

Daily Dispatch

OUR OPINION

Let's combine cold rigour with passion

CRIME is a ubiquitous problem. No family could claim they haven't encountered it, directly or indirectly. Ideally, we should not be looking at certain crimes as being better or worse than others. But for justifiable and pragmatic purposes, our laws take into account the impact bail would have on alleged victims (in crimes where they could be threatened by suspects, for example). Other considerations include the flight risk of a suspect. It is in this context that the revelations that emerged from the bail application of Mandive Nomandela in the Mthatha Regional Court on Tuesday, about which we reported yesterday, are shocking, as they create wrong impressions.

Nomandela, a prison warder in Mthatha, has been charged with aiding the escape from prison of dangerous criminals.

He was denied bail because he was already out on R1 000 bail for rape and R2 000 for alleged drunken driving.

It is with regard to the latter two cases that we find the court might have created wrong impressions. Let's look at the two types of crime carefully.

First, a rape charge clearly implies that someone has been violated physically and/or emotionally.

The violations implant life-long scars on the victim and family members.

A drunken driving case is different. Notwithstanding the potential harm that could be caused by a drunken driver – including killing people – this cannot be compared with a charge of rape that is alleged to have already happened.

While these factors and comparisons of these nature don't really matter when one considers the cold rigour of the law, they do nevertheless leave a bitter taste in the mouth.

When a court determines bail amounts it would be much better if the severity of the alleged offence is taken into account.

When one considers the bail amounts on both crimes, it leaves an impression that the charge of rape was considered less severe than the charge of drunken driving.

As law-abiding citizens we should respect the rule of law and comply with court outcomes consistently.

But we also have a right to make our opinions known.

In this case, we think the judicial officers should interpret bail laws broadly.

As compassionate judges in the US Supreme Court and in the South African Constitutional Court have shown in several judgments, it is possible for judicial officers to combine passion with the cold rigour of the law.

We believe the case of Nomandela needed a dose of passion from the judicial officers responsible.



Hard time for experienced and novice political parties ahead

AS POLITICAL parties gear up for the May 18 municipal elections, it is worth assessing the value – or lack – of experience parties have gained in governance.

Is it really important parties have demonstrable records in governing a municipality or municipalities?

Are election manifestos not enough for parties to prove their worth?

Most political parties have already outlined their manifestos and programmes. Although they tend to use different catch-phrases, there is a common thread: the need to weed out corruption and speed up service delivery to the increasingly impatient communities across municipalities in South Africa.

The main thrust of the forthcoming elections is service delivery. This is no surprise.

Evidence of poor service delivery is overwhelming.

It is difficult for voters to assess which of the contenders are well poised to be reliable deliverers.

The ANC remains the only political party with a wider experience – both negative and positive – in running municipalities and it can simply be assessed on that basis.

The ruling party has a verifiable experience that leaves no doubt as to whether or not the party can be relied upon to deliver on certain services in certain areas.

The areas where it has performed well are well known.

Where it has messed up, it is there for all voters to see and make a judgment.

The Democratic Alliance (DA), having emerged as one of the most aggressive contenders in the forthcoming elections,

INSIGHT Ralph Mathekga

has a limited experience in running municipalities. That said, the DA has carefully positioned itself as a party that has done well wherever it has been in charge – for example, in Cape Town where it is clearly boastful about its record.

As for other smaller political parties, most of them do not have a verifiable experience at all.

This is both positive and negative. Lack of experience could be positive as it could mean there is no negative history on the basis of which a party may be judged by voters.

Therefore voters can entrust those parties with the responsibility of running municipalities on the basis that the parties have not failed to do anything yet.

Lack of experience in running municipalities can also count against political parties as they are perceived as not inspiring confidence in that no one knows how they would actually perform once they are voted into power.

Voters cannot do due diligence or reference checks on them.

There is another way to look at it, though.

The new and struggling parties with no experience do stand a good chance because things have been so bad in local government that it is better to have a councillor with no record at all, instead of someone with a tainted or mixed record.

By the look of the campaign messages so far, voters are given an incredible opportunity to choose among what

seems to be different approaches to providing service delivery.

Quite disturbing about the types of campaign that have been launched thus far is that all political parties are comfortable with reducing local government elections or local government as such, to a sphere of government whose sole concern is strictly limited to service delivery.

This approach is very narrow and fails to appreciate that local government has the potential to play the role of a catalyst in terms of democratisation in SA.

We really have to ask if voters are only concerned with service delivery, notwithstanding the dire need for service delivery.

Most political parties have attacked each other on their service delivery records and none has turned attention to the need to provide political leadership and social cohesion at local government.

Some political parties do have a good potential when it comes to improving the lives of people by providing better services, but those parties are completely lacking when it comes to providing a political home for voters.

In simple terms, their manifestos are devoid of a discourse on political leadership and social cohesion.

By not recognising citizens' need for political identification at local government, political parties have shot themselves in the foot and may consequently not get an opportunity to even implement their ambitious service delivery programmes.

Equally vulnerable are political parties that exceedingly dwell on providing a political home for voters, thus allowing voters to associate with them on the

basis of ideological identity, while undermining the need to bring about material benefits in the form of service delivery and infrastructure.

There is a need to balance the service delivery imperative with the political concerns at local government level.

South African voters have evolved since the end of apartheid.

Their expectations from political parties are complex.

It can be argued, for example, that the manner in which the DA mishandled the toilet saga in Makhaza in Khayelitsha – where its government built open toilets without roofs – this was later found by the Human Rights Commission to have been a violation of human rights – shows exactly what happens when service delivery programmes are not coupled with a clear consideration of social sensibilities of communities.

The DA failed to strike a rapport with the community because its programme lacked a robust political leadership aspect to it, and thus failed to appreciate social concerns.

The ANC's desperate attempt to fill the political gap left unattended by the DA in the Makhaza saga also indicates the desperation of having a political rapport without strategy on how to actually address service delivery problems.

A balance is necessary. Political parties need to be aware that unsophisticated as they may seem to be, voters make their decisions to vote on the basis of this complex schema.

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What exactly is expected from white people?

MAYBE the time is ripe for the ruling party and indeed all ethnic South Africans, as they would define themselves, to speak plainly.

Maybe the time is ripe for this group of previously disadvantaged, currently dissatisfied, disenchanted, victimised group to tell white people, directly and without holding anything back, what is expected of them.

White people hear the daily clanging of the racist gong, and experience the daily battering, for the sins of their fathers.

White people hear how they should recompense for the colonial past, how they are responsible for everything that is wrong in the country because of the colonial past – but at no time are white people told specifically what it is they should be doing, in practice to make good and receive unequivocal forgiveness.

Or, is it an unpalatable reality that the nation relies on white people and draws on the benefits gleaned from the colonial past and so in reality it's better to keep white people in limbo insofar as giving clear and unequivocal direction as to what steps they can take to draw a line in the sand and move forward as equal opportunity citizens?

Is it not possible to move away from overt codes in our laws that refer to "unfair discrimination" which means discrimination is permissible and fair if it is directed at white people?

We heard Gwede Mantashe, the secretary-general of the ANC, giving evidence in the Equality Court, saying the struggle didn't end in 1994 and that transformation has been very slow.

For those who listen, the subtext to Mantashe's evidence is that white people still hold too much power and control too many resources.

So could the white community have a clear unequivocal statement from the ruling party as to what value white people offer the country, and what should they expect as economically disenfranchised citizens of the country?

Speak plainly. Tell white people the simple truth. No more sugar

coating. — Duncan Campbell, Southernwood

Tatane not a criminal

SEVENTEEN years into democracy, where are we going as a country?

I have begun to doubt our leaders. Seeing Andries Tatane of Ficksburg being beaten by police makes one

wonder whether we are really free in this country.

It makes one think about the tragedy of 1976, when apartheid police killed innocent students in Soweto. How can police beat an innocent African like that?

Our former President Nelson Mandela told us that even after the ANC had been voted into power, strikes and protests would take place if the ruling party failed to do what was expected of it. Tatane was not a criminal. — Loyiso, via e-mail



NOTE TO WRITERS | Please include your name, telephone number and address. Letters should not exceed 200 words. The editor reserves the right to edit or reject letters. Preference will be given to readers writing under their own full names.

BSA in the dark

I HAVE noted with concern the suspension of Loyiso Mtya by the Boxing South Africa Board (BSA) members. Mtya was the only shining light in the BSA administration. He was always hands-on with administration issues and could provide clarity on any issue. The BSA Board was supposed to have been disbanded after the initial resignation of some of its members. Switching off this only light that is Mtya will simply mean that BSA will be in the dark and it should know better. Sports Minister Fikile Mbalula must get rid of this board and bring back Mtya as a matter of urgency. — Z Ngesman, Mdantsane

Trial waste of money

AS A South African I feel the Julius Malema hate speech trial has been dragging on for too long. It's a waste of taxpayers' money. The ANC says the *Shoot the boer* song is part of its past. So, why does it not leave it there – in the past. People are suffering and some get killed for demanding services. If ANC leaders have so much time to sit in on court cases why don't they have time to do all the things that they have promised to all those who have voted for them? This court case is a waste of precious time and money. — Lindi Davids, via e-mail

Advice for Cope leader

COPE Youth Movement leader Nqaba Bhangu wrote in a recent article that voting for the ruling party was tantamount to committing suicide. Just a few words can educate him. He must not complain about the snow on his neighbour's roof while his own door-step is unclean. He must first clean his own house. — Dumisani Tshiki — Fort Malan



SANDILE MEMELA

His Master's Voice

Is there any point to complaining?

SINCE the dawn of democracy, I have met, shaken hands and embraced many people who respond to my greetings with the refrain: "Why complain? Nobody listens."

It's an expression of frustration aimed at leaders of political organisations, companies, churches and government.

They feel nobody cares about the issues that give them sleepless nights such as lack of service delivery, corruption, police brutality, crime and unemployment.

And the ranks of the hopeless swell. Unfortunately, this feeling of resignation has infiltrated the psyche of many people who are now resigning themselves to the fact that the country is going to the dogs – and they feel they can do nothing to rescue it. They are men, women, young people and even children who choose to keep quiet because they are afraid if they speak up or confront injustice, they can be silenced by being shot in the chest in broad daylight under the full glare of TV cameras. And nothing will be done about it.

People are resorting to silence and feel they have been betrayed by those they had faith in.

Of course, they are concerned their hopes and aspirations for a better life with employment, decent homes, streets and roads, good schools and education for their children, health facilities and a worthwhile life with human rights have, largely, come to nothing.

This is what they mean when they say, "What is the point of complaining? Nobody listens."

Most of the time, this self-resignation makes it difficult to continue with the art of conversation as it leaves you with nothing to say.

The divide between the leaders or respectable members of society and ordinary folks is there for everyone to see.

In fact, it is the hottest issue that rages in all communities now. We have now become a house divided against itself. And a nation divided against itself cannot stand.

There is no better example of this, for instance, than self-appointed leaders in organisations who bulldoze their way to power and position only to have their own members file suits to stop them from what amounts to dictatorship.

Of course, the standard argument is that if you are a member of a political party you must always abide by the rules and be guided by what the leadership has to say.

But the notion of democratic centralism obliterates the idea of empowering the people to choose for themselves what they want and identify leaders who they believe will deliver them to the Promised Land.

The majority of people want to carry on with their lives – essentially going to work at least for those lucky enough to have jobs, to provide for their beloved families. They are not particularly interested in wrangling for power.

But if they have a chance, they will identify and choose the leaders they want for themselves. Unfortunately, there will always be those who believe that they know better than everybody simply because they hold positions of power and influence.

As a result, there are many people who have nothing to say except, "What is the use of complaining? Nobody listens" when you greet them.

This is a telltale sign that after 17 years, people are sick and tired of empty promises and the careless attitude of those they put their trust in.

They do not want to waste their breath in big political talk and analysis. Instead, they want action. And nobody knows exactly what that action will entail in the end, save to say that the dark clouds are gathering above our heads.

And this is not comforting!

Sandile Memela is a civil servant. He writes in his personal capacity

FROM OUR FILES

April 21, 1961: UMTATA – The government will be asked to declare the Transkeian Territories, as a whole, a self-governing state under the control of the Bantu people, if a newly carried motion at the Transkeian Territorial Authority, meeting here, is carried out.

The resolution says: "In order to ease the present situation of uneasiness in the Union of South Africa, and in view of the government's policy of self-development, and the fact that the Bantu people in the Union have no representation in the Union Legislature, the Territorial Authority asks that the Government declare the Transkeian Territories, as a whole, a self-governing state under the control of the Bantu people."

April 21, 1981: GRAHAMSTOWN – More than 160 black golfers walked out of a tournament held at the golf club here at the weekend in protest over a "humiliating" racial incident involving a white caddy.

Mr Clive Marx was caddying for a fellow club member, Mr Philip Meke, when he was allegedly ordered by a white Grahamstown official to leave the golf course.

An official said Mr Marx was told it was a club rule that "white people are not allowed on the course while blacks are playing".