

ACADEMIC AND

NON - FICTION

AUTHORS'

ASSOCIATION OF

SOUTH AFRICA

ANFASA
Dedicated to empowering authors

IZINDABA

ZABABHALI

NEWS FOR AUTHORS

The ANFASA newsletter

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FROM THE EDITOR IN CHIEF

The theme of this issue is one which is simply too pressing to be set aside any longer: writing **non-fiction** in indigenous languages. While there is widespread recognition that contemporary writers of novels in indigenous languages are deserving of more recognition, and while the National Library of South Africa has promoted the re-publication of the 'African classics', encouragement of non-fiction works in the vernacular, and especially of academic works, has been almost non-existent, as if only stories – and more particularly stories for children – are worth writing nowadays in isiZulu or Sesotho. And yet there is a tradition of serious writing in the indigenous languages as Professor Mbulelo Mzamane points out in his contribution to this newsletter, "Non-Fiction in African Languages".

The editors have assembled a wide-ranging set of contributions in this issue of the newsletter, but of course we have barely been able to scratch the surface of the topic. Perhaps only a major conference will bring due depth and understanding to the subject. One platform that stimulated some good dialogue was a conference on "Developing indigenous languages through translation" organised in September by the Department of Arts and Culture. The thread that ran through all the presentations and discussions at that conference was the utilisation of translation to enable authors to write in their mother tongues and yet still be read by speakers of other languages.

South Africans speak and write in many tongues and the hegemony of English will have to give way if we value the continued existence of our indigenous languages. Some of the recommendations for action put to the DAC were quite radical, such as the proposal that young scholars at institutions of higher learning should write and publish their research papers and theses in the indigenous languages. Another recommendation went further, recommending local languages as a medium of instruction at tertiary level. This proposal did, however, come with an admission that the process might see some "teething problems".

Professor Jonathan Jansen, the newly appointed Vice-Chancellor of the University of the Free State, speaking on SAfm radio

recently, outlined his vision for the institution, a vision of a multilingual university conducting classes in Afrikaans, English and Sesotho. There will no doubt be "teething problems" at UFS but ANFASA sends Professor Jansen its congratulations for rising to the challenge and its best wishes for success.

How important a role are our indigenous languages destined to play in the growth and spread of knowledge? Will there come a time when scholars, and authors of general books aimed at an adult readership, feel able to express themselves with confidence in the vernacular? The articles in this issue of the newsletter touch on diverse aspects of the broader topic and emanate from a range of perspectives, and we hope they will stimulate responses from the ANFASA membership.

Professor Ngubane's piece on the Usiba Writers Guild is our first in isiZulu. In English this is called "putting your money where your mouth is", since we are advocating for a multilingual society, and we intend regularly to include articles in the indigenous languages. For those who don't understand isiZulu, Prof Ngubane is encouraging authors of works in indigenous languages to move beyond schoolbooks and to write in the vernacular for an adult audience, a point also made strongly by Prof Mzamane at the end of his article and by Winston Mohapi introducing Moaba Sesotho, the Sesotho Writers Association.

Sarah Jane Bosch doubts that the indigenous languages will accommodate scientific and technical works, while Alfred Mautsane Thutloa, looking at an article by Dr Mamphela Ramphele, agrees that the vernacular is being debased in today's society. Researching 'Hani: A Life Too Short', Janet Smith came up against diverse perceptions of the linguistic landscape which make compelling reading, and her account of a visit to the Hani family touches on themes of ethnicity, language and custom in a culturally diverse society.

All in all, this is a bumper issue of the ANFASA newsletter. The editors hope you will enjoy it, and look forward to your feedback. The use of a language, and all that it implies about a writer's place in the world, is central to authorship, and the members of ANFASA are sure to have much of significance and value to say about it, so we hope that some of what is said here will stimulate discussion.

The final issue in 2009 of the newsletter will round up the year, as usual, by covering the achievements of ANFASA members – both in writing and in other aspects of their professional and personal lives.

Please send us your contributions, accompanied by photographs, messages and

any items of information you think would be of interest.

The blowing of one's own trumpet is allowed! We look forward to learning about members' accomplishments in 2009.

USIBA WRITERS GUILD

INHLANGANO YABABHALI USIBA

Sihawu Ngubane

Professor Sihawu Ngubane is Chairman of the Usiba Writers Guild and also Chairman of ANFASA.

Inhlangano YabaBhali Usiba ikhuthaza ukubhalwa kwemibhalo yesiZulu kuzwelonke. IsiZulu singolunye lwezilimi ezikhulunywa ngabantu abaningi eNingizimu Afrika bese kulandela ulimi lwesiXhosa. Nakuba bebaningi abasikhulumayo baseyingcosana ababhala ngalo. Kusenensila kuMa-Afrika yokuthi uma bebhala ngolimi lwabo lwebele baphansi kakhulu babone kungcono ukuba babhale ngolimi lokuthekelwa entshonalanga, ulimi lukaJosi. Ngisho abafundi bezincwadi abavelele bayakujabulela ukufunda imibhalo yesiNgisi kuneyesiZulu ngoba bathi izinto zibekwa njengoba zinjalo zingahlonishiswa njengoba kwenzeka esiZulu. Akukhona ukuthi uSiba lukhulisa ulimi lwesiZulu kodwa lubuye luthuthukise izimilo kanye nenhlonipho kubantwana abakhulayo. Yingakho imibhalo yesiZulu ifundwa kakhulu ezikoleni ukuze kwakheke isizwe esingcono. Mhlawumbe sekuyisikhathi lapho ababhali bethu bebhalela abafundi asebenkantshubovu ukuze nabo bakuthakasele ukufunda imibhalo yesiZulu. Maningi amaqiniso esingakabhali ngawo esifisa ukuthi sikhuthaze ama-Afrika ukuba abhale ngawo njengokuthi kunjani ukuphila esikhathini lapho kubusa intando yeningi. Uma sibheka emuva siyathola ukuthi kuningi okwethu esaphucwa khona osekufanele kunekelwe izwe. Ngala mazwi ambalwa ngifisa ukukhuthaza ababhali afasafufusa nalabo asebevuthiwe emkhakheni wokubhala ukuthi mabaqhamuke nezindikimba ezintsha nezihlabahlosile ukuze imibhalo yabo ikwazi ukuheha abafundi asebekhulile. Ayilwe ngamabhuku Impi!!!!

NON-FICTION IN AFRICAN LANGUAGES

Mbulelo Vizikhungo Mzamane

Mbulelo Mzamane, distinguished academic and author, is currently Director of the Centre for African Literary Studies at the

University of KwaZulu-Natal and Project Leader and General Editor: Encyclopaedia of South African Arts, Culture and Heritage. Professor Mzamane is also a member of ANFASA.

There is a long tradition of non-fiction written in African languages that characterised early literary developments in South Africa. This tradition ranged from sacred texts and epic poetry to biographies of African kings (or

'historical novels'). In the African context, as reflected in the work of Walter Rubusana and R.R.R. Dhlomo, both epic poetry and 'historical novels' are based on oral history (or non-fiction), which they reflect.

Walter Rubusana (1850-1936) was a priest, a political activist and an author. He translated a number of Congregational Church texts into isiXhosa. As the son of a respected tribal elder – his father had been an inner councillor (umphakathi) in the court of King Sandile kaNgqika – Rubusana was well placed to persuade many chiefs in the Cape Colony to allow missionaries to open up schools and churches in areas under their jurisdiction.

Rubusana served on the isiXhosa Bible Revision Committee, which was established to refine the translation overseen by Tiyo Soga in the 1850s. Rubusana personally supervised the publication of the revised edition in Britain when he accompanied King Dalindyebo to attend the coronation of King Edward VII in 1904. During his stay in London, Rubusana also published *Zemk' Inkomo Magwalandini* (Your Cattle are Gone, You Cowards), an anthology of epic poetry and essays on religion and Church history.

According to Pallo Jordan, *Zemk' Inkomo Magwalandini* reflects the two dimensions of Rubusana's political thinking:

'He was a committed modernist, represented by his espousal of Christianity and western education, while at the same time recognising that there were a number of abiding values in traditional African society. By re-affirming the aesthetic validity of traditional modes of literary expression, Rubusana was also emancipating the African intellectual from the cultural and psychic enslavement imposed by servile imitation of western canons.'

Rolfes Reginald Raymond Dhlomo (1906-1971) became, in 1932, the assistant editor of the *Bantu World* and, in 1943, editor of *Ilanga lase Natal*. Most of his creative work is in isiZulu and consists of biographies of Zulu kings: *UDingane kaSenzangakhona* (1936), *U-Shaka* (1937), *U Mpande ka Senangakhona* (1938), *U-Cetshwayo* (1952) and *UDinizulu* (1968).

The largest consumers of writing in African languages, besides newspapers and the Bible, were schoolchildren and that was the market

publishers targeted. Growing readership beyond school readers never became a priority among publishers.

We read Dhlomo's histories throughout high school – but not Rubusana. Yet, as one of the earliest collections of the oral poetic tradition (orature), Pallo Jordan further points out, '*Zemk' Inkomo Magwalandini* is of inestimable historical and literary value'.

Constraints were imposed by both Bantu education and censorship on subjects that writers in African languages could explore. Such restrictive measures to the flowering of literature in African languages were, of course, not an invention of the apartheid government that came to power in 1948. Objections had been raised by the missionary press in Morija, Lesotho, to the publication of Thomas Mofolo's *Chaka* (1925), which 'valorised' a pagan king, until the objectionable passages could be removed.

Literature in African languages thus came to be regarded – and this certainly gathered momentum in the second half of the twentieth century – as intended for children or as politically compromised.

Not much has been accomplished to reverse past trends. Ironically, while African languages have attained official status they continue to be reduced to signpost languages (Wamkelekele eDikeni/Welcome to Alice) and languages for issuing government announcements rather than as languages of learning, knowledge and literary production.

Initiatives such as the one under the auspices of the National Library of South Africa to re-issue 'African classics' might bear in mind the need to re-publish these previously suppressed and little known texts that could provide creative models. New publishing ventures might experiment with translation, especially of genres little explored in African languages and with sourcing out non-fiction manuscripts in African languages.

The following resolutions taken at a workshop sponsored by the National Department of Arts and Culture (DAC) on 'Literature Development and Promotion', September 2009, hold some promise for growing literature in African languages, fiction and non-fiction:

Recognising that publishing, readership and literary development are inextricably linked:

Participants recommended that DAC should continue to engage individual publishers, the Publishing Association of South Africa (PASA), and other crucial links in the 'book chain' as well as incentivise alternative and mainstream publishers to publish more works in African languages and to venture into publishing beyond books designed to be prescribed at school.

Participants recommended devising ways to source out African language manuscripts – similar to the 30-volume set Schomburg Library of Nineteenth Century Black Women Writers.

Participants also agreed that the solution to the dearth of writing in African languages and translation into those languages must be solved

holistically and attention paid to all the links in the book chain – authors, translators, publishers, booksellers and libraries.

Pallo Jordan, 'Zemk' inkomo Magwalandini: The Life and Times of W.B. Rubusana (1858-1936), www.anc.org.za/ancdocs/history/people/rubusana.html

Lindy Stiebel, R.R.R. Dhlomo
www.literarytourism.co.za

www.esaach.org.za

IS IT POSSIBLE TO WRITE SCIENTIFIC/TECHNICAL WORKS IN INDIGENOUS LANGUAGES?

Sarah-Jane Bosch

From the outset I should like to make it clear that this is not an academic discourse. In researching the article I consulted a number of internet articles and websites that deal with the education and training in indigenous languages. I did not discuss the subject with any experts – either those for or against instruction in indigenous languages.

Surprisingly, although there seems to be plenty of information provided by people in favour of teaching children in their mother tongue I did not come across any sites or articles that even mentioned whether or not it is possible to write scientific or technical works in indigenous languages. There may well be such articles, but I couldn't find them.

The main focus of those who advocate indigenous languages seems to be to promote the use of traditional ways of 'knowing, teaching, listening and learning in passing on the language and to help others come to understand how the language is integrated with culture, especially spiritual traditions and the rules for living a proper life'. In other words, they are focusing on maintaining indigenous traditions rather than the growth of indigenous

languages for use in a modern world where technological advances and scientific progress are the order of the day.

In a UNICEF paper on indigenous languages, Anna Lucia D'Emilio, Regional Adviser, Excluded Population/Regional Focal Point, UNGEI (United Nations Girls Education Initiative), says: 'There are many tests that have demonstrated that children learn better in their own languages and that strengthening the use of their language through the process of reading and writing makes it easier for them to learn a second language more extensively.

'Many tests also show that bilingual education has permitted large advances in the psychosocial sphere. In bilingual schools children are happier to learn, are more expressive and have higher self-esteem when compared with those not in bilingual schools. But despite the Convention on the Rights of the Child (CRC) and despite the fact that many countries have highly advanced legal frameworks and highly qualified indigenous professionals, the use of indigenous languages and of bilingual modalities in education is still limited and does not reach all the communities

and populations that need it. In Latin America, there is still no country that has succeeded in universalizing intercultural bilingual education (IBE) for all indigenous children.

‘These services are often implemented with the support of international aid funds and only limited national resources. Yet some countries that once designated considerable resources have lessened them in the last few years. The projects’ large financial dependency can have very negative consequences, running the risk that they become perceived as imposed by ‘outsiders’.

‘Currently, UNICEF is supporting IBE projects and programmes in around 20 countries in the region, with different lines of action, according to the situation in each country. It is also increasing interventions for those indigenous populations divided by national borders, with support from the Government of Spain in 17 Latin American countries, and the government of Finland in three Amazonian countries. In some cases UNICEF has also supported the process of reviving languages in danger of extinction, such as the Añu language of Venezuela, which had only a few elderly speakers and now is taught as a subject at school so that children can become familiar with a basic vocabulary.’

D’Emilio says indigenous participation should not be limited to decisions related to the status of indigenous languages in society, but should be ensured in decisions related to the linguistic corpus. In accordance with the approach of the indigenous movement, UNICEF has transcended the simple use and maintenance of the languages, having also promoted and supported processes to develop native tongues such as the elaboration of alphabets, spelling norms and the development of technical language for the use of these languages in all subjects of school curriculums, for various

educational levels and for various environments.

And this seems to be the nub of the problem with most indigenous languages whose vocabularies and sentence structures make them only suitable for informal, interpersonal communication, such as conversations in the home and among friends or colleagues. Many of them had no written texts until quite recently, some time after European explorers set out to discover the rest of the world.

The problem is that you can’t formulate profound technological and scientific concepts using a domestic and social vocabulary. Clear, coherent, accurate thinking can only take place if clear, coherent and accurate words and grammatical structures are used. South African black languages, for instance, have no technical vocabulary, grammar or syntax, and so they can’t produce or describe technical thoughts and writings. Any attempt to write indigenous technical works for use in South African schools and universities would have to be preceded by extensive development of a technical language – or rather languages, as all nine black languages would have to be developed to ensure all communities would benefit to the same extent. This would be prohibitively expensive and time-consuming and the writings produced would necessarily be limited, so that any committed student would in any event be obliged to learn English (or perhaps French, Russian or German) to continue studying.

So, although it may be possible to write technical and scientific works in indigenous languages, it seems more beneficial (and more feasible) to pour the limited available resources into ensuring that all South African children learn to speak English at a sufficiently sophisticated level to enable them to benefit from the wealth of world class technical and scientific literature that is readily available.

WHAT’S IN A LANGUAGE?

Alfred Mautsane Thutloa

Alfred Thutloa is currently studying for the MPhil in Intercultural Communication. His broad research topic is the language that was used to sell South Africa for the 2010 World Soccer Cup.

Dr Mamphela Ramphela, former Vice-Chancellor of the University of Cape Town and author of a penetrating portrait of South Africa’s transformation trajectory, *Laying ghosts to rest: Dilemmas of the transformation in South Africa*, contemplated the language dilemma in an article under the headline

Here, mother tongue clashes with her mother's tongue, published in The Times Online on 8 March 2009.

“Ultimately, our children pay the price for the constant erosion of African languages”, said Dr Ramphele.

Here are a summary of, and some thoughts on, that article:

That South Africa is experiencing the erosion of indigenous languages is due to the *status quo* of English as the *lingua franca* of mainstream society, and the diminishing status of indigenous languages hinders the preservation of African cultural heritage.

The article shows how Chinese and Japanese political leaders retain the integrity of their cultural heritage by using their own indigenous languages, talking internationally through interpreters. I find this interesting because it is contrary to the school of thought that bolsters Europe and the USA as the epitome of political, cultural and linguistic leadership.

The trickle-down effect of English as a medium of instruction in schools will be the diminishing role of indigenous languages and especially their relevance to the school curriculum. Black children will be thrust further away from their mother tongues. Society's perception of indigenous languages will be that they are inferior.

Dr Ramphele expresses nostalgia for the days when she read African idioms and proverbs. Since then, the classic works of fiction in indigenous languages have fallen out of print and she deduces from this that publishers have stopped producing books in the vernacular because of weak demand.

Despite these problem areas, which are contributing to the “death” of indigenous languages, Dr Ramphele believes that politicians, higher education institutions, civil society institutions and faith-based organisations all have positive roles to play in protecting the rich tapestry of South Africa's cultural and linguistic heritage.



MoabaSesotho

MOKGATLO WA AFRIKABORWA WA BANGODI BA SESOTHO

MoabaSesotho is a Sesotho writers' association established in 2006. The major aim and challenge of the association is to unite Sesotho writers to improve the standard of writing and reading Sesotho literature.

The historical development of Sesotho literature was inspired by the missionaries' teachings and later encouraged by education departments. Between the 1960s and 1970s, most Sesotho literature was meant for school readership only, and after the 1980s, when the Department of Education no longer prescribed books for all nine provinces, leaving each province to select its own, there was a decline in the production of Sesotho literature. The intervention of MoabaSesotho was therefore necessary.

The first challenge was to establish branches throughout the country, a mammoth task, considering the financial implications. So far, only two have been established. MoabaSesotho is now aiming to set up book clubs which are less demanding financially but which encourage readership.

MoabaSesotho has both academic and grassroots support, as can be observed at our conferences and workshops. So far, the workshops have yielded some of the best literature, although it is not yet at the standard of the years before the 1990s – but this is not meant to imply that no good literature has been produced since 1990.

MoabaSesotho has received funding from the National Arts Council for the past two years. This has boosted the projects envisaged, and revived writing in Sesotho. In particular, the projects have unearthed potential, and promising manuscripts, among women and young writers.

In 2009, the association wants to reach out to people in informal settlements and rural areas, to help some of the residents to write about their experiences. There is still much to be done to improve standards, and to create an adult readership in addition to the schools' market.

SABALELE

Janet Smith

Janet Smith is an executive editor of The Star and a special writer at Independent Newspapers, concentrating on socio-political stories, essays and profiles. She is the author of two award-winning novels for young South Africans and the co-author of a third prize-winning book for teenagers.



We arrived in Sabalele around 5.30pm, just as the light was starting to drop around us, just before the arcane village map became too dark to negotiate. Out in the constellation of villages in the Comfimvaba area, there is very little electricity, not even in Sabalele, where Chris Hani was born and grew up, and where his family still live.

Despite what people may imagine being possible, the family of the revered ANC hero have not tried to capitalise off his name, or make demands. Instead, they are inordinately quiet people, much like Hani himself, although he had to project another kind of man in order to help realise the liberation of South Africa. In that, there was no room to be silent, or withdraw.

But the Hanis of Sabalele live as if they are just the same as any other family. Indeed, that is how they perceive themselves. And for us, two journalists from The Star, working on the first biography of Hani, and indebted to these people from the tiny village way down the freeway

from East London, this was an added dimension to the character of the man. This was our third visit to Sabalele. It would be outrageous to suggest we'd got to know Nolusapho Hani - Chris Hani's sister-in-law - and her family, or Hani's oldest daughter Cleopatra and her son, Aluta, who was born in the July after Hani was assassinated by rightwingers Jalsz Walus and Clive Derby-Lewis in April 1993. But we had spent a great deal of time talking to them, both in the village and on the telephone.

Especially Nolusapho and Cleo Hani were very forthcoming, although it took longer for Cleo Hani to open up. At first, she was reticent. It was understandable. She made it clear to us, on a long journey from the back seat of our car after we had fetched her to take her home, that it was a strangeness to be a Hani, because sometimes people expected things of you. Either they wanted something: a gratuity, perhaps, or an introduction. Or, they believed that you might expect something of them. Such is the nature of some political relationships in South Africa. But for the Hanis, neither could prevail.

But when we first contacted Cleo Hani, she was reticent because she did not want to come across as trying to gain from her father's name. She hoped, rather, that we would concentrate only on her own, very few memories of a man who spent his time as her father away from her, and some other scattered, received memories from her mother and other members of her family which she might share.

Fortunately, that was the only thing we wanted to do. Nolusapho Hani was open to all discussion, and we discovered her to be quite political in her reflections on her brother-in-law. She was also quite political in her thoughts about a time - the 1950s onwards - when she first got to know Chris Hani and then followed his life through the longings of her husband Victor and others in Sabalele, who felt huge pride in the MK commander and ANC leader.

She was bold. She was descriptive. She was kind. She was unbiased in her opinions of local and provincial government leaders who promised so much and seemed to give so little. Our conversations with Nolusapho Hani were often beautiful and deep, but always a revelation.

Without the Hani family in Sabalele, there is no way we could have written *Hani: A Life Too Short* (Jonathan Ball). And perhaps for us, one of the most important experiences we took away from our interactions with them was that they did not seem to have an issue with me being white and Beauregard Tromp being coloured. Instead, they explained rituals and other critical interventions in their lives patiently, but never patronisingly. They gave us their considerable time and their memories without interrogating our political - or racial - credentials. Beauregard and I spoke about this often, especially when we were travelling in the Eastern Cape, or interviewing the many former MK cadres who also had in common a huge pride in the man they still call their comrade.

Someone once pointed out to us that writing the biography was a bit like studying towards an MBA, in terms of how much we learned and absorbed about the liberation history of this country. That is certainly true. At times, we also felt as if we were getting an MBA in non-racial politics. But this was not always to be the case with the upper echelons of the ruling party itself. Although we presented what we thought were honest bona fides whenever we approached people about interviewing them for our book – our honest bona fides being that we were journalists in search of one of the greatest stories of this country - we were not always as warmly received as we were in Sabalele.

It sometimes felt as if people in power - not all, far from all, but some - wanted to own Hani's memory. It sometimes felt as if we were being thwarted because we did not belong to the era in which he grew up and in which, in fact, the current leadership of the ANC grew up. At times, we felt perhaps that our inability to access certain people was because we were thought of as outsiders.

And what does the word "outsider" mean when you are writing a biography? Surely very few

biographers knew or know their subject intimately or even emerged out of the same time and space? The art of biography writing is to ask a million questions, to be as curious as you could possibly be, to try and probe and investigate until you believe you might have got some understanding of the person in whom you have invested your intellect, emotion and time because they are fascinating.

Although many within the ANC and the SACP did treat us warmly and give us much more than we hoped, we missed the voice of the others who did not. Now that our book is out, we still hope they might reconsider and see that we assumed nothing, and did not want a chunk of a man who belongs to the nation.

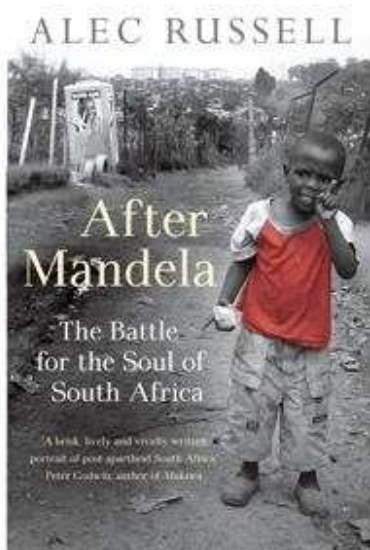
Nolusapho Hani seemed to know that intrinsically, and for that, we are very grateful. That night we arrived, when it was getting dark, the family was preparing to say goodbye to Victor, Nolusapho's husband, who had died a year before. Although we did not know that this ritual was going to happen, Nolusapho invited us to join in. Beauregard participated with the men, I helped with the food. It was an enchanting illuminating experience which we had not anticipated. Just like so many others.



AFTER MANDELA: THE BATTLE FOR THE SOUL OF SOUTH AFRICA

by Alec Russell

Book Review: Sarah-Jane Bosch



In *After Mandela The Battle for the Soul of South Africa*, award-winning journalist Alec Russell describes how the rainbow nation has lost its sparkle, and outlines South Africa's second struggle – the battle for the soul and future of the new nation.

The book provides a lively account of South Africa since the downfall of apartheid in 1994 and leads readers through all the main issues confronting the country such as crime, land reform, an economy dominated by the white minority, HIV/Aids, and the disintegration of neighbouring Zimbabwe; and examines in some depth the influence of the heads of state – Nelson Mandela, Thabo Mbeki and Jacob Zuma (not yet president of the country at the time the book was written, but already president of the ANC).

Russell says: 'The hopes of a continent rest on South Africa. If it succeeds, it will be a model for the continent. If South Africa, of all places, fails despite all its advantages and the inspiration of Mandela to lead it to liberation, its failure will not just be the end of a dream nurtured for generations, but a betrayal.'

The ANC made a steady start to tackling the legacy of white rule when it came to power in 1994. It introduced a liberal constitution backed by independent courts, guaranteeing rights denied under apartheid; it revived the economy; it established South Africa on the world stage. But 15 years later the party seems to be losing its way. It has so far failed to deal with the challenges of HIV/Aids and the collapse of Zimbabwe, and is fighting to escape the fate of so many liberation organisations that came to power only to see their dreams disintegrate owing to unrealistic expectations, corruption, infighting and misrule.

Russell describes the years of Nelson Mandela's term, where the hallmark was reconciliation and straight-talking. Mandela at times told his supporters that if they had no discipline, they were not freedom fighters and the ANC did not want them. He encouraged the youth to return to their classrooms and take on the *tsotsis* in their midst. He won the co-operation and admiration of white South Africans, and many considered him to be little short of a Mahatma Gandhi. This was a description he modestly rejected, but it made him a difficult act to follow as head of state.

Thabo Mbeki on the other hand, although he no doubt understood how Africa fitted into the world economy, was known for cloaking his

pronouncements in policy jargon and gilding them in subclauses, so that it was virtually impossible to be sure what he was thinking or to pin him down. Humouring Zimbabwe's Robert Mugabe didn't fit Mbeki's African renaissance ideals, but standing by him against the West did fit in with his belief in pan-African solidarity – a view Mandela had repudiated as soon as he was a free man.

Russell says: 'Mandela's fabled spirit of reconciliation was tossed aside, the scars of the polarised past were laid bare, and Mbeki was to lead South Africa down several blind alleys, from which it would not easily emerge.'

As for Zuma, Russell sums up his revealing chapter on the 100 Per Cent Zulu Boy by saying that in spite of the fact that he is a canny politician with a popular touch, the ideal solution would have been for him and Mbeki to have stepped aside, paving the way for someone from the next generation to take over.

Russell brings his story vividly to life, drawing on his knowledge of South Africa and his relationships with some of its most important figures – Mandela, Mbeki, Zuma, Archbishop Desmond Tutu and a host of others. He provides lively sketches of people like Harry Gwala, the strict Marxist comrade who (rightly, it turns out) feared that the ANC elite would be seduced by temptations of wealth and power. There is Tannie Joan, the worn out white proprietor of the down-at-heel Hotel Friesland in Koppies, a small town being torn apart by racial tensions; and Julian Ogilvie-Thompson, former head of Anglo American, who told Mbeki at one of their regular meetings that business leaders liked GEAR (government's Growth, Employment and Redistribution programme). However, he said: "Our concern is that you are only in second gear. You need to be in top gear, and you may slip into reverse gear."

After Mandela is a highly readable, instructive and stimulating account of how transforming the thrill of freedom into a tangible change in the lives of ordinary people is turning out to be far more difficult than the ANC leaders ever imagined. Russell is by and large non-judgmental, but comes to some disturbing conclusions – he warns that 'South Africa needs to avoid being led by an ossified ruling party overseen by bickering apparatchiks presiding over a dysfunctional state, or face following Zimbabwe into the mire' - and leaves readers with a better understanding of the challenges yet to come.

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Lee-Ann Tong

QUICKIE NO.4: THE INTELLECTUAL PROPERTY LAWS AMENDMENT BILL 2007 SAGA CONTINUES...

You will recall from our previous newsletter that the controversial draft Intellectual Property Laws Amendment Bill 2007 (“Bill”) was being scrutinised at NEDLAC. Since then, the most newsworthy development has been that Cabinet requested that a Regulatory Impact Assessment (RIA) be conducted on the Bill. The Office of the President and the Department of Trade and Industry have jointly commissioned an independent research organisation, SBP, to conduct the RIA. It seems that the aim of the RIA is to assist government in investigating the impact that the proposed amendments will have and to try to ensure that the relevant stakeholders benefit from the legislation. This involved SBP contacting various role-players in August this year to set up interviews. Kundayi Masanzu used the opportunity to once again put forward ANFASA’s concerns but it is unclear whether RIA will play a role in helping to scupper the Bill.

The need to recognise and protect indigenous traditional intellectual creations is undoubtedly an important one but the Bill may well prove more detrimental than beneficial to indigenous community members who are creators of copyrightable literary, musical or artistic works. While there are many reasons why the Bill in its current form is untenable, one concern for indigenous traditional communities and individual members of such communities is its effect on ownership of copyright in works that are classified as “traditional works”. The Bill proposes to introduce a new category of works that are eligible for copyright, namely a “traditional work”, to the existing list of nine categories. A “traditional work” is defined in the Bill as “a literary work, an artistic work or a musical work which is recognised by an indigenous community as a work having an indigenous origin and a traditional character” (s5 Bill). Given that literary works, artistic works and musical works are themselves recognized as categories of works eligible for copyright in

the Copyright Act, the definition itself has implications, for once a literary, artistic or musical work is considered to be of traditional origin that it then falls into the category of traditional works and as a result the provisions that apply to literary, artistic and musical works would not apply to traditional works unless the Copyright Act specifically provides therefore.

Within the copyright paradigm authorship plays a pivotal role. The author is usually the first owner of copyright, with a few exceptions, for example when works are made in the course of employment – but in all cases the award of first ownership can be regarded as a reward in the form of a limited monopoly for the intellectual creation that was made. The Bill provides that the author of a traditional work is “the indigenous community from which the work originated and acquired its traditional character” (s5 Bill). And an “indigenous community” is defined as “any community of people currently living within the borders of the Republic, or who historically lived in the geographic area currently located within the borders of the Republic” (s5 Bill). Under these definitions, there is no place for individual authorship of a traditional work, even by members of the particular indigenous community. It seems to ignore the fact that many intellectual creations of a traditional style are in fact created by particular members of the community and that these creators may wish to be credited for such contribution.

The Bill, however, vests ownership of copyright in a traditional work “in the fund established in terms of section 40D” (s11 Bill). Although the indigenous community or the members of the indigenous community from which the work originated may perform the exclusive rights that attach to traditional works, they are obliged to pay a royalty “to the trust as the owner of the copyright” (s10 Bill) where the work is exploited commercially. Thus, the creator of the traditional work, whether it is the indigenous community or a particular individual member of the community will not have the benefits of copyright ownership but are instead granted what is in effect a qualified “fair use” right – namely, entitlement to do the exclusive rights that are reserved for the owner, without prior authorisation from the owner of the copyright, but subject to payment of a royalty. This raises the issue of whether this lack of individual

copyright authorship and ownership has the potential to make individual creators less inclined to produce literary, artistic, and musical works that would be considered traditional works, which in turn could lead to a loss of traditional culture.

There are many additional reasons why it is imperative that the Bill be rethought. It is evident that the current proposal may do more harm than good insofar as the recognition and protection of indigenous traditional cultural expressions are concerned.

IZINDABA ZABABHALI, the ANFASA newsletter, carries items of interest to the members, but it also depends on the members to make it a lively and stimulating publication. Members are encouraged to send their contributions, whether serious or humorous, contemplative or controversial.

The editors reserve the right to shorten contributions, if necessary.

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