



INDEPENDENT MEDIATION
SERVICE OF SOUTH AFRICA

The IMSSA Review

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INTRODUCTION

1994 marks IMSSA's tenth anniversary. The site of celebration is the 1994 National Conference in September. These celebrations intend to bring all IMSSA panelists, friends and funders together to reflect on the past and plan for the future.

Part of the recent development in IMSSA has been the establishment of regional offices. The Cape Town and Port Elizabeth offices opened in 1993 and with the support of panelists and users in the regions, have developed tremendously. Over the past year the Western Cape has increased the number of arbitrations it administers by 24 percent and the number of mediations by 48 percent. The Eastern Cape office has played a key role in community dispute resolution evident by the articles in this Review on community relationship building and monitoring.

The complexity and sophistication of the disputes and dispute resolution processes is a characteristic that panelists and staff have identified in recent interventions. The explanations of the Durban City Council Dispute System and IMSSA's role therein is indicative of this. Increased requests for training which addresses the broader field of conflict resolution further illustrates the need for IMSSA to be able to respond to complicated conflict situations. The agricultural and public sectors also offer new challenges for IMSSA as these environments differ from the industrial context.

Given these changes, IMSSA is forced to develop strategies which meet the possible future demands on the organisation. Panelists, users and staff have been involved in a broad process of consultation regarding a future strategy for IMSSA. One of the proposals resulting from this process was that the Board of Trustees be expanded to include representation from the community conflict resolution service (CCRS). The restructured Board, elected in February 1994 thus includes representatives from the CCRS panels in the regions.

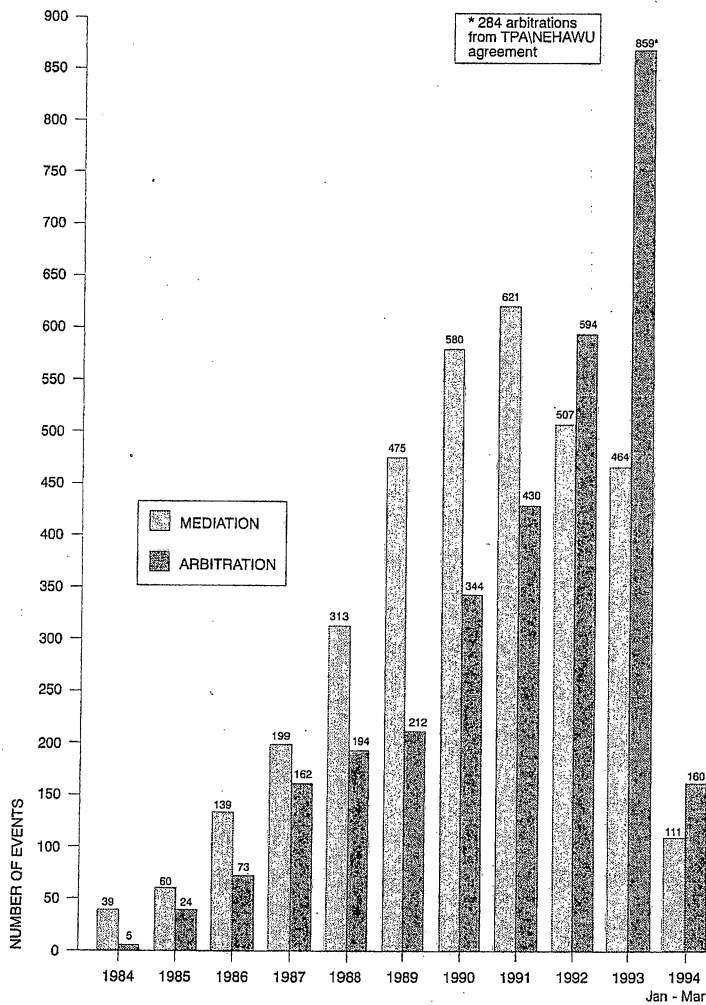
New candidate panelists have been trained for the industrial dispute resolution mediation and arbitration panels. The training has emphasised the need for panelists to be skilled in various dispute resolution processes. Training for trainers, community mediators, relationship building panelists and additional industrial dispute resolution service (IDRS) panelists is planned for later this year.

IMSSA's expertise in the area of balloting and elections has had ramifications for the organisation during the run up to the first democratic elections planned for April 1994. In December 1993 national director Charles Nupen was asked to join the Independent Electoral Commission (IEC) as one of the 11 commissioners. An ever growing number of panelists and staff have also been assisting the IEC in its operations.

The bulk of work taking place in the Elections and Balloting project is further evidence of IMSSA's ability to offer technical expertise and neutral assistance. We believe that these qualities will be in demand during the transformation of South African society.

This Review is dedicated to the memory of panelist Thabo Molewa who played an active role in this transformation. Thabo lost his life on 11 December 1993. He was a member of the Transvaal mediation, balloting, relationship building and community conflict resolution panels. He was one of the most highly utilised panelists. This could be due to his ability to bridge the gap between divergent ideologies, political points of view and conflicting interests. Thabo's ability to foster mutual respect and understanding for other realities contributed to a better South Africa.

He will be missed at IMSSA but leaves great learnings and fond memories for those who worked with him.



Comparisons of 1984 - March 1994 Mediations and Arbitrations

INDUSTRIAL DISPUTE RESOLUTION

NUM - Chamber of Mines Annual Wage Negotiation

IMSSA mediated the National Union of Mineworkers (NUM) and the Chamber of Mines 1993/4 agreement on wages and conditions of employment. The mediation followed three months of negotiations and the declaration of a dispute by NUM. This was the first time that deadlock was resolved through mediation in the mining industry.

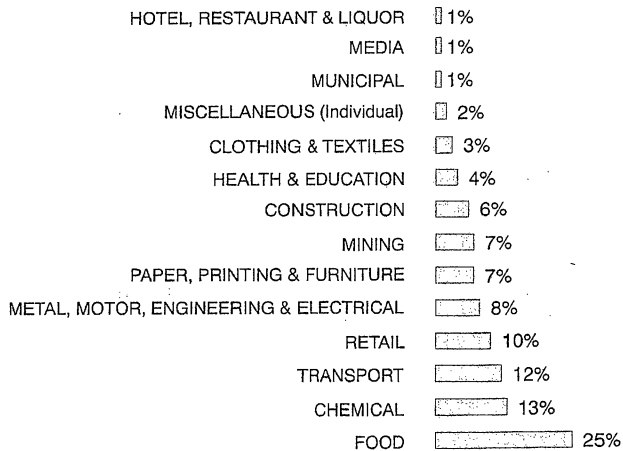
The mediation was conducted by a team of IMSSA mediators under the leadership of IMSSA national director, Charles Nupen. He was assisted by David Douglas and Thabo Molewa. Due to the number of companies involved and their unique circumstances, the mediation was divided into a number of parallel mediations.

The mediation was further characterised by a scale of nearly 400 000 workers who would be affected by the agreement. The complexity of the mediation was furthermore exacerbated by the large number of gold and coal mining houses responsible for mines with differing financial circumstances.

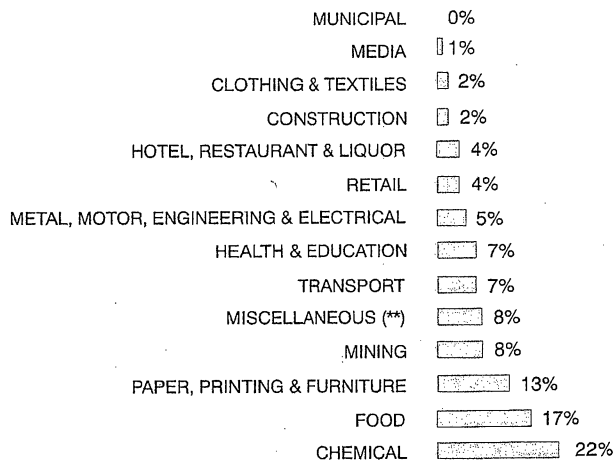
Agreement on an agency shop system was the main obstacle to settlement during the mediation. An agency shop agreement is one whereby non-union members pay a fee in recognition of having benefits such as better wage increases as a result of collective bargaining. The individual mining houses had varied responses regarding this issue, and all mines agreed to continue discussions, assisted by a mediator. Several mining houses, including Anglo American, agreed to establish funds at mine level to which non-union members will contribute 0.5 or 0.75 percent of their wages, depending on the level of NUM representivity at the mine. The funds will be jointly administered and expenditure will be for the benefit of all workers.

Other issues covered by the agreement included basic wage increases ranging between 8 and 10 percent on most gold mines, and between 5.5 and 13 percent on the coal mines; profit sharing; bonus schemes and retirement fund contributions. It



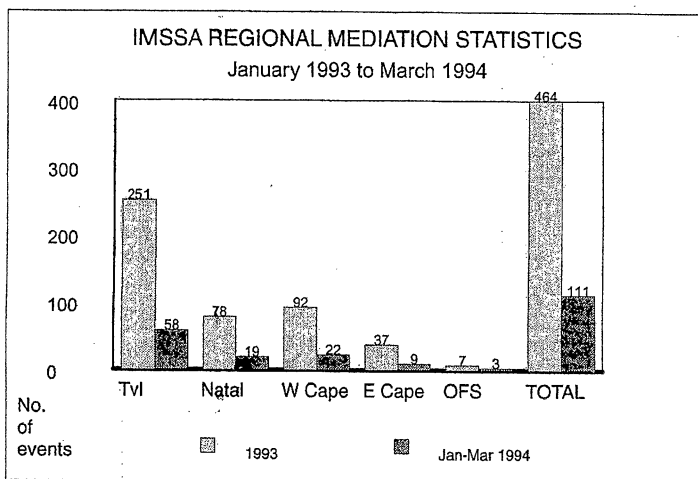
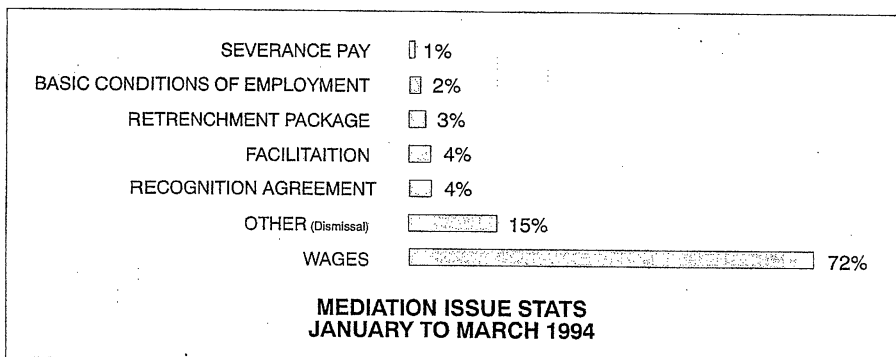
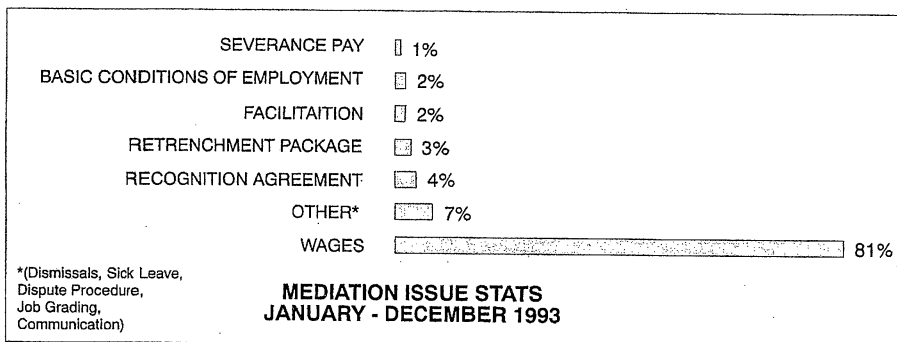


**MEDIATIONS - INDUSTRIES BREAKDOWN
JANUARY - DECEMBER 1993**



(Individuals, Regional
government, Banking,
Security, NGO)

**MEDIATIONS - INDUSTRIES BREAKDOWN
JANUARY to MARCH 1994**



was agreed that private arbitration would be utilised for disputes regarding the interpretation and implementation of agreements. Paid leave for shaft stewards to attend NUM training courses was set at ten days over a two year cycle.

IMSSA interveners insist that the mediation was assisted by the experience and sophistication of negotiators on both the NUM and the Chamber teams. The presence of a mature approach and positive movement enabled settlement to be reached after 11 days of mediation. Not surprisingly at times the parties negotiated through the night.

Veldspun - ACTWU Review

The Appellate Division review of the 1988 case between Veldspun (Pty) Limited and Amalgamated Clothing and Textile Workers Union of South Africa (ACTWUSA), is of particular relevance to IMSSA arbitrators.

As grounds for having the relevant part of the award set aside, Veldspun (Pty) Limited advanced that the arbitrator exceeded his/her powers by making provision for a closed shop arrangement which was not covered in the terms of reference.

The court confirmed that the grounds for a review of an arbitration award are limited to those provided for in the Arbitration Act. In addition, where parties accept that the decision of the arbitrator will be final and binding they are bound by the award, provided that the arbitrator has not exceeded his/her powers by making a determination outside the terms of reference. In this case, the court said that the parties had referred to the arbitrator 'the very question as to his jurisdiction to make a determination on a closed shop and they are bound by his finding that he had the power to do so'.

The court also pointed out that misconduct on the part of the arbitrator (another ground for setting aside an award) 'does not extend to *bona fide* mistakes the arbitrator may make whether as to fact or law'. The mistakes would have to be 'so gross or manifest' to be evidence of misconduct and, even then, *male fides* on the part of the arbitrator would have to be established.

The highest court in the land also acknowledged arbitration as an appropriate means to resolve disputes in the labour field. The



*Ingrid de Villiers,
editor of the
Arbitration
Digest.*

speedy and binding resolution of disputes is deemed to be in the best interest of labour relations.

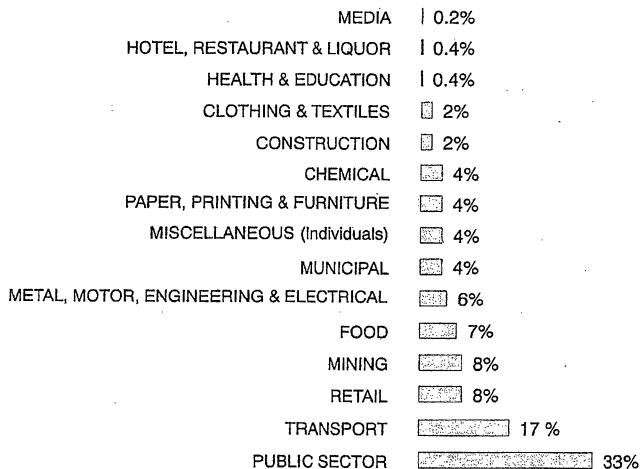
By Ingrid de Villiers

Durban City Council Dispute System

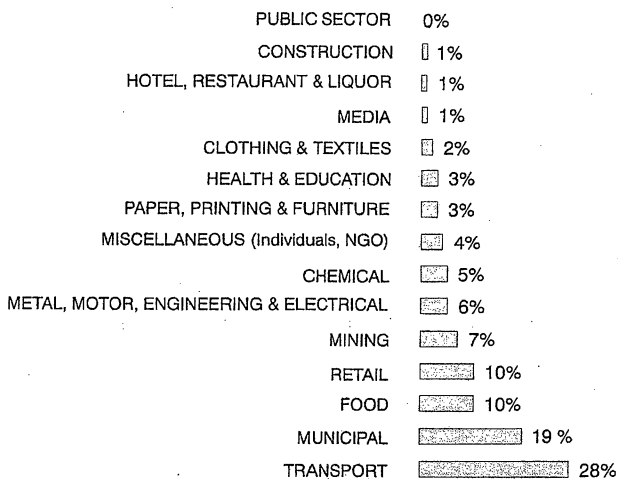
The Durban City Council, in conjunction with the six unions which constitute the Council's bargaining forum, has developed a dispute system which breaks new ground for appropriate dispute resolution in this sector. Once an agreement was reached by the parties, IMSSA was called upon to assist in the implementation of the agreement. As a result the parties have effectively established a dispute system, drawing on a panel of IMSSA arbitrators and mediators. The parties to this bargaining forum are the Durban City Council, the Democratic Integrated Municipal Employees' Society (DIMES), the Durban Municipal Employees' Society (DMES), the Durban Municipal Professional Staff Association (DMPSA), the South African Municipal Workers' Union (SAMWU), the Transport and General Workers' Union (TGWU) and the United Municipal Workers' Union (UMWU).

Specific dispute resolution processes have been designed for job grading disputes, individual and collective misconduct cases, individual grievances, collective grievances and collective disputes, for example wage disputes. The dispute system ensures that the manner in which disputes are resolved

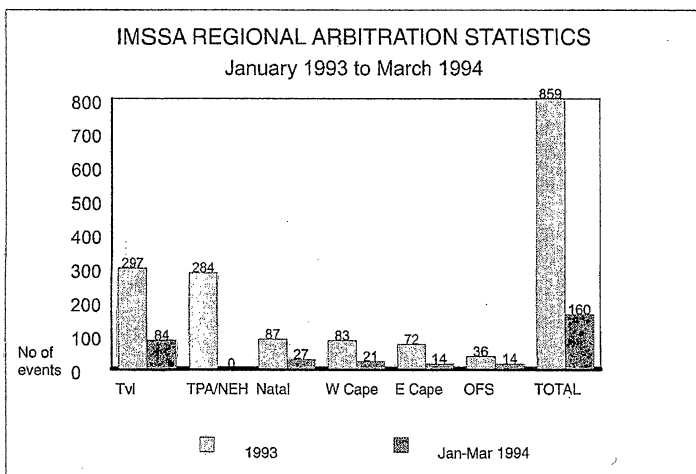
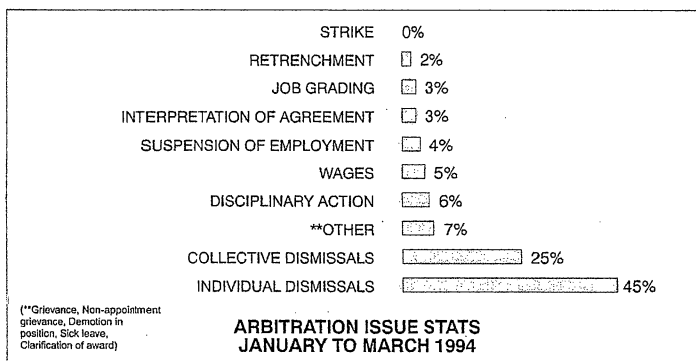
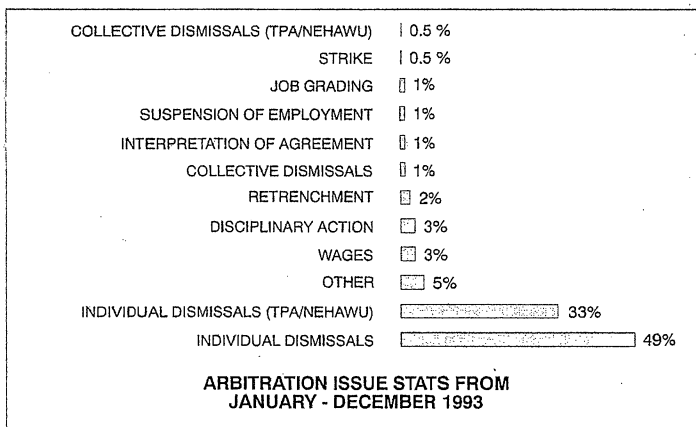




**ARBITRATIONS - INDUSTRIES BREAKDOWN
JANUARY - DECEMBER 1993**



**ARBITRATIONS - INDUSTRIES BREAKDOWN
JANUARY to MARCH 1994**



depends on the nature of the dispute and the degree of significance to the party. As the potential significance of the issue involved increases, so does the involvement of the parties in the dispute settlement process. This is achieved by the use of wing persons, who assist the arbitrators to resolve the dispute, and thereby increase participation in the decision-making process.

The essential characteristic common to the systems and structures is that the jurisdiction of the industrial court is removed and replaced by compulsory arbitration. The parties have created the capacity within the compulsory adjudication procedure for a *status quo* order to be granted, without having to resort to the industrial court. The agreement defines the council's activities as comprising of essential services. In the event of a settlement not being reached the procedure ends in compulsory adjudication in each case, thereby eliminating the option of resorting to industrial court action. The adjudication of such disputes draws on a panel of IMSSA arbitrators.

IMSSA has established a roster system whereby an IMSSA arbitrator from the agreed panel, is available each Friday to hear whatever matters are to be processed on that day. The panel selected by the parties are Lisa Danchaster, Thabani Jali, Chris James, Mandla Mchunu, Inthiran Moodley, Chris Nicholson, Morris Pillemer and Alan Rycroft. Detailed guidelines, providing for the manner in which the arbitration agreement is to operate, have been drawn up and agreed upon by the parties and the arbitrators.

Job grading disputes are dealt with by one arbitrator, Les Owen, in order to ensure consistency and a thorough understanding of the council's job grading system. A job grading tribunal has been established to assist the arbitrator in mediating disputes. If settlement cannot be reached, the tribunal makes a binding determination by majority decision, leaving the arbitrator with the casting vote.

Individual grievances are referred to expedited arbitration within a limited period of time. No legal representation is allowed in such cases. The arbitrator makes an immediate award without providing written reasons. Similar processes apply for individual and collective disciplinary matters, although arbitrators in such cases are required to give written reasons for their awards, and parties are allowed legal representation. Presumably, this signifies that a greater degree of importance is attached to the outcome of such matters.

In respect of collective grievances and collective disputes, the arbitrators are assisted by wing persons from each side who assist in firstly mediating the dispute, and then determining the matter. In making a determination, decisions are taken by a majority of the tribunal, with the arbitrator having a casting vote. An interesting development in respect of collective grievances, is that the employer is effectively obliged to grant a *status quo* order in certain instances, whilst negotiations continue. This aims to assist the parties to obtain interim relief, in situations where they would otherwise have to revert to the industrial court for such assistance.

The dispute system has been in operation since October 1993, and although it is too early to evaluate, the system appears to be running smoothly.

Formation of the IMSSA Accounting Disclosure Panel

The newly formed IMSSA Accounting Disclosure Panel represents an exciting new resource for collective bargaining. The role of the Accounting Disclosure Panel is to facilitate the collective bargaining process, at either the negotiation, mediation or arbitration stage. The service was instituted after parties to collective bargaining expressed a need for increased understanding of financial documentation.

Negotiations often hinge on financial issues. The disclosure and proper understanding of financial information ensures that negotiations occur on an informed basis and in good faith. Additionally, negotiations move from power play to a level where interests are considered and alternative options evaluated.

The tasks of Accounting Disclosure panelists are to:

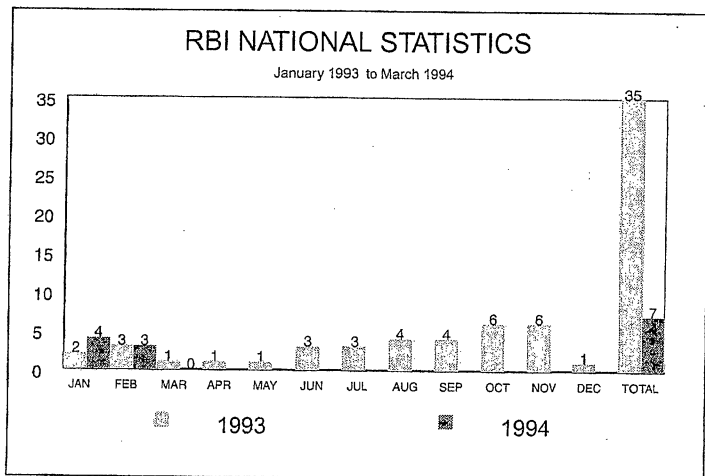
- Assist the parties to determine what information is relevant to the negotiations;
- Assist the parties to determine how best that information may be obtained and disclosed;
- Work with the information and prepare a report for the parties to use in negotiations; and,
- Ensure that the parties have a complete and correct understanding of the information.



Accounting Disclosure panelists do not act as wage arbitrators or wage determiners. Panel members will not give a ruling on what a particular wage increase should be, nor will they comment on whether a particular wage offer or wage demand is reasonable.

Members of the panel are either independent professional accountants or academics, and have experience in the theory and practice of accounting disclosure, and have received training in appropriate dispute resolution.

Panelists and staff in all IMSSA regional offices are available to service clients, and reference can be made to the panelist lists for the names of possible interveners. The service has already received requests for interventions in the manufacturing, aviation and community sectors.



Mediations in the Agricultural Sector

Roger Chennells recently mediated disputes between KVV and the National Union of Food, Wine, Spirits and Allied Workers (NUFSAW) and KVV and the Food and Allied Workers Union (FAWU). The mediations affected 55 co-ops in the Western Cape. Roger was able to assist settlement in the Robertson area but not in Paarl where workers embarked on a legal strike and the company followed with a lockout.

Round two of the intervention involved panelist William Kerfoot who was asked to establish channels of communication and attempt to mediate once the industrial action had taken place. The dispute was successfully mediated and settled. The settlement levels reached have set standards for wage settlements in the sector.

Arbitration Seminar

IMSSA Western Cape conducted an arbitration seminar on "An Introduction to Arbitration" for new and potential users of the arbitration service at the Park Avenue Hotel in August 1993. Thirty participants attended the seminar.

The seminar was conducted by panelists John Brand and Sarah Christie who introduced the participants to the arbitration process and explained under what circumstances it is appropriate to use arbitration.

Trans-Natal Forum

The Trans-Natal Forum resulted from a relationship building initiative conducted in Rustenberg two years ago where it was agreed that issues raised during the intervention would be referred to a joint forum. The parties to the exercise subsequently approached IMSSA to facilitate the forum.

IMSSA facilitated three steering committee meetings before the full forum convened. The process decided on was that three working groups with representation from management and the unions would address the following issues:

- Safety
- Development of Employees, and
- Participation and Communication

IMSSA facilitators, Edwin Molahlehi, Thabo Molewa and Attie van der Merwe assisted the working groups to narrow the issues to about ten points each. These points were brought to the Forum, and feedback from the process has been positive.

Johannesburg City Council Med-Arb

A hybrid form of dispute resolution was adopted by the parties to the dispute on wages for employees of the Johannesburg City Council in August 1993. The dispute formed part of the larger negotiations about wages in the municipal sector.

The dispute resolution process involved both traditional mediation and arbitration, combined in a med-arb to suit the needs of the specific dispute. Panelist Martin Brassey's terms of reference were to make a decision on wages but before doing so, mediate a negotiated agreement which, if reached, would be confirmed as the arbitration award.

The parties settled on unskilled workers receiving a 7.5 percent increase from 1 July 1993, followed by a further increment of 2.5 percent from 1 January 1994. In the skilled and semi-skilled categories increases of 5 percent and 2 percent were agreed upon to be instituted on the above dates. No scale increments were granted to employees in grades 4 and higher but merit increases were negotiated between the parties.

Martin thus confirmed the agreement as an arbitration award.

COMMUNITY CONFLICT RESOLUTION SERVICE

Thokoza Peace Conference

The Thokoza Peace Conference was held in September against the backdrop of serious violence engulfing the East Rand. People's houses were being looted and vandalised and gun battles raged in broad daylight. The Human Rights Commission statistics reveal that about 1 101 people were killed in this area between January and September 1993. Virtually no structures of authority remained in the area.

IMSSA's Community Conflict Resolution Service was asked to chair this, the third conference held on peace building in Thokoza. These conferences were facilitated by the Alberton Industries Association at the request of the community of Thokoza. The purpose of the conference was to review resolutions adopted at previous conferences and to seek solutions to the violence consuming the community.

The conference was co-chaired by IMSSA panelists Paul Pretorius and Thabo Molewa, who were assisted by Claire Hock, Chris Killowin, Graham Matthewson, Phiroshaw Camay, Thabo Ndabeni, Bokkie Botha and Dick Salem.

The conference was attended by approximately 80 people, representing 29 organisations from Thokoza and Alberton. The organisation included the Ministers Fraternal, Thokoza Chamber of Commerce, Alberton Industries Associations, Thokoza Peace Office, the African National Congress (ANC), the Inkatha Freedom Party (IFP), the South African Police (SAP), the taxi associations and the International Observer Missions.

Parties accepted the need to stem the tide of violence. After three days of deliberations seven major resolutions were adopted concerning political tolerance, policing the area, housing and reconstruction, education, no-go areas, peace-keeping and local government.

The parties present recognised that one of the major factors causing violence is political intolerance. They agreed that all should have the right to freely organise, to give room for the expression of different viewpoints and to freedom of movement.

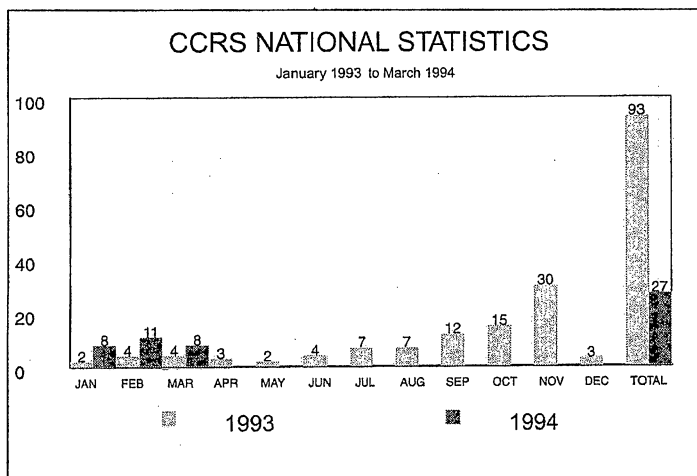


They also recognised the importance of police/community accountability and that policing should be a joint responsibility. Major Funani, the SAP delegate, reiterated the need for such forums in the endeavour to build peace in strife-torn areas.

The conference resolved to set up a multi-party working group to deal with housing and reconstruction. The informal settlements in the area (Phola Park) and the renovations of the hostels were prioritised. The group would then address the provision of houses for the greater Thokoza area.

Education, it was noted, had to be de-politicised. Local schools have turned into political battlefields. It was agreed that public facilities should be open to all and not be used as a base by any political party. Education should further be every child's prerogative regardless of his/her political affiliations. A call was made for a forum including Thokoza, Alberton, Eden Park, Phola Park and Palm Ridge to address the issues of local government restructuring.

A number of parties raised the concern that the success of such events was reliant on the parties' reporting back to their constituencies. Mr Duma Nkosi, the ANC delegate, suggested that parties' capacity to report back to their constituencies be measured at the conference in an attempt to identify those that need assistance. He believes that this will assist parties in problem-solving and therefore strengthen their relationships.



Such events also engendered other multi-party initiatives. Mr John Motloung, a taxi association representative at the conference, mentioned that the conference spurred taxi owners to consider establishing a joint forum with opposing taxi factions to create the climate for talks. The Thokoza Peace Office has subsequently facilitated an agreement that unified the opposing factions into one taxi association.

The Local Peace Committee was entrusted with the responsibility of overseeing the implementation of all resolutions. The necessity and success of the conference was underlined by delegates' request that the conference be held at least twice a year.

Community Relationship Building Initiatives in the Eastern Cape

Relationship building between parties with historically adversarial relations is being pursued regularly in the Eastern Cape. The CCRS has conducted relationship building initiatives between the SAP and Congress of South African Students (COSAS) and the SAP and South Africa National Civics Organisation (SANCO).

Gary Koekemoer and Lennox Magajana facilitated the SAP-COSAS intervention, which attempted to create a mutual understanding between the parties and to identify ways to improve communications and establish better relationships.

The process afforded parties the opportunity, through working groups, to learn more about each other and to iron out misunderstandings. The channels for more effective communications and mutual assistance were established between the parties and the respective responsibilities of each party were identified.

The workshop established guidelines which included that parties would show mutual respect and understanding for the roles and principles of each party. It was also agreed that the relationship should be based on good faith. To ensure that this happens throughout the organisations, membership would be educated and party to similar relationship interventions.

The parties agreed that regular contact would be maintained and that there would be consultation before any activities occur.



Contact people were established in each group to facilitate this. It was agreed that a constant re-evaluation of old practices would benefit relations. The parties further agreed that leadership and operations should be accountable and transparent.

This was the first time the parties met. The success of the event lies in an agreement to facilitate forums for setting joint action plans. Actions plans are still to be finalised but relations have improved considerably.

The SAP, SANCO, SANCO anti-crime committees and POPCRU intervention, facilitated by Mark Anstey and Gary Koekemoer, was necessary due to differences between the parties on issues of formal and informal policing. After much discussion the facilitators condensed the issues into three broad areas, namely:

- The delivery and monitoring of services;
- Internal matters including attitudes and behaviour, methods of policing, perceived partiality and accountability; and,
- The availability of resources, their usage, and the fragmentation of services.

The parties were then called to make proposals on how these issues should be dealt with. There was agreement that a working committee, with members from all the organisations, be set up to convene appropriate committees, which would resolve the issues identified by the parties.

Shortly after the intervention an incident occurred at the Motherwell police station which led to the arrest of 88 POPCRU members on charges of mutiny. After an escalation in such events and negotiations between the parties, a policing commission was established to improve police-community relations in the Eastern Cape. As the basis for its work, the policing commission used a document which resulted from the relationship building initiative and which outlines the relationship between the parties involved.

The value of this relationship building intervention was that it gave the parties the opportunity to focus their thinking on police-community relations before they were forced to do so.

Facilitator Gary Koekemoer remarked on the effectiveness of the relationship building process, traditionally used by IMSSA in industrial contexts, in community relations. He says, 'Relationship interventions create a safe and controlled environment for parties

to work on their relationships which often instigates great creativity and ability to compromise. The process is invaluable to the establishment of a functioning civil society.'

Mitchell's Plain Hawkers' Dispute

The recent relaxation of hawking regulations has resulted in a proliferation of hawking in the Mitchell's Plain town centre. The town centre, which was not designed to accommodate hawkers, has been congested by informal traders. Over week-ends, about 500 informal traders operate in the area.

The Cape Town City Council undertook a study on hawking which identified four problem areas including high levels of crime, overcrowding, lack of facilities/amenities and health and safety problems.

The Council then convened a meeting to discuss the study with interested parties and to develop an action plan. The parties present did not reach agreement so a second meeting was called under the chairpersonship of Ian Newall, in his capacity as a Western Cape Peace Committee representative. Representation was dealt with at the meeting and it was agreed that interest groups would be represented by three persons, including one spokesperson.

IMSSA was approached to facilitate the following meeting and Norman Arendse took the chair.

The first task was to identify the parties' issues. This was done through a presentation by the City Council of its short and long term management vision. It was agreed that the City Council's presentation and the issues raised pursuant thereto would be taken back to the parties' respective constituencies for discussion and debate. A report back meeting was set.

The following meeting was attended by the usual parties, the Mitchell's Plain Town Centre Hawkers Association, the Police/Community Forum, the Mitchell's Plain Town Centre Merchants' Association, the Mitchell's Plain Town Centre Property Owners' Group, the Mitchell's Plain Staff Holders and the Cape Town City Council and a representative of the 'independent' hawkers was also allowed to attend as an observer. At this meeting it was agreed that an agreement be developed through compromise and consensus. It was accordingly accepted that the meeting would proceed to make decisions on a consensus basis.



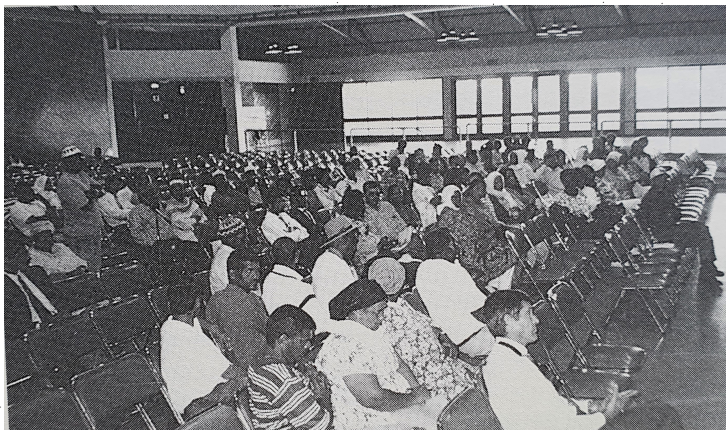
The meeting was divided into two groups tasked to address the physical issues and the issues of principle to the dispute. Physical issues included emergency access lanes, pedestrian walkways, regulations and markets/facilities. The matters of principle related to general safety, sizes of hawking bays, interference with public recreation and other businesses. Once the two groups reconvened, complete agreement was reached on the above issues.

It was agreed that effect be given to the agreement by creating a task group representative of all interest groups. The group was mandated to develop implementation plans.

The task group recommended the formulation of a new Town Centre Management Association to manage the whole public space at the town centre and that the proposed association be constituted of plenary members. The plenary agreed that a lease agreement with the City Council be entered into in order to fulfil the recommendations that a management association be formed. It was agreed that a task group meet to formulate the provisions for a constitution and that such a constitutional task group consist of one member from each delegation. It was resolved that the task group and the City Council draft lease agreement be forwarded to the IMSSA facilitator.

The success of the agreements can be measured by the implementation of the control measures for hawking activities which had already been agreed to. The demarcation of bays has been completed (by the City Council Traffic Police Department), the allocation of those bays to individual hawkers has taken place and the implementation of the control measures took place under SAP and traffic police supervision.

Public meeting of the parties to the Mitchell's Plain Hawkers dispute.



Once these agreements had been forged, a recognition dispute arose in the plenary with regards to the independent hawkers. Representation was made that they represented a large number of hawkers and had an established constitution but were not party to the agreement. Norman Arendse proposed that the issue be settled by a ballot testing representivity of the different hawkers associations. This was not necessary as agreement was reached to proceed with their representation on the working committees and on the plenary.

The Mitchell's Plain Hawkers dispute and the ability of the interest groups to forge an agreement and implement it has offered an example of how communities can work towards effective civic systems.

Peaceline Report

Since the establishment of the Peaceline in April 1993, the Wits/Vaal region has experienced a series of turbulent and violent events. These include the assassination of Mr Chris Hani, Sharpeville Day, the funeral of Mr Oliver Tambo and the explosion of violence in the East Rand. These and other events have given the Peaceline the opportunity to assess their work. The research of Mark Shaw from the Centre for Policy Studies includes the following findings:

The number of calls received per month by Peaceline was as follows:

April (13 -30th)	752
May	1 498
June	1 338
July	1 580
August	1 862

Calls can be divided into general calls in which callers ask about the safety of roads, criminal cases and information on peace efforts. Other calls can be defined as significant calls which require a response from the telephone advisors on issues of violence and referral.

Geographically calls originate from the Wits/Vaal area (80 percent). Other than this the majority of calls come from the Orange Free State.



The majority of callers are male (64 percent). The racial breakdown of callers is that 81 percent are black, 16 percent are white, two percent are coloured and one percent Asian. The majority of callers (82 percent) were prepared to identify themselves by name.

The nature of the incidents reported to the Peaceline varies. The largest category indicated is intimidation (personal threat) of which 110 reports were made in a sample of 632 cases. Other incidents reported most frequently were random shootings (98), persons arrested by the police who could not be found (93), political intimidation (86) and fatal shootings (66).

The majority of Peaceline cases were referred to Peace Accord structures. 358 of the 632 incidents sampled were referred to regional and local peace committees. More specifically, the local peace committee chairpersons and the Joint Operations Control Centre based in Katlehong were called upon most frequently through Peaceline referrals. Approximately 60 percent of all cases are referred to some branch of the security forces. Given that virtually all calls to the Peaceline involve common law crimes, the full involvement of the various branches of the security forces is imperative.

The study concluded that the Peaceline has established a viable and efficient link between the public and the Peace Accord structures. It is however difficult to quantify the total impact the Peaceline has had in the communities that it has served but it seems evident that it has achieved a degree of success envisaged when the project was initiated. Co-ordinator Di Levine says: 'It has been a a great learning experience for all involved. There is little doubt that Peaceline can play an even greater role in the period leading up to national elections.'

Vaal Peace Conference

At the request of the Vaal Local Peace Committee the Community Conflict Resolution Service facilitated a multi-party peace conference in the Vaal Triangle. The conference was aimed at breaking down political barriers between the different political parties in the area.

About 11 organisations were represented by approximately 60 delegates. The conference was facilitated by CCRS mediators Vusi Masinga, Edwin Molahlehi, Vincent Mntambo and Attie van der Merwe.

The conference marked an important milestone in peace-building efforts as it was the first time that the Pan African Congress (PAC), the Azanian Peoples Organisation (AZAPO), SANCO, the SAP, the National Party (NP) and the IFP participated in peace talks.

Discussion was enthusiastic and parties openly discussed the issues before them. Participants were divided into mixed groups to discuss the following topics:

- Causes of violence and intimidation and how to deal with them;
- Reconstruction of the lives of the victims of violence;
- Ways of building and maintaining peace in the future; and,
- How to build political tolerance between various organisations and groups.

Recommendations seemed to emphasise the need for continued communication between various parties in the Vaal. Concern was expressed at the absence of the ANC, a major player in the area. The conference recommended that a multi-party working committee be established to:

- Serve as a platform for negotiations;
- Process conference recommendations;
- Provide the necessary communication channels between all major players; and
- Include all political groups from far left to far right in the peace process.

In evaluating the conference the IFP delegate, Mr Saul Molotsi, said that the conference was more than an inter-party discussion forum as it also was a learning experience. It was therefore proposed that such meetings not only occur when a crisis arises but on an ongoing basis. It was argued that the continuity will ensure monitoring and implementation of the recommendations.

AZAPO's delegate, Mr Pheneas Malapela, considered this and other initiatives which fall outside of national politics of utmost importance as local examples of leadership working together to lessen disputes served as an excellent example for local communities. The call was made for a quarterly convening of these meetings especially in the areas where conflict is rife.

The SAP delegate, Warrant Officer T.S. Letlala found the conference worthwhile and felt that those who attended made headway. The NP delegate, Mr Jan Louis Spoelstra said that the



conference helped to reduce tensions that existed between parties.

Participating parties applauded the initiative and strongly expressed their commitment to the resolutions that were undertaken.

Dukuduku Forest Dispute

Dukuduku forest, outside the town of Mtubatuba in Natal, is an area in which an informal settlement resides. Recently the Natal Provincial Administration obtained a court order to evict the community from the area. The community refused to move and the police were called in. A brutal confrontation occurred between the police and the community which resulted in a number of deaths. The community then called a consumer boycott of the white businesses in Mtubatuba.

Jerome Ngwenya, Natal CCRS director, was called in to monitor the situation and bring the relevant parties together in an endeavour to resolve their differences. The parties finally met, albeit after loss of life. The process of negotiation continues, although the situation remains volatile.

Shosholoza Mandela Campaign

Natal CCRS director, Jerome Ngwenya, was asked to mediate all security arrangements for ANC President, Nelson Mandela's visit to the Durban, Pietermaritzburg, Empangeni and Maputoland areas. This involved facilitating meetings between the ANC and the SAP on security measures along the itinerary. Volatile situations were averted due to Jerome's link role between all the parties. One of the last minute contingency plans was that routes had to be changed because local chiefs' permission had not been sought for Mr Mandela to pass through certain areas. Another crisis arose when the helicopter transporting Mr Mandela nearly landed on Inkatha supporters who had occupied the landing strip in protest.

Jerome pointed out the necessity for co-ordination for all potentially volatile events to minimise violence.

Eastern Cape Monitoring

As part of IMSSA's monitoring role in the Eastern Cape Region, the CCRS recently co-ordinated the monitoring of an ANC meeting in Algoa Bay, which was vehemently opposed by conservative groupings. There were concerns that the meeting would be disrupted by the rightwing who were opposed to the use of the venue and the fact that the ANC speaker was to be Wilhelm Verwoerd, grandson of the ex-premier H.F. Verwoerd.

This set the scene for a potentially violent confrontation which had to be managed by the CCRS, under the leadership of director, Gary Koekemoer.

CCRS mobilised a large number of monitors to cover the meeting. The police also made extensive preparations. There was one serious incident with a reporter being assaulted. Other than this the meeting went ahead with some heckling by conservative persons, but no organised action. As a follow up to this process, CCRS is extensively involved in setting up a monitoring structure within the Eastern Cape that will facilitate the peaceful occurrence of other such events.

Thornhill Land Mediation

IMSSA, through the Legal Resources Centre in Grahamstown, was approached to mediate a dispute about the allocation of state owned land between the Thornhill Residents' Association, the Zulukana Tribe and the Eastern Cape Agricultural Union. IMSSA mediator Adriaan van der Walt handled the dispute.

The greater part of the mediation process attempted to reach agreement between the Zulukana people and the Group 4 Thornhill Resident's Association about which farms were to be allocated. They could not however come to an agreement about the complete portion of land. In principle agreements were made however, and the remaining problems were clarified.

After the mediation the parties argued their claims before the Land Commission which referred its recommendations to the Department of Land and Regional Affairs. The issue is accordingly not settled yet.



SAACI

Transvaal CCRS Director, Vincent Mntambo was re-elected Vice President of the South African Association of Conflict Interveners (SAACI) at its annual conference held in Durban in December 1993.

As Vice President and member of the SAACI Council, he will be making a contribution towards the SAACI objective of developing stronger ties and networks among conflict resolution organisations in South Africa. SAACI has up to now concentrated its efforts on an annual conference where its members share information and provide conflict management training to interested parties. It is envisaged that the 1994 SAACI Council would look to the possibility of expanding its activities beyond the conference and its annual training events.

SNAPSHOTS

New CCRS Panelists

Due to the increasing amount of work for community mediators, IMSSA trained a number of new panelists. Dick Salem, well known US community mediator and old IMSSA friend, trained the prospective mediators.

We congratulate the following additions to the CCRS panels:

Transvaal

Ishmael Mkhabela
Lavery Modise
Indarin Govender
Zandile Jakavula
Douwe van der Zee
Thabo Ndabeni

Natal

Sandile Ngcobo
Ray Zungu
Charles Talbot
Steve Collins
Nomcebo Nkosi
Thoko Mbatha

Western Cape

Geraldine Coy
Norman Arendse
Nomonde Mgumane
Bashier Waglay
Paseka Nchole
Stefan Raubenheimer
Henk Smith
Susan Hayter

Eastern Cape

Gary Koekemoer

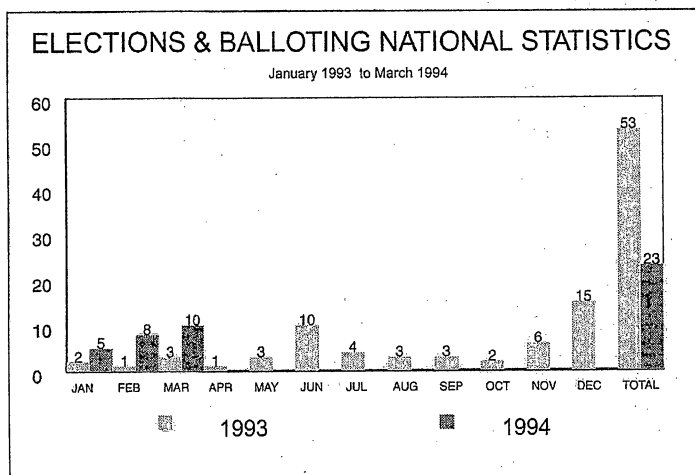
ELECTIONS AND BALLOTING PROJECT

The South African !Xu & Khwe Trust Leadership Election

IMSSA had the unique opportunity to conduct an election with the San or Bushman community at Schmidtsdrift in October 1993. The election was the culmination of months of negotiations within the community. The Schmidtsdrift community consists of approximately 4 000 individuals, comprised of two major language groupings, the !Xu and the Khwe, in the ratio of 3:1.

The community has been associated with the South African Defence Force for approximately 13 years, first in Angola, then in Namibia. After the Namibian elections the San people were moved to the Schmidtsdrift army base, near Kimberley, where they were settled in canvas tents. They were all given South African citizenship.

Amidst some controversy and much uncertainty about the future of the community, a process began in early 1993 to bring about the empowerment of the San people, who had never before exercised any form of self-government or control over their lives.



IMSSA panelist, Roger Chennels, was asked to assist the negotiation process and mediate potential deadlock. The existing leadership of the San and the defence force negotiated the formation of a legal entity which would represent the community in development, resettlement and other issues.

It was agreed that a Trust with 30 members would be formed and provision made for San to represent the community within the Trust. The election of these representatives was held under the auspices of IMSSA.

Three weeks prior to the election, the existing town committee, the army leaders and the civilian members of the community, were informed that a leadership election would be held. They were specifically advised that every family or clan grouping should discuss the issue of 'leadership', and nominate an individual or individuals whom they regarded as leaders. They were further advised that all the nominated leaders from the community, both male and female, would in turn elect a committee of 30 people, which would control the !Xu and Khwe Trust.

On the election day, a crowd of 246 people, including about fifty women arrived at the hall to vote for the committee. When questioned it was quite apparent that they had each been nominated to attend the election, and that the pre-election process designed to extract all the accepted leaders from the community, both traditional and modern, had indeed been successful.

The first two hours of the meeting were taken up with a detailed explanation of the reasons for the election. There was also an in-depth discussion to identify the needs of the voters, the process that had led to the formation of the Trust, the concept of democracy and representative leadership, and the term of office and role of the Trust committee. All discourse was translated into both San languages. Most importantly the point was made that the nominated voters now had an opportunity to elect sound, intelligent leaders with integrity, whose sole role would be to help uplift the community. Many questions of clarification were asked, and after half a day's discussion it became apparent that the delegates fully understood both the reasons for their attendance, and the election process.

The meeting was then asked to consider nominations for the committee of 30, noting that 20 seats would be reserved for the !Xu and ten for the Khwe language groups, and was reminded that women and non-army residents should ideally be

represented. The delegates were then allowed a period of 20 minutes to caucus and canvass availability. It was apparent to the facilitators that an enormous amount of debate and discussion was taking place between the delegates.

On reconvening, the nominations were received, recorded and read out aloud so that everybody heard each one clearly. At the end of the process 20 nominations had been received for the !Xu and ten for the Khwe, including some women and non-military nominees. The meeting was repeatedly invited to make further nominations, but consensus had obviously been reached very effectively, and not one further nomination was received.

The committee of 30 was thus elected not only in a free and fair manner, but also in a consensual manner apparently unique to the San people.

IMSSA International Conference on The South African Election: The Challenge Ahead

As the reality of a national, democratic South African election dawned, IMSSA called a conference to discuss the challenge that elections offer countries that have little experience of democratic elections.

IMSSA invited experts from countries with similar political and economic conditions to share the lessons of their first democratic elections. Guests included the Honourable Justice Francisco Rezek who presided over the 1989 Brazilian elections of 150 million people after the country had been through 30 years of military rule; the Honourable Justice Eduardo Valdes from Panama who is one of the three members of the electoral court which presides over the Panama elections; Dr Francesco Manca, the officer-in-charge of the electoral division of the United Nations Observer Mission in El Salvador; Dr Onofre Dos Santos, the Director General of the Electoral Commission who oversaw the 1992 elections in Angola; and Mr Miroslav Sevlievski, Secretary General of the Bulgarian Association for Fair Elections and Civil Rights.

The programme contents were structured to allow for a focus on the pre-election period, the election period and the post-election period.



Judge Rezek from Brazil opened the first session on the pre-election period by explaining how adverse conditions and technical difficulties before the election complicate the process. These conditions include illiterate populations, first-time voters, political cultures characterised by violence and underdeveloped infrastructures. Like South Africa, the countries represented at the conference were characterised to varying extents by these conditions.

Judge Rezek reported that the initial challenge for Brazil was to establish and implement rules taking into consideration that the populace had the wisdom to develop and enforce certain rules themselves. He maintains that in building a democracy less emphasis should be placed on education and more on the common sense and civic sensitivity of the population.

The election period was presented by Dr Francesco Manca, the officer-in-charge of the electoral division of the United Nations Observer Mission in El Salvador, who maintained that in the interest of stability, the elections should be perceived as 'free and fair' by all political parties as soon as possible in order to decrease the chances of parties delegitimising the process.

He further concentrated on the role of international observers in the elections and insisted that the mandate to the observers must meet the needs of the situation. The interpretation of the mandate should be uniform as differing understandings may lead to disagreement and sow confusion among voters. He called for international verifications to be holistic having accounted for the complete process, and not only the actual voting days.

Mr Miroslav Sevlievski, Secretary General of the Bulgarian Association for Fair Elections and Civil Rights, spoke extensively on the role of domestic monitors in elections. He believed that all political parties had the right to have monitors in voting sites. Trained volunteers should monitor every step of the voting process. In Bulgaria international observers played a significant, but secondary role to domestic monitors who were credible and well trained.

Justice Eduardo Valdes explained the role that the security forces play in Panama. The police and components of the defence force are under the control of the the electoral commission. The president of the country still controls non-electoral issues but when there are contradictory orders the electoral order prevails. In the Bulgarian election no armed

person was allowed to vote. No one in uniform was allowed to vote and all police had to remain 100 metres away from the voting site.

The question of the number of days that should be allowed for voting was raised. The panel agreed that a single day for voting was preferable as it limited the possibility for violence and cheating. Dr Onofre Dos Santos, the Director General of the Electoral Commission in Angola disagreed as his experience was that voting in the rural areas went more smoothly on the second day of the Angolan elections.

The panel agreed that all campaigning should cease before the elections and the practice in South America is that this should occur 24 hours before the elections start. No marches or congregating should occur around the voting stations.

The post election phase focused on the counting of the vote and dealing with the results. The panel shared the different counting methods used in their respective countries. The Angolan experience had created a precedent for parties to disagree with the declaration of free and fair elections. This raised the need for an authoritative declaration. Dr Dos Santos also warned against a weak announcement of the results and believes that the Angolan count took too long thus creating suspicion amongst the population.

In Panama the count takes place publicly. Parallel counts also take place, which assist in measuring the independence and reliability of the count. In Brazil the votes are counted centrally under the supervision of a judge who resolves disputes as they arise. Most panelists reported that all ballot forms are burnt after the count. Excess voting material is burnt before the count. In Bulgaria all ballots and tally sheets are kept for four years after the election.

International guests warned that the fears and rivalries of the parties will always be latent no matter how smoothly the voting process goes. It should be anticipated that the results will favour one party and contingency plans should be made. They concluded with the warning that the technical aspects of an election are always subject to the political realities of the country. South Africa will need to face these challenges in the planning for elections and the possible outcomes thereof.



The ANC Election Lists

IMSSA recently ran the elections which determined the ANC's candidates for the upcoming national elections. The process involved the administration of four elections in all 14 ANC regions. The elections were for candidates for the national assembly, regional candidates for the national assembly, and for provincial legislatures. A fourth election was held in each region to elect the candidates for provincial premiers.

The list of prospective candidates for the national assembly was standard throughout the 14 regions. Voters had to select 200 candidates from a list of 1 126 to go forward to the April 1994 elections. The number of names on the regional and provincial lists depended on the number of voters in the region.

IMSSA's Election Project's staff and panelists were challenged by the logistics of running elections concurrently in 14 regions over a limited period of time. Technology had to be developed to enable voters to vote simultaneously in three elections for large numbers of candidates.

A voting system was used which made use of stickers. This idea was first discussed by Elections and Balloting staff, panelists and electoral officers in 1991, when an election for shop stewards at 16 different shafts was conducted at Impala Platinum Mine. Electoral officers involved in this election met on several occasions to consider how to make voting less intimidating for first-time voters, bearing in mind the difficulties caused by innumeracy and/or illiteracy. Bashier Vally, an Elections and Balloting Project panelist involved in this election, suggested the use of stickers which proved most effective.

In the ANC election a card of stickers was attached to each ballot form. Because the number of candidates for each election differed, the number of stickers allocated corresponded with the number of votes allowed in the specific ballot. Ballot forms and stickers were colour co-ordinated to ensure that the right stickers were used. The glue of the stickers was tested by an industrial chemist to ensure that the stickers could not be changed. In the case of a voter changing his/her mind, the electoral officer signed the particular sticker and allocated a replacement sticker. The technology had to educate voters and minimise the chance of spoilt ballots.

The Elections and Balloting Project examined alternative ways of counting votes. This became necessary in elections which involved large numbers of voters selecting several candidates for committee positions. At a meeting held in 1992, during which different methods of counting were discussed, several ideas were put forward. Bashier Vally suggested that counting could be more efficient and quick with the use of bar-coding.

After examining several alternatives, the Elections and Balloting Project, together with the ANC Lists Committee, agreed on the system of bar-coding. The Elections and Balloting Project then took on the task of putting the concept of bar-coding into effect.

All voters were thus electronically and centrally counted in Johannesburg. Electoral offices had to transfer the ballot boxes from the regions to Johannesburg. The counting system works on the principle that each candidate has a bar-code next to his/her name. The stickered names are scanned and electronically counted. The system minimised the extent of human error in counting the votes. An added benefit was that the results could be analysed according to regional and gender breakdowns. This assisted the ANC in fulfilling its affirmative action policy, which stipulates that a third of the candidates on each list had to be women.

Once the elections had taken place, provincial conferences were organised to consolidate the ANC regional lists. This was necessary because the ANC regions do not directly correspond with the new regions, agreed to through multi-party national negotiations. Provincial conferences were run in regions where the ANC has more than one region, for example, in Natal the ANC has three regions, and in the Orange Free State, it has two. Following the conferences, IMSSA was able to present the ANC with results of provincial premier candidates, provincial legislature lists and regional lists for the national assembly.

The final leg of the election process involved convening ANC leadership from all the regions in order to vote for the ranking of the constituent assembly list. IMSSA ran this election, which ended a lengthy process of voter education of the ANC constituency, and provided a taste of the upcoming elections.



IMSSA Voter Education Programme

IMSSA's experience over the past years in running ballots, shop steward elections and community elections has placed it in the position to transfer hands-on knowledge of training first-time voters in the South African context, into a comprehensive voter education programme.

Training courses directed at the electorate in both community and shop-floor settings, have been designed by the IMSSA Elections and Balloting Project. Training programmes are based on adult learning principles and draw upon the experience of the learners and the use of self-evaluation techniques to ensure effective learning.

A choice of training programmes is offered by IMSSA. The first option is a train-the-trainer programme in which members of the company, union or organisation are trained to present the IMSSA programme to their members. This programme instils generic training skills in the trainees, educates them on the content of the programme and allows the participants to present a training programme which is assessed and evaluated by the IMSSA trainers. The participants receive IMSSA training kits which consist of a bilingual training manual, a set of large and small posters in a portfolio and the necessary training equipment. This is used in subsequent three hour training sessions with their constituencies.

The second option is one in which the IMSSA facilitators go to the workplace or community and present the training. This is a three hour course which contains the relevant voter education content and does not include the training skills module.

Trainers and material are constantly evaluated by trainers and IMSSA staff. Regular workshops are held to keep trainers informed of developments in the area.

The voter education training programme focuses on the different stages of the election process. The posters give participants insight into the election environment.

The pre-election period is depicted by a poster which represents the campaign period of an election. It highlights that each voter has the responsibility to listen to the viewpoints of the parties and to make an informed choice. It identifies who is eligible to vote and explains that voters have the freedom to associate or disassociate.

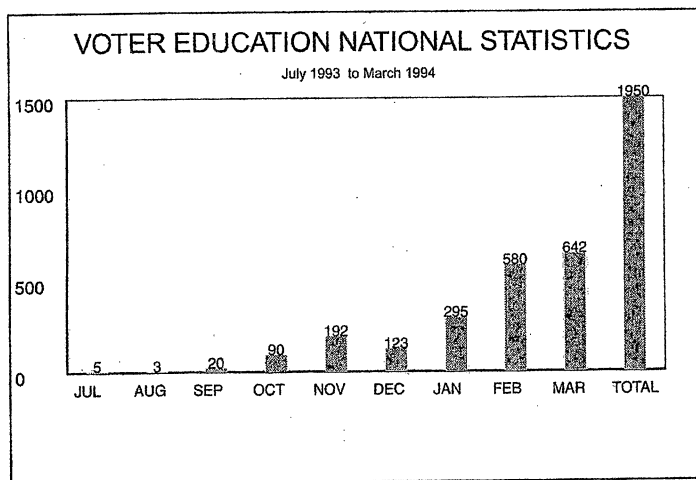
Three posters illustrate the voting period and feature the voting station, election staff's roles and responsibilities, and the actual voting process including rules related to identification, the secrecy of the vote, marking the ballot forms and possible voting mistakes and how to correct them.

The post-election phase is portrayed by posters which depict the counting of votes. Trainers discuss how the ballot boxes will be sealed and transported, how the counting will be monitored and who will do the counting. Proportional representation is explained to the participants. The responsibilities of the candidates and the voters are examined.

The training takes participants through an exercise of identifying the old ways of voting and how these differ from those of the elections that will take place in April 1994. A mock ballot is finally run which allows participants to become familiar with the roles and duties of electoral staff.

The voter education programme has been highly successful with over 3 000 training events having taken place since September 1993. During February 1994 an estimated 104 862 people were trained by IMSSA. A broad cross-section of people from urban and rural communities are reached.

This programme has offered IMSSA the opportunity to plough the expertise it has gained back into the communities it works in by training trainers, educating voters and contributing to conflict resolution, before South Africa's first democratic elections.



Voter Education Seminar in Israel

IMSSA Elections and Balloting Project's staff visited Israel during the municipal elections for mayors and city councillors. IMSSA staff members Bontle Mpakanyane and Ilona Tip, were among guests from the ANC, AZAPO, the Consolidated Business Movement (CBM), the Institute for a Democratic Alternative in South Africa (IDASA), the King Luthuli Trust and SANCO. The seminar was organised by the International Institute for Labour Development and Co-operative Studies and the Israel-Democracy Institute, in co-operation with the Ministry for Foreign Affairs Division of International Co-operation.

The seminar focused on voter education and enabled participants to gain first-hand experience of the Israeli electoral process. Practical understanding and insight into the workings of election campaigns was gained by visiting various party headquarters in Tel Aviv, Jerusalem and Nazareth.

Participants expressed a keen interest in gaining a better understanding of the Israeli peace process and the accord between the Israelis and the Palestinian people, and requested a meeting with Prof. M Harasian at the Palestinian Centre for Peace and Democracy.

Participants were exposed to the views of a broad cross-section of the people living in Israel, and met with members of the Labour party, the Likkud Party, the Israeli Communist Party, the Arab Democratic Party and the Arab Human Rights Movement. The programme was well co-ordinated with time allocated to theoretical input, field experience and recreational outings. Participants were able to apply the learnings to the South African elections with particular reference to longer term planning for the regional and local elections which are to follow the national elections.



EDUCATION PROJECT

Community Dispute Resolution Training

Participants from SANCO, the Vaal Community Trust, Community Based Development Programme (CBDP), The Department of Foreign Affairs, the Wits Vaal Peace Secretariat, Lawyers for Human Rights (LHR) and Mfuleni Joint People's Project were trained in effective dispute resolution skills by IMSSA over the past months.

Programmes are adapted to meet the specific needs of the group and adjusted to best meet the different literacy levels of the group. The community dispute resolution programmes explore the various options for managing conflict and examine negotiation, mediation, facilitation and problem-solving as processes for resolving disputes. Crisis prevention and when and how to intervene in a crisis are also covered in the programme. All training programmes are placed in the context of the power realities which operate in South African society. Case studies and role plays are applicable to the communities being trained.

The programmes are aimed at service and community-based organisations, peace workers, field workers, political and community organisations and civics.

The broad aims of the community dispute resolution programmes are:

- to explore the various options for managing conflict;
- to learn more effective ways of communicating;
- to examine negotiation as a way of managing conflict between parties;
- to explore mediation, facilitation and problem-solving as dispute resolution processes;
- to examine ways of preventing, managing and intervening in crisis situations; and
- to provide participants with an understanding of the link between approaches chosen and potential outcomes.

Two programmes were run in October 1993 to train co-ordinators, monitors and chairpersons from the Local Peace Committees and the Wits Vaal Peace Secretariat office. The programme focussed on drawing from the existing experience of the participants while at the same time providing the opportunity



for learning and practising new skills. Participants expressed appreciation of the materials and training methods which made them 'feel' the learning. The training course also gave them the opportunity to share experiences and, so-doing tap into others' experiences of managing conflict. Participants developed mediation, chairing, communication, problem-solving and crisis intervention skills.

In February 1994 IMSSA developed a training course for the Peace Corps in Daveyton and Etwatwa. The community took part in life skills training so as to develop a body of peacemakers. They received training in first aid, observation skills, self defence, radio communications and three days of training in IMSSA's **Conflict Management and Crisis Intervention** course.

A recent development has been the blurring of the lines between industrial and community training as political and community conflicts spill onto the shopfloor. A course has been developed which is aimed at managing conflict, learning effective communication skills, developing problem-solving and mediation skills, learning how to prevent, manage and intervene in crisis situations and learning to assess how different ways of handling conflict lead to different results. A participant of the **Conflict Management and Tolerance** course recently said that a workforce which is equipped to deal with conflict is also able to focus more time and energy on production and benefits from a more amiable work environment.

Participants of the Mfuleni Joint People's Project with trainer, Ian Newall during a community dispute resolution training session.



The need that different constituencies have to develop these skills in a society undergoing transformation is evident in the number of requests received for courses.

National Conference

The 1993 National Conference took place on the banks of the Vaal River. The conference theme was **Conflict Resolution: Emerging Trends for a New Society**. Sessions investigated new sectors and dispute resolution processes. Workshops included procedural and substantive changes in arbitration, grievance mediation, designing dispute systems, aspects of intervention in community conflicts, the public and agricultural sectors as new participants in the industrial relations arena and industrial restructuring.

Adam Kahane, Director of the Programme in Participative Strategic Planning at the University of the Western Cape was the keynote speaker and introduced IMSSA to scenario planning, vision building and strategic planning and investigated the influence these have on dispute resolution.

The 1994 conference will be the site of IMSSA's 10th anniversary celebrations. We look forward to celebrating the past decade, reflecting on the development of IMSSA and preparing for the challenges ahead.

American Arbitration Association assists IMSSA yet again

Felicity Steadman and John Brand recently conducted a three-day pilot course in negotiation skills training for the Department of Foreign Affairs.

As this sector is not one with which IMSSA panelists are traditionally familiar, it was a fortunate coincidence that Felicity had assisted Tom Colosi of the American Arbitration Association (AAA), during a similar course for the Foreign Service Institute in Washington in 1991. The Foreign Affairs trainees consisted of returned Ambassadors and senior diplomats, yet in contrast to their counterparts in Washington D.C., they were adamant that they did not experience any conflict in their line of work.



Felicity's recall of some of the interesting techniques and materials which Tom used in the Washington programme, enabled them to draw on Tom's expertise in working with the Foreign Service.

Feedback regarding the programme was positive, although Felicity and John report that training outside the IMSSA domain of labour and community conflict is a birth of fire. Instead of trading wage increases for maternity leave, they found themselves discussing hostage exchanges and war reparation. Some of the material provided by Tom has additionally been integrated into IMSSA candidate mediator training.

Ever since IMSSA began its association with AAA in the 1980s, AAA has been an invaluable and appreciated source of on-going assistance.

Seminar Series

The Seminar Series held two events at the end of 1993. The first seminar was on **Preparing for National Elections: Lessons from Elsewhere**. Graham Simpson, Deputy Director of the Project for the Study on Violence at Wits shared his experiences as an international observer in the Cambodian elections.

Prof. Loet Douwes Dekker presented a talk based on his inaugural lecture at the University of the Witwatersrand in November 1993. The presentation was entitled **Industrial Relations and Time # Space: The IMSSA Challenge** and focused on possible roles for IMSSA in the industrial relations system.

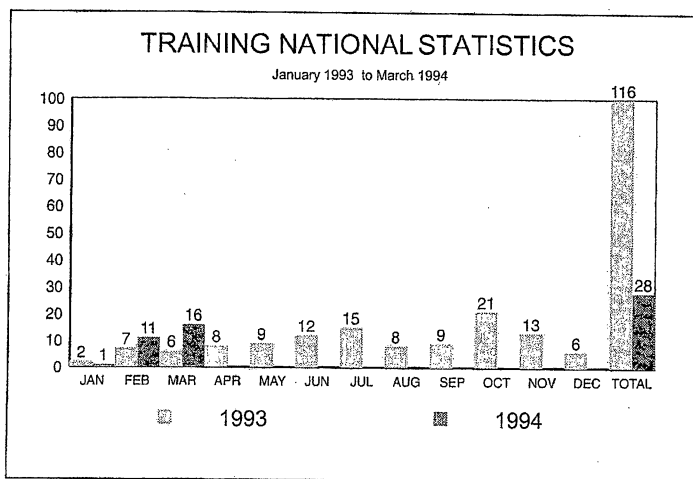
In 1994 the Seminar Series will shift its focus to content training sessions for panelists. The greater sophistication of disputes and the recent developments in industrial relations necessitate that panelists have both content knowledge and process skills. Sessions will be run in all the regions which will impart content knowledge on, for example, The Assumptions and Implications of Job Grading, Industrial Restructuring, Local and Regional Government Restructuring, Community Policing and Intervening in the Agricultural Sector.

International Trip on Training Development

In October and November 1993 training director, Karen Miedzinski, went to England, Canada and the USA to investigate what training programmes are on offer in the field of dispute resolution. She also had the opportunity to attend various conferences.

Karen was able to tap into the latest work being done at the Advisory Conciliation and Arbitration Service (ACAS) in the U.K., the AAA, the Federal Mediation and Conciliation Service (FMCS), the National Institute of Dispute Resolution and many other smaller but active dispute resolution services in the USA.

Karen presented papers at the Society for Professionals in Dispute Resolution (SPIDR) conference in Toronto and the Wisconsin Association of Mediators conference in Madison. The papers, which focused on the use of adult education technology in the field of dispute resolution training, were well received and generated much excitement and discussion.



IMSSA TRAINING PROGRAMMES

IMSSA offers an exciting range of training programmes in industrial and community dispute resolution.

Courses have been developed through extensive experience in the field of dispute resolution and ongoing interaction with trade unions, employers and community and political groups. The training is participatory and builds on the experience of the participants.

WHO SHOULD ATTEND:

The Industrial Dispute Resolution Courses are directed at human resources and industrial relations personnel, line managers, shop stewards and full-time union officials. The Community Dispute Resolution Courses are directed at community-based and service organisations, fieldworkers, peace workers, political interest groups and civics. Courses can be run jointly or separately for the different groups.

WHAT TRAINING SKILLS ARE OFFERED:

Courses include skills training in conflict management; negotiation; dispute resolution processes; problem solving; mediation; arbitration; and crisis intervention.

WHAT TRAINING PROGRAMMES ARE AVAILABLE:

Industrial Dispute Resolution:

Appropriate Dispute Resolution Course (1 day)

The course creates an awareness of the various options available to people for resolving disputes. It also investigates the most appropriate ways of resolving disputes effectively.

Arbitration Training (4 days)

This training programme explains arbitration and teaches participants how to decide whether to use it, and how to prepare and present cases at arbitration. This includes assessing the merits of a case, taking statements, leading witnesses, cross-examining, and presenting opening and closing arguments. It also deals with the law as it applies to arbitration.

Negotiation/Mediation Training (3 days)

The course aims to develop an awareness of the relationship between the way parties in the industrial relationship negotiate and the outcomes of their negotiation. The course focuses on the different approaches to managing conflict and negotiating and when they might be used to best effect. It also explores various options for dealing with deadlock and the use of mediation to prevent or resolve disputes.

Joint Dispute Resolution Training (2 to 3 days)

This programme is designed to provide union and management with an understanding of the different options available to them for jointly resolving disputes, as well as providing them with the skills to do so more effectively.

Conflict Management and Dispute Resolution : Creating a Climate of Tolerance (3 days)

This course is similar to the above but also focuses on how to deal with political differences in the workplace. It specifically examines different ways of managing conflict; effective communication skills; problem-solving and mediation; and ways of preventing, managing and intervening in crisis situations on the shop-floor.

Community Dispute Resolution

Effective Dispute Resolution (3 days)

This training explores the various options available to community and political groups for managing conflict. It examines negotiation, mediation and facilitation in the context of the power realities which operate in South African society. There are two versions of this course depending on the level of literacy of the participants.

Conflict Management and Crisis Intervention (3 days)

The objectives of this programme are: to explore various options for managing conflict; to learn more effective ways of communicating; to examine ways of preventing, managing and intervening in crisis situations and to explore problem-solving and mediation as processes for resolving disputes. This course is aimed at 'peace workers' with a lower literacy level.

Crisis Intervention and Dispute Resolution (3 days)

This programme is aimed at third-party interveners with a higher level of literacy. The aims of the course are:

- to explore various options for managing conflict;
- to explore chairing, mediation and facilitation as processes for resolving disputes; to examine ways of preventing, managing and intervening in crisis situations; and
- to provide participants with an understanding of the link between approaches chosen and potential outcomes.

WHERE ARE THE COURSES HELD:

We run courses in Johannesburg, Durban, Cape Town, Port Elizabeth and surrounding areas.

COSTS:

IMSSA operates a sliding scale of fees for community, union and management groups. Details on request.

WHO TO CONTACT:

For more information or to arrange courses, please contact your Regional Office or the following people in the Education Department: Karen Miedzinski, Training Director or Victor Mhlanga, Training Administrator at Tel: (011) 726-2540 Fax: (011) 726-6846.



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(until February 1994)

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Ms Felicity Steadman	(alternate)
Mr Chris Nicholson	Natal Panel Representative (alternate)
Ms Sarah Christie	Western Cape Panel Representative
Mr Steve Kahanovitz	(alternate)
Mr Mark Anstey	Eastern Cape Panel Representative
Mr Jon Bax	(alternate)
Prof. Loet Douwes Dekker	Technical Expert
Dr Nthato Motlana	Technical Expert
Mr Charles Nupen	National Director
Mr Bruce Robertson	IDRS Regional Director
Mr David Douglas	IDRS Regional Director
Mr Vincent Mntambo	CCRS Regional Director
Mr Jerome Ngwenya	CCRS Regional Director
Mr Kim Kennedy	Financial Director

NEWLY ELECTED BOARD OF TRUSTEES (February 1994)

Mr Paul Pretorius	Chairperson
Mr John Brand	Vice Chairperson
Ms Felicity Steadman	Transvaal IDRS Panel Representative
Mr Bashier Vally	alternate
Mr Edwin Molahlehi	Transvaal CCRS Panel Representative
Mr Piroshaw Camay	alternate
Mr Alan Rycroft	Natal IDRS Panel Representative
Mr Inthiran Moodley	alternate
Mr Thabani JaliNatal	CCRS Panel Representative
Mr Leah Gcabashe	alternate
Ms Sarah Christie	Western Cape IDRS Panel Representative
Mr Ian Newall	alternate
Ms Nomonde Mgumane	Western Cape CCRS Panel Representative
Mr Norman Arendse	alternate
Mr Jon Bax	Eastern Cape IDRS Panel Representative
Mr David Mias	alternate
Mr Andile Matshela	Eastern Cape CCRS Panel Representative
Prof. Loet Douwes Dekker	Technical Expert
Dr Nthato Motlana	Technical Expert
Mr Charles Nupen	National Director
Mr Bruce Robertson	IDRS Regional Director
Mr David Douglas	IDRS Regional Director
Mr Vincent Mntambo	CCRS Regional Director
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Marion Shaer
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Director: Training
Training Administrator
Director: Research
Administrative Assistant



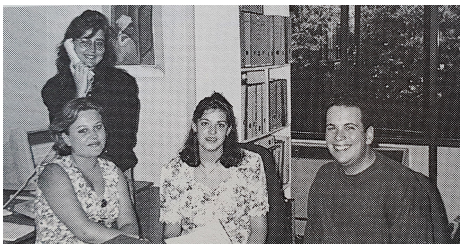
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Director: Elections & Balloting
Administrator
Training Co-ordinator
Administrator
Administrative Assistant
Client Services Officer
Client Services Officer
Client Services Officer
Client Services Officer



*Members of the Elections & Balloting staff; Claire Park,
Ursula Wilson, Melanie Swanepoel and James Wetton.*



*Elections & Balloting
Director, Dren Nupen.*



Finance Department

Kim Kennedy
Supriya Kalidas
Jacqui Strydom
Lorraine Healy
Melissa Williams
Sue Gerrits
Michael Moodley

Finance Director
Assistant to Finance Director
Bookkeeper
Project Bookkeeper
Debtors Clerk
Creditors Administrator
Manager Information Systems

*The Finance
Department staff;
Beulah Joubert,
Melissa Williams,
Lorraine Healy,
Sue Gerrits,
Supriya Kalidas,
Michael Moodley
(MIS) and
director, Kim
Kennedy.*



Transvaal and OFS

Industrial, Dispute Resolution Service

David Douglas
Valmai Bond

Regional Director
Secretary

*Transvaal and
OFS IDRS Staff;
Front: Mally
Mokoena, Selina
Ngubuka,
Kholisa Xinindlu,
Nkele Lentshwi.
Back: Gayle
Sloane, Val
Bond, Zi
Channing,
Angela Welham
and David
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CCRS Facilitator
Fieldworker: Hostels Project
Thokoza Peace Office
Co-ordinator



*Transvaal CCRS facilitator,
Indarin Govender.*

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Mr Jan Stemmett
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Mr Raymond Tucker
Mr David Unterhalter
Mr St Elmo Wilken
Mr Hans van der Riet
Mr Nigel Willis



Orange Free State

Mr Brian Ashman
Mr Jac Kloppe

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Mr Vincent Mntambo
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Mr Indarin Govender
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Mr Zandile Jakavula
Mr Ishmael Mkhabela
Mr Lavery Modise
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Mr Douwe van der Zee
Mr Paul Verryn

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Mr David Douglas
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Administrative Assistant



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Jerome Ngwenya
Neli Zulu

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Receptionist and Client Services
Officer

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Mr Chris Brunton	Mr Jerome Ngwenya
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Mr Michael Cowling	Mr Richard Pemberton
Ms Lisa Dancaaster	Ms Dhaya Pillay
Mr Jeff Fobb	Mr Maurice Pillemer
Mr Thabani Jali	Mr Bruce Robertson
Mr Chris James	Prof. Alan Rycroft
The Hon. Mr Justice Ray Leon, QC	Mr Pat Stilwell
Mr Richard Lyster	Mr Craig Tanner
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Mr Michael Cowling	Mr Inthiran Moodley
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Ms Brenda de Charmoy	Mr Chris Nicholson
Mr Jeff Fobb	Mr Les Owen
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Mr Philip Glaser	Prof. Alan Rycroft
Mr Karthy Govender	Mr Yunis Shaik
Mr Reagan Jacobus	Ms Pat Vetter
Mr Thabani Jali	Mr Raymond Zondo

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Mr Philip Glaser	Mr Bruce Robertson
Mr Thabani Jali	Prof. Alan Rycroft

RBI PANEL

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Mr Philip Glaser	Mr Chris Nicholson
Dr Rob McCann	Mr Bruce Robertson
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Denise King, Western Cape Elections & Balloting co-ordinator.

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Nokulunga Kakaza

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Denise King

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Secretary and Receptionist

Bridget Loggenberg

Elections & Balloting Project

Nabeel Hendricks
Malibongwe Yokwe

Regional Co-ordinator
Regional Co-ordinator

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Mr Jon Bax
Mr Jonathan Goldberg
Mr Bashir Hoosain
Mr David Mias

Mr Lex Mpati
Mr Ronnie Pillay
Mr Themba Sangoni
Mr Cecil Somyalo
Mr Adriaan van der Walt

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Ms Martheanne Finnemore
Mr Jonathan Goldberg
Prof. John Hlophe
Prof. Jacques Labuschagne
Mr Reg Mason

Mr Andile Matshele
Mr Lex Mpati
Mr Mpumelelo Nyoka
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Prof. Roux van der Merwe
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Mr Peter Williams

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Mr Fikile Bam



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*Compiled by Marion Shaer.
Layout by MANIK DESIGN.*

