

Judicial Education

LACK of experience. It's a challenge across many industries, including our own. And now it seems the KwaZulu-Natal Bench is similarly affected.

KwaZulu-Natal Judge President Herbert Msimang spoke frankly last week at a meeting of the Judicial Service Commission, raising concerns about "a disturbing loss of experience" on the Bench in this province.

During interviews for candidates, he told Rishi Seegobin SC that in four years the division had lost 11 to 13 senior judges.

The most senior remaining judge had only 12 years' experience and 20 judges (about 90 percent of the division) had less than 10 years, Judge Msimang said.

According to media reports, the judge president was preoccupied with ensuring that there was enough judicial expertise in his division to ensure the mentoring of junior judges by seniors, saying this was how the KZN Bench "has been surviving".

He stressed that improving the experience on the Bench was important, as there were many reserved judgments outstanding, which he attributed, among other things, to inexperienced people thrown in at the deep end.

Balance this with the need for transformation of the Bench, including more black and women judges, and the challenges still facing our judiciary remain enormous.

While convincing more senior counsel to make themselves available for appointment is part of the solution, the need for ongoing judicial training, including of serving judges, cannot be underestimated.

In 2008, Parliament passed the South African Judicial Education Institute Act, and according to legal academic Professor Pierre de Vos, by early this year it had yet to train any current judges or aspirant ones.

The institute, headed by retired Judge Meyer Joffe, is finally expected to begin operating from the beginning of next year.

Its success will not only lie in the quality of the courses offered and the training, but whether judges themselves – including those who have been on the Bench for years – will embrace the opportunity.

As De Vos has noted, South African judges are notoriously prickly about the need to undergo further judicial education.

Given Judge Msimang's concerns, the KZN Bench should lead the way in embracing a new culture.

Armed And Dangerous

IT WOULD be a disgrace, though perhaps not a surprise, if the investigation into the arms deal were finally to be shut down.

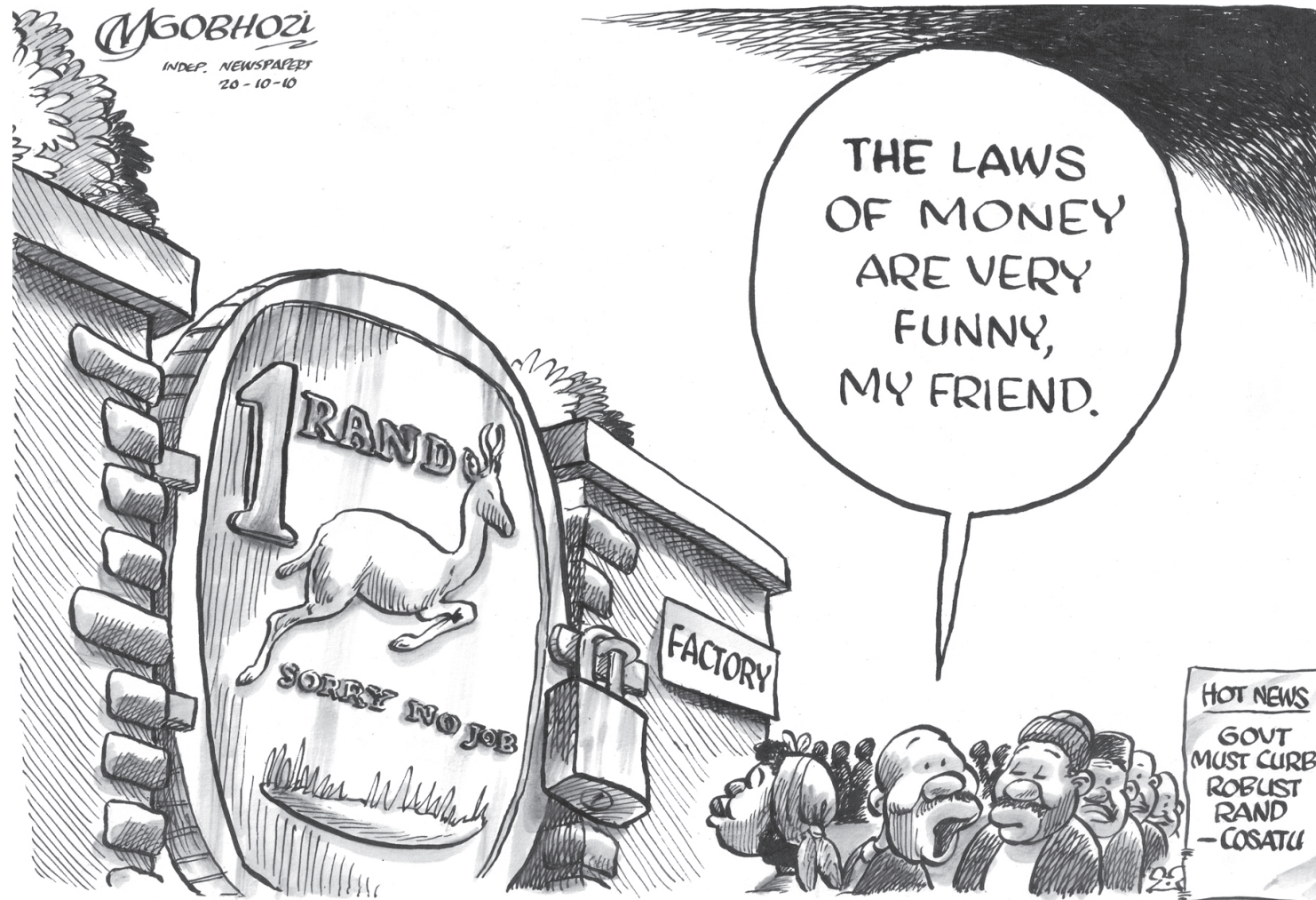
Hawks head Anwa Dramat announced last week that after consulting the National Prosecuting Authority he had decided to close the remaining parts of the investigation into the multibillion-rand strategic defence package.

However, Themba Godi, the chairman of Parliament's standing committee on public accounts, has pointed out that the investigation was ordered by Parliament and can be closed only by Parliament. The Hawks will be asked to explain their decision to the committee this week.

Giving up at this stage would not only leave ugly question marks hanging over the heads of some of South Africa's most powerful political figures; it would also let the foreign companies suspected of bribing them off the hook. South Africa's failure to prosecute not only those suspected of accepting bribes but also those suspected of offering them contrasts sharply with the example set by Lesotho.

Lesotho authorities successfully prosecuted a number of multinational corporations as well as government officials for corruption in the giant Lesotho Highlands Water Scheme.

It would be a scandal if SA were to settle for less.



You & Me
ROD SMITH

DIVORCED mothers are among the bravest people I have ever met. Not only are many fighting financial battles with a former spouse, they are at the same time negotiating with schools, co-ordinating visits to doctors, ferrying children to and from sports events, strategising visits for the children with the other parent, and trying to placate a boss and colleagues at work.

Simultaneously, many are trying to maintain some form of sanity through attempting to develop the semblance of a social life while having to face a stigma (thankfully it is diminishing in some cultures) about being divorced at all.

What divorced mothers do not need is:

- Romantic involvement with a needy man – especially one who is in search of a mother but doesn't know it.

- Judgement about her parenting, her discipline, or her children's behaviour;

- Questions about what went wrong in her marriage, or the suggestion (overt or covert) that had she "given" her marriage to God, or been more obedient or submissive, or prayed more, her marriage would have survived;

- To be thought of as an easy target for sex as if it is the one thing she must surely be missing now that her marriage is over.

□ Rod Smith is a family therapist who lives in the US. E-mail questions to Rod@DifficultRelationships.com

Class is cramping our democracy

Non-racialism is still the last frontier of SA's transformation, as consumerism and African chauvinism have clouded the issue for minorities

THIS year is a special one for Indians in South Africa. A hundred and fifty years ago, the first indentured Indians were brought here to work in sugar-cane fields. They were soon joined by "passenger Indians" who came of their own free will to trade. There is, strangely, little focus on this anniversary in the national conversation.

We should remember that the indentured Indians were not the first Indians to be brought to South Africa.

On the contrary, a significant number of Indians were brought to the Cape Colony as slaves, but their descendants became part of the groups classified as "white" and "coloured" under apartheid.

But, of course, the indentured Indians and the merchants that followed them were contained as a separate "race group" by apartheid social engineering, and so developed a particular Indian identity.

It is their experiences and achievements that are being memorialised and celebrated in various events and publications being prepared to celebrate the 150th anniversary of the arrival of the first indentured Indian workers in South Africa.

Journalist Bennie Bunsee recently argued that the "Indian question in South Africa is part of the national question in a country whose prin-

cipal political task post-apartheid was nation-building based on racial and social harmony, as enshrined in our constitution and buttressed on the constitutional principles of non-racialism and non-sexism".

But it is an open question as to whether we took the development of non-racialism and non-sexism as a real project after apartheid.

There are plenty of people who feel that in recent times, a narrow African chauvinism began to replace the non-racial ideas of our constitution as a new elite sought to exploit the language of racial redress to justify their own grasping after material interests.

Conception

Certainly, this is the conclusion that Jay Naidoo reaches in his new autobiography. It has been suggested that, in common with other minorities, many Indians have responded to the perceived or potential ethnic chauvinism in the new South Africa by turning away from the nation towards a narrower conception of ethnic and religious identity.

There is certainly some truth in this observation, but



IMRAAN BUCCUS

we should recall that the "rainbow nation" ideal of the Mandela presidency was already an ideal of a multi-racial, rather than a non-racial, society.

Mandela's role should not be sniffed at. A country as scarred as South Africa surely needed a project of nation-building and social cohesion.

Important experiments in popular non-racialism had happened in the black consciousness and trade-union movements, but not much attention was paid to this after apartheid.

Young Indian students often know a bit about the ethnic politics of the Natal and Transvaal Indian congresses. The abandonment of the tradition of non-racialism has led to a situation where it is regularly assumed that Indians are a homogenous group whose support can be delivered by self-proclaimed elite leaders.

This is nonsensical. What do elite leaders have in common with grass-roots activists

who organise against evictions and disconnections in poor communities?

The fact is that the Indian community is deeply divided by class, with rich and poor living in totally different worlds. Poor Indians living in shacks in a place like Motala Farm have almost nothing in common with rich Indians living in mansions in a place like Umhlanga.

There are also deep divisions in terms of religion, language and caste. And there are deep political divisions within the Indian community.

For a start, the attempts to portray the Indian community as uniformly committed to the anti-apartheid struggle are deliberately dishonest.

As in all communities there was heroic resistance, outright collaboration and a large amount of political apathy.

But it really is important that we begin to be open about this fact and stop pretending that everyone was part of the Struggle. Even conservative

religious leaders who supported apartheid tell stories about their role in the Struggle.

There are many Indians who courageously fought apartheid racism, and many Indians who today in their more ordinary day-to-day lives, exist far from the poison of racism. But it is also true that there are many Indians who engage in shockingly racist behaviour towards other South Africans.

Even within the community there is, in some quarters, a real prejudice against darker-skinned Indians on the part of lighter-skinned Indians.

It's not clear how the non-racialism can be returned to the fore of civic life in contemporary South Africa.

Bling

It still exists, of course, in the commitment, lives and work of many individuals. It certainly still exists in some social-movement politics, but that is a politics that is under attack.

The only thing that really seems to bind South Africans together these days is consumerism and the worship of bling.

Consumerism can tie the

children of the elites together. But for the majority who are not rich, the culture of bling only compounds their sense of marginality and even desperation.

The fact that so many young people are desperate is a real threat to nation-building. There is always a grave risk that this desperation can be exploited by ethnic entrepreneurs hiding their fundamental complicity with racism behind the languages of culture, minority rights or even, on occasion, the Left.

The turn to a politics of racial and ethnic chauvinism is no problem for the Indian elites who can simply carve out their own ethnic spaces. But it leaves no space for the children of the Indian working class and the poor in general.

No doubt the same is true for working class and poor coloured, white and, also, African youth. For those who remain committed to non-racialism, it is clear that a new politics will have to recognise that class is now the fundamental way in which domination and exclusion is structured.

It is a case of *aluta continua* (the struggle continues)!

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MBEKI TOO SOILED TO MENTOR FUTURE LEADERS ON CONTINENT

AT LAST, former president Thabo Mbeki has emerged from the wilderness to launch his foundation, aimed at teaching leadership in Africa, to help our beloved continent develop cadreship fit to take Africa to its rightful position in the body politic and economic strata of the world.

We had all sorts of excitement from the media, reminding us of how they missed his intellectual voice.

One radio host from a Joburg radio station said she had forgotten how it felt to have a president who did not giggle before answering a question.

I was confounded by the praise the media showered on the former president.

The last I remember about Mbeki, he is the same man responsible for the genesis of this cold front against the media, which has created

fertile ground for proposals being advanced by the ruling party today.

As if that was not enough, the HIV/Aids debacle, its mismanagement and the embarrassment this country endured under his leadership were suddenly forgotten.

I don't know where to begin in talking about how the Scorpions – a vital organ of state – was obliterated, succumbing to his

manipulative government.

Had he not lost power, Jackie Selebi would still be police commissioner, with Glenn Agliotti buying more pairs of shoes to leverage power and protection.

I do not wish to venture into the warnings of power outages issued by Eskom officials to his government as early as 1997.

The warnings were arrogantly ignored, costing

the economy about R50 billion and almost destroying small enterprises with the potential to create jobs. Today we are paying compounded costs for that lack of foresight.

I doubt if Zimbabweans were as nostalgic when they saw him, given his handling of the Zimbabwean question and the cosy relationship he had with their leader.

Had Mbeki walked the

streets of Joburg for just a day, he would have acknowledged that there was a crisis in Zimbabwe, given the conspicuous presence of its nationals in our streets.

Mbeki was not a giggling president, and granted, he was articulate and possessed the correct demeanour for a president, but I am uncertain what valuable lessons he intends to impart to Africa's future leaders.

His record is not a good example to go by.

Mbeki's start may have exceeded expectations, but his exit could not have come sooner. His last days in office swept away my adoration for him, leaving images of a near dictatorship stopped dead in its tracks by the Polokwane conference.

Sandton SFISO MEMELA

Nurse in search of a job

WE WOULD like to endorse the letter "Why import nurses when SA nurses can't find work?" (The Mercury, September 30) as we have an identical situation with a friend of ours.

The same thing has happened to this most excellent person, and any hospital or old-age home needing nursing staff would get a gem.

My husband has for months

been on the 'Net, phoning etc to hospitals all over Durban and surrounding areas without success.

This woman has now been forced to revert to part-time domestic work. It's most sad and depressing. If anyone can help, call us on 031 267 2464.

Westville M CARD

Daily traffic jam needs attention

THE TRAFFIC situation in Durban's Parlock/Newlands/Joyce Road area is chaotic every morning owing to a lane closure on the Umgeni River bridge.

The position is exacerbated by errant taxi drivers who disobey all traffic rules and do as they please, as well as by inconsiderate motorists.

Regrettably, traffic police are conspicuous by their absence. When they are present on the rare occasion, they are there to ticket motorists instead of regulating traffic.

What is required is for traffic police to be present at the two or three intersections to keep these clear so that traffic can flow in an orderly manner:

This will only be required until the lane on the bridge is reopened.

It takes about 40 minutes to traverse the 2km to 3km stretch and this leads to extreme frustration that can be avoided with a daily police presence.

Durban A KADWA

When humans lose humanity

MANY South African breadwinners have either been murdered or killed during crime.

The death of Ephraim Mashishi and injury to other people in a grenade attack after an early morning church service is tragic and shocking.

It is appalling that people can access not only a grenade, but have the callousness of

throwing it at worshippers, knowing it can cause death. Police have apprehended a suspect. Let him be subjected to the full weight of the law.

Another family will now suffer the consequences of crime in our country. *Buyephi Ubuntu* (People have lost humanity).

Durban IRSHAAD AHMED

Why is SA selling out to China?

I WENT to a certain large store recently to buy a pair of shoes.

Being fully supportive of "Local is Lekker", I decided to buy the Grasshopper brand, as previously they displayed the South African flag on the inside, as well as the box, confirming that they were a South African-made product.

I looked at the tongue of the shoe, where my present pair has the flag proudly displayed but there was none.

It now says "Made in China".

I then phoned a few of my mates and one told me he recently bought a pair of Green Cross shoes and they were also made in China.

I refused to buy the shoes for the same reason.

Why are we selling off our local brands to China?

Durban JOHN KNOTTENBELT