

# HIGH LEVEL PANEL ON ASSESSMENT OF KEY LEGISLATION AND ACCELERATION OF FUNDAMENTAL CHANGE

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## Free State Public Hearing: 6 October 2016

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**Speaker from Inyanda (00:27):** 2005, yet (inaudible) a national movement of rural people that will come up with new ways of engaging the state such that the lives of it's members change for the better. Free State has suffered full brunt of colonialism and apartheid distortions, now Free State is suffering the full brunt of corruption and nepotism. On land reform, restitution, redistribution and security for tenure. Act Number 3 of 1994 provides security of tenure for labour tenants and those who occupy or use land as result of their association with labour tenants. How true is this? Is it going to be implemented? We have seen even the Freedom Charter itself is not an implementable document, so, we have attended all these sessions but our inputs in those sessions have never been taken seriously, so my input here, I'm not going to be, you know, fist in gloves, but it will be open fist, so all of you bear with me.

How on earth, when you are we supposed to have land for the poor, you use willing-buyer-willing-seller? This is a capitalist policy that oppresses the marginalized and the poor working class. We have seen in other provinces that trusts are being established on behalf of the communities under the kings or chiefs, which is a disgrace to the poor people because it brings back apartheid tendencies. The Act gives the trust the power to allocate and dispossess the land under it. It also brings back the boundaries of the old Bantustan to the fore. Divide them and rule them. We should remember what Piet Koornhof has said to us, "divide them and rule them according to their culture and beliefs". Remember, the chief will appoint sixty percent of those he or she likes and forty percent by the communities, which is ridiculous because communities must have the

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upper hand on this matter, so this is a new colonialism, we therefore recommended the following for land reform:

We argue for alternative law, not this one that we are here with. We are arguing for alternative law and other measures to fully address, the social, historical, political, cultural, heritage, spiritual and economic reparation of our people. The Act must also undo the structure, the structures of tribal governance inherited from colonialism and apartheid. By imposing chiefly rule in the former Bantustans and extending significant powers to these tribal chiefs referred to as tribal leaders in the TLKB, the TLKB re-tribalizes our country and is at odds with both the Constitution and the ever evolving customary practices, over all, the experiences, interests and demands of the majority of rural communities.

Parliament must urgently undertake a formal enquiry on the violation of rights by the tribal leaders across the country and take action against such tribal leaders. Provision for the transfer of land to municipalities is proper but will be managed by whom? There are corrupt officials of the municipalities who will be managing that; we need an independent body. As Inyanda, we propose that communities must be included in managing those lands falling under municipalities. It is not proper to call all of the Free State here and then you think all of us will be saying something to this high-level commission, we can't. Just imagine about the people in Qwaqwa, how many have been brought here? Only one or two, what about the whole Free State? In other words we are proposing, as Inyanda, that the commission must go to each district so that it can hear the voice of the people.

Prohibition of unlawful evictions and procedures for eviction and unlawful occupiers as well as repeal the Prevention of Illegal Squatting Act Number 52 Of 1951, I think it's too old, and the other obsolete laws. How can we be called unlawful occupiers on our

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mother's land? How on earth are we still using apartheid laws because I think the 1951 law is one of those. This government of the day doesn't have the political will for revolutionary change. This committee and Parliament doesn't want to touch the properties of the minority. The SPAs are going to assist if, and only if, the greedy officials can be monitored for its implementation.

Areas of proposed amendments: we call for substantive re-formulations and amendments in the following areas:

- Allow for genuine and substantive consultation of rural and urban dwellers over the desired system for the recognition and regulation of customary self-rule and governance, thereby enabling rural and urban dwellers to choose and develop their own democratic systems of customary self-rule, governance, laws and practices and also enabling rural dwellers to opt in or out of governance by Tribal Authorities.
- Fundamental revision of the proposed powers, roles and function of the tribal chiefs in line with the intentions of the Constitution as argued above.
- The scrapping of the transitional provisions as they legitimate apartheid Tribal Authorities and cover up their failed transformation under the TLGFA dispensation.
- The undoing of Tribal Authority boundaries inherited from apartheid.
- The suspension of recognition of tribal leaders whose status has been challenged in the Commission on Traditional Leadership Disputes and Claims.
- In conclusion, Parliament must call communities when drafting Bills and all the white, green, yellow, red and blue papers. Do not coordinate people to one place and call it a hearing. Imagine how big earth is and you call only one session and you will be rushing to your plush offices in Parliament and say "yes, we have done it and we have a good story to tell", what is that good story? Thank you very much.

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**Program Director Thulani Tshefuta (08:32):** May we please invite Thabang Mofokeng from HOT.

**Thabang Mofokeng (08:49):** Thank you so much, good day members of the public and the Honorable Panel at large. Before I can ride on it, Chairperson can I bring it your attention that I am available for the job of being a timekeeper. Thank you so much.

Program Director, (*background voice: "you are appointed"*) without wasting any time, I hope I will not be given a suppressive time. Well, I am Thabang Mofokeng from Botchabello in Free State. I'm from HOT Rural Workers Movement driven by the grassroots agenda. That is a social organization which one could regard it as an organization of entities. What do I mean by this? It simply means that we at HOT, we mobilize and organize other entities such as your social movements, NGOs and NPOs and individual members who advocate for social change. Well, I am not gonna dwell much on the issues of HOT, I am just going to address the issue at hand that we have been invited for here.

Well, I am the co-founder and a senior coordinator at HOT. We have been invited to participate in the crucial discussion around the most sensitive yet potent issue pertaining to land reform. Chairperson, the South African Constitution under Section 25 subsection 4(a) of the Bill of Rights, talks about and it states clear that and I quote: "the public interest includes the nation's commitment to land reform and to reforms to bring about equitable access to all South African's natural resources" close quote, and under subsection 5 of Section 25 on the Bill of Rights it again provides a clear corridor, Chairperson, of what the state is obliged to do and, it states that and I quote "the state must take reasonable legislative and other measures within its available resources to foster conditions which enable citizens to gain access to land on an equitable basis". It does not in any way possible, Honorable Panel, say the state should or have to but it

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says the state 'must', meaning that it is something that is a command, it must be done, its either we have not, or rather, that the government has not been adhering to the Constitution, but nevertheless.

Chairperson, without wasting any time allow HOT to speak to the critical questions at hand. In what ways? In what ways did the implementation of land laws assist in land redistribution and restitutions of land rights? Well, in the past, many communities were excluded from access to land, but, post 1994 with the introduction of democratic government, all town residents become entitled to access land for residential purposes, farming and business, although, take note Chairperson, although much progress has been made to gain access to land since 1994 there is still run-of-the-mill, meaning there is still lot that must be done, but I am coming to that now.

Well, Chairperson, the stumbling blocks toward achieving land restitution and redistribution are: The failure of the post 1994, based on land reform programs and attempt to reverse the legacy of the 1913 Land Act, was and still has an inability to function normally, meaning that it is either we are still driving on the path which was established by the 1913 Land Act, it is just that we have modernized it now, but I just hope that we will address it as we commence.

Chairperson, due to not adhering to the Constitution of the Republic of South Africa as Section 25 of subsection 7 stipulates, we find ourselves in this predicament today; that is why you see so many people gathered here, addressing the issues of land even today. I wonder who came up with this system that land needs to be sold and that land needs to be commoditized. It is illegal to commoditize needs. Well Chairperson, Section 25 of subsection 7, it says and I quote it, it says: "A person or community dispossessed of property after 1913 as a result of past racial discriminatory laws and practices is entitled to the extent provided by an Act of parliament, either to restitution of that

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property or equitable redress" close quote. Chairperson, it's either we do not interpret or rather that the government does not interpret the Constitution very well, I wonder then who were the people presided when the Constitution was drafted because it's like we have been advocating things that are in violation of what the Constitution is saying in as far as land is concerned.

But however Chairperson a question says how have the tenure security laws facilitated or inhabited protections of rights to land or provided legally enforceable rights to land? Well, Chair, the hierarchical system of owning land, like for instance trusts or the kings has never brought about any good results. We have just recently picked many incidents where Kings make decisions which are in violation of rights of the people. Kings sells land to the foreign business people and do not consult their communities, so this thing must be reviewed. This is our view as HOT and as such, Chair, we have recently seen somewhere around the Eastern Cape where a mining company from Australia wanted to get a mining license there and the community around that area they were against that but the King took a decision alone and then sold – and then gave the mining or rather that business from Australia, entitlement to go and mine whatever minerals in that area, where we even see one of the comrades by the name of Bazooka being killed on that scene because of some political issues that were prevailing there. So this clearly shows that we cannot any longer have a land which will be controlled by your so-called trusts or individuals. It must be controlled by communities.

Have laws and programs enabled you to maximize productive use of land to improve the lives of the communities at large? Not at all a from land reform perspective. Chairperson, projects fall in words of Section 25 subsection 5 of the Constitution. If the project does not foster conditions which enable citizens to gain access to land on an equitable basis, the test of a successful land reform project is not just whether the land is being used productively, not at all Chairperson, this thing has never assisted. In all

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fronts, our communities are still faced with dire conditions of living because of these laws which turn them into criminals by those who misinterpret the Constitution, or perhaps they are protecting assets of certain individuals, you can call them elites. Our people are still denied access to land for residential purposes, business and farming. It's a very worrying factor that thing, under the current...that is why we have so much gangsterism, that is why our people are hungry because they can't farm, there is no land available. When you want a place to stay there is no land available, our people are congested, you find in one house there are 10 people living in there. When our people take land to establish their homes, they are sent what they call Red Ants, little Mickey Mouses to go and harass our people, like they did in Botshabelo last year. Well, that thing soon will come to an end Chairperson.

What are the strengths and gaps in the current laws and programs and how do we think Parliament should address them? Chairperson, (*background voice: "in conclusion"*) most in totality our laws are beautiful and appealing in black and white but they lack implementation part, unfortunately. They lack...if those laws, those sections, Section 25 subsection 5,6,7 - if they can be adhered to, we will not see this dire situation, but nevertheless. If these laws can be implemented thoroughly we can reap fruitful results in as far as land is concerned. We at HOT, we believe that the Parliament must firstly scrap that policy called willing-seller-willing-buyer, I don't know who came with that policy, I don't know who had a meeting with Jesus and then said here is the land now you will own this land (*background voice: "in conclusion"*) we know what happened. You, some of you, preceded in the committees, in the meetings, in the platform where the issues of land used to be touched to say "land was stolen?" "Then how do we access land?" We know where this thing started from, we know immediately after 1659 when the settlers came in our country, what happened, but we will not go there, we trust that, you know the thing is, the Parliament must urge the local government to acquire new land owned by the government and set a budget for it in order to develop it. You see,

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there are, there is this thing that it's been said that there is no land available. There is plenty of land. The local government must identify the land that is available and that land must be put into use and the government, the Parliament must create a budget that will be used to develop that land. We thank you. I will deposit our submission...(inaudible).

**Program Director (21:05):** Thank you very much, colleagues we need guidance from the house. We have been receiving inputs from organized formations, still on land. We must still go to the triple challenges. We must still allow everyone in the house, so when we try and limit people. We are not depriving people of an opportunity to raise their issues. So, I want you to allow me that if the speaker exceeds the time I instruct the operators to cut off the mike, otherwise we will leave with others not having had the opportunity to raise their issues. And others let me also emphasize this point, if you come and raise few things, you can still make a submission, handwritten (*this latter sentence was then repeated verbatim in isiZulu*). Can we agree on that? Thank you very much for your leadership. May we now invite Mr Jacobus Strubel from Agri Free State. I'm standing here Mr Strubel.

**Mr Jacobus Strubel from Agri Free State (22:21):** Thank you Program Leader, I would also like to thank the Honorable Chairperson and the Panel for the opportunity. I will be brief program leader. My name is Jacobus Strubel, I represent Free State agriculture, which is a provincial affiliate of AgriSA, we represent close to 4000 farmers in the Free State province. We represent the interest of the farmers regardless of race, colour and creed. Chairperson, I would also like for record purposes indicate that we have already submitted our presentation electronically, however we will also today submit a hard copy to the Panel. I will just make a few general comments with submissions, I'm not going to go into the details of all the various and different Acts.



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Generally speaking, land reform is already well regulated by legislation as envisaged by Section 25 of the Constitution and the white paper on land reform. These, these Acts include, restitution, land reform, Provision of Land Tenure Act, ESTA, Interim Protection Of Informal Land Act, Upgrading of Land Tenure Rights Act, Communal Property Act, Association Act, to go on, I am not going to go into all of them. One of the corks still missing from the legislative framework is a law on communal land rights and tenure; we will also deal with that extensively in our written comments.

Chairperson, one of the main issues that we would like to raise is the lack of implementation. We feel strongly about the fact that there is a lot of legislation that has already been legislated but the implementation thereof has not yet been or is taking a very long time. Failure thereof, is not based on legislation but rather on poor implementation. Poor stakeholder communication, corruption, poor post-settlement support and poor budgeting. Only 1% national budget, of the national budget goes into land reform, to only name a few of these stumbling blocks. We are further more concerned about the ever-changing policy environment, you cannot fix implementation through new policy. Focus currently on Agri-parks, ja, the focus currently is on Agri-parks and strengthening the relative rights policies, both of which do not have a sound policy or legislative basis. We feel that this creates a lot of uncertainty and negatively affects investment. The slow pace of land reform and the loss of agricultural productivity on the restored land is therefore due to poor implementation of the existing legislation.

Chairperson, we also feel that while the overall responsibility rests with the government, we as Free State Agriculture, or AgriSA at large we nonetheless believe that recognition should also be given to the private sector initiatives that have already been tabled and communities or PDIs that have raised funds and bought land, throughout, through the open market.

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Then Chairperson very important, farmers wishing to assist their own farm workers through state assisted land transfers as well. In this regard land ownership, should be audited to account for all state land including SOEs, State owned Enterprises, land owned by large companies and mines track the movement of land through private sales and private sector land reform and indicate all land claims and pending mining applications. I think, Chairperson, if such a land audit can be successfully and correctly done, a lot of vacant land that people think belongs to someone may then be exposed, if I may call it exposed, to give people who really need access to land. We had, I had a short conversation with people sitting in the front row in the lunch break regarding community projects that can be implemented on vacant land for example which belong to the Department of Education or is managed by the Department of Education or the military, or, there are various such pieces of land that can be used and expedited in this regard.

Just briefly with regard to land restitution, Chairperson, we support the South African Human Rights Commission's finding. AgriSA and its affiliates and the Commission have committed to cooperating on several aspects to improve implementation but we desperately need alternative settlement models. The current models are not necessarily implemented correctly; there is also a lot of corruption that hampers post settlement support. We propose that various settlement models are looked at that still gives effect to restitution or alternative relief but simultaneously assures that the business remain viable for the beneficiaries. Our detailed comments will be, are also submitted.

With regards to land redistribution Chairman, I will quickly, show a very quick model on this - yes. On your right hand side of the screen, it's very simple Chairperson, you need ownership to have security to get access to finance for economic development and that

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is the true empowerment of and identity of the people. If you do not have ownership Chairperson, of land, you cannot get access to security and finance and I think that is the frustration of most of the people sitting here today. If you do not, I am not only relating or talking with regards to agricultural land, also land, the house, I am talking about RDP houses, these people, a lot of people don't own property in general, if you do not own property you will never be able to get access to finance to in some way empower yourself economically (*background: "thank you"*). Chairperson, I am going to stop there, as I said, we will submit our written comments further on, on all the other issues. Thank you.

**Program Director (29:27):** Thank you. Right at the end of time, thank you very much for that. May we please invite a representative from NARPO and AFASA. I have the name of Jake Kgotule. You are allowed to clap.

**Mato Jacob Kgotule (30:04:06):** Good afternoon everybody, thanks Program Director and the Panel, I am Mato Jacob Kgotule, representing AFASA and NARPO in the Lejweleputswa Free State. I've heard all the speakers here. I listened attentively, I'm not gonna repeat what they have said. I just want to go to direct to a point that, we as farmers, I am talking as a farmer that we have problems with, the challenges that we are facing as far as land distribution is concerned. Now, at the dawn of the democratic government programs were introduced, let me just remind you of *SLAG* program, where plus minus 200 people were given a land to work on. It failed that program. The second one was called *ELRAD*, it also failed. For these two programs what we discovered as farmers in the Lejweleputswa of Free State, there were fights, people exchanging blows. One will sit in the location, not going to the farms but at the end of the harvesting, he or she will be there. Now people used to exchange blows, in other words, what I am trying to say, the Chief Panel, it's that all these programs have failed us as farmers, we have not even produced a single commercial farmer in the Lejweleputswa of Free

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State. I don't know about the other districts, I am referring to what happened in our district.

Now recently government has introduced PLAS Programs, well it looks good, it has all its incentives that now one needs just to be delegated in his or her job but there again we are still faced with the one problem that now, there, I heard someone saying, talking about the bureaucrats, I don't want to use that word I just want to say, the official of government in this PLAS Bantustan program they interfere now and then. The Minister, the national Minister has introduced a new policy to say you must form in your district land reform committees, you as farmers you must decide who must get a farm but what is happening now is that now the committee will recommend that such and such a person must get the farm but at the end of the day the officials are not in favor of that person. That is what is delaying that process. In Lejweleputswa program, district, we have decided to make it clear that the officials who want to control us we will deal with them, we are gonna deal with them, we are not gonna sympathize with them, this thing has been a flop for many years now, have we been empowered as farmers? You decide.

You'll find sometimes someone has got a farm, he has been allocated the farm, he is not working on that farm, he gets it today and signs the forms, the following day some commercial white farmer comes in and he pays a certain amount. It's exactly what is happening in the district but anyhow I am not threatening anyone to say that now we are prepared to deal with them, what we were requesting is that now is no interference from the officials, that is not their responsibility, it is our responsibility as farmers, no interference, that one we want to make it clear. Just now in the Lejweleputswa District we've got people who want land, plus minus, who have applied for land, there are 500 applicants where are you gonna place all these 500 applicants? And the worst part of it that I have observed against it now, the officials too they want the beneficiaries that they prefer,

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they must be given first preference that is why we say no, it can't work that way, it cannot work under any circumstances. What we are pleading is just that; let the District Land Reform Committees be empowered to implement the policy. The new policy as it is now, I appreciate it, is very clear it does not discriminate, yours is just to apply. Let me just say to the applicant from the other districts you are welcomed but remember one thing, charity begins at home, we cannot always accommodate you, we have 500, here is the list, but we are doubtful whether, are they really farmers or they are just people who are wanting to farm and saying (*Sesotho: "Hey, even I want to go and get a farm and farm"*).

The other thing that we want to recommend to you Ntate, is just that we are saying, let government change its policies, we are saying let government pay 10% collateral for the farm, if the farm is costing six million rand, let them pay just pay R 600 000 and they just say Kgotule, there is your farm and I must just sign the contract, in that contract it must bind me to say you are gonna produce, it ends there. We don't need anything from the government they must pay 10% collateral and further more we ask that the farm must be recapitalized. If it is a six million farm, let the farmer be recapped by two millions rands and it ends there. I must sign the contract to say that I'm going to produce on this farm then I can pay out everything, I can do everything that I will be able to plant, I will be able to buy the inputs, any machinery to work on this farm. We are saying in Lejweleputswa: (*Sesotho: the times of people saying that there are Arthur Marais, we no longer want it and those people are still at large and they are the kind of people who want the government to keep giving them. You will find that one person acquires and from there, after 2 more years he acquires again and again but look at how many we are*). Thank you Chair.

**Program Director (38:20:01):** Thank you. Right on time. May we now move to invite those who had expressed interest in making presentation on the work of Working Group

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1, which deals with the triple challenges of poverty, unemployment and inequality and wealth. I have the first representative as Dr. Amo, from Agri Free State. May we also have the representative from Bataung Traditional Council, I have S. Masengkana and I also have the representative from the Legal Fraternity and indeed the president of the Free State Youth Chamber of Business, in that order. Dr. Amo, from Agri Free State - not here. We move to Bataung Council, S Masengkana – not here. We move to Mr Valentine Sengkane from the Legal Fraternity – not here. May we invite the president of the Free State Youth Chamber of Business to come and make an input. It was going to be a criminal offence if he was not here.

**Tshediso Thinane (40:13:03):** Okay. Thank you very much President, my name is Tshediso Thinane, I am the provincial president of Youth Chamber of Commerce and Industry South Africa in the Free State. Let me just take this opportunity and thank the Chairperson of this Panel for affording us this opportunity to come and contribute our input. I will be speaking primarily on wealth and wealth creation and also redistribution. Before I do that, let me just introduce the chamber. The Chamber was formed by South African Youth Council and National Youth Development Agency under a government piece of legislation called Youth Enterprise Development Strategy that extends between 2013 and 2023. We are endemic (?) in the National Youth Development Agency both nationally and here and we are also affiliates of the South African Youth Council.

Chairperson, our submissions will be submitted, our input will be submitted you know, formally, but let me just give a preview of what is actually contained in our submissions. What is contained in our submission actually we specifically looked at the regulations in South Africa because there are two issues in our view as a chamber that its either the regulations are over regulating environments or they are not effectively implemented. There are only two points that we are going to be contributing. We will make an example, if the Department of Trade and Industry is in the process of

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amending the triple BEE Act. (Sesotho: My seniors, previously in terms of the triple BEE Act, it explained that if you are a black person you would have had produce R 800 [*inaudible three seconds*] and proceed to people called verification agencies, where you would have to pay R 800 for them to issue to you a triple BEE Certificate. The new law of the Department of Trade and Industry of triple BEE as repealed the prior Act, in this way the chamber was making an example and was clearly saying that they do not want the law to be exerting on our people. When we speak about... we are making the point that when the government over regulates different sectors of the economy there is a point at which you will not be able to reach, for instance we have seen now recently that the word on the street is in respect of illicit financial outflows or what we call base erosion.

You know, government is very slow and we are losing trillions which otherwise could have been used, you know, to develop our people in the country and also to contribute to service delivery but actually that money is flying over. They are also areas where you find that the government regulations make it quite hard for people to progress and pursue certain things. We can make other examples for instance when we look at other financial institutions and those of you here in the Free State know that we have FDC, we have IDC, we had the Development Bank of Southern Africa, we can count them, such as NEF. You could go to any of these institution to apply and you'll be told that if you would like a business loan, you will be given an answer after 3 weeks yet there are people who have applied and are still waiting 6 months later sometimes even more but the government is not able to deal with matters like this.

I remember in the old days we used to speak about it and say that maybe the government is pretending that it does not know where we come from, because if in fact it is the case that all of us emerge from oppression, you should have known when we arrived in the new South Africa where we come from and if that is the case then why do

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you make things so hard for our people to gain access. Because if you say that these are Development Finance Institutions then surely their job or the mandate is to develop people, isn't it so my seniors? So if you go to FDC, you apply and you wait for 6 months - we have projection that we do as business people, that my stock will cost this much. If they respond after 6 months it means the projections are no longer what they were when you first made them. If I had wanted to start an agricultural business, actually let me not speak about agriculture because that is not even covered by them, they don't fund primary agriculture, let's talk about maybe retail business. You want to start a retail business, you are going to buy a stock, perhaps you posted in your projects for your business plan that you are going to need R 250 000 from the FDC. If they give you the money after 6 months it means that the projections are no longer the way they used to be because the price escalates. So these are a few of the instances that we were elaborating on.

In closing, there has been a great deal of talk on the topic of distribution of wealth. It appears challenging to speak about the redistribution of wealth in the context of how the regulations of South Africa are actually structured today. You remember that for the past 20 years we have been using Triple BEE as a yardstick in terms of economic transformation and between 1993 I Believe, or 1994 up until 2013 when the Department decided to review the triple BEE Act. Triple BEE Act only managed to change or to bring about change for about 3% of black people meaning that 97% of the economy it still either with the foreigners or with capital and they are seated here meaning if you want to transform and maybe our threshold, let's say will be 50%, you would need 250 years before all black people can benefit from the economy. So these are the kind of points that we thought we would come and put forward and the many more we shall write them down and submit them. I thank you very much my kinfolks.



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**Program Director (45:42):** Thank you very much. We shall now move to identify hands from this side. Reason being, we started this side earlier on. I have actually seen those who moved from that side to this side, I am not going to note them. The photographers are doing a great job in exposing those who are sleeping. Let me identify hands from this side. I have number one. I have number... Please come to the mike as I note you. Number one is not you my dear friend, may you sit for now. No, may you sit for now. Ubhuti with the red T-shirt, I'm also not going to identify him, that's why I am noting the person at the far back - please come to the mike. I don't want to miss this process... Yes you...no, come. You can come as well. That's all from this side. You have outsourced your speaking rights to him? You know you are not going to speak hey? You have betrayed me. Thank you very much...sure, sure, go for it my man.

**Speaker (47:44):** Thank you so much. I'm going to be very brief. Look, here is the thing, I highly appreciate this, and as HOT we highly appreciate this initiative, but one thing that we want to make clear it is that, Chairperson and the entire Panel at large, we should make sure this thing does not become just a talk-shop like it has been the case of course with the previous commission on minimum wages. We attended those and we don't know where this commission or rather these Panels vanish, we just hear that, no, something is happening somewhere somewhat what, but nevertheless. The main thing that we want to highlight is that, the policymakers, the so-called policymakers must stop drafting policy without widespread consultation. They must make it a point that the grassroots are included in the decision-making - how so? They need to draft ideas, take them down to the grassroots and allow the grassroots to scrutinize them and contribute their inputs and then re-deposit them to the policymakers. I think that is one key that we at HOT wanted to make or rather to submit, it is very, very key but this issue of land it is not something that can end today. We still need to attend to it decisively so with the entire institutions, communities, private sector and so on because we know it is very

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sensitive and yet it is controlled from here and then but we will not get into that now, thank you so much.

**Program Director (49:51:01):** No my sister, sit down. The person behind you.

**Speaker (49:54):** Thank you to a Chairperson and program coordinators. I'm going to start with the topic on the kind of houses that are built for the so-called poor or the poorest, being the RDP houses but before I proceed let me pass besides the issue of registration of indigent. We coming to this topic of the registration of indigents we find ourselves bustling, doing the work of registration, which is work that is there year after year. So, at this instance, I want to say that, when all of these residents who receive money for – that register – to receive money for indigent, if this money could go from the assistance of R290, being the subsidy, to the amount of R700. I think we would be able to leave behind the bustling around of our elders re-registering year after year.

I mean, if we say the subsidy is R 290 and an elder's account has a balance of 500 rand and they are subsidized with R290, which is how much government assists with, it means that they are still liable for R210 as a balance but still this person doesn't have the R210 because such a person is an indigent, they registered precisely because they don't have that financial capability. You then have a situation where these due R210s accumulate monthly and at the end of the year this very person, whom we were attempting to help, ends up owing R 5000 or R 6000. But, if we increase the indigent money to R700 You will find that if the a person owes R500 then, this money that is now R700 subsidy will be sufficient to cover the R500 owing and the balance remaining can be used by the municipality as an internal budget in which instances when it is being used as an internal budget, it can be channelled towards assisting in upgrading the pipes that have rusted, because for instance the pipes that have been installed in our towns are old pipes made of steel. Just imagine, just imagine that the township where I

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am from, I estimated the pipes could be as old as 70 years. I drink water from these pipes made of steel in a time when they are making pipes out of plastic. This is why I am arguing that if government is able to increase this money meant for indigent, we will be in a situation in which the 700 covers the 500 the indigent is liable for so that the next month when they receive their bill the bill will have a balance of zero and the person will not have to scramble around to register again as an indigent.

I now want to address another important point. I want to request that municipalities must be given the power to allocate land and for RDP houses to not just be haphazardly built. When the municipalities are conferred with the power to be able to sell land and we are going to find a scenario in which a person has money and wants land and when approach the municipality for this purpose they are told that there is no land and then after 5 years when land becomes available, this person who previously wanted to purchase land is then given an RDP house. This kind of RDP house that has cost R 70 000, you will find that the person who just wanted land will within 3 weeks of acquiring the RDP, the house is demolished and in 3 weeks time, gone is R 70 000. That person is going to build the house that they wanted with their own money instead of that being given to somebody who is living in a shack and who really needs the house, but that person has been overlooked and the house has been given to somebody who just wanted a piece of land in the first instance. All this happens simply because we have failed to confer on the municipality the power to buy farms and trade in land.

**Program Director (55:23:00):** Thank you, next speaker please.

**Speaker (55:23:00):** Thank you, I extend respect to all the Honorable. I am Phumudi and I am from SANTACO (South African National Taxi Council). I stand here representing the business people carrying on business at the borders of Lesotho. There is something that exhausts me, our government speaks at this point of

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unemployment: it's like cutting someone's leg off and then after saying that they are limping. We approach this line of argument that shows that our government has permitted the people of Lesotho to transport the people from Lesotho and enter the country and to commute past all these towns in Madibogong. Mind you, we have purchased cars that are worth a million, R 900 000 and the people of Lesotho have access to the same cars but for R 40 000, these are the same cars that are imported that our government does not allow us to drive in the country, but has permitted the people of Lesotho to use them in our country. Our government through Home Affairs again, has encouraged all of those who are the unfortunate and burdened of Lesotho to come and take the jobs of the people here in South Africa.

The people who undertake taxi businesses of Lesotho make the claim that they are transporting people from Lesotho into South Africa. This situation is being cut thin and I am seriously worried that we are going to witness a second Marikana in Madibogong because when you are a man, you cannot while you are inside of your own house allow another man to enter the house and remove your pap from your mouth. What is going to happen to us now, they said... they were actually supposed to start last week. Minister Dipuo Peters released a letter that permits the issuing of permits and for these people to start transporting, she basically said they must proceed and we must die and I am speaking straight talk, I don't even want to address you in English. Let us watch as a second Marikana happens.

Our children will be chased away from school and we are going to die, die because of cars and crime is going to commence and we're going to say to our government, we are asking you. There are certain guarantees that the Minister, we were in Cape Town, Parliament, NCOP, they gave us guarantees that it is all going to work out but they have breached those guarantees, they are taking care of people from other nations more than they are taking care of us and when you as government arrive you are going to call

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this thing xenophobia. The thing is, when you don't know the pain of hunger you will never know the joys of satiation. Because the thing that you are doing here in South Africa, you are shooting yourself in the foot and when you are done you will say that the nation has turned on you. Go and re-examine yourselves. And this thing that we are facing now, we are not just going to stand there, we are men and I think that in Madibogong, you are going to come and collect us, you going to collect us as dead bodies because we are not going to allow somebody from Lesotho to come over. Now, even people in high positions in government have a person from Lesotho working for them in an instance where they are reluctant to pay somebody who is in South Africa. We are pleading, we have made many submissions since 2002, we have been doing this and we have been facing disappointment, so now I think it might appear as if though the issue is tiny, the one of Fees Must Fall is still tiny, the thing that's going to happen here in Madibogong, because of course we are adults, it is going to be ugly, we are asking please intervene while there is still time.

**Speaker (01:00:23):** Let me thank the Program Coordinator and the Honorable Panel, I don't want to be lengthy. I just want to offer brief comments on the issue of land. In the olden times on the farms, I am a resident of a farm, I am called Ntate Mosegigi, I am from the Dithlabeng Municipality, from a farm called *Oaktapas*, a town called Bethlehem, a district called *Thabo Mofutsanyana*, where evictions are too excessive, also where government has introduced a lot of policies that did not manage to benefit any beneficiaries who live on farms and instead benefited individuals.

When we look from 1994, the government was able to introduce programs in light of the land reform efforts: it did ELRAD and then did PLAS and now they have introduced the 50% shares. But even now there is nobody who lives on a farm who could come here today, stand here and say that we have benefited and we have a farm here that we have been allocated. Instead of benefiting people living in the farms you will find that it

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actually benefits individuals whereby, when such individual arrives on the farm, whether the inhabitants are white or black, these individual come and harass them in order to evict them while forgetting that the people whom they find on those farms are living in their homes because that is where they are born. And they too would like to uplift themselves and engage in some kind of work on the land where they are living, but instead they are taken and then dumped in squatter camps.

In this situation you also find that our government has become way too lenient and is allowing farm owners to breed wild life animals such as lions and buffaloes on farms where people actually live, even where young school children walk by on a daily basis, when they go and come back from school, they encounter those lions and hyenas. Even at night they can't even sleep because of the raucousness of the lions at night and yet the government has permitted the issuing of those licenses. This is how we find ourselves as farm dwellers being oppressed and not finding opportunities. We now request government to implement this 50/50 scheme so that even we too can benefit as workers so that we can have shares and may be able to do for ourselves.

When I come to ESTA. ESTA does not work for us, it's been many, many years and I am even going into my old age within these government programs or government gatherings. In 2005 there was a national summit that was held for farm dwellers in Ficksburg that was convened by the previous President Thabo Mbeki whereby a decision would be taken on the moratorium of eviction. Yet, in 2008 when we were waiting for it to be implemented because as people who work with farms dwellers we were aware that such a law had been put into operation and when we were in Durban once more in 2008 at a summit for farm dwellers that's when we were told that this policy had not been implemented due to problems within the economy and also that such an economy would hinder the South African economy.

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In 2010 there was another policy that was called the Land Tenure Security Bill. It was a draft in 2010 and then in 2011 it was the white paper. In 2012 that paper was no longer being used and it was being said that it had been scrapped and when I asked at national meetings, I was told that there exists a body - I'm unsure whether such body is the body that controls the economy in South Africa or whether such a body was a body that advised government - but I am happy that Ntate Motlanthe is here and is aware of the body, it is called NEDLAC. It is this body that when there is something that government would like to implement and NEDLAC queries such a thing then it does not end up happening. We ask ourselves where is this radical change that they speak of, when we on farms are still struggling in this manner. We are asking, government please to help us so that that policy, that Bill of 2010 can come into effect.

**Program Director (01:04:11):** Can we have the next speaker please, thank you very much.

**Kgotso Bakoseng (01:04:22):** Let me greet the Chairperson, and Ntate Deputy President and all the Honorable Persons. Let me also greet the gathered congregation. I am Kgotso Bakoseng from Dithlabeng Municipality in the District of Thabo Mofutsanyana. I am going to talk to the issue of poverty and it's relation to the eviction of peoples on farms as well as their mistreatment, (inaudible) and also the issue of supply of soil here in our village. I am starting like this: since 1994 until the present, assistance offered by government does not reach commonage and emerging farmers, they only reach commercial farmers. The ANC's plans are beautiful, as the government that is governing us and that we have elected. They are beautiful but impact assistance reaches those who are already neck deep in an instance in which it is said that we are trying to prevent hunger. (inaudible) that we have (inaudible) is that of blacks and our parents because when a farmer dweller is evicted and that is his problem, it is there where you could put hunger. We are asking government that when

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people are evicted and the farm is being sold, in order to prevent hunger, let it be the case that those farm dwellers, if they had wished for those farms to be bought and they had the capabilities to work, let them work so that their lives may progress by way of precisely preventing this poverty and also so that even (inaudible) can also decrease. We urge that there be made a law governing the farming industry, to also develop and teach and to offer education that is of quality to people in the commonages. The reason why they have shut us down as businesspersons, (inaudible) and emergent farmers until we reach the status of commercial farms.

We are pained because, Program Director, hunger in South Africa is becoming dire and we have to know the reason, the reason why. We have soil, we have water, we have all that which is adequate in South Africa. So now we are asking that our government come to take care of the cheating out of these business peoples, and to invest in farming and have all such businesses help to prevent this poverty. Here we are asking government to put in place laws and sub-laws that are going to be used by municipalities to adjudicate farming and to fight against (slambos) because at instances, the municipality does overcrowd due the fact that there is no soil. But then farmers of agricultural properties graze animals that are going to overwhelm the soil. So now we are going to encounter this problem of (slambos) that is also going to cost government to remove the (slambos) because it eats the vegetation, because an animal is an (inaudible) because if there is no (inaudible) even us people will not be able to get animals so that we can live and so that work can continue because when animals are there, we have people who are working for us, we have people whom we feed in the village because being a place of farming is the back of a nation, there is nothing that we are using in the nation that does not come from inside a farm, not coming from the soil. (inaudible) even we as people are soil.



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If the government was to be serious in this policy to empower people, businessmen and businesswomen, farmers and farm-women, the nation will improve. Now we have a big problem, we now supposed to import things to come this side but yet we have land, government really is cheating businesspersons here at home by not investing with them and causing instead for jobs to be locked here, and it also being the case so that we can take (more) there because that is our competition.

**Program Director (01:09:17):** Thank you sir.

**Dorris Mabebe Nyelele (01:09:19):** I would like to thank all the Honorable Persons present. I am Doris Mabebe Nyelele I am from Kroonstad. When I come to the issue of farms, we have children that stay on farms that are from farms that have to walk barefoot in order to attend schools in the township because the school on the farm has been vandalized. The teachers have absconded. Our children throughout rainy days, hail storms and scorching sunny days, preschool children or children that are in grade 1, 2 or 3 included, have to attend school on foot as there is no transport available to transport them. On top of that the kids are sent to schools in the townships, there is a hostel where they stay in Brent Park, where there is no proper discipline as the area has drug dealers. Children fall pregnant, can you hear, what a waste this is for a child to be taken away from the farm schools where they attended grade R until grade 6 and when they arrive at the township schools to complete grade 7 or grade 8, they go there to get pregnant and return back to the farm where they are just going to struggle, there where there is no education, where there is nothing, we are asking that government please to assist us with this issue.

I now want to come to the issue of children who are being abused. These children who are being abused are those who live on farms because they live in land which is disadvantaged or is a disadvantaged area. Also we have a problem as people who

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come from the former township area, known as Marabastad. We were removed from there, our parents' were removed from there and we were relocated to Constantia and we were told that our land was to be bought by white people. But after that, there was no 'evidence of compensation'. For so long we have been going up and down and now we have brought submission and all. We even approached the municipality and this and that was done but nothing happened. The houses that they build for us are houses like those of RDPs, that don't even have tiles on the floor. When you are paying that which you had taken from someone, you cannot repay it back in this manner. When they were done they also build houses for people saying that it was houses for veterans (inaudible) but those houses, they should have taken the value of those houses and used it to buy houses for these people, because those houses in the old rural areas, there is no electricity or water and people are living there under the arrangement that their houses are being paid for. I thank you.

**Program Director (01:12:06):** Thank you, may I please request to go back to the list of speakers from regions, when they address but must know that we still have this side to take care of, in terms of the hands and so they have to be mindful of that and summarize. May I please invite on what was to be the land discussion, Tebogo Moleme from Lejweleputswa, Sello Bahumi, Rantse Lebane, Phuti Setlogelo, Tekho, Disetso Mokoena, Dikeledi Motsumi and yes, I will call the others after Dikeledi.

**Manto Molutse (01:12:53):** Dumelang, I am thankful for this moment to speak and I also would like to thank the Honorable Panel in succession of their chairs. I am Manto Molutse and I am from Bothaville, Nala Municipality in the District of Lejweleputswa. I am going to try to be very brief. The Department must identify farmers in communal areas who have showed potential for successful farming based on their track record; such farmers should be moved on to some of the state owned farms to enable them to expand their farming operations. The Comprehensive Rural Development Program

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must focus on enabling rural people to take control of their lives because they are already having skills and experience and just need support from government. The Program must effectively deal with rural poverty through the optimal use and management of natural resources like here in Bothaville for example we have maize, peanuts, wheat, sunflower and water. Sedibeng Water is the large company who is distributing water to other municipalities and please we need Sedibeng on board in help to alleviate poverty and unemployment.

We have farmers who are producing special flowers that are mostly used for special occasions, for example wedding parties and funerals and are distributed to other countries again. We also having chicken farms for eggs and cattle, sheep and pigs - all this through an integrated broad-based *agrarian* (inaudible) transformation and the strategic investment in economic and social infrastructure that will benefit rural communities in Nala. All those will help to create a better life for millions of resident in villages throughout South Africa by providing food for the hungry, stimulating local economics, establishing jobs and reducing those under the re-capitalization and development program. Must support, ok ,ok I'm sorry, and then - must supported through various initiatives including access to information and approach on social mobilization of rural communities so that there can be ownership of rural development projects and programs.

Youth, youth they must get help in the rural areas from being job seekers to being job creators in their own rights and responsibilities, as well as reducing their dependency on social grants, e.g. they will stop bearing children at an early stage, avoiding blessers. To the boys, they will stop doing house breakings and misusing alcohol and drugs because they will be busy. With due respect Mr Kgalema, let there be long-term programs also aim is to uplift rural areas with services and infrastructure, there are no sites in Kgotsong and commonages on farmers. Youth must get training in various skills such

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as waste water management, construction, electricity, agriculture and welding because we are having two combined schools, Global and NAMPO so that they can be marketable and they can open their own businesses, crime will be less. NAMPO is one of the largest agricultural shows in the Southern Hemisphere and mostly it is drawing over 70000 visitors from all over the world, is in Bothaville, in the Free State. And with due respect, while NAMPO is bound to be another colourful and festive affair with visitors, farmers, government, industry experts and members of the public together and other role players, they must be debate and discuss critical issues like land reform and labour relations.

Most people don't have their own site where they are staying with their families. We are asking Ntate Motlanthe, we need those to stimulate our own economies. There is this large company that was supposed to be in Bothaville and then we don't know whether it is gone or is still in Bothaville and agricultural institutions for training those children who are studying for agriculture. NAMPO we would like, we would like the government to intervene by bringing it back to Nala. It belongs in Bothaville and not in Fezile Dabi because we are the maize capital of South Africa. Thank you.

**Program Director (01:19:15):** Do we have Phuti from Fickburg? – Not here. Do we have Motlatsi Mokatshane from Thabo Mofutsanyana. Well, this is making my life very difficult. Do we have Sello Bahumi from Xhariep? Let me identify hands from this side. Where? I am not understanding. Yes. I am actually giving time to our colleagues to start organizing their speakers in order because it takes a lot of time for us to be calling out people who are not here and I am sorry that it has to affect whilst you are here. But, may our colleagues Nomkhosi start organizing those who should be speaking. In the meanwhile I will identify a few hands here so that – you may sit down sir, sit down - I will identify hands here, one, two, three, may I please point to my mother at the back as

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number four and five, for now. Please, for now, please sister, move to the mike to that I don't miss you.

**Tebogo Mokone (01:21:16):** Can I carry on? Okay. I greet you all and would like to thank the program coordinator as well as the chair and his Panellists, Ntate Kgalema Motlanthe. I would like to relay my disappointment, I am very disappointed and it seems like we have come to be accustomed, but let me first introduce myself. I am from Dedicated Educational Transport that is more popularly known as learner transport here in our province and my name is Tebogo Mokone. Every time, as I was explaining, every time that we are gathered at these government gatherings we always attend, we do receive the memorandum but when we are right here we are not recognized and I would like to make the point that this really does trouble us but let me make this presentation which I have been given and been mandated to come and present.

National Land Transport Act number 5 of 2009, Section 42, does not elaborate in detail about the scholar transport industry and should clarify the collaboration between Department of Education as well as the Department of Higher Education in terms of learner transport. And section 49 subsection 2, recapitalization program, learner transport operators are excluded from the program itself and that is our plea as learner transport operators that we be permitted or included in the program, either as subsidization should be in a form of per kilometer travelled by the learner or the individual learner, determined by the capacity of their vehicle or an agreed amount paid by learner or parent. This form of subsidy it is similar to the one used in the bus operation sector. The scholar transport industry fully agreed and supported the Minister of Trade Industry and Industry, Honourable Rob Davis about the application of the national...(inaudible) policy and we believe that the policy will help and prevent teenagers from accessing liquor or entering liquor premises and focus on their education. It is our wish that the Chairperson and his Panel can take to consideration

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the legalization of the all structures in learner transport industry in order to allow the industry to interact with the different spheres of the government and private sector and also in terms of marketing. And thank you we feel honoured to be here but I think next time [I] will be recognized better than this.

**Speaker (01:24:34):** Chairperson, Program Director and all the Honourables as well as everyone present, I greet you all. I would like for this Panel of ours to be a bit more flexible, reason being when we are all having a discussion and making reference to laws and sub laws that govern our nation as well as the policies of our nation, the big problem here is that we do not have people who have been appointed from time to time to ensure that these laws are being implemented and for them to ensure compliance is adhered to.

On the issue of the way and manner in which our government allocates RDP houses, it is also something that I would like to make a request from government or the Panel to discuss because it seems like that this is something that has been done in a particular way but there has never been an opportunity to review it and the manner in which it is done in order to ensure that it is in fact benefiting all people in our nation. I want to discuss this issue because there is a man who stays in the area where I live. He lived on a farm in Bellfontein, the white farmer bought him a house, which was registered in his name. In the end he and the white farmer had a fall out and he was evicted from the farm and the white farmer then sold this house to somebody else. When this man arrived back in Bellfontein, he struggled to acquire government housing because at the Deeds Office his name still indicates that he owns a house even though evidence exists showing that this person no longer owns a house. This house has been sold to somebody else and still government is failing to grant him housing.

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Number two: still on the topic of RDP houses. I think that the subsidy that government used to rely on in respect of allocating RDP houses needs to be reviewed. Because if you are earning a salary of R 3510, the subsidy says that the only people who are qualifying are those earning R 3500 or less. Meaning if you exceed this amount by just R 10 on your salary, you don't qualify but at the same time it disadvantages our people as black people reason being that after deduction the money is no longer R 3510. So I'm asking government to have a second look at this with a careful eye, to review it or to increase it and see to it that our people are assisted in some way.

The third thing that disappoints me as a citizen of South Africa is our politicians and the laws that are supposed to be protecting workers within our nation. Our problem is that we are speaking about the unemployment rate being high but our leaders are the ones who are creating unemployment and causing it to even increase because right now we just come out of an election. After this is done, a new administration takes over and when it comes it comes with its own people and the former people are then ousted. Here we have been grappling with whether government is actually creating jobs or whether they are the ones who are driving people into poverty in our townships. I am asking that our politicians speak about... or maybe it should be an item of this Panel to oversee that the laws that protect the rights of workers and is not going to be used to protect those all political officers, because you will be there for 5 years yet when someone else comes in they are going to oust you and when you go back to the township, you are going to die of hunger. As a South African citizen I'm asking that we review these things and have a look at them.

In conclusion, I am heavily disappointed at having to address this topic. Our politicians or the people that are leading us that we have elected into their positions to look after our interest come up with wonderful plans during the period of elections, but when the elections have concluded, all these plans that they had been speaking of do not merge

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with the laws that are steering the nation. I am asking when the current government is the one who is in power and it comes up with plans and present manifestos that it puts forward in respect of municipal elections, in an instance where the manifesto is not in line with pre-existing laws in our country. That means it is a problem that that manifesto will be implemented. These things, unless we are able to steer them hand in hand so that our lives as black people may develop. The last thing I am requesting from the Mangaung Municipality is that at our service or at works in our village, that we have a moratorium preventing posts from being advertised at the same time we are discussing the fact that we will be giving people an opportunity to get work, but how are we going to give them an opportunity to work if we have taken a moratorium saying we are not advertising, we are not doing this, the new administration needs to be overseen by this person, meanwhile it is affecting people who want jobs.

The other point is skills development, I'm not against skills development as individual but I am saying if history has taught us that we as black people where we come from and that the majority of our people are not educated, if we implement skills development let's use a criteria that will not disadvantage our own people when it comes to the issue of unemployment. Because if you say you are going to implement skills development and Ntate has had 10 years working for the municipality, when the municipality gives him an opportunity to develop and to have something, any skill, outside of their job that they are undertaking, in the future we will be bringing him with his papers saying that he (inaudible)...Saying he is being demoted and taken out of his position. We on our own as black people, we are doing things that disadvantage our own people and place them in hunger and increase poverty in this country, so I'm asking the Panel to go back and ask of our government that when we are discussing something and even the actions that we take as politicians, let's not take such actions by our ourselves not remembering that the nation at large is the one who gets to bear the brunt of the consequences of the decisions they take. I thank you.

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**Speaker (01:30:59):** Thank you Ntate Motlanthe and your Panel. I knew that I had to make it to this meeting. The grievances that are concerning me are pensions for the elderly, pensioners. Our pension is being robbed, I am truly asking for government to see what it's going to do regarding thieves that rob our elders of their money. Secondly, borders, our borders, there are killings, it is just killings. Businesspersons, when you endeavour to open a business, just a little business you are going to be killed inside your house. We are even scared to open our small businesses because if you do so it means your death.

**Sello Malejwane (01:32:32):** Greetings. By name, I am Sello Malejwane. I thank the Chairperson in so far as he has afforded me the opportunity to also make submissions. What I'm going to talk about today has to do with quality education and unemployment. I am first going to look at the delivery mandate agreement that government has said it is to improve the quality of basic education which the government has prioritized as outcome 1 of a total of 12 outcomes. When I come to the topic of quality education, quality education does not come cheap, transformation does not come cheap, why do I say this? I'm saying this because there is something that government calls quintiles, which is used to classify schools. Quintile one being that of poor schools and quintile 2. In terms of this quintiles, government gives the learners, or one child per year R 807 and R 740 per year.

So, those rich ones, the ones of rich schools those being quintile 4 and 5 they are giving R 404 and there are also given R 134 per year. It is this that ensures the there is no equality in education, why do I say this? The kids who are receiving 404s and 134s, if you just examine you will see that the parents can actually afford to pay R 15200 yearly, this is money that can afford them the advantage to be able to choose who they would like to become in life. Those other ones who are in schools that are for the indigent don't

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have the same opportunity to say what they want to be, they can't decide for themselves what they would like to become when they are finished with school, why do I say this? There is a school that I visited that side in Bloemfontein grassland. This school is called Rekgonne. I visited there because there is a program, a concept which I have given to government. The government has it in their possession and is sitting on this and this is the kind of thing that could really assist a lot, what will this concept do? It's going to allow the kids to also be able to compete with things such as sports activities; I will call all that extra mural activities that is sports, arts and literature. There are instances where you will find in townships schools in townships, the schools that we call public schools in townships, the sports facilities are inadequate and when such sports facilities are available you will find that what happens is that they have facilities like tennis courts yet have nobody to teach them how to play tennis. This is going to cause pupil who go to the school to view township education as being unfruitful and the one of white people being fruitful.

To compound to all these other matters you will also find that kids at the white schools are able to be taught an array of things such as dance and the pupils in rural areas cannot be taught such due to the fact that there is nobody that is available to teach them such things. The curriculum ends at a point where they are taught to do maths, science and others alike, some of which are things that the pupils do not excel in, but if you assess them in terms of other activities, they are able to do them. So, I am before you in order to ask you that something has to happen so that the kids in the rural areas can also have the talent discovered so that it is not closed down in boxes and they are going to die with them when they are done with school.

The learners from the rural areas, from town, will continue to have opportunities so that even when they are done with school they are still able to do, they will still have a higher chance than those from the rural areas because of what they are able to do, they are

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able to do things like drawing yet the ones in schools in rural areas do not have those kinds of skills. Those who attended schools in town, when they are unable to find employment they can still continue to pursue the route of drawing. We who are in rural areas have to rely on books and if these books do not afforded us the opportunity to obtain further qualifications then we are going to be stuck in the rural areas with those books. The other issue that I would like to address is about the fact that we are shutting down the learners' talents and their literature, this topic is to do with the issue of creative copyright. South Africa on the issue of copyright is not doing, it can issue money as much as twenty nine... (intervention by Program Director). Okay, sure.

**Program Director (01:38:19):** Please do share the notes on any of the other areas that might not be covered, even those who might not be able to speak, please write a small note.

**Abraham Motaung (01:38:37):** Greetings to our leaders as well as members of our nation who have all gathered here to come and hear our cries. I am Abraham Motaung and I hail from a place called Kwakwatsi Koppies. I'm going to speak very briefly concerning the issues of soil. We had a farm called Sibongile Trust. This is farm that we bought in 1997. We bought it together with its cows on it as well as the tractors so that we do not struggle once we start operations. At this moment, I am frustrated, this farm we have lost it. The Government. The Lejweleputswa Municipality and the Ngwathe Municipality have taken away our farm and we don't know by what means they have appropriated our farm as they did not host a meeting for us or inform us, nothing. We bought this farm using our grant money. At a time when government was building RDP housing we said that we are not interested in RDP houses and instead we asked for that money that was meant for the grant to come to us so that we can acquire these farms and these livestock and it ended there. We were then granted the grants, we acquired the farm and also acquired the livestock and now I am at a loss, I really don't

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know, I just have one problem Ntate Motlanthe and your Cabinet, the things that are happening internally at Ngwathe is cruel, cruel, it's wincing to the heart.

Money was taken from us at FNB, and then money was also taken away from us at NCD *Hillbrow*, they took money from us at SUNVEST where we were storing our harvest in *Granseil*. So this money and this harvest they don't want us to access it even a little bit. When we host a meeting and invite them to attend, they claim that we have bought this farm using financial assistance from the Land Bank. It is truly astonishing that when we are 166 people involved with the project, how could they make the accusation that we have bought this farm with loan money but instead we have bought this farm with 166 R 15 000s and the combined extent of these two farms equals to 1100 hectares. This thing that shocks me, just to be brief and thinly so, I am holding title deeds right here, there are three title deeds here so now I don't understand how there can be another deed encumbering our farm without our knowledge of how this happened, we are really just asking for help sirs.

Our leaders who are representing us at Ngwathe and Lejweleputswa, ladies and gentlemen we are suffering, we don't have houses, we live in huts. Where we had plans to use this money in order to do for ourselves and to create a bright future. We called Mme Mantobela, we have totally given up on hope, Mme says - when we reach her telephonically - that our farm is a farm of black people so the municipality has the authority to give it away. How and why, because the mine that is going to overhaul it is going to be carried by the municipality - they have already provided a quotation for those who work with minerals. That mine that is now going to carry operation on the farm was provided with a price tag of 560 million and we are told that we were unfit to own such a farm. We then asked what kind of information was contained in the title deed. Now in the area of Ngwathe Koppies, we are at loggerheads; they have erected a lion stream and put it on the farm without our permission.

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Now, ladies and gentlemen we are really asking for help, people of God. We have been bustling and opening up cases and going to police stations, even the police give up on us, they say that we have been loaned the farm yet when we go to banks there is no debt that is reflected, that there is no such thing. They are hiding the fact that they have taken money from us and that's why they say that we have abandoned the farm. We are just asking for help Ntate, I will end here.

**Program Director (01:44:08):** May we now go back and invite Dikeledi Motsumi. Is Tebogo Moleme in the House? Oh, in summary please sister.

**Dikeledi Motsumi (01:44:37):** In summary, yes I do. Let me greet the Program Coordinator as well as the High Level Panel as well as all the Honourable people sitting here today, please accept. I am Dikeledi Motsumi, for whom it was also possible to participate and purchase (...) that is us. We as Nkomonde Family Trust right here in Kroonstaad Mqaka, it is non-governmental organization created by women and young people situated in (...). Our main objective is to empower our poor disadvantaged woman and youth, and to access land and resources to alleviate themselves from poverty and unemployment while gaining basic skills to enrich their lives. Here today the Nkomonde Family Trust would like to take this opportunity to thank the government for empowering South Africans with land and resources with the sole priority of eradicating poverty and inequality, making this country a better and prosperous land to live on because to be honest it's not all of us that can cry out because there are some of us for whom government has assisted and for that we give them applause.

Land reform was introduced in South Africa to alleviate property, inequality and unemployment yet the above mentioned are still on the rise due to some policies that are not fully implemented and not really binding to help our people more especially

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people on the farms. Our concerns then are largely - just to be brief and cut out those other aspects that have already been mentioned - the rights to property. Here amongst us there are people who have been sitting, I don't know for how many years on plots and those plots remain the property of the municipality, of the government. There is no direction because even if you were to approach the people and ask to be demarcated a piece of plot which I can then purchase from you then you are refused on grounds that it has been reserved for development. And these plots are wasting away because sometimes when something is not yours you do not preserve it. The only thing that remains standing is the house itself but the soil wastes away, the soil that could be used because people are unemployed and government should have been assisting those people and conferring on them skills for farming so that they too could start trading but this is not the case. If you were to pass past those plots in Kroonstad, you would be heartbroken.

There are also people who live in the areas without title deeds. I need to please ask if government can intervene and assist us in acquiring title deeds in our hands so that even when you dissolve into the ground you do so with the knowledge that your children are in possession of something in their hands. We also would like to ask: there is still land that is available, land that exists even though they've been saying that there is no land. This land can be utilized to eradicate unemployment by implementing land projects and in the process developing skills. Right there in Moqaka if you were to look at particular instances where there are farms in the area of Kroonstaad and *Steinros*, farms that we simply don't know to whom they belong. Government should assist us with field workers to go and identify which farms belong to whom. Some of those farms have been used by white people since the day they leased them for 99 years, and that time has long prescribed but they are still sitting on those farms. And they are still making people do hard labor on those farms that are simply not theirs, yet the farm workers are equal to them in status. When it comes to this fact, about farm workers, it is

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a greatly disheartening situation where a farm owner has been bequeathed a farm from their grandfather and the farm is thriving and all they do is to continue to toil on the land. That kind of poverty is endless. Unless that kind of poverty is addressed and eradicated inequality will always remain.

Our laws do not help to eradicate this issue of inequality. The white man is going to remain the white man and I am going to continue to labour under him earning R 1200 if I stay on the farm. If only government was to stand upright on their feet and ensure that our people who reside on farms have some way in which they benefit. The issue is that we have laws but they exist only in writing. Instead the laws must benefit people, let them have shares if it is not possible for them to be able to own the farm. This will place them in a situation whereby even though they earn just R1200, at the end of the harvesting period he will be able to get some money that will allow him to send his children to school because they still have the skills even though they are not qualified. You know, it will also be the case that they will have the skills to be able to fix tractors which the farmer himself cannot fix. But the farmworker doesn't have the qualifications, and should he leave the farm, there's nowhere else where he could go and work because he will not be able to produce qualifications. We are asking our government to please return the Ambag (trade) schools of the olden days where we can return possessing qualification showing that we are able to fix tractors. At least I will still be able to market myself even though I am unable to stay on the farm, I can still go and show that I can fix a tractor. That is the kind of way to develop skills and create jobs.

While we are still here on the sorrowful situation of farms whose occupants do not take care of, let us discuss how farms are allocated. There needs to be a proper system to identify the people who are going to be allocated these farms, and there has to be clear legally binding criteria to indicate which people are going to be given farms. Otherwise they are just going to find a random lady, who is going to be given a farm when she

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knows nothing about farming. That farm is not going to be productive. It is going to be her farm in name only. Animals will die because she doesn't know how to operate a farm, she doesn't know how to operate a tractor, and she doesn't know how to work the field and take care of her things. Let there be a criteria to decide whom the persons that qualify to own the farm are. Regard must also be given to our youth. These farms that are allocated in terms of land reform are given to people who are elderly. People, who have aged a lot, are going to be tired and farming a hobby. It becomes only a hobby [ ] the thing that he is going to do.

There are youth who come from Glen, if you just take time to examine the record of Glen, the kids that come from Glen are police officers and some of them are this and that, they don't utilize the things that they had been told there, why? Because they don't have soil, these children when we enter the issue of financing - I am disheartened as I speak like this because I'm speaking about something that is happening there in Kroonstad. We acquired for our child, from Glen, soil. When we had acquired the soil we then started looking for equipment and I don't want to - you will know that government says that we must help ourselves because we too are a form of government, we also assist in whatever ways we can assist - we went to the Land Bank with the intention of now going to acquire the equipment and we told ourselves that we would rely on government assistance as a last resort because of course the list is long. When we approached the Land Bank, which is assisted by our government, we did not qualify. Even when you have a title deed to soil you still don't qualify because you do not have a mother that is employed and a father that is employed, you just return as you are with your business plan because there is no one that is employed. Let there be a law or a clause that binds the Land Bank to assist our people otherwise Glen might as well shut down, we might as well go and, because no way is it going to work for our children when they do not have resources.



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Let me conclude. I am now talking in conclusion as Ntate is getting agitated. Here is an issue that as Nkomonde we have encountered in our working together with impoverished women and the youth. There is an Extension of Land Tenure Security Act right? Those people will profess to the fact that government works for them and that they had lived for years on the farm without being denigrated, it does not work for them, it is just written there. A person gets (retrenched) and they say to him, 'go - your work is finished' and that person will protest and say 'no, government said I'm allowed to remain in this house'. You will linger in the house and you will have no electricity, and you will not have water, you will not have food and will not be able to graze your cows on the farm. You will even evict yourself and take your corrugated iron roof and relocate to the rural area. Those children then turn into gangsters and poverty is going to enter the household. Let there be the fixing of that issue. Let's fix the issue so that children can return to school. Let there be schools right there on the farm that are going to be able to teach skills, because our children...government is wasting a lot of money, the money is wasted on learner transport. Let learner transport operate right there on the farms, let there be big schools right there on the farms instead of taking them out when they are done with grade 6 and taking to them to the rural areas. They have already been provided with transport from grade R to grade 6, the government has spend money on them every month and when they start doing grade 7 / grade 8, they are not used of that environment and return pregnant, and all that money that government has been spending where is it? It's been wasted. Let there be a law that binds us, I thank you.

**Program Director (01:53:27):** Thank you, can we please invite Mr Seobatlone..

**Seobatlone (01:53:44):** My name is Seobatlone and hashtag salute to the leadership, which is here today. Three things that I think are very important. It, okay on poverty alleviation, I said I am Obatlune from Monyakeng in Nala Municipality, speaking on behalf of the people of Lejweleputswa. On poverty alleviation intervention programs and

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job creation programs that are there in our municipalities, they are there, they are working, you name them, you know them, the CWP's, you know the PWP's, all of these programs are aimed at alleviating and creating short-term employment to the youth, to the elders. But the only thing which is lacking with government programs is that they do not support each other, they don't speak to each other. This Department introduces a similar program, this one will die, they will introduce a new one and those youth who were absorbed or those people who were absorbed now go back to the unemployed circle. So these programs as good as they are, they should speak to one another. Let us focus on the child support grant, which is one of the poverty alleviation interventions. This money does work in certain families but in some poor households this money is now going into the pocket of the loan sharks and the adults are abusing this money. So, let's link this money of social grants to the early childhood development centers and the schools so that they should monitor these things because there are a lot of children who go to school without shoes, without clothes yet they still receive this kind of money.

On schooling and education again let's say the ABET education system has failed. When our matriculants fail grade 12, we expect them to go into these ABETs on a part-time basis. But it is not well resourced, the system, the educators are not well resourced, there are no facilities for them so young children who used to do schooling on a full-time basis they are unable to go into ABET schools. So, why can't we go back to affording those who repeat matric the opportunity again to go to schools? The learner's behavior in our schools today is very problematic. Our educators are having to deal with some very sad situations, they are under a lot of stress so we are saying, when educators have to discipline our children, the law binds them. When the police have to intervene the law still restricts them but the children are disrupting the schools and our communities are no longer safe. So government has to find a way of ensuring that schooling operates effectively and peacefully and children are disciplined properly. Let's employ the career advisors, the social workers.

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I hear the learners are saying Fees Must Fall but I am saying let's not get into temptations of making our public schools more expensive, yes we have no fees schools, but when you look at the school system, some of the managers of these schools are now finding the opportunities to do fund raising, which is heavily impacting on poor households. The uniform is now getting expensive. My children when they go to public school they are better than other kids, you can see by the uniform they wear. So let's go back to determining which kind of uniform the school must wear and it must be affordable to all children so that we should not create a situation in which people are in the same public school but you see that there are a lot of inequalities there.

The NPOs, they do a lot of work; the only thing they need is the support from government. These people have challenges with regard to funding but they must also account, NPOs are not accounting. They are not accounting, particularly from the money that is coming from government - I'm very fast because there is no time - let government support the existing NPOs particularly when they come up with these learnerships that are similar to the programs that they are doing. Let them benefit those people already who are doing the work of the community. Social Development demands that NPOs must also have audited financial statements. The problem with this thing is that other NPOs are not funded despite doing community work. So, when you do not report, without the audited financial statement they deregister you from the system. They need to re-look into the system to see if there is not another way for them to report. And in the end let me say government programs should support each other, should support the existing ones, should also not replace other programs with one another, I thank you very much.

**Program Director (01:58:19):** Thank you very much. Thank you very much. May we invite Tebogo Dimema – not here. Sam? Sam is here, he is from Mangaung.

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**Sam Togoe (01:58:43):** Thank you Program Director, Mr. President and the Chair. HLP members, leaders and the house at large. I will be very brief and to the point. My name is Sam Togoe, representing Remmogo cooperative. Now, *change* in our paper is a noteworthy word, highlighted there, and we are going to address the right intent of the Constitution, the text of the law, the context of the policy, which is not to be changed but the irrelevant portions thereof. I will keep on... Now that's a very irrelevant what is not contextual, what is not a text, what is not an intent or the right intent, those should be removed, there should be removed. And then we move on to that quadrant and on our far end we see something that looks very hypothetical but it's practical. It is illustrated in our paper and we have an understanding thereof. We need to visit that other one then we analyze, we do a situational analysis of the forth part of that quadrant and we also do the systemic analysis of the review thereof. If it is old and it is not changing, let us change it. If it is new or old and it is working let us continue with it, it should be continuous and it also be continual.

In other words it should be systematic and should address the needs of today and the needs of yesterday. We move also to what we have studied, as a group of researchers from Remmogo and have established various points thereof. We have different bodies and then I will mention only one comma, the NPO - non-profit organization. They need to be monitored at least by retired clergy, these people are not greedy, you know? The malicious, opportunistic ventures that we see today, we won't find in the clergy. If they monitor the NPOs, the corporations we will win this long battle, they observe the law or the rule of servitude, I will skip all of those (it was good that you can see, I can see from here).

Let us address the issue of poverty. We come to a realization that life is interrupted by tragedy, emotional scars more than physical scars, you know, injure the body and they

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can alienate us from life and that needs to be addressed. We see the young people there, joblessness and what do we say about them? Most speakers have discussed this. I want to go back to (people are so kind - thank you). Let us look at poverty versus inequality: The class, the income, the race and the gender, you know, we need to close it. When we look at the left as compared to the right there or the right compared to the left, we see the lacuna and it's too big, that needs to be closed, I wish we had time. And let us visit also the gender inequality. We empower women which is good, the government is doing that faster. Empowering women is excellent. In the process we have disempowered men and that is bad, it is too sad for words. The disempowered man abuses women. Look at the rate of violence, rape, you know, narrow mindedness. The reason we see narrow-minded people moving on narrow-minded streets is because of this disempowering. Equality and respect for humanity or for human dignity should be observed. Let's look at the situational sensitivities, situational analysis, we need to increase accountability (I will skip). We need to promote also nation building and social cohesion. Let us look at the national legislator or the system analysis and look at number 3, the whole law is not implemented. The problem is not with the law itself; the problem is 'project not implementing' if there is such a word of such a thing. Not implementing it's a sin to humanity and that needs to be rectified.

Skills development, my passion, I will have jump also and I feel bad Mr. Chairperson. Democracy in the hands of the wrong people is like a time bomb we need to be educated in this field, democracy education, voter education, that's very critical. How? To be educated paper wise we have the certificate, we have the awards and the rewards but that is not enough let us undergo the NLP, the NLP is a program, especially given for the Bafana Bafana players, you know, they cannot score goals, if they can go for that one NLP they will start scoring goals. NLP at work that's neuro-linguistic practitioners at work, they need to work and we also have the psycho (inaudible) which is the answer to this serious problems, just a gist, just a pointer, the

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Arc triangle affinity that is how I relate to other people and how they relate to me. We need to re visit a reality, communication and the Arc will be complete.

We look also at the TOM scale and stages of development; this coupled with those certificates will be, you know, satisfactory. If we can just take this alongside with our qualifications, madam, what we do today, we, we re-write we are authorized to plagiarize, we visit the doctors and the professors, we visit their scripts, their thesis and their dissertations and reproduce, and after reproducing we are called the educated, the learners, nay, let us via this route. How will it help us? When we look at that one, we have the body (inaudible) debts at zero and then at five there we have sanity, people like Mme Thuli Madonsela they rate at sanity, people like Rre Mokgalema Motlante they rate at sanity, that's a number five, If we had time I would illustrate, I would explain that and then if you were in a class I was going to ask and thank you very much.

**Program Director (02:06:50):** Thank you very much. May we now invite our last scheduled [translated from Sesotho] speaker, Monde Ndae. Not in the house...oh. If the Chairperson of the Panel has time, I will ask him to relate a story about the agency of young people, and the practice when they see an airplane passing through the sky, what should be the reaction of the young people. Over to you sir. (

**Monde Ndae:** Thank you sir, how much time do I have, how many minutes?

**Program Director:** You have one to three minutes.

**Monde Ndae (02:07:38):** Three minutes, mmm. My name is Monde Ndae, a 19 year-old child representing Moqhaka Municipality. I'm going to show the inequalities that are happened in the Free State and it will be automatically linked to the growth of our town and the reason why our people are still poor. Firstly, wage inequality, what does it

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mean? It means same people doing same work or applying same skills but having to get different incomes for an example, Moqhaka Municipality: we have a program called CWP, Magaung earns close to R 1500, whereas Moqhaka Municipality earns close to R 580. Is that fair? No, definitely not, is it because Magaung is a metro Moqhaka is still a municipality? Of course, and it also shows the inequality in Free State. The second thing that I would like to touch on is nothing but wealth distribution and inequality. We see wealth inequality and that simply means the unequal distribution of financial assets amongst a population. For example, we know that currently Parys is the centre of attention. It has built an indoor sports centre and it has also renovated its golf course et cetera, but when you go to Kroonstad, do you even have one mall? Welkom has also built another Mall in location but yet Kroonstad doesn't have it. In (inaudible) we don't even have a decent shop like Shoprite or YouSave nor a garage. Is that fair enough? Definitely not, what are we going to do to implement all these things in order for people to be developed.

The other thing that I would like to touch is nothing more than unemployment, when it comes to unemployment I take my time because I am a young person. I said I am a 19 year old child, I did not say I am a 19 year old youth because 19 years are not defined as a youth. Yes in South Africa we say the youth but ever since then jobs are given to people who are older than 25 by our councillors or according to the connection that you have

The second thing that I would like to talk about, the other thing that I would like to talk about is nothing but skills development. When it comes to skills development we are so many people who have skills. People from Department of Correctional Service, these people have skills, but have been taught inside so when they get outside they don't have an opportunity to prove their skills. Why is that? These people go back to where they were to find some jobs for themselves, which is stealing, raping and all that. So, I

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hereby ask the government to say, how about in every municipality or every district, you create a forum that will cover all the needs of the people. Because our experience with our councillor in relation to the water problems in Kroonstad, which has been exposed on TV remains unresolved. The ward councillors were driving in front of the water trucks in order to show them, this is where they should go and this is where you should not go. You understand the frustration that we were in, you understand that I had to wake up at 5 and get some water but yet I also realize that all the drivers of those water trucks, are not from Kroonstad either (inaudible). It then came to my attention that we are not given opportunities, yet we have so many drivers. Government has come with a project of giving young people learners and licenses, where is that program now? What's happening to its money? Because I am a person who does not have a learner's, I am a young person who does not have a license but yet we say that we have such programs. Another thing that I would like to touch is the recent thing that happened, we drove from Kroonstad until here but the transport was supposed to be from Bloemfontein. How do we can solve such problems? How do we then come up with things that will make sure that we do not experience these things?

The other thing that I would like to touch is about quality education, we hear people saying that Fees Must Fall, why should they fall? Will you get quality education, let's go to our public schools, our public schools are vandalized because it is for free, you do not pay anything, you do not value it. So, why should we not pay our school fees while we want quality education. The other thing is how do we get quality education if our teachers are abusing us for instance there is a case in (inaudible) right now that is happening. A teacher has been assaulting children, he is slapping and giving fist to them but they reported it to the principal and the principal didn't do anything about it. The same teacher actually sexually assaulted a child, a grade 12 child. A case was started but then it was dropped. So, what does our government do, because I believe that there are so many things that protect these people. There are also so many laws

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that protect us as young people but yet they are ignored. Is it because they are ignored or there is no one willing to implement them? I would therefore like to love and leave this podium in peace but not in pieces.

**Program Director (02:13:48):** Thank you very much Mr Ndae. I will now like to invite the Chairperson of the Panel, President Kgalema Motlanthe to come and deliver closing remarks to this session, Thank you very much.

**Closing remarks from the Chairperson, Former President Kgalema Motlanthe (02:14:03):** Well, mine is just to do the honours of officially closing this session but before I do that, I've got to also convey the thanks and appreciation from the Panel for this lovely day that we had here and we are heartened by the fact that you are able to articulate the problems as you live them and as you experience them. As I said earlier in the morning this Panel was established by the Speakers Forums from National to provincial including SALGA as well. And as such, though established as consequence of the 4th Parliament's Legacy report, it is an independent Panel, it is not an appendage of any government department, is not an extension of any government structure. Of course we have to maintain constructive relations with all government departments so that those problems that admit to immediate intervention by government departments, we should be able to relay these problems to the relevant government departments to attend to and of course the rest will find space and expression within the report.

We are expected to come out with an interim report in March of 2017 and the final report at the end of July / beginning August in 2017. We see this process as a very useful process in the sense that it has never been tried before. Laws are passed and repealed and amended on an ongoing basis but the totality of the impact of the laws that we pass has never been assessed and so this exercise is without precedent. We believe that we've got to ensure that it has the desired impact in terms of, you

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know, how we give effect to the laws that are in our book of statutes and also where there are gaps how those gaps are addressed and where there is a preponderance of legislation which only serves to complicate the lives of our people, you should try and find some kind of Bamba Zonke legislation, which is simple and straightforward so that people know how to access their rights and how to ensure that their rights are fully protected.

This is the mandate of this Panel, but once again without delaying any further in detaining you any further, as you can see our house was full earlier in the day but now many people have had to dash off because of, you know, having to travel to far flung places and so once again thank you very much for participating in this process, we can assure you that it is a worthwhile exercise, thank you.

**Program Director (02:18:40):** The session is now officially adjourned, thank you very much and travel safely.