between a few highly-placed individuals, without significant input by the profession or the community

Instead, most academics and practitioners would like to see a selection committee to appoint or advise on appointments Some difference of opinion exists about whether the com-

SOME CANDIDATES FOR A NEW SOUTH AFRICAN CONSTITUTIONAL COURT

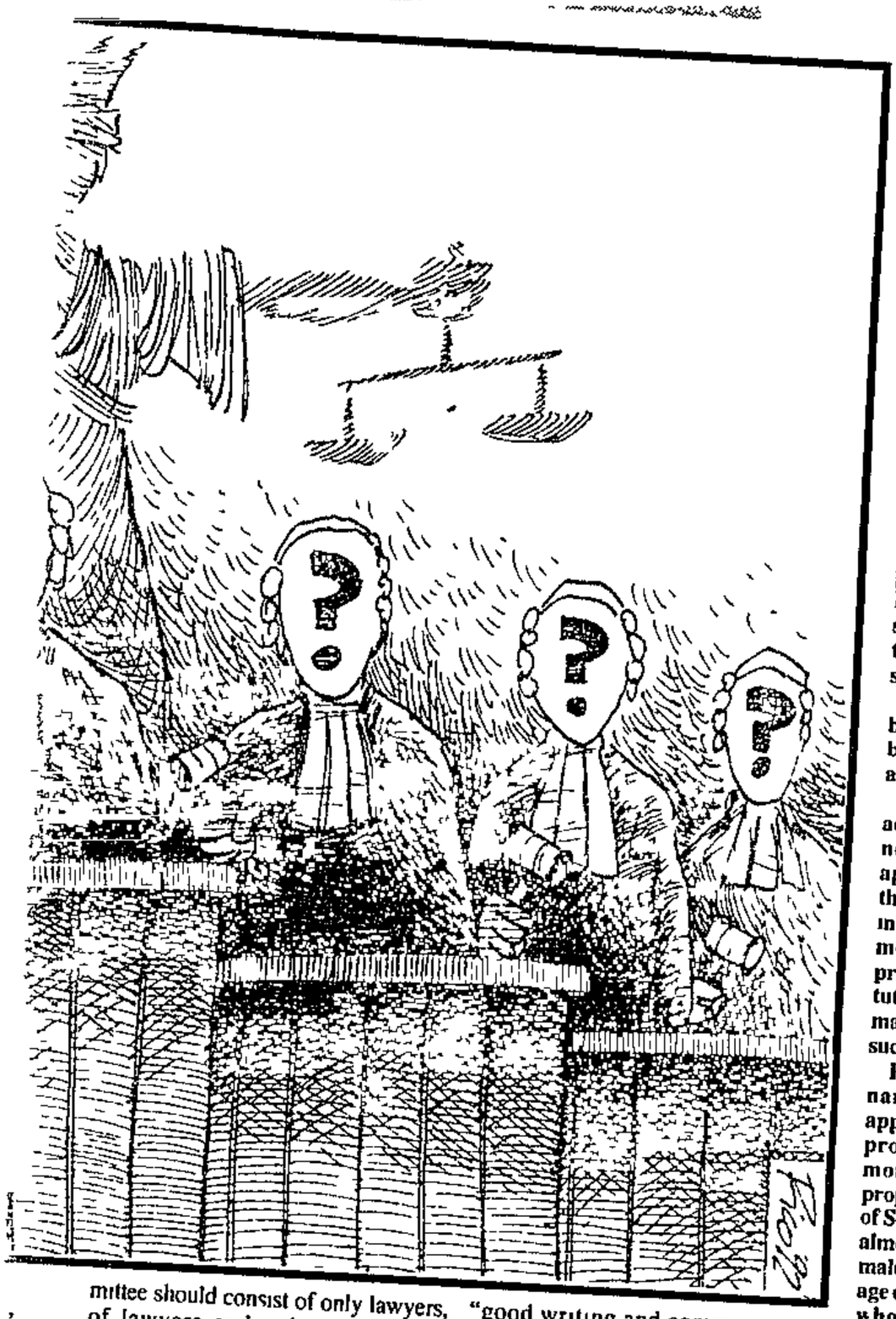
Laurie Ackermann, 58, holds the HF Oppenheimer chair of Human Rights Law at Stellenbosch University where he teaches human rights and comparative constitutional law After graduating from Stellenbosch and Oxford he practised at the Pretoria Bar from 1958 to 1980, and took silk in 1975 In 1980 he was appointed to the Transvaal bench, but resigned as a judge in 1987 to take up his current post In 1988 he was appointed to the Lesotho Court of Appeal, and last year as an acting judge of appeal on the Namibian Supreme Court

Karen Blum SC, 54, of the Johannesburg Bar is no longer in active practice as an advocate In 1966 she was admitted to the Namibian Bar, but moved to Johannesburg in 1974 and took silk in 1984 Her practice dealt particularly with family and commercial law She has been a committee member of the South African Institute of Race Relations and a member of Lawyers for Human Rights and Nicro She has sat on the bench in Namibia, as well as the Free State and Transvaal Provincial Divisions where she will sit again in October

Arthur Chaskalson SC, 61, is national director of the Legal Resources Centre which he co founded in 1980 A member of the Johannesburg Bar since 1956, he took silk in 1971 He was elected an honorary member of the Bar Associations of New York and Boston and also has two honorary doctorates He served for 11 years on the national council of Lawyers for Human Rights He helped the Namibian Constituent Assembly draft the Namibian constitution He is a member of the African National Congress constitutional committee

John Dugard, 56, is professor of law at Wits University He has degrees from Stellenbosch and an LLB and LLD from Cambridge He practised at the Durban Bar for three years, and in 1965 joined the Wits staff to teach international law His specialities are international law, human rights law, and jurisprudence His books include *Human Rights and the South African Legal Order* (1978) and *Recognition and the United Nations* (1987)

Pius Langa 53 is a member of the Durban Bar He began his career as an interpreter, later becoming first a prosecutor and then a magistrate He was admitted to the bar in 1977 Langa was a member of the legal team in the Yengeni treason trial, and has been involved in a number of other political and human rights cases He serves on the ANC s constitution committee, and is also president of the National Association of Democratic Lawyers



mittee should consist of only lawyers, of lawyers and politicians, or of lawyers, politicians and members of the community The proportions in which these groups should be represented is also contentious, as is the question of whether their work should be done in private or with the public and media present

Perhaps the most interesting example of this kind of selection procedure comes from Ontario in Canada A Judicial Appointments Advisory Committee, formed in 1989, advertises vacancies, carries out interviews and makes recommendations for judicial positions in the lower courts Of the 28 appointees made on the committee's recommendation, 32 percent were women

The committee has a list of criteria for candidates to meet, which should win widespread approval for use in South Africa Ontario candidates must combine professional excellence (including "good writing and communication skills') with community awareness (including "awareness of the social problems that give rise to cases" and an interest in alternative dispute resolution) Their personal characteristics must include politeness, moral courage, patience, punctuality, good health and an absence of pomposity and authoritarian tendencies

Nadel plans a conference soon on the transformation of the judiciary and a new selection mechanism will be one of the key topics

In Canada and Namibia, both countries with a new Bill of Rights, judges and other members of the profession stress the importance of training Canadian and US judges meet regularly to talk about new decisions Experts lead discussions on difficult issues like gender and racial sensitivity and the role of the bench

But in South Africa many judges and members of the bar feel they will need

● Continued overleaf

Waiting in the wings for tomorrow's bench

W/Mail 28/8/92 - 3/9/92. (248)

South African legal circles are not short on talent, and there are plenty of people who might have been judges in a different kind of society ..

By CARMEL RICKARD

DITY the judges in a "new" South Africa Enormous expectations have emerged that these men and women will wield a Bill of Rights like a protecting sword, rescuing civil liberties from all threats and routing discriminatory practices wherever they lurk.

Highest hopes are pinned on a proposed new Constitutional Court Either as part of the Appellate Division, or separate from it, a Constitutional Court is seen as having a decisive influence in the country

Unlike the other courts, this one will be untainted by apartheid, and could be a powerful tool to eradicate racism and sexism

Its members may be recruited from advocates, legal academics and attorneys Advocates considered for appointment will obviously include those silks (senior advocates) already in line for provincial bench appointment Some more adventurous prophets also suggested that a Constitutional Court should follow the German model and appoint non-lawyers such as political scientists

Prising suggestions of names for immediate appointment to such a court proves a tough job At the moment the courts do not properly represent the people of South Africa, as judges are almost exclusively white and male There is a serious shortage of suitable senior lawyers, who meet the current appointment criteria, and who come from under-represented groups This problem must be solved without dropping the demand for excellence on the bench The promising group of juniors coming up through the ranks will gradually improve the situation, so would a number of other steps being debated by members of the profession, including a change in the criteria for appointment.

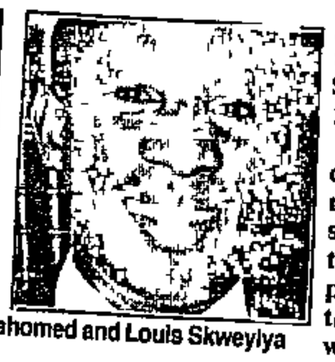
Against the background of these difficulties, *The Weekly Mail* managed to put together a brief list, compiled from ideas heard around the country Interestingly, many people who were asked to suggest possible members of a Constitutional Court, made their first criterion a commitment to human rights rather than particular skill in constitutional law Nevertheless, a number of people suggested do have expertise in this field

During the years of apartheid legislation, prejudice has developed against the courts and members of the judiciary However, there are a number of existing judges whose appointment to a constitutional court would be widely accepted These include judges of the Appellate Division like the chief justice, Michael Corbett, John Smalberger, Richard Goldstone and John Milne, on the provincial divisions judges such as John Didcott, Andrew Wilson, Johann Kriegler and Ismail Mahomed (a possible contender for presidency of a Constitutional Court)

The name which tops most people's suggestions of new appointments is that of Arthur Chaskalson SC, described as one of South Africa's most prominent lawyers He was widely mentioned by people in and outside the legal profession, all of whom said that in a normal society he would long since have been a senior judge in the AD The same applies to Sydney Kentridge QC, now practising in London, where he is recognised as one of the top silks at the bar

Chaskalson was tipped by a number of people as a likely president of the Constitutional Court and if Kentridge were persuaded to return to South Africa, he would also be a possible contender for the position However, several people said that Chaskalson has recently been much more visibly aligned to and active within the African National Congress He is also a member of the ANC's constitution committee Would this political profile prove a problem in appointing him?

"I sincerely hope not," said one senior legal academic "His fellow lawyers know his integrity and would probably accept appearing before him despite his strong ANC involvement. It would be a tragedy if he were not appointed "



Highly regarded Ismail Mahomed and Louis Skweyiya

Among the practising advocates who have not yet taken silk, two other names were mentioned with similar caution Pan Africanist Congress deputy president Dikgang Moseneke and the president of the National Association of Democratic Lawyers Pius Langa A number of lawyers speculated that Moseneke's high party political profile would rule out an appointment. They asked whether someone of another political party would feel they had a fair hearing if they appeared before him as a judge

Langa has a far lower party political profile and is well regarded as counsel, but a couple of people commented on his links with the ANC

Particular consideration would obviously be given to practising silks from groups so far not properly represented on the bench Jeanette Traverso SC, of the Cape Town Bar, and Karen Blum SC, from Johannesburg, members of the Natal Bar Hassan Mall SC, Louis Skweyiya SC and Zach Yacoob SC

A number of legal academics seem to be in the running, some with and some without experience at the bar Some have strong party-political links and therefore were mentioned with caution

The academics most often tipped for appointment included the University of the Witwatersrand professors John Dugard, who has experience at the bar, and Edwin Cameron, who is a practising advocate, Dennis Davis, who appears regularly in the tax court, June Sinclair and Carol Lewis, neither of whom has practised at the bar Along with these academics were suggested Tony Mathews and David McQuoid-Mason from Natal University, neither of whom has practised as an advocate, and Stellenbosch University law professor Laurie Ackermann, a former Transvaal judge who continues to sit on the bench of several neighbouring states

University of the Western Cape political scientist Vincent Maphai was named, so was fellow political scientist Annette Seegers and law professor Hugh Corder (who has not practised at the bar), both from the University of Cape Town, University of Transkei

● Continued overleaf

P.T.O.

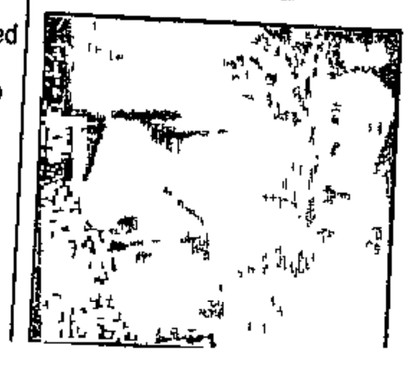
Dikgang Ernest Moseneke, 45, is a member of the Pretoria bar and deputy president of the Pan Africanist Congress He spent 10 years on Robben Island and after his release was banned until 1978 He has a BA and B Luris degree from Unisa awarded while he was on Robben Island, and after his release completed a Unisa LLB He has appeared in a number of political and human rights cases and was co-counsel in the Winnie Mandela kidnapping trial Moseneke was founding secretary general of the Black Lawyers Association

Tony Mathews 62 is James Scott Wylie professor of law at Natal University, Pietermaritzburg and director of the Centre for Criminal Justice His PhD thesis from Harvard became the basis for his first book *Law, Order and Liberty in South Africa* Subsequent books reflect a life-long interest in international security and civil liberties He is co-ordinating an international conference on Policing in the new South Africa" next month He was a member of the Liberal Party s national executive

June Sinclair 45, is deputy vice chancellor of Wits University and honorary professor at the Wits law school She has taught at the Wits law school since 1970, becoming dean in 1986 Sinclair was an adviser to the Margo Commission on tax in 1985/6 She has been legal adviser to the Women s Legal Status Committee since its founding in 1975 She is currently preparing the sixth edition of Hahlo s *The South African Law of Husband and Wife* which involves a major revision of the work.

Jeanette Traverso SC, 46 is a member of the Cape Town Bar, where she is one of only three women and the first woman to take silk She was admitted to the bar in 1975 and became a senior counsel in May 1991 She began her professional career with a brief stint as prosecutor at the Cape Town magistrate s court, and later joined the attorney general s staff spending nearly four years as a state advocate

Zach Yacoob SC, 45 is a member of the Durban Bar He was educated at the Arthur Blaxall School for the Blind in Natal He graduated with a BA LLB from the University of Durban Westville in 1972 In 1973 he was admitted to the bar and took silk in 1991 He has been active in welfare organisations such as the National Council for the Blind He has also been politically active in the Natal Indian Congress and was a member of the United Democratic Front Natal executive Yacoob was part of the legal team in the Delmas Treason Trial



Time to open the old boys' club

W/M Mail 28/8 - 3/9/92 (248)

●From PAGE 21

only limited training They recognise the need for change extends to the legal system, and that a constitutionally enshrined Bill of Rights involves a difference of interpretation from the present system of parliamentary supremacy

They acknowledge they may well need some initial guidance and assistance Some are prepared to agree they would benefit from discussions with colleagues However, few believe in the need for regular training sessions along the Canadian lines, with an emphasis on analysing new judgments and raising sensitivity to gender and race

Legal academics differ They say a different mind-set is needed, and that the law schools have begun the turn around It will take some time until these new ideas percolate into the profession through the current students Until then they believe that judges and other lawyers would benefit from ongoing training And even the LLB class of '92 should continue periodic in-service training after they graduate

Some universities have arranged conferences for judges and senior members of the profession This is likely to continue So are conferences and training for other lawyers Some universities overseas are offering training and practical experience for women and black lawyers from South Africa This training will counter-act the lack of opportunity at home

Perhaps the most surprising discovery in discussions for this article, however, is the lack of systematic preparation by the legal profession for the great changes and challenges which lie ahead Cape Town law professor Hugh Corder comments that discussion so far about the composition, structure and functioning of the judiciary under a new constitution, continues to be "at the level of pious pronouncement and wishful thinking" Some lawyers, judges and politicians claim there are more urgent tasks Until political talks resume, no constitution can emerge, until there is a constitution, no one can prepare for the changes it will bring However, the experience of other countries which changed to a constitution and Bill of Rights is that preparations cannot begin too early

They wait in the wings for tomorrow's bench

W/Mail 28/8 - 3/9/92 (248)

●From PAGE 21

law professor John Hlope (strongly tipped despite his lack of trial experience) and law professors Albie Sachs and Kader Asmal from UWC.

Sachs and Asmal both have high ANC profiles and are members of the ANC constitutional committee. Sachs has previous bar experience; Asmal does not.

The name of University of Zululand law professor Charles Dlamini SC also came up. He has been given senior counsel status by the minister of justice although he has not practised at the bar.

Another interesting suggestion for helping make the judiciary more representative is that of appointing "contract judges": experienced judges with sound reputations from other countries, invited to serve for a limited period until suitable candidates from a broader spectrum become available inside South Africa.

Among the names mentioned under this category was that of retired Zimbabwe chief justice Enoch Dumbutshena and India's former chief justice, PN Bhagwati.

Prune the academic tree

(248)

Leading historian CHARLES VAN ONSELEN appeals for fewer academics and more intellectuals

S/Times 30/8/92

SOUTH AFRICA, with a population of approximately 35-million and a hopelessly inadequate secondary school system, is served by 25 universities and thousands of professors

In addition to this, the country has a Human Sciences Research Council with scores of full-time researchers and an annual budget of more than R70-million

It also has an ever-growing number of professional associations, each of which has an annual conference and is closely associated with a specialist journal devoted to scholarly research

If, by way of example and for the sake of argument, the field of African studies was to be narrowly defined as being constituted from only the disciplines of anthropology, history, political science and sociology, the professional scholar could choose to be affiliated to any one of four associations and have his or her work considered for publication by any one of more than half a dozen local journals, including African Studies, Journal of Contemporary African Studies, Politikon, Social Dynamics, The Sociological Review, The SA Historical Journal, The SA Labour Bulletin or Transformations

Never in our history have we been so richly blessed with academics and so poorly endowed with university-based intellectuals Never before has so much hard-earned money destined for quality "social science" research been so readily squandered on the intellectual junk-food of "briefings", "occasional papers", "overviews", "policy studies", "position papers", "reviews" and "work in progress"

Never have so many "plenary sessions" been devoted to such limited academic fare Never have so few scholars of genuine stature been eligible for so many high-ranking positions "Presidents", "vice-presidents", "executive members" "secretaries" and "treasurers" overwhelm us with their numbers until they, like professors, threaten to become a significant proportion of the country's white adult male population

Too many journals chase too few ideas and academic inflation becomes the order of the day

The government, and all the would-be governments between them, have about as many thoughts on how to restructure our tertiary education system and develop a national policy for social science research as the Vatican has on the need for global birth control

The Ministry of National Education espouses the idea of rewarding universities with a "subsidy" for research of quality published in officially accredited journals

Under-funded universities play along with the idea and scholars, entering into the spirit of the game, either launch glossy new journals or re-vamp tired old ones by providing them with "editorial boards" constituted for the most part from international "experts" who would have difficulty distinguishing Sandton from Sannieshof

Pretoria publishes Stellenbosch, Stellenbosch publishes Pretoria, Cape Town publishes Johannesburg, Johannesburg publishes Cape Town and, sooner or later, a triumph will be declared when Cape Town decides to publish Stellenbosch On these foundations rests the cardboard edifice of our national social scientific effort

This situation is unlikely to improve until we have a comprehensive plan for the re-structuring of tertiary education, develop a more sensible policy for funding research, reduce the number of professional associations, give serious consideration to the establishment of a national academy devoted to scholarship rather than social engineering, rationalise the number of journals serving the social scientific community and call a halt to annual conferences of questionable academic merit

But in a country where a chance meeting of three academics is followed by the launching of a professional association, the election of one of their number to the position of president, the establishment of such a shift in academic policy is a rather unlikely scenario No doubt something better will emerge in time, for we are a talented people

□ *Professor Van Onselen is director of Wits University's African Studies Institute This is an extract from his annual report*

Writing the wrongs

S/Times 30/8/92

248

SUSAN CLARK reports on a swaying battle between correctness and freedom

AUTHORS tired of accommodating the demands of anti-sexist, anti-racist pressure groups are hitting back with an anti-censorship campaign.

PEN, the radical international literary group better known for its efforts on behalf of writers in totalitarian regimes, is orchestrating a campaign to reverse the growing tide of "politically correct" restrictions

The authors, fed up with being told Janet should be tinkering under the bonnet of the car while John tidies the kitchen, will start by tackling restraints placed on children's writers

In children's literature, feeble girls, dotty grandmothers, wicked witches (with their satanic overtones), bossy male tank engines and fat controllers are all frowned upon Even the Three Little Pigs have been in the literary dock, charged with offending Muslim sensibilities.

Josephine Pullein-Thompson — a member of both the PEN anti-censorship committee and the writers' and illustrators' group of the Society of Authors — said "The whole situation is getting absurd

"More and more pressure groups are getting their way Authors and agents are finding it increasingly difficult to stand up to editors and publishers

"Authors who do refuse to change a word or a phrase which may upset some extremist minority group are running the risk of losing the sale of their book altogether"

PEN is canvassing members of the children's writers' and illustrators' group asking for full details of all the pressures and restrictions on writers. Once results have been collated, the anti-censorship committee will decide how best to lobby the industry itself, particularly the publishing groups

Pullein-Thompson, who has had 41 children's books published and has another on the way, added. "We must fight for some balance and persuade other literary societies and groups to join us, otherwise we will become a sad little voice in the wilderness"

A British women's co-operative called Letterbox Library is at the forefront of the battle to make children's literature politically acceptable to all sectors of society

It is the only book club specialising solely in non-sexist, non-racist, multi-cultural books and selects 120 new titles a year for its 12 000-strong membership

Letterbox recently rejected a new alphabet book because the author had used a Red Indian to depict the letter R

"We prefer the term native American," said Sarah Kenridge, the group's marketing and publicity director "Letterbox will only select books which portray positive images of women and black people and we have turned down many books because of just one offensive word or picture.

"We do not like books which portray women as victims or books in which men and boys are incapable of portraying emotions and showing vulnerability.

"Neither would we accept a book which used the word 'spastic' as an insult between children.

"Books which feature dotty old women or men are ageist and not acceptable, and the only witch books we will include are those like **Aunt Fred Is A Witch** (by Rachnar Gilmore), which is about a wonderful, very individualistic old woman reclaiming the word witch from the negative to the positive" She believes children's authors should censor themselves to avoid causing offence and she does not see the Letterbox Library's policies as outright censorship. — © *The Telegraph, London*

Prize-winning professor

(248)

STAR 3/9/92

Professor John Miles from the Department of Afrikaans en Nederlands at Wits walked away with the honours in both the CNA and M-Net annual book prize competitions this year for his novel, "Kroniek Uit die Doofpot".

The story, says Professor Miles, is about "an unacceptably violent society" and chronicles the impact political violence has on the lives of ordinary people and the extent to which the police are implicated in it It is based on facts he received from Lawyers for Human Rights

Professor Miles is no stranger to controversy He has spent much of his time and energy crusading against censorship He experienced the effects of oppressive ideology first hand in the '80s when two of his works, "Donderdag of Woensdag" and "Stanley Bekker en die Boikot" were banned,

He is a founder member of Taurus Publishing which he and other concerned people set up in 1975 with the express purpose of publishing work which challenged the regime and which other publishing companies felt was too risky to handle

Says Professor Miles "Apartheid has left us a lot of cliches to deal with. South African writers have, for too long, been isolated — from the rest of the world and from each other

"While the work of many black writers was side-lined, Afrikaans literature, often unjustly, bore the stigma of being the literature of the oppressor. The situation was becoming all but absurd when things finally started changing in South Africa

"Recent socio-political changes are forcing us to re-examine our cliches and alignments' This can mean nothing but positive growth for South African literature"

"Kroniek Uit Die Doofpot" is currently being translated into English and this version should be available by the end of the year

S/Times (C) 6/10/90

Academics union a first in SA

(248)

By EVE VOSLOO

ACADEMICS at the University of the Western Cape have become the first in the country to sign a recognition agreement with the university's administration — effectively organising themselves as a trade union

Teaching staff are exempted from the Labour Relations Act but this agreement allows for recognition to negotiate with management on an equal basis, a dispute procedure and the right to strike. 6/9/92

The agreement is between the administration and the Joint Bargaining Forum (JBF) which comprises three existing staff organisations — the UWC Association of Democratic Educators (UWCADE), the Lecturers Association and the Personnel Association — which together represent 70 percent of UWC's academic staff.

The JBF has already formulated claims for this year's salary negotiations, including a 20 percent a month increase

Mr Philip Hirschsohn, a lecturer in business economics and chairperson of UCADE, said the JBF had also been formed "as a basis for a more prominent role in the university's decision-making process as a whole"

'Bean counters' argue about who qualifies

B/DAY 7/9/92 (248)

PETER DELMAR

WHEN is an accountant not an accountant? Infighting, in what is normally a staid profession, has disclosed that the term "accountant" can no longer be reserved for people with specific qualifications

Even government ministers have been drawn into what one pundit described as "a battle between the bean counters".

The dispute stemmed from the Institute of Accounting Technicians' announcement earlier this year that it was changing its name to the Institute of Commercial and Financial Accountants of Southern Africa (CFASA).

The statutory Public Accountants' and Auditors' Board (PAAB) objected to the name change because people practising as public accountants and auditors had to be registered with the board

The SA Institute of Chartered Accountants (SAICA), agreed with the CFA — and subsequently the PAAB — that the term accountant had become a generic term and could not be "protected".

The CFA has about 4 200 members, 90% of whom have B Com degrees and have completed their articles, but are not qualified CAs.

The SAICA has 14 000 members, of whom 3 500 practise as auditors

In July the PAAB sent a circular to all registered accountants and auditors telling them there was little they could do about the change of name to CFA

But it went on to voice its "extreme concern" about inroads being made into attest functions by persons not qualified to perform and audit or not registered as accountants or auditors

The PAAB listed a number of representations it had made to government ministers and officials to have legislation enabling CFA members to perform certain auditing functions amended At the very least, the board said, it should be consulted on such appointments

The latest edition of the SAICA's news letter, Accounting SA, joined the fray with an editorial headed "Audits should be done by auditors", in which it said there was a growing tendency for government and regulatory authorities to allow closed corporations' accounting officers to carry out attest functions

Consternation

"The accounting officer was a creation of the Closed Corporations Act and such a person exists only in terms of the act and has duties only in terms of it," it said

Only people registered with the PAAB could be certain to have the qualifications required for attesting and only the PAAB could take disciplinary steps against members performing sub-standard work

Last week the CFA sent a circular to its members regretting the "unnecessary consternation and unpleasantry" caused by the CFA circular and affirming its belief that practising members should be allowed to operate in small and medium-sized businesses "without encumberances and to this end will continue in its efforts to have legislative restrictions removed"

Turf's staff on strike

Sowetan 14/9/92 (248)

By Don Seokane

ACADEMIC staff at the University of the North started their "gowns-down" strike on Friday, demanding that the administration reinstate lecturers who were removed from their posts

A spokesman for the university, Dr NA Budeli, said about seven staff members have been removed from their posts following complaints by students

During their meeting on Thursday, staff members resolved to suspend teaching, conducting tests and will not mark any examination scripts or submit students' examination marks.

However, the lecturers decided to continue with office work and would be ready to resume academic activities when the issue of their colleagues had been resolved

Testify against them

The new staff association, University of the North Academic Staff Association (Unasa), said lecturers were being punished without proof of wrong-doing and that there were no witnesses to testify against them

Approached for comment, Budeli said the problem of the seven lecturers lecturers could not be solved by the university's authorities alone

He said Unasa was a relatively new staff body and that management had been trying to deal with the issue even before Unasa was born

Budeli said students were strongly opposed to the recalling of the affected staff members

The president of the student representative council (SRC), Mr Arthur Moloto, said negotiations were being held with the university on the issue, but added that students would not be dictated to by lecturers

More professionals join jobless ranks

B/DAY 16/9/92.

GAVIN DU VENAGE

(248)

PROFESSIONALS were joining the ranks of the unemployed in a steady flow, and were having difficulty in finding jobs in a shrinking market, economists said yesterday

Sacob economist Keith Lockwood said although there appeared to be a glut of professionals looking for jobs, this was an indication of the depth of the recession rather than an excess of skilled people

"It is important we do not lose these people as we can very quickly develop a shortfall, which could constrain economic growth," he said

He was concerned that highly skilled management and technical staff could be forced to emigrate because they could not find work or the type of jobs and pay commensurate with their qualifications

Professionals were better equipped to deal with unemployment, as they understood the structure of business, and also had access to finance, enabling them to start their own enterprises, he said.

Small Business Development Corporation (SBDC) assistant GM Dawie Craus said a constant flow of applicants had been received, including many from "really capable people" with skills ranging from computers to banking

Although the SBDC was granting loans at a rate of R20m a month, the quality of applicants could justify the doubling of this figure if the funds were available.

"There should be more financial support," he said, adding the country could only hope to grow economically if it cultivated entrepreneurial abilities like those being made available "The sad part is we have to turn so many viable business propositions away for lack of funds," he said.

Professional Assignment Group MD Penny Ferrow said a "steady stream of people" had been trickling into the job market since last year

Demand for skilled people still existed, but clients were extremely particular in what they were looking for. Twice the number of candidates applied for any vacant post than a year ago

A significant development was the temporary placement of people with experience in large corporations, in smaller businesses on a rotational basis

Ferrow said retrenched, highly qualified personnel such as financial directors would work on an assignment basis for two or three small to medium businesses each month, providing the level of direction not usually available outside major industry players

This system was common overseas during recessions

However, professional "headhunter" Chris van Tonder, of Consilium, said despite the usually negative aspects of widespread corporate contraction, in present circumstances, they were "overdue"

"Many companies have grown thick around the middle, and are now shedding the most unproductive, least qualified and inexperienced personnel," he said

Companies were becoming more discerning in the type of people they hired, and were shedding "deadwood" accumulated over the years

The most unfortunate aspect of this process was the effect on graduates with minimal experience, and many would have to wait until the economy turned before finding jobs in their fields, Van Tonder said

Lecturers go back to work

(248)

Sowetan 17/9/92

■ **Academic staff are optimistic about promises made by management:**

Sowetan Reporter and Sapa

THE University of the North Academic Staff Association yesterday suspended a five-day strike by lecturers on and stated that classes would begin again today

Unasa said the suspension of the strike was due to positive steps taken by university management

The association said management had promised to appoint a commission of inquiry to look into the allegations made by students

Unasa members went on strike last week, demanding that seven suspended lecturers be reinstated or investigated and the matter resolved

Students had demanded that the seven lecturers be dismissed University representatives were not available for comment late yesterday

In a memorandum prepared, Unasa said keeping staff out of work had cost the university over R1 million. Some staffers had been out of work for more than 14 months

Criticising the university for not resolving the matter, the association said the treatment meted out to the affected people was both shabby and unjustified, as they were hounded off campus without being given a hearing

The university had, "at best ignored" their efforts to resolve the matter

Hundreds of new law graduates face jobs crisis

By DIANA STREAK

HUNDREDS of law graduates are facing unemployment as the cash-strapped legal profession struggles against its toughest economic crisis yet S/Times 20/9/92

General Council of the Bar chairman Brian Southwood said "I've been told 75 percent of graduates can't find jobs with legal firms"

The Law Society is taking urgent steps to create opportunities for graduates who cannot find work as articled clerks

Association of Law Societies vice-president David Asherson said it was looking at new ways for graduates to do their articles — including working as public defenders or public prosecutors

South Africa universities produce an estimated 3 000 law graduates each year

The public defender system has only been introduced in Johannesburg and employs just 11 lawyers due to a lack of funds.

Law firms throughout South Africa are retrenching staff to keep their heads above water

Legal sources said some of the larger firms were working three or four-day weeks to avoid retrenching staff, while senior partners were drawing smaller salaries or waiving their pay-packets

The situation is so bad that the Law Society of the Cape of Good Hope is allowing attorneys to negotiate, in certain instances, contingency fees whereby the client doesn't pay up-front and the lawyer takes a percentage of any settlement awarded by a court

Mr Southwood said many young attorneys were going to the Bar in an attempt to make a living, but that times were tough for advocates, too

"Newer people are really battling, particularly as the universities are producing many more LlBs these days" A leading Durban legal firm received 300 applications from prospective clerks this year, but employed only seven

A Cape Town attorney said his firm, which normally considered applications from articled clerks in September for January, was getting applications a year in advance

"The problem existed before the economic downturn but it has got worse over the past few years," said Mr Asherson

"There are too few places for too many applicants The present structure is the problem There is a terrific imbalance"

248 Urgency 80

He said the public defender system would be a good way of absorbing and giving young lawyers experience, but the funds would have to be found

"We recognise the urgency and are holding conferences in an effort to come up with an acceptable solution," said Mr Asherson

"But we have to guard against a dropping of standards, which would not be in the public interest."

The recession and the merging of large banking and financial institutions, which resulted in less legal work being concentrated in the hands of fewer law firms, are the main reasons for the crisis

Property law opens up

(248)

C/Press 20/9/92

By SOPHIE TEMA

SEVERAL black lawyers have broken through the barriers of what was once considered the enclave of the white legal profession – Property Law.

Recently a number of black lawyers entered into a nine-month conveyancing course – which in the past was impossible for them to pass and qualify.

Because of the growing interest among black lawyers in this area, eight would-be conveyancers were taken on by the biggest firm of lawyers in SA.

"They were all in private practice working a full day, and the course, which is extremely difficult, required a monumental effort," says Gaby Norton, whose firm single-handedly almost doubled the number of black conveyancers in one year. Of the eight who signed up for the course, three passed.

They are Nozipho Sithole, an articled clerk with the firm, City Serobe and Philemon Tsoka, both in private practice.

"Until recently there were only four black conveyancers in SA and now there are seven," said Norton.

He said in May 1992, director of the Black Lawyers Association Legal Education Centre Justice Moloto launched an attack on the legal profession at a conference held by the Johannesburg Attorney's Association on the future of the legal profession.

Moloto said: "Property law (conveyancing) was an enclave of the white legal profession and it was impossible for black lawyers to qualify as property lawyers.

"There was a growing interest among black lawyers in the area of law, and with the repeal of the Land Act and Group Areas Act individual land tenure is open to blacks and this represents a substantial source of income."

Says Norton: "Plans are afoot to continue not only with property but also with commercial law."

Bill may change role of attorneys

B/DAY 22/9/92

BILLY PADDOCK (248)

GOVERNMENT is planning to introduce controversial legislation next month which will allow attorneys to take on the functions of advocates in supreme courts

Described by supporters and detractors as the "thin edge of the wedge" that would end the division between advocates and attorneys, the Admission of Advocates Amendment Bill has been criticised as ill-conceived by the law profession

The Bill makes provision for any division of the supreme court to permit an attorney to discharge the functions of an advocate in any proceedings if no advocate is available or willing to appear

The explanatory memorandum also states that available advocates do not always have sufficient experience or the capability to appear in "certain specialised cases or in cases of a serious and complicated nature in the supreme court"

The Judge President may therefore appoint an attorney from a panel set up by the law society concerne to act in the proceedings The Bill is to be considered by

☐ To Page 2

Attorneys

B/DAY 22/9/92. (248)

From Page 1

the parliamentary standing committee on justice next week

Johannesburg Bar Council chairman Schalk Burger attacked the Bill as "misconceived, with the explanation for its introduction being positively misleading"

There was not a single case that he could think of where no specialist advocate was available The only time advocates were generally unavailable was in pro deo cases in circuit courts In these instances, it had long been the case that attorneys were appointed to act in the higher courts

He said it would have been far better had a commission of inquiry looked at the whole legal profession The resultant overview would have lead to far better and more comprehensive changes

Association of Law Societies vice-president David Asherson said he welcomed a start being made in breaking down divisions in the profession but said the Bill fell far short of what was required — that all suitably qualified attorneys be permitted to practise in the supreme court The present division could no longer be justified, he said.

Fighting for rural rights

FROM the appointment of one person two years ago, Lawyers for Human Rights' rural office has grown to a full-time staff of five. (248)

The office is inundated with reports of human rights abuses and requests for assistance from all over the Cape Province

"We don't have the capacity to reach every area, despite the need for our services," said LHR regional organiser Mr Wayne Malgas

LHR does not only provide courtroom expertise.

Its paralegal training project, human rights schools education programme and farm workers' project are geared at educating and empowering rural dwellers.

They have found that rural residents, particularly farm labourers, are hopelessly ignorant about their rights, despite the fact that they suffer the worst human rights abuses in the country.

"We have to nurture a human rights culture so these victims can deal with violations of their rights," said LHR's human rights education co-ordinator, Ms Cathy Rieketts. South

"People in rural areas are so immersed in their daily struggle for survival that they seldom recognise the fact that they have been stripped of almost all their rights. 26/9 – 30/9/92

"When we use terminology like 'constitutions' and 'rights', many of them are hearing such words for the first time"

Rieketts said that because rural dwellers were so "disempowered", LHR was forced to battle against their acceptance of their lot in life

Although the organisation had unearthed hundreds of cases involving clear-cut abuses of human rights, the victims often viewed these as "daily life on the farm"

What LHR has found disturbing is the abuse of women in rural areas where sexual assault and wife-battering is rife.

Child labour is another issue LHR is tackling

Client service is priority at Mendelow practice

(248)

Sowetan 28/9/92.

■ Clients learn of the possibility of failure or success early:

ATTORNEY Charles Mendelow has been practising for 12 years, handling such cases as personal injury, human rights and matrimonial law

Mendelow's practice is geared towards a person-to-person approach, making it easy for a person to visit the offices and receive a caring, personalised service

His motto is to advise clients, at the earliest possible time of consultation, of the prospects of success or failure before falling into the deep end of a legal debt

In short, Mendelow goes along with his client, tailoring the way in a manner equalling the client's budget

In cases where the client has insufficient means, Mendelow refers such clients to Legal Aid for funding

In personal injury cases, including motor vehicle accidents or where clients suffer injury from state employees such as the police, clients do not pay a fee if the case is lost Mendelow does not require a deposit from clients in personal injury cases and is willing to take his fee after the matter has been finalised

The company is assisted by Ms Chana Brodie and Mrs Hayley Fedeski

Both have passed their attorney's admission examinations and were expected to make applications to the court for enrolment as attorneys

Officials at Mendelow say they specialise in a team-work approach where the focus is on a personalised client-centred approach

Staffers of the law firm Moshidi, Kunene and Makume take a break to enjoy themselves.

Bowens firm traces its history to 1903

■ Developments in law force lawyers to specialise:

Sowetan 28/9/92 (248)

BOWENS is a firm of attorneys which traces its history to the turn of the century when in 1903 Elliot St Maurice Hutchinson opened the practice in Johannesburg

Within a few years, the firm expanded and became known as Hutchinson Russel and Bowen

During its long history, there were subsequent variations in the name, until it was eventually renamed Bowen, Sessel and Goudvis

It was in accordance with the modern trend of shortening names that the firm has over the past years been operating under the title of Bowens

Apart from the usual services provided by any law firm, Bowens also offers services in conveyance and notaries, dealing mainly in properties and title deeds

"The days of general practice are past," says one of the firm's directors, Mr Mike Gregory

Gregory attributes this to the rapid development and complications of the law, that is now making it imperative for lawyers to concentrate more deeply in restricted spheres

The firm has organised itself into various departments, which include

- Commercial law - generally described as a branch of the law dealing with the consequences of negligent actions
- Property law, air law, building and engineering problems, family law and insurance law

The firm consists of 16 partners assisted by a professional support staff and legally qualified clerks

Bowens' officials says they are proud of their tradition The firm has its offices on the seventh floor of Hunts Corner, 20 New Street South, Johannesburg

Company widens its legal horizons

Sowetan 28/9/92 (248)

■ **Former NSL chairman member of the firm:**

By Abbey Makoe

THE firm Moshidi, Kunene and Makume was founded by Mr Seun Moshidi of Soweto in 1977, a year after he had qualified as an attorney

At the time the firm was located at Chancellor House in central Johannesburg, conducting a general practice with emphasis, however, on criminal and matrimonial litigation

In June 1979 Mr Keith Kunene joined the firm as a partner, and the firm's name changed from Moshidi to Moshidi and Kunene.

Kunene is a former chairman of the National Soccer League and currently vice-chairman of the organisation. He qualified as an attorney in 1977, specialising in claims and divorces while Moshidi concentrates on criminal cases

Volume of work increased

As the firm increased in size and volume of work, it moved out of its old, congested premises

In 1981 Mr Kumes Makume joined the two partners, adding his name to the title of the firm He qualified as an attorney in 1979 and had a practice in Germiston

When joining the company, Makume specialised in civil litigation, deceased estates and debt collection

As a result of demands from clients in Middelburg, where Moshidi was born, the company expanded its services to this Eastern Transvaal town

The branch did not last long because the Group Areas Act forced it to close

The company's horizons widened again in 1990, particularly in Vosloorus on the East Rand The result was the opening of an office in Boksburg The firm has so far achieved a remarkable success in its areas of specialisation

In addition, the firm also conducts the first interviews system which enables clients to obtain legal advice at a nominal fee before engaging in unnecessary and costly litigation

In its 14 years, the firm has produced 12 qualified attorneys and presently employs five candidate attorneys.

Law specialties

- Civil litigation in the Supreme and Magistrates' courts
- Criminal litigation
- Matrimonial and maintenance
- Administration of deceased estates
- Limited commercial work
- Firearm licence applications
- Debt collection

Law students start bookbinding service

Sowetan, 28/9/92

■ **Aim is to do part-time work relating to legal matters:**

By Abbey Makoe

248

THE Legal Library Bookbinding Services was started as a company in 1984 by a group of law students from the University of the Witwatersrand, Rand Afrikaans University and University of the North

Their aim is to do part-time work relating to legal matters during their vacations

The idea itself was enough to give the students an opportunity to be closer to the profession

Prior to this venture, there was only a library service such as the one used for updating legal libraries

The company has during the past five years established a reputation for updating and enhancing reference libraries, both as a business investment and as a source of personal pleasure for law people

Two main specialised services provided by the company are

- Binding South African Law reports and supplying second-hand law literature for both contemporary sources and old authorities
- Services, which includes updating of all loose-leaf books such as Juta's Statutes

When it comes to law reports, qualified and bilingual librarians are available for part-time work

"Whatever size the job," said one official, "we guarantee prompt, accurate and efficient service "

Legal personalities can also establish their own comprehensive reference libraries

The centre is willing to supply "good condition second-hand references, both current, old and now rare 'collectibles' "

The old material includes, for example, such legal treasures as Voet and Van der Linde

The centre keeps updated catalogues of new publications for practitioners and students alike and the materials are provided on request

And for law students at various campuses, 1993 will be remarkable in that the centre will be offering four book prizes for those excelling in their final year studies

The centre is currently based in Melville, Johannesburg

The company will move to Wits University soon

The legal books sold at the centre are described as follows·

"An ever reliable witness to the law as it stands "

NEWS Developments at two universities may shake up academic community

Turfloop head quits his post

Sowetan 28/9/92 (248)

■ Chancellor Mandela explains resignation of principal:

By Don Seokane and Russel Molefe

UNIVERSITY of the North principal Professor NC Manganyi resigned at the weekend while the council of the University of Venda summarily dismissed their rector, Professor PW du Plessis.

Manganyi's resignation is bound to send shockwaves throughout the university community but African National Congress leader and chancellor of the institution, Mr Nelson Mandela, said he supported the resignation fully He told students and staff that Manganyi was leaving for personal reasons.

In another dramatic development at the University of Venda, the battle between Du Plessis and University Council came to a head when he walked out of a council sitting on Friday and was summarily dismissed. The council also:

- Closed the university indefinitely
- Suspended the Student Representative Council and instituted a probe into its finances and related matters
- Suspended public relations director Mr Rufus Kharidzha for allegedly instigating council members to resign
- Resolved that expelled dean of arts Professor SP Olivier should return immediately.

ANC president Nelson Mandela chats with State President Mr FW De Klerk shortly before the Press conference called after the summit at the World Trade Centre in Kempton Park. PIC: LEN KUMALO

ATTORNEYS' WEEK Initial consultation with these firms is free

Law in the rural land

Sowetan 28/9/92 (248)

■ Brits and Bophuthatswana firm has wide range of operation:

MAREDI Vincent Mphahlele is a firm of attorneys operating in Brits as well as Bophuthatswana.

The five-year-old law firm is based at number 59 Pienaar Street in Brits, opposite the United Building Society

Mphahlele's range of operation is wide, stretching from the Bushbuckridge in the Eastern Transvaal to the Northern Cape and Mmabatho in the Western Transvaal, where the firm is occupied mainly in divorce cases in the Supreme Court of the homeland

When prospective clients visit Mphahlele's offices, the firm does not charge a fee for consultation Legal assistance in terms of assessment of problems is offered freely

Legally, any law firm is entitled to charge a client for consultation, let alone for a representation in a court of law

Mphahlele says he does not charge his exclusively black clients because he understands their financial difficulties

The firm's director is Vincent Mphahlele, a B Proc and LL B graduate of Unisa.

"We feel it is too demanding to charge for legal advice before it can be ascertained whether a person has a claim or defence," he said

In cases of claims falling within the jurisdiction of the Small Claims Court, his company sends its needy clients there for help instead of making money out of their plight

"We engage in any work of a legal nature except dealing with title deeds, transfer of property and issues of a notarial nature," he said

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No clients - only friends

■ ATTORNEY IN DEMAND Philanthropic corporate lawyer started his firm in 1988 :

Sowetan 28/9/92 (248)

By Abbey Makoe

GURWANTRAI BHIKHA has been involved in legal affairs for more than a decade What he emphasises, though, is that he hates, after all his years in the profession, to be admired for what he is

"I want people to respect me because I help them," he said He refuses to refer to the people he helps as "clients".

"We don't have clients, only friends," says Bhikha, a corporate lawyer who started his own firm in 1988

He once worked for Liberty Life as a legal adviser in their technical marketing division

His success with the company was, among other things, marked by his introduction of a Diploma in Personal Financial Management to its members

And today, he proudly counts Liberty Life among his "friends" Another big name to Bhikha's credit is the Small Business Development Corporation

Bhikha says he operates on the premise that every professional owes his allegiance to his community And here no particular reference is implied

Bhikha's strong compulsion to assist the needy shows clearly in his services, rendered freely to such organisations as the Legal Resource Centre

He is in charge of the Education Secretariat for Lawyers for Human Rights in the Witwatersrand area, working as *pro bono* lawyer, i e. rendering services without payment in return.

In fact, Bhikha says he devotes about 20 percent of his time offering *pro bono* services He does not charge prospective clients a fee on their first consultation, he says Bhikha's offices are in central Johannesburg.

Mandla Mbongwe
ATTORNEY

Criminal and Divorce cases, bodily injuries resulting from motor vehicle accidents

Cor Von Brandis St

Sad chapter of Univenda is over

By Mathatha Tsedu
Investigations Editor

■ FLAMING FURORE *Once proud learning institution bows it head:*

THE FURORE which has engulfed the University of Venda led to the sacking at the weekend of the principal, Professor PW du Plessis, and the closure of the institution.

And the man at the centre of it all, Du Plessis, has so far been unavailable for comment on allegations against him and on general conditions at the university

Sowetan has been investigating the affairs of the university for nearly a month During this period, over 10 attempts were made to have an interview with Du Plessis to no avail

Several phone calls have gone unanswered and an attempt to stake out his office also failed. We met up with him at the Supreme Court of Venda where one of his underlings had brought a case against the university

Mind preoccupied

Du Plessis said his mind was preoccupied with the court case and he could not give "a useful interview" But he did deny involvement in the embassy intervention in the dispute

He said once the case was over, he would be able to talk to us This has not happened Subsequent calls also went unanswered

Then last Friday he was summarily dismissed after storming out of a council meeting, allegedly saying a forum of students and staffers had decided that the council no longer held sway at Univen

Now he is no longer principal We wanted to find out from him why he participated in the march against the council, why he refused to testify before a commission appointed by the council to look into problems on campus

We also wanted to know how he felt about the trimming of his fringe benefits, about the alleged blocking of an insurance company which wanted to build hostels, in favour of another which had more stringent conditions

We have in our possession a confidential report relating to an inquiry done by the Government in Pretoria, which resulted in Du Plessis being summoned in 1988 to explain his role

> **Students are co-governing the university. Anyone who thinks he can run it without their support is just dreaming**

Sowetan 29/9/92

He has not been available to speak to us

In the absence of Du Plessis, we spoke to Mr Rufus Kharidzha, the public relations director, about the state of affairs at the university

Council members

Kharidzha, who was accused of instigating council members to resign, has been suspended

Kharidzha said the furore over the council was that while students had participated in its appointment, they now felt the rules were promulgated without their consent

Kharidzha said Du Plessis' participation in the march against the council was the decision of a consultative forum formed by students and staffers

He said students were a powerful force on campus because they sit on the council and also had mass support in terms of student numbers

"They are co-governing the university And anyone who thinks he can run this university without their support is just dreaming," he added

Kharidzha said the university management was part of the consultative forum and went along with the decision It was this meeting that chose Du Plessis to lead the march

Turning to the commission of inquiry, Kharidzha confirmed that Du Plessis had refused to testify but said he did not know why

"I know that instead he had lunch with the commission chairman to apparently explain his position He said the student battle with the council had intensified after the council refused to sanction the expulsion of Professor SP Olivier, who was accused of racism "

Asked about his own role in getting council members to resign, Kharidzha said he had only phoned one business person, who represented the University Foundation, of which he is the executive director

"The consultative forum had said if council members refused to resign, students would embark on mass action against the businesses of these people. I did not want to see this happening and that is why I contacted this man

"As executive director of the foundation I knew that we (the foundation) would be able to send him back again as our representative to the council This is what I told him

Drafted letter

The man said he would resign and asked me to draft a letter to that effect for him and I did," he said

Kharidzha said this was not done to undermine the council but to save a man who, he felt, was offering the university many things, including a R5 000 prize for the best commerce student

He said as far as he was concerned, council was not functional anymore Several subcommittee meetings had not taken place and this showed that the council was ineffective

Kharidzha must be remembering these words now For on Friday, the council sat and decided, among other dramatic decisions, to suspend him [illegible] debacle

Today, the university is closed, Du Plessis fired, the alleged racist Olivier due back What happens now? Only time will tell

focus on Turfloop

A strike by lecturers followed by the resignation of the rector of the University of the North has focused the spotlight on what academics call student tyranny. **Don Seokane** examines what seems to be an insoluble conflict:

Sowetan 29/9/92

Professor MC Manganyi

THE sudden resignation of University of the North rector Professor NC Manganyi has sent shockwaves through the turbulent campus

Events at the university this year have been hectic, with lecturers going on strike demanding that withdrawn colleagues be recalled

Manganyi's resignation now poses a threat to the stability of the institution's administration

Speculation is rife on the reasons for his sudden departure but he has remained tightlipped

All he has so far said is that his move was prompted by personal reasons

Lecturers who went on strike two weeks ago charged that about R1 million has been spent over a period of 14 months in paying lecturers withdrawn from teaching because of student complaints against them

According to a new staff body at the institution - University of the North Staff Association (Unasa) - the amount was likely to increase as long as the issue of withdrawn lecturers was not resolved

Unasa, formed early this year and with membership of 241 out of 364 academics, resolved to embark on a 'gowns down' strike until university management recalled withdrawn colleagues

A university spokesman, Dr NA Budeli, said seven staff members were affected and that the issue had dragged on for more than a year

Budeli confirmed that the university had no other option but to pay staff members withdrawn from teaching because they were contracted to the university

He dismissed as "speculative" the staggering R1 million quoted by Unasa He could however not supply the exact amount.

The strike by Unasa members has focused attention on expulsions of lecturers by students without their being given a fair hearing

It is a well-established practice at this university that when students have complaints against a lecturer, it becomes impossible for the lecturer to continue teaching

In some instances, the university cannot even guarantee a lecturer's safety In 1986, a Roman Law teacher, Professor A van Warmelo, was burnt when student squirted acid in his face

This had followed unsuccesful and protracted negotiations by the SRC to have him expelled

Eventually, because of the acid affair, Van Warmelo was removed from campus Chemistry lecturer Ms CW du Sautoy has been a students' target since 1986 The attempts failed over the years until last year

The crunch came when many of her students dismally failed a test When confronted, she allegedly told them that there was "a vacuum between their ears" Chemistry students protested against the allegation and she was eventually withdrawn from teaching.

She is one of the seven affected staff members Unasa is talking about. The present dean of the faculty of economics and administration, Professor AJP Coetzee, was removed from teaching Business Economics course 1 in 1985 when students accused him of being a "miser" with marks

Coetzee was transferred to the course 2 class but no complaints were registered against him

He eventually met the same students that had chucked him out of the course 1 class in course 2 and continued without disturbances

Roman Law lecturer Mr Madala Phatudi was not as fortunate. Allegations against Phatudi, a former SRC member in his student days, were that his marks allocation was not satisfactory

He was also said to be "generally not generous" with that course. Withdrawn from teaching last year, Phatudi is one of the affected staffers

In a memorandum sent to university management, Unasa said it believed in the unversally accepted principle of human rights that "no person shall be condemned unheard".

Unasa added that the withdrawn lecturers were being punished without wrongdoing while there were no witnesses to testify against them

Unasa chairman and dean of the law faculty Professor BC Majola said during the strike that the association was willing and ready to negotiate their demands but disclosed that the university should move from "human wrongs to human rights"

The SRC has dug its heels in over the matter and stated that students would not be dictated to by lecturers - even if they went on strike

Most lecturers felt that the strike was justified, since it was imperative for them to know whether their services would be terminated at the behest of students

The academics are of the opinion that lecturers cannot simply be dismissed because of students' tantrums

Students accused of tyranny

Star 30/9/92. (248)

THE sudden resignation of University of the North rector Professor N C Manganyi has sent shockwaves through the turbulent campus near Pietersburg.

Events at the university this year have been hectic, with lecturers going on strike demanding that withdrawn colleagues be recalled

Professor Manganyi's resignation now poses a threat to the stability of the institution's administration.

Speculation is rife on the reasons for his sudden departure, but he has remained tightlipped

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According to a new staff body at the institution — University of the North Staff Association (Unasa) — the amount was likely to increase as long as the issue of withdrawn lecturers was not resolved.

Unasa, formed early this year and with membership of 241 out of 364 academics, resolved to embark on a strike until university management recalled withdrawn colleagues

A university spokesman, Dr N A Budeli, said seven staff members were affected and that the issue had dragged on for more than a year

Dr Budeli confirmed that the university had no other option but to pay staff members withdrawn from teaching because they were contracted to the university.

He dismissed as "speculative" the R1 million sum quoted by Unasa. He could, however, not supply the exact amount.

University of the North . . . student pressure has led to the withdrawal of some lecturers.

The strike by Unasa members has focused attention on expulsions of lecturers by students without their being given a fair hearing

It is a well-established practice at this university that when students have complaints against a lecturer, it becomes impossible for the lecturer to continue teaching. In some instances, the university cannot even guarantee a lecturer's safety. In 1986, a Roman Law lecturer, Professor A van Warmelo, was burnt when students squirted acid in his face.

This came after unsuccessful and protracted negotiations by the Students' Representative Council to have him expelled

Eventually, because of the acid affair, Professor van Warmelo was removed from the campus

Chemistry lecturer C W du Sautoy has been a students' target since 1986. The attempts to have her withdrawn failed, until last year.

The crunch came when many of Ms du Sautoy's students dismally failed a test When confronted she allegedly told them that there was "a vaccuum between their ears"

Chemistry students protested over the alleged remark and she was eventually withdrawn from teaching.

She is one of the seven affected staff members Unasa is talking about The present dean of the faculty of economics and administration, Professor A J P Coetzee, was removed from teaching a Business Economics I course in 1985 when students accused him of being a "miser" with marks.

Professor Coetzee was transferred to the Business Economics II class, where no complaints were registered against him.

In time, the same students who had chucked him out of the first-year course encountered him again in their second year, but this time the class continued without disturbances.

Roman Law lecturer Madala Phatudi was not as fortunate Allegations against Mr Phatudi, a former SRC member in his student days, were that his marks allocation was not satisfactory.

He was also said to be "generally not generous" with that course Withdrawn from teaching last year, Mr Phatudi is one of the affected staffers

In a memorandum sent to university management, Unasa said it believed in the universally accepted principle of human rights that "no person shall be condemned unheard".

Unasa added that the withdrawn lecturers were being punished without wrongdoing while there were no witnesses to testify against them.

Unasa chairman and dean of the law faculty, Professor B C Majola, said during the strike that the association was willing and ready to negotiate their demands but disclosed that the university should move from "human wrongs to human rights".

The SRC has dug its heels in over the matter and stated that students would not be dictated to by lecturers — even if they went on strike.

Most lecturers felt that the strike was justified, since it was imperative for them to know whether their services could, and would, be terminated at the behest of students

The academics are of the opinion that lecturers cannot simply be dismissed because of students' tantrums □

Prof steps down

248

THE director of the University of Cape Town's Graduate School of Business, Professor David Hall, is to relinquish his post on November 30 Sowetan 1/10/92.

UCT's acting vice-chancellor, Professor Wieland Gevers, said yesterday Hall had asked to step down for personal reasons He would, however, continue his association with the GSB as a consultant and visiting professor

FM 2/10/92 (304) (118)

that Mr De Klerk and Dr Mandela think they can decide upon the parameters of negotiations unilaterally and then get us to fill out the flesh of the body politic they have decided on

"We say no to this We know of no revolutionary movement in the history of the world that has drawn up a constitution which enables parties opposed to it to win an election and form a government The ANC will be no exception.

He adds. "If we permit the agreement to stand as binding on us, the SA government and the ANC would feed on the SA body politic for their own destructive glory That is how strongly I feel." ■

UNIVERSITIES (248)

Strange business

FM 2/10/92.

Professor David Hall has resigned from the University of Cape Town's Graduate School of Business and will leave on November 30 His three-year appointment was due to end next September.

British-born Hall (57), educated at Oxford, Stockholm and Harvard, helped to found the business school in the mid-Sixties He held top academic positions in France, the UK, US and Canada

Since returning to UCT in October 1990, the dynamic Hall has revolutionised the business school He inspired its move from confined campus premises to the renovated old Breakwater Prison on the ridge overlooking the Victoria & Alfred development on the waterfront.

Cost of the new campus was about R40m It took about a year from the time the premises were identified to the day the first lectures took place

Hall motivated changes in the MBA curriculum and in the teaching hours of the staff He also increased the numbers of students on the MBA programme and the short courses which the business school successfully pioneered

Hall introduced the Associate in Management course for middle managers who would not normally gain a place on the MBA programme

Hall's contribution has been massive Why is he leaving? He and university registrar Hugh Amoore will say only that it is for personal reasons Yet Hall hopes, and so apparently does UCT, "that he will be able to continue to contribute to the work at the business school in future as a consultant and as a visiting professor." So his departure is apparently not a reflection of his abilities, or a result of disenchantment with colleagues and teaching work UCT principal Stuart Saunders is overseas and not available for comment

Because of the cost of the new business school, there have been rumours that it is in financial trouble and unable to fund its new existence in the way Hall expected. Whether or not there is truth in this, it should be

FM 2/10/92 (248)

remembered that the school, unlike other faculties in the university, is a profit centre. It proposes to be self-financing and Hall would surely have wanted to see the project through

While it is possible that a professor of Hall's international stature may deserve to be better remunerated than colleagues who have no international reputation, salary apparently has nothing to do with his departure

Perhaps the resignation is linked to the position of the school within the UCT structure.

It is possible that Hall was not allowed the managerial autonomy he desired, considering he was responsible for making the school eventually pay for itself. ■

NEGOTIATIONS — 2 FM 2/10/92

Points victory

Aside from the release of political prisoners, securing of hostels and the carrying of dangerous weapons, significant "understanding" between President F W de Klerk and the ANC's Nelson Mandela was also reached on a constitution-making body at their summit meeting last Saturday

It was the first time the two leaders had met since the ANC withdrew from negotiations in the wake of the Boipatong tragedy The fact that the agreements alienated another important player, Inkatha's Mangosuthu Buthelezi, was unfortunate but cannot negate the breakthrough most South Africans desperately wanted to see and which the international community had urged on the leaders.

The De Klerk/Mandela "Record of Understanding" states that the two sides agreed

ANC's Ramaphosa *one of the main players*

Wits cutbacks lead to closure of departments

(248) KATHRYN STRACHAN

WITS University finalised plans this week to close three arts faculty departments, merge three others and decrease its staff compliment over the next two years to cut costs B/DAY 2/10/92

Wits vice-chancellor Prof Robert Charlton said yesterday that after in-depth investigations, recommendations were made by the arts faculty board to phase out contract appointments and to freeze posts

Charlton said the departments selected were those operating well below staffing and enrolment norms.

All departments in the arts faculty had been reviewed, he said, but the science faculty had so far managed to meet its staffing allowance without retrenchments, but it was also considering merging departments

The Hebrew and Jewish studies department and the Russian and Portuguese departments would be phased out over the next two years The French, German and Italian departments would be incorporated into a new department of modern languages and literature The classics department would also be replanned

GERALD REILLY reports from Pretoria that university tuition and boarding fees are set to rise sharply again next year, university sources say.

Cuts in subsidies over the past few years had placed severe pressure on university finances, necessitating stringent economies and adjustments to fees.

Last night Pretoria University's vice-principal (management services) Prof Calie Pistorius announced a probable average increase in tuition fees of not more than 15% and in 15,2% in boarding fees

Pistorius said the university planned to absorb the difference between the increase in fees and the inflation rate by rationalising and cutting back

SURETYSHIP LAW FM 2/10/92 (248)

In the eye of the beholder

The banking and legal professions are in disarray following a far-reaching judgment on suretyships by a full bench of the Transvaal Provincial Division of the Supreme Court Transvaal judges are attempting to limit the damage caused by the binding precedent set in March when Mr Justice Henry Preiss delivered a full bench decision which most of them consider unsound

Judge Preiss held that the presence of many clauses, inserted in suretyship contracts as a matter of course by banks and other creditors, rendered them invalid on the grounds of public policy (*Economy* July 12). Judges are now vigorously "distinguishing" the facts of surety cases before them from those in the precedent-setting case.

In an unreported judgment, on September 22, in the Witwatersrand Local Division, Mr Justice Dirk Marais found that the clauses which had been described as "offensive and immoral" in the full bench decision were "perfectly acceptable and enforceable" In an action brought by Pangbourne Properties against various sureties, Judge Marais barely stopped short of being downright scornful of the defence, which was based on Judge Preiss's findings

There are other recent decisions where a single judge bench has, in actions based on suretyships, found for the plaintiffs after distinguishing the facts of the case from those in the precedent.

Donn Jowell, a partner in attorneys Jowell, Glyn & Marais, says Judge Preiss's decision "caused widespread consternation, particularly in the banking community" If suretyships that he described as offensive are invalid, the consequences could be that securities for debts amounting to perhaps billions of rands are worthless If the judgment stands, then at best the banks will have to reconstitute those securities (ie have them redrawn and confirmed by the debtors) at enormous cost At worst, it will not be possible to reinstate some of the securities and the banks will be exposed to gigantic losses. This would be the case where the principal debtor (for example, a private company) cannot pay and the creditor needs to have recourse against shareholders who signed as sureties.

To understand the muddle, it is necessary to look back at the development of the concept "public policy" in SA law and the history of suretyships Some years ago when, as now, the economy was in recession and suretyships were being called up regularly, it became the fashion for the suretyship documents to be attacked on technical grounds Banking institutions responded by broadening the terms of their standard suretyship documents to include provisions that would bar the technical defences and generally facilitate recovery against sureties It is these additional clauses which are at the heart of the current dispute

"Public policy" as a concept, meanwhile, lay dormant in our legal system Essentially, it provides for equity in a system which does not otherwise recognise equity There is a view that the courts have — and should have — the power to treat a contract as void if it is against public policy or contrary to moral standards However, the courts have long recognised that this power is not one to be hastily or rashly exercised In SA and English law the courts have recognised that the doctrine should be invoked only in clear cases The difficulty is that equity lies in the eye of the beholder.

Significantly, in the full bench decision in March, there was no evidence as to the special circumstances to advance the argument based on public policy

Judges, dealing with an emergent society, could understandably be moved to adopt a "consumerist" approach But in Australia, to take a good example, the remedy is being found in legislation (which is not retroactive) rather than in judicial inventiveness

Jowell says the situation now amounts to legal chaos The casualty is commercial certainty Judge Marais and other Transvaal judges have managed to find a fair and pragmatic answer by distinguishing the facts before them from those in the case which created the precedent While this can work well in a particular case, it is not a panacea Each case will be decided on its own set of facts and no generally applicable rule can be formulated

Jowell says the only way the law can be rationalised is through a decision of the Appellate Division — which of course has the power to overrule a full bench of a provincial division — or by legislation

Under these circumstances, everything should be done to bring the appeal against the TPD decision to a hearing by the Appellate Division as soon as possible

Robin Friedland

FINANCIAL MARKETS

Riding the bull

FM 2/10/92

A downward correction of capital market rates followed publication of money supply figures (see P34) last Friday afternoon The Eskom 11% E168 closed at 13,825% on Monday from 14,03% on Friday, reaching a low of 13,78% on Tuesday The RSA 12% R150 fell from 14,06% to 13,855% and closed at 13,85% on Tuesday.

Jürgen Kögl of brokers J Solms & Co, says the correction in gilt rates came at a good time "Rates came down strongly in early and mid-August, when the R150 and the E168 briefly fell below 14% However they stayed above that level in late August and for most of September in the wake of the Bisho massacre, uncertainty in capital markets in Europe and as local indicators moved sideways to slightly higher This allowed the market to blow off some heat"

Kogl expects short-term rates to follow in the near future

Meanwhile the Reserve Bank has entered into repurchase agreements to the value of R500m to alleviate the growing money market shortage These were issued at an average rate of 15,6% Applications of R1,1bn were received

First National Bank group treasurer Ken Russell says the repurchase agreements should prevent the shortage reaching the R5,5bn-R6bn mark "Had the Bank not acted, the banks would have had to push up call rates significantly This would have meant

continue →

Spur boosts earnings 45 pc

STAR 5/10/92

Finance Staff (248)

Spur Steak Ranches has trebled turnover in the past three years, and announced an increase of 52 percent to R13 million in the six months to August.

Interim earnings were up 45 percent to 17,87c (12,33c) a share and an interim dividend of 11,5c is being paid.

Chairman Allen Ambor and group magaging director Gerd Topat say Spur is well positioned to take advantage of cycles in the economy.

"In leaner times, customers rely on the basic, value-for-money items, and on the upswing we sell more luxury items such as larger steaks, hors d'oeuvres and desserts," Mr Ambor says.

Spur Holdings, which has a 64 percent holding in Spur Steak Ranches, reports a 51 percent growth in attributable income.

It is paying an interim dividend of 8,5c (6,5c).

Woman of achievement

(248)

UNIVERSITY of Cape Town deputy vice-chancellor Dr Mamphela Ramphele has been awarded the Woman of Achievement Award by the Cape Town branch of the Woman's Bureau of South Africa

Ramphele is the first woman deputy vice-chancellor ever appointed to UCT and has distinguished herself in community health and social anthropology She has been prominent in mission hospital work and managing black community programmes in the Eastern Cape The Women of Achievement Award is a floating trophy presented each year to a Western Cape woman who is outstanding in her chosen field The trophy will be presented to Ramphele at a banquet on November 10

Argus 16/10/92

Women's Bureau awards Ramphele

UNIVERSITY of Cape Town deputy vice-chancellor Dr Mamphela Ramphele has been awarded the Woman of Achievement Award by the Cape Town branch of the Women's Bureau of SA.

Ramphele is the first woman deputy vice-chancellor ever appointed to UCT and has distinguished herself in community health and social anthropology. (248) C/Pen 18/10/92

Shortage of engineers forecast

B/Day 20/10/92

248

EDWARD WEST

SA WOULD be woefully short of engineers if the economy improved, SA Association for Consulting Engineers president Peter Thomson said yesterday.

He said the approximately 1 350 consulting engineers in SA would simply not have enough skills if SA's economy grew by between 3% and 6% a year as was being predicted for the medium term.

SA would have to revert back to the situation of eight to 10 years ago where foreign engineers had to be imported.

He said that in SA there were only 35 engineering students per 1-million people compared with the likes of Japan, for instance, where there were 460 engineering students to every million people

International Association of Consulting Engineers president Geoffrey Coates said there was a worldwide shortage of engineers. It was forecast that in the US there would be a shortage of about 700 000 engineers by the year 2000.

Engineers would have to be recalled from retirement, he said.

The US and western Europe were expected to emerge from recession with renewed vigour, he said.

Major development growth areas were expected to be China, eastern Europe and the Commonwealth of Independent States, SA, South America, southeast Asia and developing countries in Africa.

Tradegro results reflect turnaround

B/DAY 22/10/92 (248)

MARCIA KLEIN

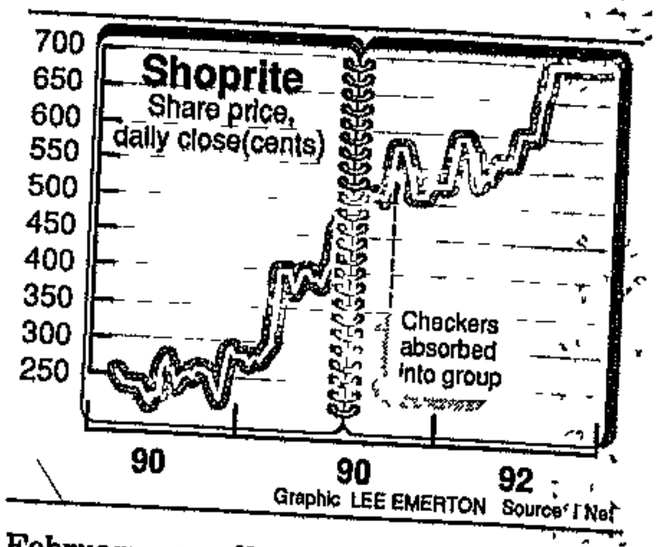
TRADEGRO, the holding company of Shoprite and Checkers, has reported a R15,1m profit before extraordinary items in the six months to end-August on the back of a turnaround in the group's supermarket activities and extensive restructuring

But a R165,9m extraordinary item, representing the once-off write-off of the trademarks and goodwill bought with the acquisition of Shoprite and some butchery activities, saw it show a net loss of R150,8m for the period.

Last year Pepkor acquired Tradegro and restructured its food retailing interests. In terms of the restructuring, Pepkor subsidiary Shoprite was sold to Tradegro for R177,3m, and Tradegro became the food retailing arm of the Pepkor group.

Group MD Whitey Basson said yesterday that results reflected a turnaround of R60m over the previous eight-month reporting period "during which a loss of R45m was reported and during which Tradegro was acquired by Pepkor".

A change in the year-end from June to February as well as changes effected within Tradegro — including the sale of Metro Cash & Carry and Smart Centre — made comparisons tenuous, Basson said.



But if the group's supermarket activities were singled out, Shoprite/Checkers showed a profit of R10,6m compared with a loss of R13,4m in the same period last year Sales at Shoprite/Checkers stores increased by 10,8%, accompanied by a growth in market share, he said.

"This growth was achieved through the

☐ To Page 2

Tradegro

B/DAY 22/10/92 (248)

☐ From Page 1

narrowing of gross profit margins which allowed R12,6m to be reinvested in the business"

In the six-month period, turnover was R2,5bn and operating profit was R17,4m

The R15,1m after tax profit compared with a loss of R44,6m in the eight months to end-February and a loss of R66m in the six months to end-June 1991

The group earned 32,8c a share after showing losses of 20c in the previous periods No dividend was declared, but Basson said Tradegro expected gearing to improve considerably in the second half

"Our positive expectations for future trading are supported by the benefits we are reaping from our marketing strategy, the consolidation of the group's administrative systems, reduced stock losses and the completion of the decentralisation and dissolution of a large head office function" Tradegro would focus on continuing to increase market share

ATTORNEY'S WEEK *Molefe rose above a decade of anarchy*

Genius climbed out of '80s education dustbin

CUTTING EDGE Lawyer defied PW Botha's indifference to black children:

Sowetan 28/10/92

By Abbey Makoe

BLACK, 23 and a lawyer.

That's the stark reality that gleefully struck Motlatsi Molefe when he completed his B Proc degree at Turfloop University in 1984

An impeccable achievement by any man's standard - for the 1980s have earned themselves a place in history as a decade of anarchy in black education

Former apartheid supremo PW Botha was in no sacrificing mood

A black child was relegated to the dustbin of academic-related boycotts, characterised by closure of most institutions

But Molefe triumphed against all odds, realising his dream of becoming a lawyer. And so, a firm in the legal fraternity registered its mark A rare occasion.

"In the beginning it was only me and the secretary," says the Benoni-born lawyer, too cautious to reveal much except when questions were fired at him

Molefe went on cutting a niche for himself when he articled with an established lawyer, Mr Dan Thinane, barely a year after he had qualified

His bond with the man came to the end in 1985, when Molefe joined another established lawyer, Mr Kabelo Mothobi in Kempton Park until early in 1989

Then came a breakthrough - a chance to establish himself

Molefe grabbed the opportunity He started his own firm in April 1989

Reads like a eulogy? It's a true story of a black in South Africa, born with little advantages in fact none at all

"My practice is aimed at defending criminals We also handle some divorce cases," says the man who was born third in a family of seven

Motlatsi Molefe

Molefe says he doesn't charge the needy, at the first consultation

"Some people often come with incredibly 'minor' problems," Molefe says "It's a question of not knowing," he says

But even if a client's problem is mammoth, Molefe says "we try to minimise the costs as much as we can"

Molefe says his firm is growing, regardless of the economic recession

He has been joined by his brother, a BA and LLB graduate from Fort Hare and Natal University

Thirty-one years since he was born, Molefe still stays in his home town of Benoni, the difference, of course, being that he is now married and blessed with two children

Like father like son

Sowetan 28/10/92.

■ **Henry Helman has extensive experience in Customary Law litigation:**

By Abbey Makoe

Carrying on the tradition of Johannesburg's wellknown lawyers?

In fact Sholto Helman's company was once owned by his father, known as Henry Helman Attorneys, before they turned the "family" business into a partnership

Sholto's father died suddenly in 1985, leaving the son as the sole partner of the firm

For the sake of popularity, Sholto decided not to change the name, fearing possible difficulties regardaing clients adaptation to a new name

Besides, leaving the name was, and still is, serving as a constant reminder to Sholto of where the firm came from

It was started in 1939, when Shalto's father left Harrismith for the golden city to join a legal partnership that came to be known as Basner, Helman and Jaffe

Firm dissolved

Later Sholto's father went it alone when the firm dissolved. Helman, Sr, continued practising alone until Sholto graduated BA, LLB at the University of the Witwatersrand a year before the end of the Second World War

Shortly after Christmas in 1944, Sholto cut a niche in the legal fraternity, joining his father early in 1945

"Our practice is one of the few firms in Johannesburg that has had extensive experience in litigation concerning Customary Law," he said

Sholto said jokingly, (though seriously), that "like a teenage girl, I keep my age to myself"

Sholto has also been admitted and licensed to practice in Lesotho and Swaziland

How else does one describe one

Spoor & Fisher's act is balanced

B/Day 28/10/92

SOME companies look after their employees better than others, but few look after their women better than others

Patent, trade marks and copyright lawyers Spoor & Fisher have a number of women who only work half-days

The half-day does not apply only for their highly qualified female lawyers, but includes other members of the firm The practice has two women partners and in its staff complement of 140, more than two-thirds are women.

Personnel manager Sue Scott believes that being allowed to work half-days gives the women a chance to find a balance between family and job and benefits the company as it does not lose its highly qualified employees

"Spoor & Fisher is constantly looking at any ways or means to make the firm an equal opportunity employer in the full sense of the words"

Spoor & Fisher's Jean Helvor, Alison Dyer, Mariaan Murphy, Sue Scott and Pauline Adam.

Alison Dyer is one of the very few lawyers in SA who specialises in chemical, metallugical and biochemical patents She is also the co-author of a book on patents, forms and precedents

Dyer, like most lawyers who deal in scientific patents, has a BSc (Hons) in chemistry and an LLB cum laude

Jean McIvor is also a partner and deals in general trade marks and copyright She has an LLM from Cambridge

Spoor & Fisher has a number of housewives working flexible hours They can fill in for other staff members who are on leave

Scott says most of the housewives have not been in the working environment for a number of years, and so it allows them to gain experience whilst still fulfilling the needs at home

The practice also grants maternity leave to its employees

The firm was founded in 1920 in Johannesburg and has offices in Johannesburg and Pretoria

Its activities include licencing, litigation and valuations relating to intellectual property (patents, trademarks, designs and copyright), passing-off and unlawful competition.

248

Verster will testify in camera — judge rules

(327) CYDAY 2/4/92

SUSAN RUSSELL

FORMER CCB MD Joe Verster will testify behind closed doors at the Webster inquest today after the court was told his life could be in danger if his identity was made public and he was recognised

Judge M Stegmann granted Verster's application to testify in camera, but ruled that a transcript of the former CCB operative's evidence would be made available to the media and the public

Verster's counsel, J Wessels, told the inquest court that his client's concern for his safety if he was recognised did not arise from CCB activities inside SA, but from projects carried out outside the country.

Verster's external projects had included acts of violence, Wessels told the court

He said the application for an in camera hearing was not to stop Verster's evidence being made public, but to prevent the former CCB operative from being recognised

Verster's application was opposed by both the State, which was leading the evidence of witnesses, and counsel for the Webster family, E Bertelsmann SC

It was submitted that the Vrye Weekblad had already published a picture of Verster at the time of the Harms Commission The names and identity of other former CCB operatives under Verster's command, as well as his superiors like Gen Eddie Webb, were also public knowledge.

Wessels said according to Verster he was not identifiable from the photograph and he had been unrecognisable to himself and to people who knew him

The court was also told that a witness at the Harms Commission, an askari, had been found murdered in the veld three days after testifying at the commission

Granting Verster's application, the judge found there was a possibility that Verster would be endangered if his face was made public

Public defenders 'needed nationally'

GAVIN DU VENAGE

THE initial result of using public defenders in Johannesburg had been successful and justified expansion on a national basis, public defender pilot project steering committee representative Les Morison said at the weekend.

Speaking in Johannesburg at an international conference on the right to legal representation, Morison said the project had silenced the "considerable concern" voiced at its launch in January.

Two senior and eight junior public defenders had been appointed for a two year period to the Johannesburg Magistrates' Court, with a budget of R2,5m.

To date more than 2 200 cases had been dealt with, with a 57% success rate on the not guilty pleas, and a 90% success rate for bail applications.

Nearly 2 000 applications for assistance which could not be accommodated, for reasons such as limited capacity and the type of assistance sought not being offered, were referred to the Legal Aid Board.

(248) CT 2/4/92

The average cost per case was about R420, which compared "very favourably" with the costs allowed to private practitioners by the board, he said.

Board fees were themselves considered very low

Morison said that the quality of defence was "high," as public defenders appeared in the same courts daily, attended training courses and were in an environment of active discussion.

This compared well to a private practitioner who stood to lose money if a case was not wrapped up quickly.

He called for support in lobbying the Justice Minister to establish a national public defenders' office.

Blue Chip

believes the viability of proprietary hardware and software

However, employm tutions has increased

PROFESSIONAL CONDUCT

FM 6/11/92

Crime and punishment

The Public Accountants' and Auditors' Board (PAAB) was established by parliament to license qualified people to practise as auditors and to enforce a code of professional conduct for practitioners (248)

This gives not only the financial community, but the public at large, the right to expect certain minimum ethical and professional standards from registered accountants and auditors The board investigates allegations of misconduct and punishes offenders

But who guarantees the board's level of professional conduct?

The question arises because of a rule that denies the right of appeal against a finding by the board's disciplinary committee Once a case has been heard, there can be no retrial — even if fresh evidence emerges.

Archie Nankin — a chartered accountant

cont →

FM 6/11/92

who was struck off the roll for life in March 1990 — says that his only recourse, under common law, is to institute proceedings in the Supreme Court to bring its decision under review (*Economy* August 23 1991) It is, however, a course of action that would run into many thousands of rands in legal fees — with no guarantee of success

Practising auditors are subject to a web of professional rules and regulations No accountant — even one registered with PAAB — may use the designation "chartered accountant (SA)" unless he has been granted membership of one of the four provincial societies of accountants

The provincial societies have delegated the disciplining of members to the SA Institute of Chartered Accountants (Saica) As a matter of course, any accountant examined by PAAB's disciplinary committee must also face Saica's disciplinary committee Accordingly, Nankin's case came before Saica and — after a hearing that was originally scheduled for October 1990 but postponed many times until July 1991 — he was duly informed that, based on the evidence, Saica was not able to find him guilty

Nankin says the institute was not able to find him guilty because, at its later trial, he was able to introduce in evidence a document that was not available during the first hearing He maintains that this document established that he could not have been party to the professional misconduct of which he was accused

PAAB director Jane O'Connor did not wish to comment on the findings of Saica's disciplinary committee but pointed out that PAAB, which has the power of subpoena, heard evidence from more witnesses than Saica had access to Saica legal and ethical director Len Norval adds that the time lapse between the two trials did not make it easier for witnesses to remember what they had said at the earlier one

"PAAB is precluded by statute from reopening the case," O'Connor explains "In the absence of fraudulent conduct, the law takes a strict view on the desirability of an administrative body such as PAAB reviewing its decisions This is based on the policy that a public authority cannot be expected to receive continual applications for reconsideration Moreover, it would create a climate of continuing uncertainty"

PAAB is not the only professional tribunal which operates in this way "Lawyers, doctors, architects and others are also bound by the rules of their professional bodies," says attorney Mike Judin "These tribunals are established to exercise judicial or quasi-judicial functions — such as settling disputes or imposing disciplinary control — over people who fall within their jurisdiction Most tribunals derive their powers by statute and are compelled to observe not only their own express rules but also the fundamental principles of justice"

Since Nankin's trials, the rules have changed Saica now follows the findings of PAAB, but imposes its own penalty, or at its

FM 6/11/92

discretion, not to impose any (248)

This is cold comfort to a practitioner like Nankin who has been struck off by the PAAB but not by the SAICA While he may still call himself a chartered accountant, he is precluded from practising as an auditor

To Nankin the question is academic As he says "At 70 years old I was about to retire anyway"

But an important principle is at stake whether the PAAB and similarly constituted boards should have this kind of life-or-death power over its members' careers is debatable To assume that the disciplinary board is above errors of judgment is naive — even decisions of a court of law have been reversed on appeal O'Connor points out that, in a court of appeal, new evidence may not be introduced, so "it is a matter of speculation" whether the new evidence would have made any difference to the board's findings in Nankin's case ■

JOB MARKET

Legal firms turn away graduates

S/Times (BUSS) 8/11/92. (248)

By TERRY BETTY

AS law students sweat over their final examinations, few realise that the profession is unable to absorb them all.

Only 40% of the 3 000 students expected to graduate this year will be articled to a legal firm

Students have to do a two-year stint as articled clerks and pass an attorney's admission examination before they can practise

Those unable to obtain articles do postgraduate studies, become advocates, public defenders or legal advisers for corporations Some leave the profession

A discussion paper distributed in the legal profession shows in 1991, 49% of the 2 203 students were articled. Projections for 1993 are that only 39% of the 3 800 students will be articled.

Association of Law Societies (ALS) director of practical legal training Nic Swart says "The figure is set to get worse because the number of final-year students increases by 50% every year.

"The intake by the universities has increased sharply. For example, the University of the North has 1 700 law students, 1 100 of which are in their first year"

Webber Wentzel partner Ed Southey says his firm receives about 400 applications a year for about 10 vacancies

Mr Southey blames the glut of unemployed graduates on the universities.

"They are churning out legal students at such a rapid rate because the costs are relatively low Unlike the medical faculty, law does not need expensive high-tech labs — only books and teachers"

Mr Southey believes the 18 law faculties in SA need stricter entry requirements combined with aptitude tests.

"Screening must become more imaginitive Although there is an oversupply of corporate attorneys, it is desperately short of lawyers for the lower end of the market — 80% of people passing through SA courts are undefended."

Prison

To deal with the skewed allocation of attorneys, the ALS has drafted options to articles It is hoped they will absorb some of the excess students

Mr Swart says "Instead of doing articles, graduates will be able to work for a legal-aid clinic or the public defender's office

"Johannesburg has the only public defender's office in the country It is modelled on the American system

"It has been successful in giving people access to defence counsel. Although we would like to extend this to every major city in SA, expansion depends on funding"

Mr Swart says the system pays partly for itself

"It costs about R45 a day to keep a person in prison Better defence would enable more people to be released on bail and they might be able to receive an alternative sentence which keeps them out of prison, such as community service"

Other plans include allowing people with extensive legal experience, such as advocates, to become attorneys without having to do articles

Mr Swart says "The ALS has accepted the changes and the proposals have been sent to the Department of Justice"

It has also become compulsory for all candidate attorneys to do a five-week ALS course that simulates an office environment and supplements experience.

It will also be possible for people to attend a five-month practical course which will replace a year of articles

Mr Southey says the school will be imperative for people taking the options to articles The experience gained in a public defender's office and legal-aid clinic is specialised and needs to be supplemented

He says a ladder system is being considered whereby people are able to enter the legal profession with lower qualifications and work their way up

For example, a person with a BA degree and a few legal subjects could with extra study become a "paralegal" and practise as a criminal lawyer in the lower courts.

"This would help to deal with the shortage of legal representation at the lower end of the scale But it will take a couple of years to be implemented."

ENTERTAINMENT *Mordecai Gumede pays tribute to Prof Mngoma on his 70th birthday today*

Khabi Mngoma enriched lives

■ NATION BUILDER *Musician made invaluable contributions to both classical and choral music:*

(248)

Sowetan 18/11/92.

ONE OF THE outstanding nation builders of our country should be loudly and roundly acclaimed so that posterity can look back to their past with admiration and pride K V was born in the Golden City in 1922 He obtained his primary and junior secondary education at George Gogh

Lest we forget, Khabi is a true son of Africa with his roots firmly planted in the rich heritage of rural Zululand

His great-grandfather is Khalalembube Mngoma, who was as ferocious as a lion in battle He was one of King Dingane's elite warriors, like Manyosi Mbatha, Dambuza ka Sobadli, Ndlela ka Sompisi, Noyishada ka Maqhoboza

Khabi trained as a teacher, post-matric T3 at Adams College under Edgar Brooks, a man who was able to surround himself with the best teachers in the land, like Professor S B Ngcobo, Don Mthimkhulu, Lavinia Scott, Robins Guma and Reuben Caluza who was both a teacher and composer

R T Caluza is the man who had a lasting impression on young Khabi Khabi has, in fact, performed and put across to South African audiences many of Caluza's compositions

Social history

These songs are records of the social history of the South Africa of the period, like *Umantindane*, which reflects African belief in witchcraft and the supernatural

Ngonyaka ka 1918 is a living record of the influenza epidemic of the age, *Umaconsana* (i-skili me quick) portrays those days when the African suffered from the ravages of urbanisation, acculturation, industrialisation and Uma-Afrika drank strong concoctions like gavini, not for relaxation and enjoyment, but to forget his worries R T Caluza left an indelible mark on the musical career of young Khabi

Another teacher who nursed and nurtured Khabi's skills as a musician was Simon Ngubane - who was also a product of Caluza

Khabi's skills in the interpretation of both Western and African music had their beginnings in the Tonic Solfa at Adams College

> **'The university is fortunate for being able to count him among its members'**

To put the record straight, K V is by no means only a product of African music and art He learned instrumentation under several white teachers of note

He learned violin under Joseph Spira, violincello with Mrs Dancer, singing vocal production under Annie Lamprechts and piano with Milton Orson The celebrated Dr William Paff taught him keyboard harmony

Self-made man

Khabi is clearly a self-made man All this he learned through self-determination and application to the job He has several professional music qualifications to his credit, yet he never had the benefit of sitting at a desk as a full-time student at a university

He holds several licentiates of the Royal Schools of Music in London, and holds a teachers' and performers licentiates in music at the University of South Africa

As a teacher of music K V has made an unusual input, a holistic view of music to enrich human life

Khabi has always insisted that music cannot be separated from the rest of the arts, such as literature, sculpture, architecture, painting, poetry, the theatre and the other performing arts

It is the all or nothing law that pervades Khabi's philosophy on music He holds music to be a universal language A knowledge of the other arts widens the frame of reference of the musician and increases the depth of understanding of the soul and culture of any people

The Golden City and all of us will always remember with nostalgia Khabi's choral productions and performances As a music organiser he has thrilled and gladdened our hearts with several group performances in our townships

We remember with pride the Orlando music society in 1948 - I was doing 5th year medicine at Wits

Then the Moroka township music appreciation group [illegible] his annual performance of Handel's *Messiah* when he worked as a cultural officer (speciality music) for the Johannesburg City Council

It is just not possible to do justice to the contribution Khabi made to enrich the quality of life of all South Africans in general, and, in particular, the underprivileged in the South African townships But I will not have done justice to Khabi's contribution toward nation building if I do not mention the Ionian Choir and that day when Khabi conducted a choir of 240 full-throated voices in the performance of Handel's *Judas Maccabeus* in the Johannesburg City Hall

Khabi is invited as a much sought after adjudicator to music festivals

When the University of Zululand decided to establish a department of music, Khabi was asked to take on this mammoth task and no one can say the mountain went into labour and produced a mouse

Several of his past students, like Thulasizwe Nkabinde at the SABC, fill important posts in education and broadcasting They include U D W Musa Xulu, M Musi, Siza Ndlovu, Elliott Phewa (Uni Zulu), Xoliswa (Transkei) Sipho Nzimande (Inspector of music Natal), Michael Rantho (RTD), Michael Masote (founder Soweto symphony),

These young musicians are a living tribute to the stature of Professor K V Mngoma as teacher, conductor, performer, artist, and humanist

It was, indeed, a fitting tribute to Khabi's contribution as a nation builder when the University of the Witwatersrand conferred on him a Doctorate in Music Honoris Causa on 15 December 1987

"The university is itself so much the richer for being able to count him among its illustrious members," said the orator Khabi was singularly fortunate to meet Grace Mondlana, a pretty petite dynamo, with beauty and brains all placed in perfect positions

A loving mother and a devoted wife true to the traditions of Florence Nightingale

Grace brought up a wonderful family for Khabi from October 26 1948 to August 15 1987 when she was called up for higher service

Her sweet aroma remains in their two children Linda and Sibongile who have, on their own steam, made a mark in the world of music Nor are the grandchildren far behind

Grace kept an open house for African children who could not be accommodated within the campus at UniZulu - at no expense to themselves or their parents Khabi continues as Grace did He continues to enrich the life of the community at Empangeni in the field of music

He has opened a music school for youths He teaches children of all colours music The high quality performance of his youth orchestra has to be seen and heard to be appreciated

On December 1 1977 Khabi had a shattering motor accident when several bones were broken He was unconscious for many days It was not expected he would live

A fine footballer who led the "Shooting Stars" of Adams college, he was reduced to a cripple But the man has such will-power to live for others

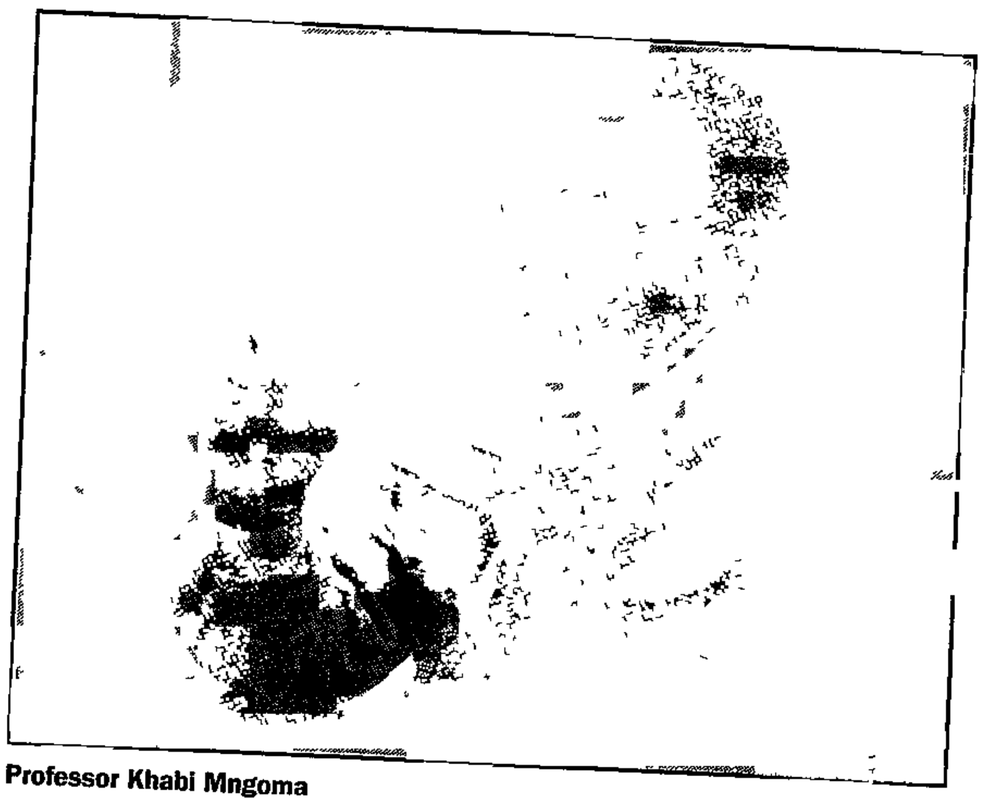
He gyms, jogs and cycles daily before dawn This is like a religion to him

When he retired as Professor of music at UniZulu he was asked to serve at Port Shepstone as chairman of the Joint services Board, Southern Natal Region He has just had another motor accident and injured his foot With all these handicaps he continues to drive a car to enrich the quality of life of our people

We salute Professor Khababanjani Vivian Mngoma A man who is endowed with all the gifts to ensure for him a place in the higher echelons of learning, a man who has walked with kings and angels in the temple but has never lost the common touch with ordinary men

Khalalembube! Khongisa! Iyabulela iAfrica!

As one septuagenarian to another it is my most pleasant task to say "Welcome to the club!" I have seen five summers as a member May you see many many more days in the service of man in Africa



Professor Khabi Mngoma

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Engineers to sue over closed bureau

S/Times (Cape metro) 248

By DE WET POTGIETER

EIGHT engineers and technicians left jobless by the closure of the Bureau of Mechanical Engineering at Stellenbosch University are suing the university for unfair dismissal

29/11/92.

They men, Albert Marquardt, John Coutlakis, Helmie van der Westhuizen, Kobus van der Westhuizen, Abraham Kooiman, Frans Kotze, Piet Henn and Johan Marais, have also aired their grievances in letters to President FW de Klerk, Education Minister Piet Marais and Finance Minister Derek Keys

They also claim they did not get help in finding alternative employment as promised

The bureau closed at the end of September, following an announcement in June by Professor Christo Viljoen, chairman of the high-tech institute, that unfinished projects would be completed by a new private company, Creative Engineering

Fifteen engineers were subsequently retrenched

The former managing director of the bureau, Professor Vos Hattingh, is the chief executive of the new company He is also a shareholder in the company, along with Mr KG van Pressentin and Mr GR Marwick.

"Mr Marwick is a former colleague, but worked for the past decade for Armscor," Professor Hattingh said in his memorandum

Five of the dismissed engineers and technicians said in a letter that the bureau relied on Armscor-related projects

Before the bureau was privatised in April 1990, shortly after President de Klerk took office, it had a budget shortage of R3,4-million, and the men have questioned whether it was it feasable to privatise

Pretoria caps first black woman PhD

STAR 2/12/92 (248)

Pretoria Correspondent

Maria Morongwa Ramarumo has become the first black woman to receive a doctorate from the University of Pretoria

She received her PhD from the education faculty during the first of Tuks's summer graduation ceremonies yesterday.

Ramarumo's doctoral thesis addressed the adequacy of literacy education for school beginners in rural Venda.

Born in Alexandra on November 10 1952, Ramarumo matriculated at the Orlando High School in 1975 before going on to attain a BA degree at the University of the North, a Higher Diploma in Education at Wits and her Masters at UP

She started her teaching career in 1981 at the Letare Secondary School in Jabulani and two years later was appointed head of Johannesburg's Thesele Secondary School's department of African languages.

Ramarumo is also the first woman to serve as director of the Council of Directors of the South African Press Corporation

By the end of the graduation ceremonies on Saturday, the faculties of theology, economic and management sciences, arts, law, medicine, science, education and agricultural sciences will have conferred 2 305 degrees and 131 diplomas.

Why not put the 'ad' in advocate?

Law Review Suppl in W/Mail 11/12 - 17/12/92 (248)

Advertising of some legal services is now permitted — but not enough to really help consumers, argues **PAT SIDLEY**

ATTORNEYS can now advertise — well, sort of They may advertise some of their services in a very limited way and in limited places They cannot tell consumers how good they are, if they specialise in any particular field, nor, however obliquely, can they say anything about their competitors' services

Advocates, of course, do not need to advertise, they say The public cannot approach them and attorneys know who the advocates are and how good or bad they are at what they do

None of this helps the ordinary person in the street looking for a lawyer to help deal with a car accident or a divorce In fact, even if something really gross happens, and a leg is erroneously removed in hospital, the patient cannot select the best lawyer for the job as one would select a fridge, lounge suite or carpet cleaning service

These products and services are usually well advertised and the advertisers will have to live up to their claims and their names The only way for a consumer to choose an attorney is by reputation, gleaned by word of mouth The consumer will then have to accept the attorney's word about which advocate to use, if that becomes necessary And, as most consumers know, this is not always the best way to buy goods or services

Attorneys believe that the limited advertising allowed at the moment "can only be a good thing for consumers" It would give consumers more information from which to find an attorney and discover what type of service the attorney offers (although the advert may not state that the lawyer "specialises" in something)

In theory there is a laid-down tariff which lawyers must adhere to and which is the only price which may be published in an advert However, in practice, things are very different The Association of Law Societies advises that during an initial consultation, consumers should negotiate a price that suits both parties, even if this is "outside the laid-down tariff" Other arrangements are also common these days, including an agreement that the lawyer take the case "on contingency" — being paid only if the case is successful at a rate agreed on beforehand by both parties

The consumer absolutely at a loss as to how to find a divorce lawyer or an expert on motor car accidents and injuries, will not be helped by the Law Society which is only able to give lists of attorneys in the geographic area in which the consumer lives but without any reference to specialities

The ticklish issue of whether an attorney can mention a specialty is under discussion and it is possible that before long advertisements could contain information like "Joe Smith, attorney at law, R200 an hour, specialises in divorce"

Should this happen, it will give consumers information as well as added protection against a less-than-competent job done by an attorney There would be a bigger onus on an attorney to explain to the Law Society, when a complaint has been laid, why he or she failed in what was advertised as a "speciality"

Attorneys do not see the need for advocates to advertise — even if attorneys begin competing with advocates in the supreme court Consumers and advocates might disagree Chairman of the Johannesburg Bar Council Wim Trengrove says advocates may not want to compete with attorneys but as advertising becomes more commonplace it is likely advocates will eventually start advertising too Advocates cannot at present be approached by the public, and Trengrove believes attorneys know well enough who would be the right counsel to brief on a client's behalf

However, clients would never know, until a bad job is done, whether they might have found someone better had more information — and therefore choice — been available

Advocates and attorneys have very effective trade unions which protect their members, but do not protect all the interests of the public So consumers could probably do with a lot more information about both branches of the profession

That way they can make better informed decisions about whom to hire, and lawyers would be more accountable (relative to their claims) for the work they do

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Hofmeyr van der Merwe is one of the largest Johannesburg law firms, with offices in central Johannesburg and in Sandton. The main thrust of the firm's business is corporate and commercial, including commercial litigation.

A firm policy of specialisation is followed and the specialist divisions are **general commercial** (including mergers, aquisitions, takeovers, reorganisations, joint ventures, stock exchange listings,exchange control, competition law, advice on securities regulation panel matters, deregulation, privatisation, banking) **tax** (including income tax, value added tax, regional service council tax, project finance, and international tax) **commercial property** (including local and cross border property development, expropriations, town and regional planning, building and construction law, share blocks and time share), **insolvency** (including liquidations and sequestrations, and general aspects of insolvency law such as compromises, schemes of arrangement and inquiries), **general property** (including township establishment, sectional title, registration of mineral rights and mining titles, conveyancing and notarial transactions), general litigation(including insurance claims and claims arising out of personal injuries) **commercial litigation and labour law** (including all litigation arising from commercial transactions, employment law, prevention and handling of strikes, wage negotians and general collective bargaining, labour implications of mergers, aquisitions and takeovers, redundancies, retrenchments, restraints of trade, arbitration and alternative dispute resolution).

Other specialist areas covered include telecommunications, computer law, product liability, environmental law,energy, media law, copyright and trade marks, technology licensing, human rights and constitutional law, and water law.

Many partners have extensive experience of international transactions and the firm has well established ties with some of the world's largest international law firms The firm also has contact with practitioners practising elsewhere in southern Africa.

The firm uses the most advanced computer technology and also produces its own software programmes. It is recognised as one of the best managed firms in Johannesburg.

The partners of the firm have a large committment to public life. Three former presidents of the Transvaal Law Society are partners in the firm. One partner, Antonie Gildenhuys, is the chairman of the National Peace Secretariat. This firm believes in the New South Africa and is committed to help bring it about.

When victory starts with a billet-doux

Law Review Suppl 11/12 - 17/12/92. 248

Whether the Legal Resource Centre in Grahamstown deals with the Bisho massacre or marital violence and the rights of farm labourers, each case has a ripple effect throughout the community. By BULELWA PAYI

THE Grahamstown Legal Resources Centre (LRC) counts its success in terms of big victories in small towns The four lawyers on the staff deal with a huge area, from Noupoort in the Karoo to Aliwal North and East London, including Ciskei and reaching even into Transkei

Set up to service small towns and rural communities, the LRC's experience has been that a single case in an isolated community can have a huge impact on the local balance of power A victory with legal help gives communities new confidence and a sense of their rights, and makes the local power structure more careful

In one case, an unpopular police station commander in Alicedale was transferred after LRC intervention

Gerald Bloem, the lawyer who handled the case, said "The community was not happy with the station commander They said among other things that police would sit and wait for people coming from traditional ceremonies and arrest them" on charges of drunkeness.

The LRC successfully defended an accused in one of these cases, and the community then approached the police to have the station commander transferred The man was moved, and replaced with a "more friendly" officer

The LRC started off supporting advice office workers and trying to give them clout

Bloem says "Their letters were just ignored and we wanted to give them teeth so we backed them up in their claims"

According to the centre's acting director, Clive Plasket, the office has been involved in a great deal of litigation against the minister of law and order "While we accept that abuses of power by the police will always be a problem, we believe that our strategy has had some impact on police practice," he adds

In one instance in Cathcart, a man returning from a traditional ceremony where he had drunk homemade brew was stopped by police He was thrown into the back of a van and suffered a head injury He successfully sued for damages.

Although he was only awarded R600, the LRC considers the time and energy spent on the case worthwhile "The matter generated an immense amount of interest in that small rural community The public gallery was full at every court sitting."

As a result of the judgment, says the office, the number of police assaults in Cathcart has decreased

Their work has brought the lawyers hostility from some whites in these small towns, who don't like the interference by meddlesome outsiders.

"They would ignore letters we sent to them and only when we issued summonses would they realise that we were serious"

In one case, an LRC lawyer was chased by angry farmers

Cases are referred to the office by advice office workers throughout the eastern Cape and Border regions.

The advice offices themselves face huge difficulties They are chronically short of funds, their phones are sometimes cut off for long periods because they are unable to pay the account In December 1991, one advice office worker had not been paid for 10 months

Very few offices are equipped with a fax machine and although advice office workers are eager to be of assistance, they lack basic training.

Advice offices in East London, Queenstown and Fort Beaufort are visited regularly, while telephonic advice is given to other advice offices

The lawyers each tend to deal with particular advice offices This arrangement has built confidence and trust between the particular attorney and the advice office, "made for continuity and provided the attorney with an understanding of local dynamics and needs", said Plasket.

Some advice office workers help in trial preparation, and every time attorneys appear in court there is at least one advice office worker to ensure that witnesses are present.

Letters and telephone calls requesting legal advice or assistance continue to pour in "from all over the eastern Cape

"Those writing to us for assistance have a variety of problems and a range of literary style One letter began 'Grammatically news must fall upon your hands like a lily flower which blows in the summer season Be jubilant when you receive this billet-doux from me'"

The LRC has also been approached by the Anglican bishop of Grahamstown, Bishop David Russell, who has been campaigning for rights for farmworkers He has asked it to help in drafting alternative legislation to the Trespass Act and the Prevention of Illegal Squatting Act These will either be tabled in negotiations with the government or be used in lobbying in the post-apartheid era.

One of the areas the LRC hopes to tackle is marital violence, often regarded by police as merely a domestic dispute.

According to a report by Plasket, the LRC has been told by the Family and Marriage Society of South Africa that police have refused to investigate a number of cases of violence against women by their partners

The LRC has also been asked by Disabled People of South Africa to help formulate policy

Particular needs have been identified as housing, education, transportation and employment.

The office is often involved in Ciskei cases Plasket says the Ciskei's Bill of Rights provides "useful and interesting mechanisms for challenging government action and provides us with valuable experience in Bill of Rights litigation"

LRC's record in Ciskei is particularly good All but one case taken to the homeland's supreme court were settled out of court.

Currently, damages claims arising out of the Bisho massacre of September 7 are being handled by the LRC — Ana

Warner–Lambert supports the International Bill of Human Rights and in particular article 12 of the International Covenant on Economic, Social and Cultural Rights that forms part of the Bill

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the still birth rate and of infant mortality and for the healthy development of the child.

(b) The improvement of all aspects of environmental and industrial hygiene.

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases.

(d) The creation of conditions which would assure all medical service and medical attention in the event of sickness.

WARNER LAMBERT

Law for Lesotho's ladies

A NEW legal aid clinic for women, run by women lawyers, will be formally launched in Lesotho today, December 11

One full time staffer, Puseletso Letete, oversees the clinic which began operating earlier this year Women who want help must satisfy a means test, earning less than R400 a month

The other women lawyers involved in the federation spend their Saturdays in the clinic helping clients, or running workshops and seminars in the community

So far, the women coming to the office have been asking for help with family law matters — divorce, maintenance and separation — and labour law problems.

The clinic is funded by overseas donors and run by the Lesotho Federation of Women Lawyers, a national non-governmental organisation started in 1988

●Contact Puseletso Letete at (09266) 323088

Defending the poor who can't afford attorneys

Law Review Suppl in W/Mail 11/12 - 17/12/92 (248)

Weekly Mail Reporter

MORE than two million accused appear in South Africa's magistrate's courts every year — about 80 percent of them are not represented by a lawyer. One result is that more than 100 000 unrepresented accused are sent to jail by the courts annually

Many accused are illiterate and ignorant of complex criminal law and procedure. Section 73 of the Criminal Procedure Act no 81 of 1977 gives an accused the right to legal representation if he or she can afford it, but for the majority of accused this is quite beyond their pockets.

One such accused, a Mr Buthelezi, appeared in the Johannesburg Regional Court this year. He was charged with fraud. It was alleged that he had been persuaded by a dishonest insurance agent to submit a false claim to his insurers for the death of one of his children Unable to afford an attorney, he conducted his own defence. He denied the charges against him but, at the end of his trial he was convicted

Although Buthelezi was a 47-year-old man with five children, a first offender and in steady employment, the magistrate sentenced him to four years' imprisonment. The prosecutor was shocked at the sentence and immediately approached a public defender advising him of Buthelezi's plight. Buthelezi, totally unaware he could appeal, was waiting to be taken to prison to serve his sentence

The Office of the Public Defender opened a file; drew and lodged a notice of appeal; applied for bail pending appeal, which was granted, and referred the matter to the Legal Aid Board (as the Office of the Public Defender does not as yet handle appeals) for the appointment of an attorney and counsel in private practice. The appeal was successful Both the conviction and Buthelezi's case is just one example of how the Office of the Public Defender has made a difference

The office is a two-year pilot project of the Legal Aid Board. It has 10 public defenders, all admitted advocates or attorneys who assist poor accused appearing in the Johannesburg Magistrate's Court. Since January 1992, when the office opened its doors to the public, the public defenders have appeared in about 2 000 cases In matters where accused have pleaded not guilty the success rate has been above 70 percent. Even in matters where accused have pleaded guilty or have been convicted, a lawyer can make a difference by knowing which mitigating factors to put before the court The public defenders have also helped accused in applications for bail or for reduction of bail — about 90 percent of which were granted

The 10 public defenders appear in 14 regional and 14 district courts in the Johannesburg Magistrate's Courts and there are about six cases on each court's roll each day But despite its size the scheme has made a vast difference to the many accused it has assisted.

Gearing up

Law Review Sept

LOCAL lawyers, schooled in the Westminster tradition, are foreigners to the jurisprudence of an entrenched constitution.

The Centre for Applied Legal Studies at Wits plans to ease them in. This year they will introduce a constitutional training school (248)

Separate courses will be offered for the judiciary and for lawyers who might be appointed to the bench. Magistrates and attorneys will also be helped to "retool" for a new constitutional order.

Preparatory courses for the police and other members of the security forces are also being planned. W/Mail

● Contact Cals at (011) 716-5672.

11/12 - 17/12/92

Challenging discrimination at varsities

Law Review Supply in W/Mail

248

Weekly Mail Reporter

A UNIVERSITY of Pretoria lecturer established a valuable precedent when she threatened court action against the university for alleged gender discrimination. The case was settled out of court but her lawyers believe the application could help many other women.

Discrimination in housing subsidies is alive and well at the university. The lecturer, who has been on the staff since 1979, was refused a housing allowance because, she was told, as a married woman she did not comply with the rules of the scheme. Being excluded from the scheme meant the loss of a substantial perk — R13 832 a year in comparison with the total package of a married man doing the same job.

The case was settled after the university initially opposed the action. This is an issue of national concern and of particular importance to women. Acting on behalf of the lecturer, the Legal Resources Centre contended that there was no objective justification for the university's differentiation which was based on an outdated presumption that married women are dependent on their husbands. The housing subsidy scheme, which forms part of the conditions of service of university employees, requires that the husband of a married woman must be permanently medically unfit for work in order for her to qualify.

At present most of the major universities, including the Witwatersrand, Cape Town, Stellenbosch and the Rand Afrikaans and Natal universities base their housing subsidies on a "principal breadwinner" test. 11/12-17/12/92

The woman was, in fact, the principal breadwinner.

An application to the supreme court for an order to set aside the scheme as *ultra vires* stated:

- The university was not empowered to discriminate on the basis of gender in determining the remuneration and benefits due to staff members.
- The exclusion of married women from the scheme was unreasonable, as its operation was partial and unequal and it was manifestly unfair and unjust.
- Gender was an irrelevant consideration, and the university council had failed to properly consider the terms of the rules before adopting them.

The case did not go to court as the lecturer was offered a housing subsidy. But the university has not undertaken to change the rules. They claim they have difficulty in establishing who the principal breadwinner is. However, married men are not required to prove that they are the principal breadwinners. The university claims that this is not discriminatory.

The university authorities declined a request to inform all employees about the case and its outcome. The LRC has taken instructions from other clients in similar situations and a campaign for gender equality could really start to snowball.

The settlement has opened the way for a challenge to the public sector housing scheme which contains similar discriminatory provisions. Thus the outcome of this case has implications for all married women in the public sector.

STAR 11/12/92

Human rights picket

(248)

Members of Lawyers for Human Rights (LHR) staged a lunchtime demonstration outside the Carlton Centre in Johannesburg yesterday to mark the 44th anniversary of the adoption of the Universal Declaration of Human Rights by the United Nations

"This is not a celebration because there is nothing to celebrate in this country — apartheid is well and alive," LHR director Ahmed Motala said

"The absence of a Bill of Rights in this country makes it difficult to challenge human rights violations," he added

● In a statement, the Human Rights Commission estimated that 3 600 people would have died in political violence in South Africa by the year end

The figure would be 40 percent up on that of last year, it estimated — Staff Reporter

National Association of Democratic Lawyers

Law Review Suppl in W/mail 11/12-17/12/92 (248)

The year 992 ends with South Africa in a deep crisis as a result of decades of apartheid misrule Our community is being torn apart by violence and the government seemingly has neither the will nor the capacity to end it and protect our people. The economy teeters on the brink of collapse, government itself is riddled with corruption and ineptitude. The search for a political settlement is bedevilled by fiefdoms and monsters spawned and nurtured by apartheid through the years, which are determined to block any passage into the new South Africa.

NADEL believes that it is the responsibility of every South African who loves justice, peace and democracy, to be involved in the ushering in of a new dispensation in the shortest possible time. In this task, the role of the legal profession is of critical importance as lawyers have to be the community's watchdog in order to ensure that the justices and (excesses of past are not repeated in the future.)

The legacy of apartheid is, and will continue to be felt in all walks of South African life. In the legal profession, it has had the effect of stunting its development and has thus rendered ineffectual with regard to the needs of the greater South African community.

Since its inception in 1987, NADEL has held the view that the institutions of the legal professions are inadequate, both in addressing the needs of the profession itself and in fulfilling the proper role of the profession within the community it serves. There is therefore a need to restructure and orientate these institutions in order to bring home to the lawyers the need to address the challenges posed by the changing times.

Through its community legal education programmes, NADEL attempts to meet the challenge of combating repression through ignorance by empowering the community through education with regard to their rights as well as assisting in the development of a human rights culture. There is particular focus on rural areas where the provision of legal services is virtually non-existent. The programme ensures a continuous interaction between legal practitioners on the one hand and the community at large on the other.

With regard to the administration of justice and the legal profession itself, NADEL's activities are motivated by its commitment to:

- the transformation of the South African legal and judicial systems into truly representative and accessible institutions, firmly based on the rule of law and ensuring the fullest recognition and protection of human rights in a united and democratic South Africa free from discrimination based on grounds of race, sex, colour or creed.
- the development of a legal system which will guarantee justice, fairness and equity, both substantially and procedurally,
- the accessibility of legal assistance and protection to all, regardless of their means or station in life,
- the restructuring of legal education and training to facilitate greater access to the profession and to ensure that the needs of the entire South African community are full and appropriately served.

Finally, NADEL is motivated by the belief that lawyers are but part of the community they serve, and that they must therefore not only be sensitive to but be part of the continuing struggles of the people for justice and democracy and against any threats or violations of the rights of the individual.

"Equality and Justice"

Heavyweights enter ring of human rights defence

(248)

Law Review Suppl in WI Mail 11/12-17/12/92

In the past, big law firms shunned human rights work But large legal companies are now establishing public interest departments. By CARMEL RICKARD

FOR years public interest lawyers urged the big commercial firms to help with human rights work, saying the load was too heavy for so few people to carry The response was, to put it mildly, unenthusiastic

But times are changing Several of the large legal companies have begun incorporating some kind of human rights component into their firms. At least three of the top Johannesburg groups are moving in this direction, as are a few in the rest of the country

Senior partner in one of these companies, Michael Katz, speaks with the enthusiasm of a convert about the contribution his firm, Edward Nathan and Friedland, wants to make to the new South Africa through its new public interest law department Katz's company is taking the department seriously some top names have been brought aboard to help head the team including the former managing director of the Perm, Bob Tucker, and Democratic Party MP Tony Leon, both attorneys who joined the firm specially to help head the new section

But what led to this conversion? Why all this effort now, instead of years ago, when the need was so great and the numbers who responded so small?

He responds with what one soon discovers is typical Katz intense precision "It's a fair question There are three answers First, we were wrong in the past I say it for myself We ought to have been more involved But we do not need to perpetuate the error

"Second, we are now moving into the new South Africa and everyone is evaluating their response to the new situation, this is our response"

The third part of his answer comes from the inspiration of United States Supreme Court Justice William Brennan whose speeches Katz re-read just at the time he was wrestling with a new direction for the firm

Brennan spoke of the leading role that commercial law companies could play in helping the civil rights movement "He said that lawyers are the brokers of social change This is true We have an influence over our clients We know the process In everything that is needed to facilitate and advance change, lawyers have a pivotal role to play, especially those with significant resources I re-read this speech of Justice Brennan at a time when I was re-appraising our response to the changes in South Africa"

Katz's firm will fund salaries and overheads, and does not expect to make money out of the new department. So how will they find clients for the new section, since as Katz admits frankly "the kind of person coming here for help from the human rights department is not on our normal mailing list" Easy He expects there will be no shortage of work. Word gets around

Michael Katz We were wrong in the past Photo SARAH PRALL

Where's the satisfaction in public interest work for someone more used to mega-million mergers? Again the three-point answer "It is a personal social commitment to be in a firm that makes this kind of contribution to society Where's the satisfaction to any donor? It's all the more satisfying if what you are donating is a unique service Anyone can give money

"To be facilitating the thrust of a new development in our society is also satisfying It will also be useful to our commercial clients if we start developing a feel for the needs of society

"For example, to a property developer client we will be able to say, if you do this it will have the following impact. If we do a take-over we can say, this is the impact it will have on employees It will facilitate the advice we can give in the commercial sphere"

Katz says firmly that a human rights component is the way to go for the big companies

He predicts that many more firms will soon start down this road and doubts that any of the groups which have traditionally handled such work will feel threatened by the new development "There is so much work to do Under a justiciable Bill of Rights we are going to see a huge shortage of this kind of service There's room for everyone to get involved"

●Several other major Johannesburg firms are involved in similar schemes including Deneys Reitz and Webber Wentzel which has made one of its senior partners available to the Legal Resources Centre on a major time basis

Working at a frenetic pace

By CARMEL RICKARD

A CLIENT of Michael Katz? Follow his legal advice, but don't copy his lifestyle The man starts work at 4.30am and gets to bed at 1am.

What kind of guy works more than 20 hours every day and sleeps only three and a half hours every night? He admits these are long work hours, maybe even crazy work hours.

But he says, with the slightest edge to his voice, that of course this doesn't mean he is eccentric or crazy himself.

In those hours he works, works, works, putting together hugely complicated deals. He also lectures twice a week at Wits University, where he is honorary professor in company law; serves as director of numerous companies; sits on more boards than you knew existed, including the state president's Economic Advisory Council and the tax advisory committee to the minister of finance (which he chairs), and is involved in a long list of "communal work", like serving as president of the Jewish Board of Deputies for four years Then he has his exercise· Saturday afternoon is tennis time played at a school whose members are intensely competitive and question every decision, every line call Sunday afternoon is gym time. A well balanced life?

At home he keeps a huge library well stocked and reads voraciously — at least six non-law books a week.

Then there's his family, a wife and two daughters. Do they ever see him, does he spend time with them? A man of few words, Katz. "Very much so," he says.

His colleagues despair of him. "His range of activities and the list of bodies of which he is a member is absurdly long," says one. "It is beyond what any normal human being can contemplate."

"He has his feet very much on the ground, it's just that he works at a pace no one else can match."

Demand grows — but not funding

Law Review Suppl in W/Mail (248)

Running the South African Legal Defence Fund is no easy task — especially if one took over at a time when international funders pulled out. GAYE DAVIS speaks to Saldef director Ntobeko Maqubela

NTOBEKO MAQUBELA is well-placed as national director of the South African Legal Defence Fund (Saldef) As a qualified attorney who spent 10 years in jail for treason he can be said to know the country's justice system inside and out. 11/12 - 17/12/92

He jokes about his hair going grey between February 1990, when FW de Klerk announced the unbanning of the African National Congress and other organisations, and April 1991, when Maqubela was finally released from prison But the difficulties he experienced early on as Saldef's national director probably also contributed.

Saldef was set up to continue, inside South Africa, the work done by the London-based International Defence and Aid Fund (Idaf), which had funded the defence in political trials for years. That was as far as the relationship went: Saldef was created as an entirely autonomous body responsible for finding its own funding

But Idaf's closure left attorneys and advocates across the country clamouring to be paid for outstanding accounts — and they landed up at Saldef's door.

"When Idaf closed it couldn't pay every account outstanding at the time — an amount of between R14 and R15-million was involved," says Maqubela "Saldef was not legally obliged to do anything about old debts It began with a clean slate.

"But we came under a lot of pressure from attorneys who were not willing to take on new work until their old bills were paid. So, even though we were not liable, we felt morally obliged to try and do something "

In addition to appealing for funds for its own operation, Saldef also approached donors to make a special once-off grant to meet the bad debts, by that time reduced to "a more manageable R7-million". It was not an easy task: most of the big funders had loyally contributed to Idaf's coffers and weren't happy about coughing up more.

"We were able to raise about 30 percent of that sum and people are going to have to be happy with this," says Maqubela. "Saldef feels it has done more than enough "

Today, after a year in operation, Saldef pays out about R1-million a month in fees for lawyers whose clients don't have the money to pay. It received a total of 2 493 applications for assistance between October 1 1991 and September 30 1992 of which 262 were refused: 90 percent of all applications received were granted, and over R6-million was paid out to attorneys during the same period

Unrest-related cases still occupy the top slot — about 64 percent of Saldef's cases. Proactive work — such as advice to civics and political prisoners and work on land issues — amounts to about 20 percent of the total case load, acccording to Saldef's legal director EB Mahomed

Ntobeko Maqubela ... 'We would like to shift the emphasis from political trials to proactive work' Photo: GAYE DAVIS

"We were hoping the emphasis would no longer be on the defence of political trials because of the government and the ANC talking to each other, but this did not happen," says Maqubela.

"Political violence has added a new dimension to the whole scenario we're helping with the Goldstone Commission and the Webster inquest and it's costing a packet — but look at their importance.

"We would have loved to move from this kind of thing to more proactive work — legally empowering people, helping them gain access to rights which have been denied them for so long — but this shift has yet to happen."

Saldef is also involved in campaigning for a public defender system, whereby anyone landing up in court will be able to avail themselves of a lawyer's services, no matter how poor they are.

"The majority of people go through the system without any legal representation therefore there is no due process and therefore, no justice We need a system where even the indigent are represented," says Maqubela.

However, a pilot public defender project underway in Johannesburg has run into problems: although progressive lawyers' groupings are represented on the steering committee, the work is being done by Legal Aid Board staffers. Maqubela says it is being run "virtually by the government": the emphasis falls not so much on guaranteeing an individual's rights but on how many cases are dealt with in a day. The Black Lawyers' Association (BLA) and other groups are threatening to pull out.

"What is clear is that an independent structure should be set up and there's no reason why we can't do it," says Maqubela, who will be consulting groups such as the BLA, Lawyers for Human Rights (LHR), the Legal Resources Centre and others to determine the best option.

Saldef receives funds from major donors such as USAID and the United Nations, but the taps are not flowing as freely as they once were. Maqubela believes, however, that "those concerned with developing a human rights culture in South Africa will continue to support us".

Applications for assistance from Saldef (currently at about 200 a month) are likely to increase: LHR has closed down its litigation fund and an increasing number of attorneys are becoming aware of Saldef's existence. This has prompted applications from the Free State and other regions where human rights attorneys were previously conspicuous by their absence.

Dikgang to be chosen judge?

MOVE over Dikgang Moseneke, former PAC deputy president Enter Dikgang Moseneke, South Africa's youngest black judge

Speculation is rife that Moseneke may be appointed to the Bench next year – making him the youngest black judge in the country.

This, it is believed, is the reason why he resigned as the PAC deputy president and also from its national executive committee.

However, controversy surrounds his possible appointment Members of the Black Lawyers' Association of which he is a founding member claim that he has already taken silk in legal parlance. However, a spokesman for the Pretoria Bar, a Mr Scholz, denies this.

For Moseneke to become a Senior Council, the Pretoria Bar has to make the recommendation to the Minister of Justice

Two members of the BLA, who asked to remain anonymous, claimed that the appointment of Moseneke as SC was announced at their annual meeting held on October 17 and 18. The national chairman of the BLA, PM Mojapelo confirmed the announcement but said they had not been officially informed.

Another possibility is that even if Moseneke is not yet an SC, his appointment as one is imminent – thus paving the way for him to eventually become a judge

Moseneke announced his resignation from the PAC this week – fuelling speculation that he was disenchanted with the organisation's recent political line.

His resignation came in the wake of attacks on white civilians allegedly by the PAC's military wing, Apla.

According to sources, Moseneke realised that his continued leadership of the PAC would minimise his chances of being appointed to the Bench

Legal profession out of touch with free market principles

B/DAY 21/12/92. **TONY LEON** (248)

LAWYERS are the architects of many of the instruments being fashioned to make the SA economy more accessible and competitive They are at the forefront of initiatives concerning deregulation, corporate unbundling and proposed anti-trust legislation

Yet it is a moot point whether the SA legal profession itself is in touch with the requirements of competition in a free market

Earlier this year the Competition Board published its guidelines for the regulation of professional services The board concluded that professionals "do not in essence" differ from other entrepreneurs It stated further that professions were "merely a particular kind of commercial activity .. which have long been excluded by statute from being judged according to competition norms"

At a recent Johannesburg symposium, Competition Board chairman Pierre Brooks, himself a lawyer, defended his report's implications for the legal profession He stressed the need to prise open the closed shop of exclusivity which has protected the profession for more than 100 years

Association of Law Societies of SA president Mervyn Smith, at the same symposium, sharply disagreed that legal services were simply "another commodity" to be openly traded and subject to the unregulated winds of the market place He drew attention to attorneys' duties as officers of the court and the fact that attorneys assumed unrestricted contractual and unlimited personal liability for their practices, collective responsibility for default, and statutory determination (in several instances) of their fees.

Some of Smith's anxieties are already addressed effectively through the mechanism of professional indemnity insurance. There are no valid reasons why professionals today should not be entitled to the protection of limited liability, provided they carry adequate insurance

However, there is no doubt that restrictive practices among attorneys and advocates are fettering access to justice in SA. There is also a clear need to make legal services more cost-effective and 'to give consumers of legal services a wider choice

These were the goals which motivated Britain's reformist Lord Chancellor, Lord Mackay of Clashfern, to introduce an era of radical change to the hitherto protectionist legal system of England and Wales Three major reforms of the English legal system were evident in the Courts and Legal Services Act of 1990

☐ The abolition of the conveyancing cartel for solicitors (attorneys) and the opening of this market sector to qualified persons outside the legal profession, especially banks and building societies,

☐ Stripping the Bar (advocates) of its monopoly in rights of audience in the higher courts and also in respect of judicial appointments, with both being opened up to solicitors, and

☐ Allowing attorneys to act on a "no win no fee" basis in certain cases

Last month British MP John Taylor, the minister representing the Lord Chancellor in the Commons, told me these steps were initiated in the face of the most virulent opposition from vested professional interests, who described the reforms (in Taylor's words) as "the end of civilisation as we know it"

SA, by contrast, remains slow off the mark Justice Minister Kobie Coetsee was noncommital when I suggested in Parliament that a Mackay-type package be introduced here

Yet with 100 000 criminally accused jailed each year without the benefit of legal representation and with rocketing costs denying most citizens their basic civil law remedies, profound changes are required This becomes even more urgent in view of the imminent enactment of a bill of rights A charter of fundamental freedoms could become SA's greatest piece of legal fiction unless ordinary people are afforded greater access to the legal process

Government has allowed legal aid to run down to piteous levels, to the extent that free legal counsel is provided only for those facing the death sentence In contrast, Britain provides pro deo counsel to any defendant who faces the possibility of any term of imprisonment Clearly budgetary constraints differ in the two countries, but not to the extent that such a chasm is defensible

Imaginative alternatives to funding legal aid, such as "judicare" insurance and a dedicated user-levy for legal services, have never been explored by the state While the overwhelming portion of the Justice Department's budget is allocated to staff salaries and benefits, it is questionable whether this offers an appropriate return on investment Once again the English experience is instructive

In Britain, no major criminal prosecution occurs without the state using senior and junior counsel from the private bar Clearly, the prosecution of serious economic crimes in SA and appeals in the special income tax court would be more efficient and cost-effective if competent members of the profession in private practice were briefed by the state

The down-scaling of the top-heavy SADF should be followed by privatising the Justice Department This might be a fair quid pro quo for removing the protection currently enjoyed by advocates Equally, the public and the standards of justice in the lower courts would benefit if the number of professional magistrates was reduced and attorneys and advocates were appointed to act there on an ad hoc basis Since it is largely self-regulating, the legal profession could fundamentally change in the following areas.

☐ The Attorneys Act should be amended It contains innumerable unnecessary reservations of work It does so more on the basis of "who may charge" rather than "who is competent to do it" In other words, it restricts the payment of fees for professional work in immovable property, company formations, civil litigation and partnership agreements to attorneys The question arises whether such a restriction is in the public interest or in the vested interests of the profession itself While Parliament has the power to change the law, precedent suggests that it will not do so unless the Law Societies of SA agrees,

☐ By and large, the market regulators in legal services are the professional societies of organised lawyers As the Competition Board notes "Consumers of professional services, in contrast with the suppliers thereof, are unorganised and consequently do not have effective bargaining power at their disposal"

The Law Societies of SA and Bar Councils need, therefore, to meet the challenge posed by the board

The SA legal profession can no longer, in the light of deregulation elsewhere in the world, continue to justify its conveyancing monopoly, advocates' exclusive rights of appearance in the superior courts and its general refusal to compete for work on the basis of tendering or price Competence, not outmoded and artificial job reservation, should be the only determinant

Clearly a disinterested party, such as the Competition Board, should be set to work to break down the barriers against market forces, and

☐ Freedom of association should be introduced into the profession Currently, legal practitioners are prohibited from associating with other professionals Yet many firms' clients could benefit from a multidisciplinary approach Economies of scale could also be introduced to the benefit of consumers

While it still has the chance, the organised profession should be guided by free enterprise forces and be proactive. It was an attorney, Michael Katz, who sounded a timeous warning "The best regulator is still the market Don't underestimate the market in its choices of doctors, accountants and lawyers"

☐ **Leon is Houghton MP, DP justice spokesman and special associate at attorneys Edward Nathan & Friedland Inc.**

'Use lawyers' fund for legal training'

B/DAY 21/12/92

TIM COHEN

PRETORIA — Money in the attorneys' fidelity fund could be increasingly used for the training of "disadvantaged" lawyers, if a suggestion in the legal journal De Rebus is implemented.

An editorial in the latest edition of De Rebus mooted changes to the rules of the fund to increase its focus on training

However, it rejected Justice Minister Kobie Coetsee's plea that the fidelity fund be used for legal aid

The fund, which has as its main purpose the protection of the public against theft by attorneys, has already granted more than R1,5m in bursaries to more than 400 black candidates in the legal profession

De Rebus urged an even greater investment in the legal education of the disadvantaged, including, perhaps, the teaching of language skills necessary for any successful lawyer

There were those outside the profession who eyed the fund's resources hungrily with a view to their own pet schemes, De Rebus said

The Justice Minister's outright plea at the fund anniversary banquet earlier this year was a case in point, the editorial said

"What is more, there are others who would go even further than merely suggesting to the fund what it should do with its money and who would wish to take over that decision-making function themselves" (248)

Few attorneys would disagree with the need for a properly funded legal aid system in SA. However, it was not the responsibility of the profession to fund such a system. "That is a function which belongs to the state and the taxpayer, and which cannot be shunned by them"

Although the fund was substantial, any contribution it could make to the legal aid system without endangering its primary purpose would be nothing more than a drop in the ocean "Government and the public alike must accept that there is no cheap fix for the lack of a full legal aid programme"

● See Page 4