

What is good for our people

JOHANNESBURG, S. Africa (Mail & Guardian online) — Ours is a “cruel, crazy, beautiful world” as that Zou-lou Blanc, Johnny Clegg sang – a bewilderingly diverse South Africa where the air is filled as much with the political demagogue’s “sound and fury signifying nothing” as it is with the bracing poeticism of ordinary people and their attempts to flesh out a living democracy.

Many of these attempts – to gain access to rights such as water and housing, to be free to marry whom-ever one fancies or to speak truth to power – find articulation in the Constitutional Court.

The highest court in the land, as exiting Chief Justice Sandile Ngcobo noted in his interview for a position on that Bench in 1999, “is the guardian of our democracy”.

As such, it requires a singular leader – as it has had. A jurist of supreme intellect and a strong hand; someone to inspire the courts and ensure that the broader judiciary remains on an even, stable keel; someone to defend and entrench the separation of powers.

A progressive, a modernist, a politically independent jurist with a deep empathy for the people – largely marginalized and poor and often brutalized by both the country’s violent past and its tremulous present – who depend on the Constitutional Court. Integrity and impartiality are vital too.

Former chief justice Pius Langa noted that “the Constitution highlights the values of equality, human dignity, freedom. We speak of the rule of law.

It speaks of sovereignty of the Constitution itself, so you want your judges to have that kind of ethic and, when they perform their functions, this is something which should shine through.”

For many who have observed the

court in action and have pored over judgments written by the members of its Bench there is a constitutional incandescence shining through the green robes of several of them. For others, that light is much dimmer.

One of the brightest is undoubtedly Deputy Chief Justice Dikgang Moseneke, who is widely acclaimed in the legal fraternity for ticking all the boxes we mention and then some.

Yet, there appears to be almost a national resignation to the fact that he will not get the job: that his independence, his political history as a member of the Pan Africanist Congress and the remarks made at a birthday party in 2008 stand in his way.

But there is nothing improper about any of these. Even his remarks point to being wedded to the Constitution: “I chose this job very carefully. I have another 10 to 12 years on the Bench and I want to use my energy to help create an equal society. It’s not what the ANC wants or what the delegates [at the ANC 2007 national conference in Polokwane] want; it is about what is good for our people.”

We hold no brief for any of the candidates that Ngcobo and the rest of the Judicial Service Commission will interview in the coming days.

But our democracy is too fragile, the Constitutional Court too important, for South Africa to be saddled with a political appointee or someone installed for obscure reasons because decision-makers – and the executive – are too uncomfortable with intelligence and independence.

South Africans deserve a rigorous examination of all the candidates and substantial reasons why Ngcobo’s successor was chosen. Democracy demands it.

Lesson in accountability: It’s not part of our culture in South Africa to resign when we do something



Sandile Ngcobo

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wrong, despite us extolling the virtues of accountability and transparency. We tend to dig in our heels and hang in there by the most threadbare of threads.

But something new happened this week – acting editor of the Sowetan Len Maseko stepped down, accepting responsibility for Eric Miyeni’s hate speech in a column about City Press editor Ferial Haffajee, even though Maseko was on leave when the column was published.

Miyeni spewed vitriol and invoked images of necklacing, which is a shameful chapter of our traumatic apartheid past. He expected racial solidarity from the public and the marginalisation of Haffajee, who is just a newspaper editor doing her job – writing stories about our infamous Julius Malema and corruption.

However, never mind about Miyeni; it’s a good thing his column has been canned.

But what about all those checks

and balances we have in newspapers – sub-editors, proofreaders, acting editors and so forth. Are they asleep? This is not the first time this has happened. When David Bullard, Jon Qwelane and Kuli Roberts got carried away in their columns with some vile racial and sexist stereotyping, the alarm bells should have been ringing.

This newspaper will always support the freedom of speech enshrined in the Constitution. It will also always condemn hate speech, racism and, of course, necklacing.

But our industry has to start to be more reflective and take on board concerns about credibility and accountability.

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Gunman dies at Estonian defense ministry in Tallinn

A gunman has died in a shoot-out with police at Estonia’s Defense Ministry in Tallinn, reports say.

The motives of the gunman - named as Karen Drambjan, an Estonian citizen born in Armenia - remain unclear.

He entered the building firing a pistol and setting off a smoke bomb shortly after 15:00 (12:00 GMT), officials said.

The building was quickly evacuated and police cordoned off the area.

Ministry employees jumped out of windows to flee the scene, TV images showed. Defense Minister Mart Laar was not in the ministry at the time of the incident.

Estonian prosecutors said the gunman was killed in a shoot-out with police.

Officials said armed police wearing body armor entered the building about two hours later when the gunman was killed in a firefight. One policeman was injured.

Officials denied early reports by Estonia’s national broadcaster ERR that he had served in Estonia’s army and had taken a security guard hostage.

“Hostages were not taken during the incident, although two people who had been in the ministry of defense were briefly in the hands of the perpetrator,” said Estonian prosecutors.

They added that the gunman had been born in Armenia in 1954 and spoke Russian, but made no demands during the incident. An investigation has been opened. (Source: BBC)

Guatemala arrests civil conflict massacre suspects

Guatemalan police have detained two men accused of taking part in the massacre of 268 people during the civil war.

Lucas Tecu and Mario Acoj are the first suspects to be arrested over the 1982 killing in Plan de Sanchez. The army and members of a civil defense force, to which the two belonged, suspected the villagers of supporting a left-wing rebel group.

Witnesses said the victims were rounded up, had grenades thrown at them, and those who tried to flee were shot.

Mario Acoj was a patrolman in the civil defense force and Lucas Tecu the military commissioner in the area where the massacre took place.

Lawyer for the prosecution Edgar Perez said Mr. Tecu would have taken part in the planning and execution of the killings.

The “massacre was carried out on market day, when everyone was gathered in the main square,” Mr. Perez said. (Source: BBC)

REPORT

The London riots couldn’t happen here?

BY Terry Collins

JAKARTA (Jakarta Post) — It’s an urban thing; the mayhem and looting in the UK isn’t taking place in rural areas, nor is it taking place in middle-class comfort zones, apart from the cathedral town of Gloucester.

By and large, it isn’t a race part issue, nor does religion seem to be a factor, although three men were mown down by a car as they left their mosque in Birmingham and Asians being confronted by African-Caribbeans.

Some argue that these are shopping riots, characterized by the looters “consumer choices.”

Many of the targets are the shops in their own communities, yet one can’t really describe retail shopping parks, vast estates of hypermarkets and furniture stores, as being community orientated. The looted objects of desire have been objects for idle times: large TVs, bicycles, brand name trainers and laptop computers. Several phone shops have been looted too, but it appears that the looters already had these and through Twitter and instant messages have been able to coordinate their raids, drifting from shopping area to shopping area as the police have belatedly arrived.

And the same media have broadcast the news, allowing instant responses from the “bring-back-flogging” brigade as well enabling vigilante groups to protect their areas from approaching mobs and communities to arm themselves with brooms to clean up their areas.

Certainly, these riots have few parallels with those I witnessed in 1981 in Brixton, London. Those were a reaction to heavy handed police provocations in pockets of social deprivation and lead to massive “urban aid” programs initiated by Margaret Thatcher’s Minister of the Environment, Michael Heseltine. I had many objections to the Tory policies at the time, and still bear many resentments against her regime, and what we are witnessing now is in many respects her legacy.

Yet, one cannot continue to complain about one figure from the past. After all, Britain has subsequently been lead by the Labor Party which, historically, was diametrically opposite the Tories in prioritizing social welfare rather than personal wealth.

More recently, however, they continued “market-friendly” policies, encouraged consumerism and competitiveness rather than cooperation and community action. Politicians have proved to be venal and uncaring, and that is the first connection with Indonesia.

So-called public servants and elected politicians, at all levels of society and across this vast country, have had their snouts in the troughs of easy money. Many have continued to run businesses for the benefit of their families without any consideration for society at large, or within site of the environmental disasters they have caused.

In Jakarta, the consumer is “king”, even though many malls are half empty, but will we see shopping malls ransacked by vengeful youths? I think not. Indonesians are, numerically speaking, among the most voracious tweeters in the world and, as I witnessed just recently, that even the poorest, smelliest busker on a bus has a hand-phone. But we have yet to witness flash mobs of looters roaming the streets.

Would the forces of law and order stand by and watch if looters descended on masse? Quite possibly, but they are not to be trusted. As in the UK, they’ve stood by as minorities have been intimidated, even murdered, by mobs. They would probably wait until a paymaster, an oligarch or two, authorized bonus payments.

A more likely scenario is that one of the Betawi gangs would be paid to sweep angry rakyat (people) off the streets, as they do when the ownership of a plot of land is disputed.

However, it is the “angry rakyat”, otherwise unemployed young men, who may have left school at 14 or 15 having, possibly, completed junior high school albeit with few marketable skills who tend to join the Betawi gangs because they see them “as a means of survival in an often cruel modern urban environment”.

They offer the sense of belonging, of mutual respect, which has been lost in the UK. In a recent interview with local TV program JakTV, as quoted in The Jakarta Post, the head of Betawi Communication Forum, Nachrowi Ramli, said such Betawi organizations might have a tendency toward aggressive behavior (i.e., protection rackets) because they were unsatisfied with the unbalanced distribution of wealth in the rapidly developing capital.

There’s a distinct mutuality of concern in that statement, a mirroring of what can only be called a moral decay or ethical fading. Religion holds sway here, largely because the false promise of a better hereafter allows the abrogation of responsibility and respect towards one’s fellow citizens.

Religion long ago lost its power in supposedly secular Britain, although that and the community spirit which had kept Britain afloat in World War II was the moral basis of society when I was a lad.

It wasn’t until 1957 when Prime Minister Harold MacMillan told his fellow Tories that most of we Brits had “never had it so good”, that the notion of spend, spend became the norm and lead to the vicious cycle of inflation and wage restraint, borrowings and cutbacks which has now produced two generations of disenchanted and disenfranchised rakyat.

There are some here who long for the certainty of the Soeharto era. They have yet to understand that the greed and corruption which is now endemic among the “rulers” is his legacy.

When that is fully understood, assuming that future elections don’t produce a generation of morally clean and respected politicians with a vision for a fair and equitable society which they are seen to be working towards, then that is when the streets of Jakarta, Surabaya, Makassar and other urban centers will resemble the London, Birmingham and Liverpool that we are watching now.

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