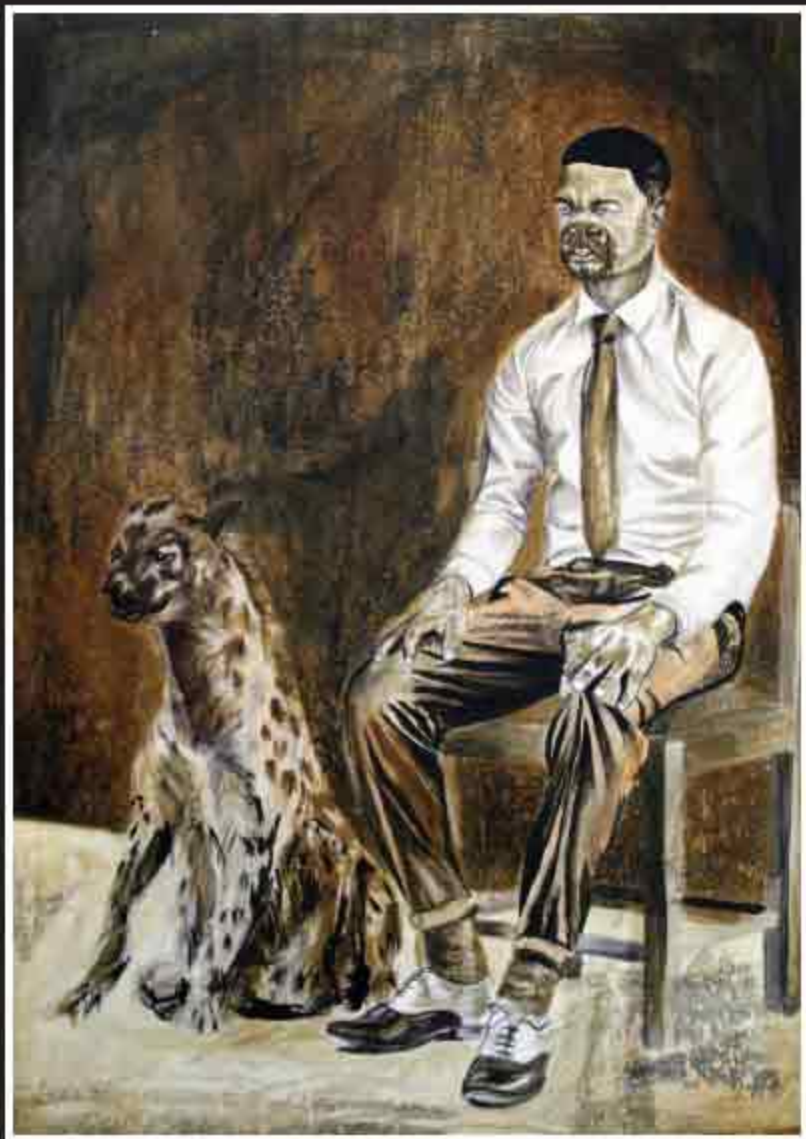


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DEALMAKERS

Cover: Artwork: Richard 'Specs' Ndimande (1994–), *Inkunzi Yenkabi*, 2019, pen and ink on paper, 1030 x 740 mm. Constitutional Court Art Collection (CCAC). Donated by the artist in 2020. Cover image courtesy of the artist and the Constitutional Court Trust. For more information, visit ccac.concourtrust.org.za or follow @concourt_art on Instagram and Twitter.

Insurance law

ify whether the functionary should be an internal or external appointment.

Often, insurers make the mistake of escalating complaints to a junior functionary who either does not have the expertise to deal with complaints or, alternatively, the complaint is overseen by the same group of business people making the initial decision. The impartiality line therefore becomes blurred.

The thematic review revealed that in the long term insurance industry, in particular, a number of insurers believe that the effectiveness of complaints handling is related to the existence of an internal arbitrator or adjudicator – usually a senior full-time employee of the relevant insurer. These insurers pointed out that they were focusing on ensuring that the internal arbitrator plays a bigger role in complaints management.

Taking the above into consideration, as well as the extensive number of complaints that the South African Insurance Ombudsman receives, isn't it time that insurers explore a more independent, adjudication-based approach for dispute handling?

The outcomes of this approach align with the TCF and consumer protection framework and regulations respectively, in that customers are provided with a truly independent and comprehensive review of their complaint, which translates into better outcomes for customers and a potential decrease in the number of Ombudsman complaints received. ♦

Van Onselen consults on insurance, legal and claims related issues.
www.vanonselenconsulting.co.za

Constitutional Court Art Collection/cover

An artwork as intergenerational conversation

THE CONSTITUTIONAL COURT TRUST

The title of Richard 'Specs' Ndimande's artwork, *Inkunzi Yenkabi*, translates to "a bull of a hitman (in Zulu, 'inkunzi' is a bull and 'yenkabi' a hitman). The work depicts a human-animal hybrid, representing Specs and his father in intergenerational conversation. They sit beside a hyena, sharing a viewpoint and are placed in a strange alliance. The artist is fascinated by the human-animal hybrid that, for him, represents the oppressed who are metaphorically treated like animals, and the oppressor, who is seen as a beast. It is not obvious who the exploiter is and who is really in power, a dichotomy that remains to be negotiated in post-apartheid South Africa. Yet, Animals in Specs' work are also potent markers of the qualities he values in others, particularly his father, whom he associates with the buffalo for its fierceness and resilience.

Specs was born just two weeks before the first post-apartheid elections in April 1994, into a vastly different world from that of his parents. He joined a generation often glibly collectivised as "Born Frees" and characterised as disillusioned by the "Rainbow Nation" narrative of the "new" South Africa, writes Stacey Vorster, former curator of the Constitutional Court Art Collection (CCAC), Constitutional Court Artworks Committee member and PhD researcher at the University of Amsterdam.

Central to the artist's practice are conversations with his father, a political dissident in the later years of the apartheid regime. "My father

was one of the political prisoners that were kept at the notorious Number Four prison [at the now Constitution Hill]. He mentions when one came out of that prison you did not come back as the same man. You would leave the prison in a state of mental, physical and psychological trauma, from the violence and the brutality inflicted by the law. Some of my father's experiences in Number Four prison include the loss of most of his teeth through beatings by warders and other prison gang members. These events have influenced the creation of my artworks."

Specs' work speaks to human rights abuses of past and present, apt for 2021's Human Rights Month which, again, reminds South Africans about the sacrifices that accompanied the struggle to attain democracy. "In post-colonial South Africa, one remembers the tragic history of our country, which others may try hard to forget. It becomes difficult to forget the violence, exploitation and oppression experienced by the subjugated people of this country. History repeats itself in post-apartheid South Africa through events such as the Marikana Massacre, which appears relatively similar to the Sharpeville Massacre. The notorious prison gangs we hear about in the news brings light to the stories my father would tell me, about the happening of the apartheid era, which brings a personal context to my work," the artist says.

Specs donated this drawing, together with two others, to the CCAC in 2020, becoming the youngest artist represented in the collection. Vorster writes: "Housed within the Constitutional Court, an institution at the centre of South Africa's quest for freedom, equality and human dignity, the CCAC is an important tool through which the leading artists of our time are able to share the social-futures they imagine. Specs' drawings make a valuable contribution to the collection as he enters a conversation with both the past and the future. While the struggle continues, the youth of South Africa take their place at the helm of revolutions to come." ♦