

South Africa

The southern part of Africa hosts peoples of a variety of ethnic and cultural groups, including the majority black Africans, the descendants of white settlers, and descendants of Asians imported as slaves and labourers during the 17th to the 19th centuries. Intermarriage between the groups has produced in addition a diverse range of people of mixed origin. There is a well-developed mixed economy based on mining, agriculture and tourism.

The Dutch first colonized the Cape area in the 17th century. When they were conquered by the British, who proceeded to create other settlements along the coast to the east, the Dutch (known as boers) moved inland where they formed new colonies of their own. The discovery of diamonds and gold in these lands in the late 19th century provoked the British to follow them inland; the Boer War followed between the British and the Boer Republics. A British victory was followed by the formation in 1910 of the Union of South Africa, a self-governing Dominion within the British Empire. The boers survived within the Union, and eventually their Nationalist party won power through an election in 1948.

Racial separation had always been a part of South African life since the beginning of colonization, but a series of laws during the period of the Union formalized the relationships, deprived blacks of most of their land, and turned them into exploited wage labourers. Black workers were exclusively involved in menial work and skilled positions were reserved for whites. Blacks were deprived of the right to vote and had no means of effective political influence.

The Nationalist Party which took office in 1948 was led by DF Malan who coined the concept of 'apartheid' – that is, the separation of races. The apartheid policies further curtailed the rights of black South Africans and influenced every economic and social sector, both private and public. In 1958, Verwoerd introduced limited self-administration for blacks. Semi-autonomous homelands were created, and then four of them accepted a phoney "independence" under traditional leaders: the Transkei, Ciskei, Bophuthatswana, and Venda. Africans living in the "independent" homelands needed passports to enter South Africa, thus they became aliens in their own country. By this measure the government shed responsibility for the economic and social problems that were experienced in the homelands, where most black people lived. The apartheid policy was effective in achieving its goal of preferential treatment. While the black population was more than four times greater than that of the whites, Whites were allocated nearly 90 per cent of the land, and had 75 per cent of the national income.

Black political activity became organized and consolidated under the leadership of ANC in the early part of the century. But after 1948 they became particularly active in resisting apartheid legislation. Mass action consisting of protests and boycotts gripped the country through the 1950's. When these brought only repression from the government, new strategies of sabotage and eventually armed struggle were embraced by the nationalists. The turning point came at Sharpeville, in 1960, when police fired on a peaceful group protesting the pass laws. A state of emergency was declared and black leaders were pursued and brought to trial. Many were incarcerated on Robben Island, while others fled into exile to continue the struggle from abroad. The opposition

also continued their work within South Africa underground, supporting the armed struggle and mass action. In 1976 when pupils protested against the Afrikaans language as a compulsory subject, they were brutally shot by the police. South Africa developed into a police state but the resistance continued.

By the late 1980's, international diplomacy and economic sanctions, together with the effects of mass action and non-co-operation within the country and guerrilla attacks, convinced the government that racial policies were no longer viable. From prison, Nelson Mandela of the ANC initiated contacts with President Botha. In 1989 F W de Klerk took office as the new President of South Africa and declared himself in favour of a democratic South Africa. He admitted the failure of apartheid policies. The ANC and other liberation movements were unbanned in 1990, and the political prisoners were released.

The ANC and the government (NP) agreed to refrain from violence and work for a peaceful transition to democracy. All-party talks followed, to work out a transitional mechanism and a new non-racial constitution. The entire population was invited to participate in the constitution-making process through making their views known. In April 1994, democratic elections were held, the ANC gained an overwhelming majority. Nelson Mandela was inaugurated in May 1994 as the first black African President.

South Africa's transition to democracy has been hailed as a miracle and the democratic constitution is seen as one of the most progressive in the world. The constitution represents the general agreement reached by South African people. South Africa is a multiparty state. The constitution creates a new order in which all South Africans will be entitled to a common South African citizenship and reunites all the homelands into a single state.

Nevertheless, many aspirations of democracy have not been met. South Africa still ranks as one of the most unequal countries in the world in terms of income distribution. Levels of poverty are extreme and poverty is still largely determined by race, class, gender and geographical location. These trends seem at odds with the social and economic rights enshrined in the constitution, which include rights to education, housing, healthcare, food, water, social security. It will take South African governments many years and much commitment to redress the social and economic imbalances of the past.

The struggle to overcome apartheid was a struggle to claim human rights for all the people of the nation. During the struggle, paralegals emerged in many communities to assist people to claim whatever rights they could, against heavy odds. Since 1994, paralegals have continued their work in helping communities and individuals, but have also tried to define for themselves a permanent role in the legal system, as they seek to help people to access the law as a means to achieving justice fit in the growing paralegal profession.