

HIGH LEVEL PANEL REPORT

Working Group (WG) 3 on Social Cohesion and Nation Building

PUBLIC HEARINGS REPORT: NORTH WEST PROVINCE

10 & 11 March 2017

1. BACKGROUND

This is a report of Working Group 3 on Social Cohesion and Nation Building. It is a record of the challenges, concerns and opportunities on social cohesion and nation building, and on the broader theme of the triple challenges of poverty, inequality and unemployment. Key in these public hearings is assessing the impact of key legislation and policies, or lack thereof, in advancing social cohesion and nation building. The public hearings sessions, a combination of a platform for invited stakeholders and general submissions from the public floor, were convened on 10 and 11 March 2017 in Rustenburg, North-West province. Chaired by the overall Chairperson of the High Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change, Mr. Kgalema Motlanthe, panel members in attendance were:

- Mr. Kgalema **Motlanthe** (Chairperson);
- Prof. Eddie **Maloka** (Panel member of Working Group 3);
- Rev. Malcolm **Damon** (Panel member of Working Group 2);
- Prof. Aninka **Claassens** (Chairperson of Working Group 2);
- Dr. Olive **Shisana** (Chairperson of Working Group 1);
- Dr. Yvonne **Muthien** (Panel member of Working Group 3); and
- Mr. Thulani **Tshefuta** (Master of Ceremonies and Panel member of Working Group 1).

In attendance was the Speaker of the North West Legislature, Hon. Suzanne Rebecca Dantjie.

INTRODUCTORY REMARKS – SPEAKER OF THE NORTH-WEST LEGISLATURE – Hon. Suzanne R. Dantjie

- North-West is a predominantly rural province, where poverty and unemployment is rife.
- The importance of critically analysing legislation was highlighted.
- Particularly in the North West Province, current legislation which was promulgated during apartheid (and therefore not in a democratic spirit) continues to shape and inform the patterns of land reform. For instance, chiefs in villages nearby Rustenburg have appropriated lands for themselves.

INTRODUCTORY REMARKS – Mr. Kgalema Motlanthe

The High Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change was appointed by the Speakers' Forum, a forum of the speakers of the nine provincial legislatures of South Africa. It was established in response to the Legacy Report of the Fourth Democratic Parliament of the Republic of South Africa (2009 – 2014), which outlined the state of South Africa concerning the triple challenges of poverty, inequality and unemployment. The Speakers' Forum felt the need to assess the impact of key legislation and policies on four areas, viz: (i) Poverty and unemployment; (ii) Wealth creation and inequality; (iii) Land reform, redistribution, restitution and security of land tenure; and (iv) Social cohesion and nation building. Areas (ii) and (iii) were collapsed into one, spurred on by the thematic correlations. Eventually, as the work of the High Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change was constituted, the three areas came to constitute the three working groups of the High Level Panel.

The methodology with which the High Level Panel seeks to assess the impact of laws, legislation and policies on these three areas are:

- Call for submissions from the public;
- Public hearings conducted throughout the nine provinces of South Africa;
- Round table / Stakeholders presentations and discussions;
- Commissioned research;
- Desktop research on primary and secondary materials;
- Government departmental presentations (form part of the roundtable / stakeholders' fora).

2. OVERVIEW OF ISSUES RAISED

- People with disabilities;
- Marginalisation of Griqua people;
- Marginalisation of Koranna Khoisan people;
- Marginalisation of Nama-speaking people;
- Unemployment;
- Post-matric youth unemployment
- Land restitution;
- Land redistribution;
- Mining sector – lack of beneficiation;
- Gender inequality;
- Protection of farm-based people;
- Social cohesion;
- Corruption of local councillors;
- Relationship of corruption between police officers and foreign shop-owners;
- Drug abuse;
- Inadequate health facilities;
- Lack of skills development;
- Corruption of traditional leadership;
- Water rights in rural areas;
- Racism; and
- Violent racist behavioural patterns

3. THEMATIC AREAS

Disabilities: concerns emerging in the North-West provincial public hearings on disabilities were not different from those raised in the other provincial public hearings. Many of the significant points raised were on how the quality of the lives of people with disabilities was negatively affected by lack or inadequate services delivery in public spaces. The following issues were identified in this regard:

- There is lack of compliance and implementation on laws and legislation concerning people with disabilities.
- There should be concerted initiative to teach sign language.

- Facilities for people with disabilities in private and public institutions should be provided.
- There is improvement by 20 per cent of access to public transport by people with disabilities.
- There continues to be a lack of enterprises owned by people with disabilities. Assistance with funding of start-ups for people with disabilities is needed.
- There should be subsidization of services rendered to people with disabilities.
- Access to buildings should be integrated into overall land use management.
- At orthopaedic workshops, the order list is full for purchase of audio and other devices for people with disabilities due to government cuts on budgets.
- People with disabilities do not want to depend on government, but want sustainable employment opportunities.
- Inadequate support is extended to development projects.
- Youth delinquency (drugs, crime, etc.) due to the lack of government support and investment.
- Government programmes mostly employ individuals who belong to the youth cohort. Older people do not have access to these opportunities.

Marginalisation of Griqua People: concerns raised on the marginalisation of the Griqua people are not different from the concerns that emerged in the Northern Cape, Free State, and Western Cape provinces. They all converge on the constitutional rights regarding language use and equality, traditional leadership participation, and the need to make available spaces for development projects geared towards the Griqua people. Concerns raised were:

- There is injustice meted out against Griqua people.
- Land acts originating from the apartheid are working against the interests of Khoisan and Koranna people.
- Khoi and Traditional Leadership Bill still discriminate against Khoisan people.
- Griqua people experience discrimination in work places.

Marginalisation of Koranna-Khoisan: concerns raised were:

- There is a need to focus on long-term vision on social cohesion and nation-building.
- Emotional healing is important in order to advance social cohesion and nation building.

- Land restitution for land stewardship.
- Reserve right to reply to offensive apartheid-based legislation / practices offensive to our “First Nation Status”.

Recommendations:

- Khoisan people should be recognised and take over ownership of their land on the basis of their “First Nation status”.
- Restore stewardship to land for development on First Nation status basis.

Marginalisation of Nama Group: concerns raised were:

- Nama people are a minority and are vulnerable.
- There is unfair discrimination against the Nama as an ethnic group.
- There is no recognition of Nama people.
- Nama people experience serious identification challenges.
- “We can’t disclose we are Namas so we can be recognised as South African citizens.”
- There are no government programmes that provide for the preservation of the Nama people as a distinct and vulnerable ethnic group.
- Nama people are not represented locally and provincially.

- **Recommendations:**

- Nama people should be afforded security and should be part of traditional leadership structures.
- A school curriculum should be developed for the Nama language.
- Nama people should be afforded equal treatment to other ethnic groupings.
- Establish trust for foundational projects for Nama people.
- Nama youths should have access NYDA projects.
- A framework should be put in place to specify the role of the state in development.

Unemployment / Post-Matric Youth Unemployment: unemployment is almost always in reference to youth, and as a variable recognised as a driver / cause of poverty, it is always inextricably linked to skills development and skills acquisition. Concerns raised on these themes in the North-West province were:

- There should be focus on job creation.
- After matric, young people are unable to further their higher education studies due to lack of / inadequate funding.
- Acts / legislation are not followed and implemented, especially those relating to emergency medical care.
- Elderly people are not given an opportunity to rebuke their children and grandchildren. Parents should take part in the upbringing of their children.
- People who own areas / houses in rural areas do not own title deeds.
- In South Africa, there is a need to reduce unemployment. As employment in the private sector is limited, government should facilitate the reduction of unemployment by providing training and skills transfer.
- Subsequent to the completion of learnerships, there is a need for thinking on the placement of learners to employment opportunities.
- *Employment Equity Act*: people should be afforded the opportunity to express themselves in their mother tongues during job interviews.
- Need to amend employment age eligibility: people who turn 35 years old who have never been formally employed find it difficult to access formal employment because of the age eligibility when they apply for vacancies.
- Post-matric youth remain unemployable.
- Post-matric youth is unemployed, and yet communities outsource community jobs.
- There is a lack of information transfer between communities and government.
- Local leaders are not in touch with communities.
- Local leadership do not possess leadership values and leadership skills.
- Workers are forced by management to resign without any benefits.
- Due to relentless unemployment, post-matriculants who are unemployed turn to criminal activities.

Land Restitution / Land Redistribution: concerns raised on these themes were as follows:

- Section 25 (7) of the Constitution provides for negotiations on unnegotiable matters on land restitution.
- The SPLUMA act should assist communities in the planning and use of land.

- Proposed takeovers of CPAs should be stopped.
- Land redistribution has to be undertaken with utmost respect. Land should be returned to the rightful owners.
- “We African women also have to benefit from land redistribution.”
- Environmental management: Environmental Impact Assessments (EIAs) should be conducted before any propositions of projects are made.
- Land taken in 1936 – people who were removed or moved to Waterfall. As a result, we are struggling to get our land back.
- The land claims process is slow.
- There is lack of involvement in legislation drafting and the inputs of traditional leaders in it.
- There is lack of monitoring and evaluation in the land claims processes.
- There is no proper and continuous oversight of government programmes on land matters.
- Land restitution, land resettlement and land claims processes should involve all stakeholders.
- Educational workshops and seminars are required to empower youth.

Mining Sector – Lack of beneficiation: concerns raised on this theme were:

- Review the *Mineral and Petroleum Act* and the *Prospective and Mining Rights Act*.
- There is no beneficiation from the mining economy, because:
 - Kings and their trustees are rich and they benefit from land developments.
 - Mines use bribes and traditional leaders on decision-making concerning employment opportunities.
 - Kings and traditional leaders superimpose their personal interests over the interests of communities on beneficiation on mining investments.
- There are only three mine shafts that are in operation in Kanana.
- The unemployment rate is high and yet there are many mines in operation.
- Foreigners and illegal immigrants with no IDs are employed in mines at Kanana.
- Mines do not aim to reduce youth unemployment through establishing targeted employment programmes.

Traditional Leadership: concerns raised on this theme were:

- *Traditional Leadership Governance Framework Act* – the rights of chiefs are promoted through this act.
- Chiefs are entitled to elect 60% to traditional councils and people are entitled to elect 40%. This should be vice versa, because the communities are landowners.
- IPILRA is a temporary piece of legislation. The voice of people should be made permanent.
- There is no one who can account for money in the Traditional Council Trust.
- The Traditional Council and chieftaincy: in 2014, when the current traditional council was elected, there was promise that traditional council and municipalities will work together. This is yet to be seen.
- Traditional councillors need to be disciplined.

Drug Abuse: concerns raised were:

- South Africa does not seem to follow the provisions of international treaties and conventions on substance abuse.
- Substance abuse is a major challenge and our youths are most vulnerable.
- Drugs cross South African borders.
- *Act 2008 – Prevention and Substance Abuse Act.*
- *National Liquor Act* – first draft provided industry to self-regulate. The liquor industry spends R8 million on harm reduction, while other countries spend more.
- High school drop-out rate correlates with alcohol and substance abuse.
- Funding for NGOs has declined.
- Key imperatives need for integrated youth development.
- Need to re-examine resources poured into youth development.
- Need for provincial substance abuse forum in the North-West province.
- Liquor industry should not self-regulate.
- **Recommendations:**
 - Multi-sectoral collaboration on international standards.
 - The National Drug Master Plan should be clarified.

- Need for empowered South African Youth Council.

Health Facilities: concerns raised were:

- Communities are unable to access mobile clinics because there are too many patients and not enough health workers and nurses (yet there are many unemployed nurses in communities).
- Health services are rendered erratically.
- Nurses do not get hired after training.
- Hospitals have inadequate facilities.
- Clinics in rural areas – 1:38 ratio of nurse / patient.
- Clinics are not adequately-staffed.

4. POLICY AND LEGISLATIVE IMPLICATIONS

- *Labour Relations Act.*
- *Basic Income Grant Act.*
- *SPLUMA Act.*
- *Mineral and Petroleum Act.*
- *Prospective and Mining Rights Act.*
- *Basic Conditions of Employment Act.*
- *Income Tax Act.*
- *National Empowerment Fund Act.*
- *Cooperatives Act.*
- *Review the Preferential Procurement Act.*
- *Employment Equity Act.*
- *Traditional Leadership Bill.*
- *Act 2008 – Prevention and Substance Abuse Act.*
- *National Liquor Act.*
- *Traditional Leadership Governance Framework Act.*
- *Regulation of Gathering Act 205 of 1993.*

6. DISCUSSION AND RECOMMENDATIONS (Roundtables)

None.

7. ISSUES TO REFER TO OTHER WORKING GROUPS

Land restitution and land redistribution.