

ACADEMIC AND

NON - FICTION

AUTHORS'

ASSOCIATION OF

SOUTH AFRICA

**ANFASA**  
Dedicated to empowering authors

**IZINDABA**

**ZABABHALI**

**NEWS FOR AUTHORS**

**The ANFASA newsletter**

**Volume 2 Number 4, December 2009**

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***The IZINDABA ZABABHALI  
editorial team send readers their  
best wishes for the Holiday Season  
and for the New Year 2010***

**FROM THE EDITOR IN CHIEF**

The end of another year.

As it did last year, this December issue of the ANFASA newsletter turns the spotlight on the members and their achievements. Although calls went out in the last newsletter, and the last bulletin, for information about books and articles published during the year, it seems that modesty prevails in the membership, and as a result the citations in this newsletter represent but a few of ANFASA members' successes in 2009. Nonetheless, thanks to those who did reply. With your help, this newsletter is devoted to information about an amazingly varied and creative set of publications.

We start by featuring the 2009 winners of the ANFASA Grant Scheme for Authors (AGSA) scheme. The members of the selection committee reported that choosing the winning candidates from among the many excellent applications is getting harder than ever. However, given that ANFASA is a proponent of academic and non-fiction writing in South Africa's indigenous languages it comes as something of a disappointment that none of the

successful candidates is writing in isiZulu, or isiXhosa, or Sesotho...

Language is going to be a key issue in 2010, alongside soccer of course. Language will command debate, and it is to be hoped that ANFASA will play a leading advocacy role, and especially that among the 2010 AGSA winners will be an author writing in siSwati, or Tshivenda...

I've been editing the ANFASA newsletter, IZINDABA ZABABHALI, for two years now, and have enjoyed it immensely, but it's time to hand over to someone else and so this is my last issue as editor-in-chief. Thank you, all who sent feedback – your encouragement has made it worthwhile.

It remains only for me to congratulate all the ANFASA achievers, and to wish all those still on the road to achievement much success in the coming year.

## ANFASA GRANT WINNERS 2009

**Munyaradzi Murove** is deputy head of the School of Philosophy and Ethics at the University of KwaZulu-Natal. His published work *African Ethics: An Anthology of Comparative and Applied Ethics* is the first such anthology. His areas of interest are African Ethics, Business Ethics, and Comparative and Applied Ethics. Having published several articles in his specialist subject, he is currently writing a book: *African Ethics: Approaches and Perspectives* with the hope of making African ethics part of the curriculum at the university.

**Rachel Wynberg**, a natural scientist and environmental policy analyst, specialises in the commercialisation and trade of biodiversity, and the integration of social justice into biodiversity concerns. She holds a PhD from the University of Strathclyde, Glasgow, and is currently based at the Environmental Evaluation Unit, University of Cape Town. The ANFASA grant will contribute towards the writing of a new book, *Green Diamonds of the South: Biodiversity, Equity, People and Knowledge*, which tells of biodiversity use and traditional knowledge in the southern African landscape, placing it within the contemporary world of bioprospecting, biopiracy and fair trade.

**Gabeba Baderoon** received a PhD in English from the University of Cape Town in 2004. She has published widely on representations of slavery and Islam in South Africa, and has held fellowships at the African Gender Institute, the Oxford Centre for Islamic Studies and the University of Sheffield. Also a poet and the author of the poetry collections *The Dream in the Next Body* (2005) and *A Hundred Silences* (2006), Gabeba is an Assistant Professor of Women's Studies and African and African American Studies at Pennsylvania State University. She is working on a book, *African Privacies: Spiritualities and Sexualities in South Africa*, a research project which envisions African subjectivities in South Africa beyond the theme of resistance, drawing on the figure of Sara Baartman as an exemplary subject whose burial, 187 years after

her death, signals a new conception of the private. In "African Privacies", the author explores recent art, literature and oral narratives about sexuality and spirituality in South Africa, realms that have previously been framed by colonial discourses of enforced visibility and display.

**Tanya Farber** is a freelance writer, media consultant and trainer and has been a full-time senior reporter for The Star and The Sunday Independent. She has an MA degree in journalism from Wits University, an H Dip Journalism *cum laude* from Rhodes, an Honours degree in gender studies from UCT, and an Honours degree *cum laude* in Applied Linguistics from Wits. Her book on, and with, renowned photographer Alf Kumalo, *Through my Lens*, was recently published by Tafelberg. Her current project focuses on South African women from all walks of life, and the meanings they attach to 'texts' they encounter in their everyday lives – from clothing to public spaces, to hair salons to soap operas. It will delve into the semiotics of branded clothing amongst the new black urban youth culture in the suburbs, the shift of power relations – brief and temporary – when 'maids and madams' watch soap operas together, and the politics of hairstyles between local and foreign Africans.

**Ufrieda Ho**, who won the inaugural Anthony Sampson Foundation Award for Journalism (2007), works as a freelance journalist and lives in Johannesburg. As a child of Chinese immigrants, she straddles the worlds of her parents' memories of China's mystical dragons and moon festivals from the Asian motherland, but she is also a South African who grew up in the grey areas of segregated Johannesburg East and knows well the stereotypes and prejudiced assumptions attached to an invisible minority group in a racially divided country. She writes about growing up in these two worlds.

**Mark Peters, David Glasser and Diane Hilderbrandt.** David and Diane are co-directors of the Centre of Material and Process Synthesis (COMPS), based at the University of the Witwatersrand, Johannesburg, while Mark is a research engineer at Sasol Technology. These authors are involved in the production of the book, *Membrane Process Design using Residue Curve Maps*, which stems from Mark Peters' research towards his PhD thesis (David Glasser and Diane Hildebrandt, were among his supervisors on the project). The book looks at how membrane permeation potentially provides an attractive alternative to conventional energy in the petro-chemical industry, and provides a novel method of design and synthesis for such systems. The grant from ANFASA will be used towards the completion of this book for publication.

**Kevin Thomas** is a senior lecturer in the Department of Psychology at the University of Cape Town, with a PhD in clinical psychology (concentration: neuropsychology) from the University of Arizona. He completed a clinical neuropsychology internship and a post-doctoral fellowship in neuropsychology at the University of Florida. His current research focuses on the effects of ageing, substances and stress on memory systems. Together with Professors George Ellis, Dan Stein, and Ernesta Meintjes, he is co-editing and contributing chapters to a volume titled *Substance Use and Abuse in South Africa: Perspectives from Brain-behaviour and Other Disciplines*. The book will approach the problem from multiple perspectives, but it is particularly geared toward integrating a public health view with recent discoveries in brain and behavioural science.

**John Kannemeyer** lectured at UCT and Stellenbosch and was Professor of Afrikaans and Dutch at the University of the Witwatersrand in the 1980s. He has written extensively on Afrikaans and Dutch literature and its history. In 2003 he was appointed Extraordinary Professor at the University of Stellenbosch, lecturing to postgraduate students on editing and textual studies. At present he is working on a biography of the Nobel laureate J.M Coetzee.

**Luyanda Msumza** was born in King Williams Town in 1958, attended schools in Ginsberg Location and Mzomhle High School in Mdantsane, and was unable to complete high school in 1976/1977 because of his participation in the school boycotts. He left SA in 1978 for Lesotho, then continued his education in England where he took a degree in Aircraft Maintenance Engineering and an M Sc in International Community Economic Development in the US, where

he also worked with Professor Robert Edgar on the *Collected Writings of Anton Muziwakhe Lembede*, published by Ohio University Press in 1996. Luyanda came back from exile in December 1990, took an Honours degree in History at UCT, and has been involved with different community issues. He is currently working with Prof Edgar on the collected writings of A.P. Mda, the pre-eminent African political intellectual.

**Fiona Forde**, who came from Ireland, decided to make South Africa her home three years ago. She has worked for Independent Newspapers, writing on a range of issues from politics, to current affairs and news. Her byline is most regularly featured in the Sunday Independent. Fiona is currently putting the finishing touches to a book on the history of the taxi industry, looking at the growth of the industry over the past hundred years.

**Pearlie Joubert** holds an Honours degree in Journalism. She is currently based in Cape Town where she is senior journalist for the Mail & Guardian. Pearlie has worked as a journalist for many years, has done extensive research work, and has co-directed and produced several documentaries on a range of South African themes. She has been commissioned by Random House/Struik to write a book about the women who touched and changed Nelson Mandela's life.

**Mxolisi Mgxashe** joined the struggle for national liberation at the age of 16, on the eve of the Sharpeville/Langa massacres in March 1960. Imprisoned in 1963, he served 18 months on Robben Island and in Victor Verster prison, leaving the country in September 1966 for exile where he furthered his education. He returned in September 1994 with an MA degree in Journalism and Mass Communication from New York University, NYU, a B Sc in Human Services from the New Hampshire School of Human Services, and a certificate in Journalism from Evelyn Hone College in Lusaka. Since his return he has worked as senior reporter and columnist at the Cape Argus, and as a researcher with the Truth and Reconciliation Commission. His first book, *Are You With US - The Story of a PAC Activist*, was published in 2006. The project for which he received a grant is his second book, *Ideals and Betrayals - Echoes of Exile*, which examines four important objectives of the struggle: freedom, democracy, justice and human rights.

**Kevin Durrheim** is a Professor of Psychology at the University of KwaZulu-Natal. He obtained his PhD in Political Psychology from the University of Cape Town in 1995. Since then he has published more than 80 peer-reviewed articles and book chapters on topics related to racism, segregation and social change. He is co-author (with John Dixon) of *Racial Encounter* (2005, Routledge) and co-editor (with Martin Terre Blanche) of *Research in Practice* (1999, 2006, UCT Press) and (with Colin Tredoux) *Numbers, Hypotheses and Conclusions* (2002, UCT Press). His forthcoming book, *Race Trouble* is the product of a longstanding collaboration with Lyndsay Brown and Xoliswa Mtose. In the book they seek to describe and explain ongoing racism and racial conflict in a mobile, globalised and desegregated world. In order to understand and undermine the persistent racial formation of social life in contexts such as post-apartheid South Africa, they argue that an analytic focus on racism should be replaced by an analysis of race trouble, and provide a theory of race trouble in chapters on discourse, practices, subjects and repression.

**Dawn Garisch** is a medical doctor and lives in Cape Town. She has had three youth novels, two adult novels, poetry and adult literacy books published. She has had a short play and a short film produced, and has written for newspapers, magazines television. Her fifth novel, *Trespass*, was recently released by Kwela. Two of her novels have been published in the UK. She is working on an autobiography which examines the two legs of her working life – writing and doctoring – and how science and art perceive the world and investigate the truth in very different ways. It examines the crisis of trust and the problem of anxiety in the modern world, particularly as this relates to creativity and to the body, and how our strategies for coping with stress often make things worse. It looks at recent developments in neuroscience that indicate that we are not mere prisoners of our inherited DNA, and suggests that the tools we use to foster creative projects can assist us to live creative lives.

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## UNEQUAL PEERS ?

ANFASA has, more than once, taken up a topic central to the development of knowledge production in Africa: to what extent might black scholars be marginalised when it comes to publication in scholarly journals? Mpilo Pearl Sithole's new book, *Unequal Peers: The politics of discourse management in the social sciences* (Africa Institute of South

Africa) argues that the peer review system is prone to discrimination against scholars whose writing does not conform to "Western" schools of thought in the social sciences. This controversial, thought-provoking book will be reviewed in the next issue of the ANFASA newsletter.

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## INDEPENDENT RADIO

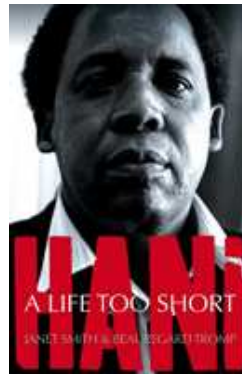
Nicholas Ashby was an AGSA winner last year. His article on Capital Radio, in his own words "an apartheid-era mongrel" with a "renegade

spirit" appeared in the Sunday Independent on 12 December, and those who want to tune in will find it at [http://www.sundayindependent.co.za/general/print\\_article.php?fArticleId=5284960](http://www.sundayindependent.co.za/general/print_article.php?fArticleId=5284960)

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## CHRIS HANI

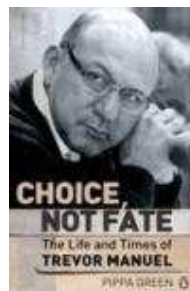
The book Janet Smith co-authored with Beauregard Tromp, *Hani: A Life Too Short* (Jonathan Ball), not only made it to number two in the Exclusive Books best-seller list, but has been selected as one of the top 66 books of 2009, in "The List".

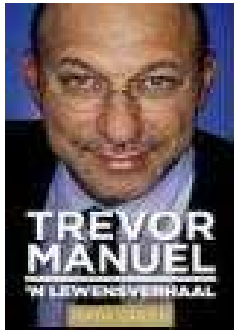


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## TREVOR MANUEL

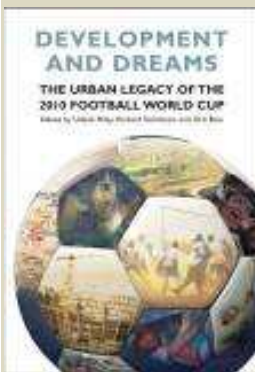
Pippa Green's biography of Trevor Manuel not only did very well in its English edition, *Choice, Not Fate*, published by Penguin, but was translated into Afrikaans by Tafelberg Publishers, and is now also available as *Trevor Manuel: 'n Lewensverhaal*.





And, in another achievement, Pippa Green has been elected to the Board of the SABC. Congratulations, Pippa!

Orli Bass, a long-standing member from Durban, has informed ANFASA about a new title she has co-authored: Pillay, U. Tomlinson, R. & Bass, O. (eds.) 2009. ***Development and dreams: the urban legacy of the 2010 Football World Cup***. Cape Town: HSRC Press.



A full review of *Development and dreams: The urban legacy of the 2010 Football World Cup* will appear in the next issue of this newsletter.

Three of Ann Gadd's books were published in 2009:

- ***What went wrong with Mr Right?*** *Why relationships fail and how to heal them.* Findhorn Press, Findhorn UK, 2009
- ***The New Ewe*** – Create Yourself, Cape Town 2009
- ***The Ambitious Sheep*** – *Achieving what you want out of life.* Create Yourself, Cape Town 2009

This is what Ann says about the last-named:

In *The Ambitious Sheep*, I took the humorous “sheep series” paintings which have done so well for me, and drawing from what I had learnt in writing six self-help books and working in the corporate world for 20 years, wrote an allegory on how to achieve what you desire in life.

To a society where ‘over-promise’ and ‘under-deliver’ is the norm, the sheep demonstrate the benefits of personal integrity – doing what you say you will do, when you say you will do it. What made the book personal for me, was that I went through this process to achieve success as an artist, (as well as on a number of other issues), so I know the method works. Just as sheep are fairly simple creatures, so the principles are seemingly simple, yet are drawn from ancient wisdom. I loved the paradox of the sheep conveying this wisdom.





Professor Chris Saunders, Department of Historical Studies at the University of Cape Town has authored numerous publications in 2009, among them:

The Resolution of the Angola/Namibia Crisis of 1988, in S.Onslow, ed., *Cold War in Southern Africa* (Routledge, 2009)

The Extension of British Liberties: the South African Case, in J.Greene, ed. *Exclusionary Empire: English Liberty Overseas 1600 to 1900* (Cambridge University Press, 2009)

Namibian Solidarity: British Support for Namibian Independence, *Journal of Southern African Studies*, 35 (2), June 2009

Angola: from War to Peace, *Transformation*, 69 (2009)

Introduction: Liberation Struggles in Southern Africa, *Social Dynamics*, 35 (2) September 2009-10-30

Robin Malan has also had a very productive year, with two books published:

- *A - Z of African Writers* published by SHUTER Shuter & Shooter, Pietermaritzburg, 2009



- *Sonny Jim and His Sister* published by SONGOLOLO Shuter & Shooter, Pietermaritzburg, 2009

A publisher as well as an author, Robin reports that his publishing house, Junkets Publishing, won the Arts & Culture Trust Excellence Award for Literature for 2009 for its Playscripts Series. During 2009, Junkets published the following Playscripts:

- No. 8 Malika Ndlovu: *Sister Breyani*
- No. 9 Fatima Dike: *The Return*
- No. 10 Jonathan Khumbulani Nkala: *The Crossing and The Bicycle Thief*

## **IFFRO'S 25 YEAR HISTORY DOCUMENTED BY SOUTH AFRICAN AUTHOR**

**Gérard Robinson, the Chief Executive Officer of the Dramatic, Artistic and Literary Rights Organisation (DALRO), recalls an ANFASA member's achievement in far-off Oslo.**

In 2009, the International Federation of Reproduction Rights Organisations (IFRRO), the federation which binds collecting societies licensing in the field of reprographic reproduction rights on behalf of authors and publishers, celebrated its 25<sup>th</sup> anniversary.

To mark this occasion, IFRRO's 2009 Annual General Meeting returned to the city where the federation was founded on 16 May 1984. In planning the commemoration in Oslo, the IFRRO Board thought it appropriate for the delegates to be presented with a memento and it was decided to commission a book which documented IFRRO's first 25 years. Having been actively involved in RRO activities during her tenure at DALRO, followed by a turn of duty in the IFRRO Secretariat in Brussels, South Africa's Monica Seeber was the obvious, and popular, choice to author this historical account. The records in the IFRRO Secretariat naturally proved invaluable in Monica's research, but documentation on the period leading up to IFRRO's founding, and the early years of the federation, were sorely lacking. For the reconstruction of this period in IFRRO's history, Monica had to rely mostly on institutional memory and for this she turned to three of the "founding fathers", Paul Nijhoff Asser, Joseph Allen and John-Willy Rudolph and, of course, to the two people who had accompanied IFRRO on a major part of its 25 year journey, its CEO, Olav Stokkmo, and its Honorary President, Tarja Koskinen-Olsson.

***Enabling Access – 25 Years of IFRRO*** began to take shape over the months leading up to the IFRRO AGM in October and there was great relief when it was sent to the designers comfortably ahead of the AGM in Oslo. Monica had reservations about the variety of typefaces

used by the designers but, given the time constraints, she acquiesced and agreed to let it go to print.

Although the IFRRO Board and Secretariat managed to keep the secret, there was clearly an expectation of something special when the AGM became punctuated by some special guests, notably Paul Nijhoff Asser, the former representative of STM (the International Group of Scientific, Technical and Medical Publishers) and Joseph Allen, the former CEO of the American RRO, Copyright Clearance Center (CCC). Other honoured guests included the former Chairman of the Board, Ferdinand Melichar of Verwertungsgesellschaft WORT, and the immediate past President, Peter Shepherd.

The business of the AGM was concluded in record time in preparation for the highlight – an interview on stage with Paul Asser, Joe Allen and John-Willy Rudolph, conducted by Monica. As the interview progressed, it became evident that Monica wasn't only an accomplished author, but might well consider a late career change as a talk-show host. Her probing questions compelled her guests to revisit places, occasions, relationships and incidents and their revelations added another unwritten, but very human, chapter to IFRRO's history.

When Monica concluded the interview, the applause by the spell-bound audience was spontaneous and overwhelming. What a proud moment for DALRO and South Africa. And what a fitting recognition of the author's formidable contribution to IFRRO and its ideals around the collective administration of copyright, not only in South Africa, but also internationally.





On stage at the IFRRO AGM, Oslo, October 2009. From left: John-Willy Rudolph, Paul Nijhoff Asser, Monica Seeber, Joe Alen, Olav Stokkmo.

And, finally, copyright:

**Carlo Scollo Lavizzari acts as copyright legal counsel to the Publishers' Association of South Africa, but he is also committed to protecting the rights of authors, as key copyright stakeholders. His two contributions, below, should be of interest, as authors' rights will be affected by these developments.**

## **GOOGLE CONVICTED IN FRENCH COPYRIGHT CASE**

A Paris court has convicted Google Inc. in a copyright infringement case over online publication of French books.

A judge ruled on December 18th, 2009 that the U.S. Internet search giant must pay euro 300,000 (\$430,000) in damages and interest to French publisher La Martiniere. Google was also ordered to pay euro 10,000 per day until it removes extracts of the French books from its online database.

Google's plans to scan millions of books to make them available online has drawn criticism from publishers and libraries in both the United States and Europe. In the US, a New York Court will rule early in February on the Amended Settlement Agreement (ASA) originally proposed in a class action. Rightsholders of books or inserts of books (as defined) published in the US, UK, Australia or Canada, or of works registered with the US Copyright Office, have until January 28th, 2009 to opt out of the Settlement class (or stay in it as a default).

## **VISUALLY IMPAIRED PERSONS: WIPO SCCR NO 19**

Geneva, 18 December 2009: Consensus emerges for working towards a "Legal Instrument" for persons suffering from print disabilities. The World Intellectual Property Organisation (WIPO) will continue to develop a

work programme to build consensus on educational exceptions and exceptions for libraries. The final text on the objectives of negotiations on access for persons with print disabilities, called "international consensus regarding copyright limitations and exceptions for persons with print disabilities" was proposed by the US after the EU objected to the previous proposal that had been agreed with Brazil.

Brazil, Ecuador, Paraguay, India, Egypt, Chile, Malaysia and others will maintain a treaty as their objective. The US considers a treaty as a possible ultimate outcome. The EU, so far, objects to a treaty, but not a "Legal Instrument" such as a model law, declaration or recommendation.

The African group strongly advocates a "holistic approach" on limitations and exceptions whereby access for persons with print disabilities would be considered together with other limitations and exceptions, especially for educational activities.

All signs are that there will be a normative outcome (i.e. a recommendation or a treaty) on access for persons with print disabilities. It will be crucial for rightholders to engage on both the definition of the enabling legal environment as well as the WIPO stakeholders' platform.

The SCCR's agreement to develop a work programme on limitations and exceptions beyond access for persons with print disabilities is a further win for those promoting a broader access to knowledge agenda and it confirms that access for persons with print disabilities will be considered by a majority of developing countries as a mere first step. The broad-based IP industries, therefore, have a clear interest in ensuring a reasonable outcome on access for persons with print disabilities.

But as developing countries push for international harmonisation of limitations and exceptions, they will have to make concessions in order to reach international consensus.

The US position reflects strong internal lobbying by the visually impaired. This comes from strong commitment of the Obama administration to assisting the weak and needy, showing progress on health matters, and being seen to be listening to the world at large. The EU Commission, the Swedish Presidency, and Japan are opposed to a treaty.

The end result, is that there will be exceptions for the visually impaired but a final outcome on access for persons with print disabilities may take a year or two. The next SCCR will be held June 21-25, 2010 in Geneva, Switzerland.

## ASSISTANCE REGARDING COPYRIGHT

### Owen Dean

**Dr Owen Dean, one of South Africa's foremost copyright lawyers, was one of ANFASA's earliest members, and served on its first Board of Management.**

As a member of ANFASA and an attorney specialising in the practice of copyright law, I have on occasions in the recent past been asked to furnish advice concerning copyright issues pertaining to authors. This has taken the form of actually acting as an attorney for ANFASA and/or members, or participating in a workshop at which copyright issues have been discussed.

In all instances matters on which I have been called upon to give assistance have related to the ambit of the authority given by authors to publishers to publish or otherwise commercially disseminate their works. This issue is intimately tied up with publishing contracts, whether formal or informal.

As a general rule, which is subject to certain exceptions, the author of a work is the initial owner of the copyright in that work. Ownership of copyright vests in the author the exclusive right to undertake, or authorise, the publication and other forms of distribution of the work, and to reproduce it for these purposes. The author can grant these rights in one of two ways, namely by means of an assignment or transfer

of the copyright, or part of the copyright, in the work, or alternatively, granting a licence or permission to the publisher to conduct these activities in relation to the work. Generally, in return the publisher agrees to pay the author remuneration in consideration of the rights transferred to it.

From a practical point of view, the effect of an assignment or a licence is much the same, but from a legal point of view, the two are vastly different. When an author assigns his copyright in his work to a publisher, he divests himself entirely of such rights and they pass in ownership to the publisher. Once this has happened the author loses all control over the utilisation of his work, subject to the terms of the agreement. On the other hand, when an author grants a licence, he retains the ownership of the copyright, or the rights in question, and he merely authorises the publisher to exercise those rights. In this situation, the author has not divested himself of the ownership of the rights, and if the licence is terminated for whatever reason, his ownership of such rights remains unaffected. From an author's point of view it is vastly preferable that he should grant a licence under the copyright in his work, rather than assign that copyright to the publisher.

It is undoubtedly better for a licence under copyright to be embodied in a written document. The Copyright Act requires that an assignment, in order to be valid, must be made in writing and must be signed by the assignor. The benefit of the grant of rights being in writing is that there is greater clarity as to precisely what rights were granted, and in particular their ambit. It follows from this that the written document should clearly and comprehensively describe exactly what rights or facilities are being granted to the transferee. If such a disposition of rights is properly described, the potential for conflict arising between the author and the publisher are greatly diminished.

In the circumstances, before any author transfers any rights in his work to a publisher, he should insist upon the transfer of rights being contained in a written document and he should carefully study the description of precisely what rights are being granted. If necessary, and preferably, the author should take legal advice on the publication agreement as a whole, or at least, in regard to the description of the rights which are being granted.

If this simple, but important, rule of thumb is followed, many possible disputes relating to the ambit of a grant of rights to a publisher will be alleviated.

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**Lee-Ann Tong's regular "copyright quickie" will be back in the next issue (Lee-Ann was married last month – congratulations from all of us!).**

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**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.**

**Opinions expressed here are not necessarily those of the editors or of ANFASA.**