

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

Gauteng Public Hearings: 24 - 25 November 2016

24 November: Morning Session

Programme Opener: Remain standing while we receive the Panel. I was going to give you the signal to stand up, but since you already have given me the signal, I will acknowledge that. Ladies and gentlemen, may we all stand up to welcome the High-Level Panel led by the former President Honourable K. Motlanthe and the Speaker of the Gauteng Legislature Honourable Ntombi Mekgwe. Thank you very much. We may be seated.

Programme Director Thulani Tshefuta: Good morning. I am one of the HLP members. I have been sent by my elders to run the proceedings of the programme today. We are members of the HLP under the leadership of Hon. Motlanthe. We also have Dr Claassens as one of the HLP members, we have Dr Olive Shisana, and we have Prof Hurst, Rev Damon, Prof Moletsane, Dr Yvonne Muthien, and myself Thulani Tshefuta. At this point I would like to invite the Speaker of the provincial Gauteng Legislature to welcome us so that we can start in earnest. Let's welcome the speaker, sisi Ntombi Mekgwe. Now let's welcome her into the stage.

Hon. Ntombi Mekgwe: Thank you very much programme Director and good morning to all, HE our chairperson of the HLP Hon K Motlanthe, Presiding Officers of the Gauteng Legislature, members of the Gauteng Legislature, members of the HLP and the people of Gauteng. We are indeed blessed this morning because whenever the Panel comes to Gauteng we are blessed with rain. So it means whatever deliberations we are going to have are going to be fruitful. Rain is a sign of hope, and rain is a sign of good things to come. It is indeed my honour and privilege to welcome you to the Gauteng Province on the occasion of the HLP public hearings hosted by the Gauteng Legislature and the

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National Assembly working with the National Council of Provinces. I also want to make this occasion to welcome our esteemed former president of the RSA HE Motlanthe and your team. It is in the nature of the arrangements of our constitutional democracy, that parliaments or legislatures are the foremost institutions tasked with the imminent role of law-making.

This is not to negate the important role played by both the Executive as well as the Judiciary in the same space. It is therefore fitting that public hearings on the assessment of key legislation and acceleration of fundamental change are taking place at the Gauteng Provincial Legislature which is a place where public representatives exhaust all their efforts to resolve our common challenges. Ladies and gentlemen at the core of that the Constitution of South Africa mandates both the national parliament and the legislature alike are the people. The understanding of the centrality of the people in discharging our responsibilities as public representatives, public servants and judiciary officers either through oversight as executives, law-making and the provision of public services is sacrosanct.

Our Constitution through the Bill of Rights, amongst others, seeks to protect the people's fundamental rights including the preservation of human dignity. It enjoins us to do so by guaranteeing, within the constraints of limited resources, the enjoyment of socio-economic rights by the people. Accordingly everything that we do, in particular, the pieces of legislation passed by Parliament, should accord with the letter and spirit of the Constitution and the Bill of Rights. Thus adding a forward movement towards improving the quality of life of all citizens and free the potential of each person. The work of the Panel gives us an opportunity to reflect on the work we have done over the past four legislative terms starting from 1994 with the aim of gaining a better insight on the shortcomings of our legislative framework. This will enable us to correct our course and legislate better going forward in the context of the type of a nation we seek to build.

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The Gauteng Provincial Legislature in the previous term of office undertook a study on the efficacy of laws passed since 1994 akin to the work which is ably led by the Hon. Motlanthe. We just hope that the work will be of great use to His Excellency and the Panel. I welcome the visionary leadership of the national speaker's forum which is led by mama Baleka Mbethe for initiating this work. As the people we stand to benefit immensely from the outcome of this particular effort.

Let me again thank all of you for attending this important session in our province and wish you everything of the best in your endeavours. But also ensuring that as we conclude the work that needs to be done, we will be able as public representatives and lawmakers to ensure that we improve in terms of the laws that must impact positively in the lives of our people and lead to a better quality of life for citizens in Gauteng particularly but also in South Africa. I wish to thank you and welcome you to Gauteng as we start these deliberations this morning. Thank you very much.

Programme Director: Thank you very much Hon. Speaker for welcoming all of us. We can now be at ease, take off our jackets, wear our thinking caps and ready ourselves for the deliberations. I will just want to make a few announcements. The first one is that we have translation services. We have interpretations in English, seSotho, isiZulu, isiXhosa, Tshivenda and Sepedi. Those who want interpretation devices can get them at the back. And second, we need to announce that anyone in the house is free to express themselves in the language of their preference because we have these interpretation devices. As we continue, the experience we have in other provinces is that time runs out very quickly. And so if there are things that you want to raise I suggest that you start noting them down and if you do not have an opportunity to address them here you can submit them into the tables that we have. I thank the Speaker for welcoming all of us. Let's welcome the leader of the HLP President Motlanthe to come and address us.

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Former President Kgalema Motlanthe: Mine is to give you a brief background of why this Panel was established. The fourth Parliament which ended in 2014. At the end of each term Parliament compiles a Legacy Report. And in its Legacy Report it identified the need for assessing legislation in terms of its content, efficacy and impact. And therefore, the fifth Parliament which was sworn in in 2014, in looking through this Legacy Report of the fourth Parliament, identified the need for assessing impacts of legislative issues. And in its strategic plan, decided the best way to tackle this task of assessing the impact of legislation was through an independent HLP. And in December 2015 the Speaker's Forum established this HLP which consists of 17 members.

And the Panel was mandated to assess the impact of legislation in four focus areas:

1. How legislation impacts on poverty, unemployment and inequality;
2. Creation of equitable distribution of wealth;
3. The land question; restitution, redistribution and all aspects relating to the land question;
4. Nation building and social cohesion of social exclusion.

And so the Panel, having assessed the mammoth task, decided that the two first focus areas could be combined. And so the Panel divided itself into three Working Groups:

1. How legislation impacts on poverty, unemployment and inequality and creation of equitable distribution of wealth;
2. The land question; restitution, redistribution and all aspects relating to the land question;
3. Nation building and social cohesion of social exclusion.

The methodology used by the Panel includes calling for written submissions, inviting stakeholders, South African citizens, and organised formations to submit written proposals on areas where they feel that either there is too much legislation or legislation leaves gaps that impact negatively on the lives of our people. And the Panel also

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worked with researchers based at universities, it also had to interact with Chapter 9 Institutions to access their reports because they deal with communities on an on-going basis. And so this outreach programme is part of the methodology of affording South Africans the opportunity to share with the Panel how their lives are impacted upon by legislation. Some people will say we don't get the sense that we are a free people because every effort is thwarted by too much legislation. And others will say legislation is not precise enough to address our concerns. But we want to afford you this opportunity today. Today's session will cover three areas; the West Rand, the South and Ekurhuleni. We will be here tomorrow as well to interact more with our people. We have already been to the other provinces, the Eastern Cape, Northern Cape, Free State and KwaZulu-Natal.

Our approach is that we need you to say to us what you feel - how legislation has affected your lives, your endeavours, be it negative or positive. We want you to share that with us. Our only plea will be that you should go straight to the point. Preambles and perorations and all that, we will have time for that next time. Now we want to hear from you very directly. Remember you must speak your mind freely without fear or favour. Without buying anybody's face. With these few words I want to welcome you and tell you that we want to have very candid discussions. We are here to listen more than to talk. We follow a simple guide that, you know we have two ears and one mouth. So we speak less and listen more to what you say to us. We take copious notes and record inputs that you share with us. We hope that you will not be inhibited by protocol issues. You speak as candidly as you can.

Programme Director: Thank you very much the Chairperson of the HLP. In the interpretation devices, for those who want to listen to English its on channel 1, Sesotho channel 2, isiZulu channel 3, isiXhosa channel 4, Tshivenda channel 5 and Sepedi channel 6. How we are going to proceed is that we have brief presentations from the working groups of the Panel. The working groups are aligned according to how we have

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structured ourselves as the Chairperson was saying. We have a working group which looks at the economy primarily, we have a working group that looks into land and we have working group which looks into nation building and social cohesion. So we will take those presentations back to back. They are very brief. After which there are organisations that have expressed interest in making inputs in line with those working groups. They will be allowed to make those inputs. After which we shall open it for anyone and every one of the regions that we have here to raise their issues. So that is the programme that we are going to follow. And at this point I want to start by inviting Dr Olive Shisana to come and make a presentation on behalf of Working group 1. The presentation will focus on the triple challenge of unemployment, poverty and inequality and wealth. Let's welcome her.

Dr Olive Shisana: Good morning (repeated in other languages). The slide will kind of give you the key areas of focus for this particular Working Group. The Working Group is focusing a lot more on growth, poverty and inequality. In this particular component we have a number of areas we are looking at. The topical issue of wage inequality, of wealth distribution and inequality, of labour regulation environment, of unemployment and also of poverty and access to basic services. We then will go into area of unequal access to quality health care. That is what this Working Group is focusing on. It also focuses on quality education and spatial inequality, as well as skills development. On the next slide we begin to look at the question of statistics with regards to unemployment. I'm aware of the fact that there are new figures and I will address them immediately.

When we look at the slide that is in front of us, it is clear that unofficial employment in the country is on the rise. And it was quite high in the first quarter of this year at 26.7%, meaning that 5.7 million people were without jobs. And the challenges obviously are also gender related in the sense that females were less likely to be employed compared to men. We are talking about a percentage of about 4.7 in difference. And when we look

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at it in terms of expanded unemployment, meaning that we include those people who were available to find a job but were discouraged the figure was quite high at 36.3%, meaning that about close to 9 million people were unemployed during that particular period. And of course, gender difference is higher at 7.3% difference. Now we come to the next slide of hard facts of unemployment. The unemployment rate is very high now at 27.1% of the labour force. And if you look at quarter 1 of 2016, we find that unemployment is very chronic in the sense that 65% of those people who were unemployed have been unemployed for more than a year. And a third of the youth aged 15-24 were not in employment, were not in education for short of training. But the other thing I want to mention is that of the unemployed, 71% are youth aged 15 to 34 years. Meaning that this is a big problem really among the young people.

On the next slide, we look at poverty in South Africa. We take into account the fact that our country is a middle-income country. And yet it has high levels of poverty. The recent report of the National Minimum Wage says “of a total population of 56 million people, 29.7 million people live on less than R1036 p/month in 2016. Furthermore, nearly 12 million people live below the food poverty line of R445 p/month hence we see the recommendation of the minimum wage of R3500 p/month which of course is still subject to consultation. We generally agree that the main reason for poverty in South Africa is actually unemployment but it's more than that. Obviously there is a question of asset ownership. On the next slide, we try to address the question of inequality in South Africa. And from the data that is available from the World Bank and other sources, clearly there is an indication that South Africa is one of the most unequal societies in the world. If you look at that slide, we are worse off in terms of inequality than countries such as Haiti, Colombia, Paraguay, Brazil, Panama etc.

Even among those BRICS countries that are our partners in the middle-income countries. You can see that we are now the worst unequal society in the world. On the next slide, you see that inequality remains a challenge especially in terms of annual

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household income. And you look at that by population groups, in other words the race of the head of household. And if you look at them you see that since 2001 up to 2011 there has been a slight change in terms of income. It has risen from about R 48 000 to R 103 000 for the total population. But when you start looking at data by race you basically see that the biggest beneficiaries in terms of annual household income are whites. And the least beneficiaries are Africans. You can see that it has increased from R22 000 to R 60 000 for Africans. But when you look at it for whites, you are talking about from R 193 000 to R365 000 gain over that decade.

On the next slide we talk about unequal wealth distribution. We know that South Africa is known for its extreme income inequality as I have shown you. But something that has just come up from the data that came from Treasury which was analysed by Stellenbosch using the personal income tax data of more than 1.3 million people. That new income tax data suggests that 10% of the population own at least 90-95% of total assets in contrast to their earning of 55-60% of the income. It shows clearly that the degree of wealth inequality is even greater than the degree of income inequality. So which means that we need to think about the taxing forms to say that how do we tax those who have resources in order to reduce wealth inequalities.

There are key questions that we need to answer on the next slide:

1. Have we as country done enough to reduce poverty and inequality?
2. What more could we have done, or what more should we have done?

But to answer that question we basically need to ask ourselves some of the questions and hopefully you can help us answer these questions. Have the strategies we have used been effective? Have the strategies we have used had unintended consequences that have made it even harder to reduce poverty and inequality or reduce the rate of growth? Or is our tax structure correct; are we taxing people correctly? Now I come into another presentation on the question of spatial inequality. This is about inequalities in

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terms of where people live. The people in Alexandra are sitting very close to Sandton which is the richest part of South Africa. And the people in Alexandra are very poor, crammed in a very small space. We also see the same thing with Alexandra when you look at it against Kerseys Park. In the Western Cape if you look at Hout Bay vs Imizamo Yethu. The wealthy are living in nice green spacious settlements while the poor are crammed up in very tiny parts. These are the legacies of apartheid that need to be addressed by changing the distribution of settlements in our country.

On the next slide we look at spatial inequality which essentially affects unemployment. From the recent report which has come from the National Minimum Wage report; it says that job-seekers are spending an average of R105 each week travelling to search for work. This is equivalent to 25% of the weekly salary for a fulltime employee earning the minimum wage. Obviously such high costs may discourage the unemployed from actively searching for jobs-resulting in unemployment. Let's look at the laws that exist and are supposed to address the question of inequality on the next slide. In terms of the South African Constitution equality is listed as a non-derogable right, meaning that it's a right that cannot be violated under any circumstances. So the law is there. And to give effect to that constitutional imperative, there is a legislative framework that is underpinned by two Acts:

1. Prevention of Unfair Discrimination;
2. The Employment Equality Act.

In addition to these laws, there are instruments that are facilitating equality. And this includes the South African Human Rights Commission, Commission for Gender Equality, and Commission for Employment Equality as well as the Equality Courts. However, despite all that, we still have persistent inequality and it manifests itself in terms of class, race, gender and age and place. The share of employed persons with tertiary education for example varies very much by race. For whites its 47.3% and 13.3% for Africans and that comes in from data that was released by Stats South Africa

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yesterday. Another startling finding is that Executive Directors earn 21 times more than the average employee. And if you take into account the bonuses it rises to 36. So these are some of the problems. In terms of spatial inequality the employment loss has occurred very much in the first quarter in KwaZulu-Natal, North West and the Free State. The other areas have seen a slight increase in terms of employment. So we come into the next slide still addressing the question of unemployment equality legislation.

Now the purpose of that legislation is to achieve equality in the work place using two major approaches:

1. Promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination;
2. Implementing affirmative action which is meant to redress the disadvantages in employment.

Let's talk about the next slide which talks about the Commission for Employment Equity. What has it found with regards the implementation of this legislation? This is a statutory board that is established to monitor the implementation of Employment Equity and to advise the Minister. In its 16th report launched in April this year, it reveals some very worrying findings; that in terms of top management positions whites occupy 69% of the positions, which is 6 times more than their economically active population. Africans occupy 14.3% and Coloureds 4.7% and both of these are underrepresented in employment equity programmes. Whilst progress has been made in the public sector, the private sector seems to be reluctant to comply with the law despite the sanctions such as fines that are being imposed by the labour courts for non-compliance. We have to think twice about what we need to do beyond the law to be able to get people to comply. And of course when it comes to the question of disabilities there is a big problem in the sense that we are seeing a decrease in representation of persons with disabilities.

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Coming to the next slide we look at the laws that are passed to address inequality in the workplace but we see that the results are showing that the distribution is disproportionate. Now I come to the next slide which addresses the question of skills gaps. Skills are central in terms of growing the economy and we know our economy has not been growing. So there is need for us to begin to think seriously as how we can close the gaps in skills levels especially that we are seeing that over time the gap has been growing instead of narrowing. Here we see that in 1994 the highly skilled black Africans constituted 15%. By 2014 that had changed only to 18%. Now for the white population there is a big increase from 42% to 61% over the same period between 1994 and 2014.

Those are the major challenges that we are seeing. But one of the reasons why things are the way they are is the problem of education. 51% of our labour supply has completed matric and we are talking about 2016. That is a challenge. When it comes to the question of education, our Constitution states very clearly that everyone has a right to basic education including adult basic education and to further education which the state through, reasonable measures must make progressively available, feasible and accessible. That is Chapter 2 of the Bill of Rights. The national unrest that we have seen at tertiary education with students demanding free education and no fee increase is an indication of the fact that the Constitution has been violated. Should free education be made available to all those who come from families who earn less than R600 000 per annum as proposed? That is something that you can argue. But some people might say, well we are having progressive realisation of these rights by saying that start by those people that are very poor and increase over time increase that to make sure that those that get about R600 000 per annum should continue to be able to pay, well there are problems. The question is, should there be a law that requires pre-payment for quality education by all similar to those laws on Universal Health Cover? We should ask ourselves these questions. But we must also take into account the quality issue.

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The next slide shows that throughout rates are very bad in the country. 25% of students in universities graduate in the prescribed time. You can look at it in all those areas; engineering, science, diploma and commerce etc. You can see basically that once a student enters university, they don't come out in the prescribed time. They stay longer than they should and we should take that into account as we discuss the question of free education, in terms of free education for who? We need to be looking at that very carefully. The problem starts very much at basic education. When we look at basic education we look at it in terms of the quartiles, in other words those that are very poor, in poor schools compared to those that are in well to do schools. You can see that those who enter grade 3, 90% of them are not functioning at grade 3 level, only 10% of them are functioning at the level of grade 3. But those that are very wealthy that are in wealthy schools like in quartile 5, half of them are functioning at grade 3 level. That is still not good enough. So our education system is a big problem. And the next slide actually shows that overall, only the top 16% of students in grade 3 are functioning at grade 3 level. So our education system is in a crisis and something needs to be done; to think that what we should be doing as a country together from a legislative point of view. In the next slide we address the issue of National Health Insurance as a means to reduce inequality. The NHI is supposed to reduce disparities in financing health in public and private sectors. Unfortunately, the public health care system is in crisis because is underfunded and under capacitated and it lacks sufficient infrastructure to deliver health care to the majority of the population who are poor.

The private sector on the other hand is very well endowed with resources; with half of the national expenditure devoted to serve 20% of the population who are economically well-off. That is huge inequality. NHI according to the White Paper is also based on the principle of social solidarity that implies that cross-subsidization of the poor by the well-off, the old by the young, the sick by the healthy. Given the history of this country's racial divides and in which currently we experience socio-economic divides the social

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cohesion that we are seeing as a problem it is necessary that the NHI be based on this principle of social solidarity in order to promote social cohesion. The NHI will probably significantly reduce inequality and inequity because the poor tend to postpone seeking health care while the rich tend to overuse the services. The affluent 20% received 36% of health care benefits while their need is very low at 10%. The poorest 20% received only 13% of the health care benefits while their needs are 25%. Therefore the proposal in the White Paper is that health care must be free at the point of care for all who actually need it in order to reduce disparities. The last slide on NHI talks about South Africa needing a national health insurance that is based on a single payer model that integrates the public and private sector health facilities and provides universal health coverage regardless of ability to pay, regardless of race, age, gender and geographical location. South Africa needs a health care system that is fair and sustainable and the current model is clearly not. Legislation is needed to introduce NHI so that it can reduce inequality. Finally we are requesting you to share your lived experiences relating to the impact of laws on the quality of your lives. Assist us identify weaknesses and strengths in our laws. I'd like to thank you for listening.

Programme Director: Thanks very much Dr Shisana. Well, the purpose of these presentations is to give us baseline information on the status quo. And now we invite Dr Claassens to give us a presentation on the land question. Let's welcome her.

Dr Aninka Claassens: So we are very grateful that people have come and we really hope to hear your views and your experiences about what is working in relation to land reform and what is not working. The Working Group on Land Reform focuses on three main issues: the first is whether the provisions of the Constitution in relation to land are being adequately enforced and upheld. And there we have the right to restitution; if you lost land you have the right to equitable access to land, to deal with the consequences of dispossession. And you have the right for tenure security for all the people whose

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tenure security was undermined by past racially discriminatory laws. So that applies to people in the cities, on the farms, on communal lands and in shacklands.

So one question is; are these provisions that promise land reform in the Constitution adequately enforced and are they effective? The next question is: does land reform address the legacy of inequality, the legacy of dispossession that was done specifically to deny black people land rights? And then the last major question is: does land reform currently address the legacy of dispossession, the legacy of poverty and the legacy of inequality which Dr Shisana has outlined? So Working Group 2 has had various focus groups and roundtables looking at the social, economic and political significance of the land question. We also looked at land redistribution, what's working, what's not working. Land tenure reform, which is the rights of people on farms, farm tenants and people in communal areas, shacklands and around the cities. And we have also looked at really who owns the land in communal areas; is it the people who have lived on it for generations, or is it the traditional leaders? So we look there at the interface between land rights and laws such as the Traditional Leadership and Governance Framework Act.

We also look at what is happening in mining affected areas. And whether people's land rights are being adequately upheld in those areas and whether they are able to enforce their land rights and get a fair share of what happens on mining and communal areas. Then we look at land restitution. As we know there is a right for restitution. It is in the Constitution. It is also in the 1994 Land Restitution Act which was amended in 2014, but that amendment has been struck down by the Constitutional Court. So we want to hear from you; what is your experience in land restitution? What is working and what is not working? Are your claims being processed and are you enjoying the fruits of the land? And then agrarian reform and rural development. What is happening when people get their land back? Are people able to use the land productively, what support do you get

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in relation to farming and how are black farmers doing on lands that they got through land reform?

And then we also look at the issue of spatial inequality, as Dr Shisana has outlined, at the kind of the legacy of spatial inequality both in the cities and also in relation to the former homelands. The concentration of poverty in those areas compared to the rest of South Africa. So, what we hoping is that in relation to the framework for inputs, the people that talk about their experiences with land redistribution, land restitution and talk about whether that is adequately addressing the legacy of racial inequality, also the legacy of poverty and dispossession. We hope that you will tell us about your experiences with both restitution and redistribution. And we will really appreciate it if you could give us practical examples and case studies based on your real-life experiences.

And then we look at tenure and security. As we know that the Constitution says [you have the right to security of tenure] if your rights to land are insecure because of past racial discriminatory practices that prohibited people from owning land in the cities and owning land in communal areas. How is your tenure being secured in the present? So, what are people's experiences on the farms? What is your experience coming from the communal areas or the former homelands? And what is the experience of the people living in the cities or informal settlements? Are your land rights secure, are they under threat, and are there other laws that undermine your land rights, not just land reform laws but other laws perhaps those dealing with mining or traditional leadership?

Then we have a focus on sustainable livelihoods and rural development. And what we want to understand here is what is happening on land reform land. Are people able to use land, what support mechanisms do they get? And to tell us what are the laws and other factors that influence whether you can use land, whether it has to do with water, or minerals or spatial planning. We want to understand what are the factors that make farming possible and what are the factors that undermine farming. And really the last question there is what is land reform doing in the context of poverty alleviation and

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inequality, and employment and social cohesion? How have these laws worked to address dispossession and inequality? Where have they failed, where have they succeeded? What has worked, what has not worked? We like your practical suggestions for the way forward.

So finally what we want to know is in what ways the implementation of post 1994 land reform laws has helped, assisted land redistribution and restitution. Have the land laws been successful in addressing the legacies of racial discrimination? What improvements do you suggest? Have the post 1994 laws, policies and programmes decreased poverty and inequality? If so how, if not why not? And what changes are necessary? Have the tenure security laws been successful in stopping evictions and providing people with legally enforceable rights to land? If so how have they helped? We would like to hear case studies of positive experiences of land reform. If not why not? And in your view what changes are necessary? Have the laws, policies and programmes enabled black farmers to use the land productively in ways that improve livelihoods and spread growth among families and communities? If so how? If not why not? And finally we want to know what are the strengths and what are gaps in current laws because our mandate is to recommend whether certain laws need to be repealed or amended or other laws need to be introduced. So we hoping to hear from you based on your lived experiences. Thank you.

Programme Director: Thank you very much Dr Claassens. We have been joined just on time by Judge Pillay who will be leading the delivery of the presentation on behalf of Working Group 3 which focuses on social cohesion and nation building.

Judge Pillay: Good morning everyone. Let me begin by apologising and explain why I am late. I was in Norway and I arrived yesterday. It's interesting to share Norway as a good example of social cohesion and nation building. They have a lot of money from the gas but the people decided that that money must be used for future generations. So you

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look around and see that everything looks so poor and some buildings have not been done up. And they do not have rich and poor classes. They only have one class in the railway station. One class for everyone to travel. And when I asked people about this they said that it was people's decision that the money must be used for the good of their future generations. And I thought that I should share this with you because it is such a good example of strong values of the people that control the government and controls against corruption, stealing and so on. So I am very happy to speak for nation building and social cohesion. And let's look at our Constitution. What does it promise us? Its preamble it says to heal the divisions of the past, and establish a society based on democratic values, social justice and fundamental human rights, lay the foundation for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by the law, improve the quality of lives of all the citizens and free the potential of each person, and build a united and democratic South Africa in the family of nations.

So what then is the problem after 22 years of democracy? We still have challenges of social cohesion and nation building. We can say that ethnic based conflicts are high. There are tensions between us and foreign communities. There is a great deal of domestic violence, violence against women and children, and we are divided by race and by class, by rich and poor. So we have a special focus on social cohesion and we ask the question; what binds us together as a community? Practices found in the laws, customs traditions; the practices amongst us as a people. These can either divide us or they can bring us together, they can bind us.

So on social cohesion, the question we would like you to help us answer is: which practices or customs divide us as communities? Which customs or practices build us as communities? How can we create solidarity amongst ourselves? Will it be through social organisations such as churches or NGOs? You may have other suggestions so please share them with us. The thematic focus of our group is that we are looking at policies in

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government, policies in municipalities and we ask the question, are we all treated equally? We look at the programmes that improve the quality of our lives including service delivery in health, housing, power and education, safety and water. So here again we are here to hear your views on whether the delivery of these services impact on the way we can build our nation. And what binds us as a nation? The common vision, values, customs, traditions and practices that help to build us as a diverse South African nation, that create national pride including sports, cultural events, national symbols and holidays. So really we are looking for your suggestions on how we can get there. Now looking at all the legislations or key legislation that was passed after 1994 we would like to hear your views on which laws do you think assist us in uniting us as communities, as a nation, and which laws or policies do you think divide us as communities, and as a nation.

Which policies or laws or acts of government or municipalities build us as communities or as a nation, or which laws or policies of government or municipalities divide us as communities or as a nation? So still on all the laws that were passed since 1994 what role do you think Parliament should play in building us as communities and as a nation? So I am sure you have many ideas with regards to that. We look forward to hearing from you about the laws and activities of Parliament and municipalities. So as we start to collect your views on social cohesion and nation building, let us remember this statement from our leader Nelson Mandela who said no one is born hating another person because of the colour of his or her skin or his or her background or his or her religion. People must learn to hate and if they learn to hate, they can be taught to love for love comes more naturally to the human heart than it's opposite. So that's a good beginning for us to consider all your views and submissions on this particular subject. Thank you.

Programme Director: We shall now invite organisations as well as organised groupings that have expressed interest of making input into these presentations. After

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which we will open it for everyone who has an input to make. We shall start with those who have expressed interest in inputs to presentation of Working Group 1 which deals with growth, the economy triple challenges and wealth. We are looking for specific recommendations that different organisations are making.

President of SANGOCO: Thanks for the HLP for making it possible to invite key stakeholders in this country. Chair I will speak from my heart. I will provide a submission to the Panel but I think it's important that I speak from my heart because today after 22 years of democracy in our country different pieces of legislation have been formulated that deal precisely with the issue of poverty, the issue of social inequality, the issue of unemployment, but still we find ourselves in a crisis. Poverty is still rife in our community. Why? Why are our people are still living in abject poverty with a good government in place, with good laws that are there to enable that the country foster? Youth are still unemployed. We have heard and seen the presentation by Dr Shisana. It indicates very clearly that youth unemployment statistics are growing. Two days from today, Statistics South Africa released a quarterly report which paints a bleak picture of increasing levels of poverty in our country. Why? On Sunday we have seen the deputy President Ramaphosa release a report that talks to the National Minimum Wage of R20 per hour. Is that what our country, is that what ordinary people demand in our country? Is R3500 a decent living wage for our people? The answer is no. The wage inequality, the domestic worker, as well as people that are working on farms is still a problem. We have good policies that are there in place. But why? The gap between the rich and the poor is widening. But why? Why? The poor remain poor. Child protection is increasing in fact people are living on social grants provided by our government. Is that how our people should live in this country? And the answer is definitely no.

So Chair, really after 22 years of democracy, the impact of the legislation, it has not made any mark in changing the livelihoods of our people. We need to come with aggressive, aggressive, aggressive policies that will indeed change the lives of our

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people, not cosmetic pieces of legislation. On the issue of Employment Equity Legislation in the Western Cape, they are doing it the other way round. The Tourism and Hospitality sector, they employ more foreign nationals. Foreign nationals are preferred. If you go to any hotel in the Western Cape you see foreign nationals. The locals, where are the locals? Why? Why is the Western Cape doing it differently? Why is there no conformity from the Western Cape on the national legislation framework?

We spoke about the issue of mining, mining companies. Gold and platinum houses are sitting here down at our doorsteps. What are we doing about those mining houses? What effects are they doing in changing the livelihoods of our people? Those companies, you find them in Marikana, in North West. What are they doing? On the issue of education, what are they doing to ensuring that they indeed assist government? In the past 10 years back, SANGOCO proposed for basic income grants in our country. And today we can present to the platform basic income grants on extractive industries because we see extractive industries as a resource to our country that can alleviate poverty in certain areas, in certain aspects of what our people require. So, yes, policies have been put in place but the impacts of them in changing the livelihoods of our people it leaves much to be desired. And one of the critical issues that must be addressed is the issue of ensuring that government, business, community organisations and labour, they revisit the Social Contract because it is there that concrete proposals of shaping the trajectory of our country will come up and be realised.

So with those few words we want to present a position that says that after 22 years of democracy our people are still experiencing challenges of the triple challenge of poverty, social inequality and unemployment and we are saying going forward we must assist our government. We must come up with concrete proposals and government this time must listen to those proposals so that we shape the direction of the country because our people, the way they are living, the conditions in that they are living. It

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cannot be for us to look at them in that way. We must rise against that and ensure that indeed we help our people. I thank you.

Programme Director: We are making recordings of the proceedings of the programme and we are also making notes as you can see. And you can present in any way and share with us the copy of the presentation you have made.

Ms N Skosana, Director of Legonex Investments: I would like to talk in African language. And I talk from my heart just like the previous speaker. The problems that we are faced with as South Africans are three. The first one is of money, the second one is of ownership and the third one is of markets. When we have businesses where do we sell? Before we get these three things, we may have policies and laws that we promulgate - there is no where we are going to. We still continue begging/borrowing. But this does not mean we do not have. We have. We can take our traditional initiatives like stokvel and society. The other thing that we often ask for but we find that this which we ask for we are just doing damage to ourselves.

I will talk about FSB which is the Financial Service Board. When this board was established initially it was meant to formalise loan sharks so they don't abuse our people, the borrowers. It was not there before. But we asked that there has to be a regulatory system in the informal financial services domain. But doing this has ended up disadvantaging us as people. Because at FSB when you get the FSP number you don't just get this FSP number only because you have joined the financial services sector. There are chambers within the FSB that deny black people opportunities to grow within the financial services sector. You only get it after paying some fees. Initially you were only supposed to have 250 members to qualify to get an NSP number. It is not that we cannot perform in the financial sector our people, but this regulatory system is the one that kills us. It is also the one that causes the triple challenges we are faced with today, which is poverty, inequality and unemployment. The reason why we can't solve these

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three challenges is that we don't have our own money. We do not own our own resources, whether it is land or it is businesses. We have not yet gotten inside. The businesses that most of us have are tenderpreneurs. And being a tenderpreneur does not mean you are in business because once you don't get that tender you are no longer in business.

Another thing, we often kill ourselves as black people. Our children today are suffering from unemployment but it is not because black people don't have skills. But it is because we do not trust ourselves, we scorn at our own selves. This is the first thing. And we look down upon each other as black people. If I work under you, I will not dedicate myself as much as I dedicate myself when I work under a white person or an Indian. Before we solve this problem, there is no where we are going to. Because each and every company services because of the efforts of its employees. But if we say, if you work for me you report to work at the time you like, you work the way you want, you dismiss/knock off at the time you like, where will the company go to? Number one.

Number two; black companies have got an opportunity for people to grow and for our children to get jobs from those companies. Because the Old Mutuals and the Clienteles, they did not start as big as they are. They started somewhere in small offices. Until we learn that as black people then we will understand that we are not different from any other person. Our traditional initiatives today offer us funeral covers. Can you say really as a black person that you will save your money every month to pay a funereal cover just so you get a luxury funeral at the end of the day rather than save money in a way that you build a future in which you will be able to take care of yourself and pay for the education of your children?

If we look at issues of stokvels and societies it shows that whatever initiatives that we come up with, it is what makes us grow and empowers us to be equal to white people's companies out there. We will grow as much as they have because the process that they

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have gone through is the same process that we will go through. The first thing that we need to do as black people is to first identify who we are. We need to find our pride. If we don't have pride we will never grow/develop from where we are. I always talk of four principles in life. The first one is pride, the second one is depth, the third one is adisc (?), and the fourth one is wisdom. How I analyse pride is that P stands for me as a person. If I cannot identify who I am and stand up and be proud of the person I am, if I still, as a person try to identify somebody - I apologise mainly to ladies because it's us ladies who want to bleach our skins, you want to put on white people's hair, and Indians' hair. This means you have not found who you are. Who are you portraying? It is not you, it is that white person who is there and that Indian woman who is there.

And the question of poverty, we are not really poor. Black people are not poor. We just mismanage our funds. If you say you are poor but on your head you are wearing Brazilian hair that costs R3000 or R4000 that means you have not understood how to invest your money better. And when we talk about investment, we don't talk about the money we take to the Stock Exchange. Investment starts at home. Teaching your child that when he gets 10c, 5c is his and 5c is for saving. If we can start by saving and identifying our needs, then we will know how to use that money. I will make an example. The government is building us a RDP house? You take that RDP house that the government built you so that it supports your life and sell it to a foreign national. What do you mean when you do this?

The other thing; we can blame the government but as people we need to blame ourselves, lets search ourselves to find who we are. The second is R-, is respect. If you cannot respect yourself how do you expect other people from other races and tribes to respect you? I- is for integrity. If you don't have integrity yourself who do you think will give you this integrity? And then dignity. If you don't see dignity in yourself so much so that you choose to build a house or a shack near to a river, what are you saying honestly? What are you really saying? Is there not any better place where you can build

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a house or a shack rather than to build near to a river? Then you give us problems when floods come. Now a 3 year old child was drowned by floods, her father was sitting with her on a tree. How would this child survive these floods? The last one is Excellence----that is pride. If you don't have those qualities with you, then you are nothing. Honestly, I am sorry but you are nothing. The second one is Depth. Depth is devotion. E is enthusiasm. If you don't have enthusiasm, you can't encourage yourself who will encourage you? If you don't have purpose in life, you don't have tenacity; you don't have hope as a person it means you are the same as a dead person lying in the graves. And then adisc (inaudible). This is a very important one because once you have identified the two principles that I have just talked about, this one is the one that is the starting wheel; which is accountability. We talk of corruption within government structures. They lack accountability if they are corrupt.

Number two, it is discipline. Once you do not have discipline---- I will make an example. If you are able to spend money every day in a tavern but at the end of the day you come out being interviewed on the television at that time you are wearing clothing worth R3000 or R4000 but you say you don't have food at home. For sure our people this is not it. The third one is initiative. Of course we are suffering, but what have you done yourself as a person? Respect starts at you before you can get it from another person. The fourth one is sacrifice. In life you need to sacrifice. You need to be able to tighten your belt. The last is commitment. If you don't have commitment----take for example when doing society, you know that every month you must have R200 to contribute to stokvel or society. That is commitment number 1. And then the last is wisdom. It is the will to do whatever you want to do. The next innovation (but the audience relentlessly clapped sending her off the podium).

Sipho Madela from Ekurhuleni: I am a person living with disability. I am a person living with visual impairment. Do not be surprised if you see a person taking me to the podium. First of all I am here to address the question of poverty, inequality and

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unemployment. I will be brief; I don't want that people who cannot see become a bad example for speaking for too long. When we are talking about poverty, how can I describe it? I describe it as - I once asked a black man; what do you want to become when you complete your matric or complete your degree? He said that I want to work for a company. I want to work. But it was a question from a black man to a black man. But when you ask a white kid; what do you want to become after completing your matric, they will definitely tell you that I want to own a company. Am I lying? Am I lying? Good people, Chairperson, let us be honest. Let us start to say to ourselves we need to start to work together to develop a child.

Our very strong foundation that we need to build is to say to ourselves from the primary school to the secondary school that we need to teach our black children to be independent; to start their own businesses. Start their own companies. I will then look at the people living with disabilities. My input is that lets hire more sign language interpreters in our schools. Let's hire more people with physical disabilities. Let's hire more people who are blind in our schools, and in our Special Schools. Last point under poverty is that right things are going to wrong people. You get the houses, the house that are built for wheelchair users you find people without disabilities they are owning those houses. I don't know, it is corruption or it is what?

Chair I will then move to unemployment. Many of our people in the city of Ekurhuleni and other cities they are unemployed. I ask myself as a person living with disability, getting a disability grant; how do these young people cope in their daily lives? They complete matric, they complete grade 12, after that they need to go to tertiary. Not so long, these young people across our country they were fighting for the Fees Must Fall. These people, they are saying that in order for them to be employed, they need the government and other stakeholders because it's not only the government, the companies must invest in our education. We should say now it's time for the government and other stakeholders to implement Fees Must Fall. Is it not so? Good

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people we have the so-called Special Schools but we don't have Special Universities. The people with disabilities have more barriers than before. The universities are not user-friendly. The people who are totally blind they don't have those special devices that they need.

Going again to the last factor which is inequality - How can I put inequality? I can say we need to start now and say that we need to put more people, young people. Give them skills so that they can improve their lives and the lives of their families. I will like to leave you with one quote. Babsy Mlangeni said to me, Baba Madela we need to be honest with ourselves; stick to what you know that it will work for you. If you sing, stick to singing. If you see that school is your thing, stick to schooling. But people like things that are not theirs. A person starts singing and if you listen to her, it seems she is crying and you do not know who beat her. Let us stick to things that are ours.

Victor Jabane from Magaliesburg, the West Rand: Magaliesburg is a tourist area far away in the rural areas. They believe that ours is a semi-rural area because it is developing. Professor has spoken something that I think I will just add on to and the challenges that we think we might pick up from this group. Addressing the challenges that we have in terms of unemployment, poverty and inequality, I will just state a few. On inequality we have discovered that there is actually a meeting that is being held or a proceeding that have been taken addressing the issue of domestic and farm workers' wages. And the average is that R3500 that has been proposed. But you feel that even R3500 is too little in terms of addressing the wages of domestic and farmworker. Let me just give an example. If a domestic worker is working, let us say at a distance that they pay R110 per week or R120 per week going to and from the work, so part of this salary is also taken to transport. So we don't address the problem.

The other part that we have also looked at in terms of wage inequality is the issue of pay differentials. The fact that an employer pays an employee more than what is

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supposed to pay, or less than what is supposed to pay, we found that sometimes it comes to discrimination. Some employers are not adhering to what the government is saying they must do. So I think this we need to look at it on accurate manner. The other part that we also discovered our foreign brothers, they are not banking as a result their money is staying under their mattresses. And because they are not banking, they are not contributing to the wealth of the country in a sense. And the other part also is that our employers are still paying our people by envelopes. They are not introducing to banking systems and it deprives them the opportunity to access loans and also to exercise their rights in terms of doing the banking as far as it is concerned.

The other part we have also looked at is that while our Somalians are not banking, they also benefit in terms of service delivery issues because you cannot just service the South Africans and leave them alone. They are in South Africa and they are staying with us and also partaking into our service delivery of which it is a problem to us. Now the question around there is that because of this inequality, we find that there are protests that are happening and also there unfair labour practices that are happening, also crimes are guaranteed. But what measures can you put in place to address these challenges? We must provide a law that addresses these banking issues of our brothers in terms of the Banking Act of 1966.

There must be a monitoring and evaluation team that must look at recruitment policies on the issue of unemployment. I will give some examples because these things are affecting us on a daily basis. Again our neighbouring brothers, or should I say we don't have actually have a trade union that is talking to us as a working class in a proper manner. Why I say this is that some of our trade unionists are getting bribes. Therefore they don't address our unemployment issues correctly. The Gupta Thing, you may call it. On the Income Tax Act of 1952, we say the Act is working for South Africans only that it does not cover the foreign brothers as I indicated earlier on.

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The question that we find on the issue of unemployment is that we have substance abuse; we have crime, high levels of pregnancies, domestic violence and high rates of poverty. That is what is happening when people are not employed or there is lack of employment. We then said how to address this, legislation must be put in practice rather than to be on the White Paper. Whatever is put on paper must be put in practice. The more the low rate of unemployment, the more the economy will increase. On the tendering system we also acknowledge that tendering system is not operating properly. We then go to Supply Chain Management you find that tenders are being given to brothers, sisters or friends or cousins and colleagues. And that also must be looked at. The law must also prohibit the foreigners to be paid low salaries or the employees must render the services according to the Labour Relations Act.

Thabo Makhubu LGBTI Activist and a feminist from Sedibeng: I believe that these Acts that are implemented and created help the government and lawmakers to generate more wealth. But they were created and implemented for the people. The members of society are still living in low standards and their conditions are still not bettered, levels of poverty are still on a high, job opportunities that are available are requiring personnel that are skilled. The Skills Development Act 97 of 1998 is there to develop the skills of the South African workforce. This Act is really not working because there are still people that are unemployed because of lack of skills. Why not implement a law that gets skills from institutions of high levels of education which is tertiary institution?

In South Africa we still have old people that are not educated but there is an Act called Adult Education and Training Act 52 of 2000. This Act is there but it is not known by the general public, especially looking at people from rural areas. Yes the government has laws and acts implemented but are these laws easily accessible and known by every one, I mean people from rural areas to people from urban areas? There is also the Companies Act 71 of 2008. It says the purpose of this Act is to provide information related to incorporation, registration, organisation and management of companies but

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members of the community who want to register their businesses and SMMEs need to get help from the Act. There is also Broad Based Black Empowerment Act 23 of 2003. This Act was implemented to address inequalities in our country associated with the legacy of discrimination. Hence it is not helping the ones who need help. Is the really government doing something for us or they are just portraying an image of helping the community and society at large? Are they actually helping us to actually improve our standards of living or are they actually helping themselves to create more wealth and income?

Tsepiso Monyimanyane LGBTI Activist: I will be discussing the issue of unemployment. South Africa's unemployment rate is high and it shows no signs of abating. Statistics of South Africa and government agencies said on 22 November that the country's unemployment rate was rising from 26.6% to 27.1% in the second quarter of 2016. This is the highest in 13 years. The statistics say 5817 million [likely speaker got the number wrong] million people in South Africa are without jobs. Even if the country has seen some improvements in employment, it will not be enough to offset losses in struggling sectors like mining and agriculture. The domestic sectors which include domestic workers and gardeners saw a quarterly decrease of 15 000 jobs. Job opportunities for South African young people are way below the global average with kids coming straight from school being the most affected with an unemployment rate of 65.5%. These statistics include young job seekers who have given up trying to find jobs. Women also remain the most vulnerable to the forces of the labour market especially women of colour who mainly hold low-skilled jobs. Unemployment is still going to remain a problem because we as citizens of South Africa are given good knowledge better than skills. It becomes a problem when looking for jobs because employers are looking for applicants with relevant knowledge and relevant skills.

Programme Director: This concludes input for those who had registered interest for Working Group 1. We will proceed with other groups and then when we come back, we

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are going to open it to anyone who wants to raise their issues. We now move to contributions by people who expressed their interest for Working Group 2.

Mr S Khalo: In relation to the Constitution, it is clear that Section 25 stipulates that the government needs to create the laws that will help people and the communities. However it is quite unfortunate that some of those Acts that are created by the government referring to ESTA, ULTRA and IPILRA are not assisting some of our communities. Therefore I will want to say to the Panel, and moreover to Dr Claassens there, these acts when they are drafted they need to involve all communities or stakeholders, referring mostly to the people who have purchased or bought land. When departments are doing consultations, they are not doing it properly. They only go to the researchers. It will assist the government to also have curators. Why I say this is because they have knowledge and understanding of the communities; where they come from and how the land was bought. And also the information will be taken when they are dealing with their reports. It must be a clear report.

The other thing is, we will suggest that when they are doing the consultations, they need not only to relay the information to chiefs. They also need to consult with the people who bought the land. However I clearly understand that some of the people have received their land and the land issue is something that is very sensitive. We need to make sure that when we talk of the issue of the land we need to include all stakeholders. Lastly, I would like to say that Mr President that it is of utmost importance that the departments need not isolate stakeholders. They need to make sure that they involve everyone. Finally, I will say to everyone involved in issues of land, land first others will follow. *Ilizwe!*

Rev Thabo Rampitsa: I am from a rural area in the West Rand. As a leader in a rural area I feel that the issues of land are still a problem. It is a problem in fact because we live in areas where we see all the children, children who grow up in plots, farms, in that

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environment. So when you come into that place as a pastor, and as a leader and get/acquire a small plot all the children that grow up in that environment come to you. Any problem that they face, they come to you. So therefore we feel that if government can also allocate church sites in rural areas it will assist because a church is not only about the spiritual. It is also a home of hopeless people. People and children that need help come to the church. For example in a rural area you find that children go to school without food. Although at school there is something to eat that they can get, but when they come back home, they get into that situation whereby there is nothing to eat. So we feel that if we can look at that angle, government looks at this angle that in these rural areas, those leaders that are there can have sites so they can get assisted. Because also the church site is not only for spiritual purposes, but even funerals they have been accommodated at church. Even the meeting of the community in the rural areas can be held at the church. Even other services that are brought to the rural areas can be accommodated at the church because there is no space at which these people can be accommodate/assisted. So we feel the land issue must also be tackled from that angle because we also have some informal settlements in these rural areas. Please because we see things that are not right we feel the land issue must be sped up in rural areas.

Mahlatsi Tladi: I am a community leader. I come from Sebokeng which falls under Sedibeng district. I was born in Everton. Another thing, I have an NGO named *Monna wa Motsamai Tsela ho Iphedisa Bophelong ba Hosane* (A man who is a traveller of the road to live a life for tomorrow). Mostly we are looking at four things that we want to take part in according to governance. Programme number 1 that we are looking at is skills; to teach children that finished school, those that are currently studying, and those who are looking for jobs. Number 2, we are looking at all the programmes that alleviate poverty in the locations that we live in. Third, we look at education to assist a child from the bottom/start until the child is at a stage at which they can do things on their own. Lastly is entrepreneurship. Those who want to help themselves with skills that they have.

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So what has brought me here, I am here to present my interest under the NGO still from Sedibeng. I just want to address it at that. I want to you to understand very well at that point. Let me pass my greetings to the Legislature, greet our Parliament sincerely. I greet our leader Mr Motlanthe whom we know where he is going and where he wants to go. I greet the Panel again and the rest and everybody else.

The first is land. It's true that government has laws that have been put in place when it comes to land. We understand and we realise where the government is taking us to because it is not a banana republic, there are laws. Let me say again, when it comes to land we don't have enough knowledge and government programmes, we understand them. They are there. Only that they don't go according to the way we want them to go. So we request the legislature to clearly state who exactly should do what because there is confusion. The second one is that it is true that the Constitution/policies are made in Parliament. We understand that programmes are there.

So under the plans/programmes that government gave to us, we don't know at the moment who owns the land because right when you want to know exactly who owns the land you get confused. As a nation the government says all the programmes must be followed and supported because we understand them. So may I please ask/know this, does the government have a willing buyer willing seller programme? The laws are in Cape Town so we are going to request them to assist us as well since they are our representatives in government. Number 2, we are mainly focussing on skills as we are an organisation that lives with people who have problems. We want to give a hand in existing skills that the government speak about and we also want education. Children should grow up knowing what we mean when we talk about land redistribution. All these things don't only have to be known by me. They have to know them so that they don't make mistakes tomorrow.

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The most important issue/part is that we realise that government has got programmes that are very good. We understand them. They help us to alleviate poverty. We know that the programmes are there. But they end up somewhere, going nowhere. So now we say no, as people we need to become part. So the last one Programme Director, I don't want to take any more of your time. A farming and rural development session which I attended, I was happy with that session. They gave us everything; the do's and don'ts. The issue which I think is very common Mr MC, very, very important and I want to put to you as a challenge; the buying and selling of land through lease agreements. We want workshops on those issues. We want to understand very clearly what they mean to all of us.

Programme Director: We shall move to those who declared interests to make inputs on Working Group 3.

Magic Mkwashu: I am representing Johannesburg Disability Forum. It is a forum which consists of organisations for and of people with disabilities within the city of Greater Johannesburg. It was formed way back on the 3rd of December 2008. We are meeting here today as we observe the month of disability from 3 November to 3 December, which is an International Day for persons with disabilities. Unfortunately, as people with disabilities we still face many challenges nationally. There remain challenges despite having proper legislation. From the Constitution itself which came into effect in 1996, clearly Chapter 2, the Bill of Rights identifies people with disabilities and this was not the case prior to 1994. Subsequent to that we did get the INDS which is the Integrated National Disabilities Strategy. With that we had an Office on the Status of People with Disabilities which was based in the Office of the President Nelson Mandela and former President Thabo Mbeki. It was his duty when the INDS was actually based in his office in 1997. Then we also had an Office on the Status of Disabled People in all provincial offices at the Premier's office level. At the Mayor's office there was a disability desk and

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so on. But I must say that everything seems to have reversed in terms of people with disabilities where we stand now.

We know that now after the first Administration - the current Administration, in its first tenure disability was included in the Ministry of Women, Children and People with Disabilities. It was just included. It did not mean issues of people with disabilities were given proper consideration. Now as we speak, disability has been taken to Social Development where it is headed by the Deputy Minister who happens to be visually impaired herself - Mrs Hendrieta Bogopane-Zulu. And it is an insult to people with disabilities because it is almost saying go to SASSA, go and get a disability grant which we know is R1500 as we speak. Just go and get a grant forget about employment, forget about economic empowerment. The life of a person with disabilities is generally costly.

We can see people with disabilities using motorised wheelchairs, which unfortunately despite having basic free health care our Department of Health is failing to cater for the needs of people with disabilities. There are different types of disabilities. In fact when we talk about people with disabilities what we always say is that we have got two types of people in society. You have got people with disabilities, and not yet people with disabilities because disability is something that will happen to anyone at any time. You might be born with it, or acquire it at later in time. So what we are calling for is universal access that will cater for the people with disabilities, be it at transport where you know you have buses, taxis, trains you have aeroplanes, which unfortunately very few modes of transport are able to cater for the needs of people with disabilities. Even public places like this one, it is still a challenge for people with disabilities to be catered for. When you start to talk about triple challenges facing our society, we talk about quadruple challenges because in addition to the high unemployment rate of people with disabilities, there is inequality, the poverty level, discrimination is still continuing ravaging people with disabilities wherever they are. Although we have high numbers of

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people with disabilities in our community, who happen to be our brothers, sisters, mothers, cousins and colleagues, we have them everywhere but they continue to face discrimination. Unfortunately we have disability given consideration in government - we have people that are representing us within other sectors, but they are failing us. They have forgotten when they come from. We have government MPs.

You can talk about National Skills Authority, everywhere they are, and it's just that in the Panel I don't see a person with disability. I am not sure, probably it's an indication - because one thing is we always say that nothing about us without us. There are likely mistakes that will be made if people with disabilities are not included. We request government in all spheres, talk about national, you talk about provincial you talk about local. There needs to be a synergy in ensuring that people with disabilities are catered for. And disability should not only be considered from the 3rd of November to the 3rd of December as if disability takes leave from the people with disabilities on the other days. So we request that really, all stakeholders, government, private sector, we need to come together and ensure that issues of people with disabilities are taken into consideration - not talk about them theoretically, but practically do them, because we don't complain about the legislation but implementation remains the problem. People cannot eat policy. People cannot eat legislation. They need practical things that will help them.

Speaker: I represent the Commission for Gender Equality. The reason for us to come here is that we are going to present our views and the way we see things; how things are being done here in South Africa in 2016. The first thing, the CGE is based on the Constitution of South Africa. It has been said that we don't have to waste time doing preambles, but it is important to remind each other because our Constitution is 20 years and I heard this morning that our work as a Chapter 9 Institution, there are many challenges that people face.

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In terms of social cohesion and nation building our problem statement is this one; despite the ones that have been said, South Africa is starting to have a problem of trust deficit. And therefore this trust deficit causes that us as Chapter 9 Institutions, when we carry out our duties/do our work in communities, people tell you that you tell me about gender equality when I am hungry. I also want to get food. I don't care about gender equality. And people will tell you that you are telling us about the Constitution meanwhile we have high inequalities as was articulated here this morning. And therefore we have a problem of goodwill in terms of this Constitution. The question we keep asking people is; the Constitution talks about equality in terms of section 9.3, different types, non-sexism, that we are all equal as we are sitting here. People are saying we are not equal.

In South Africa as an African woman, the question is, is an African woman in a rural area, in a traditional area treated the same as a white woman in Sandton as someone was saying? At CGE we have been and in our hearings we are getting feedback that people are feeling that there is high, high inequality. The answer is we have the laws but the goodwill on the Constitution is no longer there because people don't trust this Constitution.

Here are other areas we want to quickly run through. We want to propose that marriage legislation, Parliament goes back on marriage legislation. In a rural area in terms of customary marriage, a 16 year old if the elders decide may get married and yet in another law, in fact if you are less than 16 years you even get married if the elders decide. In the marriage laws called *Wives of the Paper* (*amakhosikazi ephepha*) marriage with a paper, you can only get married at 18 years. And then we have Moslem marriages and Hindu marriages. We are asked don't touch that area it is a private space. And we argue if the Constitution is supreme why are there areas where we must not enter and talk simply because they are religious, they are traditional. We are asking those questions because women are asking us those questions.

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We also know that there is a Civil Union Act. We are asking that all those Acts must come under one marriage Act that is regulated exactly the same way with different regulations that will explain different permutations. In terms of health care rights as has already been mentioned by Working Group number 1, we are receiving lots of issues around medical schemes, those who have access to medical schemes, according to how women who have cancer for instance, just to give one example, when their breasts have been cut, the medical aid does not pay for artificial lymph and the artificial breasts that they get. And I am sure persons with disabilities will say the same with issues of artificial limbs and other access to medical aid payments. In terms of land ownership, it is a big question. Do women have rights to land? And we have found that depending where you stay; there is no uniform way in which women are treated.

Women are saying to us as the Commission for Gender Equality, in traditional areas, we don't have equal rights to land. We have made a proposal to Parliament that at least lets have talk about one hectare one woman in terms of, across the country to make sure at least women have access to one hectare of land to feed their families whether they are married or not so that they can have it even if they divorce. They can still have a piece of land for themselves.

Other pieces of legislation, to run quickly; National Credits Act, was a good Act. There are Acts in the nation that are proposed with good faith and then they have unintended consequences in that now people are not able to get credit when they need credit because of the economic climate. So the issue is, what checks and balances can we put for women and people in terms of promoting equality. Bank charges are a big one. The National Consumer Protection Act and some of those Acts were passed in good faith, but now are a problem in terms of consumers being protected especially the poor. Women having access to finance and also having to provide security when they start small, small products - projects.

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Running through the other issues that we have raised are amendments to taxation. We accept the fact that people who have must be taxed but we want to put on table as well that especially in African communities, the amount of money that you earn must not be judged as the amount of money that a family earns. We have found that a family, if a family earns above the threshold they are taxed as if they have a unitary family meanwhile in African tradition you support many, many people in the household. How can that be put in legislation to make sure the so-called black tax is taken into consideration? The CGE and others were disappointed that the Women Empowerment and Gender Equality Bill was stopped in Parliament and we still want to know how we can promote equality if we don't have a Bill that proposes that. We are mindful as well that the Traditional Act Bill is coming back and we would like Parliament to be mindful that what we have been told by the sector we serve that it may not stand the test of the Constitutionality.

Lastly, lastly, the issue of the Hate Crime Bill. We support it especially as far as we have found that albinos are being killed in the name of culture. We have also found a lot of hatred on social media. But also the LGBTI as a community sector we serve have also told us that they want a Bill that will protect them from hatred from those who do it in the name of culture. Lastly, from the Commission for Gender Equality, we propose the - we have already proposed to Parliament the amendment of the legislation to give us more teeth so that those who don't comply with the Constitution, we are able to do something about them.

Thabiseng Makoa: I come from Thema in Ekurhuleni. I am sent here by Thema and Ekurhuleni. Chair, in group 3, I request to speak to the judge about the Gender Act 17 of 2003, about gender equality. Yes we talk about that women have to be visible/to be seen, improve in their residential areas, and all. But when we look at workplaces and in firms and in senior/high-job positions, no, women are not yet found there. This means

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there is still a big shortage. We come again and check at gender equality, we see that for women, abuse is still rife/prevalent. So this means that there is still need for a lot to be done there. Then let's include the LGBTI, which is Lesbians, Gays, Bisexual Transgender Intersex. I am one of them. I am a lesbian my brothers. So I live with my girlfriend. I am not available, ok. But we still are faced with the challenges of hate crime. And when it comes to job opportunities, we don't have. Because when I go for an interview I have to dress in skirt *nekwaikwai* but I see myself as a man so obvious I will be *penipeni* every day. So Judge Pillay, the suggestions that we have is, that we will be very grateful if we see our officials responding to those issues if there is a call for them. Meaning that they must do their job. It can't be that we have rape cases which don't get solved/prosecuted and abuse cases that do not get solved/prosecuted but treated lightly.

It means women will never be confident themselves as long as they are still experiencing these challenges. Meaning that thorough monitoring is needed. It must take place. And all this can be achieved through promoting/fostering more empowerment. Maybe it is needed from the early stage, to a child who is still at school. A boy has to be taught how to treat a girl, how to treat a mother. There is a subject in school called LO. I think it's Life Orientation if I am not mistaken. So our submission here is that it has to start there so that children are taught, children not only boys but girls as well to say discrimination and stigma against the LGBTI must end. And that is the only way it is going to end, from early stage. Not only them. And sign language. Even myself i wish i knew it. If our children learn this as well, I tell you our democracy will be true democracy.

Then the second one is Act 120 of 1998 of Recognition of Customary Marriages. Our communities are not yet informed about this and they have to know what this means. Meaning, in other words there is need for a lot of empowerment in our communities because many women here are being abused. She stays in a marital home without

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knowing her rights. When divorce comes she goes back to her natal home with her personal clothing only but she was in marriage all this time. But because she does not know the law. And without talking about that only there is LGBTI. No one talks about them. Me and my girlfriend have been living together for 5 years. This means she goes back to where she comes from without any possessions. I mean not even her spoon. So meaning that a lot of empowerment is needed to our families, communities, and also the government to make sure that those officials who come here they know how to do their job/they know their duties.

I get to the Act of the Public Protector, Act 23 of 1994. This is to say the truth, talking about the Act to even myself Thabiseng - I don't understand it. I always see it as applicable only to high-profile people, meaning it caters for leaders and presidents. Does it come to locations? Because there are people who do wrong things in our communalities - that do not do right things in the right way. But where do we go for help because we don't know? Please we request to get this knowledge, and if there is access we request that community members be educated about this so that they have access of this Act.

And then we go to the Sport Act, Act 110 of 1998 on National Sport and Recreation. If I remember well, in 1995, Rugby national team they won the World Cup. In 1996, Bafana Bafana, which is the boys, they won CAF. In 2010 here in South Africa we hosted the World Cup. And when all these events took place, we came together united, black, white, religiously, culturally and racially. So it means sport has to be recognised. There are two men I came here with, Sacky and Daluxolo. They are the one of the people in our country who are trying to initiate and establish programmes for children in sport and recreation. But when they were looking for help, they did not get it. Until today, they have not received a response that tells where or how their application failed, or what it is that they lack. Nobody is concerned about their application. May be your application guys fell into a dust bin. It did not get to where it was supposed to go. So meaning that there

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is no access. And as long as there is no access it means our children will resort to nyaope. It means they drink alcohol. It means they will distress themselves by engaging in sex. And we will have unending teenage pregnancy incidences. So our people and leaders I hope have understood.

The King of Kings, Mazibuko the King of Gauteng: What bothers me most, that I came here to discuss with the president and the house at large. I live in a village in the Vaal. I claimed Vaal der Bearsfontein. It starts at Marikana and ends near the Union Building. Its case [claim] ended in 2014. We as chiefs are people who are controlled by spirits because it is the heavens that enthrone us to chieftaincy. So I am happy that the government is here and the Speaker of the Vaal is here. From 1950, this state of Gauteng was being fought for. That is when my father sent/tasked me to claim this land and take it back to its rightful children/rightful owner. I claimed and God told me to tell his children to pray because he gave them this land - [he said] because the land is yours and the community.

So what happened from 1950 until now God is crying that the truth has not been told in this world [the Gauteng State]. Why did people die in 1960 and 1975 for this land? Because all of these people owned this land. The title deed for this land is this one [he shows it out]. This land, we have been discussing with the Land Commission from the time Nelson Mandela was in prison until now. There was a court order and here it is. I am holding it. If Parliament takes this case seriously because people were used for this land and some died and God washed their blood with rain when there was no one saying this land must be restored to its rightful owners. In 1975 again, it was fought for so that Transvaal would be restored to its rightful owners. They kept on hesitating.

This title deed is not a 99 year lease, it is a freehold. So we are going to request the former President together with his Parliament (no sound). Mr Mahlatsi was driving it [vehicle I suppose] from Ekurhuleni to the mines. We used to pay R8, a pound is R8,

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until those who were arrested, Vilakazi and Lekota, shot people in 1984, until we fought for 11 years, until this government got there because of this title deed. We request that it is returned to its rightful owners. God tells us to let the Parliament return that land to its rightful owners because we will do scary things if they fail. This land belongs to this nation.

Agree Kgapola: I was delegated by the people of Thema to speak on their behalf here today. Legislature, I am going to speak about the Land Act in South Africa. If you look from way back, in around the 18th century, white people when they entered South Africa, the group of Jan van Riebeeck, [another name but not clear], Dies, Mosisisi, when they entered South Africa there in Cape Town, they did not ask for permission from any of the black people. They invaded our land. Maybe someone can use the word 'trespassing'. No one ever charged them for trespassing our country, South Africa. The whites.

If you look [at] other outside countries in Europe, especially Britain in England Queen Elizabeth owns that land. There is no single black person interrupting there. And in Britain, there is no single black woman or man owning mine or a farm. But if you look here in South Africa there are so many whites owning mines and farms. Not blacks in their own land, South Africa. Look at Elemen 6 (not sure of this name), Emlo Vaal, Anglo America. Companies that own mines which belong to whites. The children of Harry Oppenheimer, not children of Sekhukhune or Shaka or king Hintsa or King Sibasa, or King Ngungunyane of the Tsonga. And the issue of land is a very complicated issue. They say you own the stand, but the diamond, gold, platinum and the oil are not yours. It belongs to Harry Oppenheimer. If you look at the issue of townships, it was decided on by the whites when they entered. It was not designed by blacks of South Africa. You should look at Soweto which is of course the largest township in Africa. We agree so. It was designed by white people so that black people would sleep in Soweto, so that in the morning they would wake up and work for the

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white man in Johannesburg. Alexandra was designed by the whites so that in the morning they would wake up and work for Vas du Toit in Sandton.

KwaThema was designed by whites for a black person to sleep and wake up in the morning to go and work in Springs etc. If you can look from 1994, when the ANC took government from the previous apartheid government in South Africa, and I am not a politician neither am I a member of any political party in South, but I am a community activist in South Africa. I was hoping that in 1994 when ANC took government from white people, we were going to live very well. For the past 22 years since ANC has been leading in South Africa, I don't see any change in a black person's life. Instead you will realise a black person's life, black person owning land, owning mines, it's even worse, it's even worse because people are being oppressed by their own ANC. What I am experiencing with ANC is the issue of looting the nations' money and corruption. That's all.

One other painful thing about the present government, the ruling party, is that the councillor or mayor or state President, when people elect him/her to take that top position immediately they leave Thema to go and stay in Sandton. Why are our mayors, our councillors, state presidents, director generals, MEC etc. are leaving our townships to stay with whites in Rosebank? Why do they leave us in the dust, in townships? Why don't they stay with us in the location? When it comes to the issue of land administration, if you walk around all townships in Gauteng province, after every three streets, I am a researcher too, you find a sports ground. Of which is good. I am not against it. Why not art centres? Why does government not care about artists having pieces of land too? But there are many football grounds, which is a good thing. Yes of course. How come Vas de Toit has 20 farms in South Africa while Kgapola stays in a shack, on a small piece of land? How come Vas Schuman have 60 hectares of farms when Kgapola is staying in a shack with no land?

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Sizwe Msito: I am from the West Rand, Magaliesburg, 131. Ours is simple and straight to the point. I won't take much of the time. When we go to this thing of Gender Act, when speaking of gender, we still don't have gender equality practice in the workplaces e.g. a qualified female candidate will always be subjected to second command even though they are more qualified than the male candidates despite the Act 41 of 2003. You find that in certain areas, legitimate females who are supposed to take over the reins of the kings, they are denied the opportunity to lead. Monitoring and evaluation have a stipulated Act.

We are lobbying government institutions, particularly the House of Traditional Leaders. A backlog of cultural activities and facilities to address the issue of moral regeneration. Creation of heritage sites at the level of the community like being taught of your own mother tongue or culture. Commission for the Protection and Promotion of Cultural Religious and Linguistic Commodities Act of 2002. Language Act. Pan-South African Language Board Act 59 of 1995. If people of different languages are involved in the same institution, you find that some from a particular culture or language want to dominate others from different cultures, e.g. let's say you find maybe the Zulu tribe, let's say their number is working in the legislation. They will group themselves, whatever. They are guided by their number. If their number is larger than of the Tswana people they will want to govern the place.

And then we need to make funds available to social cohesion programmes. This year we were here with Youth Parliament. And we raised issues to our facilitators. Even ourselves we need to ask that whenever you are calling us to come here as the youth, it's only us black people. We don't see Indian people. We don't see white people participating. Its only us black people raising our crises for our black communities. But we don't see white people coming in numbers, coming to state their own problems. Indian people, we don't see them coming to state their own problems. Even it happens whenever the councillor is calling for a public meeting. You find that its only black

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people from that community that are attending those meetings. You don't find white people who are residing in that place attending those meetings. You find them, maybe attending their own without integrating us black people.

And then the other thing that I would like to urge all government officials if you really want to end this thing, this barrier of social cohesion, I think all the officials, all your children you must stop sending them to private schools. I think it's high time now you must start sending them to township schools so that you can improve those township schools. Even yourselves, don't go to a private clinic or private hospital. Go to that public clinic, public hospital so that the money that you earn from the government circulates within government spheres. Don't feed the private sector with the money that you make from the government. The private sector is the minority while the majority suffers. So we are pleading with you government officials. And the other thing, the last point that I want to make is that for social cohesion, in order for us to achieve it, people are always moving. You find people from Limpopo they are residing in Gauteng. So we therefore call on the government, every school, let there be all 11 official languages, or perhaps 12 with sign language so that a person who comes from Limpopo when they come here in Gauteng, can find Sepedi being taught here in Gauteng. A person from KZN when he gets to Rustenburg can find isiZulu being taught there in Rustenburg.

Mokhothi: I come from Zone 7 in Sebokeng. The speakers that have spoken before me have said a mouthful. I decided to speak from the heart. It was not long ago, I went with the woman in my life. And we found that we are pregnant. And again we went and we found that we are expecting a girl. And then I started thinking oooh Lord in South Africa there is a high level rate of rapes. And then I wonder what is gonna happen. And then I listen on the news. I hear in some countries such a thing can be a death penalty. And then we come here we devise all these Acts and we talk about them. And then these Acts are presented before the Panel, a Panel of educated people, of leaders who championed the revolution such as the former president K Motlanthe. And then I might

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ask that; do any of them have their children studying overseas? And then if any of them can say yes, then I will ask; why? Could they be taking all their kids to run away from these crimes in South Africa? Could those who are driven by kleptocracy be taking their kinds to run away from this high rate of rape in South Africa? And I am like ooh, God I don't have the money to do so. Then what do you do when you found out that the leader that you elected is driven by kleptocracy - self-interest?

I come from a community in Sebokeng where now it is during December time initiation schools are going to start. And years after year people die. But these days it is even worse in Sebokeng. They cut your head alive. In Sebokeng these days when a time of initiation schools comes, we get worried. You can't tell your child to stay in the house within 6:00 o'clock. They come and take your child in your own house. What else are we going to do here? There are Acts on Cultural Promotion, Acts on the promotion of culture. Then you ask yourself, for how long are we going to be debating these Acts? Some of you might remember one of our own beautiful women travelled to China and she was found with drugs. She was killed. Trafficking drugs.

And then in South Africa a person who is taken to jail, and the parents of those, or any taxing paying people in South Africa are the ones that are going to feed that particular rapist, particular drug trafficker in jail. For how long are we going to be devising all these Acts? Then you ask the question, between us talking about this Act and the role of political parties and their policies. I hear there is a huge debate about land. Then you take it from a political point of view to find that this political party is saying this one position and another is putting another position. And then the Panel takes all this and then they put them in black and white. They are going to govern. And then what else should we do? It is painful. It is painful. It is my last point because I decided not to go far quoting from the Acts because I did not want to spoil many of the matters that have been raised. (no sound)..... that you find challenges in your areas the leaders that have been elected cannot resolve. The proliferation of our mind-set. Our mind-set has

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been proliferated by the media with negative effects of people who are corrupting government. Who are looting to the core? And yet we have to sit here. We don't have power. Some of us will have to find money to fight the ill-discipline that our leaders are doing.

Walter Khama: I want to talk about social cohesion. I am Walter Khama from the West Rand. Nation building is very important for the development of our country, peace and harmony according to our communities. I am gonna state the facts and the challenges that we are facing in our communities. Free volunteerism, lack of oversight of national policy, improper discussion on the National Youth Policy so that we can actively involve in our communities reports. To discuss that we come from across a correlation of education and influence of Western culture. Absence, no role players and stakeholders. Holding information, nepotism. No follow-ups from government's information they convert. No proper correlation in the intergovernmental programmes. No proper platforms in youth dialogues. Sense of individuals. Lack of development due to efficiency or limited resources. Limited adverts or programmes of the youth activities on media. Lack of oversight government programmes.

I have only three questions that I am going to ask:

1. Which structures create those policies?;
2. How do we hammer economic divide?;
3. How do we make sure we forge the relations with other different sectors of society?

As a leader from my community things that we are active in our communities, promoting social cohesion through different activities in our communities so that we can partake - like there are many NPOs that are taking part to teach more people about social cohesion but there are no funds for them that they can teach more. Concept of education where we can be able to pledge back to the community and advancement. Delegation to any gathering reports and externally to the community. Transparency

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without checking any political affiliation and the government follow-up to the government information they convert on ground level. A concrete development of youth programmes in municipalities. Direct link between the youth and the government. Creation of MPOs. Information complex should be made for an easy access to the communities. Creation of Advisory Centres. Programmes should be categorised by age. Invite Parliament representatives in any function we may have in our communities, should also be made. Computer centres and wi-fi should be central.

People with disabilities should be represented in any gathering. And we speak of social cohesion. Access to mainstream economy should be made. Creating proper youth dialogues. Discuss policies and activities. Networks to disseminate information since we are a technology (no sound). To volunteer respectfully without a salary. Relevant stakeholders should be invited in every gathering that we run in community. Check progress among each other. Checking websites of any municipality as to whether they are updated or (no sound). Attention from the government cannot be selective or only when we are closer to. Education, social economic issues. Proper resource centres should be made more especially for those living in town, not communities. Media adverts to progress activities and youth. Grooming youth at a tender age to partake any sporting activities and social progress. I am leaving a proposal here (no sound) which is an MPO from the (no sound). I am gonna leave it here people as a proof. Here is the proof! I need to submit it here today!

Programme Director: I want to make this point that all people who have declared interest have spoken now. When we come back from lunch you raise your hand and be noted and you will be given an opportunity to speak.

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Programme Director: Now we are at a point where we open up the floor for inputs. What we should do is that, we don't have the whole day. When I say we, I don't mean us the Panel, but those who have to travel back to their respective regions and so on. And so we will request that we also maximize our on writing our inputs and submitting it to the tables so that if you have not spoken, your idea is being submitted. Even those that will speak and thought that later on they can write something, you can still submit those inputs in writing. I am going to identify 5 hands from this side.

Bonakele Maseko from Volsroulous, Youth Sector: Mine will be on land. Let's give land to the homeless. Let's give land to the homeless. Secure the title to the people. Allow home-builders without red tape. Transfer superfluous state land to the homeless on one-man-one plot basis. After 1910 black South Africans were systematically deprived of property rights in land. Now that this right has been restored most are too poor to buy property. To alleviate this, superfluous state land should be distributed to the homeless free of charge. Method. For argument's sake, 5ha could be given to each landless rural family and 200m² to each urban family. Plots should be divided and allocated using a low-cost from a registration, surveyed deeds. Registration requirements should be dispensed with benefits and an immediate delivery of land with of 10 000 to every family [seems he wanted to say homeless], family and end to land invasion and an uncontrolled squatter settlement. (says something but not clear)...amelioration of the housing crisis and title to land. Thank you.

Speaker: I will direct my presentation to Working Group 1 which talks to inequality, poverty, unemployment. I will start by inequality. I think that the policies that are there at the lowest level of government, at the municipal level. The issues of service delivery often happen to have discriminatory laws where community members who come from families, poor communities, we are expected to pre-pay for electricity and water while those coming from rich communities they pay after having used the services. This becomes a challenge to the municipal by-laws because they promote poverty by

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expecting those who are coming from poor communities to pre-pay for water and electricity whereas those who can afford can wait for 30 days before they can pay for the services. [They] tell us we must pay now before we get the services. That becomes a challenge.

Then we go to unemployment. There are many Acts and policies that deal with the issue of labour. They seem to be doing well, but the challenge mainly is at implementation where those who are charged with the responsibility of ensuring that these Acts are working for us seem not to be doing their part. Now let's look at the policy that talks of Central Supply Database where people or business men/women that are small can get into the Central Supply Database and source tender documents for free. Now that only applies at national level. But if you go to the municipality as a small business you are expected to pay for tender documents ranging from R500 to R1000. Sometimes you don't have that money. So an opportunity to get a job is lost because you don't have this money. So perhaps if they can also extend that policy to go down to the municipal level; from province to municipality that tender documents be accessed at the Central Supply Database which is for free.

Second, we will talk about the issue of tendering for small businesses. Tendering seems to be still favouring the big businesses because when you tender as a small business you are expected to provide a track record that you don't have. The only track record that you have, perhaps you were working [for] the big companies. That [is] the only track record that you have that says you were working there so you have the necessary skill. But as a new company you don't have that thing, and you don't have that track record. So small businesses are closed outside because of this red tape which still favours big companies when it comes to tendering. So we still want to see this gap closing so that when there is tendering there is an opportunity that even all that have skills but don't have the track records let them produce proof that they once worked in that job they want to tender for, not as a company but as a individual or founder members of those

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particular companies. Then there is the issue of internship. Now we have unscrupulous business people or employers out there who seem to be also preying on the gaps in government policies where they now prefer to go on internships avoiding to employ our youth on a full-time basis to avoid paying all the benefits associated with full employment, where we talk of keeping or employing our youth for a period of 12 months and then recycle them like that. Every 12 months they get new internships. In that way they avoid employing on a full-time basis. So we think we need to close that gap.

There should be monitoring so that companies don't abuse our youth by taking them only for 12 months under internship without any prospect of getting full-time employment. Then lastly, we will talk about the issue of RPL. There is a policy known as Recognition of Prior Learning. This policy, I am not sure under which Act it belongs. But it sought to address skills which a person could have obtained through informal training. Now, that in government is not practised because if a person does not have formal qualification but has a skill through informal training there is nothing/no provision through advertisement on that particular post that says if you have a way to show us that you know this work we can employ you. They only talk about qualifications and 5 years' experience which does not exist. So there should be a way of closing the gap between RPL which talks to informal training in terms of qualifications. So if only we can close it. I am not sure where it falls in all the Acts that we have.

Thomas Magelele: I will focus on things like wage inequality and unemployment. First, first I will start with poverty [and] access to basic services. If we look here in South Africa this time, we have got a shortage of water. So yes, we have done things like meter and something in order to save water. But that one is not enough. I want to say to the Panel we need strong monitoring and evaluation which is going to deal with service delivery to communities. First of all, we need to apply the boreholes; to make boreholes all over the country and to our communities and put tanks in order so that we must try to

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minimise water shortages. If we can apply that and implement that on boreholes and tanks, things will be fine.

In terms of health, we have got problems in terms of health. We don't have resources at our hospitals. Shortage of machines, x-rays, machines which in breathing in Intensive Care [Units]. We have got that shortage. That is why we find that we don't have quality services of healthy at our society. We don't have. In clinics we have shortage of nurses and doctors. People are working under pressure. That is why we find that there are a lot of mistakes in the Health Department. It goes back to government where people are suing government for a lot of money. Let's go and employ staff in a government department there is a lot of shortage of staff. And again in terms of maintenance, maintaining the hospitals eeeiish! It's bad because there are leakages, blocked sewages and everything. We don't have clean hospitals and clinics all over South Africa. Let's apply. You go to the clinic or to the hospital you get treatment but there is no medication. These are the basics which people. Another thing, our government abolished labour brokers. How can you hire a nurse or a doctor temporarily? The(no sound).

A lady speaks but sound is too faint, words are not discernible.

A lady speaks, but the sound is bad: (Summary of input: We have educators that are well qualified but the salaries are too low. This sees some of them resigning from their posts so that they get their pension benefits only to re-join the profession soon after they receive the pension funds.)

Another lady speaks, clad in traditional Zulu regalia: (No sound for a while then sound re-emerges):...he started by this Jameson (am not sure of this word). He said I have a problem here queen that houses are going to be built but there are no roads, there are drainage systems. There are no storm drains and everything. So I have a

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problem with that town planning. I don't know how the planning was done that houses are going to be built while there is no budget for roads. And then we talked on another day, and I made an appointment again with the Mayor to talk to him/her.

On this past Wednesday I was in Heidelberg. I was going to talk to him/her [Mayor] about this issue of infrastructure because I had his IDP. He/she told me about this issue of roads. So I promised him/her that come January we will start by this Jameson. To me, I saw him/her as a humble person. I saw him/her as a person who is needing assistance. I saw him/her as a dedicated person. So I told him/her that there is a humanitarian funding. Humanitarian funding is funding that you do not pay back because we have a problem in that if you go to the funders, they will say to you here is the money but you will pay it back with a certain percentage of interest.

Now you see that the government does not have that certain percentage to pay the credit back because we are exploited by funders. They come here having their monies, aiming to make the monies grow through interests but we are not aware. We say, we want funders, we want funders but let alone we forget that this funder will come with their 100 million but when they want it back it's now 110 or 125 million. It means now we have 25 million that goes for free. You see that problem. So people don't understand what it is when they talk about the issue of funding. So we want funders, we want them; we want them, but this percentage damages the government.

So this humanitarian funding that we got as chiefs they said here is the money we ask you to do things (projects) that can develop the nation. So we started by Lisedi. Lisedi told us about the issue of streets. And it is true. And then they have a programme of RDPs as well. They need roads too. The area/land is just paved in preparation for construction of houses but there are no roads. There is no drainage. There is nothing. We as well went to Sedibeng. We went to Ekurhuleni. We went to Klerksdorp. So we took notes on Tarton (not sure of this word). I think it is Traton, Morafeng and something. And we wrote down [notes]. So we will go there and see the municipality. It

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does not mean that the Mayors are rude or they don't want to help people. When there is no budget there is nothing he/she can do.

The fact that she stays in Sandton is her personal life. If she can afford or her husband has much money there is nothing that says she does not have to go and live in Sandton; that she has to live here in the community. It makes sense. People can't understand that but it makes sense. I thank you for clapping hands at me (people are clapping in irony, signalling that ends). The government as it is sitting here it causes burdens to people's children [office bearers] because its budget is not enough. So at the end of the day, it is said they don't deliver, they don't deliver.

MaMoleko: I am MaMoleko from Emfuleni in Sebokeng. As I stand here, maybe I am going to fall [down] too. We have been talking and talking but no one took us seriously. Especially us people in dresses [ladies]. No one sees what we are. They are busy playing around with us. I am a woman who has gathered old ladies in Vaal. We take [money] from our own pockets to buy seeds. I have gathered old ladies and the youth, and they are working. So truly, the Department of Agriculture tried to help us, but now they are not helping us. I also wanted to know whether this money from Agriculture, because I hear that there is money, what purpose does it serve? Where? When? How? In the past week, we were called; there was a function there at Soul Tsotetsi in Sebokeng. And it was said that it was Food Day. They said that all farmers from Sebokeng should harvest their vegetables. I tell you, it was butternut, beetroot, all of those things and green peas. And all of those items my chief (leader). We were told that the municipality is going to buy them for the poor so that we earn an income. Let me tell you, we left there crying uncontrollably (i.e. Like a bird called mmokotsane). It pains a lot that the municipality has promised us, tell me after harvesting spinach and putting it there, saying you will cook it at 2, you are going to find it wilted, having lost that organic [component], now moving towards chemical state, because we live on organic not chemical. So our spinach was spoilt, God's people! Oh, Jesus Christ, God of Heavens. Our things were spoiled/wasted and the municipality appeared with neither their nose

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nor their mouth. Truly we suffered a great loss on our money/capital. I mean at Emfuleni.

Moreover, I am the chairperson of the Women in Agriculture Group in the forum of Emfuleni. We suffered a great loss. So you hear that. Now when I walk in the streets, they ask me; Chairperson what do you say about my lost spinach? Another one, when I appear one side [of the area] says something else. It hurts me that we should be fooled around by people. Hey! The Emfuleni situation is rotten/bad. Me, I don't hide it because I live there. Someone should go to Emfuleni to see the situation, how it really is. When you appear as an old like this, because we were born by people who taught us to plant our own [food] we knew how to do on our own. They are [municipal officials] looking at our daughters with big wigs [on their heads] they will start saying; sorry grandmother move that way. And when that young one appears, they say ok, come inside baby. So now do you see what kind of thing this is? It is a very hurtful thing.

So another issue is this one, I was born at Top location. Top, which gave birth to Sharpeville. That is where I was born. If I was at Top, I speak about lands. It is said that our parents were moved from Top to Sharpeville and that something was going to be done for them, like some compensation. But I see as if they are [officials] derailing from that [promise]. Discrimination. There is no equality due to discrimination. Some are being helped while others are not being helped. Me, my grandparents have died but as I stand here still have their plot number from Top. It is still here with me. But no one is helping us at all. We don't know what the matter is or what is happening. What is the meaning of all this discrimination? Right now, the woman who fell down here, I am part of the Khulumani Support Group. I felt a lot of pain when Nomarashiya fell down here. We fall and die or even perish without having our matter/problems resolved. Look right now my grandparents are gone, and I am also going to die tomorrow. Who is going to remain and use that money of their [grandparents] from Top? No one will remain to use it, so we are not sure what really happens, or is it eaten by those in top positions? And

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we are just been thrown bones at here on the ground. No one knows. By so saying, we are trying to create jobs for ourselves and we attract youth. But how will the youth come to us when the municipality is wasting our harvest? The youth will say that their [our] sweat has fallen on wool like that of a dog [a proverb saying that when a dogs runs, it produces seat, but the sweat gets absorbed in its fur, as a result no one sees it/so none recognises that it worked hard] because they are wasting our things here. I request that someone goes to repair/mend Vaal. The situation is really bad.

Lastly, initiation schools, these children have turned themselves into groups/rival camps and are killing each other. What happened in Muvhango is very painful/it hurts. They are already entering right now. Us who live in big streets we are going to have to stay indoors and in fear. Government should say what has to be done about these initiation schools. We as women too have been to the initiation schools, but the things that these children are doing right now, are not the things that were done in the past. Please, I request the government to do something. Our children are all going to be finished completely!

Shaun from Women's Legal Centre: The sector that I will talk about is the sector that is mostly seen in South African as an immoral sector. But the fact is, it is s a normal sector. This is a profession that has been there on earth for time immemorial. Usually there is an Act that is applied in this profession. But this Act does not get to be implemented well. So these are the organisations. Firstly I will use a simple word in this my presentation. The first word I am talking about a sex worker, I am talking about someone who is 18 years and above. That is someone who is consenting. Then a child who is under the age of 18 we take her as a child who is sexually exploited. So these are the organisations that help these women, ladies that gave birth to us as nation. They use sex to eke a livelihood because there is no employment in Gauteng. Remember Johannesburg is the most populous city and it is well known as the financial hub in his country. And youth from all over Africa they come to this Johannesburg

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hoping to get jobs. When they arrive in this place, things are not the same. Employment, there is no employment. Just like we have heard today, everyone is complaining that there is no employment, so they end up resorting to sex work. So we have organisations that we work with.

The first organisation is SWEAT, Sex Workers' Education and Advocacy. And we also have Sisonke. Sisonke is like your COSATU. It is like your SATU. Sisonke is a movement for sex workers by sex workers whereby, you remember us in this world that we live in, and many people don't want to see sex as work. They see it as immoral. But the reality is that most of us do not know that the money we are earning is money from sex work. So as you are going to school, it is this money from sex work. You don't know what your child in Johannesburg is doing. But we are still saying that sex work is immoral. These are the organisations I will tell you about. They work all around Gauteng. We cater for Gauteng. We cater for Limpopo. We cater for North West. We also cater for KZN. We have Sisonke which is a sex workers' movement. We have Women's Legal Centre which is Non-Governmental Organisation that deals with women who are sex workers and women who are not sex workers.

Remember in public sectors, sex workers would go to the public sector and the community is small. It is well known that she stands at a particular robot. The next thing she complains that today I have STI. Tomorrow she comes back again, she has STI. The following day she comes back again, she has STI. Then they laugh at her in that area. At police stations, this is the same thing/this is a similar trend. This is very emotional I know. We have another organisation called PHRU- which is based in Barra (could be Baragwaneth). We have Sisonke Gender Justice. It too helps us fight against human rights violation. We also have Life Line for trauma because, remember these sex workers they come from different backgrounds. They have issues/problems that trouble them internally/inside. So Life Line, this is where it comes handy to help them, assisting them with counselling. Even if they have trauma, they [Life Line] help them.

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We have Nqobile and we have Thusimpilo. These are the organisations that are working very hard to cater for sex workers around Gauteng. Criminalisation and regulation. This refers to the Sexual Act 23 of 1957. That is the Act which is 59 years old. This Act was registered and implemented in the apartheid era. That was 59 years ago. Things are changing. The world is changing and the things that were done are changing now. We then call the High Level Panel to review this old law and implement therefore. This law that I am talking about, it gives the public and the police power to violate sex workers' rights. Remember these sex workers are also human. They have the rights to trade. This law must be repealed. This will help South Africa to achieve cohesion. This will also help remove stigma associated with sex work. And it will also assist with reduction of HIV among sex workers in that sex workers will be able to access [health] care services without fear or prejudice.

Police law enforcement and justice. In many places/areas sex workers experience arbitrary arrests, abuse and extortion from the police officers that are meant to ensure that we are safe in this country. Police officials often demand free sexual services when sex workers are detained and they brutally sjambok them. We have cases here in the Johannesburg CBD. Ladies were sjamboked and they were not doing anything because they [police] know that there is a room or there is a street where sex workers sell. The way they enforce their law is not right. There is no one who must/ deserve to be beaten because they did something wrong. Even if it means you have a crime. There are parks in Johannesburg that are full of nyaope. These parks are known that they have nyaope from Nigerians. What are the police doing? They don't do anything. Instead they eat the money with Nigerians.

Listen, I am still saying even today, that this profession is seen as immoral. But we say these women that are taking care of their children back in the rural areas, when they get to the police they are asked to open their legs so that we pepper spray you in order that

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you don't work today. This is human rights violation. These police want money. Is it them that we rely on for our protection in this world? Do they want money from these ladies or they want free sex because they will promise that they will release them [sex workers]. That is an immoral profession, is it not? Sex workers cannot access equal protection from the law enforcement or justice when they report offences committed against them such as violence, your rape, your robbery. Sex workers who are brave enough to stand firmly to report these cases when they arrive at police stations they are either made laughing stocks at police stations or they are detained or they are profiled. We have the Women's' Legal Centre to advance sex workers' rights and make sure that women in general and sex workers rights are not violated. We also have this work to advocate for decriminalisation of sex work. I repeat, we demand full decriminalisation of sex work. And in health as well, sex workers face critical stigma and discrimination in a public sector in hospitals which result in them not going to hospital or resorting to a non-government organisation, the ones that I have mentioned earlier. These organisations are doing a great job in making sure that every person gets help for their lives ...(sound goes off).

An old man is speaking but sound is too faint. (Summary of input: ...black farmers and white farmers)...Whites are still oppressing us. So what do you want us to do? This white man has left us in trouble/problems. You see he is running away now. He is going away now. He has not finished. Completed his [term of] service [which runs] until next year. But what has he left us with? There is poverty. We are poor as we are now. How can a person throw young chicks at you and say go and rear them/grow them when there is no water, no food? And they call it [the chicks] a stipend. It is a million, the money that came out from the Tshwane project.

Christina Dudu Ndlovu from Bronkospruit; I am from Tshwane Food and Energy which has just been spoken about by Mr Mpini [previous speaker]. We are crying Mr Motlanthe. We request you to come and look at this project. It was launched on the 14th

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of April, but it looks like it has been dead/defunct for the past 100 years now. And then we have got a problem. We ask you to assist us as government. And we don't want you to send us municipal officials that work for Tshwane because they are the ones who are putting us in this problem. We are 25 beneficiaries. We are hurting. We have fowl runs and 25 tunnels [could be greenhouses]. We plant. There is no water. Everything gets burnt in the tunnels when the sun is hot. We have fowl runs with chickens. Tshwane claims that they gave us 2500 chicks but they gave us 150. So they organised us into circles [could be project phases]. Circle 1, we did well. Circle 2, we did well. Circle 3, at circle 2 they gave us chicks with feed but they abandoned us in the middle [of the circle] and the chickens are giving us problems. We request you Mr Motlanthe to come and rescue us. You have to come yourself in person. It does not have to be people that work at Tshwane because they are the people that are oppressing us. Now we are working. They say we have to contribute/pay R32 000 [each beneficiary].

This R32 000 has to go to Tshwane, but they didn't tell us last year when we went for training. Now they come back and are telling us that if we don't pay the R32 000 they are going to kick us out next year in January. We are going to be kicked out of where they put us, in the 25 houses. And when they finish doing this, they said in December there are those who contributed money to buy chicks, us who have not contributed we will be kicked out. And when we say we want title deeds, they don't give us. They say this is land for Tshwane. We ask how come because you are using our own IDs there at Tshwane? Now you don't want to give us title deeds. You say we must get out [of the houses]. How do we get out? I request another thing father [Motlanthe] you will help us a lot if you don't send people to come here because the people that you may send are the people that work at Tshwane. These people work together with the white man. He is killing us. If this white man asks us to pay the R23 000 [may have wanted to say R32 000] we don't know for what reason. They don't explain to us. I once asked them. I said sister what is the purpose of that R32000 that you say you want [us to pay]? You should have told us from the beginning last year that as you are coming from training,

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when you start keeping chicks we want you to pay R32 000 for paying rent, house, where you sleep, fowl run and tunnel where you plant [crops].but she did not respond to me. She did not give me an answer.

After that until today, they have not given us a response. They just keep on pressing that they want the R3 2000. We created jobs for other children, for another poor community in rural areas. But today they say they are going to kick us out if we fail to pay the money. They want R32 000 dark or red. I request in addition that you look into the issue of social workers. Social workers are not doing their work. You approach them with your problem, they don't take it seriously. They take their time. You continue going back [to them] until you give up. Moreover, I ask for old people's pension funds because I represent old people. Old people are struggling to get their payments. They take long times travelling to shops such as Shoprite for their grants. They stand [in queues] until you see an old person collapsing while queuing for grants. I request that you solve this [problem].

Tsepo Tswuene from Orange Farm: I am here to speak about the National Development Agency Act combined with National Sports and Recreation Act. Our youth don't have hobbies nowadays. We don't have hobbies. Why because drugs are easy to get. Our police officers are the delivery boys of drugs. We experience, young people are using drugs because they are easy to get. Young people, their hobbies are now to smoke. We are not considered at all. Our government neglects us. We like to plead with you, please help us get rid of these drug dealers. These drug dealers are oppressing us a lot and they will end up oppressing the future of South Africa. Who is going to rule in the near future if nowadays we have all nyaope boys? Who is going to rule in the near future if nowadays we don't have hobbies? Our hobbies are smoking, drinking, taking drugs. Please help us to get rid of these drug dealers. Please help us to create, there are many categories of sports. We can create many categories. In fact there are many categories under sport whereby we don't have facilities to move sporting forward. So we

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request to you our Panel, our former president Mr Motlanthe sir, please use your name [Kgalema] to discipline the nation. So please because nowadays drugs are now the hobby we now use drugs as a hobby; our sport, is our entertainment, is our everything.

Sonia Mabolawa from Hammanskraal, Themba Tshwane: I am representing CPFs in Themba, Hammanskraal. I will speak just a few sentences on social cohesion and nation building. Source of contention [might be contention] in my province are the following; imbalances in terms of the country's wealth. The poor are poorer and the richer are getting richer. Therefore I recommend on that, let us implement what have been said by the Freedom Charter. Two, inequalities in terms of gender balances. Yes the government is doing well. We can see 50/50 in Parliament, in Legislature but in other stakeholders like the private sector it is still struggling. I therefore recommend that monitoring systems must be strengthened because I can see that they are weak if they are there.

Little has been done on what has been said on Act 17 of 2013. I also recommend that let be there education and proper monitoring and or giving information to communities. I want as also to suggest that because of, I have seen in the guidelines that we are given in terms of this process, there was nothing about safety and security. As Community Policing Forum we are the most vulnerable people because we are doing the work that is dangerous. We are volunteers my President. We are volunteers that are getting nothing because we have those patrol systems. We are the community; we protect the nation/people. But we are getting nothing thereafter. The key thing that makes me to raise this is because of poverty. It causes crime. There are a lot of elements that cause crime. All those things that cause crime, we at the end of the day must come up with programmes whereas we have nothing. So my point that I want to make, I want to suggest that you review the Constitution on Safety and Security or Police Service Act so that these CPFs must be taken care of.

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Sarah Mahlangu born of Jiyani [clan]: I request that us that us there, I come from Bronkhorstspuit. At Bronkhorstspuit people are living on a farm [starting] from 1959, from 1952. Sorry I say 1959, we have been living there from [19]52...(sound gets too faint and echoes)...when you go there to Pretoria they [officials] don't accept your problem/complaint. They tell you that it can't happen that your parents left then whites arrive and then they sell [the land] , one sells to another, the other sells to another. Then they surround you and fence you in [by fence]. When they finish doing this, they say all of you must leave [the land]. He does not allow you to do anything or to have anything. He does not allow you to have visitors.

If the Department of Land Affairs were saying something about you because you have had a long time of living there from 1959. Your elders and ancestors are there, and some are lying [in graves] so you are the descendants and grandchildren who are still there. But every, if a structure [local leadership] they always tell you that you must prepare to relocate and go. We don't know where we go to. Now there was a meeting that they called, Inkunzi. We filled forms there at Inkunzi meeting. But is has just disappeared with all the forms of the, all that then parents filled there. But if you approach Land Claims they tell you that here don't appear. You are not known that you are there. but the structure of that place [Bronkhorstspuit] we go there kwaHlungu.....(sound gets too faint)....They dismantled the boreholes that you found here, that since they started [living there] with whites, all the whites have been leaving you there. Now have great grandchildren then graves....(sounds goes down)...this is painful. Moreover, there is another thing called Indigent at the municipality but if you don't have a relative who works at the municipality even if you are unemployed you cannot get/receive it. Even if you are an old person you can't get it. ... (sound gets bad)....after that they are employed. I talk of cases in locations. I talk of cases on farms because we live in locations and we live on farms.

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I talk of this because we always go there to Land Claims. They kept on sending us back until I told them that look here, you grew up in towns, in flats. The pain that we experience here you cannot understand it. So we ask you to understand that when we got there, we started living in 1952. Our elders have already died [in graves] now. Then us the descendants, they [officials] don't take our case seriously. Each time they say go we will call you. They send you even to Rural Areas [might have wanted to say Department of Land Reform and Rural Development]. At Rural Areas they tell you about ESTA. But ESTA works for people who started from 1994. Us the people of 1952 we don't fall in ambit of ESTA.

Elias Ngoepe from Bronkospruit: The problem that I have that I ask you to solve for us Mr Motlanthe. The problem that we have is that the police of Bronkospruit do not do their job in the proper way. The problem that we face at Bronkospruit is that we are facing the problem of drugs. And drugs are taking over our communities and are destroying young people's lives. So with that we request that you strengthen the arm of the law and talk to the police so they do their job. The other thing that I complain about is that in our community we are struggling about water. Our water is dirty. And we request that you talk to the municipality and solve those problems.

Sam from Pretoria: What I ask our government to assist us with. Our disabilities are different. There are people that need helpers. So far SASSA pays out grant aid so you get a helper that can help you for the whole month. So my worry is that my helper, the R350 that they pay for him is too little for him because his duties are to look after me all the time; when I want to go to the toilet, when I want to go anywhere. He must help me. I request government that if it can please contact SASSA and tell them that there is no one who can work for R350 the whole month helping you.

The second thing, I am happy that the government is there taking care of us by RDP [houses]. Again our disabilities in RDP houses are not the same. They are different. An example is myself. I have an RDP. The government gave me. But what is painful is that

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I cannot operate it. I struggle to open a window. The window too high up. To open a window I have to lift my leg up. My door is steel. Again I have to push my leg [he does not have both arms. They were cut at shoulder level]. So I request that government should design our RDPs in ways that suit a targeted beneficiary's disability and condition. We have to get special houses with space for wheel chairs without taking space for furniture. Others [people with disabilities] have their wheelchairs outside of the house. So they have to crawl to the wheel chair.

The third one, to all the events we go to, there are no people that serve people with disabilities when we arrive there. When we board taxis to transport us to the events we must request from the community that we request you to assist us. Come with us because we have so and so persons on wheelchairs because the driver alone cannot be able to help all those people. So even those people that assist us, because we are all people here on earth, they also want to eat. So I request that we think seriously as the government.

A mature lady speaks: (no sound...then later...) CPF members are not covered at all whereas the policeman is covered with a full pay. And on top of that they are earning more or less R20 000. And a CPF member is paid about R1200. The first medication that is going to be offered [goes] to policeman and when you are looking at (sound goes bad)....their position...what kind of job is they doing? A CPF member is at risk because they are based at the community. So I would like to tell the Panel that we must take that particular thing. To go back to their drawing board to check how long the CPF member has been volunteering. Come the point of Department of Education. The Department of Education we encounter the problem of an AA....(sound goes bad). An AA volunteer for more than 4 to 5 years. It is a shame because at the end of the day that particular AA is holding a responsibility of the funds of the school. On top of that particular thing you find that a certain AA has just stolen money from that particular money because she has been tempted to that money. So go back to your drawing

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board and check that particular issue.... (sound goes bad)...that AA and a teacher should not volunteer for such a long time. And I would want to come across with a question of ratio. Please take the ratio especially at schools in primary. You see a grade 2 teacher having a number of 80 learners inside here classroom. How can she cope with such a large number? Let's say at least we can have a rational ratio in all provinces. A ratio at least it can be 1:25 or 1:20. Sometimes you ask yourself the question, why we should have a better result from the private schools? It is just because of ratio. Can't we copy from that?

And I have a problem of the issue of the tenders. I am not happy with the manner in which tenders are presented. I will call myself at least I am a Philippine (not sure of this word). I have been given a tender, I fail to do a good job and I move to the next process of appointing a tender. I will be given a job. Why? Because I know members of the Panel that are appointing the tender members. And still I do a poor job. They don't check the quality. They just check the quantity. And I would like to go to the issue of maintenance. Please go back to the drawing board and check how many magistrates you have in each province and at district and local. Because of problem of backlog of cases. I will give you an example of a certain member who just claimed maintenance in 2001 and she had to get here maintenance funds in 2011. For that period of 10 years where is she living with those children that she is having? It is a problem. Please, may you, with due respect, check that particular thing? [Tell] magistrates and whatever maintenance officer to do their work properly. Because we are complaining about the nyaopes. These nyaopes are being derived from the fact that there is somebody who is not doing their job properly. And I am going back to the issue of education. We have a problem of... (word not clear) in our schools. And those schools, those learners have been admitted to the school before determining them that they have special needs. After, as an educator, you identify those kids, there is nothing that is doing, is happening there until that particular learner will reach to a high matric, high school. When they arrive there they are told that this particular person is not ready to be at the

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normal school. She is supposed to be at a mentally unfit school. So please can you just, as members of whatever senior members to do their job. So that those...(abrupt end).

Another presentation starts midway:so if he takes a person to go and volunteer to be a police, what does he think? Because this person travels in a van, accompanying a person who is going to withdraw his salary, but his lips are dry. What does he think that person should do? Obviously he will be asking for R20s from people. He looks for bribes. If I steal R1000 and I offer him a bribe he must take it because he is hungry. The issue of volunteering, I request that government to look at it by other eyes. Now I come to learnership [issue]. A learnership, I ask myself if I am a citizen in South Africa. Maybe people that live in other countries outside of South Africa know better than me, a person who lives here in South Africa. You do your learnership in your first year. Maybe it takes you four years. After four years they take you/employ you. They say you will be, they will take you as a contractor. Ok, 5 years is finished, 7 years is finished, 10 years is finished. In the meanwhile they are employing people at work. But you are continuing as a contractor. But really how does South Africa work/operate?

You see I feel pain when I think that in this our country, if we work well together and treat each other well, we can live well because there is nothing we don't have. We're better than all these countries in economy but the way we treat each other is not good. Let me go to the EPWP and CHW (pronunciation is not clear on the latter) [issues]. These people volunteer. A person volunteers for 16 years. In these 16 years they have been volunteering other people are being employed there. A person will come with his own relative holding him by hand and say that this one has qualifications, it just that he does not have his job. So he will be working just as a cleaner here. But you have been volunteering for 10 years but you don't get employed.

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There will always be people that get employed. People bring their relatives from locations. I ask the government to critically look at this issue because I know that it [government] knows about it. That is it is there it exists. I come back again to the issue of police force. I have a child that I live with at Snake Park. I came with her/him here. That child's mother passed on while he/she was still young. She/he does not have parent. She/he grew up at home [might be Care Centre]. She/he is no longer at the home because he/her age is now above limit. Her/his uncle sold the land [the child's residential plot]. The community fought this. Then this issue got resolved. A police officer came and bought this land. The land of this child. Where do they think the child will live? You are a police officer, you get a good salary. What do you want on the land of, the land of, you see I feel pain about this issue of the police officers.

Ok, we fought it [the case of police buying the plot] and fought it. Last week Monday, this child was arrested. On this last Saturday, Monday it was said she/he goes to court. A police man with his girlfriend and others I don't know, he followed that child. He sent other police officers because they have access to state vehicles and they do whatever they want with the state vehicles, to take this child. They arrested him/her and he/she slept in cells on Saturday, Sunday, and Monday he/she went to court. We asked what is the reason for arresting the child? [They said] he stole a shack. Just imagine. People I request you, you know, you know God says we have to care for widows, widowers and orphans. If we fail to look after orphans and widows where is our conscience? If I go as a person who knows the law to break the law then everybody keeps quiet, what kind of a thing is that? I request you the Panel, I request that we consider the issue of the police. There is much corruption inside that is there at the police stations.

Otto Khalezane from Alex: I am a founder president of a not-for profit organisation. We deal in education. I request to talk about this issue. We have issues that are very serious in Alex. And even us as residents of Alex we are ashamed of Alex as it is. And I believe that the former President has also lived at Alex during his heydays, as a young

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man. We now wish you the old man [Motlanthe] to come to Alex. You are getting personal invitation old men that come to Alex. You were a young man in Alex. You know what Alex is. We invite you now publicly to come to Alex. And when you arrive in Alex, you will meet us and we will take you old man and show you the issues that are hindering Alex. All the speakers that were here earlier, they have spoken about the issues that are relevant to Alex. The rats, the goats, everything. But I am not going to stand here and complain because we have complained so much here this morning and the Programme Director has given us an opportunity to complain. And thank you very much sir. We have blamed white people since the beginning of the African National Congress and beyond. We are still blaming the white people for our failures. How many more years are we going to blame the white people? How many more years are we going to say we have failed dismally? We have failed in health. We have failed in education. We have failed in housing. We have failed in our relationships. We have failed our children.

How many more years are we going to look back and say, you know what, it is because of a white guy? We complain every day. And if you listen to government, if you listen to every politician, if you ask them; where are the houses? You have given the houses to Mozambicans. You have given the house to Zimbabweans. These are our fellow African brothers and sisters. But I believe that the opportunity should have arisen and come our black people to South Africa. Now in Alex, old man, we are renting in the backyards of Zimbabweans. They have earned themselves houses in front of our eyes because of corrupt officials that are employed in government.

Right now, and I want to reiterate again, this Panel we want to invite you to come to Alex. This is now time to start working. And we will work with you. As I stand here from Alex, I say we don't want to work for you. But we want to work with you. We want to see Alex develop. And the surrounding areas including Thembisa. Everywhere. We want to see this place to start developing. Unless you are going to come back here in 10 years

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and say the same thing over and over again. And blame it on the white guy. I don't know where a white guy comes from. And I am not going to blame him. But we have taught our children as early as the 1940s, the 1920s. We have taught our children even today. Of course we teach our children, you know what I don't have food in my house. You don't have clothes. It is because of the white guy. How many more years are we going to blame white people?

We are sitting with houses that do not have title deeds since the 1940s and 1950s in Alex. Those houses in Alex, they don't have title deeds. And you know what; it is because of a white man. People are living on top of each other in Alex. It is because of a white man. Old man, I request you, when you have time, to come to Alex. We will meet you there. And I guarantee you, we don't want to work for you, we want to work with you. But I know this Panel has great ideas to develop this country. We are ready right now. We are ready to work with you.

Former President Kgalema Motlanthe closing remarks: Mine is really to do the honour of thanking you all for your participation in this outreach programme, as well as for being candid and open with us in terms of your lived experiences as well as your problems that confront you on a daily basis. Some of the problems are problems that really admit to immediate solutions. They are not like long-term issues. And those kinds of issues I think we will be able to use our good offices and try and nudge those officials who are in office now to act and respond to them. The long-term problems or the substantive problems are those that we will find solutions once we have submitted our final report to the Speakers' Forum next year in July. I am kind of categorising the problems as raised by participants because you know, the gentleman who lives with disabilities, of being without limbs, it is a problem that can be resolved by merely getting the relevant government departments to provide him with limbs that will help him to find his way around and not to be burdened. Because if government is paying his minder a stipend, cumulatively it means the stipend they are paying the minder is actually for a

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life-time because he will need that minder for the rest of his life. And so it will be a saving if government manages to provide him with limbs that will enable him to look after himself and not need any minder. Other problems are problems that relate to the laid back attitude of officials in departments and so on.

That is why we kind of insist that once you have raised a problem you must also ensure that you leave your details with people who support the Panel on that side. Because we can then follow-up on the specifics rather than leaving matters hanging and without being attended to because I think that is what contributes to the problem of lack of confidence in public officials and office bearers. So we don't want to add to that. We want to restore your confidence that once you raise issues, those issues will be attended to. And by force of example rather than by word of mouth because people have had the occasion to listen to promises, have had the occasion to raise their issues and without any concrete response to their problems. It only serves to increase and deepen the lack of trust and faith in the public office bearers. So we hope that most of you would have left their details at the desks so that we can follow-up on specific issues. But mine is not to hold you up. Where we work we are not unionised. We don't have union, so nobody speaks on our behalf. And so I don't want to detain you any further. Mine is really to thank you. We thank you very much by coming here to take part. And in Xhosa we say and tomorrow do the same again, don't lose energy.

25 November: Morning Session

Programme Director Thulani Tshefuta: We are in a public hearing of the High Level Panel and this is our second day in Gauteng. We had another group that joined us yesterday. And thank you very much for that. My name is Thulani Tshefuta one of the HLP members. The Panel that is here to listen to you today is a Panel that is led by the Chairperson President Motlanthe. Let's welcome him. In the Panel, he is joined by Judge Pillay. We have Professor Hirsch. We have Professor Muthuin. We have Dr

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Terrence Nombembe. We have mama Bridgette Mabandla....(sound goes off). We do have interpretation devices. Those who need interpretation devices can access them at the back....(sound goes off)...Sesotho, Tshivenda and so on. Take your ID and they will give you the devices.

Former President Kgalema Motlanthe: Thank you very much Program Director and members of the Panel.... (sound goes off)..I say to you I am happy that you managed to be with us here today because we are a Panel.... (sound goes off)..This Panel is not an extension of government. It is also not of sitting members of Parliament. But it was established by the Speakers' Forum. All these members have other responsibilities in their lives but they have accepted this task of assessing the legislation focusing on four broad areas. We were mandated by the Speakers' Forum to assess the impacts of legislation or laws that have been passed since 1994. First area of focus is poverty, unemployment and inequality. The second area of focus is on creation and equitable distribution of wealth. And the third area focuses on the land question. In other words, land reform, restitution and redistribution as well as security of tenure. And the fourth area of focus is nation building and social cohesion. So it may be better for me to speak to you in vernacular rather than to speak to you in English because there are old men and women here. I don't want to trouble you. I want to explain what the duty of this Panel is. We are asked to assess the laws that were passed since 1994, to see how they impact on your lives.

The aim of the programme is to assess whether the laws that were passed have made the people's lives better or worse. They want to make sure that the problems that the people had before, or the challenges that they experienced before have been taken care of, or it is still the same now after the apartheid regime. Our aim is to check whether the laws that have been introduced are being properly implemented to eradicate poverty and create job opportunities so that children that finish can find employment so that they help themselves and their families. And we also assess

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whether these laws make people to feel proud and free in our country the Republic of South Africa. Because at the time we grew up our father had a special place where they would put their hats because that hat was respected but when they would meet white people or police they would lose respect of their hats and would just place or put it underneath their armpits or anywhere. And then when they met each other as black men greeting each other as men, they would ask each other 'how is life'. They would say we are being oppressed. We have even lost respect our hats. Therefore we have been tasked to assess if the laws make our people feel proud and free. And as well to check whether they (the people) benefit from the wealth of our country or enjoy the privileges of the country. And to check if these people where they are living are getting what they wanted such as agricultural land to do farming and to see if these areas have good rains. So because most of them have been forcibly removed from where their ancestors are sleeping and relocated to other places.

So we must also find out actually this land belongs and check whether the laws that have been passed help this country to go back to its rightful owners, or the laws are still allowing farm owners to evict farmworkers or dwellers saying go away from here no matter where their parents were living there or not, no matter whether their ancestral graves are there. so we are here to critically analyse whether these laws have been passed as one say we are people of South Africa, we can live freely or whether it is still like it was in the past where they could put you in a coffin while you are still alive (a symbolism of extreme oppression). Therefore all in all, this Panel has been divided into groups.

There is Working Group 1 which focuses on the laws or policies that look at poverty, inequality, unemployment and equitable distribution of wealth. Working Group 1 is looking at laws that are relevant to these issues. Working Group 2 is focusing on land issues because we know that is big challenge to restore land to its rightful owners. Working Group 3 focuses on nation building and social cohesion. It means that we

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assess if the relationships among people of South Africa are good/cordial. Now our aim is that we will start by you. We need to listen you so we hear whether the laws are helping you or not, or they are making things worse, so making your lives even worse. So without wasting time. We thank you for your presence. We ask that when you talk don't beat around the bush. You just go straight to the point. Say it as it is. Our role is to listen to you. We have two ears to listen and one mouth to talk. As I am speaking for all the Panel members our ears are open to listen to you.

Programme Director: Thank you very much old man for the input as we indicated that yesterday we were here. One gentleman stood up and said we want the Panel to talk less and listen more and allow the people who took the effort to come here to speak more. So that is the advice we are following today. The programme that we are going to follow today is that we have organised formations that have expressed interest to make inputs in the different working groups that the chairperson was talking about. We will allow those organisations to come and make their inputs first across all the three working groups after which we are going to open the platform for everyone and anyone to express their views. I call upon those who expressed interest to make inputs for Working Group 1.

Solly Maswanganye: We all know that youth unemployment remains a critical problem in our country. Millions of young people are suffering in the streets of South Africa having no one to hear their cry. This question is about the basic conditions of the Employment Act 75 of 1997. Does it accommodate the future of our youth, especially our community where I am coming from? I am coming from Ivory Park which is the city of Johannesburg. We find lots of young people standing in streets smoking nyaope, unemployed, struggling to access education, struggling to access things that are important, that can actually move the nation forward. And we ask ourselves; Are these Acts relevant in our time? Are these Acts implemented accordingly? We started MPOs like Ivory Park Youth Talents as one of the changes that we want to make in the

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community, to say let's start MPOs maybe the government will hear us. But the response we got from government it did not show any interest that the government is willing to assist us because we were told in the departments that we approached that our organisation is still news so we cannot access funds. The question is; where should we get our funding if those departments cannot help us to access funds so that we address issues that are affecting our community in our own way? Basically, what we are actually saying, we are saying to the government and to the Constitution of the country: can it look down to people in the townships, can they look at us as young people and see that we are also important in this current change because what we see is that we have a government that goes to the people when it is time to vote because we need change and service delivery. It is hard to find.

Coming to the Tax Incentive Act 26 of 2013 we feel that young people are not informed about such Act. And it becomes [a challenge]. A question; where are those incentives? How are they being accessed? What we have actually realised is that the government makes decisions in their own space and they decide for us. Are we not so important to the government that in the way they make Acts they do not accommodate us but they are written in books? But if you look at them practically we can't see them. Unfortunately Honourable Members this is the short challenge that I have highlighted and I would like the Panel and our stalwarts to actually take these resolutions forward and give us an immediate response so we understand how we are going to take our nation forward.

Programme Director: We request that with every presentation that is made, you make your written submission to the tables there. And I would also want to announce that we have been joined by one of our colleagues who when we started we could not introduce because she was taking a radio interview. We have one of us, Dr Olive Shisana please greet the meeting. We move on to those organisations that expressed interest on Working Group 2.

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Nomsa Selebano: I am a farmer in the West Rand in Randfontein. The land that we live on is for the government. They said we can use it. So now they make us caretakers. We take care of their land. And the challenges that we face as farmers is that we don't have food security. The government has forgotten us. They don't know that women farmers are there. They don't know that they have to look after us. We struggle to access tractors. We struggle to do land preparations. We struggle to pay electricity bills. We have children that we must take care of [so they grow]. They have forgotten us. They have just placed us here as caretakers. We look after their land. But they want everything to be done by us. We pay for bills, we pay or security guards because there are thieves.

Those who want just come to vandalise the fencing at where we live. It means you have to risk your life fighting them, opening cases. So as women we have to fight these criminals. And when we ask for help, they say somewhere somehow someone in Vereeniging has been trained to do this. When we got in they told us that you lease for three years from there we will give you opportunity to buy the land. But they go on to change the laws/rules. The next thing they called us and that rule/law has changed.

The 25% that they had promised to us in their rule/law that you lease and then there is 25% that we will give you [discount] from the value of the property but this is only accessed by people who know people in government. If you don't know a person, you never get/access it. I am one of them. I don't know anyone from the Rural Development that is why I did not get it (the 25%). It is not only me who did not get it. I think 10 to 20% of people in Randfontein did not get it.

And they come with the RECAP thing (programme) but we did not benefit from the RECAP. They said because we have been ignoring you as farmers we will try to do something and here is RECAP now. We did it (RECAP) we found strategic partners but they pulled off. We found mentors and they too pulled off. The reason is that they said who is going to be responsible for paying for your business plans? When we got to the

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Department of Rural Development they sent us from pillar to post but there was no one who wanted to take responsibility. But they said here is RECAP. But even until now we have not received any cent. From 2008 until now I am still on the farm (my farm) but I did not receive any equipment. I do it by myself. I do it by myself so that I can succeed. Even my child is saying he will never be a farmer because when you are a farmer you are in poverty. The government does not care for you. You are there alone to struggle/suffer on your own.

Hon. Dlamini: I will talk about poverty alleviation. Firstly, the problems we face, we face the problem of gender. We are not equal. Men are the ones that are looked at when there an employment opportunity because it is believed that men are the ones that support families. Yes some of them support the families but it's not all families that have men that support them. You may see that, men as they are given first preferences as a father so that he looks after the home, women are suffering because it's not all the men who support their families. Second, women as people, did not get [opportunity for] training to acquire skills because women are looked at as people to take care of the home. You can see that other women did not have the opportunity to study well because it is believed that women should take care of the home. She ends up not able to do other things, and to be able to work for herself so that she becomes independent. So this has causes a lot of poverty in our communities because the role of mothers have always been considered to be in the kitchen.

The second is that the government, yes there are programmes that are there but they don't reach communities well because they [government] cannot make these programmes sufficiently effective. You find that even if the programmes are there, they only get to certain parts of the communities. The people of our community cannot access them and know that there are programmes. There is no follow-up. There is nothing. At the end you see that of course programmes are there but that programme is just going to be implemeneted once, [and] at the end it does not get to those

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communities that do not know about it. We request that the things (services) that are there, that we need as communities have to be accessible to communities and there has to be follow-up by government. And age restriction kills us. You find that a woman has a certain job that she knows but just because there is age restriction, some of our children, you find that the age restriction says from 18 to 35. It becomes a challenge because you find that if she is above that age limit she can't be employed well because of age. Another thing is the issue of nepotism. Nepotism. You find that perhaps a person is employable. Perhaps she has the skills but because there is this disease which is there among our people that you give favour to your uncle, you give favour to your cousin, or you give favour to your relatives or your friends. That too is killing us because it causes poverty. Other people cannot get assistance because they don't know anyone.

A person has skills but she can't get a job because she does not know those on top. She does not know someone. Another thing [is] laziness among us as communities. Sometimes we are just lazy. Even when there is a place where there are opportunities, even if you tell them that there will be a meeting at which people will talk about what we need (services e.g job opportunities) to know as a community, people stay indoors. They don't want to know. At the end information does not get to be spread properly. What I see is that the government should help us with is follow-up on projects that are there. Because if projects are there and you find that it is being implemented once only at the end people cannot access it. It is not effective enough.

Buti Chakache from Rural Legal Trust: We have resolved up to so far almost 2000 cases that came from the farms and rural areas. Although we have been doing that job on a manual basis, but if you are interested in the work that we do please log on to our rural legal trust central case management you will find more about it. Today this morning we would like to talk to you about 2.7 million people who are fortunately citizens of South Africa. This figure is enough to establish the 10th province of South

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Africa if you may allow me to say so. It is equivalent to the population of the Free State you know. It is also equivalent to the Northern Province (maybe he wanted to say North West). And it is equal to the number of people in Lesotho. So this is a very significant number of people that I will like to talk about. These people are farms workers. They are farm dwellers. They are labour tenants. Contract workers on farms. They are unemployed but who stay on the farms. They are the women. They are the children and they are youth. They are called farm communities. The majority of them are faced with abject poverty. They are faced with abuses without defending themselves. They are women. Young women and children suffer the most. Those who are workers are faced with unfair labour practices. Health challenges. Safety challenges and constant evictions. They are also faced with such issues. But whilst they are women workers, they are subjected to submissive and inferior wages. They are employed on farms, are treated badly. They have no unions to protect them. The majority of farm residents are unemployed due to the drought challenges. Due to mechanisation and lack of skills. These women and youth form again a bigger category of the unemployed. I must say on the onset that we do acknowledge though that there is a significant number of people on farms also who are called farm owners who are really doing their best to secure the tenure of their workers.

But we also firstly need to indicate here that we would like to talk under Section 25 of the Constitution. Perhaps including Section 27. We acknowledge the good intention again behind the enactment of the Extension of Security of Tenure Act. We also acknowledge further the effort in the Green Paper of 2011. Also the development of Land Tenure Security Policy in its entirety along with its chapter on strengthening the relative rights of people working on commercial farms which emanated into ESTA amendment effort. And these efforts took into consideration the gaps and tried to tighten them. But we say this morning that this is not enough because many evictions happen under the radar. Many evictions happen undetected.

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Many evictees do not know how to apply their rights or they do not have the means to ensure the right to stay on or to be provided another place to stay. When all this happens, they have no one else to call for help. Toll free numbers of the departments do not become handy at that dire stage. For instance, if you drive along the R24 and the R28 just outside Krugersdorp there is a place there called Talton and Marybeth (check spellings). Along those roads are lots of informal settlements. And all these informal settlements unfortunately fall outside the Gauteng Provincial Urban Development Framework. So they receive no service at all. But the questions that we are asking ourselves are these: How did these structures develop?

Where do dwellers of these shacks come from? All residents in and around Talton, Marybeth up to including Sterfontein (check spelling) in Moldersdrift they come from farms. They have chosen to settle along provincial roads to be nearer piece-jobs, domestic work and small contracts offered by the wealthy of this intensive agricultural and conservation zone. And they offer their labour in return for exploitative remuneration that cannot be challenged. This pattern is the same in the Free State. Around Boertervaal, same. It is the same in the North West. In Coligny, there is a huge township there called Botshabelo. All the people of Botshabelo there come from farms. In Boertervaal, these people are collected in the morning by trucks. And in the late evenings they get to be dumped there again amidst the toil they would have gone through the day when doing the donkey work against for which they are not properly remunerated. And the question therefore is; How easy was it for all the above people from farms to be evicted from the farms when ESTA, Labour Relations Act, Competent Courts are in place and they are in favour of the very people on the farms?

Where evictions are legal our question is: How does it come that orders of eviction are offered when evictees and in informal settlements when the law clearly stipulates that the compensation should be determined by the courts as being just and equitable and also taking into consideration section 8 and section 10 of the ESTA. ESTA makes

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provision to regulate the conditions and circumstances under which persons whose rights of residence have been terminated and how they may be evicted from the land as well providing for matters that are connected therewith. How do we define just and equitable? Perhaps I should say moral and fair.

And the question again is: we raise this question for whether it is morally right to cramp a sizable household with its number of animals into a small plot of 12 meters in informal settlements? It is becoming a trend that evictees are encouraged to harvest corrugated iron. I don't know if many of us here are aware of that. Although the law allows it to happen, but people seem to be encouraged to take the doorframes, to take the window frames, to take the corrugated iron because of course by so doing they have the material to put up shacks in informal settlements. It is a way of encouraging them to quickly do so. And please allow me Chair to ask this contextual question; which structure in your opinion is safer to dwell in, to reside and grow your family between a shack and a mud house? If you know what I am talking about mud house comes number 1. You remember the adage or the saying in Afrikaans if one goes, we all go. Yes! Yes!, do you know of that? If one shack burns, then all shacks burn.

These structures are actually death traps. Do the courts of law satisfy themselves that alternative accommodation is indeed available? Not to mention its suitability because before people are evicted there should be a suitable alternative accommodation. But do these courts of law really satisfy themselves around that? All this happens amidst the scarcity of resources to represent evictees and diminishing land rights organisations in South Africa. This happens in the presence of the Land Rights Management Facility of the Department of Rural Development and Land Reform. And in the presence of Legal Aid South Africa. Our current laws that protect and promote people evicted from farms still have gaps. Policy implementation is not sufficiently monitored. The directly affected have limited insights of their rights and the application thereof. Relevant government departments refuse to agree that they don't have capacity even [though] they advertise

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and conduct interviews every day. With regards to the livelihoods programmes, the same applies. People decided to form CPAs, but instead of running the business of the day and to produce from the soil, they are engaged in conflicts and everything else that threatens production.

Malapane Thamaga representing African Farmers' Association: If it was that I was not tasked to come here I was I was going to stand in front of you and simply say everything that have been said by the previous speakers is what I wanted to say and sit down because most of the issues that are raised by the guys before me, here are the similar issues that I have in front of me. They highlighted the issue of job opportunities, meaning unemployment, the issue of poverty and then the issue of creation of opportunities. If you look at South Africa as a whole, what has been happening, the trends that have been happening is that everyone in the rural areas tend to want to go to look for jobs. As a result you find that everyone is here whereas we leave the job opportunities where we come from. So as African Farmers' Association of South Africa we are here to present what we have resolved when we met on the 24th and 25th of October this year. Mainly what we would like to highlight to the Panel is to say that the legislation as it stands at the moment is 100, meaning we don't have any problem with what is there in the legislative technicality part of the legislation. The only problem that we have is when we come to implementation.

As the speaker before me has alluded that you know from 1994 if we are to revisit the number of programmes that were introduced they are more than ten (pronunciation is bad, he swallows words). But the question is; are these programmes really reaching the people on the ground? As an ordinary farmer am I really gaining anything from these programmes? So as a result we decided on the 25th of October to march to the Union Buildings. You probably have seen us on the news, to go straight to the President to say we have had so many meetings. You know there were a number of consultative meetings whereby we raised our issue but the problem is we keep on raising the same

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thing but no one attends to us. So among others things, what we raised to the President was to say Mr President please can you just provide us with comprehensive support to enable black farmers mainly to win and manage viable agricultural businesses. The petition mainly was prompted by the fact that 22 years into democracy South Africa's many black farmers still operate in the peripheries of mainstream agricultural industry with no real opportunities to grow viable businesses. And issues raised in this submission therefore serve to emphasise what is entailed in the petition. And amongst other things that we raised in the petition were as follows: the plus or minus R40 billion has been spent on land reform programmes since 1994 but there is nothing much to show for it as you heard from the previous speaker, that you know they have farms but the question is; Where is support? Land reform has been there since 1994.

There are people to whom land was transferred but as soon as you get to the land you definitely need capital for you to be able to start producing. Then you have to wait for some time longer than few years to get the post-settlement support. Another point that we raised in the petition was that there seems to be a new programme introduced every four years and surrendered just before it reaches maturity. You have probably heard of SLAG. It is one of those programmes that were introduced by the government. The LRAD, the Recap. But every time these programmes they come and go but ordinary farmers on the ground ask: What happened to RECAP? They say no, now we are on a new programme. We have passed RECAP. And yet they did not receive anything. Then the guys will go to Parliament they present that we have spent as much as R40 billion to improve our farmers and we have got a clean audit as something that says they have done a good job. The fourth point that we raised in the petition is that farmer support programmes tend to be self-destructing sometimes and create dependency syndrome with many beneficiaries not able to survive on their own once the support has been terminated. Here what we are trying to raise is to say we do have real farmers that are keen to have land work, are keen to produce, are keen to supply to the market and make money out of agriculture. And then you have these guys that I will just classify as

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spectators to say they are using farming as a way to just get funds. One will go to IDC to get funds and go to another programme to get funds. The question is; what is this guy producing? You find that no, he is not producing much. All he is using time for is getting funds.

So what we need amongst the proposals that we have is to say that how about we have farmers' SASSA cards. You know the SASSA card that you use to go to the point so that we are able to trace every time you are about to get some funding. They can be able to swipe and say ok, what did you get before? Something similar to what the credit people use to allow some form of transparency so that we can be able to see your track record that only a year ago you received something from IDC what did you do with that? Now we are in another year you want to receive something else, what are you going to do with this one? No, we are not going to help you. Let's go to another person. So if one can have such a system, you know we live in an era whereby technology is so advanced that it is easy to trace. You don't have to go to the file to dig. You can just swipe and be able to tell who is this guy. What does he want? Another point that we raised in the petition is that when the support is provided in most cases farmers are not involved nor informed of the criteria that is used. You find that there are programmes in place, they are good in books.

And now the question is; how are we implementing these programmes on the ground? There are committees but these committees they just consult for the sake of signatures, to say tomorrow that but we consulted you. Yet these committees are not being addressed when it comes to the criteria that is going to be used; who is going to get the funding for post-settlement support. The programmes that we have had since 1994 are based on the willing buyer willing seller principle. If you look between 1994 and now, how much of land has been transferred? It is not much. Other sources they give you one figure, other sources they give you another figure. That is one thing that we have to work on. Transparency when it comes to information. To say how about there be a

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specific organisation or a specific website whereby we can easily go and be able to access as for how much land has been transferred since we began with land reform. I happened to attend one meeting where they were launching; they call it South Africa Land Observatory. They came up with a very great system. I think when you get home you should just go to that website whereby you can easily trace as for how much of land has been transferred since 1994 until now so that we can easily put our representative to account. To say guys so far nothing much has been done.

While on the willing buyer willing seller principle, the willing buyer willing seller principle requires two things; that there should be a willing buyer and there should be a willing seller. The question is; What if there is not willing seller? What do we do? are we just going to stand and say no one is willing to sell the land? What if the willing buyer guy does not have the money? We source money mainly from the government, but the government have got limited budget. What if there is no budget? What do we do about that? I happened to also attend another meeting whereby they discussed the regulation of agricultural land policy. I think that policy is also known as the land sealing. If it were to be implemented along with the Expropriation of Land together, I think something can come out of that because it is going to breach that two questions of that; What if there is no willing seller and willing buyer guy does not have money? These two proposals in the Bill if they were to be put into Act or policy then we are going to move forward.

Teresa Yates-Wegerif from the Legal Resources Centre: I am not going to promote the Legal Resources Centre but I am just going to say a few things about who we are and where we came from. We are the oldest [legal] human rights organisation in South Africa founded in 1979 by Arthur Chaskalson, Felicia Kentridge and Jack Greenberg. We started off opposing the discriminatory laws and practices of the previous regime. Pre- 1994 many of the voices of the LRC were very involved in the drafting of the Constitution, creating policy and to make a new democracy of South Africa a reality for the majority of its citizens.

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The LRC remains dedicated to insuring that the constitutional democracy that came into being in 1994 exists. And in so doing we have submitted several written submissions to this Panel and we have had some engagements and round-table discussions around land issues. And so just to raise a few of the issues that the LRC have raised with Panel; there have been mining and traditional leadership, land reform, in former so-called Coloured places in other areas and farm dweller issues and other laws such as restitution and laws linked to tenure reform. Some of the legal issues are complex and I don't think we need to get into the details of them here. But I will just touch on the questions that have been asked in the invitation that was submitted to us. And those questions relate to what in terms of the legislation is working, what is not working and could we make some recommendations in terms of how we might create something that will work for the majority of the people. Many of the issues that I think the LRC would raise have already been touched on by previous speakers.

Just to say in terms of what is working, I think from our perspective it is difficult to point much of anything related to the land reform programme as it stands that is really working in the sense of what was originally envisioned in Section 25 of the Constitution and subsequent policies and laws. The state with regards to the Restitution Commission sits with thousands of unsettled claims with only a fraction of land having been restored to land claimants. And often the land that has been restored has not come with the post-settlement support that was promised. So we hear stories of so-called failed land reform projects, with those projects never having a real chance of succeeding. We also understand that the state in dealing with restitution, instead of dealing with backlogs and the difficulties and failures in supporting new land owners, instead decided to re-open the land claims process whereby attempting to open new doors for thousands of claims who overlap with existing claims.

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The LRC challenged this, based on mainly procedural issues that existing land claimants have not been sufficiently consulted for the land claims process which has been re-opened. So we succeeded in that law-suit. But I think what it illustrated is that the restitution process amongst other processes of land reform, is sitting with many challenges and it's not delivering on the promises contained in the Constitution and in the legislation. With regards to tenure reform, we see that more than 6 years after the Communal Land Right Act was struck down in the Constitutional Court no new laws or legislation, no new laws or policies have been presented to deal with tenure security and land administration in the former homeland areas. So we have people whose land and livelihoods are dependent on the goodwill of traditional leaders. Often that goodwill does not include women. So women have trouble accessing land in communal areas and the already privileged are the ones who continue benefiting from the administration and allocation of land in these areas.

Finally, with regards to farm dwellers which has been overly touched on quite substantively, we know that farm dwellers remain trapped on farms with low wages subject to forced evictions with farm owners never really being held to account. I think from our perspective, the land reform programme with all its good intentions as set out in Section 25 of the Constitution was going to be a nearly impossible programme to implement in South Africa and it required nerves of steel from the new government and the new bureaucracy that was going to take the courage and commitment. And unfortunately over the past 20 years we have not seen the courage that was going to be necessary to ensure the implementation of the programme. And we have seen officials really acting with cowardice rather than courage.

So how do we move forward with all these issues that have been raised? The LRC believes that what is working in South Africa is that we are still a country of law. We have firm laws and legislations, as the previous speaker said that our laws are good but there are challenges with implementation. And we still have many people within

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government and civil society who are committed to ensuring that the land reform programme is working the way that it was originally envisioned. So we believe that perhaps what is needed, because we keep re-focusing on law and policy and ideas that we generated 20 years ago that keep being tweaked here and there with new policy and new ideas which never move forward. And in the meantime, what is happening? People are getting on with their lives. People are abandoning rural areas for cities looking for jobs. Evictions are continuing and so informal settlements in small rural towns have mushroomed over the years and policy and legislation have not been integrated in a way to deal with current realities. So the land reform programme is not integrated with water. So people who live on small holdings, as the first speaker indicated, they can't get access to water. They have huge water bills and they have to pay before they can get access to water.

So there are a number of issues and policies that need to be aligned and integrated to try and move us forward. But part of it is that we have to deal with the backlog of a mess that has been created by non-implementation of policy. And one of these is the Labour Tenants Act. We have thousands of Labour Tenants mainly in KwaZulu-Natal who in good faith submitted claims to land which they were told in terms of the Constitution and in terms of law that they were told they have rights to claim and a right to have a tenure security on. Almost none of those claims have been resolved. And the Department of Rural Development has basically thrown out its hands and said that it is not able to implement that law.

So before we move forward we have to have a true and honest reflect and assessment on what we have done wrong in the past. And what we have done wrong is that we have created a very nice legal framework for implementing very organised land reform programme, but we created that programme within an environment where we did not have institutions that are transformed enough to ensure that that programme moves forward. So with regards to farm dwellers, we created some secure rights for farm

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dwellers and labour tenants but we sit with provisions in the ESTA that say those rights were going to be implemented and enforced by police and magistrates. And we did not do the work that needed to be done; to transform the institutions of policing which has never been dedicated to serving and protecting the majority of citizens in South Africa. Likewise, effort was not put in to transform magistrates also whose purpose and approach to law was never intended to protect the rights of the poor and vulnerable in South Africa. so moving forward we have to not only look at the laws and policies in South Africa, we also have to have an honest assessment of the democratic institutions that are in place that will have to implement and enforce these laws. Otherwise we come up with a nice framework again which again won't go anywhere. What we think in moving forward, we need to have a clear focus on access of the land and tenure security for the poor land user in South Africa. We need a re-commitment to the values and ideas of transformative land reform and development opportunities for local communities. And we need to recognise the agency of those local communities that they have a real voice in what happen to the land once they get it. Not to be dictated by a particular policy or a particular grand stand (word unclear) that the state will get to people only when they sign off on the so-called business plans or only when they agree to use the land in the way that the state deems the best way to use it.

Emily from Land Access Movement of South Africa: I am here to talk about the organisation called the Land Access Movement of South Africa (LAMOSA). Mr Chair thank you for allowing me to stand up and raise my voice so that I can be heard, not only myself, but even all the committee of LAMOSA. Of course when I stand here it looks like it is a one-man toyi-toyi. This is the language that our government here listens to when you march. We hate that. We don't want to go to the streets anymore. We have been throwing stones before in 1976. Today we don't have to do that. We don't have to go into the streets. We have to come with strategies of how we can move forward and build our nation. By saying all these words I am saying you chairperson Mr Kgalema Motlanthe and the members of the Panel and all the chiefs let us unite and fight the

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national issues together. The chairperson just allow me to say my document is big but I will highlight our aims as LAMOSOA and our objectives to the issues of the nation, the issue of bringing back land to its rightful owners and we will come up with recommendations so that I don't waste your time.

Our mission as LAMSOSA is to have sustainable community members, families, organisations, institutions and enterprises that are engaged and are in control of sustainable collective, social, economic and political actions. Our mission is to combat poverty, inequalities and oppression through people-centred development. Advocacy for access to land that was brutally and forcefully taken from our ancestors, substantive democracy, profound social, economic, and political structural transformation and facilitation of sustainable development for prosperity. In group 2, in sustainable livelihoods and rural development, I will start by saying land reform since its inception we have never seen many changes. Concerns within the land reform process are being by many communities especially the dispossessed, landless and farm dwellers that the pace of land reform redressing the injustices of the past is moving at the snail's pace even though the government is talking about fast-tracking the process to transfer land to its rightful owners. The dissatisfaction with the status quo is growing. It is increasing and land claimants are losing hope. They don't have hope anymore.

There are some of our elders who launched claims 20 years ago and they are leaving this world due to the frustration of waiting for so long to get their ancestral and back. The information, the knowledge and the experience is fading away. How can we sustain our livelihoods when we don't have land to produce and make development? I will give an example of the community of Boomplaas where I am a beneficiary, JT 29 and JT 24, that got their land back in 2001 and even until now they have not settled on the land. What is surprising is that the Department of Water and Sanitation is continuously sending bills, water bills and demands of payments every month. Water rights have been applied for but we are not using that water.

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Eskom is also sending statements but we are not using electricity there. There are boreholes. Nobody is staying on the farm yet since 2001. The Department of Rural Development and Land Reform has been preaching about rural economic transformation and designed a model that is the Wagon Wheel of which most of us do not understand. How this will improve their livelihoods? Nothing practically is happening. The development that we see today is the building of shopping malls in rural areas where most of our communities are living under poverty and living on less or no income. Others are on pension and child grants.

Traditionally, we grew up with our elders farming and producing good and quality food to feed their families and also the community because they had ploughing fields and big pieces of land to cultivate. Today those fields and irrigation schemes are not rehabilitated at all. There is no support at all. Government is not taking responsibility to build and develop capacity of people in rural areas. There is no proper infrastructure. The dust roads are inaccessible when it has rained. Let the people be involved and choose their own development so that they will sustain their livelihoods. I would like to just go down to the land redistribution and restitution and a little bit of highlighting the two legs of land reform. Land restitution and redistribution have not been tackled or dealt with according to the promises of our government especially the relevant department of Rural Development and Land Reform and the Land Claims Commission that they would transfer 30% of land under restitution by 2014.

Oh my God, come 2014 the goal posts are shifting! And less than 10% has been transferred. The delays in the restitution process are due to lack of capacity of officials within the Department and the Commission. The formation of different units like RECAP, LRAD, like all those units, ooh my God! And committees and drafting of different policies and Bills that impact on communities. We have a good Constitution that is not being followed and upheld and good laws and policies that are not implemented. The concern is that people who are in the process of drafting these laws

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are not involved in the communities and all relevant stakeholders from the discussions and to the policy and to decision making process. Now come another thing, the communities and rural women supported by civil society organisations saw it fit to campaign for one-woman-one hectare i.e. one woman to have one hectare to use it profitably and productively and to own that hectare.

But now it was misinterpreted by the Department of Rural Development and Land Reform as one hectare one household. The question is whose land and which land is going to be subdivided to for redistribution? Ok, I don't want to dwell into other policies that were chunked out of the Constitutional Court, the CLaRA, the Restitution of Land Rights Amendment Act, while LAMOSA and others went to the Constitutional Court and the Expropriation Bill and ESTA have been mentioned so much. I will just come to the recent Communal Land Tenure Bill workshop where people did not understand more about what is communal land. We still live in communal lands but we don't have that thorough understanding. But it is good that church land is also communal. But people also have bought some plots and they were staying one big farm and also a village with a chief is also a communal land.

And then during the consultation workshoping September this year, it was found out that such lands belong to the people. The chief is one of the people. He holds the land in trust for the people. The chief keep order, allocate and provide access. They are not owners of the land. Also the land does not belong to the church whatsoever. What will happen when governing structures like the CPA and the royal household are there on one communal land? And the tenure for the community or their households and the institutional roles and the relationships should be clearly defined to avoid disputes of who is responsible for what. We thought the Wagon Wheel model should be reviewed and improved to solve such issues. Ok, let me go to the regulations.

Somebody spoke about it (but she is told that her time is up). To our recommendations:

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1. We say proper consultation and debates should include all stakeholders and not discriminate grassroots communities especially those from rural areas to take part and be involved in all policy and decision making processes.
2. Accelerate the pace of land reform and engage civil society to assist where necessary.
3. The Department of Rural Development and Land Reform together with the Land Claims Commission [should] strive to promote inter-departmental coordination or inter-departmental relations in engaging or working together with the Department of Agriculture, Forestry and Fisheries, Water and Sanitation, Energy, Minerals and Resources.
4. Adequate institutional support needs to be established.
5. The Department of Rural Development and Land Reform and the Commission need to go through an internal evaluation or skills audit to address the capacity gaps in terms of financial and human resources to speed up the process of fast-tracking the land reform [process] in finalising the land claims. It should be given that all the restitution claims automatically require post-settlement support.
6. Also making it easier for claimants and beneficiaries to access the RECAP funds.
7. The Department in question has to devise a strategy to protect tenure rights of communities living on communal lands and living on private farms. Available avenue such as IPILRA, which is Interim Protection of Informal Land Rights Act, could be re-enforced to empower rural communities and strengthen their citizen rights against unscrupulous parties and companies.
8. Consideration of coming up with one big file or the Land Bible or the Land Encyclopaedia that contains all the policies or pieces of legislation dealing with land and its related issues is highly recommended. We need a book or a file and then you can page, 20 is ESTA, page what is what have you.
9. The Department when restoring land to its rightful owners should take into consideration to give the land in toto, which means in Afrikaans...

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10. First preference in land ownership should be given to South Africans, and no foreign national should own land in South Africa and also not to be given the latitude of long-term leases.
11. When talking of ceilings we should review the concept of one-hectare-one-household. As women we have come up with one-woman-one-hectare.
12. When dealing with land reform, bear in mind that the land does not grow but the population grows and the Department should consider expropriation of other lands to distribute equitably.
13. Women should be allocated land and daughter in law should not be discriminated to inherit and control land.
14. Farmworkers should be targeted in land reform programmes and should become part of the business where they work.
15. Regular interaction between civil society and Department of Rural Development and Land Reform, COGTA, Department of Justice and Constitutional Development, Department of Agriculture, Forestry and Fisheries is key.
16. We need to ensure that our concerns are reflected in actual policy outcomes.
17. Policy making is an interactive process and civil society's role should not be considered just towards the end of policy development.

In conclusion, we cannot wait any longer for land to be restored. Speed up the process and consider time wasted shifting the goal posts. We need our forefathers' land back to their direct descendants, beneficiaries and inclusion of daughters in law. The poverty incidents in rural areas are a reflection of our legacy of land dispossession. The process of land distribution is moving at a slow pace. We all need to remedy this situation. We should walk the talk and practice what we preach. We should revisit the Freedom Charter and align it with the country's Constitution for a better life for all.

Gladys Ndebele: I come from Kliptwon. I come here because I am sure that many people know of the Charter Square. They know what it means. And they now especially

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men know where they go when they speak of Charter Square. This is because every time when they go to Charter Square, they go into the shops. They walk via the hotel, failing to go further inside to see how in a place of history are doing. We lived there for a very long time. We grew old there. Right now I should have brought others who are as old as myself. We have lived there until today. We still have not received houses until today. The main thing that we are crying about in Ward 17 is houses. We have been talking and being promised all the time that they are going to build the houses. While we wait for houses as Square has been built on the one hand. And this Square is being renovated every year. You never even know what is being done. As for us we are still waiting on the other hand, and getting old. Some of us can no longer even walk now. It is a problem for them to even go to toilets because we are old. Taps are far. At night one cannot even go to the toilets because toilets are far away. For crime we are together.

When they say they are selecting people, right now they have selected just 32 people out of so many at the Square. They only took out 32 people. We are still waiting. Right now when I left my place we found out that they are building flats. When we see flats we watch closely hoping that may be the flats are for Kliptown people. We hear that they are for hiring out. As we wait longer more flats are being built and we are still waiting with our children. They say those too ware for hiring. We have no idea where we, people of Ward 17 are supposed to go. At least people from ward 19 are much better. Perhaps 200 were selected there. As for us only 32 people were selected. So crime there is high. Our kids are already mischievous.

Maybe committing crime but everyone who wants to commit a crime comes to our area especially at night because we cannot identify who they are. We are unable to get out at night. It is dark. There is no electricity. No nothing. When it comes to the time when one needs to use the toilet, we don't have toilets in our houses people of God. We have been asking [for toilets]. Going to the toilet is a problem/challenge. Is it not that we are

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living with kids in our homes? And one wants to go to the toilet, tell me what happens when you are sick like me, and old? The day you have a running stomach in the shack where do you go to the toilet at 12 midnight? People we are just asking that you feel for us because everyone keeps saying that they know of Kliptown Charter Square but they only know the nice side. As for the other side, our side, I have never seen even just one person come there to see how our lives are. We live in discomfort good people. We ask, were here to ask. Do you know that on person even came? I will not say names....but that person said “yes, it serves you right because your protest is a small one. Other people do big protests. It is visible or noticeable when they do. You Ward 17 make do a small one. You will never get houses”.

Monyapao: We need our land. We want our land. We are tired of policies that are busy being written. When the land was dispossessed from us no policies were written. It was only one Act, the Land Act of 1913 that confirmed the dispossessions and that became the Act which deprived us of the land. So let's come to this, I will come to legislation, the Constitution. You know when these people were negotiating I was a by-stander. I am sure God created me to be a spectator of pain and good things. Because I was a spectator. There were negotiations but when I look at the Constitution, if you look at Section 25.

It gave security of tenure to the dispossessed lands. And after giving security of tenure, what a contradiction! Going down, they say now we can expropriate it for restitution. Why don't you redistribute it first before you give tenure? And why I say so? You look at Section 25 subsection 9 of the Constitution, it tells the government to pass a legislation to get the security of tenure of the 17 million people in the homelands. It is almost 22 years our government has not done that job. There is no law. The people in the homelands or in the former Bantustans they only have user rights. Their land is still registered within the trust by the state and administered by chiefs. So they cannot lease their lands for example to secure a loan as collateral. However white people next door

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to our population in the rural areas they have freehold rights. You ask yourself a question because this is another disparity and we talk about 22 years. In 2004 the government only passed the Communal Land Rights Act 11 of 2004. But it was highly wrong. The Constitutional Court scrapped it in its entirety. Since then government has not done anything. But these 17 million people, every 5 years, when they have to vote, then don't forget them. They don't forget them. They go to them house by house. But they only give them promises.

So if you look, I am still on this law. If you look at the restitution of land, we don't want money. We want our land. And you know why? Land does not get finished. Money gets finished. And then look at the problem of restitution, they allocate money, may be R5 million or so. But they are going to divide it. You get may be R50 000, R50 000. So really are we prepared to get R50 000 for our land that was robbed from us? For the land that was stolen from us? I am sorry ladies and gentlemen. I have got a little bit of criminal law. I know the land was either robbed or stolen. And robbery and theft, those are crimes. We have got our sisters, uncles and brothers who are relinquishing behind bars for shoplifting. May be stealing a dinovich. But in South Africa robbers and thieves of land are roaming the street freely. They are roaming the street freely. You know I would not want to talk about policies. I don't want to talk too much. I want the land. I want to plough. I want the land. I want to plough. I don't even have to tell you what I am going to do with the land. Give it to me first then we will talk. Give it to me first. And let me say this thing. Guys I am feeling painful. I am hurting! This is disheartening really.

If you think of food security, who produces food at the farms? Our brothers. Black people. But some people will say no, if you give the black people the land this will affect food security negatively. Go around through all these farms. The person that you find working, when it is even raining is a black man. So which means black men can produce food for this country. He just needs to get the land. So guys you know I am not a person who likes to fight. I respect law very much but sometimes I am taken. You see

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we have reconciliation in this country. Sometimes we need to link these things when it comes to reconciliation. From us as the black population, we say let's forget about the other things and build a non-racial and prosperous South Africa. This is English. Non-racial and prosperous South Africa. How will this country prosper if we cannot share the land equally? Let's not play lip-service with English. We allowed ourselves to fake a prosperous South Africa. How can we build this when 86% of total South African agricultural land is in the hands of 35 000 white farmers and agribusiness and considering the fact that the white population is just making 8.4% of the 54 million people of this country? So then it means if we don't work together, the reconciliation, because we have given them, then we say know we cannot forget. But really let's come, why can't they say guys let's give the land so that we build a prosperous South Africa? You know sometimes I ask myself. Sometimes people say I have a neighbour from eeeehhhh. Meaning they have an evil neighbour. You know, sometimes let's leave about the books, about the laws. Let's look at our hearts.

Everyday we are carrying the Bible to church that teaches us about love. But we cannot have love without land and just allow the people of(unclear words)...have the piece of land. But we carry the Bible every day. We tell people that we are Christians. And the whole Bible talks about love. It says love your neighbour the way you love yourself. But it is not happening. So it means you are lying to us. We are neighbour here in the townships to those farms but they cannot even give you 500m to keep five goats there. what is that love? We are tired of lip-service. And I want to put it straight. This is our land. This is our fathers' land. This is our legacy. Whatever happens we will get it. We have got to get it.

Programme Director: We invite those who expressed interest for Working Group 2 to come and do their presentations.

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Aubrey Mbhele from Daveyton: What I want to say is that all the Acts that are here are very good. They address past indifferences (could have wanted to say injustices). Black Empowerment and so on. But they tend to be discriminatory in themselves to other people. You can be as black as you like but if you are 50 and 59 and older it will not serve you well. Most of these Acts will not serve you. Even if you are the poorest of the poor, if you don't have the deposit that is required, that 10% you don't qualify. The good Acts such as the Bank Act and so on will not help you. If you don't have security, you don't have a house, immovable property, they are good the Acts that are there, Credit Act but you will not qualify. So these people are discriminated. Unemployment Act. This is about the UIF, isn't it? If you are unemployed there is something you get something. If you are on maternity like women there is something you get. But it discriminates against men. If you are on paternity you get nothing. Even if your wife is sick you absent yourself from work because you are nursing her, she has just given birth. You don't get anything, zero.

Employment Tax Incentive Act. It caters for those who are 18 to 29, which is a good thing but it is discriminatory against those are 40, 50, 60 and onwards. What I want to ask is; Which Act can we introduce so perhaps it guides against issues like employment for sale, employment for sex, jobs for buddies. Those that are in different calls, that are not employed, councillors giving jobs repeatedly the same people? Can't we introduce an Act to, you send us to Chief Whips. They are also captured. They are councillors. They are councillors. Even if you go to report to them you are wasting your time. Social Assistance Act. It gives us grants for pensioners, child grants, and veterans. But what I remember is that our struggle here in South Africa was based on five pillars. The war veterans that are considered for pension funds are those that were in exile.

What about those who were fighting here? National Small Business Act of Intsika, IDC. Yes the aims and objectives are good but those people are thieves. They steal your ideas for their buddies. Why do we not make patent lawyers affordable? Perhaps we

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start at hem. When you are going to do a presentation at Intsika and others you start at them so they will be able to protect you about your ideas because it will be stolen and you don't benefit. National Small Business Act. National Health Act. It is there. It is very good. But in clinics, shame! That is a sin. No doctors. No nurse. No medicine. Long queues. Queues get cut there. Why do we not schedule our patients to come according to set attendance time? We say you come at 8:00, you come at 8:30. You come at 9:00, than to have an old man arrive at 05: 00 just to be attended at 16:00. And at 16:00, they cut the queue. Then they tell you to come tomorrow.

Medicines and Related Subsistence Amendment Act. It regulates drugs, alcohol abuse and so on. But it is quiet about nyaope. They say it cannot be classified as a drug. Therefore the people that use it and the people that abuse it and the people that deal in it they don't get arrested and it is the one that is killing the nation very much. Indigent Funerals. Yes our government gives us indigent services to indigent people that are very poor, who cannot afford to bury their dead. But what it does, it also helped to bury their dignity. Because they say when you come from there, you come from a government mortuary straight to the grave. Only a few numbers of people are allowed to come and say goodbye to you. It is only your family. What about your friends and people that you worked with when you were still alive on earth? They cannot go and bury you. We cannot put a tombstone on you. Perhaps it was your child. At that time I could not bury you because I was not working. I didn't have money. But why don't you allow me that at least when I get money I can manage to put a tombstone on you? Because it is said indigent funeral is not allowed to be put a tombstone. I have six more Acts to talk about but I will do a submission so I don't eat time for others.

Raymond: I am an attorney of long-standing. The first time I raised the question of corruption in the South African judiciary was a by a letter to the United Nations approximately five years ago setting out some of my complaints. I got a beautiful acknowledgement of receipt. Thank you to the judge. But nothing happened thereafter.

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For three years I raised this question of corruption in the judiciary with every judge of the Constitutional Court in this country. In at least three occasions in writing to the Constitutional Court nothing was said. Nothing was dealt with. Then in 2015 I approached the public media and I went on 702 and complained about corruption in the South African judiciary and its effects on the passing and application of Acts. And I just want to clarify that for a minute. There are three levels of government in a democracy. There is the Parliament which makes the laws. There is the government of the Executive which administers the laws. And there is the Judiciary which applies the laws. Now yesterday and today I heard all sorts of complaints about how the laws are not working. And they blame the government and they blame Parliament. But the area which is obliged to apply the laws is the court system and no one says a word about it. No one says a word about it. I have lots of information about corruption in the South African judiciary. No one wants to talk to me and that is why I thank the Panel for this short opportunity to talk. I want to get a bit more specific. In December 2014 the government passed an Act called Superior Courts Act. It is a wonderful Act.

It is to understand and it is easy to apply. First of all there are areas of the court that refuse to apply sections of this Act. And I come across it personally. Secondly, hidden at the back of the Act where no one gets to read its section 47. Section 47 is a word-for-word re-enactment of an apartheid law which protects corrupt judges. That law, I call on the Panel don't repeal it tomorrow. Repeal it yesterday. That law is preventing people from bringing corrupt judges to book. It needs to be repealed. Secondly, you look at Chapter 9 of the Constitution, the Public Protector section. And in it there is a provision which says they can't consider judgements of the courts. So the court can say what it likes there is no responsibility in the courts system. They know they can't be attacked. Repeal that section. Repeal it! Now people must argue, you need a two-thirds majority whatever.

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Tell Parliament on a 51% vote repeal the section on Chapter 9 of the Public Protector which says they can't look at corrupt judgements. The third part is the question of removal of judges from the bench. Now no one knows because no one talks about it. Our Constitution says you can remove judges who are corrupt for misconduct and for incompetence and various other reasons. It is in Chapter 8 of the constitution under a large heading called Removal. Now how do we remove a judge? (A) We can't sue him because section 47 says we can't sue him. We can't subpoena him to court to give evidence because section 47 says we can't subpoena him to court. Let me tell you, the next step under the Removal is a little clause which says you could only remove a judge when there is a two-thirds resolution by Parliament and the Judiciary Services Commission consents. Who are the Judiciary Service Commission? Do you vote for them? I don't vote for them. I voted for government. And why should Parliament allow to be overruled by the Judiciary Service Commission? What is the reason for that?

In a word; it is a disgrace. And that is a slap on the face of democracy. No one voted for the Judiciary Services Commission. There are people on the Judiciary Services Commission who are collaborating with judges to identify and attack individuals that they don't like. That is pure unadulterated corruption. Mr Panel, Mr ANC, if you want votes in the next coming elections, get rid of these sections. Now let me follow-up a little bit further from my initial story where we got to making presentations to the Constitutional Court. Subsequent to three years of doing that without any results I went to the Human Rights Commission and made submission and supplied them with documentation of corruption. They came back to me and said no you must report it to the police. And they gave me all the details for who to report to and how. I reported it to the national police and I heard nothing.

It absolutely outrageous that judges have no responsibility in this country. They can make laws that do not represent South African law. I have a case over 7 years with 27 000 pages and every single judgement through that case is not in accordance with

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South African law. And then our Chief Justice says even if your judgement is wrong, you must comply with it. Absolutely not! If your judgement is wrong tear it up. Put it in the dustbin and if they and if they try to come to your house to execute fight with them. I have information that there is a cabal, a criminal cabal within the judiciary that is used to identify people and bring them to book by reducing them poverty. And there are people who have lost houses, lost assets. This has got to stop. And Mr ANC if you want my vote in two years' time get rid of these laws.

Ntombi Luthuli from Pretoria: The Acts that we see and that we are given are very good. But these Acts have a lot of discrimination. Let me start here. I have a disability. I have to climb these steps. This is discrimination. It just means that I am not counted here. I was not counted as one of the people that would be here at this place. It is only the enabled people that were counted. Then a child who was born in 1994 called Freedom, Democracy is there. But it has its own people. Women are not part of that. If they are there it is only a few of them. People with disabilities are completely out of this democracy. So when I am presenting my statement, I want to talk about employment/jobs. As women until now we are still oppressed in terms of employment. Jobs are controlled by men. It is them who control big companies. Me, it means I must suffer under a man. When I have suffered under a man, if he wishes, I must pay a bribe. This is the first one.

The second, it is a bribe under the skirt. Where is democracy to us as women? If you go out saying you are going to look for a job using your papers, you have a company, you are going to look for a job you will get to the offices....(no sound)....and then they pay a good bribe. So you will get there and the officials will send you from pillar to post until you get fed up. You become a woman and sit down as women we enjoy cooking. We do catering. Which popular/thriving catering company owned by a woman [do you know]? They are very rare. Because of what? Even if you go there to the officials saying you are just needing this simple certificate of health. Trust me you will travel until you

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become this short (pointing down) without getting this certificate. That is why I say these Acts are there for certain who are eating money but us who are here on the ground, no its not for us. So our youth too need employment. Our children are offered learnerships. They will be offered learnership after learnership, learnership after learnership. But when they advertise these learnerships they say it is only for one year and for sure you will get a job. Trust me, you never get it because they will tell you lies. This is the first ting. The second, if it happens that you get that job, they ask for experience. Where is the experience sold? We don't know.

Because I am just from school and have just completed my matric. I want a job. It is said I need to have experience. At whose place does this experience live? But if it is not like this, come to politics. Come to politics. Councillors say people are being employed there. [Then they ask] are you a member of DA? You are not? No. charity begins at home. Go. You will never get a job. You will never get a job. So we request as a community to our government that all these Acts, all these good things that they wrote are suitable for them but the government has to do follow-up on them because us on the ground we are suffering. As for us people who live with disabilities, trust me, trust me ours is nothing completely because let me start at work. A company employs me. When I get there they will say Ms Luthuli we won't afford you because you are on crutches. Here we are using steps. We don't have your way that you can be able to walk on. So you are not suitable for tis job. Now for those on wheelchair they say no, no, no, we can't. The place is not accessible. Take a blind person there they will say we don't have facilities. It means us people living with disabilities we are still overly oppressed. And again, we as are as well discriminated by our communities. Our own people in the communities we live in.

Even if I say I am a woman, I have children and I am married, but the people of my community I am a half other or I have a half brain - mentally challenged because of the way you treat us people with disabilities. And it becomes worse in other issues. Once

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you get a disability, trust me. We don't ask for it. Disability just comes on its own. And you wake up disabled (one day) like me. So how do you feel as a man you wake up with a disability then your wife says you know what this I can't (tolerate). Then she goes. She leaves you. You are a woman how will you feel? This is the way you make us live us people with disability. We go to a hospital, they say aaah it is not me who made her disabled. She must stand up. I didn't make her a disabled person.

Our government says people with disabilities first, by mouth. Women are the second but even this one, I will tell the truth. It is just by mouth. So the issue that we are here for that they called us for, I will be very happy if there is a difference that it is not we were invited to just put our names on the [attendance] register but we were invited for action. Lastly we volunteer. But what is to volunteer? Is to work for your community simply because you love it. It comes from your love. Is that not so? In these times there is volunteering and it comes with this thing they call stipend so that I can buy (ibhongwashe), I can do this and that. We volunteer until you bend. Once you say you exercise your rights you volunteer trust me, you are out. They are going to look for (employ) another person. No matter you volunteer for 10 or 20 years once you take a stand for yourself then you are out. Even here at home, here where I am standing at, at Legislature I volunteer with my disability. I have been here for almost 12 years. I volunteer using my time, my money, my everything and the money that I get from government. I volunteer by it here at home. Thank you Ntombi and then they give you a plate of food.

Is this the government that we voted for? We said at first there was discrimination, and then we said we want a government so that we can treat each other well. Do we treat each other well? In my point of view, no we don't treat each other well. We oppress each other very much. So we request that our government does well as they have shown us in the Acts. It should not be that these Acts are not known by us only here in South Africa. So how many people that do not know these Acts? People that are left

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behind at home. How many people are being abused because they don't know these Acts that are left behind (at home)? We request that government goes all out with its Acts and show them out and apply these Acts there. So we know that we are under a government that wants to move us forward. Lastly, women it is high time, it is just yes or no. we have to stand for ourselves. The women of 1956 made things happen. Even now you can make things happen. Down with men that abuse us. They want our dresses when we are looking for jobs. They want bribes from us when we look for jobs. As the government says women first it has to happen like that. They should give us space so that when a man asks for my dress, when I am looking for work where I report him should not be at the office where that man works because my complaint will be thrown out.

Programme Director: May we move to Working Group 3

Nomarashiya Bonase from Khulumani Support Group: I will talk about just one Act. I will not talk about other Acts that I had planned to talk about here. The Act called National Unity and Social Cohesion Promotion of National Unity and Reconciliation Act of 1995. I will use English a bit just here and there because I don't know English well. I will do this so that even those people who don't understand African languages can understand my talk. The Act was established while the conflict and violence here in South Africa was still taking place. Which means makes of people especially the citizens of South Africa not to know about it. Either the victims or the perpetrators could not manage some of them to go and participate constructively towards the TRC which was a Commission which was established after the Act. But those who managed to look at the Act especially the Khulumani members; we did view this TRC Commission as one which was a good starting point and a process of hope for the South African citizens to bring peace, unity, restore the dignity and Ubuntu and to help with the process of transformation towards building this nation. But this was to be done through the triple R. We say as Khulumani members there is triple R which was going to help this nation to

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be able to transform even the victims and survivors and also to make this nation to be built towards these processes I have mentioned above.

These triple Rs were Redress that means in African way to bandage wounds of the wrong things that were committed during the time of apartheid. Reparation, this means there be compensation or some form of assistance that is given to the victims of the apartheid times so that there is forgiveness, these talks about and Truth and Reconciliation. The thing that is called reconciliation is forgiveness. This was an attempt to heal the pain and bring down these spirits of violence, hatred. This was meant to close the gap which was caused by the oppression that was committed on black people.

We sat down and looked it as members of Khulumani. We saw it as a good law that was bringing hope to change the lives of people; we saw that if it was going to be followed. Restituting them back or a way of giving you something back for the loss you suffered. Rehabilitation, this is to mend so that the situation is to bring back the things that were taken from people. This is a way of, for example, if your things were taken children of future generations don't go back to that situation that we were in ourselves, the old people. This was the way we saw it. We had hope and we took the TRC as a path-finder (pointer to the right direction). We saw it as a good step towards mending or reconstruction which would lead to improvement of the lives of people. And we took it as a programme that was bringing justice in South Africa. I am talking of a law that was established in 1995 in South Africa. Now we have about 22 years, and it was supposed to be that this law is being implemented and moved forward.

But what is happening was that there is a big gap in that the law is not being considered and it is not being taken forward. We call this as an unfinished business of the TRC, because this process was taken forward, this was supposed to be an open-door policy. This was a policy that was open and was capable of reaching the ears of even more

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people who had not heard of it. As I have said initially, that it started when our people were still being beaten, some being maimed.

This was a stage here in South Africa where conflict and violence were still on-going. If you remember well we did not say when we voted in 1994 the violence immediately ended, suspicion of others ended and doubting of others ended, mistrust of ended. No, these things continued. If you member there were incidents that happened at the time we were voting. And when we were voting incidents of people being murdered and incidents of violence continued happening. But because of hope, the people of South Africa said there has to be transformation, there has to be change. They went on to vote. They is why we are still voting even today. We got hope. When laws are being made they have to be brought to the people so that they look at the laws, and are given platform to scrutinise these laws, they have opportunity to understand these laws well so that they too can contribute their views to these laws. It is not that when people are on the grassroots level they don't have brains. Of course I am talking of the grassroots levels but [I know] we can't all sit in Parliament. We believe that we [people at the grass roots level] can direct our leaders in terms of what they do in building this nation. How can they [leaders] build this nation in a way that it becomes an example eve to other nations? When we talk of the good Constitution we have, it must come from below, at grassroots and be explained to people so that they can correct it or some parts of it if it is wrong.

They [the people] turn it back. All laws should be brought to the people. This is the gap that is in there. The platform or public contributions in law making processes are not created. Organisations and people that dedicate themselves such as volunteers should be given platform. People can be organised and even gather under trees to discuss these laws and give their inputs/contributions and take them up to parliament. As I am talking I am talking from my experience. I have experience in these issues. We took a structure and engaged it as Khulumani. We started at local, principal up to national. This

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is what happens when we talk about the issue of justice. We have dealt with the Department of Justice for over a long time. We have been saying the law about the TRC, has to be amended. The Act has gaps that leave many South Africans out. This is unfinished business of the TRC which discriminates against other categories of people. It closes them outside. When you ask them they tell you that the Acts, rules and regulations are done at parliament and then as the Department of Justice they don't have the power to amend these laws (then she falls to the ground. She suffers from fits).

Marjorie Jobson from Khulumani Support Group: I work with Nomarashiya the lady who was just speaking here. I did not follow all what she was saying but I hope I will not repeat what she said. Khulumani is a network the whole country of a 104 000 people who are survivors and family members of apartheid crimes and gross human rights violations. Our membership is also made of people who are political detainees and military veterans and we offer services for healing, recovery from trauma and capacity building for active citizenship with many development projects that we take forward. So the legislation that we both wanted to speak to was the Promotion of National Unity and Reconciliation Act. Because for all the years since the adoption of that Act in 1995 we struggled with the ways that Act has excluded certain categories of people due to what we consider as very arbitrary bureaucratic decisions.

We had a very useful meeting with the Minister of Justice in January this year where he confirmed that these exclusions are completely unjustified. But up until now there is no legislation to address the exclusion of people who have suffered the atrocities of the past. I thought I would give a quick summary of how we have tried to use every available mechanism in the country starting with the setting up of the TRC Unit in the Department of Justice when it started in 2005 and every engagement and submissions of policy proposals on how to produce victim-centered reparation policies has never ever produced any formal response for engagement with policy proposals that were

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submitted. Every time the government published in the government gazette for submissions on any of these issues we made detailed submissions. We coordinated submissions from our partners in Coalition on Transitional Justice and also the Centre for Human Rights. None of these activities produced any response from the Department of Justice. We have made submissions on community reparations on remedies and health education and housing. Nothing has ever produced a response in considering those proposals. We have been to Parliament every time there was an opportunity. We argued for Special Pensions and how the Special Pensions Acts needs to be amended to lower the age at which you can qualify for a Special Pension and that happened.

We went to Parliament to argue for special benefits for military veterans. After running courses and mentoring the military veterans who are not yet organised and we managed to win the benefits for them but up until now none of these benefits are now applying to all the victims who sit on our database, who suffered gross violation of human rights under apartheid using the definition of the TRC. We were realising that all our engagements with the Department of Justice was not ever been relayed when the Department of Justice in the TRC Unit reported to the Portfolio Committee of Justice. So we asked for an appointment to make our own submissions to the Portfolio Committee. It was a very unhappy experience for us because we had to raise the money to get to the Parliament. We prepared the presentations. And once we were there the chairperson of that Portfolio Committee stood up and said we are not going to allow Khulumani to make their presentation and he had flown down from the Department of Justice to intervene. And the only response we managed to get was someone on the Committee saying but don't you understand that the remedies were only ever intended for people who were identified as victims in the amnesty process.

We have gone through all the transcriptions of the amnesty process and we have found that nearly many victims who were identified in the amnesty process themselves have never qualified for the benefits of reparation policy. Starting from 2009 when the

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Presidential Hotline was set up across the entire country thousands of members phoned the Presidential Hotline and said this is a burning issue. Our lives are going backwards unless the harms that we suffered are somehow remedied, which we call compensation. Compensation for the harm done by the agents of apartheid state, we are not making any progress in our lives. We are not able to look after our families. And of course we can't pay for our education. So we eventually got an appointment with the office of the President. The DG Dr Cacious Lubisi and we had a very fruitful engagement and our submission there was sent back to the Department of Justice and the same responses came back. [the Department said] there is no way we can remedy this situation. We had then engaged with the office of the Chief Justice and also to appeal that it is possible to write policy that can fix the problems that can stop what Minister Masutha has called a grave injustice to people who were struggle veterans and victims of these abuses. And so we really believe, and we have lots and lots of contributions to make. For getting new legislation in place, there is no capacity presently in the Unit that deals with these issues to generate any kind of legislation that will do it.

We have observed that most of the countries in Africa who have hosted the Truth Commission, all those Truth Commissions have come to consult with Khulumani about how we create programmes and opportunities for victims of gross human rights violations. Some of them now are making more progress than South Africa is making in particular Côté d'Ivoire where we hosted their entire Truth Commission for a week and they went back and had the entire process and now they have set up a Compensation Commission. And we have come to believe that the only way to finally resolve these issues and to do justice to people who were in the struggle who carried the sacrifices that our preamble to our Constitution talks about is now to have a new innovation, a Compensation Commission to compensate people for the terrible debts that they carry. It is a debt that the country owes to people for what they did. Standing up against the apartheid regime. We are very aware of how people who fought the external military struggle and the underground movement lost contact with the ordinary people who were

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the proud people that the frontline in most townships across this entire country, in all the small towns.

And so we would like to see a strong recommendation going from this meeting that we need to pull for new policy to set up a TRC Compensation Commission where these matters can be finally solved. And where that wonderful kudos that we run we run as a nation for this remarkable TRC can finally be fulfilled because as many of our colleagues said it is a shame that nothing is being done to redress the harms of the past that were carried by about a 100 000 individuals in the massive sacrifices they made.

Vusi Nhlapho from City of Ekurhuleni: I am an independent filmmaker, a cultural practitioner and a sports and recreation, arts and culture activist. We all know that when we are born, we are born closing our hands like this. Our closing of hands like this means we are holding talents. It is the right of everyone that when they start walking, opening their hands, to see what their talent is. Why do I say this? I say this because I used to see in the past three or two years, that there are more participation, the one I remember was called Masakhane Mass Participation Games that were happening at Ferranani at Ekurhuleni, the Eastern Region.

This made our children as we are here today, others are writing, some are finishing and others have already finished [writing exams]. Then you will find that when they finish they have a tendency of going out to parks and say that they are going to wash their ballpoint pens. They get drunk and become useless. They say come mother and take your child. There is a park that I know of that is called Morning Park. No, this one has alarming things happen there! It takes the prize! But why do I say this? It is because the government, just like Gauteng Legislation, perhaps about houses our municipalities like Ekurhuleni.

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We now miss these games such as Masakhane Mass Participation Games that gather together our children during holidays and festive seasons. Now you find our children from all these locations filling parks. They do all sorts of bad things that you see. But now, you ask yourself how the child grows and what actually is in his head for him to smoke tobacco? The child is holding a can of Hunters (alcohol) and whatever you call it. She is sitting with legs closed. She is sitting with a boyfriend. And then I ask myself: Does she have a mother and father? Does she know where her mother and father are at this time? But again, I come back and look at our government, that when they establish these parks the government establishes a park and put in a braai stove, stools; they don't put in sporting facilities. They don't put in netball. They don't put in a basketball. They don't put in half-grounds. So if you put a braai stove in a park what do you expect people to do? Because all the grounds are no longer there. Where there used to be grounds churches have been built. Don't take me wrong. I am not saying churches are bad. And where there used to be cinemas, it is churches now. But where the problem is that our government, I have extensively travelled in Ekurhuleni myself. I wanted to bring together our municipalities.

The Department of Sports Recreation, Arts and Culture and the Department of City Parks but I failed my brothers. And I threw down the towel. I wanted the two Departments to meet so that Sports, Recreation and Cultures and Arts does half-pots, basketballs and netballs so that when our children get to those parks they don't do other things apart from recreational activities. Because they will take each other for smoking and drinking alcohol and go to other places to do things that I cannot mention. But I yet we find that when the year starts or when the year ends there is a thing called IDP. Our IDP surprises me because by the time it arrives to us it already full. And IDP, when I read about it myself, is a where people tell the local government that we want a centre, we want this here, we want this there. But you find that Departments say no, we can't do this at this time, maybe we will do it next year the budget is already full.

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Now you ask yourself; if they say the budget is full so what is the role of people in the locations? This is my one question. There are many things called Customer Care Centres. I think they are everywhere. Our Customer Care Centres have all that you look for; financials where you pay rent, water but there is no sports, recreation arts and culture in our triple Cs. Yet they say these centres serve communities. I would like to ask why? At school, of course our children are learning. I don't want to lie. Our children are learning. But I would be happy my leaders if our children can learn about our heroes such the the Mandelas, the Sisulus.

I think the time of Jan van Riebeeck and Vasco da Game has long passed in text books. When the flag of South Africa was drawn the government made a public call inviting people with talent to come and draw the flag. Why our government does not put an invitation to say all the people that can write, creative writers should come in front so that they write for our children about our heroes, Mandelas and Sisulus so that they learn about our history? We know that our children love to be on television so much. They love singing so much. Even myself when I was growing up in my book it would be classwork and homework in front, but at the back were Beyoncé's lyrics. There was no Beyoncé during my time.

There were others, but there were relics at the back of my book. But the problem is how do we develop the talents? Because at places such as the one where I come from, there are multipurpose centres. But there is no place like an Art Centre. No it is not there. If our children go out they go where I have mentioned, they go to parks where they smoke and drink alcohol. They court and date. But if it was that they go out and dance, I remember the days when I was still a youngster there was a club that I joined called Tsakane Youth Club that was at Tsakane Hall. Most of them now work for the city of Ekurhuleni, at Economic Department, Sports Recreation arts and Culture. Why do they not see today that let us build youth centres for the children of today where they can go in to dance and sing? Today children have studios in their bedrooms. They ask

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their mothers to buy them speakers. You ask yourself; what does this child want to do with these things in the bedroom? He is making music. This music is no longer ...I will not say this.

Sports recreation arts and culture, the recreation industry is no longer a hobby of our people. These things put food on the table. Pay wages to people. They eat and live. Families grow. It is no longer a hobby, sports recreation and culture. Today we have Bafana Bafana that represents us. But will there be another young crop of players developed in locations to replace the current crop of Bafana Bafana players? No. I don't see that. What we have done at Ekurhuleni where I come from in the Eastern Region, I sat down with our brother, they write films, they sing. We took those that sing and those that write. We said those who write should write short stories and those who sing should do music. So we combined the two because there is no film without music. This year we did what we call David Pape Zone Ekurhuleni Film Festival 2016.

As I stand here I am very proud to tell you that you can go to www.dpzehrufilfest.com you will see by yourself the work we have done. Lastly, Programme Director, have structures in locations that are being built. You remember after 2010 Legacy Stadiums were built or something like that. Today have you ever looked at them to see how they are? Uuuhm, it is a sin. But again the IDP says it built us stadiums. I will use the English word. It is a very difficult word; White Elephant Stadiums. You can't get into them. You can't enter them. Our Gauteng government should intervene and teach our people and the Local Government that these policies that prevent us from entering these stadiums like kwaThema Stadium and Tsakane Stadium. Good stadiums were built but we can't use them. I think they ask for R85 000. But as a team still at development stage where do you get the R85 000 to book a stadium?

The children that still have interest in sporting paly very bad grounds. There are children who play in Malandela ground. You can go there today, you them playing. But again the

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development is prevented by our Local Government through its policies that are so difficult. I request to my leaders that we relax these policies. They are oppressing us. We cannot prosper when our policies become red tapes. Our development lies on the infrastructures that are in the townships, our stadiums. Grounds are not there. As I have said they have been replaced by churches. There are no cinemas. They have been replaced by churches. Where do we go? Where do we do our practises? Where do we take these things to? With these few words I thank you. I would like to say to South Africans you were born with the talents closed in your hands. It is up to you to open them and identify your talents.

Mike Stainbank: One of the difficulties that we have in these public hearings is, and what I have been listening to throughout is that public hearing essentially focus on what is going wrong in our country in regards to government. When in truth and in fact the proper way to explain what is going on in our country is to put a caveat that says government under the African National Congress. And if you leave that out you leave out that fact that the African National Congress was in discussions in many clandestine meetings with our formal oppressors or our current oppressors. And if you leave out that particular aspect of the African National Congress and the relationship with the oppressors or before 1994 then you leave out a critical part of trying to understand the circumstances in which we do not have land.

The circumstances in which all of us are complaining about various issues. The circumstances in which Khulumani complains. The circumstances in which Mr Chalomni complains about the Judiciary. All of these things are directly related to clandestine meetings between the African Nation Congress and the oppressor who continues to be the oppressor. It is unrealistic that we should be standing her today and having a discussion like this 22 years after the fact when in truth and in fact the bottom line of our problem rests with the matter of racism. And in 22 years government under the African National Congress has done what so ever to bring us to an understand to how racism

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works. Racism is not Penny Sparrow in that sense. Racism is about dispossession. And we do not have land because of dispossession. And if you go on claiming victory about taking Penny Sparrow to court, you are claiming that much of victory. The victory that we must claim is the victory for the dispossession of our property.

Now I told the Speaker that I belong to my own organisation called the Apartheid Museum. Now what you understand about the Apartheid Museum is a structure that is there at Gold Reef City Casino. On the 2nd of December 2001 the Sunday Times ran an article for you who told you that the Apartheid Museum was conceived by Abraham and Solomon Crock. Now the Sunday Times lied to you and everybody else lied to you because in September 1998 I had a 40 page full-colour prospectus and the person that bought my prospectus with the registered trade mark for Apartheid Museum was the Deputy Minister in Arts and Culture Bridgette Mabandla. She bought my first document. She bought a full-colour prospectus outlining the details of the Apartheid Museum. In January 1999 Mr Nelson Mandela sent me a letter in which he said congratulations. But when it came to the time for the African National Congress to be able to say no, the Crock brothers are lying, nobody in the whole of the African National Congress was willing to say that until the Crock put under oath that they stole my registered trade mark with the African National Congress. And it is here under oath.

I have brought the document to be given to the Chair. Now there is something I want to tell you because we have a judge here in the house and we have very qualified people. I have in litigation with Gold Reef City Casino for 15 years. Let me tell you two things which a judge will qualify for me. There is no law in the Republic of South Africa that will allow you to register a company while somebody else's trademark is on the trademark's register. There is no such law in the Republic of South Africa. There is no law in the Republic of South Africa that can allow you to register a company without a CM5. This is a fact. There is no law in Republic of South Africa that can allow you to register a company without the written permission of the trademark holder. I am the holder of the

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trademark of the Apartheid Museum and the company that I have been in litigation with for 15 years is company called Das South African Apartheid Museum at Freedom Park. While my trademark was on the register and for 15 years, to go along with Mr Cholomni, not one judge in the Republic of South Africa is able to call out the law the way it is. And I go back and I say to you listen. Listen very very carefully. Listen carefully to what I am saying. I am saying to you that it is an artificial inspection of government if you don't inspect your government in a context of the government that is led by the African National Congress. That is your primary focus. It is your government that is led by the African National Congress that brings about all the problems that we face especially everything that relates to racism.

S. E. Mosiya: The theme of yesterday, when we were not finished talking about the land that we have not yet received but others have received it. As we have already said yesterday that only those people were known as lawful people that have occupied land but the most of people have not yet received their land back. I want to be specific when I talk about the land issue. I want to talk about Waalmansdal. Waalmansdal during the forced removals, there were people who were residing there in Waalmansdal. There were lots of tenants who were staying there. But when the people were coming back, they said those people need to be verified so that to see if they are the right people to come back or not. But during the forced removals when the people were removed there they never asked for those things of verifying whether those people that the day when they come back we are going to take them back. So now we are sitting there with a real problem. People who are hungry for land, they are all over now. People who are wishing to come back to their land of Waalmansdal they cannot because of the landlord of the date of now. They want the land to be grazed with white people who are having animals there like cattle, like other staff like that. But you have got the tenants who are already waiting for their land to be given.

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Now last time after they received the land they said now those people of the tenants of Waalmansdal they were not the rightful people. They must apply again for the land. After we have been waiting until 2014 on July 29 we applied for the land. After have applied they said no you cannot apply. You were not supposed to apply for the land because your land has already been handed to you. The only thing that you supposed to do is to write a letter to be integrated to the old claim of Waalmansdal. After we have been writing the letter to be integrated to the old claim of Waalmansdal it happened again. They said no we cannot give you the land now because now we want to know why you want us to prioritise the land now.

What are we supposed to say to them? Then we wrote a letter to say ok, fine because we are the former tenants of Waalmansdal. We are the former beneficiaries of Waalmansdal. Give us the land back. They said no, at the Parliament we have been interdicted. We have to wait until 2018. So we wanted to now after 22 years that people have been suffering, we still have to wait another years for getting to the land which has already been handed to us. Now there comes the issue of the CPA and the Trust. Those people they don't understand what the CPA and the Trust are. The CPA is for communal land. The communal land is run by the chieftaincy and also by the CPA people. But you cannot as a landlord say that you are also a communal land. It does not work like that. Communal land is only for the tenants for communal people who are running by some other representatives who are representing them. Those are a called the people under the communal land which is the CPA. But when you talk about the Trust, the Trust is somebody who is a small holding, the only person who has a title for that land. Only the person who is having the title deed, a household that they can form a small group and the Trust. This is where the Trust comes from.

But those people they cannot own the communal land. The communal land is for the chieftaincy and tenants of Waalmansdal. That is how it is. But now we are facing the problem that we have to wait for 2018 because of the interdict that has been interdicted.

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I have got the proof here that I can show you that we have to wait again while those people that call themselves the landlords they are sitting there. The land is just not working for them. They just leave the land for somebody to just graze on that land. Now people are sick and tired because now we are being sent from pillar to post. I like the person who was saying that there is a problem with justice because now there is something like a fraudulent that is taking place in court. We want to say to the court, we don't want to see ourselves again to be in the Criminal Court because we are not criminals. They must create a court that is called the Land Court where we have to talk about land issues so that we can understand the language of the ESTA. ESTA which means Extension of Security of Tenure Act. And when we talk of PIE we talk of Prevention of Illegal Eviction Act and how it works. And when we talk of farm dwellers and labour tenants is the whole package of it. But you cannot talk about those things in the Criminal Court because we are not criminals. We are talking about our belongings. We want our belongings to come back to us. That is how it works. And another thing. We are still having a crisis of the churches. The Indigenous Churches people, they don't have churches. They don't have sites.

Others in the same Waalmansdal, because they have not been the Mission people they cannot give them the land back. We have lots of churches which were in Waalmansdal during those years, 1960s, years back there. Now all those people they need also the land back even here at municipality. If the people go to apply for land they are suffering. They take pillar to pillar always must go there. You have to wait for five years. You have been applying for church land. In the meantime you are worshiping in the dining room or in the kitchen or in the backyard. And it happens that if the pastor dies there, there is no more any church because they is somebody and the kids will say no we no more want that church again. Now we have turned to other churches now. So what about those people who worship in the same church? Now they destroy the people. So because the people don't want to be destroyed, let the people get at least the land for Indigenous Churches. Let all churches have land so the Missionaries were given the land before.

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And let all the churches have funds to build the structures of those churches because those priests they are not getting any money. They don't get paid but they are the people who are serving the community. They are the ones who are trying to serve the community but they don't get any funds. They don't get anything. But if you are hearing, if you are listening, always there is a lot of money. There is a lot of scandals that are taking place. But those people they don't get even a small cent. They even volunteer to take their own houses to make them churches for the people. So we say that to the government please, we plea as the Indigenous Church Organisation for the government to think about these Indigenous Churches whether they are going to help them, to assist them or not, or whether those people must join the South African Council of Churches or they form soothing for those people.

25 November: Afternoon Session

A mature woman in Zulu Traditional Dress: I want to talk about the land issue. The land issue is very sensitive and the government is not taking it up. I don't know what the reason is. But today I think my voice will be heard because the slogan of today is 'speak your voice will be heard'. So today I request our Panel to listen to us, especially us as traditional people because first of all we don't have recognition. Even if when everybody comes here, and we are sitting here with the Panel, when they come to the Panel they don't recognise us. We are not recognised. But if I want to ask this question: Who owns the land? No one will answer it. Who owns the land? It is our traditional leaders who own the land, but we are not recognised. We are not dignified. We are treated like people who are confused, people who just wear traditional clothing but do not have direction. But I just want to say this; we have claimed the land but up until today we are we are being driven back and forth. We are taken to courts and courts and courts. But nothing is coming forth.

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Apparently we have got the issue of Gauteng. Everybody is saying Gauteng does not have a king or a queen because everybody comes to Gauteng to look for employment. Unfortunately my great grandfather Mzilikazi was the first person to come to Johannesburg. When he came here he did not come to look for employment or working on the mines. He was forced to back by Voortrekkers taking Johannesburg, Transvaal back from him. When he came from KwaZulu-Natal running away from Shaka, he came and resided in Transvaal. I have the honour and authority to be the owner of Transvaal. And Johannesburg, Pretoria they are mine. I own them. And all the mines that were taken from my great grandfather by Boers, they are mine. I own them.

But even the government when they come to the governance, they never took back what belongs to us as blacks. I will give you the history of South Africa if given an opportunity, of how my great grandfather became the king of Transvaal. That time it was still Transvaal. Unfortunately there are two things that I need to say before I leave. I want kings to be taken into consideration. Kings, they must be observed. Kings, they must be given back their dignity. If you go to London, Queen Elizabeth owns, you know. If I can tell how I am honoured you will be surprised, but when it comes to my land nobody even recognises me. I am still waiting for my land to come back to the rightful owner.

Ketsane Oliver Boniswa: I am from Westonaria at the township by the name Bekersdal. I am a member of Great Westonaria Concerned Residents Association. Members Speaker knows it very well. National unity and social cohesion, former president, as I a young person always when I look at the intervals of my eyes, I see vehemence of antagonism in this country. Maliciousness and viciousness. Pathetic perceptions of vindictive and brutality mentality. I see regales to the regions. I see rebellion against the regime. No resolution about the endangered generation. We are in tatters. South Africa is perishing. Where is our moral goodness? I think this Act my no longer the redundant. This Act must no longer be recognised as a bridge between black

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and white racism. This Act must be encouraged and inculcated in this nation for the young people. And the generations to come. Because my young people are very much frustrated. You people are unemployed. Young people get employment through sexual exchange. You people require bribery for them to be employed. Young people are requested to show their membership before they get employment. Young people tend to exhilarate protest and I am one of them. Believe you me that this nation it is cost my politicians who are heartless, who are derailing this nation from the right course. I want to appeal in you the Panel to say it is upon your shoulders and this house to ensure that the future generation is rescued.

Speaker: Mine is a very quick one. In regards to, let me first concede that I am not sure which Act this falls under. May be the NQFA, but in relation to education, private colleges not the FET colleges but including the FET colleges, private colleges. Young people will go there and they will do their three-year diploma and at the end of it, not be able to be registered at universities. So is it a law that exist that the quality of the education should be good enough for them to be able to get some kind of crepitation at universities? Or is it an issue of enforcing that law if it exists? But also and at first, let me commend that FET colleges are doing a very good job. I am from Mohlakeng in the West Rand. We have a lot of young people in our community going to FET colleges for free. But I am also a student who went to an FET college and when I wanted to take it further I could not be credited. So what is the relationship between the FET colleges, the private colleges and the universities? Is there an easier way in which the law can make sure that the quality of education in the private colleges and in the FET colleges is good enough for them to be able to be credited and accepted at universities? Because I think what happens is that young people go to these private colleges over three years doing a diploma at the end of it you find that is not either a reputable organisation, it is credited but employers don't see it as a good one. And universities themselves don't accept them. So I think that also contributes to unemployment and the hopelessness that we see among the young people.

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Sehametsi from Magaliesburg in the West Rand: I will talk about the disabled people. I request to talk about this thing because it is like it is not being taken into consideration. When you see the disabled people especially in a rural area we don't find public schools for disabled people. So you will find that even companies when it comes to the time when they want some disabled people into certain posts they don't get them because when the country do the statistics those who go to the rural areas and they count those people that is why we find that some of the deliveries they always drop because of there is no deliveries in some of the aspects [of service delivery]. I am would like to emphasise this thing of disabled people because these people they need to be taken into consideration really because when you go to rural areas like ours in Magaliesburg there is lots of disabled people.

They never went to school. They never interacted with such things that can enable them to feel that they are complete human beings and that makes them feel welcome. And the other thing when it comes to education, mama (a previous speaker) you spoke of Grade 3 and I want to ask that Foundation Phase, they say it starts at Grade R, but about the ECD? The foundation of a child starts from pre-school and also from crèches. Is that not so? And if you look it is like education side-lines other. And when you look at it, Grade 3 is a class that started there. And when you look at Grade R to Grade 2 children are taught in their mother tongue. You see that in public schools it is Setswana and they get English at Grade 3. So that is why you find that when they get to Grade 3 the children do not perform well because when they get English at Grade 3 it is already too late. So I request that the Panel must also consider the ECD because we are the ones who do lots of work because are the ones who start to build the foundations of these kinds. We take care of them from birth until a certain age, until they reach a school-going stage. And the other thing is this thing about nation building and social cohesion and it is going to increase because we live in rural areas. We live with whites.

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There are some white people that are still living that apartheid life and you find that children do not go to school. Some they go to school but when they finish they cannot proceed to university. So they end up working on farms. So this is another thing that makes whites look down at us. Because they know that there is no way that we can leave them and go further to do higher education. And also in the Constitution it is a concern because in the booklets that they gave us they only talk of higher education. How about primary education, and secondary and high schools? So they must also check on that one.

Zithambo Mzwandile: I am from KwaThema. I'd like to congratulate myself for the opportunity given. And I'd like to greet Honourable Mr Motlanthe and the entire Panel. I want just to go to a few things most of them the previous speakers have already covered. But what I want to quote in this issue is the Basic Conditions Employment Act. The Act states clearly and it gives effect to the rights for labour practice with provision for the regulation of basic conditions of employment and thereby complies with the obligation of the public. And therefore Mr President, this Act we tend not to benefit as people with disabilities because most of the companies don't want to accommodate people with disabilities, mostly wheelchair users. Companies say that they don't accommodate, they are not user friendly. We understand that there is this thing in newly built buildings. They try at least; they create ramps so that people on wheel chairs can access them. But the process is too slow. We ask that you speed up in terms of upgrading the institutions mostly those that are being built currently. Also as a legislative mandate to the policy also implemented and complies with the various laws which we enacted to eradicate the discrimination and inequality of people including people with disabilities.

Mr Chair as a solution perhaps I would like to just appreciate the programmes implemented by the government like Learnership and Job Placements. But we request a proper implementation on these programmes and a thorough monitoring and

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evaluation mostly at local governments because that is where there is lack of commitment by government officials. So we request that whatever programmes that are being implemented monitoring must be thorough and check what is happening because you may find that at ground level we blame the government. But the government implements but lack of monitoring makes them end up not seeing who is who and identifying where the programmes are not doing well. Therefore we ask for proper monitoring. In short Mr President I would like just to request the government to walk the talk. Land was promised to citizens of this country; please let us keep it so. Let the communities own the land. Fair education to all and government please must subsidize it to those who are poor, who cannot afford the education. And then all citizens must benefit and enjoy the rights.

Please my plea to the government is that they must conduct consultative sessions on the ground before they can implement those policies because you may find out that at least those policies suit into the issues [that need to be addressed]. But you may find that it is because there is lack of understanding of those policies. But if there was consultative sessions before the implementation of those policies perhaps there would be not be this confusion between the community and the leadership at high level. Please government my own question is this one: You government in order for them to stop citizens to drink water you take that I am handling, but at the tap of water I never run shortage of water. I am a saying is this; this country is being driven into a wrong direction. Don't arrest the drug addicts.

If you can target mostly the suppliers of drugs then the effects of drugs may drop down because now we are watching the children that we have in our houses and we say they smoke nyaope. Who is giving them nyaope? We need to close/cut this person who supplies nyaope. Then the children will not get that nyaope. I would like also to explain this one; there is an issue like this. It is my example this one. A child born by Dutch here in South Africa will remain a Dutch because his parents are Dutch. What I am saying is

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this Mr Chairperson, there is this tendency happening perhaps unnoticed. I will say so. Those who supply drugs in this country they are destroying the future of South Africa while at the same time they are implanting a generation of neighbouring countries. These kids when they grow up at the age of 30 to 40 years, because they study here in South Africa we will end up seeing them in Parliament. Don't forget that these kids will forget their origins, where they come from. They will service the Parliament, saying they are South Africans. But when they go outside they will supply whatever economy. There are not going to be deported themselves because they will be sitting in parliament. They will deport the economy to countries where their fathers were born.

Selemo Mosiye: I come from Tshwane, Mabopane in the land of Waalmandal. People, as I am standing here, we felt as our people have been, I don't know how can say it because we voted for the government but at the end of the day, the government of the day, they don't see us as human beings. They treat us as even during the apartheid. It was better than now as I can see it because we can see that we are still in the apartheid system. During the apartheid time it was like that but it is just that they have just moderated it. It is in the modern style now. It is in the modern style but it is still the apartheid. What I wanted to say is that we still have, in the churches now, the churches, Rev Damon what are you asking yourself every time you see the churches in court fighting each other? Always we see only the indigenous churches in court fighting. But those churches, mainline churches are not fighting. Mainline churches, Western Cultural churches are not fighting. But why it must only be the indigenous churches that always are in court? We are going to South African Council of Churches. The South African Council of Churches is very clear that they don't know about our indigenous churches' constitution or where they are coming from. So they can't assist those churches.

So we are appealing to you as government that what do we do because we have tried to form our own tings of African Indigenous Churches Organisation whereby all those

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problems people can bring them to and collectively. Because now we feel that we are being associated as the government as churches. And for example they say that you are not the churches exactly. If the president tomorrow has been ordained there see that on the TV somebody comes from far away to come and ordain our own South African president. What is that? The South African president is a black president. What makes somebody from outside there to come and ordain him while we have the priests here and Archbishop of South Africa? So that is why we feel that the churches are not being recognised by the government and we want the clarity why. Then we come to the issue of land. The people do not have land. People apply for land to worship. Even today they are still worshipping in the dining room, in the backyards while they are in the democracy of their own land. What makes them to be like that? They don't even have any funds like other churches that used to be funded. Their children still suffer like before because you must have a testimonial that say where are you worshipping, where is your church, who is your priest? But if they find that you worship in Indigenous Churches they just ignore you.

But if you come with a mainline church priest they take that testimonial. It is the only one that they trust that it is going to work. So I forget about it. I leave it as it is for the question. So we come to the issue of Dr Claassens as you talk about the land issue. We have a problem about the land issue. There is ESTA and PIE Act but of which those Acts, they seems they just put them there but they don't work. Because now have got three regions of the three categories of people. We have an office of Regional Commissioner. We have an office of District Commissioner. We have the office of Provincial Commissioner. But all these people they don't know what the other office is doing. You go to that office. That office doesn't know what the other office is doing. The other office does not know that other one office is doing. So we have a problem of that thing.

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Now we were busy last time being tasked for farm dwellers and labour tenant people. While we were busy there, there was a bus travelling all over telling the people what we don't know about they said to the people. But while we were present waiting there the other thing is that during 2007 when Lulu Xingwana was still our minister, what happened in Waalmansdal she handed over the land to the people in 2007, Minister Lulu Xingwana. And she stated is very clearly that people, we hand this land officially to you today. But the people of the region of Tshwane there they go there and keep everything and said to the people, no the land is not yet officially handed over to you. You are not entitled to this land. So now I want to know if Lulu Xingwana handed land to the people and the Commissioner said the land is not handed officially to you, who have got right to hand the land to the people? Who is in the high level? Who is in the higher office between all the offices? Then it happened people go and occupy the land as they were promised. After people occupied the land they were also evicted again while they have received the land. So we need to solve that issue. We have all the proof here.

John Leputhing: I will start by acknowledging some of the critical service delivery issues that the ruling party has been able to achieve for the nation of black people. We cannot say that the government has not done anything. I am John Leputhing I come from the diverse community of Carletonville. I am member of SANCO, a civic organisation. Chairperson the issue that we have come up with as the organisation is that we want free education for children at primary school level. We talk about free food that kids get at schools. We accept them. We talk of social grants that are given to the needy and to young girls that get children without being married. Moreover we are thankful for the consultation that the black people get at clinics and at public hospitals. They get free consultation, free medicine and free contraceptives. And they get the pill that eases all pains (ARV) for free. Again the ruling party made it possible for people to live where they choose to live. We have free RDP houses. We cannot say that for the past 20 years in which the ruling party has been ruling they have not done anything. When someone does well you say they have done well (give comment where it is due).

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Let me start Chairperson. I just want clarity here. We have high unemployment rate especially among the youth. Now [the question] is our government doing enough? As you can see our children are offered skills training courses. But when they complete them they stay at home doing nothing. Right now if you ask them to raise their hands there will be about 100 who have certificates in skills. So how is the government ensuring that once these children complete the skills training courses they are able to provide for themselves, or to get a job? Another issue is about the middle age; the age that I am at. I have been looking for a job for 20 years. Next year, I am turning 60 years. Which means I will not be employable anymore? But how am I supposed to live because I am still a human being? So I ask that the government looks at us [as well] because they concentrate on our children too much. Because it is the biggest challenge. The other thing I need clarity on chairperson is the issue of free education. Is it possible; are there enough funds for free education for all? Because the community ends up getting confused. This is because when other parties/formations come to communities they say money is there but the government does not want to implement free education. But when the children ask for this free education the government says there is no money. So that is the one thing that I want you to tell the government that if there is money please tell us, and if there is no money tell us. This is because we are dealing directly with communities, we even find ourselves in position where we cannot provide answers to their questions. And here is another issue of land reform.

You see land reform needs to be sped up. But my concern is that the climate has changed. But are those people who are given land back conversant with the climate change issues/challenges? Because as you can see many farms do not have water anymore. And land without water is not land. Because I have seen in the Northern Cape that cattle are dying and the people come to government asking for assistance saying that we don't have water and our farms are dry, they can't produce anymore. Make sure that when you give people land there is water. The other thing is about racial

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discrimination. This one, we don't say it all whites that are racists. But there are still some white people who are resisting transformation. We ask our government to do everything in their power so that those people must be brought to the book because they end up implicating every white person. When you hear that there are things that have happened and you hear that someone has died, it is not a nice thing to hear for us the people who know where we come from because we are all human beings. And the other one that I want to talk about is about townships. I want to understand about the townships now that our government is here. I want to know about townships because townships were established as low-class settlements we are concerned now when it rains. We might find houses sinking into the ground. And that infrastructure in the Greater Khutsong is no longer strong enough and it is collapsing. The sewer pipes are all blocked. And as you know the municipality will not do it and cant don't it more; fixing the damaged infrastructure or addressing complaints from the community.

The last one that I want to talk about is the issue of immigrants. We cannot shy away that everything is right because it gives us challenges when we go to the community and say go and pay for services. They say that but those ones (immigrants) don't pay. They drink free water, they don't pay rent, the 'my friends' open businesses. They don't pay tax. So those are some of the issues that we must fix if we want to move the nation forward; to move it forward for real. The solutions have been put forward but the implementation part that is where our government is still lacking. The government must ensure that the solutions which have been put forward are implemented. So I request that the government do a critical examination to make sure the solution will be implemented going forward.

Jacob B Elifu: Comrades the issue that I want to talk about is that I want to talk about the Mining Charter in a mining area. It excludes communities in things that they signed for in SCP. That was 20 years ago. I think I was on that forum comrades. The things that happen in the mining industry are hurting. Now people such as Diamon Khune, in

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things that we agreed upon in the constitution, hospitals, schools, skills development. Those things have been taken away from the children and from the people. Now hospital services are being outsourced from the private sector. Mine workers are dying. The white people that get money from the mines take it and invest it overseas. People now go to Leratong Hospital but they have medicals schemes. Let pass comrades because the comrades have said the many things that I wanted to talk about. I go to the issue of sports. We have a problem community members.

Our municipalities take sports facilities and convert them into churches. If you go to the field where children are supposed to play cricket you find that that place has been fenced off and sold to Nigerians to establish an English-speaking church there. When it comes to skills development our children have to get into trains and go to Johannesburg like what we used to do in the past when we were going to universities for education. But there are facilities that we built to be learning centres. These facilities are not being used for learning. Let me pass this point. I won't be long. I will not waste your time Programme Director. I just want to submit this issue. The issue of hospitals is a big problem to mining people. I have been tasked to register this issue. Is there a task team that can check that the agreements we made as government when we established this Constitution are still functioning? What is happening at mines is that they are playing duck and dive. When they outsource the minerals they outsource for the next three years, next four years. And then they go away. They change their name. They say it is Sibanye which now owns the mine. The other company has moved. What happens is that it is contractors that get in the mines. The people do not benefit. When a former mine worker has gone to stay at home, we ask them to come and test for TB. But they [mine owners] do not care about this.

Wonder Shongwe: I want to touch on the Act of Further Education Training and Colleges Act 16 of 2006. This Act does not even benefit us within higher education and training. Free education is possible but it is very painful to see tenders being issued to

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private companies who are privatising their policies. The R 500 million tender can be given to a private company whereas we can hire FET college students to go out there and explore, to go out there and advance within our education so that when we can be paid within that system we can be able to pay for our fees. Therefore we cannot complain. Now my question is that how do we find balancing of forces in terms of education system? To whom was it designed for? Because in our education system we find a situation whereby all the drop-outs from high schools are flocking through the education systems. Therefore if a student has failed seven subjects in high school they come in higher education and training whereas the environment is different. And we do agree that the environment has influence but then when they get there they are still focused to seven subjects which becomes much more difficult for them.

How will it be possible for a student to fail in high school and when they come to higher education and training they will progress? That is totally unacceptable because 200 000 students in 15 FET colleges in South Africa make it through the system to come and study for three years but after three years you find that only 10 000 students are able to make it throughout the system. Others are drop-outs. What could be the problem? You will find that the system within our higher education and training, if you are doing seven subjects, it has been said that if you go for Level 1 within the NQF and the netted (am not sure what this word is). If you do seven subjects in order for you to progress, you need to pass seven subjects. But if you fail one subject it means you can no longer carry through. How can you feel if you are a first-year student and you have been offered the bursary and then it happens that you fail? You cannot progress and the bursary system will tell you that we can no longer fund for you.

So I am saying free education is possible only if you can recognise the national set target of FET colleges in order to reduce the unemployment rate because if ever 500 000 students are being employed by state owned entities, by the government I think we will be able to progress. Up to today it is very impossible that we have not even

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reached the national set target. As I was looking at the statistics there it shows a variety range of gap between the whites and the blacks because the black people have been oppressed for a long time and when we got freedom in 1994 certain policies within our education system have been adopted to say what have been implemented back there we should carry on moving now. Then how do you deal with the balancing of forces of saying let us give black people free education in order for us to close the gaps from apartheid up to freedom? How do we get that recommendation in terms of recognition?

Saki Gabula from KwaThema: I have an MPO for Academy Langaville, Athletics Health and Fitness Academy. I thank my brothers (previous speakers) that have already covered some issues for me. I thank the leaders in front of me, Mr Kgalema Motlanthe. There is a very painful thing especially when we see what is happening now because we thought that because of the freedom that we fought for we were going to see changes. Yes, changes have happened lot. I am also a member of SANCO there at Kwa Thema. Changes have happened a lot but the issue that we complain about is lack of monitoring of projects. The government spends money from high level offices but when it reaches lower levels it is not monitored. It just gets spent. I talk about corruption. Actually I am a man of sporting under the Sports Council of Kwa Thema. There is too much corruption there. I grew up as a professional sports person, but the things that we see happening today show that our children have no future. The 21st century generation is going down the drain because we were not expecting that after getting freedom we will see our children being wasted like this. Firstly, see that our children are being encouraged to have babies so that they get grant money. I want to mention this strongly. Firstly we know that as black people we have that thing called culture. We have abandoned our culture. We forget about it. Now we are chasing cultures of other nations. Now what we find in sports is that there are no longer programmes taking place.

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During our times there were programmes that were taking place in schools. These are the programmes that produced professionals. This is no longer happening in schools. If you look at schools, because I am one of the SGB, I participate, I am a leader, I leader. What we see in schools now is that there are drugs. There is nyaope. You can't know what is happening here in our children. And the other thing happening is corruption because sports comprises many things. Sports are made of bringing together different cultures. But now what is happening is sporting now is that politics is getting involved there. But politics must not get involved in sports. But now politicians are getting involved and they are the ones that are doing corruption there in sporting especially at Kwa Thema. What is happening there is that Kwa Thema has a history. They [officials] built a stadium there and said it cost R26 million. But they have done nothing there. There is nothing you can see there that they have done there. Many things are happening [corruption]. If you check facilities for our children are being closed up. They are being vandalised and shacks are being built there because they [politicians] want things that can give them money. The programmes that they are bringing now, especially the municipality, they will always tell you about tendering. There are certain things that require tendering. But there are others that do not require tendering. Sports facilities are things that should always stay in good standards because children always practise there.

That is why it is said practice makes perfect. Now because they involve politicians they are now promoting their own agendas there. We ask that politics must move out of the issues of sporting. Now I come to the issue of old people. We did not expect that old people would struggle the way we see them struggling now. They are being abused. Old people have their electricity supply cut. And they are abused in queues. All these bad things are happening. So we ask that Ubuntu should come back to people. We have this problem of Immigrants Act 13 of 2002. Here in the locations we are poor because as I believe a container is not an appropriate shelter for humans. Those foreigners which we see full in locations, those foreigners who do corruption because

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we see them. These are problems that are happening. And some of these foreigners cannot be traced for arresting because they are not people of this country. Now we ask that our government speed up the process. We thank you for coming to the people. The government is a government by people.

Andrew Msani: I am from Northern Pretoria, in Garankuwa. I actually want to speak about what we have in South Africa. That is a challenge. After 22 years into democracy in South Africa we still have inequalities with regards our health system. They have been saying a lot about issues of land, issues of disabled people, but however Dr Shisana presented her findings. She spoke about National Health Insurance, which is a paper that seeks to eradicate inequalities in the health system both the public and private. And our Constitution, Section 27 says that everyone has a right to access health care but Mr Kgalema Motlanthe goes to our public health facilities. Go and see how our grandmothers are struggling every day. Go and see how our facilities are structured. According to my understanding as an activist we have 10 Batho Pele Principles that seek to inform our patients everyday with regards to challenges that they face in the facilities. Now I ask myself: Why do we have one minister but still we have two health systems, which is the private and the public? Why are we not having a uniform health system because according to the National Health Care Act, this Act seeks to inform the uniformity of the health care systems in our country? You go to an urbanised area where there is a public health for yourself while our Constitution says we have a right to health. While our Constitution says we have a right to dignity, our Constitution also says we have a right to life. That needs to be implemented by your government officials. Lastly, in order for us to have public engagements and for you to get our challenges, can we stick to time when we do these kinds of sittings and also stick to time, minimise your presentations as the Panel so that you allow the people to speak their minds. So that that you can act effectively and give enough time to engage with issues.

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Daluxolo Somiyo: I come from KwaThema. I will talk about a few Acts that are there in the policies/laws that you have brought to us. I will say the Constitution that is here in South Africa talks very well. When you read it you feel from inside that there is going to be development here in South Africa. You will think that everybody will benefit from the things that are being said in this Constitution. But you will find one thing that as this Constitution speaks so well, it just similar to a flower-pot which is just put to beautify the place. I will start by an Act of Basic Employment Conditions. This Act invites foreign companies to come here to do work. But you find that these companies do not comply with the laws of South Africa. They dodge it. In this Act there is a law that provides that an employer must agree with an employee whether the employee agrees to work overtime. There are some companies here in South Africa, that you find that they make an employee work but do not pay overtime. When this employee gets fired at work, the employee goes to CCMA. But you find at the CCMA the employee does not get proper representation because the company has money. The company bribes the person who represents the employee. Your case just ends like that. I want to know the purpose for which these laws were enacted if they are not going to work for us. I am one of the victims of this kind of thing.

I come to issues of sporting. Yes, I know that policy which says there has to be access to sporting facilities for our children. It is this access that we don't have because corruption is too much at local level. You find that we submit proposals to do programmes for our children so that they stay away from bad things such as drugs and alcohol. They see themselves pregnant at early age. They [officials] take these proposals and make them theirs because they want this money to go to them. I thus request you Mr Chair to take these laws and tell the people in front [high-position officials] that these laws are not meant to enrich them. These are laws that are enacted so that communities benefit. You criticise us saying we don't participate in law-making processes but we do we participate only that at ground level we are being killed [unrecognised]. I will not talk about immigration because others have already talked

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about it. But I request that immigration laws must be strict. People should not get here in South Africa illegally. And the companies that are here in South Africa, because they want cheap labour, they use these people [illegal immigrants] because they know they that these people do not have permission to be here in South Africa.

Masokga: I am from Jameson Park in Hiddleburg. I am a chairperson of the Community Forum of our area. We have a serious problem that we are bringing to Mr Kgalema Motlanthe. We trust that today the issue will get to the old person that we have respect for. We thought that Paul Mashatile was going to be here standing behind you. These are the people that we know we have trust in them. We request you to assist us in our area. Our area is an island. When I say this I am trying to say it is an area that is being neglected by our municipality. The municipality has no care for our area. If you look at the budget and IDP, the budget is always there but there is nothing happening in our area concerning infrastructure development. We don't know what is happening. We don't know the thing called tarred road in Jameson Park. There are vacant stands that are growing grass and they are promoting crime. As I speak now in the past weeks some children were raped, killed and burned in our area.

As mothers we are being abused by our municipality because our children are not getting jobs. There are companies that come there at our area but it is people from Rathanda that benefit because Rathanda is the priority. And in Jameson Park all our decisions are taken by Rathanda on our behalf because all politicians in our municipality come from Rathanda. Our Mayor drives from Sandton every day to Hiddleburg using our tax and rate money that we don't benefit from. Currently the municipality owes Eskom R56 million and they took the money that was supposed to fund services and gave it to Eskom because Eskom was threatening to cut power supply for the whole municipal area. We are being abused by our municipality Mr Motlanthe. We ask you to assist us.

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There are people in that area living in shacks there. We complain and we don't know where else to go to. These people are living on top of a mine shaft. The toilets of these people are full and are spilling sewer all over. Their toilets are not being built. We have complained that these people have to be moved to Rathanda. We are fighting. If you don't fight in our area they don't hear you. You must petition and march in order that they hear you. Why should it be that our leaders, black people fool us? We are talking about the previous apartheid government, what do we call ours because it is worse than the apartheid one? We are being abused every day. I talk for people like me, people of my age. Now if we want funding because we no longer qualify to get employed in firms because age is working against us, we try to get certificates from DTI, we try to form co-operatives, but we don't get funding. When you go and ask for funding, you are told that the people that qualify are the youth. Yes, we agree that our children should get funding. Our children should get employment, but what about us? We have grandchildren, orphans. We are unable to support them because we are being declined everywhere we go to.

Now there is a company that is coming to our area. We are bleeding inside Mr Motlanthe. Because the very same Mayor that you gave us, that was not elected by us, she is repeatedly getting the mayoral post and fooling us. That Mayor is not elected by us. She was deployed by David Makhura with whom she comes from Sedibeng, Emfuleni. People in high offices are fooling us Mr Motlanthe. As you sit in Parliament, our Constitution is very good. It protects us. But we are not protected because there are mobile constitutions that enact their own laws that have two legs. We are being abused by them. Now the Mayor is involved in companies. It is her who arranges process of recruitment to jobs and how the recruitment has to be done. At the end of the day people of the area that were supposed to benefit get side-lined and don't benefit. Now Vopeer (a company) is coming.

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They are [politicians] ready about everything. They have already finished about recruiting or employing but they have not yet signed the change of ownership agreement. They have not finished. They are dragging and dragging so that they have opportunity to get their people, so that they go and get their people in KwaZulu-Natal. And us we have to suffer. The last one, I request that Jameson Park be made a township because now we are regarded as a suburb, a suburb that has no tarred road, a suburb that has no tower lights. It is always dark there. But we are being regarded as a suburb.

Speaker: I would like to thank the opportunity given based on the issues of land. We have a big problem in our communities whereby our people are allocated land which is not even enough for them to stay in it. Whereby you still find for example there are certain communities, for example Alexander and Sandton whereby you find that the community is not inhabited enough for people to stay in it. So around so many communities it is very difficult for them to get basic services whereby now there is no electricity for them and there is no running tap water. So it is an issue which we are facing on the ground. We forward it to the Panel take into consideration that the allocation of land to people must be taken into consideration.

Speaker: I am not going to be long but I want my voice to be heard. They say in isiXhosa death is in the port (kufa kuse mbizeni) (the problem is inside/within). I have listened to all these things, and I have been to all those places, Rathanda. But number one, I want to thank this opportunity of being before you former President. Some time I met you in 2013. I had this document that I handed to you on the state President. I am sorry to say that when people take positions they always say my door is open but if you go to those doors you have to write some letters and you never enter into those doors. This is the problem number 1. Our leaders' doors are closed for the poor people. But when it comes to other people the doors are open.

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Since 2013 when we met the state President all the Indigenous churches prayed at the Cape of Good Hope that the elections at Mangaung must be safe. But it happened that there were some people from the other quarters who wanted to kill the President and his group. But this was uttered by an opposition party saying that a lot of money has been spent at Cape of Good Hope to entertain the indigenous churches ministers. I repeat, indigenous church ministers are ignored. We have got three tiers of religions.

We have got indigenous churches, mainline churches and the Pentecostal churches. The indigenous churches have got the majority of poor people who are here now led by very capable leaders. Taking Moria, Bishop Lekganyani. Take Eastern Cape, the Bantu Church of Christ. Take father Masango in Natal Spruit. Take Shembe and take Mhlungu. These people only, the people that they control they cannot be counted. But whenever there are decisions that must be made nobody ever dares to ask those leaders. What do we do about the marginalised people? Everybody speaks about the poor people, poor people. Chaplains that are employed by the government earning not less than R40 000 a month are all from mainline churches driving fancy cars. But the poor pastors who have the masses cannot be heard to represent the marginalised people. What I am saying here former president, Your Excellency, it is about time now. I remember Sir when we were in Bloemfontein many people went for the evening services but you were the only one, Ms Baleka and Motshekga who attended the church.

Others whose tummies were full never bothered. But that alone Sir, says something. There is a lot waiting for you Sir. It was said that you are going to train the youth but I am saying to you taking that position is not a coincidence. You must not only lead that group now. It is about time you train the religion and politics of the country because in that Parliament it is a group of people that are all doing wrong things (ngumdudo wemasele). They used to say the councils were urban boys' clubs. But that Parliament

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only after President Mandela and President Mbeki, ever since it is just a playground. And we as the church we know that it says all governments come from God.

What we are trying to say is we need as ministry of religious politics to teach that Parliament that death is in the pot (ukufa kuse mbizeni) (the problem/cause of death is within the Parliament/ANC). We will decide on everything here. But even now here all those people who are in high positions are not here now but they know that they fly to Pretoria, fly to everywhere. What we are saying it is about time you check the marginalised poor people who are represented by indigenous churches.

Lastly, Sir, when we come to Land Affairs, without any doubt these people who were here before us said they followed the Bible. Bishop Tutu and others said lead my people. Now it is about time that the religion must be followed. Religion without God there is nothing we can do. if you follow even the liberation struggle, take my people across so that they must worship me. As long as we don't worship finally when ANC went in they said Jonah wake up Jonah we are sent to Ninivah. It is about time every religion, the Muslim, the Hindu, the ship is sinking. Things are going down. We need to come together and work together.

Moffatt Segolelo: I am from Soweto. I am representing informal traders. A lot has been said. I am also one of those people who are crying about the land. Actually informal trading, our previous apartheid government wanted to wipe it out. We fought for that sector. Today it is a vehicle for job creation. But the association that represent those people is not recognised and I can say generally informal sector as a whole the government is not doing enough. If you look at the street here, you see people who are now in the street of Gold are the people who are coming from outside. If you look from Chrissies to Volspey there are Chines occupying that land. And you will get that the people who are working on that land are not the people of South Africa. They are the people who are coming from outside. So what I am saying is, I am saying there must be

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a better legislation for informal trading in townships. The Council of Local Governments they must take a part to their townships. I also want to say to the minister of, Ms Sisulu that at Soweto industries are very few and there are lot of people there are not working. So what I want to ask lastly all people are crying about its good governance. We appeal to the South African government or the President. We ask for good governance because even a small child can see that our government is not doing enough. A man like me, 57 years born in Soweto does not have a house. So they must try to make things better than the way they are done.

Zuk Maxokolela: I am from Polar Park, Ekurhuleni. I am an organiser at ward level of SANCO, South African National Civic Organisation. I am going to make a few proposals. Number 1, nation building and social cohesion particularly the laws leading to the birth and death registration identification. Also I should think that it will be proper for our government if the Department of Social Development as a key political institution that is responsible for social cohesion and unity to have elements of Home Affairs in it because they are dealing with comprehensive reports of what transpired in order for our society to have vulnerable children such orphans and those who cannot access assistance ... (no voice). Their parents are untraceable. So my appeal to you especially your Excellency, former Deputy President is that please see to it that where the government sit, particularly at inter-governmental relations please propose that have Home Affairs so that the Social Workers that are under the employ of government have the powers to issue out birth certificates for children. They also to have powers to issue out IDs because we have people who have not been granted interview as to establish what transpired so that today they are socially excluded.

Secondly I would request you also to see to it that Kosovo Informal Settlement in ward 53 Ekurhuleni is relocated. We have been requesting this for quite a long time because they are allocated under the power-lines of Eskom. In other words you cannot be able to develop them at their current location. Thirdly, on the issues of redistribution of wealth I

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am tempted to request to you that please investigate the possibility of promulgating laws which will make it possible for the criminalisation of poverty. It is either you come up with a model, the funding model that will replace the Social Grants that will be sustainable, that will take into consideration all the households that are in a population register and assist them through utilising institutions such as SARS and the commercial banks to ensure that irresponsible spending is being capped so that that can be sustainable. Lastly, I would request that please expand the scope of law enforcement and its size thereof because what happens now we have children who are not going to school, who are nyaupe addicts and those that are selling the drugs to them. Please expand the law enforcement agencies so that they can be able to deal with those tasks.

Arthur Sibanyoni: I am from ward 17 Ekurhuleni which is in KwaThema. I will start by the South African Citizen Act 88 of 1995.... Because here I have a problem in terms of that if me as a man gets a child with a foreign national woman, perhaps a Mozambican. The department of Home Affairs do not register that child as my child. But if a South African woman gets a baby with a foreigner the Department can register that child as a South African citizen. This thing gives me a problem because this child bears a foreign surname for example Mutambara from Mozambique. But me as a man I can't get my child registered under my name because they say a child is registered by her mother, because her mother is a foreigner. This is the first thing I want to raise.

Two, I want to talk about what Judge Pillay talked about. She talked about policies that divide us as a nation. I want to emphasise that here we have policies that are passed by our municipality, Ekurhuleni. These policies divide us as a community. For example I live at KwaThema. I buy electricity from the municipality at KwaThema. Our neighbours such as Duduza and Tsakane but electricity directly from Eskom which is much cheaper than ours which we buy from the municipality. These policies divide us a lot as a community because we don't know what exactly we must do. Second is Chapter 9 Institutions of the Public Protector. We ask that the Public Protector must investigate

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cases especially in municipalities not only high-profile cases. There is a lot of corruption in our municipality. There is corruption on the ground at local level. If Chapter 9 Institutions can spend their energy investigating cases in municipality. Like a brother has said (previous speaker), he said R26 million was spend to renovate a stadium. But if I look at it I see as if R26 million was spend to vandalise the stadium. I used to go to this stadium to watch Chiefs and Pirates with my father. But today I cannot go to that stadium. I request that Chapter 9 Institutions should not focus only on high-profile cases but also on local cases. Then on the issue of land, I request that the willing buyer willing seller policy must be scratched totally. The government must expropriate land and compensate people according to the value of the land. And for those people who own land but live in Europe the government must take this land without compensation.

Mbali: I come from Thokoza, Ekurhuleni. I am sent by the youth of YFS from Ekurhuleni in Thokoza. We have a problem of skills development. The councillor and the people that work under the councillor are misusing state resources by giving people skills but without giving them certificates for those skills that could enable them to get jobs in different Departments. Or make you qualify so that you can work as an administrator or PA wherever including in government. And then another issue that I want to raise is about EPWP. The issue of EPWP affects us a lot as the children of Ekurhuleni and we expect that under EPWP we get a stipend of R2500 which capable of covering schooling costs so that one can be able to upgrade themselves. And we request that we are made to be permanent workers because contract work does not help us.

We are left surprised when our contracts end/expire and then you are skilled in clinic (health services). You are skilled in school. You get it from whatever you were doing there as security or whatever. And then now you are staying at home for that year because your contract has ended. And then another thing is about citizenship, ID theft. This is becoming a big problem in locations because us young ladies we fall in love with these foreigners. I won't say who does what. But this issue affects us a lot because it is

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caused by poverty. This is what causes unauthorised sex among us the children who grew up at Thokoza. When it started it was the time when Somalians were just arriving in the area. Ladies fell in love with Somalians so that they could get money from the containers. Children were born as a result of this. These children are being supported by government money, using child grant money. And fake marriages. Fake marriages are included in ID theft because when a person wants to live here he marries a South African lady/woman so he can get a South African citizenship. And then immigrants, people come and go as they please in South Africa because it feels like there is no law. If you ask a person at a clinic that where do you belong? They will say *hayii*, me I got here in Thokoza on a bus. You ask them how did you jump the border? That person used her sister's passport.

Five people use one passport at a clinic. The next thing a person comes to the clinic pregnant. And now it means all these problems that do not belong in South Africa should be taken care of by South Africa. A foreigner comes here with infections, comes here with disease from wherever she comes from. And this affects South Africa. This is what we don't want as youth. And then the issue of land. In 2010 if I can remember correctly money was paid to people who used to own the land of Alberton when they were removed from their houses and resettled in locations. These include Thokoza, Verkernock and all the area of the Sotho. This money was paid out. And a point was raised that these monies would be paid out again. People formed their organisations in locations to do affidavits saying your mother once owned a house in Alberton. People made money out of this programme. This issue ended up in Pretoria. It was said that people had to travel from here to Pretoria where they would fill all their forms. Then a particular procedure would be followed in the claim process. So Hiddleburg came to ask for land. Not money. I think this was a good investment because you can get money and spend it and then it just ends like that.

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Xolile: I come from the City of Johannesburg residing in South Ends, from *Vuka Mtu Womtsha*. One of the things I have noticed before I speak, the chairperson has spoken there to say a number of people are leaving. Even the people when they were supposed to be here we have poor attendance in this programme. My expectation in this programme is that we should be full in this place. That means there is an error there. I don't know if it is an error of community or stakeholders or so forth. This place we should have community activists. We should have councillors. We should have ward committees. We should have NGOs. We should have ward forums. But I don't know what is happening. But it is ok, I will proceed. Now as young person, I know the community where I come from. We have challenges of employment. Yes, we understand there are huge areas of people getting employment but we advise the government to make opportunities so that there are opportunities of employment so that young people become a priority in terms of employment. Because now when you are not employed what do you do? There is nothing else that you do. Instead you start focusing on mischief and other programmes that will take you to prison.

Now when you have nothing to do, most of the challenges young people they start interacting to smoking, drugs and so forth. And others even exercise themselves having sex and making children. And you find that those people come from the disadvantaged families. And then you will see the problem, the gap of poverty. The chain of poverty will continue because we are making children but at the same time we are poor. We have challenges in those things. And today we have young people that will wish to do something but because, not because of lack of education. No. It is because sometimes there is lack of opportunities. If perhaps we should advise the government to assist us by taking these young people going to an army, going to be trained so that they come back. When they come back you know when you in an army, you get to be disciplined. You come back in your community disciplined as you are. And you come back in your community having to add values.

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But also I have a challenge of coming to a community and trying to make something because of issues of poverty. Issues of you being unemployed. You see an intention of opening an NGO with good intentions. Not opening an NGO with bad intentions. Opening an orphanage because now you have foreign people who are funding your organisation. At an early age, neglected children abuse children and at the very same time these children these children get taken somewhere of drugs of some sort. I think social development within departments should have investigations in terms of owning NGOs timeously. NGOs should not submit false reports to the Department because they want to look good. They also need to be assessed. They need to be evaluated. Because what is happening now, we are doing things now not because of good intentions, but because of poverty.

Now the government should find opportunities of young people and even the disabled people. Because disabled people today are not even looked into, considered. It is only when there is no body in the space they will say now we put a disabled person. It is high time now we change the system. The system should change because today we are speaking of #Fees Must Fall. We want education because we can never be leaders without being informed. You need to be informed. But now you have been oppressing us as young people. Going to get education, how will be articulating things? So now we must stand as young people. We must make sure that the government assists us. There should be an interaction. I am glad of today that I am here. The ANC has done well.

Petros Mkhize: I am coming from Randfontein, the West Rand Region. The first one is regarding the Basic Conditions of Employment Act vs Public Service Act. I was a victim in one of the cases whereby they dismissed me without hearing processes. They did not convene me for disciplinary hearing, warning, written warning or final warning. They kept on saying that that is the Public Services Act. You have absconded from duty for a number of days. But my surprise is that I was receiving a salary. Now as I am talking the case is at the Labour Court for further interpretation, for legal. Because it is very

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important that when we talk about fair labour practices we need to ensure that not only apply to the private sector, even the public sector. There is no body who can actually expel you or dismiss you without having you appear before a disciplinary hearing. It is an unfair labour practice.

The second one is regarding the Immigration Act; about the admission and deportation of foreigners. I will appeal that we have Immigration Officials. They need now to go on to the ground, door to door to identify illegal immigrants because they know that if you don't have a passport it means that you are illegal in South Africa. Because we have got a number of crimes whereby the people can't be identified because their fingerprints do not appear in Pretoria because they are not legal residents of South Africa. So it is very important that immigration officials do their job. The second part regards Labour Inspectors. Labour Inspectors don't go to different employers to check whether people they are not exploited. People they have been registered for benefits and all of that. That is why you find out that today we have so big numbers of casual workers.

Because in terms of Unemployment Insurance Act it says that if you have worked for more than 24 hours you must be registered for UIF. Now these employers they are escaping. So it is very important that we need to ensure that these Labour Inspectors they go on the ground. They don't just go to offices because we have got a problem which is very serious. Another issue is the issue of Integrated Youth Development Strategy. It regards the young people. Youth development programmes we just talk it in the offices. We have got the municipalities. They have got Youth Coordinators but on the ground they are not working with the youth formations. Lastly, comrade Kgalema we have got a problem in Mohlakeng about the evictions. I don't know because the land is owned by the municipality. And then now the land has been sold to a private company. Now we need the intervention.

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Dumisani Nhlapho: I am from Orange Farm. I am from an organisation called Farm...LGBTI. I am a young black gay man. The challenges that we are facing as LGBTI community, firstly when you go to the clinic it is very difficult for us to access services because we are judged. There is stigma around us. So it is very difficult for us to go and access services. you will be called names before you even start asking for services. So that kills your confidence as a young black gay man. Secondly, going to the education. In our education system they are failing us because the Life Orientation subject does not talk more about the LGBTI. It only talks about, if it is in Life Orientation subject you find kids going outside playing sports.

They will not be talking about the life issues, the life skills about the LGBTI community. So we believe as an LGBTI community that the government should make sure that the people, teachers, nurses, people who work at public sectors they make sure that they are sensitised about the LGBTI community. Also we like to say to the government that they should educate our parents, our community about the LGBTI because as an LGBTI , as a man it is very difficult for me to wake up in the morning and walk in the street because I will be called by names and all that stuff. So I believe that the government should do something. It should educate the community, also at the public sector.... (no sound).

Thando Makhubu: It is sad that South Africa is the first African country that recognises gay rights but we are still having a hazard in actually partaking in the economic activities. You find that you are a lesbian woman, you are comfortable in wearing boy or man clothes and you actually go to the clinic or go to a public sector. You are going to be judged in your appearance besides being judged with what you have to offer. When going for an interview it is said that women should wear dresses and skirts. But what if I don't feel comfortable in wearing a dress or a skirt? Why do you have to look at how I look and not my qualifications and skills that I have to offer?

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Secondly, there is a law that says that gay people are only allowed to get married on a Thursday. Why on a Thursday though? I want my wedding dances to be done on a Wednesday or on a Sunday. So it be because I am a human being. Why are always gay rights and gay people judged? Because they are gay? Why are they not taking us as human beings that we are, as citizens of the country? It is a problem to actually be a gay person and have the necessary skills to partake in economic activities but you are judged for your sexual orientation.

I believe that your sexual orientation is your personal choice and nobody in the economy has got a right to actually come in your life and actually judge you besides actually taking your skills that you offer to the economy. It is a problem. Even in higher education, higher institutions of education you find that you are walking with your girlfriend hand in hand, you are holding her hand and somebody would actually mock you guys. It becomes a problem because even government officials don't have necessary knowledge about the LGBTI community. How would you help us help the community to know about us if you don't have the knowledge about us? I think it starts with you guys. You should actually show interest that you want to know about the sector of the LGBTI more so that you understand us in order for you to actually be able to partake with us in conversations that will be effective for the country.

Oupa Mahakgwe: I am from Midvaal and I am a Ward Committee member in Midvaal near Sicelo. Recently there as service delivery protest in Midvaal. There was a challenge that R 59 was going to be closed. But however because this happened, because the Midvaal Mayor did not come to address the community that was protesting. However the MEC of Human Settlements Mr Paul Mashathile came to address the community and managed to calm the community down. Now we have managed to submit memorandums. And this is one of the problems that is happening, that you only manage to calm the situation down because MEC Paul Mashathile calm the situation down. But the Midvaal municipality Mayor did not want to do that. Even today he is not

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able to go to address his community. We are asking to the province to assist us. Firstly, to address the issue of the Station Road Foot Bridge that goes into the CBD. That is one of the petitions that have been done by the people of Midvaal. That needs to be addressed. The issue of IDP has been postponed because the issues that we raise as the community of Midvaal are not being addressed. This has been happening for a very long period of time. I am trying to be short here. And then there is an issue of informal settlement called Sicelo Extension 4 and 5 where there is a challenge of electricity.

The people of Sicelo can pay for electricity. They are asking that they be charged for electricity. There are no illegal connections there. So if the Midvaal municipality can assist those people with that. And there is also a challenge of the white house. There is a building that if possible the government or the province can come and buy that area for the community there so that we can have a multipurpose centre where the youth and the community and we can have offices of communities surrounding that area so that we don't have a situation whereby there are no venues for the community when they have events like this. At the end of the day when they are supposed to have a meeting or public hearing participation programmes or people stand in the rain. And then these public participation programmes end up being postponed because we don't have the venue. There is also the problem of land.

You see land in Midvaal is being auctioned. The people of where I live they want school. They want to build more houses. There is housing development but the Midvaal municipality is auctioning land to some other people. It is not selling the land so that the province can buy our land. And there is always Lichendry (not sure of this pronunciation). Lichendry is a company that always get tenders to build construction. If you check every construction in Midvaal Lichendry is there. We have a problem why there is so many companies that want to assist in building construction in Midvaal, but there is only Lichendry. We need to check what is going on with this issue.

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Depua Madlala: I come from the West Rand District Municipality. I just have two concerns. The first one is the unemployment issue. In the unemployment issue I will talk about the issue of skills. Yes our government gives us skills. We have many skills that our government gave us but at the end of the day when we got these skills together with our children we fail to get jobs. We are sitting with skills. We have a lot of knowledge that make us employable. We can fight poverty. We can alleviate poverty because we have the skills in our hands but we don't use them. And nothing is happening. This is why there is a lot of poverty in our nation. I am going to direct this issue to Judge Pillay. In 2009 I was trained as a law enforcement officer in the West Rand District Municipality.

We are able to enforce by-laws and issue written warnings. We were trained. We know everything. By when it comes to the time of looking for jobs, we are told that we have to apply. And yes, we applied. We took our CVs and submitted them at the municipality. The municipality never hired us. But when we go to apply for jobs at other municipalities, they tell us that it is our municipality that must employ/hire us. They say they cannot hire us because they are not the ones who trained us. The municipality that gave us the skills is the one that must give us jobs. Sometimes they say we need to have experience so we get jobs, which we have but it is not enough from the training that the government gave us. I am just pleading that in future when the government gives the youth skills it should not just give them the skills because they will sit at home with them.

I request that they give them (children) jobs so they work because I am getting old now, but since I did this law enforcement course in 2009 and have been applying, looking for jobs, even now I still don't work. I am not the only one. We are 120 in the West Rand District Municipality. In Mansville, my community, we are 15. We have tried to get jobs in law enforcement to fight poverty. We have the ability to do the job. So I am pleading to you guys; we need jobs.

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Lesekgo Mdluli: What I would like to say is that I am very concerned about my education because today I was attending at Southwest (not sure of the speaker's pronunciation) Gauteng College. I was doing Primary Health Care. The subject was Public Health, the South African Health System, Public Health and Human Body and Mind and Community Primary Health Care. The issue is since I was studying there, there were certificates that were issued but me as I started in 2013 we were the first group to do this course of Primary Health Care Level 2. So my issue is that I have not gotten my certificates since Level 2 till now at Level 4. Ok, Level 4 I understand that I failed and I failed to go back to college because of I was in lack of money to pay for school fees and to pay for writing my subjects that I failed. They wanted certain money so that I could continue with my studies. And the other thing is that I am very worried about the community that I am. I am so I did not introduce my name. My name is Lesekgo Mudluli.

I am from Mansville, Pango Camp at Ward 25. We are facing very serious issues at our place. We don't have safety. We don't have protection. We don't have toilets. The toilets that are there are few. Maybe ten people are using one toilet or five houses are using one toilet. So the whole community are using one tap and is very painful for old people who will be going to the taps with buckets. It is very painful because old people cannot do that. So the other thing is that our children are not even safe because we have always to come out and check whether the children are around or not because there is high level rate of crime. Thank you very much. I would like you to help me get my certificate and go back to school and upgrade my studies.

Makabanise: I am from Rathanda in Hiddleburg. I am here to make a request to you, all of you today. The problem that was we have in NGOs is that we are working very hard each and every day and we are changing the lives of children and also of, maybe I can say orphans, vulnerable and also needy ones. But the problem is we are not registered.

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We are earning only stipend which is R1500 every month. And I think it is not good for us because we are working hard. And we have got a lot of work to do. We are doing door to door to identify orphans and vulnerable children and also making homework's for them and also educational activities each and every day. So please guys, please recognise us each and every day because now we are facing challenges too much please.

Speaker: Our issue is a very critical one that has been in running in the pipeline for too long. May be let me premise my statement on the 1913 Land Act which created an environment in which black people were not allowed to own land. It is a pity the implications and the impacts of the very same Land Act still persist even today. I am putting this on behalf of Claim Number P0189 which was registered by Zebediela Simon Kekana in 1995 and re-submitted in 1998. Unfortunately the registrar of that claimed passed on and there has since been a lot of shoulder shoving among people who have been trying to take it over. But it has got a very rich historical background. And documents are still in possession of the Commission for Land Reform and Restitution. The matter had been referred to the Land Tenure and it was referred back to Land Restitution once more. That is dragging the process even longer once more. As we speak we are talking about an area where a game reserve has been established on a claimed land for that matter which according to procedures was supposed to be highlighted to those who have claimed the land.

But unfortunately the claimants were never informed and the game reserve is established and given the appropriate respect as required by those who have established it. What I want to bring to this Panel is, we are talking about the assessment of key legislation and the acceleration of fundamental change. If the apartheid establishment which was horrible and which has had a lot of impact on some of us in the past and even now we still suffer from its repercussions managed to register certain land pieces on behalf of certain people who bought it and who have got all the credible

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evidence to prove that they bought and purchased the land, what is it that made the current democratic government which was supposed to be pushing very hard to ensure that those who bought land their land is restored back to them? What is it that makes it so hard for this government to simply say on the basis of the races (not sure of this word) that are available and the title deeds that are in place the land is becoming yours again? For your information there has been land claims that have been lodged later than 1995 that have been agreed to, that have already been dispensed of. But it makes one wonder why specifically this one is held back? For your information, for the former deputy president, the land I am talking about is the Ndebele land in the northern area of the Tshwane municipality called Amandele Amoetlani... (no voice). Obviously people cannot claim land that they cannot supply history and information about. In my possession I have got documents which I will like to leave with your Panel for perusal and may be for assessment. My belief is that if we really want to accelerate fundamental change the land issue is a critical question. There was an old man there who showed that there is a lot of disparities when it comes to situations where people who own land cannot own the minerals underneath. We are suffering the very same thing. I would not like to prolong my presentation because the process that has been given to me I adhere here to the latter but unfortunately my programme director did not stick to it the way he was supposed to stick to it. So what I am going to I will take these documents and submit them. And if need be, whatever documents that might be lying behind will be submitted as per the request of the sitting.

Honourable Motlanthe: Closure.