

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

Limpopo Public Hearings: 14 March 2017

14 March 2017: Morning Session

Programme Director Thulani Tshefuta: We are also joined by Professor Alan Hirsch, we also have a judge, mama Navi Pillay, we also have Dr. Olive Chisana, and we also have the pleasure of being joined by one of the Panel members, mama Bridgette Mabandla. And more importantly we have Thulani Tshefuta, myself.

In our midst of legislature, Mr. Simon Mothoa, that is the leadership that is here together with us and I would also like to announce that we do have interpretation devices, we have interpretations between English, Sepedi, Tshivenda, Xitsonga, Afrikaans, and IsiNdebele. We also have sign language interpreters, so if anyone wants interpretations in any of the languages, we have interpretation devices at the back, all you need is to just go with your ID and they will give you that device.

The last acknowledgement that I would like to make of very important people that we have are the leaders of different communities that are filling up this hall, from different corners of Limpopo. Let us welcome all with a round of applause. I would have loved that we start with the programme but there are still a few people who are getting interpretation devices at the back, but I think we should start anyway. Let us start the programme by inviting the speaker of the provincial legislature, the Honourable Polly Boshielo to come and welcome us.

Honourable Boshielo: Thank you chairperson. Let us take this opportunity to convey our province's greeting to the Chairperson, Ntate Kgalema Motlanthe, together with your

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team. To all members of the Panel, members of the provincial legislature who are here with us today, leaders of political parties, union federations, civic associations, traditional leaders, traditional healers, businesspeople, ward committees, farm communities, academia, students from university of Venda and Limpopo, students from various colleges, SGBs, officials, members of the media, we greet you 're re Thobela.' Good morning, Goeie more, ti macheroni, avuxeni. Rea leboga (thank you). Chairperson, it is great pleasure for your team to be in our province today, and the reason you see so many people here today is because people want to take responsibility of changing their own lives in their own hands. They are coming here to participate in their own democracy.

They value their democracy and they value what the constitution has done for us and they are going to say it for themselves. As Limpopo province, we were part of the decision that were taken by the speaker's forum to have this Panel so that we may be able to look at the laws that we have passed in the past 20 years. We want to see what is wrong, what are the challenges, what are the gaps because it seems that the pace that we wanted to develop our people's lives, we are not moving as we should and the main reason is to take out all the laws that are not assisting us. Our people can't wait for tomorrow, they are tired of poverty, they are tired of unemployment, and they are tired of inequality.

People who are here today, have decided that they are going to communicate with their government and they are not going to use violence, they are going to use their voice and that is a good thing about our democracy. So, you have got various stakeholders with us here, and I am told that we have more than 40 traditional leaders here with us and I am happy that we have students that will assist us to put our democracy forth. So, I will say to our people, let us take this opportunity as there is a saying in Sepedi that

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goes like 'moeng etla ka geshu re je ka wena' simply meaning that when there are visitors in your homestead, you serve them the best you can afford.

Let us take this opportunity to engage with our leadership and the Panel. I think we are the last province to have this session and let us voice our feelings without any constraints.

Our men and women who are here, they are not in a hurry and they are here today and tomorrow, so let us interact with them, tell them our challenges, I am sure that after they have compiled the report and made sure that it is available to the speaker's forum, which I am also a member, they are going to implement every recommendation that they are giving to us. This is not a publicity related stunt, we are not ticking boxes, we are not doing it to feel good, we are serious about changing the lives of our people. Let me take this opportunity to welcome the Panel members. Thank you very much chairperson.

Tshefuta: Let us give another round of applause to the speaker and indeed we truly feel welcome by the deep dedication that you are making Honourable Speaker. At this point I would like to ask the chairperson of the Panel to come and address us on what is this Panel, what does it do and why are we here. Let us welcome with a resounding round of applause, the chairperson, former President Kgalema Motlanthe.

Former President Kgalema Motlanthe: Thank you very much Honourable Tshefuta for your warm words of introduction and I would like to thank the speaker for warm words of welcome, we feel welcomed to the Limpopo province. This is the last province, we already covered other 8 provinces through our outreach programme. The purpose of my address this morning is to share with you the background of where this Panel comes

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from, the legacy report of the fourth democratic Parliament which ended in 2014, identified the assessment of the impact of legislation as a key priority to be undertaken by the 5th Parliament which is the current Parliament. Following an extensive process of multiparty consultations, both houses, the National Assembly and the NCOP adopted a parliamentary strategic plan for five-year term from 2014- 2019. The strategic plan itself identified the need to review and prioritise legislation.

In December 2015, the speaker's forum which is constituted by the Speaker of the National Assembly, the Chairperson of the National Council of Provinces, the Speakers of Provincial Legislatures, appointed 17 of us. In total, there are 17 of us in this Panel and

we have been asked to assess legislation in four broad areas of focus. The first area is the area of triple challenges of poverty, inequality and unemployment. The second area is creation of equitable distribution of wealth and the third area is the land question, that is land reform, restitution, redistribution as well as security of tenure. The fourth area of focus is nation building and social cohesion. Though the Panel, having looked at this mandate, decided that the first two areas of focus which is poverty, unemployment and inequality as well as the second area, which is the creation of equitable distribution of wealth, should be combined. The Panel is divided into three working groups with working group 1 focusing assessing legislation in terms of the first two areas of focus, working group 2 focuses on legislation in land (that is land reform, restitution, redistribution and security of tenure) while the third working group focuses on nation building and social cohesion. So, we then as a Panel felt that we should invite or ask for

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submissions from stakeholders, organized communities or organized labour and business, community based organisations, and so on.

Over and above that we also felt that we should conduct desktop research, team research from research units at universities, and we also had to conduct outreach programmes and that is why we had to visit all nine provinces. The purpose of this meeting is to afford you an opportunity to share with us your lived experiences under various pieces of legislations. If you feel that legislations helped improve your conditions, please share with us, equally, if you feel that legislation has only come to complicate your life and to add to your deprivation, once again share with us. The only plea we make, given the fact that all these participants, we should use the time we have optimally, that means you should state your lived experience, share that with us, without fear and favour, without buying

anybody's face but just go straight to the point rather than start with preambles and perorations and so on.

Just go straight to the point, often we tend to be longwinded, to give an example, if someone wants a conveyancer/a lawyer to help them purchase a piece of property, instead of just saying to the lawyer because many of our people are unaware that lawyers do charge, they charge you for greeting them, you walk into their office and if they greet you, there is a charge for that. When they listen to you and they write notes and they will charge you for reading your own notes afterwards. So, if you tell a long story, the charges will be much bigger. So instead we urge and plead with you that you please save us the perorations. That we will share with you or you will share with us during lunchbreaks, for here you just go straight to the point and state it as clearly and powerfully as you can. That way we will be able to have a productive session. Now, as a

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Panel we also follow a simple rule, that we are here to listen, we will not say anything, we will not engage in arguments and debates, we just take copious notes, as you speak we will take notes and we follow this guide because as you know, we have two ears and one mouth, we speak less and listen more. Thank you very much for your attention.

Tshefuta: Thanks once again to the Chairperson of the High-Level Panel for setting the tone of our engagements today. Let me outline how our programme will unfold for the day, so that we have full understanding. As the Chairperson has said, we have three working groups of the Panel: working group 1 focusing assessing legislations in terms of the first two areas of focus, working group 2 focuses on legislations in land (that is land reform, restitution, redistribution and security of tenure) while the third working group focuses on nation building and social cohesion. We have organized formations, as in organisations that have expressed their interests to make inputs in line with those three working groups.

So, we will invite and allow these organisations to make their inputs. Each organisation will be given 5minutes because we have a list of many organisations across those three working groups. The advice is, as Panel chairperson has already outlined, that the historical context, the background, the political context, the religious relevance and all those many other things are things that we can get under the submissions. We will request that speakers and presenters go straight into the thrust of their submissions.

After we go through those organized formations across those three working groups, we shall then have an open mic session where you raise your hand, noted and given an opportunity to speak. Those who are coming from organized formations must not take the whole day as we still must note people from the floor. Even those who are

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recognized from the floor must know that the hall is full, the queue is long, the shorter we are, the more people and the more inputs we can take. Is this acceptable as the plan for our program today? Thank you, 're a leboga.' I will start by inviting organisations that wanted to make inputs on working group 1. We will request that as we call the names, (I am missing Ms. Dube), these people must come closer so that we may roll. The first name I have here is the name of Mr. Vasco Mabunda from Nkunzi Development Association, may we invite him to come and present. We also have Mr. Christopher Dikgale from Mankweng Business Forum. Ms. Glory Manamela from the university of Limpopo, Ms. Vivian Seoka from SADTU, Mr. Johan Lorenzon from Richard Spoor Inc. We will request that as per those names they get ready so that we take speaker after speaker. Thank you very much and let us invite the first speaker to speak.

Mabunda: As already indicated, my name is Vasco Mabunda from Nkunzi Development Association. I would have liked to make a 20 to 30 minutes presentation but I have already submitted my presentation and they have given me 7 minutes, so don't worry. As I have indicated, Nkunzi Development Association is a land right support organisation that works with farm dwellers, small-scale farmers, communities affected by mining and vulnerable

people in communities, I mean in rural communities. We have been in operation, working in Gauteng, Mpumalanga and Limpopo for a solid 20 years. Part of my presentation was going to highlight some of the achievements that we have made together with stakeholders that we have, including the fact that when farm dwellers go to court the state has an obligation to provide them with legal representation which in the past was only extended to criminals.

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While as Nkunzi we do acknowledge that for the past 22 years, Government has passed several progressive pieces of legislation, among them the Restitution Act, Extension of Security of Tenure Act, and the Labour Tenant Act. Sadly, we know that these pieces of legislation there has been...I mean there has been almost a lack of political will to actually implement progressive pieces of this legislation. ESTA, which is aimed at protecting or giving tenure rights to people who are living on commercial farms we generally refer to them as farmworkers although in the act they are referred to as occupiers.

There are progressive pieces in ESTA but thus far what we have noted, sadly, is that ESTA has only been used as a tool to facilitate eviction of farm dwellers from white commercial farms. Progressive sections like section 4 of ESTA which says that when there is an imminent threat of eviction, farm dwellers must be prioritised for access to land by local government, which is the municipality and the provincial land reform offices. We know that sadly, to this date as Nkunzi, we haven't heard of any farm dwellers who have benefitted from section 4. Then there is section 23 which sanctions those transgressors, those who evict without a court order. Maybe it is instructive to inform the house that part of that is that evicting without an order of the court is an offence, which is punishable by jail term.

At Nkunzi, I am sure Moruti is listening, you know that Ntate (Mr.) Madisha, we have reported over 80 cases in police stations around Limpopo, Gauteng and Mpumalanga,

not even a single transgressor has been arrested. I remember in 2016 I spent about 6 hours in Tzaneen police station trying to get the SAPS to go and arrest officials of Mopani District Municipality after they unceremoniously evicted over 300 very poor people from a farm called Mashupatsela. They were asking, whose farm is it, whose

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farm, is it? I spent 6 hours answering that question. To date no justice for those 300 farm dwellers. The same has applied to the Muyaba, to the Nku, to the Shilomo, and so many people who I cannot mention since I only have 4 minutes left.

Going forward, I think it is important for the Panel to understand the conditions under which farm workers and farm dwellers live because without understanding that, then our coming here would have been pointless. The Nkunzi survey report that was released in 2005 indicates that over a million Black people, I am talking about households here, have been evicted from commercial farms illegally between 1994 and 2005. Well, I won't go into reasons but the primary reason was that you live in this farm, now you are going to claim for restitution on this farm.

So, I am evicting you and indeed they were evicted, sadly, not even a single farmer or transgressor was held to account. The result is most of those people were forced to go and I mean, to live in an already overcrowded villages and townships. For farmworkers to go and live in townships is a trauma, it is like leaving your house and bed and going to live in a jail cell. First you get there, very quickly let me outline and indicate the impact on farmworkers and being forced off the farms into villages, when there have been several reasons advanced for the eviction, the most popular being that the farm is now going to be used for different purpose, the other is that the farm has now changed hands. Even though the Act puts it clear that when you buy a farm, you are not buying off the rights of those who lived on the farm. The injustices have continued. Here I think it's unfair if I don't mention mama Maria Nku, Mme Christina Lebepe Mme Maria Mothemane, and Mme Jackina Legong. These are just a few among very considerable victims of these injustices.

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Again, I must remind the Panel that this happens despite a piece of legislation that should make that impossible or rather manageable. In some cases, it would be termination of employment, here Mama Tinah Moloto, Ntate Samuel Mabunda, Ntate Munyai, the Mafura family are among the affected. In some cases, before they evict you to facilitate the eviction, before going to court as I have indicated, the sections that deal with evictions if they are taken seriously, and the courts have always been there to assist those who evict. I must say that at the expense of being called unruly, the courts, particularly the land claims court, have not been very useful. For example, the Land Claims Court has created a trend where those mothers and children who lost their patriarchal head of the family, the father, are being evicted.

They say it was the father, the African custom says the family belongs to the father and once the father is either dismissed from work, or he finds another woman in another farm, or he dies like it happened with the poorest family in South Africa, the Ngoma family. We know that within 6 months there would be a letter of termination of residence, and this is followed by an eviction. It is standard for the Land Claims Court to sanction these evictions.

You speak about the Mojela family, the Sebetha family, the Nku family, and only yesterday, I am talking about the proverbial yesterday, that is on the 8th of January 2017, the Selomo family were evicted. We also know that was it not for the fact that we went to the Constitutional Court, the Land Claims Court has ruled that farm dwellers cannot claim for farm restitution. Something needs to change in that Court. Farm dwellers are, I have received a letter last week from farm dwellers who live in a farm in Baltimore, and the letter reads like this...I don't have the letter with me because the five minutes would not allow me to read the letter. Ntate Mabunda, re a bethwa mo plaseng.

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Ga ba dumele gore go tsene dikoloi ka mo plaseng, ga ba dumele gore go tsene batho bare chackele ka mo

plaseng, ga ba dumele gore re fudishe dikgomo ka mo plaseng, ga ba dumele gore re leme kamo plaseng.

Mr. Mabunda, we are being beaten and persecuted in this farm. They don't allow for cars to enter the farm neither do they allow visitors to come and visit us. They refuse our cattle to graze on the land and they don't allow us to plough some space that we occupy.

Well, this should be shocking, it should be shocking if you are not familiar with the daily lives of farm workers. For me, that was a standard letter. That letter mirrors/reflects the conditions of farm workers and farm dwellers in South Africa in general and Limpopo.

I know I have surpassed my time, so I am going to use the last two minutes productively. I have complained enough and I wish I had more time to complain, so, I will go straight into recommendations.

I think what is lacking first, is outreach programmes. Farm dwellers are not educated, they have very low levels of literacy to an extent that they won't be able to go into the nearest library and ask the receptionist 'where is your law section', where they can go there and read all these pieces of progressive legislations for themselves. To know these pieces of legislation that I am talking about, those who are lucky to know are those who have interacted with Nkunzi, those who have interacted with LAMOSA, the LRC, and AFRA.

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Those who were not lucky didn't know that there are these pieces of legislation that are there to protect them. It is just a dream; I therefore say that the conditions of farmworkers and farm dwellers today are worse than they were during Apartheid era. At least during Apartheid, they were not evicted en masse, like it is happening now. Even if they were, there were no guarantees, there were no Constitutional guarantees because now there is now a Constitutional promise that contains Section 25 in the Bill of Rights. So, there should be outreach programs.

Even before a piece of legislation is passed, you must make sure that farmworkers and farm dwellers are invited, you must facilitate their participation so that by the time when the legislation are crafted, they should have made their inputs because they can speak for themselves. Given a platform, I tell you, they speak for themselves, I have heard them on so many occasions.

Legislation, ESTA, to the Panel I must tell you that up to this day, even though 98% of the people who are covered by ESTA can neither read nor write, let alone read English for those who can do elementary reading, all the pieces of legislation, even summaries of legislations are in English. So, my recommendation is that they should be made in local languages, there should be shorter versions in local languages.

Municipalities must come to the party, implement the already existing legislation, especially section 4 of ESTA.

Municipalities think that their duty is to support local farmers because there is a cry for food security. Let me tell you that in the past 20 years, over 30% of farms are no longer dealing with food, they are game farms, it is all about leisure. So, this food security pretext is no longer and does not hold water. For that reason, we say municipalities

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must have a clear program, there must be a desk which must be manned by a person who can speak local languages, because if you check eviction surveys, after being evicted, people would go to the local clinic, they would go to a local school. They wouldn't even know where to go to report the injustices.

We need a holistic approach to deal with issues affecting farm dwellers and farmworkers.

There is a question of service delivery, for example, farmworkers in Magoebaskloof bath and wash with dirty water that comes upstream from the mountains. I am even petrified to touch that water, but they don't have a choice, they are forced to use the water for everyday purposes. When it is raining, they don't go to school, because the bridge to

access the school is usually overflowed. I remember one day I went there accompanied by an official from Department of Rural Development and we couldn't cross through the access bridge to the school because it was flooded.

People who reside in farms do not have access to Home Affairs for ID applications, they don't access to hospital and other facilities. MEC of Health here in Limpopo, Dr. Poppy Ramathuba will tell you that in June last year, we went to a family in Bandeakop who had children as old as 14 who have never seen the inside of the classroom, who had never accessed clean water, who have never had new clothes and even so, the children were not documented, they didn't have IDs and the young ones didn't have birth certificates. They were 15 members in that family, and they all survived on a paltry income of R400 per month. The result was that the children would go out and sell themselves to get something to eat. So, a 12-year-old had a child, a 14-year-old had 2 children and a 19-year-old had 3 children. Don't tell me you are shocked because for those of us who work with them understand that it is just standard poverty for them.

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Another recommendation is that the Department of Health, Home Affairs and all other departments that typically deal with issues affecting everyday functions, must go to the farms to extend their services. Department of Home Affairs must go to the farms at least once a month, we can facilitate that, they can work with us.

Department of Health must ensure that their mobile clinics go there, after all I have seen mobile clinics in townships where people could walk for just under a kilometer to the nearest clinic. In Baltimore, the nearest clinic is almost 180 kilometers away, there is no public transport for that matter and women who go to the clinic have reported cases of being raped by the truckers who they also rely on for transportation.

So, the saddest thing recently is that those who we have helped as Nkunzi to gain land, I am talking about the CPAs, have been among those who have been evicting farmworkers

and farm dwellers. I will not be mentioning the names of the CPAs here because I still want to build a relationship with them. I have a lot to say, at least I will need four days to make you understand the situation of farm dwellers, but I appreciate all of you who are here to meet in this place. It is for this reason that now I am leaving this place. Amen.

Tshefuta: thank you very much, may we request that the longer narrative that you have been submitted at the back. We don't want to miss that lengthy input, so if you can submit it at the back. May we now invite Mr. Christopher Dikgale from Mankweng Business Forum, Ms. Glory Manamela, we now have chairs here that are prepared for the speakers for easy access to the stage, if others can go and sit there please. Ms. Glory Manamela, Ms. Vivian Seoka, Mr. Johan Lorenzon, Mr. Shirami Shirinda, and Mr. Malose Rapou, on those chairs over there please.

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Sekoti Christopher Dikgale: Greetings, I am Sekoti Christopher Dikgale and they say I must speak for only 5 minutes. I have spoken, I said 5 minutes, I think it's clear, right? Well, that's what they said should be the duration of my presentation. I represent Mankweng Business Forum of which all its membership are business people. We have grievances, especially those pertaining to refugee status as the Constitution of the Republic of South Africa clearly states that anybody who has taken refuge in the country should be involved in two things only, and that is; working and studying. Our concern is that of those who have taken refuge in south Africa, there are many of them who have opened shops and they are operating those shops in irrelevant locations, they hire out/ lease garages in our neighborhoods, near my shop as a South African, and when I complain, my complaints are not considered.

When we heard of the High Level Panel, there was a sense of reprieve for us as we will have an opportunity to raise our concerns to those at a higher level than those who are continuously ignoring our pleas. I have a document here, which I plan to read speedily, and it says: our democratic government does not have proper control of the borders of

our country. Money works more than the passport, as foreigners come and go as they please, there is no influx control. They are given asylum papers/status even when there are no wars going on and their lives are not endangered in their countries of origin. In the end, we will hand the country over to them.

Their temporary immigration permits, by whom and when are their immigration permits inspected? There is no visitor who can visit for more than 5 years. In other countries, temporary immigration permits are inspected regularly, and random inspections are conducted. Laws such as RICA and Libra (?) are not followed, I usually compare them to a barking dog that is chained. Foreigners have taken over small businesses and

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spaza shops in our communities, they started by selling us blankets and at times they did not mind giving them for free, not knowing that these blankets are poisonous, they make you hibernate. Because we like free stuff and those of low quality, we accepted those blankets and slept in them. By the time hibernation ended, we were surprised to see supermarkets being built everywhere around us, even in places where we were prohibited to put up buildings as south Africans. This was because our Government, through various pieces of legislation, prohibits us to build shops, even liquor entities, in proximity of schools and places of worship. Foreigners have been allowed to build up their entities in places that are prohibited by various legislation.

We as Mankweng Business Forum, are not against these foreigners, we are not and will never fight them as some of our leaders have taken refuge in foreign countries during the dark days of apartheid. Our leaders, when they were in exile, were not there to open supermarkets, they were not there for business, it was because of the oppressive regime that they were exiled, hence we were pleased when we attained freedom and democracy, but now, our freedoms have been taken away, we are pleading with you for assistance.

When the liberation struggle ended, our leaders came back to their land. First, foreigners took our land by using force/ guns and religion/bible. When you want to control a person,

you must make him or her to turn back on his/her culture and way of life and indoctrinate and inculcate your way of life into him, so s/he despises his/her own.

These foreigners who are here in South Africa now, are on a mission to take our land and country through bribery and other dubious ways.

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As a small scale farmer with cattle, if I can decide to leave South Africa and go to a neighbouring state and ask for a space to open an abattoir, maybe there are opportunities for that if they have shortage of meat, let's say they come and buy meat in South Africa; and I decide to take my own people with me to work there, and take back all the money that we make there into South African banks, they will not allow me to do that, I have to pay tax in that country.

The foreigners who are here in South Africa, they don't bank in South African banks, we pay taxes as local business people, and sometimes have our assets confiscated if we default on tax returns, but these foreigners are immune to tax, they don't pay taxes and there are no consequences if they fail to pay.

Shirinda: Good morning everyone, my name is Shirami Shirinda from the Legal Resources Centre, the LRC. I am a legal researcher. I won't take too much of your time introducing the LRC. What I will say is that the LRC is a non-profit public law organization that uses law to get people justice. We have offices all over South Africa, we usually provide free legal services to the vulnerable, marginalized including the poor homeless, landless and communities who suffer discrimination of any kind. Amongst many things, the LRC is committed to ensure that the principles, rights and responsibilities that are written in the Constitution are respected, promoted, protected and fulfilled. My submission is based on rather concerns tribal levies.

To give a little bit of background, tribal levies are those taxes that are charged to communities in rural areas. This used to be the case in the former homelands, whereby

many traditional leaders, who were called Chiefs, were MPs in those parliaments and they ensured that the rural people paid those levies. When they were in those parliaments, they made laws that would empower and enrich them, and unfortunately

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the current government has adopted the very same system, they call it customary practice, and it is not, it is a system that was imposed by the apartheid government on the communities.

This submission concerns the unconstitutionality of the tribal levies. You will wonder why I say it is unconstitutional. I say this because the Constitution does not say anything about traditional leaders or traditional councils collecting taxes and levies from the people. The Constitution is only recognizing traditional authorities and institutions in two sections, in section 211 and 212, nothing more. And, the legal framework that is governing the traditional leaders that we have, the Traditional Leadership and Governance Framework Act of 2003 and the Act said if there are levies to be charged by the traditional authorities on the communities, that should be dealt with by the provincial government.

In Limpopo Act 6 of 2005, in the Limpopo Traditional Leadership and Institutions Act it does authorize levies and it is the only Act that talks about levies in the whole of south Africa. In the Act, it says levies will be allowed, only if it is gazetted by the Premier. Unfortunately, in Limpopo, there is no single levy that has been gazetted by the premier. The Constitution reserves the power to tax for the democratically elected legislative bodies. In terms of our Constitution it is only the Parliament that can do that; provincial legislatures can also do that, municipal councils can deal with levies. So, this tendency of creating a fourth tier of government, of people who have not been elected, people who we are told have been born to be traditional leaders. People who come to collect taxes and their taxes have not been gazetted by anybody.

Traditional leaders have no constitutional authority to impose taxes and they have failed to comply with section 25 where the premier must gazette. People do not know why

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they pay tribal levies because no one goes to them and tell them not to pay. Even when they paid, they do not know what they will get, they do not know what the money will be used for. I certainly do not see any benefit for it. There is no need for traditional leaders to be paid tribal levies because traditional leaders sit in their offices, they get fat salaries and they also get free cars and they are driving around with petrol cards.

Why should they charge tribal levies because they have salaries and cars, they can live without demanding anything from the people? In terms of section 4 (3) b of the Traditional Leadership and Governance Framework Act, every traditional authority is expected to meet with its community, at least once a year to give account of its finances and levies charged, to explain what they are used for. In most of the communities such meetings are never called. The reason they should give such reports is because they also receive some stipends or budget from the government to be used to benefit the communities and they should give a report.

Those meetings are for giving the communities report on their finances, to say how much they received and what they used the money for, and if they have any shortfall, to ask the community to give them money to subsidise. And those meetings are not happening. I am not sure if the people (traditional leadership) apply for levies to the Premier to be charged in their communities. It might be possible that the Premier does not know that people must make application to him to publish these levies. Here in South Africa there are many legislations, and it is like people are making these laws and they do not check whether they are working. It shows that maybe people who are making laws, they just sign what has been made by legal people in their offices. Despite the unconstitutionality of the tribal levies and non-compliance with the TLGFA, tribal levies are common throughout Limpopo. In Venda area, people pay and they are not given receipts. In the former Gazankulu area, people get receipts and they even have a

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logo of Premier's office, and I am not sure if the Premier is aware that these are levies because in terms of the law, traditional authorities cannot charge levies.

Levies are imposed without proper consultation with the communities and they are enforced by denying communities basic citizenship rights and access to common resources. I will tell you what are the basic citizenship rights. Levies threaten livelihoods of people who are already struggling to make ends meet. Per Statistics South Africa, Limpopo province is the poorest province in South Africa, with nearly 80% of the population living in poverty. The majority of households in rural areas of Limpopo survive on government grants, the same government grants that traditional authorities demand as tribal levies.

The Government is giving these grants for old people to survive on, they are at times staying with orphaned children and they use the money to survive. A chief, who drives a big car that some of us who are working cannot afford, tells these people to pay tribal levies, and they are already poor. Our submission is that tribal levies are double taxation because we are paying tax when we buy things, we are paying SARS but now there someone who is taking this levy and not putting it back to the community. The legality of Limpopo Act and of the practice of imposing compulsory levies is a matter of extreme importance to the citizens of rural Limpopo.

The impact of levies on people, more especially pensioners who are using their social grants to support their children and grandchildren is so much. People are expected to pay between R20 and R150 annually as levies only so they can access proof of address and this has real impact on families' abilities to put food on the table. They would rather stay in a dark place without electricity and pay the traditional authority that money. I asked traditional authorities and they said that they use the money to supplement their

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salaries, because the money they get is too little. I want to share something with you on traditional councils. Traditional councils in most provinces are illegal because the law, the TLFGA says they must be elected with 60% coming from the royal houses, 30% women and the

rest elected. They have tried to hold elections in KwaZulu-Natal and Mpumalanga. Those elections didn't go well, so since 2005 we don't have elections of traditional councils.

In North West they elected the councils, but when there are meetings, only those who are on the Chief's side are invited, those people who have been elected by the community are not elected. In Limpopo, not a single traditional council has been elected, so you must know that traditional councils that are operating here are operating from the backdoor. The way the tribal levies are introduced, you find the Chief calling a meeting with the people, people go there hoping to hear about development only to be told to pay tribal levies by the chief. Traditional authorities have written records of those people who have paid and those who have not paid their tribal levies, those who pay they do so under the impression that they don't have a choice, that they will be refused services from the council when they need them the most.

People who are paying, if traditional leaders are here, should know that they are paying not because they want to, but because they fear that they will be refused services in the future, they are buying services from you and that is legal. When people visit tribal offices for proof of address, they are expected to pay, and if you don't pay you don't get the letter. So, if you needed that letter for grants, and you didn't pay, then it means you

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can't get the grant because the people who process them will be needing that letter, if you want to open a bank account, you need that letter.

Even myself I am forced to pay; I am a lawyer and have a way of avoiding to pay because the levies are illegal. Because I don't want to waste so much of your time, I want to give you an example of how this impact is, this you will feel sorry for what I will say. Before that I will say on the 18th of May 2012 the Limpopo Department of Cooperative Governance and Human Settlements and Traditional Affairs released a statement announcing the establishment of a commission relating to dispute and claims on

traditional leadership. The reason I am putting this is that most of these traditional leaders who are collecting traditional levies are the ones who have been put by the apartheid in those positions. And this commission was dealing with their status as chiefs, so in fact because the Kgatla Commission has not released the results, it means people who are collecting these taxes are the illegal traditional leaders and if Kgatla results came out, they will be like me on the street.

So, results are not coming out and I don't know why, otherwise this Kgatla Commission should not have been brought in, because it's years now investigations have been done but results are not coming. So, they are afraid of something, the something that they are afraid of is that they have something called the House of Traditional Leaders, which the act of Limpopo allows. That House of Traditional Leaders is not a house of traditional leaders, it is a house of senior traditional leaders. And senior traditional leaders are those who have been recognized as senior traditional leaders, we've got lots of traditional leaders who are not recognized even when in their birthright they are traditional leaders who were supposed to sit in that house.

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My interpretation is that the House of Traditional Leaders is for all traditional leaders, and not only selected senior traditional leaders. The same senior traditional leaders are the ones when you have complaints, you first must go via them, or maybe the Premier should check with them whether whatever is happening you are bringing the right complains or not. So, you can see that the people of that House of Traditional Leaders somehow is not serving the people, it is serving the senior traditional leaders. I have got one case which I want to give to all of you and the Panel.

It's the case of Patrick Mashigo, I think he is here with us, can you stand up because this is very important for everyone. Mr. Mashigo is a councillor for ANC, ya...there he is. Mr. Mashigo is from the village Lebejana in Sekhukhune. So, what happened during election

campaigning, when he was campaigning, he was called to the traditional authority, even the secretary of ANC was called there, where they said he is not fit to be a councillor because he does not pay tribal levies. So, because ANC is another organisation, it is not a traditional authority, they did not remove him from the list, he contested and won the ward. So, now that he must do some work, he has problems when he is going to villages to hold some meetings. The traditional authority is organizing people to disrupt the meetings because he is not on good terms with the traditional authority. He never insulted them, the only thing which he did not do is to pay taxes, which are illegal. Last Sunday, the Sunday we are coming from, he invited me to come and witness, because every time he was phoning us, writing letters that I am finding it difficult.

My rights as a citizen are being infringed, so I went with him to a meeting, and when the meeting was to start they drafted an agenda. The traditional authority, the traditional

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leader said before we start I have got an announcement, so the announcement was from the traditional council in Matlala. They said there is a person here who is not wanted, and that person is Patrick Mashigo, we can't start the meeting before he leaves the place. I whispered to Patrick and said 'ask for the reason', and he said 'lebaka' (reason), and they said it is because your issues with the traditional council are not over. The only issue is that he is refusing to pay the tribal levy, and he is one of the applicants which we are using now to challenge the Premier and the traditional authorities for charging people tribal levies. So, Patrick Mashigo is one of the applicants, he is being intimidated and harassed for not paying tribal levies. Tribal levies, everybody should know, they are illegal, don't pay. Thanks.

Tshefuta: Thank you very much, thank you very much. Let us make this point, let's make this point that we are here to listen to everyone. Our intention is not to stop speakers, but when your time to speak is taken up by speakers who speak from the podium, you should not blame us. We are going to run into serious troubles with time because none of the

speakers that we have had now stayed in their five minutes. The least have spoken for 15 minutes, that is not the time of the Panel, it is the time of the people who should have their equal time to share. And please understand, when we get stricter with time, it's not because we do not like what people will be saying. When you finish speaking submit the document at the back. There is no way of which we are not going to read the entirety of what you submit. Is that acceptable? Thank you very much. May we now invite Malose Rampou from Mapela Executive Committee.

Rampofu: Thobela. Greetings, I am not going to take a long time because many of the things under my submission are well known. I am from Mapela, my name is Malose

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Rampofu. I am here representing Mapela Executive Committee. Our main issue in Mapela is the mine, the mine is working closely with traditional leadership on issues that concern the benefit for the community from the mines. Our concern is that in this law that has been passed by Parliament, the MPRDA shows that mines should have a social and labour plan, which is to show how the community will benefit from the mine and what those benefits will be.

The problem with this law, the MPRDA, Minerals and Petroleum Resources Development Act, no 28 of 2002, we don't see its importance as the community of Mapela; it is not fully enforced. We are submitting here today, before this High Level Panel, to please make sure that the MPRDA works for the people, and does not benefit the mines and the state. You must consider whether this Act is working for the people or it is just to make sure that mines benefit while we, the people derive no benefit at all from the mines.

As Mapela people, we were even forced to embark on protests and strikes because we don't derive any benefit from the mine that operates in our area, and who allowed the mine to operate in our area, and up till now we don't have any answers. We are submitting here for the Panel to ascertain whether the MPRDA is working or not. The Government

must come down to mine hosting communities and see whether this MPRDA is working or it is just a piece of legislation aimed at empowering a few individuals.

It seems like the MPRDA and SLP are more aligned to the municipality and thus do not include the broad areas of concerns for the people. This gives us problems since the budget that was supposed to service us is now servicing the whole municipality. Since

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the inception of this mine, we have not seen any positive change in our communities. Our concern here is that we are not aware of the relationship between municipality and the mine, how they function, there was never a process to inform and get inputs from the community. The mine allocates a lot of money for the municipality but it seems like the money is wasted at the level of the municipality, it is one of the reasons why the municipality is unstable.

We urge the Parliament to amend these legislation, so that they may benefit the people and not a few politically connected elites, one of the reasons for the infighting in Mogalakwena municipality. There are many concern groups from Mapela, and the mine, as well as the traditional leadership are using our divisions to further push their agenda and ignore the needs of the community. One other thing, the traditional leader entered into agreements with the mine, so we would like to know if the traditional leadership had, at any moment during their negotiations, thought of the potential benefits and opportunities for the community. We tried to engage the traditional leader, but he does not give us proper answers, he says the legislation empower him to act the way he acted, to enter deals on behalf of the community.

It was only when we started engaging with research institutions and the NGOs that we grasped the extent of money circulation. The royalties that the mine pays to the traditional leader do not trickle down to the people. These moneys are labelled as settlement agreements, but we as the people know nothing about that, even the Kgoshi has

businesses in the mines, he does business with the mine but we as the people do not benefit at all. These monies are meant to benefit the people, the community, but those

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who know Mapela, will tell you that it is underdeveloped, majority of the people from the area are not employed there.

There are disagreements between the mine and the municipality regarding service provision, earlier, the mine was delivering these services, even though they were delivering them for two to three villages while Mapela traditional area consists of more than forty villages. Now there is no service delivery at all, after the municipality said there must be a service level agreement for the municipality to deliver those services. The mine complained that they spend a lot of money entering into these agreements with the municipality, but the municipality ends up not delivering or delivering at below the agreed standards. The municipality said it will open a case if the mine continues delivering these services without service level agreement in terms of other legislation that govern municipalities, we are not made aware of these legislation as the people. Even the mine should have opened a case for the municipality, but the main issue here is that we are suffering while these institutions fight.

It has been years since these institutions were fighting, and the public is not benefitting at all. It is high time that when there is going to be mining, the government and the mine must tell the community what benefits will they enjoy from the mine. We are forced to carry out costs because when they blast, our houses crack and will eventually collapse, we get sick from the dust that we inhale, yet we do not benefit from these mining operations, only a handful benefit. We just want to plead with the government to please help us with these issues that I have touched on.

Tshefuta: Thank you very much, may we invite Francina Nkosi from Lephalale and M Rakgwale from Bahlabine Foundation to be ready.

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Nkosi: Greeting to you all, I will go straight to the core of my presentation. Investments and expansion in coal mining operations have led to depletion of arable agricultural land. More and more suitable agricultural farms are being purchased and communities are forced to relocate to sites that are not suitable for subsistence farming. This in the long term will impact on the national production level while in the immediate has affected rural livelihoods and food security. Mine companies need to reconsider their compensation schemes to ensure that communities are compensated sufficiently and equitably for their loss in property and security.

It is also recommended that the South African government assesses domestic risk of food security as land available for agriculture continues to shrink. Communities are fraught with frustrations at the constant manipulation of companies and government who do not have meaningful consultation and participation processes. Communities are often left divided and confused after these processes and somewhat intimidated to consent to projects that they do not understand and fulfil the impacts of. This calls for a critical review in the inception and realization of development projects wherein communities are seen and treated as equal stakeholders having the right to give or withhold consent, and further shape and determine profit revenues and employment opportunities, etc. The South African Government has continuously championed the development of the mining sector and coal fired power stations, often citing economic opportunities and national benefit as its defense.

However, mining affected communities have had no real benefits, there is thus a real need to critically analyse this dominant conception of benefits, to ascertain the true costs of these activities and if South Africa is risking long term environmental, social and economic gains. Medupi power station would be welcomed as a good start to this

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analysis. The community demands that its installation be urgently prioritised and that it is

fully functional by the time all these planned power plant boilers are in operation. Section 4 of the Constitution if not practiced. Thank you.

Rakgwale: Ndlawo/ greetings. I am Michael Rakgwale from Thabineng in Ga Mogoboya. Thank you for this opportunity Program Director, I am standing here on behalf of Bathlabine and what I have here, Mr. Program Director, let me just save time by saying in our village there is a high rate of unemployment and the local administrators do not respect the constitutional rights of the people. The service delivery is very poor due to the ward councillor and the chief who are the main cause of the problem. When projects come to our rescue, the ward councillor and the chief own the projects, work with the contactors and ignore the stakeholders and the community.

The services that we deserve - it is like they offer a privilege and not a constitutional right. Section 27(b) of Act 108 of 1996 the South African Constitution, the contribution of corruption in our area is about the unfinished projects. My President, e.g, there was a water project called Thango project water project, which was given a contract worth R32000000 to give people water. Unfortunately, the contact is nowhere to be found and one of the no name electricity contractors, no name, how possible is that? We don't know the contractor, it was supposed to install electricity for the people, we don't know it, it doesn't have a name, it is known by the chief and the councillor. We just saw people working, how was the contract allocated, how did they inform the community? I saw Ntate Rob Tooley (The MEC for Limpopo Provincial Treasury) sitting here, I want to ask Tooley, is there monitoring for monies you allocate for projects?

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The beneficiaries were expecting employments from such projects Mr. President, but no one carried such responsibility for the project. Even the state does not address the poverty problem, there is no cooperative supported, and the EPWP project is going to the families of the chief and ward councillor. This contributes to poverty Mr. President. There is no

equality in our village because those who are not related to the chief and the ward councillor do not benefit from the state projects and programs like food parcels and Expanded Public Works Projects.

This lack of accountability of the ward councillor and her friends contributes to the unequal treatment of the residents and this is against the Constitution of South Africa. So, Ntate Motlanthe, it is a great opportunity to be standing here before your Panel, we have been complaining and our grievances not being considered, we have issues with the municipality and the traditional leadership. I would also like to say to our province, I can see they are here today, please monitor Greater Tzaneen Municipality, pursue it. Ntate Motlanthe, if you want to get fat and free money, come to Ward 34 Tzaneen, these people eat our money freely. Thank you.

Tshefuta: Thank you, we now move to those organisations that wanted to make inputs on land. We now invite Mr. Abram Luruli from Limpopo United Business to come and address us. For the benefit of those who arrived late for different reasons, we agreed that with the permission of the house, that we will take all organized formations that wanted to make presentations on the different themes. After which we shall open it, where you raise your hand, you are noted and you can speak. We still hold it with that morale. Thank you very much. May we also invite Mr. M Nkwashu from Mopani farmers

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Association, we also have Mr. S Kekana from Kopanong formation, Mr. BL Maboela from Limpopo Communal Properties Association Institute, are they here? Mr. Nkwashu should be coming to the front in the meantime.

Nkwashu: Greetings to all of us. Chairperson, in respect of time, I will just give a verbatim report and it will be too short. I am Mawewe Nkwashu representing Mopani Farmers' Association of which I am also a member and a volunteer as a manager of the Association. I won't be giving a background; I will go straight to the points. Mopani

Farmers' Association is working in rural villages in all the five municipalities that fall under Mopani District, with the intention of spreading to other districts and eventually all of Limpopo. The problem here is the issue of land ownership. We have got white commercial farmers who are adjacent to some of these communities, who occupy large portions of land and they have title deeds to those lands.

Yes, with title deeds. They produce citrus as opposed to food which is produced by us as small-scale farmers. They are profit driven and we work towards improving the livelihoods of the rural poor by producing healthy foods. You can see the contradiction. Contrary to this, with regards to land, we can only apply for 2 hectares with permission to occupy, this contrasts with white commercial farmers with title deeds. We urge the Panel to review the land ownership patterns because it was formulated with the intention to benefit a few at the expense of most marginalized communities. We further urge that small-scale farmers be afforded an opportunity to access and acquire the land through the land reform programs.

We request that small holder farmers in rural areas be recognized and subsidized like the white counterparts. We need infrastructure like packaging facilities as well as proper

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routes to ferry our produce to the markets. We are also not happy with the Department of Agriculture's imposition of chemical fertilizers and GMOs seeds to our members. They must give us organic fertilizers which are not detrimental to our health and our environment. Many people live on medications due to illnesses that are caused by food that we are eating daily. We therefore as Mopani Farmers' Association urge rural people to go back to basics and eat traditional foods which are good for our health. We are in the process of recovering our own traditional foods which we intend to multiply and give it to our rural poor. Lastly, as Mopani Farmers' Association, most of our members are based in areas where rivers flow only during rainy seasons hence water is a very serious concern for us as small producers, we must rely on boreholes as our water sources yet we are

told that legislation requires us to apply for water use license. The legislation should be reviewed and apply to large commercial farmers and allow us to use water for free. Thank you very much chairperson

Kekana: Thobela, I would like to extend greeting to everybody who is here. My name is Shimane Kekana and I come from Mokopane. I would like to take this opportunity to show gratitude to the Panel for being here, to hear about our challenges. Mokopane is an area that falls under state land, and we have issues with a mine called Ivanplats, on the 24th (February) some of you might have seen the SABC 2 news broadcast whereby communities were protesting the decision by the company to exhume graves and remove our ancestors from the gravesite. When Ivanplats lodged an application with the Department of Rural Development, the Department's response was that the company must consult with us. They were supposed to ask for our consent as residents of the Ndebele Valtyn Tribe, but they failed to do that and they refused to meet with us, they

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were very destructive in their engagements, they went ahead and dug up graves without our consent because they DRDLR never prescribed to them the consent procedures.

When we checked, what might be the main cause of the arrogance displayed by the company, their sheer undermining of the community of Mokopane, we came to realise that there is no interplay in laws and legislation governing development, for example: IPILRA, MPRDA, NEMA, Heritage Laws and other land use laws do not speak to each other. Our submission is that IPILRA should be amended, to reflect in black and white, the interplay between MPRDA and itself as per the 10 October 2002 high-level agreement with ESTA while Minister of Land Affairs and the Minister of Minerals and Energy, in terms of Chapter 3 of the Constitution. Lastly, the mineral law must incorporate sections of land use to say that prior to any resumption of operation they must amend land use that they were accorded, so not for them to infringe on the rights of other potential land users. That is all we wanted to submit, thank you very much.

Tshefuta: Thank you very much. May we kindly invite Mr BL Maboela. Mr. J Matakanya to be ready; Mr. J Hanse as well to be ready.

Maboela: Greetings to you all, and gratitude to the former President, his Excellency Mr. Kgalema Motlanthe and the distinguished members of the Panel. My name is Lefa Berrington Maboela, I am representing Limpopo Communal Property Institutions Forum. This institution represents all the land claims in the province. The biggest mistake our forefathers did was to give away land for the bible, and today here in Limpopo we should mark the historical moment of giving back the bible to where it came from. I want to request with all due respect to the Honourable Panel, to the Honourable Kgalema Motlanthe to accept the bible that we are going to hand to him to take it back to the

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President or to the Parliament, that as Black South Africans we are giving back the bible and we want our land back.

May I call for Mr Leshiba, may I call for the provincial coordinator of CPAs of Limpopo Mr Calvin Leshiba to bring the bible, we want to hand it over officially to the former President. Thank you very much the Honourable former President, we say take the bible to the President where it came from, and ask the President and our leaders that we want our land back. The second grievous mistake was, when taking over the government in 1994, the ruling party took the political power and left behind the economic power. During this day and age, 95% of the country's wealth is in the hands of only 10% of the population.

Consequently, Mr President, the Honourable Chairperson, the foxes have holes, the birds of the sky have nests but the son of man does not have a place to lay his head. The apartheid government used a plethora of legal instruments - legislation, resolutions, proclamations, and ordinances to legitimize land dispossession - to systemically impoverish black people and by the advent of a new South Africa, there were almost 17 000 statutory measures in place to control land division and all this has had catastrophic

consequences for the black majority. To just give one example, the Occupation Act of 1886 decreed the acquisition of land in the Waterberg District free of charge, meaning without compensation. So much was, and is still said about the colossal damage caused by the 1913 Land Act but honestly Honourable Chairperson, our current land reform legal instruments are dismally feeble, they are no match to the apartheid laws, hence even after 22 years of the new dispensation, the black South Africans are still in possession of the bible and not the land.

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I doubt, Honourable Chairperson, if it can be found unconstitutional for our ruling party to use their majority in Parliament to return the bible to the white South Africans and take back our ancestral lands. We therefore urge our Government to use the constitutional space and mandate of the voters to unashamedly and force the following legal instruments: Firstly, the amendment of the Constitution to correct Section 25 which is contradictory; secondly, pass the Land Expropriation Act and in some cases without compensation like the apartheid regime did through the Occupation Act of 1886; thirdly, pass the law that provides for land ceilings and lastly, the Natives Administration Act of 2017 which would provide for the acquisition of land from our fellow white South Africans on a scale of [inaudible] rather than the 1913 Natives Land Act.

We need laws that will effectively undo the effects of the 1913 Natives Land Act.

Talking to land redistribution, Honourable Chairperson, Our government today is not redistributing the land; they are renting out the land. The security of tenure is not prioritised but instead the focus is on commercial land use and agricultural businesses. Our land reform policies do not allow the beneficiaries to own land but to become the perpetual tenants of the state and this is the same provision of the apartheid laws, the South African Development Trust of 1936.

So, it means that the Black South Africans today are still governed by the Natives Land Act of 1913. The Honourable Chair, lack of land prevents the poor communities from participating in the mainstream economy. It is totally unfortunate and disturbing that even today our country has a situation where most of the land is owned by our fellow white South Africans and big corporations. And this injustice continues to be perpetuated.

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Talking to land restitution: it is about the restoration of dignity and the reversal of apartheid and the empowerment of landless people.

However, the restitution programme has failed dismally in South Africa. And to some extent, Honourable chairperson, the CPA Act 28 of 1996 is to blame, the common property based ownership and the collective management of land provided for by the CPA Act has proven to be a failure if not a bomb waiting to explode. So, the Act must either be revisited or repealed. Through the CPA Act, there is no security of tenure, the Act gives Government the power over the CPAs. Now it appears as if the CPAs are renting the properties from government, because of the CPA Act, the communities are always in conflict, they fail to make productive decisions, thus hampering the improvement of food security, reduction of poverty and the improvement of the livelihoods of the beneficiaries.

We plead, Honourable Chairperson, with Government to discontinue babysitting CPAs. Communities must be given land, title deeds, training, and grant funding and they must be left to be autonomous. When they fight, they must approach the court and not the department. Generally, Honourable Chairperson, our people are not happy with the RECAP funding model, they are asking government to bring back the old funding system like the settlement development grant. One size fits all approach must stop. The cosmologies, dynamics, culture, traditions, and institutional arrangements of communities are not the same. A community in KZN and the one here in Limpopo, Venda, cannot share the same jacket.

For the Commission on Land Claims to be efficient, it must be autonomous from the Department of Rural Development and Land Reform. We also support the proposal of

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redesigning and establishment of the National Land Claims Commission as a Chapter 9 institution. We also welcomed minister Nkwinti's proposals to amend the laws to reconstitute land without compensation and we further recommend that in cases of financial compensation, the law should force land owners to contribute at least 50% of the money. In cases of financial compensations, Honourable Chair, government policies allow claimants to be short-changed, communities are not given full money as per the valuation reports, and we see this as another dispossession. We also support a call for a referendum on land expropriation. The Limpopo Communal Property Institutions Forum is dealing with many community conflicts; all we need is support of Government. Our Government should stop spending money on appointing lawyers to resolve community conflicts but rather use one of the forums to resolve the conflicts. We again ask for the support of provincial government when dealing with issues of the land. I thank you.

Tshefuta: May we invite Mr J Hans from Limpopo Communal Properties Forum. Mr ME Motimane from Nafu, and then Mr B Masha from LAMOSA to be ready. And Mr Mokgehle from Moletji Land Forum.

Lesetja: Thank you Program Director and good morning everybody. Let me state that I am not Mr ME Motimane, I am Mashapu Lesetja, I am representing NAFU. NAFU is National African Farmers Union, it is operating nationally, not only in Limpopo. I am standing here in front of you, and I think it is very important to state that I am the PRO of the organisation, I am also the chairperson in the district. So, allow me to announce that we are waiting for the national president, Motsepe Matlala, who will be joining us soon. We thought it is very important that we make a submission of something that we think is very crucial to be presented to you.

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The first thing that I would like the Panel to be aware of, is the fact that last year, 1916 (2016) we met with the Deputy Minister, Beki Cele at Eldorado Blouberg, we made the very submission that I want to make now... as my first one. The issue of land acquisition, but it was all about the land agreement. We are always liaising with the Office of Agriculture and Rural Development but we have been taken from pillar to post about the matter. So, we are saying to the Panel today to say: the issue of giving farmers, here I am talking about farmers who have been occupying a farm for more than 20 years and have not been given leases, we are pushing as an organisation to talk with service offices but there are always promises. As I have stated at Eldorado, the first thing they said to us is that they are still going to do audits for the farms of which they did this in 2015, but the process is very slow that we are enquiring because they told us that they are still busy with the audit, but the fact of the matter is that farmers are still operating there and they do not have powers to go on with their farming because they are not supported by the Government.

They are running their farms with their money from their pockets. We have been told that the caretaker agreement will be issued as the first document to be issued to them, but this was not done and if it was done it was done in some areas where you would find that maybe a farmer in farm A next to farm B was allocated the caretaker agreement but the one in farm B was not allocated, you will never understand. We are having again the issue of, we are pleading to the Panel to speed up the process of allocating the lease agreement and we are saying if that could be, because we think that this is just a dream that we would not be talking of, we are appealing quickly to the Department or to the Government to re-capitalise these farmers so that they can be able to improve.

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After being re-capitalised, we are saying as per the information that is being delivered to us, they say that they will give our farmers the lease that will last for five years and after that they will give them the lease that will last for 30 years. We are saying after the

30 years we are requesting the Panel to take this into consideration that these farmers, they must be what? They must be evaluated, and if they are able, they see that they are able, they are producing they are supporting our economy. And what if they just give these farms to our farmers.

The other issue is about the state lands, in our province here in Limpopo, there are many state lands that are not occupied and those state lands are utilized only by people who have power, I don't know where do they get that power. We are saying to the Panel to say please visit our offices and check all the state lands that are not occupied and utilized, they are occupied by people that we do not know. We have got farmers that we are representing, farmers that are moving from being subsistence to commercial, they are having a head of animals and they are producing vegetables, I would say they are supporting the Limpopo economy. So, those farmers must be granted what? Land so that they may be able to go on with their farming. The other issue is about Mara research, this one is located at Vhembe District. There are our farmers, we got farmers who claimed this, and since 2011 we have been shown their approval, and as of now those farmers are not in the farms and we are not aware what is going on with the farm. When we enquire, we do not get exact answers about this. We need our farmers to get into this because they got approval of the farm.

Our farmers, when we start, NAFU is representing emerging farmers. It's not that we haven't been emerging, we want to improve and become commercial farmers and it will only be through you, our Department, our Government to move these black African

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farmers into commercial farmers. Support them as you did with the white farmers. We got the issue of disaster relief, that we do not know if it is working and how is it allocated. We don't understand the operation of this, let me state that we had the problem of drought, the majority of our NAFU farmers lost stock and they were not assisted, let me state, they were not assisted.

The assistance that was given to them, they give a farmer who is owning 60 head of animals, 5 bags of fodder, that to us is like they are playing with our farmers. It doesn't do anything, so, we are saying to the Panel that we are existing as NAFU and we are representing black or rather African farmers all over South Africa. When you do your plans, make sure you put us in your programs. We have again under the problem of disaster, wireworm, and we believe that majority of our farmers today, crop farmers are having this problem but farmers are not assisted. I don't know if there are farmers somewhere at the corner of South Africa that are assisted, we are saying we are existing and we want our farmers to be assisted with this.

Farmers in Limpopo are producing, and their products are transported out of Limpopo into other people's provinces, for storage and processing. So, we are appealing to the Panel, we need storage here in Limpopo. I am not referring to the storage that was made and used by those white people during their time when they were still practicing, because they were given permission to do that and they were also supported financially. We also need to be supported. We want our storage facilities here; we have farmers that are producing vegetables and they need to store their products here. We got again on this issue, it is very much political ladies and gentlemen, I am a farmer, I am farming with animals, I am a stock farmer.

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You find that when I am going to sell my animals at an auction, people who are running the auction are those who were farmers, I am saying they were farmers because now they are no longer keeping domestic animals on their farms, instead they are keeping wild animals, the giraffes and elephants they can never slaughter when we have programs. So, this land, some of these people no longer stay on the farms, they are in some other countries, in town and they left our poor black people to look after their farms. They have a lot of wild animals inside, what do you say about our economy, about our food security.

We need to occupy those farms; we are existing as NAFU farmers and we want to find our members in those farms.

Pertaining to the issue of research, let it be open, we are saying to the state that let the stakeholders be informed about the outcomes of research. We need to be updated, there is Mara Veldboer, it was a very good project, supplying farmers with bulld, but since 2014, it is no longer operating and the bulls are very expensive Mr. Motlanthe. An emerging farmer can never afford to buy a bull, but we want them to develop.

The other issue is about the land; we need land as NAFU because we want to practice farming. Land is being occupied and much of the land or more land or more scale of land is utilized as I have stated - is used by the white farmer and the other one is used by what? It is taken by our chiefs. And you know what they do with the land, instead of practicing farming, there are no longer communal farming in our areas, they are allocating that to [inaudible], they are using it as residential areas. At the end of the day we are going to starve, thank you very much.

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Masha: Your excellency, Mr. President Kgalema Motlanthe, the Panel of High Level, the audience of Limpopo, my greetings to you. I am Billy Masha from LAMOST. I am from Ga Sekhukhune, in a village that has a Dutch name, it is called Strydkraal. Our organisation LAMOSA is a federation of communities that were dispossessed of their land during the colonial and apartheid eras. We came together and established this formation in 1991, because unity brings progress. Let us show gratitude to this opportunity given to us by the High Level Panel today, for us to share our experiences regarding land issues with them, especially the land that was dispossessed from communities by the apartheid government. When the Restitution of Land Rights Act was formed, it was meant to restore land, give dispossessed people their land back so that they can go live in peace and harmony.

That was the hope, but now that hope turned into hopelessness, because in those communities that have had their land rights restored, confusion and conflict reign supreme. They started by saying that these communities form entities, such as CPAs and Trusts or any other form that will manage the land on their behalf. Our communities were never capacitated on what a CPA is, what role are they to play and so forth, because for centuries, there was a misconception that 'Magoshi ke beng mabu' the land belongs to the chiefs, then those chiefs must exert control on every piece of land and the households of those who occupy the land. When the time came for people to control their land, we had to form CPAs and we even engaged our royal house, the Masha Makopole Traditional Council because we trusted them, however there were problems because a position on the CPA runs for a certain period and when the period lapses, you must vacate the position.

Problems started when the period lapsed and there were supposed to be elections, members refused to vacate their positions, and there were conflicts. We tried to show

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them the law and our Constitution but they still refused to vacate their positions on the CPA. We have been up and down, with LAMOSA's help, till there were elections, 10 years later. People were in those positions, there was no accountability, there were no reports produced and no financial records shown to the community. When we were elected on the CPA, our government passed legislation giving Makgoshi power or control over communal land, and this surprised us, it goes against our customs. We took those Acts and studied them, and there, conflict arose. As I speak now, the Honourable, Mr. President, there was a case of murder, simply because some people in the community refused to accept the laws and legislative directives. On that token, we have been fighting, some lost their lives, some lost their dignity, some were terrorised, fighting for the land. What does the Government say or do in our case? This Government, our Government, when it was time to clarify with some of the legislations, they reneged, and we realised that this government never wanted the people to have their land, they wanted to give this

land to Makgoshi so that they can control people. To offer what is due to them customarily, they take communal land and they demand levies.

Our Government does not understand customary law, they are treating us the very same way that the apartheid treated us, taking our land and vesting it in the hands of traditional leaders. Sepedi se re Kgoshi ke Kgoshi ka rena, sechaba (Sepedi says a king is only a king because of the nation) and he is accountable to us, his people. The land belongs to the people, hence in our custom, we allocate a plot and volunteer to plough on that plot and the plot belongs to the royal house, because a king is like a child to us, we feed him and he must not be greedy now. Customarily, we feed the king, as a token of appreciation for his leadership and upholding the rules and customs of our tribe, but these days Makgoshi are greedy, they don't wait for the people.

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The notion that anything if that comes to the community, it must be signed off by Makgoshi is very wrong. I disagreed with this notion while I was still working her in the department of COGHSTA (Cooperative Governance, Human Settlements and Traditional Affairs Limpopo), in the Office of Traditional Affairs, because when there are projects that are meant to benefit the people and not the traditional leaders, they are likely to be refused by the traditional leaders much to the detriment of the community.

For example, you might source funds from national lotteries fund for community development and if that initiative does not benefit them, or is not conceptualized by their relatives, they will simply reject the project or demand payment from those funds. Our people are suffering, and in some areas, when your family have refused to pay levies, you are refused residential sites and you are forced to go and look for it in another traditional area. The Government needs to explain the role and power of traditional leaders, they are playing roles, they don't have functions, they have roles and the government must clarify them. It seems like the Government has realised that there are

low literacy levels for people in the rural areas, they collaborate with Makgoshi to defraud the people.

I was writing receipts for these levies while I was still working here, and I asked them, on what basis do we collect these monies, there is no answer. You go to the highest office in Limpopo, the Premier's office and ask them, they don't have an answer. I quit that job because I don't want blood on my hands, every time I was writing a receipt, it was like I was accepting lies, I was a functionary of wrong things. I said to my inner self and said, let go of this job because you are an accomplice to committing wrong things, I can always find another job. These lands that fall under the South African Development

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Trust, those we called Bantustans, they say you must fall under traditional leaders as per the requirements of the Bantu Administration Act of 1951.

Even though they say it was repealed in 2010 here in Limpopo, it is still effective. When we say, this place is Ga Masemola, it does not mean that the land belongs to Kgoshi Masemola, it belongs to the people of Masemola. When a consortium wants to build a shopping complex there, they approached the traditional authority, and when the traditional authority asked how much are they going to get from that, the consortium said that they are doing that for people of Masemola.

The traditional authority refused them the land to construct the complex and when people asked what is happening, they got no clear answers. This will cause a bloodbath, there will be conflict. We will be receiving reports that people have been killed in Ga Masemola fighting for the complex to be built. We have a problem with how municipalities run the land use management processes, they will tell you to bring a letter from the traditional council which owns the land, and we are surprised that the municipality, which in an entity elected by the people, it is representative of the people in its entirety, where do traditional councils fit there, what does the law say. People are not buried here in the rural areas,

when you are dead, the traditional council will be saying that you cannot be buried here because you still owe us levies, well personally I believe that when I'm dead, some of my debts disappear. Relatives will be forced to take out the last monies that they must pay traditional councils so that they may bury their loved ones. It is a problem, the municipality would say that this is a traditional land, it is well documented.

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What is traditional land, because there is no legislation that says the land is traditional land. Ploughing fields are allocated per seniority of the clans, those who are from the royal families and closely related, they get fertile land while those who are junior get less fertile land. I am from the royal clan, and we had problems because the royals have allocated themselves land. After it was restored, I said to them, please let us reverse this - there were families that were ploughing there before the land was taken by the whites. It is still a problem in my area.

Charity begins at home, and I told them to be fair, not to repeat the injustices that the people have suffered, we must give the people who occupied the fields their fields back. To cut the story short, please restore the office that was occupied by the late Honourable Minister Collin Chabane, the Office of Performance Monitoring - I am not sure if it is still there in our Government. Even in provinces we must take caution of what you are doing as government. When you see this hall full of people, you know that people still have hope in our Government.

That office must be brought back, to monitor the activities of government. Now our old people are scared that they might not get their grants, this is happening because there is no monitoring. There are many Acts of Parliament that aim to improve the lives of our people, but they are not being implemented. I would apply in that office to be a director. Thank you.

Tshefuta: May we please invite Mr. PW Mokgehle from Moletji Land Owners Association

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Mokgehle: thank you, without wasting anytime, my name is Pitsi William Mokgehle from Moletji Land Association. In 1951 there was legislation, the Natives Administration Act and in 1952, under the Black Administration Act, in a government gazette, Moletji Tribal Authority was recognized and allocated land and farms. In a 1969 government gazette on the modification of Moletji Tribal Authority, the jurisdiction of the area, with areas that they took away from whites such as Broekman, Gemarke, and Lonsdale to be part of the Authority. They say that those lands belong to Moletji Tribal Authority, yet the title deed is vested in the Minister of Land Affairs.

The Minister is not from Moletji and he doesn't know anything about the area. When you can ask him, he only knows Ga Maribana as it is the home village of Lesetja Kganyago, the South African Reserve Bank governor. He doesn't know Ga Kolopo, and other areas that fall under our Authority. He must bring the title deeds. The Bible is gone, so he must just bring back our title deeds, the title deeds belong to the people. We don't want to be annoyed; the title deed must come to the people. The other issue is the settlement of land claims. There are claims that were made for Bethesda, Rita, Mmarobala under Moletji and Bochum and not under Dikgale. Those land claims are already settled and they have CPAs, but they don't hold title deeds.

They are in the Minister's possession while they should be given to the CPAs or the Tribal Authority. Lastly, I want to show that we don't trust the Government, we just have people, like Ntate Motlanthe who grew up here in Mothiba area herding cattle. We don't have government, they are just people that we know. If there were government, we would not be complaining. I am talking to people and not government. With issue of land claims, a tribe from Mmabohlajane in the Dendron area, who are under the Moletji area. The farm

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that they used to build the town of Dendron, it is Duisland, and it was claimed by the people.

The municipality accepted it, even on the 20 January 2004, the municipal manager wrote on behalf of the people to the regional Land Claims Commissioner. The council held a meeting on the 12th of December 2003, said under the Mmabohlajane Duisland land claim, under item 18.10.1. The letter said inter alia the council has resolved to take a portion of the farm Duisland be released to the claimants - that an agreement between the council and the Mmabohlajane community be signed in occupation of arable land. The council and the commissioner met and discussed the compensation issue. This letter was written in 2003, till now there is nothing that was done, so that is why I say there is no government.

We can't say there is a skeleton government; there is no government. We took this claim and took to Land Claims Commission in Randburg when the judge, judge Cachalia made an order: the Land Claims Commissioner shall henceforth commence with consultation with all stakeholders in an attempt to finalise this claim in terms of section 42(d) of agreement, on or before 21 January 2014. They have not done that. Should the Land Claims Commissioner be unsuccessful in settling the claim in terms of section 42 (d) the Commissioner responsible shall refer the claim on or before the 28th of February 2014.

Should there be non-compliance with this order, a punitive court order shall be awarded against the employee of the Land Claims Commission responsible for this claim. You want to tell me that was awarded in 2013, till now there is no action, we don't have any government. Instead we met with the state attorney. The state attorney form 2013 till

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now, responded on the 19th of August 2016 and said notice of withdrawal of referral. We don't have government; how can the state withdraw from its commitments? Audio breakdown

Tshefuta: Thank you very much. Please sit down and observe the order. We are now moving on. Let's do this with the greatest of respect, immediately when our mic is on, I don't mind standing. But I don't want us to be losing time now. I think what we should reiterate is that we are here in the Panel not as government. We are an independent Panel, ours is to listen to what you are saying, tell it to Parliament whether it is liked or not. We are equally not Parliament; we are an independent Panel that has been appointed by Parliament. So, ours is just an independent Panel, that is who we are. That's well understood. Thank you very much. We now move to the last leg of organized formation.

14 March 2017: Afternoon Session

Introductions by Program Director Thulani Thsefuta and members of the High Level Panel (0:00-40:22)

Opening remarks

We request people who will be handling roving mics. People will be requested to come; you don't have to raise your hand and the Chairperson will request you to come to the front and speak.

Tshefuta: Let's just get the mics sorted out, that's perfect. Welcome back, we hope that you all have enjoyed lunch and we will have more energy. I want to draw your attention

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to the fact that we have cameramen and women amongst us who are doing a sterling job. They are live feeding the happenings of this event to TV, on channel 408, so those who are not here with us today can see us; see what Limpopo is up to. Let me also make this point that we are now in province number 9, which is the last province. Our experiences are showing that provinces have kept improving on the quality of their submissions from those that we have passed, so it means that province number 2 improved from province number 1, and so forth.

So, it means that province number 9 must be better than all of them. The good news is that of the inputs that we have received in the earlier session, Limpopo has outshined all of them. It is now this leg that will determine what becomes of this session. The more disciplined we are, we maximize on our speaking times, we raise our issues without fear or favour, the more we will get many people to speak.

You must not be the one to be caught by these cameras sleeping, such that people at home will not say we sent this person and now s/he slept. How we propose to deal with this session is that, we now literally have 2 hours remaining, because there are people who must travel 300+ kilometers, and in this hall, we have more than 930 delegates. If we allow everyone to speak it means that every person has 12 seconds to speak. The first thing that we want to ask is that of those who do not want to speak but want to make a submission, they must make a write up and submit to the desk at the back. Your input will be considered.

It equally means that when you are given an opportunity to speak, you don't have to deliver a keynote address, you can pass your message and note some key points that

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you want to deliver to the audience. What we propose to do is that we take five hands from this side, five hands from this side, and we utilize the mics that are in front of us. And then as we continue to have time we will take more and more hands. Is that acceptable? Thank you very much, let's note five hands from this side. (Pointing out people who are going to speak) Let's start.

Matepa Phetole from Kgashane Mamatlepa community: What I have experienced with our Government is that our Government is relying on consultants. They are not able to take responsibility and accountability. In our case, we lodged a land claim to the Land Claim Commission, but the Land Claims Commission took a long time, our claim is 20 years old. In 2015 the land claims bought five farms from Montino for us and they didn't tell us that they bought the land for us up until we made an appointment with them on the 27th of February 2017, that's where we were informed and given the documents that they bought our land. And since they bought that land, they rented it out to a company called Makepisi (pty) Ltd, amongst those farms there is a farm that is paying rent of R1200000.

I am not sure how much money they chowed, how much money they wasted. That money was supposed to come to us, since 2015, I was shocked when Mathole Motshekga, touching issues of Mamatlepa time and again, lastly after we met with Ntjele Maphoto, we cross questioned him until he confessed that there is a deal between him, Mathole

Motshekga, Nomfundo Gobodo and Jacob Shabangu. The recharging of processing claims was about to eat our money or reap from us, so we think that the Government that we are having is led by vultures. Imagine a Parliamentarian coming down to us, just to loot our money. What is this all about? The Former President Kgalema Motlanthe,

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after hearing that you are the Chairperson of this High Level Panel, I thought you would Kgalema (reprimand) these people. Since the Land Claims Commission was not time framed, they developed an interest in our claims and they started to loot everything there. It's chaos indeed, it's very chaotic, why should this happen when we are having a government? Our Government does not have monitoring and supervision, they just formed these commissions without timeframes.

Kgatla Commission is failing to produce the results; the Land Claims Commission is failing to do anything with the land, and what we are creating, as government, is that you are now exaggerating hatred between blacks and whites. We are now facing the whites as our enemy, while our real enemy is the government. ZZ2 Company is the advisor to the premier when it comes to agriculture, it is also the advisor to the President when it comes to agriculture, and the land that we have claimed, among other farms is the land that ZZ2 is staying there. Do you think that ZZ2 can advise Zuma to take that land and give (?) back to the communities? They will hold the land, so we are not very comfortable with this government.

Tshivhuta: Thank you, that is exactly three minutes and I forgot to mention that each speaker has maximum of three minutes to speak. We should move on, thank you very much.

Second speaker: Greetings to the leaders. Since you have given us less time I will simply delve into the core of my presentation. Our first concern is on municipal boundary demarcation; our issue is slightly like that of Vuwani. Please go and review the issues because these demarcation decisions are a distressing, you can't take people from Kgoshi Chuene and mix the with people from Kgoshi Maja and so on.

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Please Mr. Motlanthe consider that. Secondly, the Act that governs School Governing Bodies needs

to be considered, since the principals want those people that are not knowledgeable about school or education issues. They leave out those people who are knowledgeable such as retired teachers, principals and education inspectors. Please review that. Thirdly, promotion policies of learners, especially those who passed matric. You say a learner passed grade 12 but upon applying to university s/he is told that you don't qualify. The point system of calculating subjects is very problematic. You keep on promoting learners simply because they have come of age, whereas that learner is not mentally and emotionally ready. Taxation, Mr. Motlanthe, is killing us as old and retired people, tax is eating our livelihoods. Please review taxation rates of the elderly as it is very high. We are burdened with taxation to such an extent that we are unable to take care of our families, our grandchildren.

Medical Schemes Act, please look at that. Let's say you pay R7000 in February but during September you are told that your medical scheme funds are depleted. Social grants, this is a concern, even though speakers mentioned it earlier, I will also delve into it. Let's say my wife was a teacher and I was working in the factories, upon my retirement, they say I don't qualify for social grant because my wife is working. This leads to breakdown of relations in the household because as a man, I am the provider and in most cases women don't want to provide for men. Naturally women are to be provided for by men and in most cases, retired men who are married to civil/public servants die of stress because they cannot provide for their families. Thank you, you have heard my pleas.

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Tshivhuta: There are no speakers noted for this side, this mic can be switched off. All our speakers are that side, please let us proceed in an orderly manner. Thank you

Kekana: Thank you, my name is Sello Kekana from Mokopane. I represent an organization called Limpopo Development Stakeholders Forum at work. Firstly, to the Honorable Members of the High Level Panel, this is our submission on behalf of our people, please hear us out. We, the Ndebele tribe, not isiNdebele, I saw there at the back that you put isiNdebele, we are the Ndebele of Mokopane, (Mgombane Kekane) we are not recognized till this day. We tried our level best, through our elders, who wrote novels,

poetry, and books preparing for our own language to be recognized in our syllabus by the Department of Education. Till this date nothing has happened. Secondly, we want to submit in terms of the MPRDA, we say MPRDA must not be ammended, it must be totally repealed since it is superseding our constitutional rights, the Constitution. It is violating the basic human rights. Thirdly, we need title deeds and not PTO (permission to occupy) as residents of the rural settlements. If you can afford to give big international corporations such as Anglo America and Ivanplats title deeds for our land, what makes it so difficult for us, the real owners of the land to get title deeds? Without any waste of time, Mr. Motlanthe, I think you were part of Makuwa engagement Panel in 2013 at Parliament concerning the issue of MPRDA.

We still reiterate that it is unconstitutional and must be repealed. We have been trying to call President Zuma's presidential hotline continuously without any success to resolve our issues, all we got there was a reference and no response. So, here is my number, 0796319803, please give that number to Mr. Zuma, he must call me, I am available. Thank you. Lastly, Mr. Motlanthe, we are very disappointed about our ruling

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government, claiming that we have more than 20 years of freedom to celebrate in our country, but to us it is a shame.

Firstly, all central departments of government are corrupt, they don't listen to the people. On the issue of SLP, we plead that SLP must be inclusive of the community, because we cannot come up with something we say we developed, you give us road while we need water, so the SLP must be developed in conjunction with the community. Thank you, and don't forget to call me.

Fourth speaker: Greetings to you all. Let me start first with Former President Kgalema Motlanthe, he knows our struggles, and extend my greetings to the Panel members and the public who are gathered here today... "moshate". Let me delve into the thrust of my presentation, and please pay attention. I have heard people presenting here, and they focused on many issues, but I want to focus, firstly on traditional affairs/issues. I am here representing traditional healers here in Limpopo, I am their chairperson and convener, I

work with patients in my own home and in hospitals, I work for the Department of Health. Here is the main issue, I want to draw your attention to the issues facing us.

Of all the provincial departments, here in Limpopo, none of them take our work seriously, even the provincial legislature. They don't recognize, is it because they sit their legislative session and invites traditional leaders? Well, in Sepedi we say 'kgoshi ke kgoshi ka ngaka' (a king is a king because of the traditional healer) but they leave us out during opening of provincial legislature. 90% of people who are gathered here today, consult traditional healers, whether you like it or not. Those who were exiled, now holding leadership positions in our Parliaments, they are there because we

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communicated with the ancestors on their behalf to keep them safe. They look down at us, they enjoy our sufferings, they enjoy it when we fill up venues during events like these but refuse to give us a chance to speak. You can't host an event in our name and then refuse us to speak out. Stop looking down on us, stop taking us for granted. Let's proceed, and look at the issue of (Koma) circumcision custom.

You say it's a traditional practice yet you bring western trained medical surgeons into the fold, in that manner you are diminishing the status of Koma as an African customary practice. The surgeons charge you per head for performing surgical procedure on the initiates, they are paid by the Department of Health. Why don't you take that money and support us, the traditional healers who have been performing this custom for many years? In every province, there are provincial houses of traditional leaders, even national house of traditional leaders, but there are no houses of traditional healers. We are part and parcel of the community and please recognize us.

You come to us in the darkness of the night looking for help, but in broad daylight you hold us with contempt. When you go to Parliament to report back, you will be saying that you had so much audience in Limpopo, but you don't care for us, you only want us during election time so that we can help you win voters over. Now our people are dying here on the N1 road, especially the section to Makhado/ Louis Trichardt, and you don't consult with us to remove the restless souls/ spirits that are causing those accidents. People will

continue dying on our roads because there are no cleansing ceremonies after accidents have occurred. I thank you.

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Kietsi: Greetings to you all, I have heard you speaking, all of you have spoken mostly about the leaders, none of you spoke for people like me. I come from Thabazimbi. My name is Stephen Kietsi. Last year, myself, together with some disabled people from our area, we formed a disability project. We tried to lobby nurses, social workers, ward councilors and the mayor to at least have someone from government to come and educate us about disability, our rights as disabled people. We are registered as an NPO and it's almost like a year now without it being operational, whenever I go somewhere, people tell me that this certificate will expire. I have been sent by members of the NPO to tell you that we are suffering. We don't have basic facilities such as toilets, a hall. We meet under a tree, please help us with our suffering. I worked in the law profession, I was a junior aide at the Thabazimbi municipality.

I got social grant while I was working for government, and that is very painful. I have children of school going age, one in grade 10 and the other in grade 12, I am struggling to support them now. What scares me the most is that they are girls and they will be forced to sell their bodies to make ends meet. I was working but from what I know, people who worked in the public sector are not supposed to earn social grants. What surprises me is that I am earning a social grant and not pension as it's supposed to be. I was injured while still working for the municipality in 2008/2009, and I had to retire from that position as I was unable to perform basic duties and didn't want to be a burden to anyone. In 2011 seeing that I was not getting what was due to me, I went back to the municipality to ask if they can give me back my job, and they asked what kind of job did I think I would be able to do, given my condition. What I plead with you, is to arrange someone from government to go to the Thabazimbi municipality and investigate this matter that I am raising now. Thank you.

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Speaker Six: Greetings to the leaders and dignitaries seated here on this table, and many thanks to the Program Director for recognizing me. I have been trying to get an opportunity

to speak but they overlooked me. I was even asking the previous speaker, what is happening now because they pointed at me, but you are given the mic to speak before me. I am here on behalf of Maehangwa Communal Property Association. We lodged land claims earlier, I think it was in 1995 and till this day we have no idea of what happened to that claim. This claim was lodged by a group of women, and from my understanding, our government puts or rather empowers women. When they say 'igama la makhozikazi malibongwe' we thought that when women are engaged in an endeavor that would empower them, they would be supported. We posed this question to the land claims, as to whether they give women lodged claims a priority as they are the ones who were marginalized the most, and they said they don't care who lodged the claims, and they have too much backlog to be considering the gender of claimants. Please send an eagle eye to scrutinize what is happening with our claims, and not only our claims but all other issues pertaining to the advancement of women. One other issue is the issue of oversight, for example, government pays lawyers, but there is no one who monitors whether they are doing what they are paid to do.

Tshivhuta: We are now noting hands from the other side of the hall, please let's keep the order. Let us allow the old man to address us and please don't interfere with him. I thank you.

Speaker Seven: Thank you Programme Director. Mr. Motlanthe, please listen attentively to what I am about to say, I am a Mokgatla and I am here on behalf of Bakgatla from western side of Limpopo. You passed legislation that encouraged us to

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put up land claims, and when the claims that we put are successful, the lands end up belonging to corrupt civil servants. When they realize that a plot of claimed land has some minerals, they take that for themselves, and that pains us. We were even surprised that there is a budget for post-settlement support, and we recently heard of that from Selote who was doing presentations to us. As Bakgatla ba Mocha people from Warmbad in the Bela Bela Municipality, since 2008 we have been engaged in this battle and are surprised to hear that this budget was used for other purposes whereas it should have been given to us. We don't receive any assistance from the state, and what is disgusting is that some of

your Ministers have taken our land. Why do you persecute us? Must we allow the Government that we elected to treat us as outcasts? We fought apartheid and thought that a people's government will treat us as human beings, but it seems like this Government is worse than the apartheid government the way it treats us, the black people. Where are we supposed to go? What are we supposed to do? You expect us to vote for you, while you treat us like this? These things need to be corrected. An individual once remarked that when pointing a finger at someone, you must not forget that three fingers are pointing at you. When I was driving here this morning, I heard on the radio that you are putting blame on traditional leaders, but it is you who have given these unaccounted-for powers. Traditional leaders must not be politically affiliated, they must never be treated as lower than politicians, the way you treated traditional leaders is the main reason why the institution of traditional leadership is losing its status among the younger generations.

You have taken this whole system of western government that continues to oppress us, hence these boers continue to treat us as sub human. I am a Chief, and you don't treat us as you are supposed to. You oppress us with these municipalities, you cannot have

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two authorities in one place, this is wrong. You must act on this, please tell Chiefs and other traditional leaders to refrain from engaging in political activities, they are the leaders of all people in an area and they should not show their affiliation. One other thing, please do your utmost to fix the institution of traditional leadership, there are leaders who were installed by the homeland governments and those leaders were placed there wrongfully, simply because they complied with the government. They continue earning salaries unlawfully.

I think the main issue here is the issue of land, especially 22 years after attaining democracy, people were hopeful that things will get better. Section 25, subsection 5 of the Constitution is very clear because it clearly stipulates that Government must use its powers to ensure that land and other resources are returned to the people. As we speak now, there is none or no clear evidence to show that indeed Government has used its powers to return land to the traditional leaders or the people.

The main reason is that those people that we have elected in government are in the pockets of those who oversee the land. As we speak, some are here just to calm the concerns of the people, and they will disappear. Government must have a policy in place, to ensure that there is in-depth declaration of interests so that there will be full disclosure on the part of anybody who is elected into Government/Parliament. They must declare their interests, especially if they have interests in land the communities have claimed. Some of these politicians have farms, and when you check, many of them are conflicted. Do you think that they will agree to a motion in Parliament that says let us take some farms and give to communities? They are conflicted. Many speakers mentioned the fact that many farms are converted into lodges, and they are owned by people who are overseas.

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Some of our leaders have shares in those lodges hence their silence when issues concerning these lodges are raised. As the people, we will fight with our traditional leaders, while in fact, they don't have a problem, the problem lies with those we have elected into government. Government must come up with a policy that clearly stipulates the minimum requirements for someone to be a municipal councillor, because local government is a sphere of government that is very critical, we have seen cases where someone is illiterate and s/he gets elected into a position of councillor. One other thing is the education system, our education system does not fit well with the current economic climate, it seems like every time there is a new Minister of Education, they change the curriculum. We will continue to have unemployed graduates because of the mismatch between education system and economic or labour market requirements. Thanks very much Chair.

Mohlala: Greetings to Mr. Motlanthe and the audience, my name is Noah Mohlala from Modimolle. My people, we are struggling and we don't know where our solution will come from. Firstly, in Modimolle we have water shortages, the boers/ white Farmers have fenced Tankerport river/dam so the people of Modimolle cannot have access to water. Secondly, I want to speak about the Fees Must Fall movement, why do you send police

officers to harass those protesting students since they are simply fighting for their basic rights? South Africa is a strange country, farmers harass and kill our people but they don't spend time in prison while our students are arrested for protesting, marching for free quality education. Please Mr. Motlanthe, tell them in Parliament that they must treat us equally, and they must also create employment opportunities for our graduates. In Modimolle, you build a primary school in an isolated area, you always put us on the news saying children are missing or raped, you are the root cause of those challenges

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because you build a primary school in a forest. There are buildings, old buildings for that matter, and you don't want to sell or demolish them, criminals use those buildings to violate our children. There are many bushes around our townships, yet you refuse to develop a low-income housing scheme/settlement for those who are living under inhumane conditions and working in the CBD.

I know of many foreigners who have South African Identity Documents, occupying RDP houses and I don't know how that came to be. Our citizens have been struggling, living in shacks that do not have electricity, but every Pakistani/Indian/Asian shop is electrified, why is that the case? Their shacks are regularly burned down because they use candles and paraffin, the government just doesn't care about the life of a black person, yet these foreigners are enjoying amenities that should have been enjoyed by us, the natural citizens of this country. Thank you.

Maboya: Programme Director, High Panel, and the audience, greetings to you all. I am Madimetja Maboya from Ga- Dikgale, my worries concern access to basic infrastructure in Dikgale villages. Why do some villages within the area have access while others don't have access to those services? People are given contracts to deliver this infrastructure, they squander the money and when they fail to deliver services, they are arrested. Don't arrest them, rather give them another contract and make them repay back the money they have squandered. When you arrest them, they don't repay the money they squandered, people don't get the services that are due to them, and this creates conflict because people start protesting. The Government is at fault because it is lenient to these people, it must make perpetrators to repay the monies that they have squandered so

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services can continue. Secondly, our headmen/women need proper education/capacitation from government. Our headmen/women need to be educated on community leadership, and there must be follow-ups and monitoring on those people that have been tasked to deliver services. Thank you.

Ledwaba: Greetings to the Panel members and the wider audience. My name is Jack Mtheto Ledwaba, I speak on behalf of Kgoshi SM Ledwaba (Deceased), of Ga Nkidikitlana traditional community. The main reason why we are here being because we lodged a claim in 1998 and till this day, we haven't heard what came out of that claim. If this government were working for me, they would never be paid because I have never seen an employer paying employees for services yet to be rendered. This claim I am talking about, concerns the claim for the whole of Mokopane town and Percy Fyfe, which used to be a home to Amandebele a Maraba under Kgoshi Nkidikitlana. We don't know what to do, there was no title deed issued, and they say title deeds must correspond to numbers. We suspect that each Premier of Limpopo had some interest in our claim and they have allocated themselves portions of our land. Hence the delay in resolving our land claim. One other thing, the claim under Armoed, where the Mogalakwena platinum mine operates, has bought land that is under our claim.

What happens now because that is our land and they have already allocated it to some people? Eskom has a power station on the land that we put a claim for, hence the delay in processing our claim. They tried to take this matter to land claims court in Randburg, they told us we must have a lawyer, the Government encourages us to claim land but in situations like ours, they don't support us. They should have told us not to claim because we can't afford a lawyer. I still repeat, if government were working for me, they would not be paid. There are roads that must be constructed in the land that we are

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occupying, yet they remain in a poor state but it looks like they fraudulently allocated their cadres the monies for those projects.

On that same token, our business people are struggling, especially those who used to run community supermarkets, their businesses have been taken over by these foreigners.

These foreigners have corrupted our leaders, they easily access land to build and expand their shops, and end up selling drugs to our children. Where I come from, there is an outcry because most of our children are addicts. When you complain to the authorities about the scourge of drugs and the role of these foreigners in drug peddling, they simply shut you down. Lastly, I am one of the people who are seriously disappointed by the role our Government has played in degrading the custom of Koma by bringing in medical surgeons and nurses to the camps. This is very disturbing. We hardly had any incidences or fatalities, but we have these medical people infiltrating our custom. Thank you.

Speaker Eleven: Greeting to the people, and greetings to the leadership under Former President Kgalema Motlanthe. That main reason that made me to stand before you today are this, our government under ANC has closed all Ambargskole and turned them into FET (TVET) colleges. These FET colleges that are created for our children, they are useless because these students who graduate from them are unemployable. When a graduate goes looking for a job, they are told that they must have experience. Where will they get that experience since they are unemployable. We have children who graduated from these colleges but they are unemployable. Why did you close the Ambargskoles, because their graduates mostly found employment soon afterwards? One other thing, I am not saying that things are better now than they were under the

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previous government, what is of concern to me is that it seems like our Government has turned black people against black people.

You don't engage in in-depth research and ethnographic studies, you just take my land and give it to another person or take their land and give it to us, this is disturbing. For example, you gave Chabeka people land that belonged to the Chakong and now when we enquire you tell us that there is no way you can reverse the decision to award the land. The other thing is that colonial and apartheid government, when they took our land, they never paid us any money, they will just tell you that 'Selagi, this is your boss, you must listen to him' and if you opposed him then he chases you off the land that belonged to you.

When he chases you and you go to the next farm, the host of that farm will give you a quota of the number of cattle that you may bring along. You are forced to go to the one who chased you so he may give you permit for your cattle and the any number of cattle above the quota, you are forced to sell it to the farmer that will host you, and he doesn't negotiate the price with you, he buys it for any amount that he likes. That was totally wrong but that thing is still exercised even today. How come, Mr. Motlanthe, that your people who are working for government, who don't have farms, now suddenly have farms, it means they are using our farms. Thank you.

Moela: Thobela, greetings to the former President, the Panel and the audience. Standing here before you is Moeli Moela from Kolofane Maila Traditional Council. I want to talk about the rural development plan, when I speak of rural development, during apartheid era, all inhabitants of the rural areas were ignored, treated as outcasts. Since the advent of democracy in 1994, our government has continued to treat us like

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outcasts, they don't do anything for us in the rural areas. I come from Leolo area in the Sekhukhune region, Leolo is a mountainous area and we don't have access road. We only see our leaders during election time when they need us to vote for them. I know when you speak about development in government, you are unlikely to succeed because the funds available are not enough, and it is us, the rural poor who are ignored. Seeing this challenge, I went out and looked for investors, they have agreed on principle to help us, but they need to see IDP of every municipality here in Limpopo Province. Our President has urged investors to work closely with government, and I took an effort to look for investors. Will the Government agree to work with these investors? I urge you, as government to set up a meeting with these investors, see if you can come to an agreement and maybe they may be able to develop Limpopo province. I am leaving the podium now, please come to me so that we may exchange contacts, and see how to take this further. Thank you very much.

Mahlasela: Thank you, Chairperson, I am Joseph Mahlasela from Bakgaga ba Mothapo Traditional council. Chairperson, let me take you back to the first electoral victory for the ANC government, you said you would respect the traditional leadership. Even Walter

Sisulu, during his rally in Kwa Mhlanga, said traditional leaders should and will never be slaves. It seems like traditional leadership has been turned into slaves, used by municipalities to rubber stamp their decisions. We have many claims to the farms that we have claimed as Mothapo Village but when we go to the Commission they tell us that our claims have expired, there comes another Commission and we are also told that our claims have expired but they have money that they could have given us as compensation. We have claimed farms on N71 up until Moria, but they are occupied by other people, and they are destroying them. We want to go with our investors to those farms and start with real work. What we are submitting today, Mr. Motlanthe, just look at

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where you originally come from. We are very stressed as traditional leadership, we go around begging, they tell us if we don't have money to pay a good lawyer, nothing will come of our claim.

We have come a long way, we even went as far as Randburg asking for help, the total number of farms we laid claims for are 28, but they can't be returned to Bakgaga ba Mothapo. Our farms are occupied by people, they have been given the right to occupy by other people, please, just like pre-1994, make sure that traditional leadership are part of government, and they do not play second fiddle to Premier and councilors. Please restore the dignity, the institution of traditional leadership, you are politicians today because the traditional leaders endorsed you. You were supported by us, the traditional leaders, some of our elders died of accidents, trying to mobilise for you, trying to get the land back. We need the land to be restored, and it must happen promptly. We need the land, we are tired of commissions, we need results now, these commissions here in Limpopo have taken us for a ride, every Premier that comes along forms a commission and we are tired of this. Thank you.

Speaker Fourteen: Chairperson, Panel, and the leadership, the Former President Kgalema Motlanthe and residents of Limpopo, greetings. Let me get to the thrust of my presentation. Let me remind the leadership and the Panel that we must always invite inputs from the public when making decisions, especially those decisions that affect the people. For example, demarcation, you make decisions about demarcation in Parliament,

ignoring the fact that this decision about demarcation affects rural people more than it affects you. Look what happened in Vuwani, it's because you ignored the people, you must include the people always. A practical example is this, today as we speak, Matlala,

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Mashashane and Moletjie have been incorporated into Polokwane in the quest to de-limit or rather eliminate the municipality of Aganang. People are suffering, they can't access a simple thing such as a grader to re-gravel the roads, the demarcation was done because some people feared losing municipalities during elections. They have won elections but people are suffering, even employees of the former Aganang municipality still get same salaries they got even though they are under Polokwane municipality, what does this say to you as leadership.

We must protect those employees, I am a victim, I am one of those employees who used to work for Aganang and it's very sad, people don't easily access services that they used to have anymore. The Demarcation Board, when they took that decision, they only wanted to win elections, they wanted to incorporate the rural vote into Polokwane as a cushion to make sure that they won elections, and they will forget about the rural people till the next elections. Us as employees of former Aganang, we are not taken seriously, you people got what you wanted and you don't care about our conditions anymore. Leadership, please go and fix this, Aganang employees are now part of Polokwane and they should be treated as such, they must get same salaries for same job as Polokwane employees, there must be equal pay grades for equal jobs.

Speaker Fifteen: Thank you Chairperson, let me show gratitude to the Panel present here today, we are fortunate because they are here to listen to our grievances. Chairperson, we have a big problem in Mankweng, there are plots and houses that are idle, and they serve as haven for drugs usage by our children, they are tools that are destroying our children's futures. Secondly, demarcation should be communicated to us in advance, to eliminate confusion that reigns supreme during elections, whereby many of the elderly people here in the community end up dumping their civic responsibility of

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voting. Please help us with these issues, especially in our area of Mankweng, because we are not sure if it's entirely held by municipality or the traditional leaders. Thank you.

Makwela: Greetings to the honorable Panel, all protocol observed. I am Boitumelo Makwela from Modimolle. I think the whole house will agree with me when I say that Limpopo is the home of arts and culture. It is a challenge for emerging artists here in Limpopo, because even the national government does not recognize us, when they hold events here, they call artists such as Winnie Mashaba, who are based in Johannesburg, to come and perform a single hit and go back with load of money. We have artists here in Limpopo who are way better than Winnie Mashaba and the likes, artist such as King Monanda, his music is played at all major metros such as Joburg and Cape Town and he is based here, in Limpopo.

We don't get any support, even the National Arts Council supports only artists that are beyond our borders, all these national bodies such as the Lotteries Commission support artists that are based in Johannesburg and other major cities. So, I urge you as leaders, to deliver this message to the relevant bodies, to please support us, recognize us. Please support and recognize us as Limpopo, it does not mean that if we are here in Limpopo we don't need support from agencies that are based in Johannesburg. Some of us as artists, we make a living by our arts, it is our bread and butter and please support us. Thank you.

Tshivhuta: Boitumelo, please sing us one verse with the one minute that you are left with from your allocated time.

Semenya: Thank you. Greetings to all, (protocol observed). I am Mankhudu Semanya from Mankweng under Capricorn region. I want to talk about education, when we were

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growing up, we were promised that there would be elimination of the old certificate and teachers would be capacitated to deal with child development. Child development would be prioritized to enable early detection of the needs of children, their development paths and their placements in special programmes. Some children are bored by the conventional education system and their real talents remain untapped, this is because they are ridiculed when they fail in conventional education and end up using in drugs. Our social workers are not doing enough to assist these special need learners. They don't go

to schools to look at progress of learners, especially those with special needs. Social workers are not doing their work properly, they wait till a child commits crime so they may arrest him/her. They must be part of the solution and not the problem. Drugs such as nyaope are destroying our youth and when we try and fight it off, we are arrested because the dealers report us that we are against them. When they are arrested, and appear before the magistrate, the magistrate says nyaope must be taken to laboratory before it can be declared a drug, yet it is busy destroying our youth. Our children are busy stealing our stuff to sell, so they can afford to pay for the very same nyaope that the magistrate said must be proven if its indeed a drug, yet we have heard on several occasions that there are campaigns at high level to fight this nyaope scourge.

Let's look at NYDA, I don't see its relevance in our society, I see it as a vehicle used by certain people to empower themselves and it serves narrow mandates. Some youth contest for elections in youth structures so that they can access tenders, and I agree with those who say that youth must form viable businesses such as cooperatives unlike the current tender businesses that they are engaged in. Women who receive SASSA grants, let us use that money to do something constructive rather than playing Mochaina (illegal gambling in terms of lotteries act). On the same token, you must

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support us, there are many complaints of late delivery of textbooks, and you find out that they are being delivered by somebody from outside the borders of Limpopo. Are those from Limpopo not competitive enough to deliver those books?

On the issue of land, please resolve the confusion, here in Mankweng, there are issues, especially with the gravesites, and we don't know whether to approach the traditional council or the municipality. There are parents whose children access social grants nor do they access old age grants, they ought to get SASSA food parcels, they don't have any source of income, but they are not getting those parcels. There are those children who are getting child support grants and it is not enough, they come from families that are very poor, and at times there are those on foster, they come from the not so poor families, there must be a means test to allocate these grants, in a bid to create equity. Thank you.

Mahloko: Greeting to the Panel. I am Peter Mahloko from Ga Mashashane. The first issue I'm going to talk about is the tribal levies, we have been fighting this issue of tribal levies and some even got arrested. As previous speakers have spoken, please comrade Motlanthe, consider this issue since it's illegal but prevalent in the rural areas. The other issues concern title deeds, we, the people in rural areas, cannot use our properties as collaterals when applying for loans since they are not entirely in our names. Those loans can be very critical in kick starting our way out of the triple challenges of poverty, inequality and unemployment. We can use those loans to start projects, create employment opportunities and build a life that we desire to have. The other issue is monitoring and accountability of community projects.

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There is a road from Mhlonong to Dianne Clinic, the road is hardly two years old but it is in a state of disrepair. I am sure they still have the retention fee, they must just hold the contractor accountable because that road is a mess, soon there won't be a tarred road there. The other road that is of concern to us, is the road connecting Mokopane and Mashashane, the condition of that road is appalling. Even the Premier, during 2015/2016 financial year promised us that the road will be repaired in time for municipal elections. It was allocated a budget during 2013/2014 financial year as it appeared in the IDP, till this day nothing has happened.

When I speak about monitoring, I speak mainly about oversight, since that road was budgeted for and nothing happened, it might be that the money was diverted and used for something else or stolen. Water is a major challenge for villages under Mashashane area, service delivery is a luxury in many of our villages. One of the villages in our area, since the inception of local government, the only service they received was phase 1 of RDP houses, and nothing more. Last year, they gave drought as an excuse for their failure to deliver services such as water. There must be a sense of equity when delivering services to the villages, one village keeps on receiving services, while the other receives absolutely nothing. Without water, there is no life and this is a serious challenge. Thank you very much.

Speaker Nineteen: Greetings to you all. I am a representative of people of Masakhaneng who were forcefully removed from our village and moved to Motetema in 1969. We lodged an application for our land, from which we were forcefully removed, to be restored. Indeed, in 2005, the former Minister, Thoko Didiza celebrated with us the restoration of our land. We were removed there because we were deemed to be too close/ in the proximity of white settlement. We are based in Motetema, and we met with Minister Nkwinti here in Pietersburg (Polokwane), Minister Nkwinti, together with his

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delegate have promised to get back at us about support we can get. We are still waiting. Masakhaneng is our land, we were forcefully removed, but municipal employees have given that land to themselves, they have built houses and are peacefully residing there.

Kgamane: Greetings everyone, ladies and gentlemen, Former President Kgalema Motlanthe and the Panel in front of us. Firstly, I would like to thank you for this opportunity Programme Director. My name is Patricia, Kgamane is my surname. I am from Deaf Federation of South Africa; I am the provincial coordinator for Limpopo. As you can see, I am deaf and am using South African sign language and the voice you are listening to is the South African sign language interpreter. I would like to raise my concern regarding the deaf community here in South Africa. Our biggest and greatest concern is the poverty that is facing our deaf people in Limpopo. I am sure some of you might be aware of the poverty situations that are facing out deaf people because of lack of education. Education is there yes, but the problem is communication, our education system doesn't support the deaf community, that's why they suffer, that's why their homes gain nothing. The education itself, inside, the system, we kindly request the Government, Former President Kgalema Motlanthe, please review this issue.

Don't ignore it because you know matric is very important. I think a lot of deaf people fail matric because of the education system, it does not support them. So, please review this issue because it is painful to us. Yes, the policies are there, but review it please, because you know that age problems, if you reach a certain age you won't be able to continue with your high school. Therefore, most of our deaf people can't understand the country, can't

further their education because age doesn't allow them. If you chase them, if you close the doors for them, what do you expect them to do? Please Government, I plead with

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you, review this issue, before taking a decision to expel a learner from school, please review the policies. We also need accessibility. Again, point number 2, for us to solve this issue, it is a struggle for us to get land, we request land so that we could have an ABET center for those who couldn't finish their matric, for those who couldn't go to university and FET colleges.

I believe an ABET center will be a door opener for us so that we also have a better future, our people can go to an ABET center to further their education. Now, it's a challenge for one, as a deaf person, to be enrolled in a TVET college. This is because communication is a challenge. We use South African sign language, it is our language whether you like it or not, but we are told that they can't afford an interpreter, we understand that, but we also have rights, we also want to enjoy life. In other provinces, people are enjoying their rights, they are going to schools, but in Limpopo doors are always closed, no accessibility.

All you get are reasons and excuses, we are patient yes, but we are having a very bad life, we are not enjoying, we don't like the way we are living. Education is very important, like it or not, there is no life without education. Please review the policies so that we can all have a better life; we can all have a better future. Look at other provinces, you have many people working in shops and other places, but in Limpopo, you can go and find them in 2 or 3 departments. In other provinces, they are employed everywhere, I am telling you, Limpopo you are the least. We are deaf, please assist us with accessibility, a budget for interpreters, a budget for sign language training as well. That is my concern, thank you very much.

Tshivhuta: we must get her details registered at the back. Please marshals, make sure to get her name and contacts at the back. Thank you.

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Molomo: Thobela, greetings to this house. Protocol observed. I am Margaret Molomo from Mokopane. I want to speak to the Panel. Mr. Motlanthe, there is a mine in Mokopane

and it operates illegally. Does the ANC know about this? This mine disturbs us very much. I plead with you, go and tell our servants, those people were elected by us, they work for us. Go and tell them, they are our servants, they must not hurt us, they must make us happy. They must not enrich themselves and their families, please close every mine that is operating illegally here in Limpopo, it does not benefit us with anything. The ANC must play a pivotal role; they must make sure that the mines operates within the confines of the law, and that they adhere to every legislation pertaining to mining. I know those mines are operating, but they must be closed temporarily, and they may be reopened provided they comply to all measure that exist with regards to mining so that people can be employed and benefits enjoyed by the people.

Makofane: Greetings to you all, our leaders in government and the public. I am Alfred Makofane from Ward 14 in Tubatse. I will speak as an entrepreneur, a businessman. Thank you for the support we receive in running our business. I am running a shop, and it's been operating for 11 years. Our Government is competing with us, our Government is competing with us in terms of the Competition Act, it allows illegal foreigners to set up and run businesses. That is illegal and our Government must consider that. In the traffic department, they issue you with driver's license and they monitor whether you comply with the rules and regulations, this should also apply to business operating licenses, they must monitor them, to see if they are being used for that purpose. How come there

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is no enforcement in our businesses, to check whether we comply with the rules and regulations of the operating licenses that you issued us.

Our Government must not compete with us by giving undocumented foreigners business operating licenses, they must assist us to keep track and operate legit businesses in a legit manner. The next issue concerns refugees, we love our foreign brothers and sisters, our parents were exiled in their countries, but our elders were not illegally there during

exile time, so our government must take caution at that. Undocumented foreigners are trouble for us, they may easily be hired as hitmen and mercenaries because they need cash and it will be difficult to trace them. South Africans are not xenophobic, but it is the government actions or rather inactions that bring about the perception of xenophobia.

Government must help us and not compete with us, they must make sure that they support us and regulate the businesses that are operated by these undocumented foreigners.

Speaker Twenty-Three: Thank you to the residents of Limpopo who have made it here, and the Panel, Kgotsong (Protocol Observed). I have issues with the Government, it seems like this Government does not care about us. We have municipalities and they are supposed to work for us, but in most cases, they are not working for us and we are not a priority for them. Please Former Deputy President, Mr. Motlanthe, please consider this issue, put it to the leaders and debate it. Our local sphere must work for us. There must be implementation of programmes, and not just good programmes on paper. I am from Mogalakwena municipality, in the township of Mahwelereng, there are unoccupied buildings, and criminals use them as hiding places, they rape and terrorise our people in

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those buildings. The municipality must act; they must also engage in the process of bush clearing so that our people can feel safe in their surroundings. Thank you and please do follow-ups on the matter.

Speaker Twenty-Four: (audio not clear) government only wants us during elections, after elections they don't care about us at all. I am disabled, and during the last elections the building that they used as voting station was not accessible for us, it had steps and I wouldn't be able to get easily inside it. For example, even in this very same building there are no toilets for people like me, who have special needs. Please consider issues of accessibility for people with special needs. Audio not clear

Speaker Twenty-Five: Thank you, I am from Matlala a Thaba area under Kgoshigadi RM Matlala. Issues of traditional leadership have been touched by many speakers before me, I just want to reiterate that traditional leadership exists and needs your support as government. I want to touch issues of economy, and urge you as government to assist us in finding investors, so that the people of Matlala can have malls and mines, and have opportunities. Let me touch on issues of infrastructure, and more especially roads. In 2014, the President visited our area. He had to use a helicopter because his motorcade

could not access our village due to poor condition of our roads. We have three main routes to Matlala, they are all in bad state, even the President gave us his word, saying they will be fixed in 2015/2016 financial year. Till this day nothing has been done to that road, I want to know if it is acceptable for leaders to make empty promises. Let me thank Government for bringing Parliament to us, and we urge you to take this matter

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and plead with the president to fulfill his promises. Roads are a major challenge for us, our children can go to schools, our mothers can't go to clinic (He is cut off)

Speaker Twenty-Six: Our area was flooded, and unfortunately it was not declared a township back then. Now it has been about 19 years after we were declared a township, but there is no development. About five years back, our area was flooded again, our RDP houses were flooded. No one assisted us and no one is willing to assist us, our houses are fast crumbling and there is nothing that has been done in that regard. If you don't have water boots, you will struggle to access our area during rainy seasons. There are no opportunities and we depend on seasonal farm work. Even that, there are many foreigners that are competing with us for those jobs. This book, the Constitution, you don't follow it, you don't act per the prescripts and have never acted in such a way that would result in public satisfaction. There are these legislation on land reform, you promised to fight for those who are marginalized, but there are cases that continue to happen, people's farms and livestock are taken and yet there are no retributions on the part of perpetrators.

Katsoma: Greetings to you all. I am Elias Katsoma from Alma under Modimolle Municipality. The case that the previous speaker referred to, is very personal to me. The victim in this case is my mother, and as you can see this bunch of documents that I am carrying here, they are documents from lawyers, Nkunzi Development, Land Affairs, and all other organisations that I approached for assistance. Our issue has not been resolved. Gates are locked, my father can't see his cattle, he must call the Sotho guy who works on that farm every time he wants to see his cattle. (audio breakdown)....we are not fools, please take us seriously. Thank you.

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Mabula: Programme Director and the former President of the Republic, thank you. My name is Moses Mabula from Lephalale. As you might be aware, this Government, led by ANC is busy building a big town in Lephalale. That is good news, but our land is under the control of mines, we urge all the mines, even Exarro and Medupi under ESKOM to release some land for residential purposes because our people are squeezed in small spaces. As youth of Lephalale, we want to benefit from Medupi, we want to benefit from all the mines that are operating in our area. Medupi is a national project, but since it is based in our area, we must benefit from it, they, together with the mines, must provide us with bursaries and sponsor our education. When you go back to Parliament, please tell them that we want to benefit from all these big companies that are operating in Lephalale. Lastly, please greet the Deputy President of the Republic, comrade Cyril Ramaphosa on my behalf.

Speaker Twenty-Nine: Greeting to you all. Let me thank the Programme Director for this chance to speak. I also acknowledge the Panel under Former President, Mr. Kgalema Motlanthe. What I want to show is that our Government is not on our side, all these foreign companies who hold prospecting and mining right in our communities, they don't consult us. In fact, there is no consultation at all. The Department of Minerals is failing us, there is no oversight on their part, they don't monitor the activities of these companies that they have issued with mining licenses and prospecting rights. They don't check if these mines are destroying our fields, our grazing land and our gravesites. Our graves are being destroyed but there are no consequences. One other thing, consultation with the hosting communities must be required by law. As community, we say 'nothing about us without us.'

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Furthermore, this operation phakisa on the part of the mines is not right, it is urging them to mine and deplete our resources speedily. We say, there must be operation bhekisisa which would force these companies to come to us on the ground, to mend the damage that mines have done to our communities. The damage is very big, they leave behind these holes, and when it rains, we lose our livestock, our people sometimes fall into those holes. They must rehabilitate the land to avoid further fatalities. One of the greatest challenges for us here in Limpopo, is the issue of traditional leadership disputes, there are many claims to occupied positions and there is nothing that is being done. There are many traditional leaders who are in positions falsely, traditional leadership disputes are not resolved because our leaders in government are in cahoots with these traditional leaders who occupy their positions unfairly, they are deeply involved in mining and they will do whatever it takes to delay disputes.

Findings of Ralushai Commission on Leadership Disputes must be made public, even the highly disputed finding of the Nhlapo Commission, which has stifled the quest by royal families to follow through on their claims. There must be a law that will resolve all these shenanigans on traditional leadership disputes in Limpopo. The last issue that I want to touch is service delivery. There is a budget from mines such as Anglo Platinum that assist in community development, and there seems to be politicisation of services as members of the community who belong to a different party from the one in power are sometimes overlooked, especially when RDP houses and VIP toilets are allocated.

When we went to elections in 1994, we voted so that every individual, whether black or white, can enjoy service delivery. We must come up with concrete solution to resolve this challenge. In 1994 we voted for free education, but what is happening now with Fees Must Fall movement and other issues in education goes against what we voted

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for. In our village, we pay R120 levy monthly to hire a security for the school, we are unemployed

and that money we get from social grants. We must have strong policies in place to resolve these issues.

Thosago: Thobela, I am Dr Thosago, a representative of traditional healers. We as traditional healers also have our concerns and we hope to raise them with you today. Here on the ground we have challenges, it seems like nothing goes per plan. Please hear our pleas and assist us in resolving these challenges that are facing us. Our children use nyaope and our Government seems to be ok with that, they are not even tracking down the people who manufacture it. Our females are into prostitution as a means of generating money. We need help here on the ground, we need a strong government that will deal with these issues that are facing us. We sometimes hear on the radio whereby people spread rumours and misconceptions, saying traditional healers are killers. We are not killers, we help those who are in need, our enemy as a society are those people who are busy performing illegal abortions, those are killers. Our police officers are doing whatever it takes to help us fight nyaope, but they are not supported by other sectors of the government. Nyaope is destroying our children and we need government to take a central role in dealing with this issue. We are here today and hope that our pleas will be given considerations.

Mankga: Standing here before you is Jane Mankga, from Bochum ward 2. I am here to praise my municipality, Blouberg Local Municipality. I am a woman from Reatswalela Baking Cooperative and am very grateful for the opportunity to work. Indeed, our households have been relieved of hunger and poverty. We have found employment as

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women, working for this cooperative. As women, we must stand up for ourselves, work hard and not expect freebies. Our municipality is working for us; they are busy with water reticulation project and construction of RDP houses as we speak. Even the project that I am working for, was established in 1997 and still going strong, thanks to the support that we get from the municipality. As I am standing here before you, SMS messages are coming in, from people who are placing orders for confectionary products.

Tshefuta: thank you. Just one more minute, lets appreciate that we took 14 hands from this side, so please drop all the hands. When we come to this side, we sill note a person and s/he must come to the mic and speak. We are now exactly at 7 minutes before the hour 5 and you know we must take care of the people who must still travel about 300 kilometers, so we must close this meeting in good spirits. Over and above that, the services of writing summaries and submitting them is still available. So, let's appreciate that we have taken many hands from the front to the middle, now let's take hands from the back as well. You are making it difficult is you are standing because I must note hands. Due to the commotions let's just request that the Chairperson of the Panel address us and call off this meeting.

People break into song, praising the Chairperson.

15 March 2017: Morning Session

Program Director Thulani Tshefuta makes welcoming remarks and explains what the purpose of the hearing is (00:00: 0 – 00: 06:09)

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Speaker 1 Speaker of the Limpopo Province Legislature (00:06:30- 00:15:24): I must indicate that this Panel was established by the Speaker's Forum and therefore consists of all the speakers of the 9 provinces together with the National Speaker and Chairperson of the National Council. So as Limpopo we know about this Panel and we support this Panel. The main aim of this Panel is to ensure that us as the legislators, that since 1994 we have made good legislation, but it seems that in some instances the very same legislature is not assisting us to deliver better service delivery to the people on the ground. What I find encouraging is that our people have come in their numbers to tell the Panel their views on this legislation instead of participating in service delivery protest violence actions. You must use the legislature of Limpopo, we are your voice and no one is going to be restricted, you must voice out any concerns that you may have as a community. So that we fix our country together and assist in reducing unemployment and poverty.

Chairperson High Level Panel, Former President Kgalema Motlanthe: Greetings to all present here, including members of the High Level Panel and the various community members. I am here on behalf of the High Level Panel that was established by the Speaker's Forum in 2014. The Speaker's Forum represents the National Speaker, the Chairperson of the NCOP and various provincial speakers. So they established this High Level Panel with the responsibility to monitor and observe the impact of key legislation in four areas of focus.

The first of these four areas is the triple challenges of poverty, unemployment as well as inequality. The second area is the creation of equitable distribution of wealth. The third area of focus is land reform and redistribution and the security of tenure. The fourth area of focus is land rebuilding and social cohesion.

The Panel felt that the first and second area of focus are so closely interlinked, that they

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felt that they can be worked on by one group, so the Panel divided itself into three working groups. In that Working Group One is working on focus areas one and two, while the Working Group Two is focusing on focus area three (land reform and redistribution) and lastly Working Group Four is focusing on area 4 (land rebuilding and social cohesion). Working Group One is chaired by Dr. Olive and Working Group two is chaired by Aninka Claassens and Working Group three is chaired by Judge Navi Pillay. So the working groups call for submissions, written submissions from all various stakeholders and the South African community being the organized labour, organized business or issue based problems. All these organisations and several of them have been invited to submit written submissions and statements and how they understand the impact of legislation and their lived experience.

The Panel also helped the working group organisation with a roundtable hearing with experts in the various fields and research has been commissioned with various research groups at various universities. The Panel has also interacted with chapter mining institutions and also accessed the reports of these chapter mining institutions as well as reports from these profit commitments. So the Panel also felt that above all, for this work it is also important for the Panel to go on various community outreach programmes at various provinces. This visit to Limpopo is the last of such provincial visits as we have already covered 8 other provinces.

So our plea with you is let me give you an example of security of tenure. We have farm workers and dwellers getting evicted from their farms and this is how they have narrated their experience with us, regardless of the fact that there is a piece of legislation which gives them protection from such evictions. They say that farm workers evict them willingly and freely and when they go to the police stations, it seems as though the police seem to know nothing about these laws and legislation which are aimed at

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protecting them. When they voice their complaints the police ask them who evicted you and when they say it is the owner of the farm they then respond by say “what do you expect us to do”, because they are not aware of the law.

So we are looking at all that, where they are gaps in legislation, where there is poor implementation of legislation, and where there is over-legislation, as sometimes business sector tells us that when they want to invest in mining, it takes them 8 years, from the day on which they apply to the day on which they can move on to site with their earth movers and so on. So this is what we want to hear from you, how legislation is impacting on your life. And of course we expect you to express with us your issues and experiences frankly, without fear, without buying faces. Just state the issues as you understand it and as you have experiences.

Of course given the time limited, we plead with you that go straight to the point that you want to convey with us, don't beat around the bush. Be direct so that we can be productive. The role of the Panel is not engage in discussion. We are here to listen, and we will speak less and listen more. Thank you.

Program Director than explains how the program is structured and how the hearing will be conducted

Speaker 3 Abraham, Secretary of Limpopo Unity Business Forum: Good day to the former President and members of the Panel. The Business Forum consists of various different structures, organized forums such COGTA, Limpopo Women's Forum and also other management institutions such as the Black Management Forum and the Progressive Professional Forum, Those structure forums stated let us work together, have one voice as government and different forums.

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Having said that Honourable Chair, in terms of submissions and the time allocated us, I will talk to the item and just expand and attempt to move within the time that is allocated. The first matter we want to raise issue around the PPPSA. We have raised it a number of times that that piece of legislation is not assisting black businesses, in terms of getting into the main stream of the economy. The President has accepted that in July 2016 this piece of legislation will be repealed, but there is no movement from the National Treasury in terms of repealing this piece of legislation and as such our black businesses and our small microenterprises are continuing to suffer because of this piece of legislation.

Secondly the issue around the FIT Bill, a number of issues have been raised about the powers which are given to banks, for them to actually come up like they are police, prosecutors and judges, when they deal with issues around finances. So our view is to request the Panel to please caution the President before he signs this FIT Bill, and the issue is that these are problematic to us as organized businesses and various committees.

Thirdly Chairperson is the issue around legislation around mining. You may have heard about the issues around illegal mining within the province. Basically it's because our communities get frustrated when they apply for small scale mining licenses and as a result they resort to illegal mining subjecting themselves to the various hazards. So we are therefore asking the Panel to talk to the various departments to ensure that those small mining areas are assisted. The next issue is procurement. Basically because of these various mining houses, head offices and buildings are located outside the province, their procurement is also done there and as a result a lot of these big companies and white monopoly capitalists are the ones getting these tenders within their head offices, and when they come to the provinces they actually take a large piece

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of the procurements. We therefore request the Panel to ensure that such procurements are done within the province and assist our companies within the province to benefit consequently.

The next point is around the monitoring of the social labour plans. Either the Department does not have the capacity, or the people who are appointed are just not doing their job because we as an organization we are not seeing the necessary follow-up that has to be done to these mining houses, to ensure that what these houses have promised to do is done. We call on the Panel to please look into this and assist us in that those social labour plans that have been put in place by mines - in terms of issues around procurements and empowering local communities - are actually followed up and are properly done.

The relationship between procurement and grading, Honourable Chairperson, the way that white businesses continue to benefit is basically that they are structured in a way that they already have got these big ratings, and therefore when tenders and jobs are being advertised, they beat us, especially black business because the procurement is link in such a way that you must get this kind of a job if you have got this kind of a grade. As a result that legislation already excludes us as black businesses from the market due to the scale and rating.

The next point is around the CIDB. We have noticed that already there is some work being done by the Public Works Departments and we welcome such work to address the issue that we have raised around the CIDB. However, there are issues where you have job which is supposed to done by a grade 5 company, however, even those white companies which have a grade 9 come and compete and obviously we are going to be beaten in our own game, we need that issue to be actually looked at.

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There was an issue around downgrading that has been affecting us negatively, but that has been dealt with, and we welcome that intervention. The whole issue of our functionality, when we bid as organisations and black businesses to the various work that is advertised, there is a whole issue around functionality and where they would come and check if you have got these CIBs, these Sirtiba (inaudible) trucks and you have got these engineers in-house and obviously as black people, we cannot employ them and keep them in-house because it is too costly for us to do that, unlike white business. Now, when they look at functionality, we then became scored low due to the factors that we lack. So, what we are calling for is for some flexibility, such as in instances where a black business is given such tenders, they must be allowed to outsource those kinds of issues. Because the fact that the functionality issue results in black businesses being scored low actually places them at a disadvantage.

The next item is the challenges which black businesses comes across with regards to the funding agencies. There are a number of funding agencies that have been set up like the IDC to assist black businesses to be able to access black capital as we cannot go to commercial banks because of the strenuous conditions that they have. Some of these funding agencies have same strenuous conditions as the banks and therefore end up not assisting black businesses to advance. We are therefore asking the Panel to look at this. In instances where a black business wants to buy equity, we are told that you must come with an equity cheque, and the money that we basically don't have. As a result we cannot buy into the white business or the mining houses.

There is an issue around incorporating the NEF into the IDC. IDC gets their money from an open bucket, NEF was funded by Government, basically because they are a vehicle to assist black businesses. Now there is this issue that they want to merge the two, and

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our view is that it is going to disadvantage black people because if NEF goes into the IDC, IDC will then go into the open and they must repay back. Now, when black businesses get that money it's going to be very difficult.

And, IDC looks at big deals and truncations while NEF was looking at black businesses. So we want to look at that, and state that merger will not assist black business into getting into the market. On the issue of IDC being given BEE facilitator status, our issue is that Government expects white business to actually have black partners so that we can eat into their stake and assist black people to get into the mainstream. But when IDC goes and buys shares into the white monopoly, that company is no longer obligated to have a BEE partner as they will say that the BEE shares are held by the IDC. Our view is that this does not then advances black business to get into the white business market and buy shares within these companies.

Lastly, there is an issue around informal sectors that we have indicated there, there is an issue around provision of services which we have also indicated and our last point is the issue around implementation of resolutions. Another issue is also that resolutions have been taken but are not properly implemented. Government and other departments need to be pushed to push these resolutions so that basic services are extended to the masses.

Thank you

Speaker 4 Mr. Saul Tshebane PC member of COSTAU: Greetings to all here. The presentation that will be made by COSATU will be a presentation that is a compilation of the many resolutions at our resolution-making structure, at our national congresses such as our central executive committee. Due, to the interest of time we cannot make

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most of our presentation, we will present it to the Panel in a more detailed way to the issues that we are raising. Let us indicate that we welcome this Panel, and it is a step in the right direction.

We submit that as COSTAU we agree with the Panel's thesis that South Africans challenges are underpinned [inaudible] 36% apartheid, long-term unemployment rate, and our status of being the most unequal society in the world. It is important that we note that our democratic state did not create this crisis; however it's the effects of more than 360 years of colonial and white capitalism. COSATU appreciates the massive amount of improvement that our ANC-led government has managed do in our 22 years of democracy.

This includes free health care for pregnant women and children, millions of social grants recipients, free access to basic education, billions spent for tertiary for the poor, providing basic services for 90% of the country etc. we need to also know that as much as we appreciate all of this, we will near progress until all South Africans enjoy decent permanent employment. Our school systems are poor, teachers are overstretched and often work in violent conditions, tertiary is simply unaffordable for working and middle class families, health insurance - our pleas is for this to be fast tracked. Our special planning has continued to entrench apartheid geography. Workers and the poor continue to be allocated houses far from their places, from great public housing on a non-racial basis.

As COSTAU we strongly reject unemployment in unions and our labour policies. These losses are strongly suggested by organised businesses as an excuse not to hire, as they claim the loss prevents companies from be able to fire workers. The reality is that is false as more than a million workers were fired in the 2008 economic crisis and 52

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miners have been retrenched this year alone. Instead workers have born the brunt of the increased capitalization of the work place, with workers being down on labours brokers with annual short term work contracts, which lack security, rights, benefits and decent working conditions, so I am just going to scale a few of the issues.

We heard Ngomzi making a presentation here. We are coming from a deeply rural hinterland of our country, which is Limpopo, where farming is one of the economic activities that is practiced in our province. So we also welcome the sincere efforts of the Government to redistribute and provide restitution and land reform on our land ownership, however, we must be honest and admit that this has not been a success. Government itself admitted that half of our land is provided to new farmers. Both new and existing farmers need strategic support in order to compete with European and American sectors.

Government needs to place more resources at the disposal of land restitution commissions so that it can abstract its massive 70 000+ backlog. Government has done little to help the most vulnerable, namely, farm workers. I heard Honourable Chairperson touching on this particular issue that farm workers are at the brunt of those that have employed them (?). Farm workers remain the most exploited and impoverished and vulnerable. Until farm workers have equity and ownership with resources and support, they will remain in slave like conditions.

Another common feature in our province, which we can blame, we don't know if it's optic illusion or what. We have many so instances where black people are being mistaken for baboons. That is the legacy that our province is having. So as much as we condemn farm killings, we should equally condemn this aspect of farmers killing black people mistaking them for baboons. So we are saying on land specifically, that land restitution

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backlog needs to be fast-tracked, and for government land to be released for land reform, because we are made aware that government also owns large tracks of land, some of them remain unaccounted for. Remember that during the twilight of apartheid, how many of the little deeds were registered overnight, whereby, ownership was passed to people. So we support the notion of an audit that will be taken by government to check what is it that they own, so let us strengthen that particular aspect. Also provide farm workers with land and equity, build to protect farm workers from evictions, merge the Department of Land Restitution and the Department of Agriculture Forest and Fishery.

I think this firms up what we are trying to say also as our view as COSATU is that the current Cabinet and Parliament is a very bloated and expensive thing that we should not be burdened with as a society. Having 400 MPs, having 70+ members of cabinets is unsustainable in the long term. On the issue of labour we are saying amend the Labour Relation Act too. For labour broking and the increasing level of casualization, and outsourcing of employment in the public and private sectors, amend the LRA, BEEA to ensure that payment is done for 4 months maternity leave. Thank you, we will provide Panel with the full copy of our submission.

Speaker 5 Winnie Mashogwane Sobimogale, Way Forward Care Group Under the Community Health Workers: Greetings to all whom are present here today. I am going to address the issue of wage inequality. Yes we admit that it is based on the different types of work, but the gap is too big. It has been so since for a long time now, it was created in order to separate persons in terms of wages and that is a political discussion in terms of how we get what and how, it is still one of the challenges faced by South Africans today. A minimum worker's wage of R20 per hour is not enough, considering the price of goods and services. A taxi from University of Limpopo to town is R20 for a

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single trip, and when it includes return it is R40. So it is important for the Government to consider the poor and marginalized blacks when making these decisions. An increase in wages still doesn't help as an increase in wages means those with lower wages get lower and those with higher wages get higher. The poor get poorer because of increases in prices and the rich get richer because of wage increases.

The Government must not compare people who are not equal. For example, how do I compare myself, as a woman working in my organisations to a woman who is working in the state office? The statuses of our work are not equal and so is the wage gap. I am a manager in this state office, but a cleaner at the government office earns more than I do. This is very disturbing and disappointing. So I am pleading with the Government to close this wide wage gap. Even though in terms of wages, a manager and a cleaner cannot get the same wages, but a manager should get a management salary, hence they are saying that a man is mightier than a sword, but in this case it should be mightier than a broom.

Thank you

Speaker 6 Mr. Alfred Mafikeng (speaking in Sepedi) From Moletje Land Forum:

Greeting to the High Level Panel and all who are present here. Our issue that I would like to raise firstly is the issue around the lives of those who live in rural areas. What we have noticed as organisations is that people from the rural areas live a very hard life unlike the people who live in the urban areas. I am saying such because it seems like we are left aside and not catered for by our legislation and Government. The way it seems it's like us rural people, the way we are so troubled, we have heard that from 1994 a democratically elected government was formed and created with it the Constitution and other legislation which was aimed to govern all who live in the country. What I have noticed is that us as rural people are being troubled by our traditional

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leaders at times, we will assume that the government is not aware of these issues so today we take this opportunity to state our issues to the government.

I don't know if it will be a mistake to say that the Constitution of those in urban areas seem to be different from us, as to us it seems like traditional leaders seem to abide by their own laws or constitution, and it seems like the government seems to be unaware of such or doesn't seem to assess this matter and whether it is in line with the current objectives of our democracy. Traditional leaders seem to make their own laws, draft them and then implement them within their communities, and offer the communities no opportunities to inquire about such laws given to them. Unfortunately this is how we the people of rural areas are treated. We feel like we are neglected by the Government.

Another issue I want to address is that where I am from, we had several issues with our traditional leaders, as we would in some instances find our leaders beating community members, yes, some people are still being beaten in our communities. We find instances where people come into our homes to beat us, beating at the instruction of traditional leaders, similar to the practices that were done during the 1970s by traditional leaders in traditional communities. So as one looks at these laws, we hear people saying this is our tradition, but according to us, our true tradition faded on the arrival of white people in our country. Our culture has been diluted, it's the same as it was before, so now as rural people we are therefore confused as to whom really bears and practices the true and rooted practices of our traditions.

So let me explain this to you, us as a community have a community portfolio, indicating all the various experiences we have gone through, when we began to realise that our human dignity is not protected by our chiefs. People are punished in a cruel, inhumane and undignified way from where I am from. Furthermore people are being kidnapped,

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this is being done even now in my villages. People are kidnapped by the so-called “chief’s private police” so that they can be punished. So when a person is spotted as being outspoken and empowering the communities, this person is pointed out and all of a sudden they find themselves being surrounded by these traditional police. Our chief even has a police station where he detains people. People are being kidnapped and beaten and placed in the detention room. In my village they still practice the habit similar to state of emergencies, whereby if you are found walking around past a certain time, they can take you and search you.

My last issue is the issue of tribal levies. In my village, people come as chiefs or headmen and tell you that today you are supposed to take out this amount of money; you cannot ask them why you want the money and what the money is being used for. If you ask them you will be terrorised and since we fear such we don’t ask anything. There is something you get for paying such levies, you get a sheet, which indicates that you are a member of the chief, and if you don’t have such a sheet at your window, you are most likely to be attacked by the traditional police squad. The money that we submit to the chief, when we once asked what this money is used for, we were told that the chief doesn’t do anything wrong and cannot be questioned. These traditional levies must be distributed to the various roles in traditional houses and they are requested not to question what this is used for.

Speaker 7 Xitsonga/English, Chauke Phineas from Mapengdiane CPO (member of Alliance for Rural development): Good day to all that who are present here. My aim is to address the challenges which result from poverty. Our land claim was frustrated by wrongful procedure and general procedures of what land restitution should be. After 19 years since we lodged the claim, it has yet to be resolved and is now scheduled for review. I would like to present the issue that needs to be addressed in

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order to ensure a long lasting impact of an outcome of a settled land claim.

Number one, in reading stipulations of Section 25 of the Constitution, which talks about the Restitution of Land Rights Act, which is dealing with the expropriation of land, we found that those who are implementing the willing buyer willing seller principles, they implement it as a law, meanwhile it is a principle. As a result, the official of the Land Right Commission is now also implementing it as a law not a principle.

Number two, the government officials are not implementing the Restitution of Land Rights Act as required by the Act. They are quick to encourage the monitoring officials to opt for compensation instead of the land. So the following stipulations within the Restitution of Land Rights Act are not being adhered to by the government officials or researchers. Stipulation section 1(d) of the Act is not being followed, also stipulation of section 10 of the Act which states that where the property description is to be shown, is not followed. In some instances we find that there are those who have indicated their property description on the outside, but today they are found inside the Kruger National Park, where they don't have that disposition of the right in land. Stipulation of section 11, of the functions of the officials of the Land Commissions, is not also followed, because the people who work there, only have the capacity to monitor the sheep, cattle etc., and don't have the capacity on the basis of the Restitution of Land Rights, but they are employed there to do wrongful procedures.

Stipulations of section 30(2)(b) of the Act where there is the admissibility of the evidence, in where it indicates clearly that claimants should bring something which is leading to the historical background of the admission aspect, number two, which is supposed to be coupled with the sociological aspect, number three, which should also be indicating the anthropological information aspect ,and the catastrophically

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information which was documented since the arrival of Jean Van Riebeeck in 1916. Plus, further supporting documents.

What am seeing it is an information error ushered in fully in this country, wherein as I am speaking, our communities have maps from 1844 till 1902, which indicate our elders as being situated in the area. Also they have maps of 1903, 1906 - all these people who have been given the requirement in the land claim don't even have such. As a result we have books written in Afrikaans by Dr UD V Pienaar and his contributors, written in 1990 and also the book "Cameo from the Past" also written by Dr Peinaar in 2012. Also as a result we have also the annexures, from A-R, but they do not indicate who the people were when the land claim has taken them, so that they opted for those people to take money and also some were also to get something.

So the cause of the problem Chairperson, willing buyer willing seller, the problem is caused by the misinterpretation of the []14 principle, which is contained in the Restitution of Land rights Act, which deals with the expropriation of land. So this misinterpretation had led to the official of the Land Claim [inaudible] interpreting it as a law and not a principle. This being said, section 25 of the Constitution states that expropriation should be implemented fairly, and not based on the willing buyer and seller. Officially when they implement the willing buyer and willing seller principle, they do not research properly and consider other factors such as historical information that will indicate when and how that land was bought from the previous owners. Whether they were forcibly removed or not.

They also fail to indicate from whom the current owner buys the land from and as a result no one within the team of government researchers or officials can justify the monitoring value due to the rightful land claimant. There is also no differentiation in

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terms of the compensation of the land claimants based on different ownerships at the time of the of their removal. Another issue is that the Restitution of Land Rights Act is not being properly implemented by government officials. Officials of government are failing to make proper evaluation of how much was lost by claimants and as a result there is no justification of the amount of money that is to be paid to the claimant, even though those claimants who have opted for getting land, they end up settling for monetary compensation because they are subjected to a researcher who does not understand the importance of land restitution in South Africa.

Also in giving the recommendations and actions on the issue of willing buyer and willing seller principles, we want the Panel to review its implementation and to ensure that it is being implemented properly according to Section 25 of the Constitution.

The conclusion is that, land is very important to everyone, in that their livelihood is connected to the land. So without the land many communities seem to be chained to poverty and their children are in this grave reality - a hopeless landless reality. Because officially the rule of sending back the land to the rightful owners - per the Restitution of Land Rights Act - is not adhered to properly, these communities are denied the opportunities to improve their lives. Thank you

Speaker 8 Sepedi Mr E Thobejane from Sekhukhune CPO (Sekhukhune of Mining Affected Communities) (1:18:00- 1:27:55): Good day, I am going to be making submissions focusing mainly on the MPRDA. The MPRDA is an Act and an enemy of communities affected by mining. The MPRDA is designed to benefit the connected few in its current form in the name of development, and in fact seeks to reduce communities being second-class citizens. We as mining communities, we find this to be in gross contravention with the supreme law of this Republic. The narrative that mining is for the national interest has been used to trash the rights of communities living near mining

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operations. For example, one of the proposed amendments to the remove the Minister's powers will remove the community's participation in prospecting rights applications. Communities living near mining areas bear the negative environmental and social economic consequences of mining in both urban and rural areas.

Their voices are often not heard around the decision-making processes concerning where and how the mining process should take place. There are various impacts. These impacts include, industrial and water pollution, cracked houses, forceful removal of communities, forceful relocation of graves in very appalling and undignified ways, and also the deprivation of land which is often felt by communities that rely directly on this land. Communities living in mining areas around South Africa are predominantly black and some of these communities were forcefully moved into these areas by the previously discriminatory government. So in this case there is an element of a repetition of the legacy left by the apartheid government.

So we are making the following submission to the Panel, to say that Department of Mineral Resources (referred to as DMR) introduced additional amendments to the MPRDA that were already passed by the National Assembly. The amendments appear to reflect industrial concerns and not the concerns of the community. Furthermore, communities were not consulted before those amendments were made. The MPRDA together with the DMR have dismally failed to implement drastic measures of monitoring and enforcements to compel the mining industry Panel to fulfill their SLPA commitments and compliance to conditions of their mining license and programs. The social labour plan is a document required to acquire mining rights. Failure to comply with the commitments contained in that social plan does not constitute sufficient grounds to remove the mining licenses of these mining companies. There are no guidelines in the DMR in terms of the amount of money that is to be spent relative to the mining profits. The amount of money for social labour plans should be proportional to the degree of

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environmental damages, emotional and psychological abuse that communities sustain.

There must be more transparency in the mining sector and accessing information through the Promotion of Access of Information Act is bringing some. The DMR Minister doesn't comply with the latter mentioned act. The question here is that, when we request this information from these companies they often tell us that the information is confidential, the question then becomes, what is confidential about providing information which is relating to the development of these communities? The MPRDA must be guided by the principles of FPIC, free prior and informed consent. Communities must have the option to say 'no' to mining, like what happened in Xolobeni. Comrade Bazooka was shot because of these deceitful agreements between the mines and the chiefs. This comrade was saying that, we do not want mining in our land. But the MPRDA does not give provision for communities to refuse mines in their areas and as such we note that should be included in the MPRDA.

Outstanding land claims must be settled in the land before mining can commence, subject to those claims. The other issue is that the Minister of Environmental Affairs must be the authority authorizing environmental applications, not the Minister of mineral resources. All applications and resources must be made more accessible to communities affected; they must be present in a language that is understood by the community. Again on the issue of the social and labour plans, in instances where they are complied with, they only give limited benefits on the communities, and do so in a problematic manner.

Social labour plans are not based on a proper assessment of the community and its needs or circumstances. On the whole they are focused on mining rather than the sustainable and long terms impacts of its management. In conclusion, I don't want to be

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personal or direct, but if we are to foster changes in our communities, we must confront the reality. The reality now is that we cannot afford as communities and in general, to have compromised and repulsive comrades occupy positions of power. We must bear in mind that the very same Panel is constituted by forums and speakers, and the speaker of the National Assembly is a direct beneficiary of the mining activities. This is a fact not a fiction. The leader of business in the country is also a direct beneficiary of the mining operations. So as long as we have such leaders we are not progressing.

Thank you.

Speaker 9 Tshiano Walter Remasdi from AFASA (President of the Limpopo branch) (1:28:00- 1:345:50): Thank you to the Program Director, and the Panel present. AFSA being African Farmers Association of South Africa, with its main objective being that it wants to create capable commercial African farmers. We have already shown our concerns on the issue of land and handed over our petition to the President last year. We were happy during his speech when he addressed these issues. Such as the one where he said that he will support 450 farms by commercializing them. The issue of land has been there since it started; it created an interest for people who are farming with the goal that we would grow from where we are to a higher level.

In farming we have these categories. We have substantive farming whose only purpose for farming is for security. We have the small holder farmer, who also consumes a bit but sells more. Then we have got commercial farmers, but usually I call them first generation farmers, because before them we never had black commercial farmers. So our issue or concern was that farmers were already leasing the land. But due to transformation, we are saying give back the land to the owners. Instead of adding more black farmers, more black famers were removed from and no longer farming, people

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who were capable farmers. The issues about those people who brought the farms on their own, currently they are not receiving and support, because the program doesn't include them, they are being penalized for buying the land.

The other issue is that issue of PLAS, Proactive Land Acquisition Strategy. Its intention was to make land available and for farmers work on it. When I look at it, it looks like it has been created to destine farmers for failure. We are saying this because most of the farms which have been acquired through that programme are not viable farms. Strategically located farms are not being sold, so in other words, when you get the land, it does not have water, the infrastructure is old but it has been bought at a very high price. And that thing also, when the regulations were done, they couldn't create a clear bridge, that is why most of our projects are failing.

It's not because blacks cannot farm, we are very good at farming because we have been farming before, but the bridge from small holder to commercial is not being handled well, others are falling off the bridge others are stuck there, and only the few are crossing over. It is because there is no support - they get land which has no proper infrastructure etc., and they cannot do anything on such land. When you get support, you get periodic support, you get support this year, and next year you don't and you end up going back to square one. So that is the challenge that we are experiencing, you get a farm and then it has no water, how can you say you are faring well when you have no water and the rights have been taken by the owner of the land. At the end they were programs that made farmers take a strategic partner. A strategic partner or any partner who comes in doesn't become equal to you. They only give you these other jobs, for human resources to handle your labour matter etc.; however, the finance is not in our hands. So we end up being partners but we are not trained. At the end when they leave, they make sure that we fall back. So those are issues we were coming across. Also this

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issue of land access, we are having a problem as no one is giving us the land. I think the Expropriation Bill should be able to handle them.

One the issues that has been raised and should really be looked at is the issue of land audit. I support it as there are still lands that are in the hands of the wrong people. Another issue is that, when farmers are given the land, the money (support) should be already available, not that you wait for years, and they tell you the money will come, and it doesn't come. The moment that a person moves in, there should be monetary support available for the farmer. The moment that you are on the land for 5 years, these farmers, where they are given the option to buy or continue with the lease, as majority of the people who are on the land now, have got this practice/contact of caretakership, so with caretakership and lease, you cannot access funds from commercial banks. So in other words it's like you are just looking after the land, so you cannot even develop it.

We are not failures, but we are being made to fail by the laws that. And when I make mention of the bridge we are not trained on farmer entrepreneurship, we are just put in there and this is a serious problem. And while I am here, we need to address the issue of land prices, communally there are very expensive as if the chief just picked any price. It's just so expensive as far as that is concerned. We also want to support the fact that labourers should be paid well. The moment that you are coming from a small holder farming to labouring straight, you find that the farms prices are high; at home you were working with you relatives and so forth. So the issue of labour and electricity are the main issues killing our farmers. Thank you

Speaker 10 Rabele Bethwel from Ravele Communal Property Association RCPA (1:34:58- 1:3: Greetings to all present and all protocol observed. The RCPA has been established as a communal property association as a result of the lands that have been

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restored to the Limpopo area, which is regarded as prime agricultural land. It is always said that, if you aim to farm in Limpopo, you cannot farm anywhere else in the land, because of its climatic conditions. When we received that land in 2005, government introduced partnership models. Some of the commercial law firms “Lambards” indicated that the model which government was introducing is not business friendly. The problem we have in this country is that there are people who are very good at defending that which is not good, because they are in power. And the model collapsed and we were in over 5 million in debt to ABSA. So you can just imagine when you start and you are already at 5 million. Fortunately, we were able to strike a settlement agreement with ABSA and we agreed to pay that loan which was made on our behalf, by the so-called Liquidated South African Farm Management.

We settled that debt by the end of March 2014 and from there we have been making profit and we said to the workers, that now that we have settled this debt it means that, you too are going to get profit shares at the end of the financial year, when we have made a profit. And since 2011, the year we started making profit, our workers, the majority of whom are from the beneficiary community, are earning what has been determined by government. Above that they also receive profit shares.

It must be noted that we have only received 350 hectares of land, which is used to farm macadamia nuts, which is a high value crop, and avocados and bananas. Fortunately since we are following good agriculture practices, now all of our farms are globally Gap certified and we are exporting abroad. Our nuts are now going to China and the Middle East etc. I have been to Holland, invited by CBI, to their marketing workshops, and also to where fruits are exported in Europe. That was a very good learning experience.

Chairperson the problem that we are having in this country is not loss, loss is fine. The

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problem is lack of capacity. You don't just have capacity because you take certain positions. If you don't have capacity; you will continue to not have capacity even if you are in that position. The other problem, I still re-call that the Department requested KPMG to come and workshop the leadership of the CPI at Limpopo with regards to entrepreneurial skills. They delegated one of their most senior retired delegates, who tried his level best to teach us skills. But what was very embarrassing was when the officials who don't know anything about business were arguing with the delegate saying that he is wrong. As such KPMG withdrew its services as no one wants to be embarrassed by somebody who is supposed to be supporting you - in front of beneficiaries. As communities we must acquire entrepreneurial practices.

Another issue is that the production in Limpopo has dismally collapsed as a result of the lack of communication between government and community and those officials who were deployed from government to assist the communities. The assistance was withdrawn and when we ask the reasons why, we were just told that "a new broom sweeps on its way" and those who don't have the capacity will suffer. I recall Chairperson an instance where maybe you might have heard of the trouble between the Rabele CPA and the Department. As an entity we are not going to allow anybody to be a door of evil to our CPA. That must be underlined, because people abuse their positions.

Nowadays we are educated unlike in the olden days where in the village there was just that one person who would write letters for everyone, things are now different. So we have indeed made good rights, because as a result of this Department of Education, we were able to assist local schools with stationary and, we are now funding 40 students who are studding at a tertiary level. Some of them are at the University of Cape Town, others at various other universities. Our budget is at R450 000, the municipality is just

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assisting us with R50 000. We also have a program to pay educators who are visiting our learners on Saturdays, and we feel very great as a community with what we are doing as a result of what we are getting. Thank you.

Speaker 11 Sepedi/English Ketso Letsele, Secretary of Women in Agriculture and Rural development (1: 43:10 – 1: 47:35): Greetings to all respective leaders present here today. Firstly I would like to address the issue of Land Distribution and Restitution. This Act is good, especially because it has attempted to recover what was rightfully due to us. The impact of the Act was as such. After we received the land, as you know we were then grouped in terms of CPA, and as we know, in CPAs most of the leaders are male, and no leadership positions are given to females. These males don't want to hear any input given by a female. My recommendation is that, according to me, they must just disband these CPA committees and ensure that there is a presence of women in these committees as we know women know how to lead.

On this issue of land reform, sustainability and livelihood and rural development. We acknowledge these principles and are thankful for such gestures. However, this principle is flawed in that they gave us farms but didn't give us enough machinery, and we find that they might have given you a farm but yet they have not given you a tractor. My input is that, when they gave us farms, we find that they haven't properly checked them. The electricity tariffs are high and unaffordable to us. Before consumption you find that you owe Eskom over R3000. Where will we get this R3000? They say it's for administration, network charges and we don't understand all these issues and around electricity. So my recommendation is that before you give us these farms, please fix the issue of Eskom please and install pre-paid electricity, because this issue of electricity is one of the issues that are making us as black farmers to fail. We end up sub-leasing to white people in a way taking our farms back into white man's hands, so please attempt

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to fix that.

Also, the previous speakers covered me on the issue of private farmers. There are women who have brought themselves farms, however, the government is not assisting them with anything, as they claim that since they acquired the farms themselves they can do everything else themselves without any assistance from government. My view is that, such people are the ones who should actually be assisted by the government as they have shown their love for farming by buying their own farms. Thank you.

Speaker 12 Humphrey Mokhakule from Makuleke CPA: Greetings to all who are present here and the Chairperson of the High level Panel. I will give a brief history so that you may understand where we are coming from as the Makuleke CPA. The Makuleke CPA are some of the first people who claimed their land under restitution in 1994 and we got our land in 1998, the land of about 28 000 hectares, inside the Kruger national park. It was not easy; we had to engage with different departments that were trying to protect the land that was owned by our ancestors. After getting our land in 1998, through the very same process of restitution, our land was registered and restored back to us as a community. Then the CPA was established. That process assured people that we can get our land after it was stolen during the apartheid era. I can therefore stand before you as a proud South African who is now able to discuss issues that I couldn't have before. As in 1996, the Constitution was born and therefore protected everyone and gave us the rights to address everyone without fear. And we also thought that our rights would be protected and upheld by the constitution by whichever person who is in power, but it never happened.

We understand that some legislation was passed during the process, after our Constitution, some was good and some was bad, most of them were good. That's why

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we are here today talking freely because of some of that legislation. After the establishment of the CPA, the CPA was a new entity to us, we had never heard of the CPAs before, the only things that we knew was the trust. When the CPA was established we had to register our land through the CPA. The thing that the Department of Land did as a mistake was to give the land to the people, and advise them to register their land through the CPA and not capacitate them!

They then expect the CPA to work and achieve what was in the document, but which people were not capacitated for. That was a big mistake and I believe that as the High Level Panel is noting this, they must revisit the CPA Act as I live there an area which need improvement there. Also there was a Bill that was tabled 2008 of the CPA, which they have to look at. As the Makuleke CPA, as I have said, we have claimed our land inside the Kruger National Park and I am one of the beneficiaries, speaking very proudly about the thing that we achieved under land restitution. It was a very joyous time when we got our land in 1998. However, during such a time, the very joyous celebration was about to be limited by those in powerful positions. This came when the department came in, DRDLR came in, rural reform came in, and with lots of amendments. They were coming up with some new bills and those bills were not giving us the rights, or security of tenure on our land that was given to us during the process. That is one of the mistakes we have noted, that the Government has made a very big mistake by not securing the tenure of the land to those who have already received their land back through the process of land restitution. So that was something that needs to be corrected. So that even if there are things that need to be done on the land that we have already claimed, or those that are under claims, we know that when we get our land back, we will know that our security to the land that we have claimed is protected in terms of our Constitution.

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Another issue which I want to bring to the attention of the High level Panel is that, there is a Cabinet memo No 5 of 2008 which says that all people that are claiming the land within the protected areas, they are not to get their land back but to get the money instead, because they cannot get into the area that is protected in terms of the National Parks Act, which was something else. As the land belongs to us, we have the right to claim the land. So that memo needs to be revisited and see whether that was a good decision by the Cabinet members then, so that we can correct some of the issues and accelerate the change that is led by the High Level Panel.

Another issue I want to share with you is this. There is a memorandum of understanding which was signed between two departments, being the Department of Land Affairs and the Department of Environmental Affairs. That memorandum of understanding doesn't represent what the people want to do on their land and as such that memorandum needs to be revisited, to see whether the current moment that MOU is speaking to us or not. These are the issues that we need to look at. Another issue is the issue of co-management in the area that we are claiming within the protected land. We find that the state is taking the lead in some of the decisions of development in the areas where the people have claimed their land. When a person has claimed the land and has been given the rights, the state must not take the lead as the land belongs to you and you are the rightful owner of the land through the title deed and you have the right to decide what you want to do with the land. So these are some of the things, as we go back and we look at some of these legislation, which are good and others are bad, we need to look at where we need to fix, it's not all legislations which are bad, hence I am here today able to address you because of some of the legislation which was passed after 1994. And, we want to applauded the High Level Panel for listening and you need to note the challenges that we have and then change the process that is happening. Thank You.

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Speaker 13 Sepedi/English Tsheluwane Nicky from Moletele Bushbuck Ridge in Limpopo (1:59:39- 1; 06; 45): Good morning, we are from Bushbuck Ridge but we have claimed land in Limpopo under Maruleng Municipality. We as a community claimed our land in 1992; from 1992 to 1996 our claim was challenged on the basis of legitimacy and merit by the farm owners in Hooduspruit. We have been continuing this claim and now it has been referred to the Land Claims High Court. We are experiencing a challenge and we really need to raise this frustration with the Panel and defend this claim. We were only given only two legal representatives and our government is aware of the nature of this claim. It is difficult as a community as we are a small and most of our community members have left us due to the long process of our claim. According to the courts, it wants information and evidence from such people.

So now you can imagine for a period of many years running around the Land Claims Court. Time and again when we give reports back to our communities, we tell them about the challenges we have encountered. And while the government has resources, it could assist us with a team of advocates to attend to the matters we have against these whites. Instead they are relaxing and not doing anything and telling us the budget is too small and that we must wait for another time.

So it became difficult for us as a community as we are disadvantaged, and because of the way our land was taken from us. We were given portions of land, and we would like to commend the Commission on that. They gave us land in 2007, but what is challenging is that they gave us the land without giving us developing grants, they gave us the land without any instruments. We as the community have to find our own way as to how we try and sustain the property that was given to us. Since 2014, three years back, we have been pronounced as being one of the best entities in terms of

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compliance with the CPA but this has yet to open the eyes of the regional commission and the Department of Development in Limpopo. We are having such entities that are able to comply with the CPA. We are given land but they don't even consult with us as claimants. We have land in Hoedspruit, such as Hoedspruit Airport base. We agreed in principle that the claimant will not be physically given that land but the compensation would be given to the complainant.

Also areas such as Hoedspruit town form part of the areas from, which our people were forcefully removed, but even till today, Government is not doing anything and the state land is the property that is the government can fight on their own, but still they are reluctant to do so, from 1992 till today, and the airport base has been there for so long. We have cautioned them to please try harder to speed up the issues around state land as even today nothing is being done, and we find ourselves being disadvantaged. Lastly we have got other state land in the Bedford area, where our people were forcefully removed too, so now we find that our community has no access to their historical area. Last year the Land Claims Commission was leading and the CPA was leading in the issue of organizing a heritage event. We have been defeated by the white man by saying we are not allowed to practice our culture.

But the Commission we have been telling them, that when you give us an [inaudible] please consult with us first. We have got areas that we have prioritized as we know that historically we have got direct connections with that land. But then we there is nothing from Government that shows that they are giving us any attention in terms of all the properties we have claimed. They just want to give us any farm, without us knowing where they are from.

We understand that we have claimed all these farms, but the reality of the situation is that we have farms which we have prioritized as a community. During this process, we

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have one of the farms in Hoedspruit and we have been disappointed in how the Rural Development Department has handled this matter. There was the tribunal process, in which the developer showed their interest to develop the area, and we have gone through the tribunal process until such a time that we have been defeated and those lands were then given to the whites in the name of development. Even till today, there is nowhere where they have developed. What they are doing today is selling the plots at around 1 million and that property was close to the towns.

As a community we had resolved that we come up with settlement where our community will be close to the town so that people won't be far from work, but today people are selling that plot for 1 million and no one in our community has the money to re-purchase these farms but they form part of the claim, and we are having problems as they form part of the land claim. There is another process in the name of tribunal where they develop and give these developers. But we are here, continuing to report to our people that they must be patient and our Government will deliver. Even today nothing is being done. This then becomes very difficult and challenging to us to find ourselves in this position as a community.

Our recommendation is that, we want the properties that are under the state, the government must try by all means to attempt and give them back to us. We have agreed with them that we will not encourage our people to just go and live at these lands, but let them at least compensate us. Secondly we have the historical areas in areas such as Bedford, these are the farms in which our forefathers were evicted from, now for instances our late chief left us but we cannot place a tombstone as it will end up in Bushbuck Ridge but not where he was originally buried. Now as you see, this then becomes a matter that makes some of us explore the emotional impact.

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So we are pleading to look at these laws, as in some instances it places us as blacks at a disadvantage as the government at times is the one holding on to resources. Thank you.

Speaker 14 Leboganag Phodelwe from Motswe (Motswe Youth Development)

(1:06:56-): Good day, I would like to thank the Panel for us giving the chance to address the people all present here. In our organization, we are dealing with issues that affect the youth, specifically unemployment, education and lack of skills development. Our issue as young people in Motswe is the unemployment rate which is 60% and Motswe is one of the poorest communities. Mostwe is a community established in 1918 by the Northern Sotho; as such I want to bring this issue to the Panel that we as the youth are really affected by unemployment. We therefore then created this organisation and registered it as an NPO so that we may create a platform for development in the community, but we lack support from our traditional leaders and our municipalities. We as the youth want to bring change and we are prepared to bring change. We once had this event called “Unemployed Youth Combined With Climate Change”.

These climate change issues are really affect us as South Africans and it is key that we understand this. We have got resolutions in terms of that unemployment combined with climate change. We say our government must support us to start renewable energy and recycling things to develop our areas. Also we also have the issue of nepotism in my areas, in which, if you don't bear the surname of the chief, you will not get the job. We have police station and clinics, but we as the people of Mostwe we don't work in these facilities. People from Vhembe and Polokwane are the ones working there, whereas we have the necessary qualifications too. This issue of nepotism is truly affecting us. Once we occupied the hospital to complain that we too as the people of Motswe we want to work here.

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We also have this women's organisation. We took a resolution in Polokwane to say that we want to strengthen the voice of the rural people in Polokwane, and build a movement behind agriculture, and land reform by supporting the organization of rural people and working together with organisations and movements by building forums, through which rural people can submit letters, complaints and interests, and also build a strong movement that ensures state capacity. We also created resolutions around the challenge of rural land reform and implement changes.

And again that the allocation of customary land be given way where it empowers rural people and supports rural growth. Community structures at rural and village level are capable of changing drafting processes. The parties will further engage traditional leaders, including controlling mechanisms to ensure that the disposing of land without the proper consultation with communities and local government is decreased or done away with. That is the resolution that was taken in Polokwane some time last year. We want to bring change in our community and we need support from government, support such as skills development to reduce the rate of our unemployment. Thank you

Speaker 15 Sepedi/English Jonas Rabogabele from LAMOSA: Greeting to all. I am one of the founding fathers of LAMOSA, and I asked the organization that if we are not able to get the land before we as founders die, who fights will vanish. I am just going to read our submission and then from there I will elaborate should the need arise. Today it's the 15th of March. I will talk about Losekop Noord/North 12 JS; in our area we call the river of Losekop the crash-mat area. We are asking the government to please attend the claims of the following areas: Metshana-ngwana, Ramoshebo, Kgobekwane part of (Monstwe) Vlaglater 284, KlienKlakpet, Tuitskraal.

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The apartheid regime chased out the rightful land owners from their land. In doing so they changed the state of the land portion by portion, destroying the grave-sites of our forefathers and changing the names of the places so they would cause confusion for us. People were forcefully removed from their land, in so, losing their belongings, their health was placed at risk. Others lost their wealth because of the new land in which they relocated to. The areas had drought which ended up killing most of their cattle.

The reasons which they were given for these forceful removals - it was said it was to make way for water system which would be used to irrigate the farms of the white people. This manner of changing the lands caused a lot of confusion to the rightful land owners who are claiming their land now. They are not used to these lands and they changed them when they forcefully removed us from the land. Those people were criminal; as they have changed our lands and have confused us so that we are not able to successfully be able to claim back our land. We have various submissions we I intend to give to the High Level Panel here.

Speaker 15 Philemon Thalane from Sekhukhune Inter Project Association:

Greeting to the High Level Panel and thank you Program Directors. My submissions will start as follows. Market land reform has never succeed, this is what the World Bank said. If an institution of such a reputation can say such, why did our government follow this route of trying to implement land reform which is influenced by the markets? It was not surprising when the Minister of Rural Development said that out of 9/10 land reform projects have collapsed. I also commend the community of Rabele, you guys are doing a very good job. The question that we need to ask ourselves is whether this programme of land reform was necessary, absolutely, we need land reform, and we need to transform our society.

I always tell people that the success of the ANC government is how, if you go read the

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different sources, they will tell how black people are owning 17% of the land and others will tell you that, they are not actually owning they are just occupying, our government has set our people to fail, so we thank SAFASA for bring that out clearing the open. It surprising us that when we had this land reform, in 1994 our government started closing two agricultural colleges in Limpopo. So here you are saying that you are going to give land to black people but yet you are closing colleges that were supposed to give them skills them as those colleges were just turned into workshops, so you are leading them to failure.

The CPA, one of its weaknesses is that, it does not clearly spell out the role that traditional leaders need to play. Traditionally our people believe that land belongs to the chiefs, but according to the CPA, it does not, the land belongs to the people. There have been various tensions in these provinces, a typical example is the one in Mavungane, Mr Baloyi, and may you please stand up. Mr. Baloyi is from Mavungane, where the chief is allocating sites, without their consent, so in others words we can say that the chief is encouraging illegal land occupation and since we respect our chief, they won't open a case against him. I remember in Sekhukhune, the chief did the same thing, the executive committee opened a case against him in Tzaneen, but the chief was arrested for three days.

There was turmoil in that village, people whom the CPA was trying to encourage and say 'no, the chief cannot unilaterally take decisions to take land from you', were the ones saying that the people cannot open a case against the chief. The police also supported this, and that is why that case actually collapsed. So I think the CPA really needs to be amended so that it spells out the role of the chiefs in the land that was transferred back to the people through restitution.

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The question of joint ventures as a stagey for skills transfer - now officials have taken advantage of our people because they just bring them on a train, as some of those strategic farmers, they know nothing about farming. That case of Rabele is very said, how do you make a community as such to go into debt of 5 million? It's because are made to believe that business people are clever and wise and will always see things from afar. Joint ventures should be regulated, and personally I am opposed to that idea, that when government has bought land from "Mr van Merwe" for black people, you allow Mr van Merwe to continue farming in the name that he is transferring skills to the black people.

What you are doing is perpetuating injustices, you are saying to this man who got that land for next to nothing that he must continue to benefit, so he is benefiting twice. Millions and millions of land for land reform, especially for post settlement were misused through the collusion of officials, strategic partners and some members of the executive. We might have heard of what is happening at Zebetela Citrus, how many millions have disappeared through the strategic partnership system. There is a need in Rural Development to establish something similar to the Ombudsman office, the one that will deal with post settlement support, so that communities which experience problems after post settlement support can go there and report such, so that officials can be held accountable. In conclusion a lack of post settlement support should be regarded as counter-revolutionary at its highest order. Thank you

Speaker 16 Sepedi, MS E Mostepe from JS 26Masakane: Let me start by thanking the High Level Panel present today. It is sad that we are given our lands but unable to reside in them. In 1968 we were relocated to the place called Masakane, we were relocated brutally, our parents suffered. In 2002 we were given the title deed, which was given to us by the Minister of Land and Housing then. The sad part is that even to this

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date we are not residing in our land, our land is being occupied by foreigners, who don't have even IDs. During elections it just becomes a problem. Let me say that 90% residing there are foreigners and 10% is us. Unfortunately, it is people who have occupied our land first - people who work for the government, municipalities and police officials. We end up having nowhere to cry too. I am happy the Panel is here. Maybe they will hear our cry as they talk about fundamental changes. Hopefully as times passes we will truly see these changes.

Let me just say that we followed all the necessary procedures they wanted us to follow, but our local municipalities are at times failing us. We went to our local municipality, when we received our title but we are unfortunately not occupying it as it was being occupied by foreigners. I tell you Chairperson that we have been waiting for formalization in our village and waited. Instead of formalization we were left outside by foreigners. As we saw that the local municipality was not being helpful, we took this matter to the provincial municipality, to the point that it even landed in the hands of national officials. The national officials came to us, to assist us where they even drafted a 6 month program for us, during which we were to walk around. We did follow that program. Now when we call these government officials they don't answer their phones. This is very saddening, our parents and great grandparents die without reaching their rightful places. It's a good thing that Government attempted to give us back our land, but it's sad that we cannot reside in them. The saying says that together we can do more and that anything is possible if you are doing the right thing. My people are listening to this where they are, we don't want to see any blood spilled, we have followed all that we needed to do and now we just request our land back. May the government please resolve this.

Speaker 17 Linda Dumba from Sisonke (National Sex worker movement in South

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Africa) (Provincial coordinator): Good afternoon. I am here to make submission to the Panel on the Assessment of Key Legislations on the three-part challenges which are inequality, unemployment, and poverty. The purpose of this submissions is to share sex workers experiences and challenges in gaining access to justice under the current criminal law Sexual Offences Act and other Related Matters Act 32, with the view of analyzing the effectiveness of the SOA. On the legal framework of sex workers, the Sexual Offences Act, the primary prohibition against sex work is stated in terms of section 20(10(a)) of the Act which provides that any person who has carnal intercourse or commits any sexual indecency with any other person for reward, commits an offence.

The SOA addresses the criminality of sex workers' clients. Also municipal by-laws are used to arrest sex workers instead of the Sexual Offences Act, because of the difficulties involved in proving the element of the offences that the sex worker of client is accused of. The most common by-laws that are used are those dealing with loitering, drunken behaviour and soliciting for the purpose of prostitution. In many cases, the sex workers have not committed this offence.

In terms of the realities of sex workers, sex workers having a criminal status in society increases their vulnerability in a number of ways. Sex workers around the world continue to be murdered at rates higher than the general population. This vulnerability of sex workers is amplified by the criminal sanctions, because of the difficulty and fear of laying a criminal charge, as when they come forth to lay a charge, they incriminate themselves and expose themselves to further discrimination and prosecution. Attitudes such as sex workers cannot be raped prevail and some sex workers suffer systemically violence and rape. Female sex workers are 18 times more likely to be murdered than any other women. Most sex workers are reluctant to report the crimes committed against them, partially because police officers themselves are the

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perpetrators.

One of the largest contributing factors and violations experienced by sex workers is that the laws as they stand are not able to be implemented. The Sexual Offences Act aims to further drive sex workers to the periphery of society. It is on this periphery that sex workers experience stigmatization, unfair discrimination, violence and exploration. Not only is the implementation impossible, but the legislation itself it is problematic and does not accord with the principles of the Constitution in terms of the Bill of Rights.

In terms of access to justice, the provisions of the Sexual Offences Act that criminalize the buying and selling of sexual services are very difficult to enforce as they require intensive and intrusive police methods such as entrapment, in order to secure evidence required to prosecute and convict offenders. The provisions of the Criminal Law Amendment Act, Sexual Offences Act of 2007 which criminalizes the purchasing of sex services is particularly difficult to enforce because to produce element of the offence, the only way to convict the client is through entrapment, whereby the sex worker testifies against the client thus implicating themselves.

The current policing of sex workers drains resources that could be used to roll out more effective HIV prevention treatment and care programmes. Technikon South Africa Institute for Human Rights and Criminal Studies claims that at a minimum it costs police close to R 14 million a year to prosecute sex workers. Police actions against sex workers is inconsistent. In most cases, sex workers charges are dropped after coming to court so police end up wasting valuable court time. Sex work is more heavily policed than serious violence in South Africa. The reality is that sex workers are seldom prosecuted and are more likely to be arrested, harassed and be released. Once arrested they are required to pay a fine to the arresting officer or taken to the police cell

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where they are required to pay a fine and kept overnight and then released the next day. They do not appear in court and nor do they receive any receipt for the fine paid. The continuous arrest of sex workers, where they have been arrested and made to pay a fine, conveys a practice of abusing the law, to the liberally prosecuting a specific group of people. This practice violates the rights of to be treated equally before that law and amounts to unfair discrimination and in addition the police often take photographs of those who they suspect to be sex workers and display them at police stations. In the case of transgender sex workers, they are frequently placed in male cells.

On the issue of access to health care. Police use condoms as an indicator for sex workers. Sex workers are often afraid to carry them for fear of being arrested. Sex workers who were interviewed said that they sometimes do not carry condoms because they fear that it would lead to issues with the police, not carrying condoms increases their risks to HIV, STIs and unwanted pregnancies. The current South African law neither prohibits nor prescribes the use of condoms as evidence. In addition, SWEAT has received indication from sex workers that they receive poor health care from public health facilities due to stigmatization and discrimination by healthcare workers. Healthcare workers are sometimes reluctant to provide services to those they suspect of being a sex worker - such as condoms and other forms of contraceptives.

Our recommendation on the legal reform is that we submit that selling sex is a legitimate form of labour and to criminalise this activity violates the fundamental rights of sex workers. We argue against the fact that sex work continues to be prohibited under the Sexual Offence Act - that sex between consenting adults is criminalized. It is SWEAT's recommendation that the decriminalisation of sex work is the only form in South Africa which will fulfil sex workers fundamental rights. Our conclusion is that the current legal framework is inconsistent with internal and domestic law including South

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Africa's supreme law, the Constitution, in relation to violence against women and gender equality. Over and above, the use of Sexual Offences Act creates an environment of high levels of abuse, poor access to imperative health care services. South Africa is a country of high levels of poverty and where transactional sex occurs on a daily basis - often women use sex in exchange for a number of rewards such as groceries, school fees etc. Thank you.

Speaker 18 Salome Boitumelo from the Southern African Association of Youth Clubs: Greetings to the High Level Panel and all officials present here. We are a NGO formed to assist the youth. Our mission is clear, it is to facilitate, and integrate the youth into development programme, through the collaboration with strategic partners, for the benefit of youth clubs and young people of Southern Africa. This means that we look at young people's needs holistically, physically, emotionally and financially. Our vision is clear, that young people must live their dreams. I was allocated to do Working Group 3, but then the interest of the organisation is also in Working Group 1.

On Working Group 3 I will only deal with the issues treating to the interest of young people on the key focus area no 5. Young people should be positioned to have an active role in our society, because development by its definition is not a top down approach. Young people have a need to belong. Poverty is affecting the cohesion, because the definition of cohesion on its own is an incentive and a social norm. We therefore urge the High Level Panel to assist the organisation in bring change to grassroots communities, meaning the we need finance. So that young people are the backbone of the nation.

On the Group 1, the triple-part challenges. Our Government needs to take youth programs into consideration. I am aware that we have our NYDAs, across the country.

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However Parliament must support all the existing organisations that are willing to help young people in the communities - that is our recommendation. On quality education, the challenge that we are having is that our basic education system does not allow our youth to access quality education, as the standards are lowered to a point where it becomes impossible for them to meet varsity requirements and also TVET colleges. So our recommendation is that, universities and basic education should work on a system that produces young people with skills needed by our economy rather than focusing of profit making courses of graduates. Internships and learnerships are there, however they are selective. Schools that are doing science, economics and general studies should be separated. Our intervention and recommendation is that a learner does not have to do all the subjects in grade 8 and 9 and then begin to specialize in grade 10 to 12 as that is too late. If we don't grow our young people to being the best, let them specialize from grade 8. We need to ask you what are the systematic issues that prevent the government from seeing the issues which are facing the youth. What we are saying as an organization is that the Government needs to amend the Skills Development Act 97 of 1998 so that it may cover us all. Recalling that, what is happening here Limpopo is not what is happening in other areas like Gauteng? I noted that when I was in Gauteng, when I made a grammar mistake, they would say it's because I am from Limpopo.

Another recommendation in terms of skills development, they must be able to improve the communication level. We were told that mass communication in government levels is not working. Those who are doing media they could maybe agree with me, I believe that when you send a proposal, the sender knows who he is sending the message to unlike the receiver who doesn't know, but the feedback takes time to come back. You find that I sent it this year and it will come back after 5 years, what then happens to me as a young person. They must improve their Monitoring and Evaluation for funding, for

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example I am working closely with social development, you find they just fund young people and don't monitor them, then such organizations end up failing.

We also urge the Panel with assisting the Resource Mobilization on capacity building, we as an organisation also do capacity building and advocacy for young people and we do such for free, however the challenge is that we don't have the resources to go to them. I at times travel across the province to capacitate young people. I heard my sister coming from Monte whom I wish to engage with after this hearing. In that matter I say: Thank you.

Speaker 19 from Thohoyandou Victim Empowerment Programme: Greeting to the High Level Panel and all who are here. Our mandate as an organization is to address the high level of gender based violence and discrimination against minorities in the various districts. In terms of discrimination, tribalism, racism and xenophobia, our submission as TVEP is that social cohesion should be strengthened from the ground upwards. Traditional leaders and community leaders and other influential people should play a vital role in addressing these key issues. Often this group of people is not sensitive when addressing people in public and often their words aim to attack people that are in any way different to them, either in nationality or in sexual orientation. This implies that there is a need to teach people in high positions on how to communicate and hold them to account for their actions. So here we are basically talking about hate speech.

In terms of redress and transformation, South Africa has good policies and legislation, but as we all know the problem is in implementation. Holding service providers accountable is key to ensure that service is implemented and that they deliver in accordance with their mandate. It is also crucial that every servant does performance

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appraisal so that they may be committed to their work. When civil society blows the whistle against malpractice, government officials usually close ranks and ensure that the organisation is punished, usually by withholding funding and ensuring that they do not have the opportunity to participate in government consultative meetings like this one. We find that they do not have the transport awarded to them to come to such meetings. Often if they want to deliberately deal with you, they will give you just a one day notice, to ensure that you don't attend such meetings.

On the other hand, the effects of apartheid are still manifesting until today and the government should ensure that there are free counselling services for people who are still bitter. Maybe the TRC was too short and people still need the platform to express their feelings. On the levels of trust amongst institutions and citizens, we are saying that corruption and malpractice is thriving in South Africa, because of this, the rule of law is compromised as citizens are losing faith in the criminal justice system, the result is mob justice, where people are taking the law into their own hands. If for an example people from the civil society report instances of malpractice, the process should be transparent and we must be informed of the outcome. If remedial actions are taken transparently, this will deter future offenders, instead we are surrounded by examples of corruption being rewarded, people being promoted instead of being fired. Currently the whistle blower is not informed of the outcome of the report, so often they believe that their concern falls on deaf ears. It is common that we can never combat crime unless the community also gets involved, but when we do, we are either punished or ignored. Example, we once reported another official from the Department of Health, because of that, the Department then communicated with the Department of Works, and for 7 years they have been trying to evict us from where we are operating from, just because we reported one of their officials. That of course won't encourage speaking out against corruption and malpractice.

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Some leaders are not good role models, and this has import for our future leaders. When we elect people to be in key positions, they must be properly screened, we don't want corrupt officials. On social solidarity and active participation, the IDP process is another process that should help transformation but it needs to be strengthening by encouraging societies and community members to attend, in that space, let us also give voice to the voiceless. In such platforms, we must have dialogues on complex mechanisms and teach community representative, how to take up issues of dissatisfaction in terms of service delivery without reverting to violent protesting, as we see that is what is currently happening. In our districts, it seems like the IDP is a tick box exercise that is poorly implemented and badly run, very few people even know about it, and even less participate. Thank you

Speaker 20 Kgoboke Madike from Centre of Research and Development, based in Sekukuane: Greetings to all and members of the Panel. Our organisations is a Human Rights Organisation which is established in terms of section 7(1) of 1997 of NGO. We are here to send a message to our government through the High Level Panel. In terms of our Constitution Section 24, states that everyone has a right to an environment that is not harmful to their health and their wellbeing and to have the environment preserved for the benefit of present and future generation through reasonable legislation and other measures, and to other measures that prevent pollution and ecological degradation and promote conservation. Our area is a community mining area, where most people have died through getting certain diseases and there is an issue of obscuring information in terms of the PIE act and social labour plans. Unfortunately we don't get it; they keep it away from us and treat it as a confidential document. We don't get the mining operations. One other thing is that in Sekhukhune there are many victims who are suffering from these diseases as I have mentioned before, but today due to the

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ignorance of our people or the government, they have now established a refinery/smelter under the Capricorn district, where the people who are suffering directly, are unemployed. This to me is an insult to the people of Sekhukhune.

I think that in future, we must respect the rights of these people under the Constitution. Now there is a mine within the area where they are planning to develop something like a plant, we hope that the local people can get the employment, because the government must know that the smelter that is now in Polokwane does not benefit the people of Sekhukhune. One other thing is that the government has failed to take into consideration the previous soldiers of our country, the MK and the others, they are now using the retrench grants, they gave them the vouchers R750, and that voucher doesn't buy in other shops like Spar etc. but only in the shops of their friends, and the shop owners know what they doing, they increase their prices as they know you can only buy at their shops. Another thing I want to address is the issue of RDPs, some of the people who applied for RDPs, some of them are disabled but even today since they applied in 2015, they have not received anything, I think the issue is that, there is no person who is doing follow ups on such matters. Thank you.

Speaker 21 Xitsonga/English: Greetings to the Panel, it is my pleasure to give this submission relating to the Restitution of Land Rights Act of 1994. This Act, for your information Mr. Chairperson and Panel, appears to have been amended and not by Parliament but the implementers, why do I say so? It is because it is no longer Restitution of Land Rights Act 22 of 1994; to me it appears to be Restitution of Monetary Rights Act, with no number and year. On behalf of the Ngkanagne Land Claim community, I would like to indicate that the Act speaks about restitution of land rights, but on the other hand it talks about compensation if the land is not restorable. That's where the problem lies. I think this clause of compensation is a gap where people are

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manipulating it and it gets manipulated for it to lead to monetary compensation. Our complaint is that we as communities, we lost land not money. The time we lost our land we had no money, this ambiguity encourages communities to opt for compensation, due to the rate of poverty conditions in our communities, instead of their land.

The Act is now as I have indicated before the Restitution of Monetary Rights Claim. It is as if we lost money whereas we know very well, we lost land through disposition. We therefore require that it be re-visited for amendment. People should be allowed to be resettled at their ancestors land, even if the current occupants of that land are blacks, because in most cases these are people who were staying today before, so why not now. For instance in our case, farms that we are claiming, we used to stay with the people that are there now, why can't we get that land back, as we used to stay together peacefully and harmoniously, but now we are told it is not restorable because there are fellow blacks, I don't think it's fair.

Stipulations in Section 25 of the Constitution, which talks about expropriation of land does not resonate well with the willing buyer willing seller, because the other one resonates well with the Act while the other one is just a principle. Government officials are not adhering to the Restitution of Land Rights Act, as required by the Act and they usually encourage claimants to opt for money instead of land, which is property. Communities lost land and other resources, such as water rights, grazing rights, and subsistence farming. As I am speaking, where we have now been dumped as six communities, distinct communities, we are fighting for space and that was created by the apartheid regime. It has created conflict, yet we have got so many farms that we are claiming. That is why I am saying, why we are not given the land that we used to stay in, because where we are now we are scrambling for space and it's a cause for conflict.

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The financial compensation is equal to and a RDP house and therefore it cannot equate the value of the land lost during the force removals. We therefore content that the Act should allow the dispossessed to go back and stay where they used to stay where they were removed. Regarding the equitable relief in the form of alternative land, that is acceptable, the issue is that it must be sped up. This should be revisited to address problem, the Restitution Commissioners and officials need to emphasis the return of the dispossessed land instead of the of encouraging claimants to opt for financial compensation. I know of communities which have opted for money, today they are back to square one, had they opted for land, they should be proud of property. They were encouraged by the gaps in the Act.

Speaker 22 (03:22:00 Chairperson of National Children and Youth Development Organisations): Greetings to all present here. Our organisation is concerned with education in South Africa. The South African Youth and Children Development Organisation is and organisation that seeks to maintain a high level of quality education in both primary and secondary schools. In terms of section 2(1) of the Constitution it also seeks to provide that organisations such as this shall make recommendations to private sectors and other sectors that in our opinion can assist the promotion of our objectives. Our submission relating to Working Group No1, will be dealing with legislative forms in South Africa, inter alia with the Broad Base Black Economic Empowerment Act 53 of 2002 and the Employment Equity Act 55 and the Companies Act.

South Africa is a democratic country that is blessed with natural resources and consists of a diverse societies. When South Africa obtained its democracy in 1994, it unfortunately inherited several legacies of the apartheid era. 22 years after democracy, its socio-economic structure still remains unequal, because of the limited, education and

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skills development and employment opportunities to black people. Today, the previously marginalized black majority has been banned from the market place. Through the legislation I have mentioned, I wish to deal with the corporate social responsibility of private companies and NGOs in this house that can develop and transform our society should they be granted the corporate social responsibility by private sectors. I want to stress that, when I mentioned earlier on, that the country is experiencing socio-economic inequality. We attended a meeting with the leadership with FNB, we requested that before they open an account with them, we need them to be socially responsible; they need to conform to such legislation first.

The problem with this legislation is that there are no penalties for those not adhering to social responsibilities. The implementation of the legislations is voluntary so the government has difficulties in holding them accountable. When one looks at the private companies, they have to contribute in transforming the society in terms of their corporate social responsibility, but if they do not do such they is nothing that can be done to force them. Our plea is that, let us legislate the corporate responsibility, and enforce it on all these banks and all private companies, they must contribute to the society. If you look at our communities, they are suffering in terms of educations, lack of sanitary towels, whilst we have mines and companies that should provide for such things in our communities. We cannot have a society where education is not recognized, these corporate entities must recognize that importance of education and therefore invest in it.

All the legislations was modelled to reflect the preamble of the Constitution and amongst others they need to heal the division of the past and establish a society based on social values and fundamental human rights. Based on this Constitutional mandate, numerous Acts have been passed by the Act to compel greater transparency and

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accountability in order to force them to deal with issues such as transparency and unemployment and the Labour Relations Act and the Condition of Employment. In conclusion, we ask the High Panel to please legislate social economic responsibility. Thank you.

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Former Preseident Kgalema Motlanthe (00:00 – 06: 58): Makes introductory comments, and indicates to the members of the hearing how the question session will be conducted and minutes which will be allocated for each question to be asked.

Phundi (07:00- 11:48): Thank you, it is a Venda custom that before we address the public we praise, so can those here assist me in praising. (the crowd ululates and the speaker gives praise) We have a complete detailed written submission, which I will submit later, so I won't even repeat the issue that written here, I want to only speak on one issue, but it has sub-issues. I am from a village that falls under Vuwani. It has been adversely affected by the Vuwani saga. Listen to what this saga has taught us and which lessons we draw from this saga. Firstly; it means that the Acts that regulate the MDB (Municipal Demarcation Board) are totally flawed, that is way it has caused more than 30 schools to be burned and more than 52,000 learners in matric to suffer, and more than 400 million rand, costing the Department to rebuild those schools. It is all because of the flawed Act, the MDB flawed Act. Please Chairperson, scrap it off! Help us remove the problem.

Again this Act has taught us to work independently and to be self-reliant to avoid this jeopardy series, we no longer depend on anyone. Because for now we have produced 100% matric pass rate, with more than 50% bachelor passes, working on our own

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without the municipalities controlling us, because at the moment we are not controlled by any municipality, so that law or that Act has taught us to be self-reliant. Again we have taught ourselves to re-group and to guard our schools. No single school, four school and six preschools, were torched in our area, in the Tshkondenle community because we have decided to work on our own. So there is something wrong with the SAPS or the Act that controls the security policing system of this country, because we have had several women and men to guard against our school to never be torched and they were never torched. So there is something wrong with the security and the policing system. Chairperson, look into that and fix that, we know you can fix it.

Our process, including the electrification process, that was to be installed in 352 houses, was taken away during the transaction of this municipality. We then decided to move out, on our own to go to an NGO, and we got the solar version provider, and we got the solar system provider, where we now have all these houses/units provided with electricity and we are doing that on our own and now all these 352 houses are lighting up, and at least now our kids can read and write and therefore do better at school. That is why we are producing 100%. On our own we are pleased with our Housing Minister and we have got 152 houses, which are busy now being constructed. We are working and doing this without any municipality nearby and we are taught to be self-reliant and to work on our own.

So it means that the law that controls the municipalities and the MDB is somehow flawed. Please look into that. Again. Perhaps we are going to come to finality, as a traditional leader, most of us we are never paid. I was appointed in 2003, up till this day I have never received nothing and yet we are continuing working, it means there is something wrong, something very wrong with the law that regulates traditional leadership. Please look into that. Roads have weathered away due to rains and we as

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the community we are standing up, we are building the bridges, we are building the roads, we are repairing the roads ourselves, self-reliant! No municipality. So we are saying, it's sweet dreams and sweet results. Let's fix it, Chairperson there is a problem, please fix it. Thank you.

Mojaji Florence Sebola (11: 55- 15:01): I want to speak to the members of government regarding our land claim for Bakaba Opdedevileskloff (inaudible). Since 1995/1994 it has been pending, they had made inspection log and other several things. The Limpopo Commissioner Office does not want to approve to give us verification. So then our concern then becomes that when we go to the Limpopo office, we are not taken seriously, so we are pleading with you to please talk the Limpopo Office of Land Claims, that when they speak to us, those who bring land claims and the aggrieved party, may they address us with respect and take us seriously, as they don't pay us any attention and just disrespect and harass us, to the point that you are discouraged and wonder why did you even bother to come to their offices. Therefore, I plead with the ministers here, to please go to these offices and inquire what is happening regarding the claim of the people of KRP224 of Opdedevilesklof, please assist in getting them to do a verification for us so that we too may get paid. As now white people are residing there and we therefore cannot go back there again.

We are not encouraging the issue or money and payments, but where we used to stay we cannot go there as white people are living there. Another issue is my concern with the Department of Health. We were at the hospital once on the 14th, I noticed that our doctors don't respect us a patients. I was sitting next to an old women who had sugar diabetes, and as we all know, diabetes makes you frail and makes one vomit etc. We then eventually went into the doctor's office and he told us that he will not be able to help us as this old lady's relative is in a relationship with another doctor. This poor

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woman who is in the midst of such a serious illness is treated like this, is it allowed for us to be treated like this when we go to hospitals?

This is one issue which really saddens me, because we believe that hospitals are there to assist us and give us medical attention. So I plead, I know that even with the issue of farms, I know that the farms that we claimed are huge and you may not be able to buy them for us from the owners all of them, just assist us in re-claiming a few of them and the rest we will claim as time passes by, that will satisfy us. But to have our claims unattended for over 20 years and we receive nothing from you, we haven't even received not even a mere visit to consult with us from the Office of Land Claims Limpopo. Thank you.

Matilda Mogale from Gamothapo Kgosigadi RNR Mothapo (15: 05- 20:01):

Greetings to all who are present here. (Speaker gives praise to her queen) Let me go straight into the issues. Firstly, we have a claim as "Serala" CPA, at Haenertsburg, all these logs that you often see trucks carrying from Turfloop to Sylicone, we have claimed land there around 1999, even to date, and our claim is still pending. We have gone through several offices, please follow up on this on our behalf. Another issue, please resolve the issue of chiefs fighting over chieftaincy, this is also an issue at Ga-Mothiba and Ga-Mothapo, please resolve this issue. Furthermore please be aware of this issue of squatters, please address this. We find people squatting wherever they want to squat. If you look at areas like Orange Grove, all you find are squatters everywhere, can these people live where they are allocated land please!

My other concern is regarding education. There is this school at Ga-Mothapo called Ngti-Mothapo, the educators there left the school around last year July till date, and I believe these educators are SATU members. This issue has been going around in

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circles without solutions. Please assist us. Another issue is the issue of elderly people, me included, as their veteran. I am saddened when I see elderly people on grant payment days, when they are left standing and fatigued, Please ensure that there is some form of meal and seating at these venues where grants are given out.

Now I want to address the issue of crèches (primary schools). Please ensure that the people who are educating children at these crèches at least have a level 4 ECD before they are allowed to teach our children, don't just chose and Tom, Dick and Harry who are unemployed. Furthermore give them some sort of payment as these crèche teachers are really working hard. I also speak for the orphans that exist. We find that orphans are running around without no proper assistance from government, please assist them. There is this school in Pretoria called Thutubophelo, it has left our children stranded, it is not issuing their certificate because it says that CITA is withholding their certificates. Please assist us on this issue.

Mathabula Phineas (20: 06- 26:01): Thank you I will use my mother's language (meaning Xitsonga), the one who is speaking is Mathebula Noza Phineas from Mopani District while I am also from Municipality of Greater Giyani being the Chairperson of Greater Giyani Local Disability Forum at Greater Giyani Municipality. I want to speak about jobs firstly, as disabled, let me say we are not given jobs equally, we are applying for jobs but when they meet up with CV's of other people (normal people) then they don't take us. We then have a request that if that is not the law even if it is the law, as from today we request as disabled people that when the posts come out it should indicate that this post is for disabled people only so that we can compete as disabled people only to enable ourselves to be successful as well.

Secondly, I want to talk about education. Let me say that as citizens of Mopani and

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Giyani we are experiencing difficulties in this way, we had a college called Giyani College of Education as well as Tivumbeni College of Education but they are both no longer in existence as they are now MPPC. So because of that as we are Matsonga who do not like fighting, are you going to take everything from us. We requesting those colleges back, as they leave us as disabled people and our parents to remain in poverty because when disabled students pass grade 12 it's difficult for them to go study far and parents as well they are not at ease to allow their disabled children to go study far and stay alone without them having to see their children's suffering every day. So we request those colleges to come back so that even we as disabled people can get education closely. We ask ourselves as Machangana that we understand at times you can be speaking about other cultures but it cannot be that they take things from us and leave other people to have easy access to education. Let me pass from this issue.

The issue of social grants, as disabled we are suffering a lot. One can be born as disabled, and then they say he should stay for 18 years before getting the disability grant and when they go apply for grant they found that there is only one doctor at the Panel, so the day when the doctor is moody it might happen that they don't find anything or anyone. It would be better if it is two or three people who make the Panel at all times. So we request that you make a Panel even at SASSA. Let me pass from this issue.

There is a reduction of grants of people, husband and wife. For in a case, let's say me as Mathebula I have a wife and she is working at government as a cleaner, then I am earning my grant, so they reduce my disability grant because I am married and I have a marriage certificate, are you not infringing upon my rights. So if they are both workers husband and wife at government will they deduct the other's salary due to the fact that they both work in government or they both get their salaries? So the issue that

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happened of deducting the disability grants of those married couples on account that she is getting food as the husband is working should come to an end.

The issue of smart cards, we have a request as disabled people for there has been a law that has changed that we have to use smart cards. We are experiencing difficulties as disabled people who are not working to go get smart cards as they are expensive in an amount of R140, so we request that smart cards be made for disabled people for free or for half being R75. Let me pass to the last one.

Ward committees, we have a request as disabled people, there are people of ward committees who work for 24 hours all over, and there are the ones who take people's grievances to municipality, they make reports and submit so that it can be seen that they are working, while those ward committees get R400 for food, R300 for transport and R300 for airtime. So we are requesting that you remove them from R1000 to R1500.

Maswanganyi (26: 01- 33:55): Programme Director thank you for the little time, the one who is speaking is Maswanganyi, a lot of you know my son, I am the father of Joe Maswanganyi, the one you have in Parliament. The issues that I want to speak about are, firstly, we are talking about agricultural development and rural development at rural areas. When we look at the former homelands government they had what we call extension officers which were working with communities at every village to look whether there is development. For instance, I can tell you that we had good rains but we didn't have assistance to see if we have farming implements at our farms. Rural areas have too much hunger, now you know I can even say it here that even lot of people are saying that the homelands were even better than the current government, what are you people saying about it. Let's try to improve development in our communities.

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Another thing is that, this one is hurtful, but please listen to me, history in South Africa is not correct. Those who are too educated who will read a book and are too quick to publish it. I have a very serious concern in my heart when they say that the South African national anthem was composed by someone Xhosa speaking - that is completely wrong. Reverend Mboweni of Methodist Church in Pimville is the one who composed it in 1874. I have stayed outside the country for 25 years, including Zambia. They can laugh at you when you say Sontonga is the one who composed the song. When we were outside in exile we were singing it in Zambia and also Tanzania. If you can say its Sontonga who composed it they will laugh at you and say you are not educated, let's try to be educated as South Africans. Sontonga only inserted notes on the song and marketed the song.

I sang this song to the late Dr. Verwoerd in 1950 when he came to take our school as it was a school of machines when he said our school was in Bantu education, we sang it to my principal as we didn't want what was happening to say "Nkosi sikela Africa", let your word be worshipped. It is very nice when we talk to develop our country but with true history. What hurts is that some years when I was in America, I saw black Americans it hurts, I stayed a lot outside South Africa, when I heard them crying singing "we work for no pay at a white man" I then asked myself why are they singing songs from south Africa, they were taken into the slavery by Mpumalanga that you promote yourselves at a spot at Kruger National park. Our leaders must read proper history to reflect what you tell to your followers as it must be correct.

They can laugh at you outside countries if you were to go to places like USA, you see pitch black Americans they have isolated themselves from the white people, when you look at the gospel singers they sing alone. In 1975 when I came back from USA and arrived at Nairobi, I had a negro woman sitting next to me, she got into the airport, when

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she saw people in Kenya, she cried and said is this where my former parents came from and she fainted, doctors were called to assist. Your leaders here in South Africa must put our history in a correct standard. We are losing our culture/history; some of the people whom you idolize were criminals against humanity or human rights. When we talk about agricultural development in rural areas, what happened with the former extension officers who used to go with us to our farms and assist us with farming? They are no longer coming to assist, they are being paid salary without working, kindly correct this predicament.

Rabora Robson (34:45- 39:00): Thank you for the opportunity and the presence of all the government officials here. We from Ward 2 don't have major issues. Our problem just started with the issue of water, we don't have water as to date, and we wait for water from the municipality when it comes, or we use water from the rivers and there is nothing that we can do as we don't have any water.

The second issue is that we have is that we are losing our children, our children go to schools and get work, but they have no paths to use as we don't have roads. We have sent these complaints to the government as we were told that we must lodge our complaints to our councillors, we did so but the councillor has yet to do anything. I therefore plead with the cabinet that is here today, that may you please assist with such issues. I am asking this to be attended to before the community gets upset and starts protesting as you know we are able to do such, so please may the government attend to this matter. So we are asking that you urge our councillor to attend this matter, we lack roads, where are our elders to walk, which route must our children use when they want to go to schools. The other issue is that, these schools some teach in Sepedi and Sotho and not in Venda but they are in Venda communities so how are our children to learn, please as government please attend this. Thank you.

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Mathume (39:02- 43:19): My first issue is that, the first thing that the Panel has to consider that is very serious and indicates a certain level of disrespect to a black person. We request that the Panel consider the legislation that is pending regarding traditional leadership, it is a serious problem. It will continue to be a problem if it is not addressed as the society will become divided as it will have a composition of “ethnicity”. So I advise that traditional leaders should be commended and addressed correctly, before a mess occurs. The other issue I want to address is education. The system of education in the country has serious loopholes that are killing our kids. Firstly is the issue that when you go around the province, you will notice that these schools look ungoverned, theses learners seem to not respect educators, educators cannot control them anymore. If the national Parliament does not attend, a child without education is a dangerous person. So the first thing that has to be considered is to go and look through the system of education and how it is going to assist us in resolving such problems. Secondly is around the South African Police Act, because with the police system... it is not because of the police that they behave abnormal, it is because of the transformational agenda in terms of the Bantustans, and...the South African Police Services it has never gone accordingly to the satisfaction of the people of the country. It is not because they misbehave, it's because they disrespect the government of today, and they do as they wish. So I am appealing for the Panel to look at the legislation that regulates the Police Services and how these police behave as they wish and as a result discredit the government of today. Can you consider that?

The last issue is the issue of old age. It is saddening to see our elderly people in queues to the point that they even collapse and die in the pursue to get their grant, when the government is observing that death, it is trouble, it is shaming. It seems as if you kill our own grandparents. So I am saying, consider the legislation that should preserve the

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dignity of our old age people. Thank you.

Speaker 3 SELOBADI: Unidentified, from Greater Ledwba (43:25- 47:26)

Greetings to all here, the members of Parliament and all present. My concerns are only few. Here with me I have my Constitution, everywhere I go I used to carry this, because I know my rights. The National HealthCare Act 61, written inside the Constitution of South Africa, in terms of section 27 (1) (a) and section 27 (3). We have challenges, I am living with HIV openly but we still have the challenge. I plead with the members of Parliament here, we are still being suppressed, not only people living with HIV, but even if you go to the clinics, you asked yourself, is that staff that is hired by you of knowledge of the “Batu Pelo Principles”? Are they following it? The Patient Rights Charter, the National Health Act, even this Constitution. Because I have noted that it is everyone’s right in South Africa to access health care services and yet we do not receive it. If one looks at our local hospitals, if you are to be admitted in the hospital, they at times request you to carry your own pillow and blankets. Before you used to know that a person who is going to give birth is given sanitary towels and stuff, the Department delivers such to the hospital, however, the patients are unable to access them, even the toilet paper, only the staff use them even though the staff gets paid monthly.

The issue of food. People are still living in suffering, there are a lot of issues around resources. Some of our patients die due to the lack of resources such as x-ray machines, you find that some got into an accident but are unable to get an x-ray and therefore end up dying. We don’t have oxygen machines, our people are living in suffering. I am aware that our MEC does at times visit our Gapano hospitals but I would also appreciate it that even our Ministers do such. I am an activist by nature and end up suffering at times as when I go to the hospitals to get my ARVs, they at times refuse me and say I am too outspoken for my own good just because I think I know my rights.

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Also on the issue of policy making, the government should consult with us before making their policies and just not make them without consulting with us. There is this policy of “Down referrals”; which states that if your CD4 count is suppressed or stable they must refer you, No! There is an agreement between two people, whether or not I want to go or not, and what happens if I am not ready to be referred. That policy doesn’t say by force, you must just be ready as a person to be referred and take the treatment and not by force. They refer you give me medication, I am not a journalist so why not. I want to live long for my children, so they must follow these laws. Thank you

Speaker 4 XITSONGA (47:32-51:10): Greeting to those present there and the High Panel Level, I am an ANC veteran. On the issue of agriculture, but how you are treating us is unfair. What kind of a veteran am I of the ANC, and we don’t even have toilets where we stay. Please go to these farms and see that we are given proper infrastructure. On the issue of agriculture, we are not given funding; we need to have a budget allocated to us, so that we are able to buy things needed for farming. There are complaints that they have no money, these farm owners when it comes to employees’ salaries, while we remain to suffer as blacks. How long will we have to wait to be attended to, as we are still to be attended to, however when it comes election time you are constantly asking us to vote for you, into ward committees, when you do, we still don’t receive any services from the government. We have protested and protested but still we have nothing, we were given 1000 for payments at some stages, but what are we expected to do with that money, it is nothing. Some other comrades received close to 3500 for what we don’t know. I think the Department of Rural Development needs to be investigating here in Giyani; we need to send the Hawks there. Thank you

Bongani Patricia Chauke (51:19- 53:52): Greetings all members of Parliament here and all present community members. I am here before you to speak regarding the

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“Home-based Carers”. Home based cares are many in our communities. Most of them are complaining, they are suffering. We are aware that they receive certificates from government, however these certificates do not take them anywhere far in life and they still remain to suffer after their services are rendered. After their training, there are no jobs that they get. This R1 500 that they receive is not even enough for them to take their children to schools. Most of these children in the villages who cannot go school are the children of the Home-based carers; they cannot take their children to these universities after they pass their matric, they cannot take their children to universities because the parents do not have the money to take them there. Some parents /home-based carers, the least that they can do is take their children to get a licence so they can at least be taxi drivers. Please attend to home based carers and the availability of jobs and payment to them as even the certificates that they have seem are not recognised as hospitals don’t want to take them as employees.

The other issue is that some of the children here are orphans and suffering, we find that some of them at least are able to get the grant money; we find that these children can go over 20 years without even seeing this money. Some of these children even get to matric without even seeing nor receiving these SASSA money and end up suffering, please look into this matter. Thank you.

Motchadi Mabala (53: 59- 57: 10): Greetings, I am here on behalf to the farming committee and other representatives. This issue that the farming organisation has in our community is funding. We are given documents to fill as a farming and livestock plant so that we may be registered, but we find that we do all of what is required but 5 years will pass with no recognition and funding. Another issue is that our farming plant cannot seem to co-exist or compete with white owned farming plants because of the “status quo”, which is as a result for the aftermath of the apartheid regime. In our

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villages, to be a small holder farmer is a huge challenge because we only plough on small pieces of like, 1-2 hectors is what we have for farming, 2 if you are lucky. Worst of all is that we don't even have any title deeds with regards to these plants we farm on. To get a title deed it is a problem, as a person who doesn't know where we must even begin in order to obtain title deeds, all we have are PTOs (which is permission to occupy that piece of land). When we attempt to go to the Department of Agriculture, we are told that for them to assist us, we need to have tittle deeds. This shows that we as black people we are not being helped by our government, because they say that to assist us we must have title deeds, knowing very well we do not have them. The fats is when you live in a rural area, there is nowhere that you can get a title deed.

Another issue is this issue of feeding schemes. At government schools, there is money allocated for feeding schemes, it is said to be the money that pays for the food and the cookers, I don't know who this money actually belongs to. This is because they use money for feeding schemes that is not even audited, some of these feeding schemes cookers can go to close to a year without being paid, this means that the money is going into the school. We have a huge problem of people ending their terms as cookers without even being paid. So then the question is who has this money allocated for the feeding schemes? Who is responsible to audit it? Please look into this issue of auditing these funds. This is why we end up having schools financially suffering but government know that it gave the school funds. Thank you.

Violet Kekana (57:30-58:38): Greetings, my issue is regarding the issue of unemployment. It seems to me that the government is more focused on the youth when it comes to the issue of unemployment, but can the government also focus on those who have passed matric in general and not just the youth to assist in theses government positions. We see that in their post, they indicate they want 18-35 year

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olds, therefore excluding the rest, what must happen to us over 35. We have attempted to volunteer, but yet we get no employment, so I must be a street-hawker forever that means. Can the Panel please look into this issue and assist the rest of us as well when it comes to employment.

Speaker 8 TSHIVENDA: Solomon Modimadi from Thohoyandou (58:45- 1:01:58)

Greetings to the Panel and members of the communities present here. My issue before you is regarding schools. Can the government look at the issue of schooling and schools. The schools which our children are attending are not up to standard in terms of maintenance, there are no fences they are a mess etc...I am asking if they can please clean these school yards to further ensure the learners safety at schools. We also asked that can they place put in fences for us to also ensure learners safety within school premises. Thank You.

Speaker 9 TSHIVENDA (1:02: 08): Greetings to all present here and the Panel members including our chairperson. Our children are unsafe in our area, there are taverns near the school premises, and taverns are like 100 meters from schools. You end up leaving dropping off your child at school and they just easily walk to the tavern. My second issue is that I want there to be an application to the liquor board regarding taverns. We note that taverns close at around 2am, why is it that they close so late, one cannot drink till 2 am, and this is where crime then is developed. Number three, the police in our area are unsafe, there is no security and as a result the police are not safe. So how do you expect the President and the Minister to be safe? They talk about job creation and talk about 500 job creation.

These job creation are only created through the CWP, the rest of the people are being exploited. People are giving the run around and not being taught proper skills and so

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forth. Why then don't you create job in these municipalities. Some of these people who work on the land or on tender projects are given 500, how does one expect one to survive on 500? My main cry is that may the issue of taverns be solved please, we find that our children are turning into criminals. Even these "red hatted" polices; they are not acting properly and also contributing to the crime. Thank you.

Enos Malenjane (1:06:20- 1:10:39): Greetings to all present, including the Chairperson and our guest Chairperson. Our school it's situated at Ramotlapo, it had so many teachers, SATU and PEAU teachers. There was once an incident where SATU members were being disrespectful of our school because, until we had a sit-in during last year July, regarding uncalled for allegations and situations against them. They don't want cameras at school premises. Our school has cameras in all classrooms, all infrastructures are there. But just because SATU members are against their principle who is a PEAU member, everything which we do as the SGB, they oppose it. This resulted in these SATU educators not coming to school and teaching since 29 July till date. However come end of the month, they will be paid for the 8th time, because the Department is captured by the union SATU and they for they do nothing. We once went to the government to no avail, because most of the Departments offices are SATU members. Because it happened that in August 2014, when the principal was charged with misconduct of some teachers, they went to the circuit manger, the DSM supports them, they also wanted to take along with them the PEAU members to the circuit so that school must stay empty.

The PEAU members refused. They took about 13 days absence from work and schools with the help of DSM. I plead with you Chairperson, they came back on the 14th day as they knew it would amount to self-dismissal, if they stayed away for 14 days. The SGB teacher component even sued the SGB, but that is dropped through the courts. We

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have been going around through the departments with lawyers that they should resolve the problem. But since the Department is captured by SATU we are having a lot of problems, because we are finding that at the school it's only PEAU members and the parents who have volunteered to help teach the children, but the government money is going paying for these salaries. So please help us. We eve resorted to Human Rights Commission, which then referred us back to the Department, so the Department is reluctant to solve the problem so there is no PLTC at our place. Please our High Level Panel intervene before something dangerous happens. Thank You.

Enright Khoza (1:12:30- 1:14:30): Greetings to everyone and our chairperson here. There are a few issues I want to submit. Firstly is the issue of government, it seems as though the government has not fully attempted their best to accept and accommodate us as disabled people. Another issue, why is it that when we have such gatherings, we also have someone who then also interprets in sign-language. The government is not assisting us. When we get to banks, there is no one there to assist us as disabled people in sign language interpretation. On the issue of RDP houses and sanitation, may you please allocate them properly without fraud? Another issue, today I am here and I see such pamphlets like this ones, why don't you have braille pamphlets for those who are blind. Thank you.

John Sello Malaje (1:15:00- 1:18:53): I am pleased to see the Panel before us; I also hope that this current Panel does not go more than 15 years without going to consult with the communities again. Firstly; our main issue in Musina is the crime rate that we experience, people get killed day in day out but nothing is ever done, things die out into thin air. People get stoned and it is reported to the police and still nothing is done. Now let's get into the hospital issue. Our hospitals lack proper service delivery. When people get sick, if you don't have the funds, you are bound to die! So then it becomes an issue

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when you are sick and want proper medical care, as in such instances you find that you may need to travel to Polokwane to get better medical services. So we plead with you to assist us in the issue of hospitals in our area.

The issue of education please recognise level 4, because you tell people to go to schools and they do so and obtain certificate of level 4. However when work comes, it says it wants 18-25 year olds only. Right! The Musina municipality - see a pensioner who gets pension grants and then becomes unable to pay her water bill, they then block her electricity supply. As they have blocked her electricity supply, the money that she pays them to unblock her electricity is not used properly, where is this money going?

FET colleges, please Musina is a big city, could you please provide us with and FET college. Another issue is the issue of Mapwoboqwa Art Festival. We get surprised when this festival is only held at Polokwane, why isn't it held here in Musina. If it's held there, how we will get there since we don't have the money to travel to Polokwane, we also want Musina Art Festival, as this one is not ours. The issue is that we here at Musina have a lot of talent. As I stand here before you, I have a theatre group, but we have nowhere to practice, therefore you are also asking for an Art Centre, so we may be able to take our children off the streets and away from drugs.

We further have farmers here in Musina, they have no money to fund their farms and get borehole water etc. So what are they to farm with? Please assist in funding our farmers quickly. Again on the issue of education. There is a school here which lacks teachers, when we find teachers, we are told that the Department is the one who must find teacher, in which the department is delaying in doing so. So please assist us there, as there is a lack of education as a result of this. Also when we apply, we are told that education first.

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Kenneth Masiya (1:19:00-): Greetings to the Panel and our guests. I have been listening to the various submissions and conversations which have been happening. I would like to give summary of all the issues which I have noted throughout this meeting ...I have two problems which I feel I need to address before I leave. Firstly, it is no use to make and have such outstanding legislation also referring to our Constitution, without us not having a monitoring department for them. At one point I heard there was a monitoring department at the “Presidency Sector”, but I don’t know where that ends. We were hoping that these/this monitoring departments will be scattered without the country even reaching the rural areas so that they may also know whether people in power are acting in accordance with the various laws applicable to them and not misusing them. I have examples, one of them is we find the Police Service saying that they don’t know what to do as there is no case. Another issue that these policies made by the administrators seem to override the policies that you pass. Because you make policies without looking at the law, that is why you also find yourself with problems with the law.

I once went to Selobedi, I found the police arresting funeral parlour drivers saying that they have no public drivers licence, yet the Acts say that funeral parlour drivers do not need a public drivers permit. Even the Criminal Procedure Act says that if you are found carrying drugs, you forfeit the vehicle, but I have heard people talking that there are these white men killing people because the person passed through their farms. Why is that when judges hear such matter, why don’t they say to these farmers that since you kill people for passing through your farm, you then forfeit your farm also?

I foresee that this Panel... ah when we go to the matter of drastic land reform, we can go back to the issue that, any serious violation of human rights that happens on farms, the farm owner should forfeit the farm. Maybe that will help in speeding the process of black people getting their land back. Thank you.

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Freddy (1:23:25- 1:24:59): Greetings to all present here in the hearing, I am pleased to have been given the opportunity to speak. I have a huge complaint. My complaint is that we have schools here in Ramotsha, however, there is no bridge for assisting the school children to reach the school. Some of our grandparents can't even walk around Ramotsha as there is no bridge to cross over the steep and inclines around Ramotsha, Please fix this issue. All we always hear is that there is no budget to fix the bridge or make a bridge. Children are now faced with the issue that they cannot go to school because of this bridge issue around the village.

You don't want to assist us. However when it comes to election seasons you come door to door requesting us to vote, however you don't seem to worry about the fact the our children are unable to go to school. That issue is very irritating as you are able to come when you want however you still remain to attend our bridge issue. We also hear and see in the media that the budget is this much and this much, however you repeatedly tell us that you have no funds to fund the bridge. Our children are left in situations where they became unable to go to schools, however you on various occasions you state how important education is, how you do expect our children to go to schools when the bridge is not fixed and there is nowhere to walk. That is all I wanted to say.

Timothy (1:25:06- 1: 29:30): Greetings to all. I saw on TV a similar Panel discussion held at the North West province. I have one issue which want to raise with the Panel with regards to the Department of Social Development; which is something I have noted with most government departments. My issue is that when this Department comes to employ people, they just employ so that they can meet take employment-target ratings. As a disabled person, this saddens me. I am a person who the Department took to training around 2012 for social auxiliary worker, I have a certificate for it, but I continue

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to remain unemployed. I have by now almost 5-6 years staying at home. I cannot sustain myself with the grant money that I receive, that money doesn't stretch far at all. Even when people say at least you receive a grant, my heart becomes saddened, as I too want to one day own a car and that grant money will not get me the things I want in my life. As I know my rights, even when someone talks to me and says that "I am a disabled", you should ask me who I am and I shall tell you. I didn't just become disabled.

I therefore engaged the speaker of Limpopo and the committee executives within the province to please monitor the various government departments please, and it's like when the departments take people for training, they take them just so that they can reach their stipulated benchmarks for disabled persons. Are they training us to be employed or are they just merely training us? It hurts to see us relying on grant money, as for myself I don't like such, I am not even proud of it, it doesn't take me anywhere in life even. I also want to be employed and be like everyone else, so that when I am in my house I am surrounded by things I have worked for, I don't want to find myself stealing or anything like that. Also when you attempt to amend some of these Acts, please amend them taking into consideration the disabled community in South Africa. I am sure that in this very same hearing, the disabled people present here, most may hold qualifications which most people here don't even have.

Even in some municipal posts, they take a picture of a person on a wheelchair, it saddens me as I know they don't employ us. I find myself that when I apply for jobs we are given mere jobs and not jobs that we are qualified for. I want us to break the stigma that disabled people are dependent on others, I want it to be known that I can do for myself, and it hurts me when we are made to be dependent on them. Soon there will a budget hearing on the 1st of April, we pleaded with the departments, requesting that

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they create platforms for us as disabled people, even a temporary thing. Even in terms of contacts, at least them be there so that at the end we also have someone to eat. We are close 350 of us social auxiliary workers so we plead with the department to please assist us. I also want to see myself employed by the end of the year.

Speaker 16 XITSONGA (15 1:30:05- 1: 31:45): Greetings to all the members of government, my issue is around the availability of jobs in government. Although we see these jobs of traffic, police officers, one thing I have noted with these posts is that they want you to get a licence or have one. The question then becomes how I will afford to get a licence when I don't work.

Edward (1:31:53-1:37:15): Greetings to all whom are here today. The first thing I want to bring forth is the issue of abuse of tenders. In 2010 I worked at Medupi power station, during 2015, there was a strike and we were unable to go to work. Since some of us were involved in the strike we then forfeited all the benefits which we had originally. Since the companies got their tenders, through the government, can't the government intervene on such matters? We were robbed, 800 of us our money, our money was eaten and forfeited, until today, the case is still pending. From 2015 we went to Hyani, under the government that we elected and chose. We complained regarding the roads and told the municipality that our roads are not in good condition, we don't even know what they were made for. They once made a road at Ward 3, on your way to the magistrate court. This road was made and tarred, the road is barely used and you can just see that this was just a waste of money. So my plea is that government must monitor that tenders don't just waste money. Now on the road from Mathabela to Segwasa, that road, that is not usable, no one can make use of it.

I don't understand how the government will come here and plead with us that we must

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vote ANC and when the time comes to deliver we receive nothing. Children don't have proper roads to go to schools, and our children are forced to walk in areas where it's unwalkable, leaving them in danger, please do something. On my last issue, I would firstly like to thank our government for what it has done for us. We were given RDP houses. However those houses and not being monitored, some are built horribly, others are being used by criminals, others are being used by foreigners who are residing in them. People applied for houses but don't stay in them. We therefore ask that the government please attend to such things. Please monitor such things. We were once relocating to other places but we don't even know why we were relocated.

Let me finish up by talking about education. There is this school called Bashasha School situated at Ward 3, that school has over 1000 learners, but if you go to that school you won't believe what you see. Some of the windows and buildings are covered in nets as if chickens are being stored there. When winter comes the children are forced to face the freezing cold, these schools are not being looked after. We went up and down at Polokwane Municipality asking for assistance but no one has since come to assist us.

Speaker 18 SEPEDI Parudi Solomon Mongatlane from Baramburg (1:37:25: - 1:42:40): Greetings to all people here today. I would like to thank the government committee here as today they see and know the suffering faces concerned which fill this place. The issue that I bring before you makes my community and things not go well. We as the Limpopo community represented here today they resemble the Islam, the way they are so good. You are born and bred here, and I believe you know the kind of people Limpopoians are. We don't like arguments and fights us. I would like to talk on the issue of demarcation, which has made us to suffer. The first demarcation which was done by the board, which led to the change in the name of this province from being the Transvaal Providence to be Limpopo, this was the first demarcation which destroyed us.

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It seems like when the government was demarcating the previous provinces to make way for the new 9 provinces, its main focus was the Transvaal province only, I am not sure if you are aware of this. It seems like only the Transvaal was changed, as the other provinces seem to have remained “south ,east and west”.

However, unlike the other provinces, the Transvaal provinces have been divided into various different names. As we are here, we are regarded as the people of Limpopo, are you aware that Limpopo is a river. It's like we have nowhere where we stand as a river flows as we know. What is saddening is that us the Limpopo people are suffering, and we are the richest province amongst all these provinces. We lack nothing, except for proper service delivery. It seems not ever to be able to reach us. It seems to help other provinces and leave us unattended. We have various natural resources which come from here, but still we suffer, all these things are taken to other provinces.

We have registered people in our traditional council books; we are told that mines are going to be opening our villages. When these mines are about to open, they come having their own people whom they intend to employ, while the community members still remain unemployed.

Now the issue of land claims. They are claims which we have placed during 1994, to date we are yet to receive a title deed and this is our fathers' land. We have claimed land lawfully but however we are currently unable to make use of it. The person who makes use of it is someone who we had previously elected to be our chairperson. We tried to report this matter to the land claims court and the police, that this person is misusing our land unlawfully, however, nothing remains done. The other issue is that people are being killed there. Please members of the committee follow up on these land issues we are facing. We are going court this Friday, we would like to retain this land so it can benefit our future community members, please assist us here.

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On the issue of education. Our schools are closed, which leads to parents having to transport their children to other schools, using their last bit of money left, because it is said that our school doesn't qualify to be a functioning school and there are no teachers. At one instance the Chairperson told us that they will organise buses which will transport children to these various schools outside our village, however it has yet to happen. On our road issues, the issue of road constructions. The government has promised us a road from Belford Zuku to Lynburg a long time ago, we still waiting for the contractor, since last year. Thank you.

Ephraim (1: 42:56- 1:44:38): Greetings to all here. I only wish to raise one issue, our area is filled with mines, and however, us as the youth remain unemployed and are left filling up the streets. Please look into this issue, because what is the use that we have so many mines but we remain unemployed. Another issue is talk to the Department of Sport for us as us being the youth to assist us in sponsorships for various athletes in the community. I would like lastly to speak on behalf of the people of Ga-Molepo as I grew up there. If one goes to Ga-Molepo, there are two roads currently being constructed, those roads remain incomplete for some time, so I wonder what the Department is saying about this issue.

Thank you.

Panga Olifant (1:44: 47- 1:48:15): Greetings. In our community we have a lot of issues with our municipalities, ward councillor, and even our traditional council. I can also comment on the issue regarding the Bogesho sub-station that has been built at Ga-Mashashane, I can admit that the stations was built, it's big but however, no person from Ga-Mashashane worked in the construction process of the station. We were only able to assist in employing members from the community when they had to install

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electricity and managed to get 99 community members, which only happened through various fights, which wasn't supposed to be so.

Members of the committee here present, please when you convey these concerns to Parliament, please take note on how tenders how issued in our country, ensure that tenders don't go to the royal families but to the community in general. The issue is that, the royal house is made up of people, and we find that we have a problem that the royal house, municipality etc. have ganged up against the community. These people complaining that the royal houses and councils are not treating them well, are telling the truth. These royal houses and councils seem to believe that the things in the community belong to them, whereas these things belong to the communities they serve.

On the issue of foreigners. If we look at the how our people were treated when they were in exile at these other counties, they were placed in respective foreign camps and not scattered all over, unlike what is happening in South Africa now. We find foreigners all over the country and taking our jobs. These same foreigner then sells drugs to our people so that they may die. When you take out programmes stating "2030" please be aware that by that time, the South African youth will all be hobos. When you make programmes, please try and build us up now not telling us about 2030, as some of us won't live to see such days, who knows. We therefore advise the government to create camps for these foreigners so that they are not scattered all over and act uncontrollably, this will prevent xenophobic attacks. We are fighting also with our government, as the government is using COGTA. COGTA and traditional councils is like the same thing. You as government will continue to write laws, but if you don't monitor and oversee them, we will continue to have issues of traditional leaders and the community. Please communicate and listen to the communities so you may know what they want. Let the people govern. Thank you.

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Phineas Mokwena (1:50:55- 1:55: 20): Greetings to all members of Parliament present here today. I speak from the objective of a Christian. Proverbs says that a nation without a good leader is a lost nation. So this means that, when we get lost, we may get lost due to the fact that we don't have good leaders. But I would like to point out this issue, the cause of most of chaos that we experience in SA or Africa as a whole; all began when white people came into our land. Especially those who came under the persistence that they were sent by God. (Speaker quotes the Bible) When the white came they divided us as a nation, and thus there became a division of various churches and therefore it causes a division between the people in the country.

On the issue of tax. Tax is the cause of all these chaos and corruption in this country. I believe that we must take our 10% levies, even Bible say so. But, due to poverty, they want tax from people who are even not South African. The country has so many various churches which are left unmonitored, just because they want tax. I therefore request that Government take precautions when they register these various churches, especially those churches of foreigners. As we find that people are now be robbed in the name of God. Thank you.

Buelwa Ratshekakara (1:55:20- 1:58:15): I just want to raise a few issues. I just want to remind that an "A king is a King because of his people". It happened that I stayed most of my life in Gauteng. So when we come from an area that has traditional leaders and now you live in an area that doesn't have traditional leaders, you can see the difference. Our traditional leaders are violating the human rights, and so I feel the legislation should be revisited.

On the issue of service delivery, it is hindered by the fact that traditional leaders are the ones leading such. I stay next to the (inaudible) airport. The airport is not functioning, so

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please let our government do something about this so that jobs can be created. It becomes saddening when people compare the apartheid government with the current ones, stating that one was better, at times you can agree with them. In some areas, farms are being closed down. What is the Government is doing about these issues?

I also appeal to our Government, to our NGOs, where I stay there is a high rate of teenage pregnancy, what is the government doing about this issue. Even our health care facilities, they are not up to standard, they are always complaining about lack of medication. What kind of clinic can operate without medication? We don't have money to go to private hospitals. When you go to Tshivono (inaudible) Hospital it is a disgrace hey, you cannot say it's the main hospital around the area, it's not up to standard, and we cannot have people traveling all the way to Polokwane to get medical attention. I suggest that the Minister of Health must investigate those facilities without warning so they may see clearly what is going on in these hospitals. In my area, our roads are in horrible condition; also people in my area have no water. We find that old people are forced to walk long distances to go fetch water with wheelbarrows, this is not right. So please the service delivery in the urban areas must also come to the rural areas.

Thank You

Mabaso (1:58:58- 2:00:10): Greetings to the High Panel present here. My issue that I want to raise is around education, the government of Malamolele know this, that we have no school in our area, but there is a school there which is surrounded by shops, during break times, the children there go to the shops. That school has been like that since 2013, it has been ungovernable. I don't understand this issue that is happening in our village, there comes this issue soft demarcation in the area, and demarcate schools; we don't understand this as where will our children is taught. Another issue sis that the government is not taking note of the elderly, and unemployed people at our village but

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they state that we have a PWP, even those who work at the PWP, they don't even have much, they receive R1,500; what will they do with such. People end up opening up shops just to survive and some of them have even had opened up crèches, these crèches are unregistered and we don't understand why they are still operating.

Matthews (2:00:14- 2:02:05): Greetings. I have been listening, and I hear most people seem to be against traditional leaders. I represent a community of traditional leaders. I am proud member of a traditional community. I am asking that the the Panel here may it please come to our village and see how we as the people of the community live. That my only concern. Also please assist us in getting our traditional council recognised as it is not yet. Our kingship became a mess because my father died and the Kingship trail became lost. Please assist us please. Thank you.

EI (2:02:08- 2:05:15): In our area, we have a high level of service delivery, in our village we need the government to build us a school, we have no schools, the few school that we have, have poor infrastructure, Our children are being taught under shelters and not proper school. Furthermore our village has no clinics or health facilities. So I urge you as the Panel, please improve service delivery at our village. Our children are forced to attend high school at Block 7, where they teach in Sepedi, also the fact that they go to school far means that they need transport and we don't have any transport there. Our children get raped because of such things because even where they have to get transport it is far. Please I urge the Panel to please attend to this matter. Another issue I want to say before I leave here, I can see that we are busy making laws, but these laws seem to be made in support of foreigners, these people are even the ones who are getting tenders, while we are busy here selling veggies in the street. Please attend to such matters.

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SELOBADI: (2:05:18-02:08:00): I am not here to give thanks to anyone, I am here to complain, and complain openly. My issues are around traditional leaders. I am asking the committee here to please speak to our traditional leaders for us please, not headman or ward councillors but traditional leaders. Please speak with them so that they must stop troubling us, as members of their community and especially us elderly people.

This issue of government paving the road for us when we have funerals, please stop that, we don't only want the government to pave the road for us when we have funerals only. I must admit that we have built for us schools and clinics, but there is no university. Please build a university near our village so that our children must stop travelling far to just go to university, they cannot make means to get there..

Speaker 7 TSHIVENDA (2:08:00- 2:10:07): Greetings let me get into issues. The first issue I want to address is the issue of education, We understand that the government says that our children must go to school for free, but to the fact remains that, there is no parent that takes their children to school without giving the school money, R200, this means that school is not actually free, we are just not paying school fees, that is all that this means we pay other things. This issue that the syllabus is being changed by the Minister is affecting our children badly, another issue is that our foreign policies are not well. Our government should make sure that it investigates anyone that comes into the country. As such people are the reasons that our crime rate is high.

On the issue of tenders, when tenders were initiated, they were made so that they empower the society, however it seems as if they only empower one person only, the workers on tenders would be like 200 and only earn R100 only, this means that only one person is getting rich, this being the tender owner. At times we find that these employees don't even get paid and when they complain they are told that the money is

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finished, but the tenders are out. Another issue is that, these corporate companies must assist these people who want to start business, they must fund them. When people come up to register their projects, the issue still remains is that, these people still lack funding, if funding is done, this will increase jobs in South Africa