

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

Mpumalanga Public Hearings: 18 – 19 January 2017

18 January 2017: Morning Session

Shongwe, Speaker of the Mpumalanga Provincial Legislature (5:00): It gives me great pleasure to welcome you all to this public hearing by the High Level Panel on Assessment of Key Legislation and Acceleration of Fundamental Change. In particular I wish to welcome all the members of the Panel as lead by the former President of the Republic of South Africa, Mr Kgalema Motlanthe. You are warmly welcomed to our beautiful province, the province of the rising sun.

Dannie du Plessis (not Bennie Van Zyl), Executive Director for Mpumalanga, TLU SA (14:28): Panelists, I have seen you at previous meetings, but it is always a pleasure to come and listen to what people have to say. I will be short this morning, as was requested by the announcer. There are issues on land reform that are worrying to all of us. In South Africa we are involved in agriculture and there is no denying that the restitution process or the land reform process has virtually stopped to function. And it is easy to put blame somewhere; on Government or that organisation or that organisation. But that is not going to serve any purpose. We can also debate all the points on the land issues, the so called expropriation that the Government wants to introduce this year. I am not sure if that, on the land issue, will work. I want to tell you a short story about the experience we had in Mpumalanga, to illustrate to you what problems there are with land reform and that there are some stakeholders who are not, and I repeat, who are not contributing.

We had a Black farmer, he was called an Emerging Farmer for 2013, he was with a group of people for group restitution in Carolina. This guy wanted to farm. He had all the capabilities, all the qualities to farm and he showed his intent on the farm which was awarded to the CPF. But soon problems arose. In the end this guy, an emerging farmer,

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

is a full commercial farmer now and no longer an emerging farmer, he had to leave this Community Property Farm because they wanted to kick him out of the property. They did kick him out in the end, and there was a court case. All what this guy wanted to do, he wanted to farm. He wanted to show his intent to do that, but this did not go well with other members of the CPF and eventually he had to leave the farm. But then private sector became involved with this farmer, and I can tell you now, he functions like a fully-fledged commercial farmer and I inspected his crops on Friday. He is going to make another bumper crop this year. Last year he had a bumper crop. He borrowed money. He was financed. And the point is, the guy does not have a farm. He has never had a farm. He does not have a piece of land where he can farm. He's got his own combines, tractors, everything. And this is what I am referring to when I say the land restitution programme is letting people down. We must fix this kind of situation. There are more people who are affected by that. You can meet them in the province. I am aware of another guy that we went to his farm. This guy is farming. He does not have a piece of land to farm on. He leases land from other CPFs to do his farming. And that is not right. That kind of situation must be rectified if this is not the kind of situation we want.

Mr Chairman, I have prepared a written submission. To go through it is certainly going to take more than nine minutes. I just want to end off with the proposals that we have where we stand now. Our first proposal on the topics and subjects that are to be discussed here; it would be a good idea to have a type of CODESA on land reform with a provision that the Government comes to the party, where people will not only be there to see what they can get but what they can offer to promote and enhance land reform. Second point. Organised agriculture has shown the commitment, as a member of the ANC said to me at the series of the conferences they have had since last year, "We as the ANC members realise and accept that commercial farmers are not the obstacle. They produce food. The problem is Government." The second (sic) proposal is the intention of the expropriation of the land. Ladies and gentlemen, to us it is not an option. It is the last resort of politicians with nothing to offer to people. The impact of those proposals will be subjected to legal procedure and will slow land reform down further. It

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

is also known, with a smaller land reform budget, how is land reform going to be financed? You can't take land from anyone on this country, otherwise you have to change the Constitution. And as it was said at another conference; all the land of the 40,000 commercial farmers – which includes Black farmers, Coloured farmers, Indian farmers – if you take away all of that land, 29,960,000 (twenty nine million nine hundred and sixty thousand) people will still need land. So it is not going to solve any problem. The legal process for a land claim should be a justice. This will mean that the Restitution Act must be amended. There are too many claims that are not valid which consume time and finances all the time. Failed projects should be addressed by Parliament, and not Recap. There are failed projects in this province which have now been Recapped for the third time and that money cannot be used for the benefit of an emerging farmer on one hectare of land and those on five or six hectares of land, it will not benefit them. It will not benefit those claimants who seek compensation. Take action to speedily finalise the process so as to benefit those claimants who are prepared to farm the land. Ensure that they are supported on the land and that they do not become impoverished because they do not receive any support from government. Thank you.

NICRO (minute 25:00): The focus of my presentation is on two areas; social and economic exclusion, and redress and transformation. With regards to social and economic exclusion, the relevant legislation is the Criminal Procedure Act 51 of 1977. NICRO has for a number of years advocated for a reform in the area of criminal record expungements. It has become increasingly apparent that criminal records are acting as a barrier to social and economic reintegration of offenders who wish to be reintegrated back into society. Some ex-offenders who wish to be reintegrated into society are unfortunately barred from accessing opportunities such as education bursaries as well as employment because of their criminal record. If South Africa wishes to promote social and economic integration, and reduce chances of reoffending we must collectively consider the effects of criminal records on these specific kinds of offenders. For example, with crimes of theft and shoplifting where the value of items is less than R 1,000. Possession of small amounts of dagga, fraud, minor traffic offences, contempt of

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

court, trespassing, and public indecency. People pay admission of guilt fines without realising that they will get a criminal record. Some offenders, due to their bad financial situation, are unable to pay these fines and receive a suspended sentence or reduced sentence and a criminal record. To deal with this problem, NICRO is proposing that the current process of criminal records expungement be simplified and every ten years be considered for all instances, and that in certain circumstances it looks at expungements after five years. And also for its applicability to be made broader than it is in the current case.

The next focus with regards to redress and transformation, with reference to the Child Justice Act 75 of 2008. It has been more than five years since the implementation of the Act and the Child Justice Act has impacted the work of NICRO and other NGOs rendering diversion services. At the provincial forums magistrates, prosecutors and other role-players are dismayed by the lack of arrest of young people who are therefore not appearing before them in courts and are not accessing the available services under the law. This has an impact on their families, additionally there is a lack of support to ensure that they do not become reoffenders. We have noticed this as NICRO because there is lack of arrest of young people and therefore we provide less diversion services compared to the period before the implementation of the Act. We feel that young people are falling through the cracks and are not getting the preventative and support services they need, as well as being equipped with the necessary skills to be able to move forward. Thank you very much.

Richard Ngoma of Khulisa Social Cooperation (30:55): The first problem statement I would like to deal with is with discrimination. Section 9 of the Constitution guarantees equality before the law. I want to deal with racism, tribalism, and xenophobia. We still have so much to deal with. Both the mainstream and social media have been reporting on racial discrimination. The latest coffin case which occurred in Middelberg where two whites were charged for forcing a black man into a coffin, such cases should never happen in South Africa. Another example is the Penny Sparrow case, who was found

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

guilty in the Equality Court for labelling Black people as monkeys. The manner in which the judiciary has dealt with this case has increased public awareness of the problem and served as deterrent to others. We must all do something to combat racism. My written submission makes other examples and provides details, and so let me move on to the next point.

Individual's social exclusion, there are examples such as the use of education to exclude others hence the #FeesMustFall movement. Exclusion from access to basic socio-economic rights remains a reality in South Africa. Our proposed solution to this is that more bursaries must be provided. The private sector must make a contribution as well through their social responsibility programmes.

In terms of poverty alleviation, we need the support of NYDA and other Government departments to empower people to be actively involved in the economy by being entrepreneurs. Lastly, we need to invest in citizens and individuals for socio economic development.

(Mr Samuel/Unidentified Speaker from minute 38:00 only recorded partially and recommendations not in the recording)

Speaker Mahlake from Moreipuso Community. KgaJosefa Mapulaneng in Bushbuckridge representing Setlale Traditional Authority (49:09): I am going to talk to two areas; land and social cohesion. We have claimed our land since 1998, before the closing date of December 1998. We have gone through all the processes of verification and also forming legal entities in terms of a CPA and trust. But we have not yet received our land. And now all our communities, when they are sleeping, they are dreaming and you look at provisions of the Act, it is clear that in terms of restitution people should claim the land and go through all the processes. We have done that. What is the challenge with giving us our land? We have done verification. We've got legal entities. We've got all the structures on how we want to use our land but to date

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

we are still sitting with this challenge. We would like to thank LAMOSA and the Legal Resources Centre. We have managed to block the opening of this land restitution because this is always our concern to say, let us reinforce. Let us be done with the existing claims so that we can avoid confusion in our people. As we are sitting now we are having challenges because some members of the communities they are thinking that maybe we have joined in partnership with the Government and also that we are not taking their concerns into consideration. We have written to Land Restitution a number of letters stating our case but today we are still not having our land. But we are seeing in some provinces return of land is being fast-tracked. But what happened in Bushbuckridge? We don't know. The Government and the Panel must take this into consideration. Others will talk for themselves, they are here. We have a serious challenge on this matter.

Coming to the social and economic issues, these are very sensitive issues. The Constitution has given us dignity as Bakoni. We have established a Royal Council, but there is a chief Kgosi Mashiro who is blocking our progress. A case in hand is that in September 2016 we wanted to celebrate our heritage. We have strategic partners in the Indian Ocean in places like Mauritius and Seychelles. We normally visit them. The former High Commissioner in Mauritius Commissioner M.D. Makabane helped us. Dr Nokwe is aware of our visits. In September 2016 we were there to honour one of their festivals. Now we had invited them to attend our festival. Now this chief interdicted us at the last minute and we never held our heritage festival celebration. We have written letters to the Mpumalanga House of Traditional Leaders, but we have received no response to date. We have also written to the CRL Commission but received no response. We don't know why because the Chapter 9 Institutions should come to the fore when we ask for help but they never helped us. We have letters to that effect. Even when our people wanted to apply for initiation school, they were charged R5,000 by the chief and when we ask what the money is for, we were given no explanation. They do not even come to the initiation school to observe what is happening there. Let me put it this way, my grandfather managed to protect freedom fighters by turning them into

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

stones and goats so that they could evade apartheid government security forces. But this legacy that we are trying to preserve is undermined. We have an apartheid era and Bantustan chief.

We recommend that the High Level Panel must have offices at provincial level so that they can be accessible to those seeking relief. That the traditional authority in our area be investigated and dealt with henceforth. That we be allowed to practice our culture and traditions without fear or suppression. The outstanding concerns and grievances that were sent to various state entities should be entertained. We want the Panel to intervene for lasting solutions to promote social cohesion and nation building in this regard. I thank you.

Mangwethe Hezekiel Marete, Bakwena Phehla Community in Lydenberg (BBPCA)

(50:00): I would like to say that our claim was finalised in the year 2004. Up to now we are not yet in our land. The reason is that there are some other obstacles. The obstacle is our provincial Rural Development office because if you contact them they send you from pillar to post. They tell us to wait. Up to when. We wrote letters but not response. Last year in June we were invited to Nelspruit and we were promised that before the end of 2016 there will be a validity of claims and a report. But up to now there is no report. When we ask the officials there they send us from pillar to post. Where must we go? And then the people we are leading are turning up the heat on us. Where must we go to get the answers? The people have sent us to say to the Panel that they are waiting until the end of March. After that they are going straight to their land because they have followed all the processes. Another issue is that on that land there are properties, houses, orchards. But it is no longer working because the farmers have been paid out. We have no power to control our land. We invite the government office in Mpumalanga to our annual general meeting, but they do not attend. They do not send any apologies. So I have a report, we decided to send it to the national office in Pretoria. We hold meetings in Groblersdal. Why in Groblersdal meanwhile we have our land?

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

This is a sensitive issue and that is why people say they are going to occupy the land starting from April. Thank you.

Constance Mogale, Alliance for Rural Development Democracy (56:00): I can speak about frustration at village level. Yesterday we held a workshop to prepare submissions to the Panel, and among those who participated are women farmers. We thought that when the Panel comes to the province, it will be an opportunity for activism. But, to our disappointment, those voices are not here. Those voices are waiting somewhere for transport to attend the hearings. Some of them sent text messages to say they arrived there, they incurred costs, I don't know what I'm going to do with them. This goes to show that the political dynamics in the province of Mpumalanga is such that the commercial and private sector is dominating civil society. The public space and policy making space of the people is occupied by people with business interests, people with no interest in what the people want. We always advocate for ordinary voices to come forward and every time there are public hearings in Pretoria or elsewhere, you get a hall full of people who are maybe from elite organisations. Resources are always diverted to people and organisations who can fill attendance registers so that we can show that we had a High Level Panel public hearing in Mpumalanga and tick the box and say it is done. I did not submit my name to address the Panel. I have been to other provinces to attend the public hearings. Someone must have put down my name because I have never addressed the Panel before. However, people who are supposed to be here are not here. When their names were called for them to come forward, they could not come because they are not here. Please note this frustration. We are not happy. We are frustrated. We have faith in you, otherwise we would be burning tyres. We had a pre-hearing workshop, thanks to the South African Human Rights Commission. Parliament was supposed to prepare for this hearing, to make resources available to ensure that submissions from ordinary households are facilitated. Where are the voices of people who cannot drill a borehole in order to get access to clean water, just because a traditional leader requires them to pay R60,000 first? Where are the voices of people who have been waiting since 1991 to get access to their land?

Disclaimer: These transcripts were produced by different people, including post-graduate students who translated and transcribed the material from the YouTube recordings of the public hearings. We cannot vouch for the absolute accuracy of the translation and transcription, and refer those who require absolute accuracy to the YouTube record itself. 8

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

Where are the voices of women who are feeding orphans every day without receiving any subsidy from any government institution? We should be worried about them, those women who are contributing to the budget of South Africa by volunteering social services to care for the disabled and aged without getting any form of Government support.

And when you calculate your budget, how do you monitor where that budget goes because there are care-givers in the villages who have no land and yet they want to start food gardens and provide feeding scheme services. It is the responsibility of the Government to take care of vulnerable people, to make land available to them. It is not the responsibility of legal entities such as the CPAs to do that, because all those people are looking up to the Government to provide. It is not the responsibility of traditional leaders, and we are concerned that the Government is diverting the responsibility to people whom we are not sure whether they have the capacity to take on such a responsibility and execute it with a certain standard. So Government must take responsibility. All the laws that have been passed, the debate about access to water, the clarity given on the Water Act made us realise that it is similar to the Minerals and Mining Acts. In the apartheid days only a few had the privilege of access to water and electricity. The Constitution says everybody has a right of access to water. Now legislation is introduced to close the pool and restrict access to those few minority people. The amendment of Water Management Act is similar to the Minerals and Petroleum Resources Development Amendment Act. It is to limit access because it says people who had access by that time of apartheid can apply for those rights as long as they cannot amend the law, as long as they cannot amend the usage they will enjoy those rights. People who had mineral rights before the MPRDA can apply to the government for mining licenses. But in the new act all the mining rights are given to the State. Do you know who those people are? It is the White people. That means Black people were deliberately excluded from access to mineral rights and water rights. If you look at all those amendments or new Bills they are there to exclude Black people. I am sorry that our people are not here to relate their experiences.

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

There are so many shopping malls built next to the villages. You cannot differentiate between a village and a township. Farm dwellers are evicted from the land and offered RDP houses. Their livelihoods are being destroyed. Livelihoods of people whose only way of survival is livestock or crop farming. You take those people and give each one of them an RDP house. How do you expect them to survive? How do you expect them to pay rates and to pay for provision of basic services? All they need is land for survival. We don't have communal tenure law in South Africa and the land that is taken away to build shopping malls taking away communal grazing land and communal water. It is their customary land right. If Government is taking away from ordinary people that right to land that has been inherited over generations, what does it expect the people to depend on for livelihood? I thank you.

Thulani Nobela from Mpumalanga Economic Growth Agency / MEGA minute 1:13

My contribution mainly is what MEGA stands for and what we are about. Maybe in one way or another I will be able to clarify some issues by explaining what we are all about when it comes to economic development. MEGA is a Government agency established by the MEGA Act of 2010. It is responsible for enterprise development and economic development through funding of SMMEs, cooperatives, housing finance, and services for trade and investment for the province. We also finance agricultural developments or businesses. As an institution we are funding from a sizeable budget also for this year. We extend it to businesses so that they can alleviate the triple challenges of poverty, inequality, and unemployment. And we believe that people in business are better able to contribute solutions to these problems by employing other people who can benefit from their entrepreneurial endeavours. We have quite a number of programmes. We have signed a Memorandum of Understanding with the Youth Enterprise to reach the youth of the province so as to create entrepreneurs. This is briefly who we are. Thank you.

Mark Tarker CEO of Phakamani Foundation (1:17): The Foundation serves our local community. It was after spending time volunteering in this organisation, after listening to

Disclaimer: These transcripts were produced by different people, including post-graduate students who translated and transcribed the material from the YouTube recordings of the public hearings. We cannot vouch for the absolute accuracy of the translation and transcription, and refer those who require absolute accuracy to the YouTube record itself. 10

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

mamas and gogos in two and three bedroom homes telling their stories and sharing their dreams that the idea of the Foundation was conceived. During these visits we also realised the potential in so many. We knew then that while the handout might make us feel good, it was not the solution. We had to find a hand up solution that would empower the poor to have continuous work. The biggest challenge was to do this in a sustainable way. Since 2007 the Foundation has established over 200 branches in three provinces that give out over 4,000 business loans and train over 53,000 business owners that are also classified as LSM 1, 2, and 3. Our vision is to provide even the poorest people to start a business, feed a family, and build a dream. These are business owners, our clients, and not beneficiaries because this is who they are and they are with their business plans and strategies. I wish they were here today to say for themselves. To create jobs in a market driven economy, the micro economic pressures play a role. What about the poor? These are families of parents with limited schooling. There is little said by those who own big businesses about the informal economy. Whatever we do in South Africa we need to broaden the meaning of what a job means. If the unemployed poor do not create jobs for themselves, they will remain dependent. Also, inclusive banking is important to focus on and includes digital delivery of loans to the poor to speed things up. The existing systems exclude those at the bottom of the pyramid. Inclusive banking is highly profitable. My concern is that as interest rates drop, as they should, it will be difficult of micro lenders like myself to provide a service. If you are lending money to a woman who wants to start a business, you cannot do that by copper wire. You have to be physically present.

My recommendations: 1) Work towards a mind-set shift in Government that acknowledges own create jobs in the informal economy of the society. 2) Increase the level of financial support in developmental microfinance. Government must be the first lender of resort and not last by providing loans to individuals and security guarantees to commercial banks while organisations reach sustainability. After nine years, 10,000 active clients can reach a level of sustainability. All they need is someone to walk with them. At present out conduit to Government is the Small Enterprise Funding Agency.

Disclaimer: These transcripts were produced by different people, including post-graduate students who translated and transcribed the material from the YouTube recordings of the public hearings. We cannot vouch for the absolute accuracy of the translation and transcription, and refer those who require absolute accuracy to the YouTube record itself. 11

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

My concern is that their budgets have been cut and development funding is no longer available. 3) Encourage job creation by repeating loans to successful businesses. At present that process can take up to nine months. 4) Through SITA develop a business training programme that is directed at those at the bottom of the pyramid so that they can be supported. 5) Development and implementation of inclusive banking so that the poor are protected.

QUESTIONS FROM THE FLOOR

Nontokoza Themba from Mbombela, KaNyamazane (1:36): How do we make our submissions if we are not registered? Can MEGA give us space because they own every piece of land? As young people cannot find land for farming or for building houses. Every Government department we go to tells us to go to MEGA. Two, MEGA always holds workshops and say they are providing funding but when we apply for funding we are told there are no funds available, they ask us to submit documentation and then nothing happens. Please review MEGA otherwise we from the townships will at some stage go and burn because we demand space. Also, can we have workshops to learn more about the Constitution because we do not know enough and we do not benefit from the Constitution? Can clauses on safety and security be reviewed so that thieves and criminals can be punished and communities can be protected? Lastly, when preparing for public hearings can we have commissions first so that everyone can receive the same information and be empowered to participate?

Given Mondlane from KaNyamazane (1:40): Skills development must be given consideration because EPWP does not help us. Our brothers and sisters participate but they come back with nothing, no training, no certificate, no money, nothing. They are working from 08h00 until 16h00 and get R1,500 a month. It would be better if they worked in the mornings and attend skills training programmes in the afternoons to learn computer skills, brick laying, and other relevant skills so that at the end of the day they can get work. We see where they built the University of Mpumalanga, the workforce

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

imported from places like Maputo earns good money, R4,000. Why are those jobs not given to locals? We have no Panel beaters. As locals spend money in a way that does not promote local economic development. That must stop through provision of training to local people. Also, the NYDA must come to the townships and rural areas. At the moment everyone is forced to come to Nelspruit for services, instead of having access to satellite offices. At the moment when you go to the NYDA offices they take your details but never contact you. When you come back they do the same. You end up not getting any service. That is the problem we have as the youth. We are prepared to pay for skills training as long as it is provided locally. Thank you.

Thomas Sibiya land beneficiary from Ten Butcher (1:43): We received land as a group that has since been entrusted to some amongst the beneficiaries to produce on it, so that all beneficiaries can get a share of profit. But since then we have not received any share. Some have died without getting anything. We request your intervention. That land is productive but beneficiaries are not getting anything. Maybe those entrusted with producing were not properly trained. Even when we attend meetings we do not get a proper explanation. We request your intervention.

Collin Sedibe EFF provincial Chairperson and Party Leader in the legislature (1:46): I concur with the latter speakers on the points made about the organising of this event. But this is how we do things in Mpumalanga, we do not want our dirty linen to be hung in public. Members of the public who are supposed to be here to present are not here. The Panel must find a better way of facilitating open and meaningful engagement. I have two other issues to raise. One, in connection with the Terms of Reference of the Panel. Is the Panel looking at both pre and post-apartheid legislation? The Riotous Assemblies Act of 1956, passed to implement the Freedom Charter. How is the Panel dealing with this Act? There is a difference between land occupation and land grab, and we find it unacceptable that our Commander-in-Chief has been charged under this law. The bulk of productive land in South Africa is still in the hands of the white minority. One presenter here said land expropriation is a fallacy, and I am glad that he said we must

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

change the law - that is what we are heading towards in 2019 when we change the government.

The land question, like everybody raised, is a pivotal instrument to assist people to have a better life and sustained livelihood. People do not benefit from the current mining activities, and that is something the Panel must look at. The 1913 Land Act facilitated dispossession of land, and that is why we talk about expropriation. Next is the Insolvency Act, which speaks about sequestration and pounds currency. There are people who are suffering under these laws. Also, the labour laws; they are not in favour of cheap labourers such as farm workers and petrol attendants. The Umbhaba Lodge in Mpumalanga dismissed over 300 workers for demanding to form a trade union. The Portfolio Committee in the Mpumalanga legislature is looking into this matter. The living conditions of farm workers must be improved. Thank you.

Nomsa Nkuna (1:55): Our home-based care service started in 2001 and we started as volunteers, without supplies such as gloves. We ask for registration. We ask for recognition. We are told there is no money by Government. Also Community Policing Forum members are not getting paid yet they provide for an essential service in the fight against crime. They work under dangerous conditions and during odd hours. Yet they receive no support from the government. We ask for support and recognition of community participation in these initiatives that are primarily the responsibility of government. Thank you.

Lilian Mahlangu (1:58): Thank you for the opportunity to express our concerns because here in Mpumalanga we are suffocated, we have no space to deliberate on issues that concern us most. I ask that you look at our plight. I have thirty years volunteering assistance to the old aged. There is no support from government yet every now and then we encounter problems of illegal deductions of as much as R200 from the old age social grants. And when we query this with those who pay out grants we get no explanations and the deductions continue month after month. Sometimes the cash

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

dispensers are faulty and retain some bank notes and there is no assistance provided to those who end up receiving less amounts. Illegal deductions for electricity, airtime, and other things continue up to this day. Also there are those old age people who have no home support. We ask for old age centres where people can be well looked after. Also, I am involved with gardening and small scale farming. We ask for land to farm so that we can produce our own food. A school was built on the land where we used to farm. Houses were built on another land. And now we do not have land to produce our own food. We ask for assistance with land, seeds, implements, and other forms of support that can make us successful farmers that are able to produce our own food. Mr Gamedze used to help us but ever since the Department of Agriculture appointed a new officer, we are not receiving services. Thank you.

John Matsebula (2:05): We have 22 years in Ten Butcher (?) still waiting to get our land. A lot has happened since we first lodged our land claim. And yet we still have no land. Some of the land claimants have since died waiting. I am a freedom fighter and yet today I am poor and I am suffering. I had hoped that one day you would become the President of this country, but some people who are opposed to that have put you aside. I had hoped that when you became the President things would change for the better. We ask for the Panel to note and do something about our plight. Thank you.

Mamsy Tibane from Matsulu Ward 13 (2:07): I want to speak about poverty and unemployment. Our children attend school and vocational training colleges where they get certificates for their qualifications. Yet they are unemployed. They apply for jobs every day, but are not employed. They are asked for experience. Where are they going to get experience because they are fresh from school? Youth are now involved in crime because of poverty and unemployment. Also there are businesses that are encouraged to be involved in cooperatives but they get no support. Those in Government offices are taking up opportunities and using nepotism and patronage while leaving out many of us who want to set up and run cooperatives. It is Government employees who are earning salaries that are taking away opportunities meant for ordinary people. Cooperative

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

documents require money to be in good order and each year we are required to pay money to renew registration documents and yet do not get opportunities to work. We ask the Panel to help us. Also, when it comes to farmworkers, they are exploited. They do not have rights. Some days they go to the doctor and come back with a certificate and when they produce the medical certificate the employer ignores it and deducts wages. The farmworkers have no one to turn to. They need help. Also, there are cases where women are underpaid by some private businesses. They are exploited just because they are women. There is no gender equality. Even those with qualifications are underpaid. We ask that the Bill of Rights be enforced as of us are discriminated up to this day. We ask for Government to come closer to the people so that people in Mpumalanga do not have to go to Pretoria to access services. Government offices must be close to the people. Thank you.

Nicolette Sithole (XiTsonga) (2:17): Greetings to all that who are here. My only issue is that, such things such as the one that is being held here today are barely made known to us as the community, they don't reach our communities. There are many of them there who may have wanted to give an input here today, but since they don't know of this commission, they are then unable to make their voices heard. Once Kansane Mathebula contacted our ward committee so that she can voice her opinions. Information such as this she was not able to receive, but since I am attending this hearing yesterday and today I am then able to get such information and I am able to give my concerns to the Panel.

There are people who live in rural areas who are HIV positive and they are being abused and being discriminated upon, where I am from in the rural area I am not scared to speak out. Where I am from, I discovered that I was HIV+ while I was at the rural area/farm stand, but because I have been undergoing treatment every month and so forth, the farm owner eventually fired me from work. It saddens me because it is only now that I receive such information. It's sad that I wish I had known of such information before I got fired. So I would like to thank the Panel here, but also please, take and

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

spread such information to people on farm stands also as the farmers don't share such information with their farm workers, so they don't know about such things and the information that is being spoken of here.

Another issue I want to talk about is that at Dantje, there is a hall, this hall, when it was being built, we were told that it's a hall for the community, but we as the community we are unable to use this hall. This hall has no proper windows, door and so forth; it's a criminal's playground. I formed a group for young Xitsonga children because the youth there drink and are busy in criminal activities and there is a high rate of HIV. So I then volunteered to form this group, I went to the royal house asking permission to use that hall, went to businessmen who promised to renovate that hall for us as the community, but until today they have yet to do so. They still refuse to allow me to use that hall and I don't know why. There is a place where our people and our parents farm, some of these farms they are not farmable. In the farms on which our parents are able to farm, the little that they are able to farm they give to their families, and they farm by hand which is very difficult for them.

There are also youth who have passed, and others have went to school, others went to schools so they may know how to use their hands, but these people are not doing anything now, because such information is not given to them, it doesn't reach the rural areas. Now Mr Chairperson you are here in town, you haven't gone to the deep rural area to see how we are living, next time you must go there and see what we mean when you see that we have no roads there.

Thank you.

Miriam Phiri (2:22): I live in the nearby farm. I have been in conflict with the white farmer for many years. He wants me out of the land. My security of tenure is threatened. There are frequent confrontations between myself and the white farmer. I want to that

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

the Department of Rural Development because at last the land I now live on is mine and I am grateful for the assistance from Government.

Nomgcibelo Nkosi (2:25): I want to talk about our children who are raped on a daily basis and have no protection from criminals. Rapists escape the law, and even when they are arrested they are released too soon. The government must tighten laws dealing with rape of children and I think that we must look afresh into the matter of bringing back death penalty so that those found guilty of raping children can also get the death penalty. Also the Government must help at schools because the pregnancy rate is high in our schools. In rural areas health services are poor or unavailable. This must change, otherwise children are forced to leave rural areas and study in urban area. Also, in clinics there are poor services and long lines. Most people wait in lines for a long time and are turned back at the end of the day without receiving medical services. The government must employ homebased care workers instead of using cleaners to handle medical files and dispense medication in the clinics. At KwaZanele we have Ubuhlebempilo clinic. We asked the Government to ensure that it operates for 24 hours because we too are far from Emerlo to be expected to travel long distances at night or to seek emergency services. If we can have a clinic that provides a 24 hour service, we would appreciate it Thank you.

Busisiwe Mnisi from Landzuku (2:27): I want to speak about schools and education services for disabled children. I have an 11 year old disabled child. He does not go to school. He is bright. He can speak, he can use his hands, and he cannot walk. There is a school KaMagugu, and I have been to the school to apply but they said they cannot take him because he is not ambulant. I went to the Department of Education and Social Development. But that has not helped. He asks me when he will be going to school each time he sees his brother go to school. I ask that the Government build schools for children with disabilities. I cannot work because I look after my child. A boarding school facility can help because I can also work and visit my child during weekends. Thank you for the social grant. I cannot take my child to schools that are far away. I thank the

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

Government for providing a house that is a good living space for my 11 year old son. I wish these services could reach others as well. There are many other disabled children we do not know about and the provision of services such as physiotherapy and education facilities will help a lot. I ask the Panel to take up our concerns.

Sonnyboy Mqoka from Mkhondo (2:32): I am concerned about my township. There is no access to higher education. Young people do not have money to go to institutions of higher learning. We ask for assistance. Also housing, water, sanitation is a concern. Youth want land and houses for privacy. Some have families of their own. Also, we have a problem of contaminated tap water, it is not purified. The municipality is failing us and exposing us to health hazards. In Richards Bay township there is no electricity supply. We also want sport facilities. I appeal for skills development programmes so as to take away youth from the streets. The municipality, NYDA, and government departments call us to meetings and ask us to register companies and cooperatives, but we do not get assistance. We have been trying for many years but have not been assisted. Thank you.

Sibusiso Magagula from Heal SA (2:40): My concern is about health. The genetically modified foods are everywhere and government must look into the matter. We know that President Mbeki challenged ARVs and Minister Tshabalala-Msimang encouraged people to eat healthy. They were mocked. But we know that there are companies that make a lot of money each time we get sick. There are companies that introduce genetically modified seeds that destroy the land fertility and require chemical fertilizers. It is difficult to get organic seeds. The food we eat makes us sick. The immunisation programmes do not work in our favour. There is a lot of chemicals introduced in our bodies. Why is government not supporting organic farmers? Food in supermarket shelves is full of chemicals and make people sick. Those who come forward with knowledge on traditional medicine are not supported. They are seen as a threat to multi-national pharmaceutical companies. We need Government support on health issues and promotion of organic food production methods. Thank you.

Disclaimer: These transcripts were produced by different people, including post-graduate students who translated and transcribed the material from the YouTube recordings of the public hearings. We cannot vouch for the absolute accuracy of the translation and transcription, and refer those who require absolute accuracy to the YouTube record itself. 19

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

Nomthandazo Ntombela from South African Youth Council, Mkhondo (2:47): I appeal to the Government to prioritise cooperatives by providing skills development. The Government must open local offices for registration of cooperatives and to share information on available opportunities. As young people we face challenges due to lack of information and the burden of travelling to far places such as Pretoria in order to access information and services. Thank you.

18 January 2017: Afternoon Session

Enock Seloane, Mashilane Community, Buffelshoek (seSotho) (5:30): Thank you to the African National Congress Government. On February 2, 1934 as a community we were removed from our land, and we were part of the Buffelshoek forced removal. Our legal entity as Moletele community was registered in 1995. You won't believe me when I say I have a claim that falls under Mpumalanga and a claim that falls under Limpopo. I love our Government, but I realise that our Government does not love me. The Deputy President is aware that recently I asked for assistance with lawyers so that I can go to the Constitutional Court. There is land that belong to us in Limpopo and land that belong to us in Mpumalanga, some of it has commercial farms. In 2011 I asked, when are we getting back our land? Are we still in the era of fighting the white oppressors? I was there during the time of CODESA, to deliver a memorandum on our situation. The memorandum was received by Roelf Meyer and Cyril Ramaphosa. On June 13, 2013 I raised the same issues because they have not been addressed. I urge the Panel to put people first, people are suffering, people are poor. Thank you.

Andries Sihlangu Manyeleti CPA and Alliance for Rural Democracy (28:45): In Manyeleti, it is one of the Mpumalanga Parks that was established to cater for Black people because in the past we were not allowed to go to the Kruger national Park as

Disclaimer: These transcripts were produced by different people, including post-graduate students who translated and transcribed the material from the YouTube recordings of the public hearings. We cannot vouch for the absolute accuracy of the translation and transcription, and refer those who require absolute accuracy to the YouTube record itself. 20

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

day visitors. My grandfather was one of the victims of forced removals in 1961, and through the democratic Government we participated in land restitution and claimed Manyeleti back. Our traditional institution, the Mnisi Traditional Authority, launched a claim that was rejected because the chieftaincy never resided in the reserve. Only individual families were removed. The Commission called for claims from individuals, and the claims were finalised and we were given back the land. Since getting back the land, the chief came with a proposal to sign the form on our behalf. However the traditional authority hijacked the claim. We were never informed. We only became aware when the matter went to court because the investors were at logger heads with the trust set up by the traditional authority, which we were never informed of. The signatures were forged. On the Trust Deed documents of the Manyeleti Conservation Trust, all the people who cannot write or sign reflect as having appended beautiful signatures. When we found out, we submitted a petition to the Land Commissioner of Mpumalanga came to address us. We called for the re-verification, where we found a list of beneficiaries that was added to the original list. We called for an AGM so that the beneficiaries could elect their leadership.

A service provider, Nexus, was appointed to do a forensic investigation which later proved that indeed what we were complaining about was true. And when we were about to go to the next AGM the Trust took the matter to court because they had already allocated a concession to build commercial facilities in the reserve without the knowledge of land claimants. We objected to that and the Commissioner cancelled all those agreements. They went to court because they wanted those agreements to be in effect. Up to today the land claim on Manyeleti has never been resolved, since 1998, due to the traditional council seeking empower to themselves knowing that the land does not belong to them. We had to seek the legal representation of Webber Wentzel and Legal Resources Centre. There is a community adjacent to Manyeleti Game Reserve from which they tool 1000 hectares of land and incorporated it into the reserve without the knowledge of that community. Their plan as the traditional council is that once the land has been handed over to them they will move people to alternative land.

Disclaimer: These transcripts were produced by different people, including post-graduate students who translated and transcribed the material from the YouTube recordings of the public hearings. We cannot vouch for the absolute accuracy of the translation and transcription, and refer those who require absolute accuracy to the YouTube record itself. 21

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

The community did not agree with that and they joined forces with us and challenged that, and the Commissioner separated their portion of land from the Trust. On this Traditional Courts Bill, we do not understand what is happening. Our experience is that there is abuse of power. In rural communities we normally categorise the communal land as grazing land, settlement land, and ploughing land. But, the traditional leaders do not mind allocating business sites on grazing land. The Legal Resources Centre is helping us to fight some of the sights allocated to outsiders and not even to local people. We imagine how much power traditional leaders will have after the passing of the Traditional Courts Bill and how much abuse of communities will take place. We fought during the struggle for democracy and thought we would be free, but it is not the case. Only the people in the cities enjoy freedom. We have to pay levies on our own land. The traditional courts are biased, are not fair, there is no freedom of choice on which court should hear matters. In 2014 there was a case of an alleged murder where a lady was beaten up on her bums, she reported the case, but the matter did not go anywhere. I doubt it is still important to have a traditional court. We see the abuse of power when it comes to sand mining. Traditional leaders sell sand to business interests. The rivers or streams in rural areas are abused and sand mining is threatening water supply and wetlands. The money enriches the few. My recommendation is that it is unfair to expect communities to find lawyers to fight leaders, to fight Government that collects taxes. I also appeal to the Panel that to make sure that this Traditional Courts Bill does not fuel the suffering that we are experiencing today. Thank you.

Sakina Mohamed, Gender-Based Violence and Rape Intervention Programme (44:44): Firstly, education; There are over 800 children who have not been admitted to primary school this year who require your attention as a Panel. I had a bad experience at the gate this morning when I was told I could not come into this venue because I was told I do not have an invitation. Luckily I had a communication in my phone, but the gentleman said it was not an invitation. Secondly, the type of violence experienced by women who are taken into a shelter, including shelters funded by the Department of Social Development. These women can stay in a shelter for up to six months. And then

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

when we ask the Department of Housing to provide housing for these women, that process takes a long time. While on the one hand we tell women to stand up and move away from abusive relationships and violent situations, but then the system does not allow for them to do that. The women end up being forced to return to an abusive environment after six months. Also the schooling system does not accommodate their children to move to other schools. Violence against women and girl children is a serious issue. My appeal to the Panel is, what do we do about women who have to leave abusive environments? We have a wonderful Constitution, but the implementation of the Constitution does not provide for women wishing to move away from abusive homes. Thank you.

Ebrahim Thwala from Sive Sitimele (50:30): Poverty impedes development of people. Unelected chiefs are a stumbling block to community development. They throw peanuts in the direction of people while they continue to sell land. The Matsamo Traditional Council is robbing people of the land by taking money from a construction company that is harvesting stone used in the construction of a road. The chief issued 5 hectares to a church that does not even benefit the community. 7 hectares have been issued to a construction company building the road between Malelane and the border post. These issues are also likely to be made worse under the proposed Bills. These chiefs and their friends have displayed untrustworthiness and are violating constitutional rights of rural communities. Why is the government supporting these developments against the will of the people? The traditional institutions are not supervised and they are not accountable. The laws of this country are in place but are not implemented, for the same reason; to exploit the poor and the vulnerable. Complaints on such issues have been reported but nothing has been done about that. Rural communities are facing double taxation, and we are opposed to that. Traditional leaders must be taken to workshops on morals and values because they are lacking. We urge the Panel to consider these issues urgently. Thank you.

INPUTS FROM THE FLOOR

Disclaimer: These transcripts were produced by different people, including post-graduate students who translated and transcribed the material from the YouTube recordings of the public hearings. We cannot vouch for the absolute accuracy of the translation and transcription, and refer those who require absolute accuracy to the YouTube record itself. 23

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

V.V. from Mpumalanga Legislature (1:03): Firstly, the touching issue presented by Ms Mnisi about her disabled child will be given attention by the Portfolio Committee on Education in the legislature. Ms Mohamed from GRIP also touched on a problem of 800 children who have not been admitted to primary schools this year. We will also follow-up on that. Could it be that they have not been admitted in schools of their choice or they have not been admitted at all. We will look into issues raised. Maybe the various Government departments here can be given a chance to answer for themselves because the laws of this country call for accountability. Thank you.

Speaker (1:07): In the Health Department, we ask for ambulances to be stationed at the clinics so that they can take people to clinics and hospitals because as things stand ambulances are called from far and take hours to respond to calls. In most cases people are forced to use the same ambulances as TB patients and in that way are exposed to infection. We ask for infectious patients to be transported separately. Also theft of ARVs in public clinics and hospitals is a concern because we never hear about thieves breaking into clinics to steal medication and yet ARVs are reportedly stolen and therefore in short supply. Health workers are involved in the stealing of medication, and this must be addressed urgently because some people are reported as defaulting on treatment and yet the reality is that when they come to fetch medication they are told that there is no medication. Those involved in theft of medication must be prosecuted and punished harshly so as to deter others from this criminal conduct. Thank you.

Zama Khumalo, Wakerstoom (1:11): There are farm dwellers who are farming land that was previously in the hands of white farmers who have since left the land. These people are not receiving basic services from government such as houses and clean water, they are forced to pay R1,500 rent to the municipality even though they have no income but rely on social grants. The rent money does not get invested in their area because the land they plough is not fenced. I ask the Panel to consider their plight. Thank you.

Disclaimer: These transcripts were produced by different people, including post-graduate students who translated and transcribed the material from the YouTube recordings of the public hearings. We cannot vouch for the absolute accuracy of the translation and transcription, and refer those who require absolute accuracy to the YouTube record itself. 24

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

Joseph Mkhabele (1:14): Economic development; I have noticed three missing issues here when I read the booklet provided. The Public-Private Partnership Act is not mentioned. The Municipal Structures Act is also missing because there is no alignment between the work of municipal councils and the needs of the people. The Anti-Corruption Act is also missing because a lot of corruption taking place without means to arrest it. The economic space in South Africa is overregulated and some of the regulations are to the disadvantage of the poor. The Bank Act poses a danger when it is possible for a person to withdraw R1m cash. What happens when many people withdraw R1m on that same day? This must be looked at because at the end of the day this is the money that comes back to victimise us. There are individuals who get R1bn worth of work in Government tenders while others get nothing. That tells you that something wrong is taking place in the system. Cooperatives are not working and yet people are being encouraged to form cooperatives. Spatial planning is not working because traditional leaders are not well incorporated in municipality planning processes. The National Empowerment Fund is not benefiting the people, there is still skills shortage. Lastly, litigation by Government officials is costing a lot of taxpayers' money. Legislation must be amended so that Government officials who abuse their positions and use state money on useless litigation must pay back the money when they lose cases. All these issues must be given attention. Thank you.

Sibongile Mazibuko from KaNyamazane (1:25): At Tholulwazi Centre we serve the community in the surrounding areas. We need assistance with resources at the centre, DSD to employ staff members. We use church space and we need our own space. Thank you.

Stanley Shabangu, KaNyamazana (1:27): I want to talk about Community Policing Forums. Members work under difficult conditions chasing criminals and often there is physical confrontation with armed criminals. In most instances police arrest CPF members for assaulting criminals. Most of the youth are not working and we are

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

supported by our parents who are mugged by criminals on their way to work. As CPF members we escort community members to taxi ranks, and we do not get any recognition or financial stipend. We are vulnerable to attacks. Those of us who get injured have no one to care for them. About theft of medication, in KwaNyamazane, we found that medication stolen from public clinics and hospitals is sold to crime syndicates with businesses in neighbouring countries. I have apprehended foreigners in possession of dagga and drugs and upon following up, these are sold to our youth. Foreign nationals are destroying our communities. Please help us. Thank you.

Ester Malope (1:32): I work with the elderly in an old clinic that we use as a centre. The facility has not been officially given to us. We do beadwork. We have no market to sell these. We wish to have the clinic building structure handed over to us. We used to stay in the farm and were moved from there. We were never compensated. We have recently been told that the compensation money was paid to us, that we even have bank accounts in which the money was deposited. Please help us by arresting those who robbed us of our money. Thank you.

Sindile Gondwe KaNyamazane (1:35): I am concerned about people who disturb the environment and nature in our area by settling on the mountains surrounding the area. They disturb the ecosystem. They remove plants. They deforest the mountains causing soil erosion. The Government must protect the environment and nature conversation. Unemployed youth who are qualified rangers are unemployed and they are recruited to poach wild animals. The Government Parks Board employs private security companies to protect wild animals in game reserves. At the end of the contract the former employees of these companies who have taken time to learn the geographical setup of the reserve, its entrances and operating procedure, come back as poachers. This current system used by the Government is counter-productive. I also appeal that the Panel consider the negative impact of commercial adverts of alcohol on television during prime time when family members are watching. The SABC should not allow this exposure of youth to such adverts because these adverts drive youth into drinking

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

alcohol because even if you do not drink you find yourself thirsty when watching these adverts on television. Next is the question of the Khoi-Khoi. The Khoisan language and the San and the Khoi must be recognised. Also not all the bodies of mineworkers who died underground have been recovered and yet if it was politicians who died underground more would be done by the government to recover the bodies. Please follow up on these issues as the Panel. Amandla!

Pretty Philisile Shongwe (1:41): There was a delinquent juvenile at Likazi School who ended up being expelled from the school. He stabbed my sibling one evening. We took him to KaNyamazane clinic where he waited for over two hours for an ambulance to take him to the hospital. When he eventually arrived at the hospital after 20h00 we were told that there is nothing that can be done because the x-ray department is closed and he must wait until the following morning. Meanwhile he had internal bleeding. That led to him being hospitalised for over two months, because he could not get Xx-ray scan services on that evening. I appeal to the Government to look into what is the use for a hospital to operate for 24 hours when people cannot access emergency services. Secondly, the nyaope drug is destroying families and yet Government does not recognise it as a drug. As a result people are not getting drug and rehabilitation services. My appeal is for the Government to intervene. The drug dealers are everywhere. Police are colluding with them. In Witbank I know someone who is a drug dealer, the police know, a youth who is my relative lives in Witbank. The police ignore tips, and even when they have an opportunity to search and arrest drug dealers, they do not act. In some cases when they search they take whatever cash they find and let the person free with drugs in their possession. Please help us. Thank you.

Jabulile Madonsela (1:44): I am a member of the Mawubuye Umhlaba Wethu CPA. I was first elected as an executive member when I was 30 years old. I am now 50 years old. We have been fooled by Government officials who have constantly been an obstacle to our return to our land. They play hide and seek with us. Also in Mnjindini we have mines. Our children are unemployed because they use the nyaope drug. I have

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

been to the police station to report drug dealers. But nothing happened. Also at Lilly Mine the bodies of victims have not yet been recovered. We appeal to the Government to recover the bodies trapped underground. We appeal for land so that we can farm. Thank you.

Speaker (1:48): There used to be locally owned businesses in our communities but now there are none. Most businesses are run by foreigners. I appeal to Government to issue title deeds to rural communities so that they can use them to raise finance to run businesses. Secondly, I may be wrong, the FICA Amendment Bill has a clause that says when you are related to people who have political connections or are in high offices, your bank accounts can be frozen. It would help to specify specific categories of relatives so as not to prejudice us because as Africans we are all related and may end up being prejudiced by the legislation. Lastly the laws disadvantage us. In the transport industry there is legislation that says in municipalities hosting the 2010 Soccer World Cup the MIPTNs must be implemented. Where there is introduction of the rapid transport service there are complaints that it is working as a loss and disadvantaging the municipalities and communities. The infrastructure for the system is very expensive. There volume of commuters off the peak hours is very low and huge expenses are incurred. This system must be reviewed. The current Government tender system is unsustainable. There is no support to those awarded tenders and at the end of the day they are poor and in debt. This too must be reviewed. Thank you.

Thabisile Sigudla-Matsebula (1:53): I appeal for attention at the border gates. The passport is giving us problems because when it expires, you have to wait close to six months for a replacement. Also the requirement for children traveling to have an unabridged birth certificate is giving us hardship as it takes long to get an unabridged birth certificate. It is not easy to go to the Home Affairs Department to get the required affidavit. It was better when we could get an affidavit at the police station but the new regulations are working against us as people who have relatives in neighbouring

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

countries and as people who from time to time are required to travel for emergency family business.

Thembinkosi Nkosi (1:57): My input is on the National Empowerment Fund. How do we access the fund? We do not know where their offices are located. Also as cooperatives we want to know how to access the municipal infrastructure grant. We have problems because there is only one bank in our area and community members are forced to travel to Nelspruit to withdraw cash and this exposes them to robbery and muggings. Also we are forced to access internet and computer services in the library and that interferes with library users and learners who are in the library to study. We need more internet and computer facilities for community members. The post office is not working, and we cannot get letters. There is no local economic growth, and even though we registered our cooperatives to the database, we see companies from outside awarded tenders to provide services to the Government. Please help us. Thank you.

Bheki (2:02): We need jobs, schools, houses, electricity, and water in the Bamjee area. That is all I want to ask for from the Panel.

Velile Sithole (2:03): Our problem is with the elderly because they are given loans they cannot afford to pay, on terms they do not understand, sometimes without them even knowing that they are given high interest loans. As a result their social grants are swallowed by the loan sharks. We do not know what to do to stop this cruelty. Please help us. Also when the internships are advertised we cannot open the website links and we miss out on opportunities. Please help to make internship opportunities accessible to all. Thank you.

Daisy Shongwe (2:04): I am a senior citizen. I sew clothes. I am part of a cooperative and we took trouble to get a registration certificate and a SARS tax certificate but it has been years without getting business. We feel like we are wasting money renewing the certificates because we get no business. Also at night we live in fear of our children who

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

break into the house. As I speak one of our cooperative members is in hospital after being attacked at her home. We ask for more police to patrol in the community. We live with grandchildren and are not safe, especially on days when we receive social grants. We have no one to turn to. I ask for help from the Panel. Thank you.

Sthombe Lechoe (2:07): I am from Mathafeni in Mbombela. The Mdlulis set aside a piece of land but there are people from outside building everywhere. We have no graveyard because people are building everywhere. They are digging graves near the dam. We do not know what to do about people who sell land and open up havoc of houses mushrooming everywhere. Thank you.

Peter Nkuna (2:09): I am one of the claimants from Mjindi who is suffering because of a land claim that is not yet finalised. Government officials are frustrating the finalisation of the land claim. Government officials built RDP houses on the land after the land claim was gazetted. We ask for help because we have been sabotaged by the government officials. Also the Government opens youth projects on the land under claim and that means they are pitting us against the youth in the township. We ask for intervention. Thirdly Government officials collude with business because the land is about 3000 hectares, including the mountains and plantations surrounding the town of Barberton. Our ancestors are buried there. Sappi tried to desecrate the graves. We had to start afresh to verify the graves. When we speak to Government officials about this, we are told that Sappi will give about 100 hectares out of 1400 hectares of land they are occupying. Sappi owners do not want to talk to us. Government officials are advising us to allow Sappi to keep the bulk of the land they are occupying. The chief is also frustrating us. There is a mine on our land and the chief wants to own 20 percent BEE shares in the mine. Not the people, but the chief himself. We would like the Panel to deal with that. We will write all these issues down and submit to you.

Mfana Mhlongo from Ngodwana in Bamjee (2:14): We ask for help because our elected representative does not give us information. Even information about this public

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

hearing we got to know about it though a drunk man. We ask for houses, for basic services, for help to restore our dignity. Thank you.

Winnie Chibi from Likazi, KaNyamazane (2:16): My appeal is for us as the youth to be given jobs. We are only offered temporary jobs for three months and dismissed only to find out that after a month someone else has been employed to do the same job. Why is that so? Some of us are orphans. We need jobs to survive. Also, crime is rife. Even when we report rape crime at the police station and when we appear in court the case is dismissed because there are no witnesses. Where am I supposed to get witnesses because the rapist entered the house and found me alone, then raped me, now where am I supposed to get witnesses? Please help us. Also when we are sick and are taken to Robs hospital by an ambulance, when we get there we are not attended and we are told doctors will only be available the following day. There are empty buildings at the hospital yet as community members we are unemployed. We ask for a caring Government. I am grateful that the Speaker of the provincial legislature is here. We ask for a caring Government. Thank you.

Njabulo Mthethwa, from Thekwane South in KaNyamazane (2:18): We have small houses, two rooms. There is no privacy where we live. We asked for RDP houses. The Government has prioritised the aged and disabled, even people from outside the area. Now we are told we cannot get houses, we are told we will be given an open field at eNtokozweni, but now we are told the area is for sale. Stands have been sold at high prices. Those who build there do not live in the area, they built commercial buildings, and some built guest houses. None of them live in the area. All we see is greed that pushes us away. Lastly there is a learnership that was offered by the Mshini Wami Academy. Government took us for training there and promised to make us artisans. They gave us level two certificates that mean nothing. The money for training was pocketed by some government officials. We came from different provinces. There were students from Nkandla who told us that they have been attending there for over three years. When Premier Mabuza was speaking he said there were over 1000 jobs for

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

those who qualified as artisans. Yet we see no jobs. Money has been pocketed. Our experience was bad at the school. There is a business man who benefits and profits from the labour of students in that school. Students are made to work long hours using the equipment that belongs to the school to produce goods that profit few individuals. Please investigate the Mshini Wami Artisan Academy. Thank you.

Khabo Tshabalala from Wakerstroom (2:25): Where does the money in the Department of Agriculture go because we get no support as small farmers; no seeds, no implements, no buyers. Since 2011 as CWPs we get R600 and yet we work more than EPWPs who get R1,500. Why is that so? Is it because we did not vote or you will remember us again in 2019? Thank you.

Celumusa Hlophe from Pixlie Seme Municipality in Wakerstroom (2:25): For a long time our parents worked for Public Works Department and when they retired we noticed that local people were no longer employed. Instead people from outside the community get the jobs or no one is employed at all. This is a concern for us. Also as mentioned, we need schools for disabled children. Thank you.

19 January 2017: Morning Session

Tshepo Fokane from Legal Resources Centre (22:12): LRC works with traditional communities to advance the recognition and implementation of customary law as the lived experience of those living in rural South Africa. Much of our work is devoted to representing rural communities, some of whom have sought legal advice on how to protect their rights in land when they are being challenged by leaders. Issues of natural resource governance and customary law governance are key to the work we undertake.

Firstly, the Traditional Leadership and Governance Framework Act was supposed to make changes to how the system of traditional leadership is recognized, however there remain many challenges. Challenges include the issue of boundaries used to define

Disclaimer: These transcripts were produced by different people, including post-graduate students who translated and transcribed the material from the YouTube recordings of the public hearings. We cannot vouch for the absolute accuracy of the translation and transcription, and refer those who require absolute accuracy to the YouTube record itself. 32

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

traditional communities and the result is that old boundaries created under apartheid era laws have been maintained. Some communities have inherited these traditional authorities and their legitimacy remains a core concern. Communities compete with traditional authorities for land and natural resources. Some of the traditional authorities do not conduct elections for those who sit in the municipal councils to take decisions on behalf of the community.

Key issues of accountability, transparency in decision-making related to business developments illustrate that community interests are continually coming up against resistance from popular opinion. There are misconceptions that traditional authorities, private sector and even the state can enter into business agreements and developments (as we've seen in the extractives sector) without consulting with communities. This flies in the face of the provisions of IPILRA for those living on communal land.

The TLGFA provided that 40% to be elected from within community and yet some communities are not even aware of elections of traditional councils happening. Instead there is often nepotism in deciding who should represent the community. The Commissions on Traditional Leadership Disputes & Claims made recommendations that are still subject to continued litigation. The net effect of TLGFA shortcomings include lack of accountability, and blurred lines on the role of municipality and traditional authority, to the effect that communities are not consulted on the Integrated Development Plan and municipal budgets. This often leads to abuse in the allocation of resources and victimization of those opposed to traditional authority.

The Constitution provides for the recognition of living customary law as a legal system equal to the common law. But how do we define customary law? That remains one of the key concerns for communities that live within the boundaries of traditional authorities. The other concerns relate to mineral rights which also overlap with the role of traditional authorities who seek to benefit personally from royalties.

Disclaimer: These transcripts were produced by different people, including post-graduate students who translated and transcribed the material from the YouTube recordings of the public hearings. We cannot vouch for the absolute accuracy of the translation and transcription, and refer those who require absolute accuracy to the YouTube record itself. 33

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

Our observation is that conflicts at the village level occur because of how mining activities are introduced and carried out. Communities only have surface rights and should theoretically benefit from their land.

We must find ways to give recognition to customary law while also protecting the rights of rural communities. Thank you.

Mrs Mkhize (30:12): Firstly, I want to support the previous speaker (Tshepo Fokane from Legal Resources Centre) on the issue of polygamy. Polygamous marriage is not good. If I had a say I would ask Government to do away with polygamy because it also negatively affects children. I know that women present here will agree more with what I'm saying because they are directly affected.

Secondly, my sister the previous speaker spoke about mines. Mines open in our communities without any consultation with inhabitants of the land. When are we going to be consulted? Speaking as a title deed holder who lives on land bought for us by the leader of the African National Congress, Pixlie kalsaiah Seme, I ask why are we not consulted first? We are landowners who take instructions from no one on how we should use the land. We should be sitting down with Government to discuss how I want development to take place on this land.

I apologise because our area in Driefontein has no traditional leader. We cannot allow introduction of a traditional leadership system because we are title deed owners. What can a traditional leader tell me to do on my land when I am a title deed owner? Again I apologise because I have no traditional leader but those of you under traditional leaders must sit down with them and discuss what development you want in your area.

Our plea is that we must be consulted on development plans for our areas. Forced removals that occurred in the past have caused me to be stubborn because back then

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

we were instructed that we would be removed against our will from where we live and dumped in an area we did not know. We were told today that the following day we were being moved. Our plea to Government is that people who were forcibly evicted from the land must be returned back to their land. It is irrelevant to us what the land they must return to is being used for at the moment.

Talking about forced removals, my first encounter with it was in Johannesburg, Sophiatown, in 1954 and I was only 16 years old. We were evicted from Sophiatown to Meadowlands. That is why I'm stubborn when it comes to not being consulted before decisions about the land are taken.

We plead for the return of the land because in Driefontein there are only 309 landowners but the place is densely populated because we accommodated a large number of people who were evicted from the surrounding farms. Now we ask Government to give these people land so that they can have title deeds as well. This will enable us in Driefontein to be able to farm crops on the land. The President often encourages us to do farming but we cannot do so when our plots are occupied by people who are waiting to be allocated land. We are overpopulated in Driefontein. At least if we could get two or more farms so that people can have enough land to be productive. We all want to keep livestock but the land is not enough in Driefontein. We plead with the Panel to help us get the land. Thank you.

Solomon Mabuza (37:18): We find ourselves as citizens in difficulties despite the fact that South Africa has a Constitution and South Africa is respected by the international community and is often asked to assist in many countries to resolve conflict. However of late it appears that the Constitution is not respected, it is no longer owned by Government, maybe because of lack of monitoring in how Government functions. There is a lot happening that is against the law, and yet there are people whose duty is to ensure the rule of law. There are those who do as they please, who ignore the law, whose conduct is not derived from law.

Disclaimer: These transcripts were produced by different people, including post-graduate students who translated and transcribed the material from the YouTube recordings of the public hearings. We cannot vouch for the absolute accuracy of the translation and transcription, and refer those who require absolute accuracy to the YouTube record itself. 35

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

In South Africa we know that respect for others is not on the basis of what they have, but because they are human beings. We have a Bill of Rights to accommodate both citizens and other people. There are laws of the land that protect the dignity of individuals, but some have forgotten about these laws. Even when we the people report cases of the breach of law to authorities, nobody seems to care. Disregard of the law has become prevalent even amongst those ordinary people put their trust in as guardians of the Constitution.

My second point is on democracy. People in rural areas, especially in farm areas, are left out of democracy that we voted in in 1994 and in subsequent years. People in rural areas are still treated in pre-democracy style as they have to endure old laws that have been declared unjust and do not add value to nation-building, that do not promote good citizenship and patriotism. Example, the Bantu Authority Act 68 of 1951 is still enforced as people are still trapped like tinned fish in pockets of land, yet we celebrated the dawn of democracy.

In rural areas we continue to complain about oppression and were surprised when Government brought back the traditional government system which has long been part of triple oppression; colonialism, apartheid, and tribalism. Today tribalism is coming back in full force at a time when we thought we were making progress in healing the divisions of the past. We thought we were building a nation in which all are proud citizens irrespective of race or creed. We thought we were promoting reconciliation, but our Government is reintroducing tribalism.

Rural communities still do not own land. They continue to live under an old legal system such as Proclamation R188 of 1969 which issued permission to occupy or right to occupy certificates, but the land does not belong to you. People live on the land but they do not own the land. We expected that the land reform laws passed after 1994 would give land tenure to people living in rural communities. But people are left behind the

Disclaimer: These transcripts were produced by different people, including post-graduate students who translated and transcribed the material from the YouTube recordings of the public hearings. We cannot vouch for the absolute accuracy of the translation and transcription, and refer those who require absolute accuracy to the YouTube record itself. 36

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

land reform wagon. We expected that those who had PTOs or TROs, as stated in the Land Policy White Paper that under Act 112 of 1991 that those people in possession of these legal documents issued under apartheid government will have them converted into land title deeds. However we are not there yet. All South Africans are supposed to be proud of the Constitution but people living in rural areas are unable to do so because they were never set free. Section 25 of the Constitution is there to enable land ownership but that has not happened. That is why we say there is lack of monitoring by Government, at local, provincial and national levels.

People lodged claims in terms of Restitution Act 22 of 1994 but the majority of those claims have not been processed up to now. Instead of ordinary people getting back the land, the land is given to senior government officials and politicians. They are taking the land that is supposed to be owned by ordinary people.

With the introduction of the land restitution process we expected that people would receive training to improve agricultural skills so that they could produce on the land and contribute to the country's economic development, but that has not happened. Instead people without skills to farm on the land end up losing the land. People were also supposed to get mentorship to help them farm on the land. Instead mentors use land owners as their workers and as a result the mentorship programmes collapse due to lack of monitoring by Government.

In relation to the land tenure programme, people continue to suffer because the land is sold. There are three categories of land in South Africa; state land, private land, and communal land. Communal land belong to the people, it is not tribal land. It is common here in Mpumalanga where I live that traditional leaders sell land to foreigners.

We have known long time ago that municipalities have land use policies. But when you enquire as to how the municipal councils protect people in rural areas, you soon find out that they do not follow the Local Government and Municipal Systems Act 32 of 2000.

Disclaimer: These transcripts were produced by different people, including post-graduate students who translated and transcribed the material from the YouTube recordings of the public hearings. We cannot vouch for the absolute accuracy of the translation and transcription, and refer those who require absolute accuracy to the YouTube record itself. 37

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

They do not practice the spatial planning and land use system provided for and people continue to suffer. It is this lack of monitoring by government that we are complaining about.

The municipality is supposed to detect and stop these malpractices of sale of land to foreigners by traditional leaders. Instead they encourage it. The Government tells us to embrace traditional leadership system but there is no respect of the people to whom communal land belongs.

There is disregard of the role of traditional leadership as provided for by Chapter 12 of the Constitution and we plead with Government to educate traditional leadership about their role because it is only after the people in rural communities have adopted their bylaws that traditional leaders serve as custodians of communal property. When you are a custodian you are just that and not the owner of communal property. How can you sell communal land that you are a custodian of? We plead with government to educate traditional leaders about their role in law. Traditional leaders are dear to us. They are our leaders, our parents, our relatives. But they are not doing what we agreed upon.

Traditional leaders are also a stumbling block to local economic development. I can make an example of Nkomati local municipality. It is surrounded by Swaziland and Mozambique. It is in a triangle shape. The levels of unemployment in the municipality are high. Yet day in and day out the land is sold by traditional leaders to foreigners. There is about 42 percent youth unemployment there. Our children's names that we gave them at birth have now been changed to prostitutes and criminals because of poverty because when you are poor you can enter anywhere. To this day we plead with traditional leaders that what they are doing today is against the Constitution, they are killing the nation. If you want to kill a nation, take the youth and put them into a sack and throw them into a dustbin. When you do that, you have killed that nation.

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

After so many years of democracy we expected that children of all races would be brought together to be shown that South Africa is their home. But because of this disturbance we are not heading for that direction as we witness the sale of rural land in this fashion. I'm from Buffelspoort, that's where I come from. There is a Matsamo Tribal Authority there. At one stage COGTA should visit the area because now it appears that it is only people that are not sold in a plate because of the way every asset is on sale there. The dominant group in the area today comes from Swaziland, even the chief comes from Swaziland. Things have developed to an extent that we are forced to be governed by the Swazi law, yet we are not Swazis, we are Swazi neighbours.

The way things happen there is taking us backwards yet democracy does not exclude anyone, it is inclusive, and yet we continue to face stumbling blocks to our progress. I am happy we have this democracy because it also pays for salaries of traditional leaders, it buys them vehicles. Why therefore should we suffer to death and witness our land being sold right under our noses?

In Witbank, because there is no consultation, there are coal mines all over. Yet people in the area do not benefit. There is land pollution, there is water pollution, there is air pollution and the municipality is not assisting at all. Yet for the coal that is mined and hauled to the harbour, senior government officials and politicians get money. To them all is well. Let us restore our dignity because not all is lost. We can achieve a lot, working together.

Lastly, I thank you as members of the Panel. We urge you that as you proceed with your work, in your report and recommendations, go and inform Parliament to come down to the people. Parliament must work closely with the people. This practice of traditional leaders going to Parliament to say they agreed with the people that we don't want to own the land is not true. This Traditional Courts Bill we are aware of it because traditional courts were like kangaroo courts where they sentenced people to 10 years, and when the people fail to serve the sentence they get killed. We say that the

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

Department of Justice is still doing well and we have no complaints. When we adopt our bylaws we will include lobola and other traditional customs. For now we are satisfied with the manner in which adjudication of cases is handled. Thank you.

Robert Gaffel from Mpumalanga Agriculture (52:28): Mpumalanga Agriculture is an affiliate of AgriSA. We host 35 farmers associations from all over the province. Firstly, we support sustainable land reform and rural development under sound business principles of the free market. Land reform cannot take place outside the current economic realities. Also, everyone needs to understand that land reform is not only on the account of white commercial farmers. Although there might be some critics in regards legislation managing the current land reform processes, noting that legislation is the cause of the slow pace of land reforms. The implementation of land reform legislation is in our view the bigger problem for the bad results that caused millions of rands to be spent on failed land reform processes. In our view, there were corruption and irregularities in the way in which the available budget was spent. Part of the problem is that some beneficiaries are not interested in farming. In those cases farms were given to beneficiaries after they were bought by the Government at market value prices. In addition the beneficiaries were given recapitalisation money almost every year without showing any results. The cases I am referring to were not as a result of bad legislation, but the result of officials not interested in doing the job properly. The reopening of claims brings a lot of uncertainty to our members with regards to future developments of business. I picked up this uncertainty amongst emerging black farmers, farmers who are beneficiaries leasing land from government. Some of them received notices of claims on land they lease. Let me also mention the frustration of commercial farmers due to tenants' claims. It seems that a lot of these claims are not valid at all. At the same time land owners experience frustration because of land claims, as well as damage to property caused by the so called occupants that do not respect formal agreements between themselves and the farmers regarding household safety on the farm, like for instance the number of cattle allowed to be kept on the land. Instead of spending much time on the mistakes of the past I would rather focus on the positive

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

factors and possible solutions for a better future. Mpumalanga Agriculture is part of all three district land reform committees in Mpumalanga.

We were sceptical about the processes of land reform in these committees. There were definitely some positive contribution by these committees. The Department of Land Reform is spending the budget in all three district committees. The committees are chaired by black farmers, and I am proud to mention this. There is consensus that production of food in commercial farms must carry on at the same or even better level as it was before transformation. We suggest that beneficiaries in the case of a restitution claim, who cannot or do not want to farm commercially, must be compensated financially by the government. An emerging farmer who has been identified and is on a database can then be appointed as a beneficiary to farm that land.

Speaker (57:09): The Department of Land Affairs changed our claim into a family claim. We have a problem with family claims, how many are they? I have a Mgadzeni community here, they claim Biervliet, they have everything. This is daylight robbery in that office of Rural Development. Let me move on... there is a letter of demand dated 06 November 2015. Nothing has happened up to now. We submitted it to Max Ozinsky and Deputy Minister Skhwatsha. I will read it and submit a copy to the Panel. It reads as follows: The Department of Land and Rural Development in Mpumalanga must be put under administration. The masses demand that there must be one MEC chosen by the people to represent their needs and report directly to them.

All commissioners, officers and project managers must be fired effective immediately and also be criminally charged with corruption. Title deeds should be given to land claimants and certificates. Getting a title deed is impossible. It is now issued by that office. Never. We have names of people that we know are corrupt and I won't mention them. We don't know how you can attend to this matter in that office because we have a problem. You speak about land, they speak about something else. Government officials, especially in the provinces; I speak of the land in Endlovini; and if they are present here

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

they can speak for themselves because their land was sold by four project officeRs and one of them bought a Polo vivo car. Project officers that we look up to to conduct verification and evaluation processes, on the other side they are on the back door, they change everything to be the ones who benefit. Large tracks of land belong to government officials. Please attend to all of this on our behalf. I thank you.

Sipho Zitha from Ward 35 (1:01): My complaints are simple. There was a time when we were called to make assessments of laws to be repealed and we complained about the sharing of responsibility over land between the chiefs, the municipality and the Government. We wanted to know how this was going to work in practice for an area to be under control of three authorities and how these authorities were going to assist us as the community.

Number two, we have a complaint about Government departments. There are various Acts operating such as Act 11 of 2012 on employment services and Act 55 of 1995 on employment equity. They talk about employment of people between 18 years and 35 years of age. What about those above 35 years? What about people like me who are over 45 years? Where must I go to get employment? When you campaign for votes you also want votes of people of my age. Please look at these laws and make them to accommodate us all. That is all I am bringing to your attention.

Exon Tjie from Bushbuckridge Ward 9 representing fruit stall vendors called Mpumalanga Town workers, minute 1:04 [NB. seSotho presentation]

People selling fruit have problems. They have no shelter to work from. Government has not provided anything for them. This is because they do not exist as far as government is concerned, they are not important. Even tourism does not benefit us. Tourists that arrive buy in supermarkets like Spar. We use plastic to cover our makeshift stalls. We ask government to construct proper stalls for us.

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

Bernard Mashego (1:08): I have three issues to submit. One, our local Catholic Church is situated next to a tavern and the tavern owner has vandalised the foundation structure of the church building. Nothing has been done by the municipality to attend to our complaint. I submit to you documents that I wish you to read and assist. Two, we were evicted from our land where we use to have livestock and dumped in Mbombela township, KaNyamazane, and other places that were just open playgrounds. We have on several occasions attempted to open a claim for compensation because our cattle were left behind during eviction. We only arrived with dogs. Some have been compensated with R31,000 and others with R57,000 and yet we all suffered huge losses. Since 1996 and 1998 only a few people have been compensated, the majority are still waiting here in Mbombela. Three, in the nearby farm estate near Ngudwana the Land Claims Commissioner gave farm workers R16,000 as shareholders. But that money went straight to the white farmer. When farm workers asked the white farmer about the money, they were told to leave the farm. I ask the Panel to look into the matter.

Ms EJ Ndlovu of Sinzilwane Community (1:13): We have a court order, the land has been gazetted, and Government is dividing claimants and says the land cannot be handed over because claimants are fighting amongst themselves.

Hlengiwe Sibiyi Ward 16 eNkomazi (1:17): In eNkomazi Ward 16 we are oppressed by traditional leaders. We are suffering under Kgosi Mokoena, here he is present, I am not gossiping about him. In Mawewe/Ward 16 the Government is helping us with provision of basic services but inkosi not playing his role. Instead he takes a child of one wife (figuratively) and gives him a position that he is not entitled to and the other child is left wandering all over the place unemployed and destitute.

Another thing that is a cause of suffering for us in Mawewe is the traditional leadership of Kgosi Mokoena, which is not traditional leadership of the community, and that is why we ask for Government intervention, to visit the Mawewe area as there is an imminent

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

fighting that is instigated by Kgosi Mokoena in Mawewe. We ask the Panel to visit the Mawewe community to find out for themselves what is killing the local people.

Whenever I need a letter of affidavit to support an application for a social grant, I am forced to pay for the affidavit even though other Government departments issue these documents free of charge and even though traditional leaders are payed salaries by Government.

Whenever I need a plot of land I'm asked to pay for it. Why is it that our traditional leaders are making us to suffer this hardship? We ask for help because if national problems can be solved local problems must also be solved by the Government.

Secondly, if as the youth we want a plot of land in Mawewe to start a project, MaMbokazi tells us to pay R5,000 for the Right To Occupy papers. We do not have that amount of money, we are unemployed. We want to start projects because we have no money and we want to make a living. We have reported this to Kgosi Mokoena that what you are doing to us in Mawewe is to kill us, but he never came back to help us get the plot. Things are not going well. As I speak there are community members who are approached to complete forms so that a private hospital can be built on our land. Whenever community members complain, police officials are sent out to intimidate and beat them up.

We are oppressed under this Government that father Nelson Mandela fought for so that we could all be free. Even those in positions paid bribes to occupy those positions. Bribery has cost a lot of lives here in South Africa. If you have no money to bribe with here in South Africa, you do not get elected into public office. As long as you have money you can be employed to any position even though you have no qualifications. We urge Government to stop sending us from pillar to post when we ask for service delivery. The Government must come down from Parliament to local communities and listen to what

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

the people want. Those in leadership positions today fly all over the place, they are comfortable, and yet the people are suffering in South Africa.

We do not get food parcels in Mawewe. Food parcels destined for Mawewe are smuggled by trucks across the border to Swaziland by MaMbokazi, who was put into her position by Kgosi Mokoena. The community members are getting nothing. People are suffering because of you. Today we ask you (Kgosi Mokoena) to go back to the community and install the rightful traditional leader Thembi Zwide Mkhathshwa. Thank you.

Makhosazana Mahlangu Steve Tshwete municipality in Middleburg (1:22): Thank you for this opportunity former President. Often we do not say thank you enough for the good work done by leaders for us, the opportunities opened for us that our parents and grandparents never had. Those living in private farms are still oppressed. The Panel must find a way to reach out to them. They are afraid to complain because they can be evicted. Farm owners come and go and the farm workers remain oppressed. I was evicted from a farm after working for eight years. The union did not help me. Unions contribute to unemployment in South Africa. Union officials take money from farmers and they do a disservice to union members. We are proud of you as our leaders. We look up to you to lead us.

Simon Makhanye from Driefontein in Mkhizeville (1:25): In Driefontein we have no police station. When you want to open a case they tell you at the police station that it is a satellite station. Yet crime levels are high. I am a Community Policing Forum member, and what I can tell you is that there is a shortage of police officers and police vehicles. I ask you to do something about the matter. Yesterday a man was shot, but could not be helped, there was no police van, there was no ambulance. Police take a long time to respond. The community is helpless. The Councillors have done a good job in providing houses. But the roads are in poor condition. We struggled to travel to this hearing today

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

because the vehicle that came to fetch us could not manage on those roads. We ask for roads as well. Thank you.

Bheki Sibanyoni Ward 2 committee member Emakhazeni (1:27): My main concern is with education, high levels of school dropouts. What plans are in place by the department of education to deal with this problem? The number of youth that drop out of school is increasing. This leads to unemployment and crime. We ask for vocational skills. As ward committee members we get unequal amounts of stipends. Why it is so? We ask the Panel to look into these matters and alert the relevant authorities to attend them as a matter of urgency. Thank you.

Fani Mashaba from Bushbuckridge, Chairperson of Traditional Healers (1:29): We notice that laws are passed but the implementation is lacking. We work under Act 22 of 2007. Until today I am a volunteer since 1997. As traditional healers we need support with workshops to educate traditional healers. The Department of Health often states that over 80 percent of people consult traditional healers before going to clinics and hospitals. Yet we get no support from the government all these years. Let us be developed. Traditional medicine is not protected. There is no control, yet the laws exist. Even in radio stations we do not hear about traditional medicine. Our heritage is not protected. Yet overseas products use aloe and other plants they harvest here. We are not pointing fingers. We ask for cooperation and support. We ask for the implementation of laws. Government coordinators are not helping. From 2010 we started a campaign as traditional healers to mobilise communities to clean water streams and rivers. We received no support. We were offered t-shirts by some municipal councils. Please, invest money and resources in traditional healers and local communities. Thank you.

Pinky Langa, mining affected communities in Witbank (1:34): We experience influxes of people in Witbank who are looking for job opportunities but there are no jobs. People do not know that there is a land claim programme. Witbank is polluted and nothing is done to regulate mining companies. The air and water is polluted. There is

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

soil degradation. The health of the poor is affected. Consultation on mining must not only be with the chiefs. It must include the people. The Government must know that we are not happy. Government must stop imposing laws on us. We must be consulted. Also police brutality is rife. They shoot at us when we demand our rights. The Mining Indaba takes place in Cape Town and yet there are no mines there. The Mining Indaba must come here where mines are, where people affected by mines live, where the voice of the people is. Also, the Kusile Project. People working in that project are not from this province, and yet the people here have no jobs. Local people must get jobs. Big businesses are evading tax, and the Government is letting them to get away with that. Lastly, I want to say: nothing about us without us.

19 January 2017: Afternoon Session

Crosswell Libazi Witbank, Emalahleni Youth Against Substance Abuse (4:50): The municipality has failed audits for over four financial years. The Constitution is failing us. It must be amended. We face poverty, inequality, and unemployment. We are not given the opportunity to participate in the economy. We want to fund but there are no opportunities. The Government departments only organise workshops and take attendance registers and nothing happens afterwards. The skills levy is inaccessible, mining companies are not investing in us. We request Mpumalanga University to come to our areas and the TUT to go back to Tshwane so that that campus can be used by the Mpumalanga University. We want skills as youth. Drugs in Emalahleni are a problem. Mpumalanga is number two in the country after Western Cape. Police are colluding with drug dealers. SANCA is not assisting, social workers are not assisting us, and they do not listen to our proposals. Ex-offenders are not integrated in our communities. Border security must be tightened. Please intervene.

Jeffrey Mametja from Witbank in Sizanani (15:02): There are shacks in Sizanani. Houses are built but people who occupy the RDP houses are not from the area. The officials do not use the budget properly. There is corruption. Also the drug problem is

Disclaimer: These transcripts were produced by different people, including post-graduate students who translated and transcribed the material from the YouTube recordings of the public hearings. We cannot vouch for the absolute accuracy of the translation and transcription, and refer those who require absolute accuracy to the YouTube record itself. 47

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

rife. Police are colluding with drug dealers. This is giving us problems. We are unemployed. Politicians abuse us. They campaign for our votes, and they do not fulfil the promises. Thank you.

Patrick Mkhuleko Khoza from eNkomazi (17:26): My concern is in relation to the Unemployment Act. Let me say I'm not receiving any social grant. I was a municipality government employee and I was fired for no good reason. I live alone at home. I have no electricity. How am I supposed to survive? Must I go and steal? That is what I want to know from government and the Panel.

It is now for the second time but I want to raise this again. I know you heard in the morning about our situation in Mawewe. He has complaints against the traditional leadership in the area. Our chieftaincy belongs to the Mkhathshwas however they are not in charge of the area. Father Kgosi Mokoena is heavy handed. We no longer respect him but fear him because he acts like a god to us.

When looking at our situation you could say that the people never voted because even when you want to register for an RDP house you must first get a letter from Father Kgosi Mokoena and MaMbokazi. If you want to get a government pension or a social grant you must first pay a fee to Father Kgosi Mokoena and MaMbokazi.

Father Kgosi Mokoena installs those he sleeps with to be traditional leaders in our areas. If he does not sleep with you, then you cannot be a traditional leader. Our plea is that Father Kgosi Mokoena must step down because he is dividing the community and community members are even discouraged from going to vote on the day of elections.

(Intervention by the Speaker of the Legislature calling for respect and proper use of language.)

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

Speaker (21:12): Provincial health boundaries are not helping us. If you are involved in an accident in an area falling under one municipality you are taken to a faraway hospital, and yet there is a nearby hospital across the municipal boundary. It is worse if you are in another province across the provincial boundary. We ask that the health boundaries policy be revisited when it comes to emergency services. Also we ask that mining companies create job opportunities through beneficiation of materials in our province. Also in some areas we struggle to get plots of land because sometimes we are told to speak to the chiefs and sometimes to the municipality. We end up not getting land because none of the two offices assist.

Speaker (Sepedi) 21:45: Mr Motlanthe, to me the problem that I have observed which causes us to fail is as follows. Firstly the issue of health, in the Department of Health, these provincial boundaries do not assist as in any way. For instances, as I am from Thembisile, you find that there is an accident between Dennilton and Siyabuswa, when an ambulance comes, if an Mpumalanga ambulance came, the people from the right are not assisted and they are told to wait for the Limpopo ambulance, and if a Limpopo ambulance comes, the people from the left are told to wait for the Mpumalanga ambulance; and the issue is that from Dennilton to get to the nearest hospital around Mpumalanga is about 60 km, if the ambulance decided to take the patient to JS, its about 75 km to Mamethlake. So this issue disregards our people's right to life and proper healthcare services; as people end up dying due to these necessary provincial health boundaries. My request is then that; this issue of boundaries must be revisited so we can find a way to work around it; especially when it comes to issues of health and emergencies.

Secondly; is the issue of economy? It is common knowledge that in Thembisile there are mines, we are all aware of this, we see them digging and so forth and transporting whatever is it they dig. The issue is, can't we have a law that states that whatever mineral that is extracted from Thembisile be processed in Thembisele as well to ensure job creation in the community, because the jobs created through mining (extracting

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

minerals) only, it is not enough to accommodate the population that exists in Thembisele and surrounding communities, and this will assist in solving the issue of unemployment. On the issue of local government; we live in communities which are governed by traditional leadership and we love and respect our traditional leaders. The challenge however, comes when we notice that our traditional leader and government seem to not be in agreement on various issues. They seem not be in agreement on issue such as, we find that we grow, the traditional leader gives us a piece of land but then the municipality wants to remove us from such stands. So I request you, I believe that there is a law regarding this, I am just not certain which one is it, I think its section 81, which says that traditional leaders have a seat in municipal councils, in my view I don't see this law helping traditional leaders in any way. As this law makes mention of headmen and our headmen are old people, they cannot handle the frustration which occurs in the municipal council hearing, so how about we bring back the law which I think was applicable during 1998 which was regarding the election of traditional councils. Councillors will form part of members of the municipal leadership, and be able to make laws with the municipal council and after that have a sit with our headman and explain to them how their work with the municipal government will be done etc...

Finally the issue of grants. I understand that we need them and they were there during apartheid era, but these grants to us, being the youth we do not make use of them properly as we are expected to use them. I suggest that Government much find an alternative way of offering grants to the community. Instead of money, offer us vouchers or something else. The other issue I have is regarding foreigners, foreigners are abusing us, and when we speak out, we are told about "refugee law", which we know nothing about or how it works. I understand that during apartheid and when you were fighting against the apartheid regime, other countries assisted us. But if these foreigners are fighting against such struggles in their home country, let there be camps where these foreigners will stay and not just be scattered all over our country but be restricted to those refugee camps which are in the country. Because we find that now we cannot control the situation of crime and drugs etc... and when you look around they are

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

stealing, I am from Mhlanga original, and most of the stolen things we find from them. The other issue is the issue of school fees. We talk about “ free education”, but, at schools when we go collect books from the children, we are given a list as parents, that list alone for one child cost around R400 , it includes tipex, tissues and so forth. What happens in instances where I have like six (6) kids? How will I accommodate them all? It is better we go back to the old way , where we used to just pay school fees, where I would know as a parent that my school fees are R120 and Government subsidises any other things the child might need such as books etc. Thank you

Speaker (Sepedi/ Setswana) (25:40): Greetings, I am Mambule Elizabeth Ngubane, I am from Mhlanga, Thembisile Hani municipality Ward 19. I am going to be speaking mostly about the issue of education. My problem in terms of education is that, colleges are closed and the matriculation rate is high and thus kids are stranded. Firstly they closed Marapyane College, when it was still teaching, it was closed. It was then re-opened as Marapyane Agriculture, now it's closed again and it's in a rural area where unemployment is very high. Another college that was closed was kwaMhlanga Technikon and we don't even have any universities here and most learners have passed their matric, but have nowhere to go. We find instances in these technikons and universities; they indicate that they have limited intakes for every different course they offer. Consequently we find that some learners cannot be taken because of the limited intake and therefore end up not going to school and end up as drug users and dealers and some end up pregnant. On the issue of health; we have too few hospitals here in Mpumalanga and the clinics also are an issue. Clinics used to be 24 hours now they are not. So for example, me living in the rural area, if my child were to get sick or I get sick around 10 pm, there are no roads or transport available, so then how will I get to the hospital as hospitals are far. And when we inquire why clinics operate from 8am- 4pm, they say it's their right, that they have a shortage of staff, and this is because government has closed most nursing colleges. For instance, the colleges that I know here in Mpumalanga was Spring, and it only has an annual intake of 200 students.

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

What about other learners, if it can only accommodate 200. So we plead with Government that at least increase the amount of nursing colleges in the province so that when learners pass matric, they have a place to go and study, alternatively; please support FET colleges that exist as they too are small. Another issue is that we do not have rehabilitation centres here for drug users, we find that we have to take our children far and find that at times we cannot afford these rehabilitation centres. Even in instances where universities are far, we find that even if my child gets a bursary to go study there, I as a parent do not have the mere means to transport my child to Cape Town as I don't have money, because here in Mpumalanga we have no universities.

Another issue is that to us small business holders, foreigners are competitors to us and we find that it is us who bear the responsibility of registering, paying tax, rent and so forth, however, these foreign nationals do not follow such lawful procedures like us. Example, I would have an internet café and the foreigner also has, but his prices are less because he does not have to pay these other things which I have to pay because I am a citizen of the country. So what does the law say about me as a small business holder. Also I plead with you to please fund these small businesses, because we hear that we are to receive funding but even I myself have yet to receive funding as I am still struggling since I started my business in 2001 because I cannot get funding. There are too many laws and procedures which we cannot accommodate, please assist. Also, I asked that on the issue of medication, we went to Mhlanga Hospital, and we found that the pharmacy area where we collect medication from - it's hot and medication is stored there, what does that say. If I am to collect medication there and the room temperature where it was stored was high, what will happen when I drink the medication, the medication is more dangerous for me. Please look into this.

Also please check on educators, these union polices and teachers rights affects us as the community badly at times. We end up finding children who go through primarily school for 10 years because they are regarded as slow learners, and we don't have

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

school for such so called slow learner/ special schools, and social workers are too few to assist us. Thank you.

Elias Vukela (30:02):

We have a problem in Mbhaha but the employer chased us away without giving us our money. It is over a year now since we were dismissed. We are discriminated against here. People from Mozambique and Swaziland are employed even though they have no work permit. Thank you for bringing the Panel here because we cannot go to Parliament or in Pretoria. I ask that you consider our plight.

Kgomotso Moseri from Gender CC South Africa (33:10): I would like to highlight challenges faced by small scale farmers due to climate change as well as lack of access to resources and land. We would like to see removal of all barriers to farming and access to land. We would like see programmes to promote food sovereignty and facilitation access to markets, use of renewable energy technologies and access to finances. Communities want skills training to help with climate adaptation and sustainable use of renewable energy. We would like to see meaningful involvement of women in policy making decisions. We say, not for women without women. Thank you.

Kgosi Mokoena (38:02): Chairperson of the Panel and your delegation. Thank you to the Speaker of the Provincial Legislature for making this gathering possible. On behalf of traditional leadership here in Mpumalanga I want to state categorically that as people we have not been cooked with one pot. Let us accept this thing that is upsetting some here who have witnessed what happened. Let us accept that as people we have not been cooked with one pot. That is what we are saying as traditional leaders and I will say no more because I don't want to stoop so low in case people who are watching don't notice the difference.

What we will say as traditional leaders here is that, just to clarify the role of traditional leadership: the Premier of the province, the MEC, and the Chairperson of the House of

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

Traditional Leaders do not choose who a traditional leader is in cases where there is a dispute over who is the legitimate successor. It is the royal family that chooses the successor and the Premier issues a certificate of recognition to that chosen person.

As Mokoena standing here, or as Sibiya, or a Motlanthe, no matter who we may like, we have no right to say who we favour to be a successor or question or overrule the decision of the royal family on such matters. That is a procedure when it comes to choosing a successor. All I want to say to you as community members, the insults directed at traditional leaders must not trouble you. As Kgosi Mokoena, a traditional leader, I am not troubled. You must not leave this place troubled that some were insulting traditional leaders.

Leadership, what we are concerned about is the SARS Act. There are many here who are slaves of SARS. The SARS Act must be looked at because the then Commissioner came up with some regulations that are really frustrating our people. A lot of people here find themselves standing in long queues with SARS envelopes. Something must be done about this Act.

What I'm asking for is that people who are supposed to know pretend not to know. I'm so disheartened to hear the comments from the Legal Resources Centre who publicly in this kind of meeting said here in Mpumalanga there were no elections to elect councillors, the 60 and the 40.

When these elections took place here the MEC then was the honourable Kenneth Mashego. All traditional leaders in Mpumalanga conducted those elections for the 60/40 and those elections took place here in Mpumalanga. Except where there was a dispute or uncertainty over the boundary and the jurisdiction of a traditional leader. That is where elections did not take place. With due respect the woman must go and do research because they have resources to conduct research. I am not hiding anything. I am saying elections were conducted in Mpumalanga. The 60/40 is happening here. We

Disclaimer: These transcripts were produced by different people, including post-graduate students who translated and transcribed the material from the YouTube recordings of the public hearings. We cannot vouch for the absolute accuracy of the translation and transcription, and refer those who require absolute accuracy to the YouTube record itself. 54

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

were the first province in the country to conduct election in order to have 60/40 representation.

When it comes to Chapter 12 of the Constitution, I want the leadership to look into this issue. In the whole Constitution it is the only Chapter with only one page. The question is, why? Is there any political will to empower traditional leaders? Let us go and look into this because it will serve no purpose to say in gatherings such as this we love traditional leadership, we respect traditional leadership and yet we don't show this where it matters most. I am pleading with you.

Let me thank Mshengu who spoke here in the morning who said that the Department of Justice is handling court cases well, it is adjudicating disputes well. Whoever has money to take a matter to the Magistrates Courts is free to do so but should not, because they have money and resources to go there, deprive those who still believe that traditional courts can assist them. Those without resources to go to the Magistrates, they must not be denied the avenue of traditional courts. There is no truth in that. If you don't want to use the services of traditional leadership, no one will force you to use them. But others who need them must be allowed to use them. Don't say that everyone must follow you and not use the services when they need them. There is no truth in that.

Now I agree with my mother whom I love so much MaKhabazela/Mkhize. You speak about polygamy here. You say there is no place for polygamy. There will be secret girlfriends left and right. That means we must no longer marry. But we are traditional leaders, we take traditional medicine, what do you expect us to do? What do you expect us to do? Because here is the only wife in this marriage and traditional medicine kicks in at 03h00 in the morning!

On behalf of traditional leadership, on behalf of traditional leaders in Mpumalanga I would like to say that a lot has been said by people and we agree. But I appeal that let us not generalise. We agree with people that there are instances where things don't go

Disclaimer: These transcripts were produced by different people, including post-graduate students who translated and transcribed the material from the YouTube recordings of the public hearings. We cannot vouch for the absolute accuracy of the translation and transcription, and refer those who require absolute accuracy to the YouTube record itself. 55

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

right in traditional leadership institutions, but where such instances exist we say come forward and indicate that something is not going alright. To make sweeping statements is not alright. We agree that there may be mistakes here and there. We are human beings. We are not infallible. But let us not generalise. We thank you for this opportunity to air our views. About these other things, I want to check, what are my rights if I am insulted publicly in your presence? As a person, as a human being, removing the Chairperson of the House, as a high man now, I want to know my rights if a person insults me because the traditional leadership in the province asked us to come and listen to what people have to say. Thank you for this opportunity.

Speaker unidentified from Driefontein under Solly Mkhize (48:50): My concern is that we resisted forced removal at the time that Mkhize was killed. We were promised houses, but up to this day we have not been given houses. We are not fighting traditional leaders, but are oppressed by them. They are not helping us. We built our own clinics, schools, without government assistance. We do not get Government services and yet we were promised. We ask the Government to provide us with basic services, and houses.

Sarah Mashiyane, DPSA in Thembisile (53:57): Our main problem is that we have people who leave school because they are slow learners. They are pushed. They are not passing. They are not given attention to accommodate their special needs. There are no schools for children with special needs. The centres have no people dedicated to children with special needs. In Thembisile we have no school for disabled children.

Speaker (56:44): I want to ask one of our members to come forward and tell you about our land claim.

Jabulani Mkhatsha (57:28): I am from Nkomazi. We were given a certificate for our land claim in 2007. We have a problem with changing a committee so that we can finally

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

move to our land. We ask for help because we have the certificate already but we have no money to go to court to change the trustees. Thank you.

Dumisani Madonsela (58:36): We have a problem as workers in Mbhaba. Our sisters are sexually harassed. Injury on duty is a common problem and once you get injured you are fired. Please find out for us why is CCMA not assisting with cases like the one opened in 2015, case number 10027/15. We reported to the Department of Labour and SAHRC, and Parliament but have not been helped. We want to have a union. The employer told us that he paid R6m to the President of the country, we have evidence of him saying so, and that he paid R6m. Assist us as farm workers.

Thulani Ngubeni from Ward 5 (1:01:02): We live in rural areas but service delivery comes through the municipality. We ask for traditional leaders and municipal councils to work together. We also need roads in our area. Lastly the age limit when it comes to employing people in government is disadvantaging us who are above 35 years. We ask for monitoring of rural development. We were trained but did not get certificates yet money is used even though we do not benefit.

Thami from Ntsikazi (1:04:02): We have a challenge with shortage of schools and as a result there is overcrowding. We ask for monitoring of schools, the building of more classrooms and employment of more teachers. We ask for job opportunities, and not to be asked for experience when applying for a job. This thing of employing friends and family in government departments must stop. Thank you.

Desmond Sibiyi from Nkomazi (1:05:02): I wish to convey these points on behalf of farm workers in Nkomazi. We leave our homes at 03h00 to go to work. We also work on Saturdays. I would like to know, why we are not paid for working on Saturdays. We ask that you look at this matter, because there are people from Mozambique working in the farm and they live in compounds. Over 365 South Africans lost their jobs and yet there are Mozambicans working in the farm. We are slaves in the farms but the ANC is

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

celebrating freedom when we are not enjoying freedom. I bring these to your attention. Thank you.

Speaker (1:07:20): I am an advocate of the 40 percent unemployed. Government can apply a 40 percent policy to create employment in public and private sector. We want appropriation of land without compensation because the willing buyer willing seller policy is not working. We have a problem of drugs and we ask the Government to look into the issue of foreigners selling drugs in our communities. They are destroying the future of the country and we cannot remain silent.

Thabisile Mnisi from Hazyview (1:10:13): Our problem is with the Department of Education. We are grateful to the Government for helping with bursaries, but NSFAS requires us parents to make a financial contribution. We cannot afford to pay a financial contribution and that leads to children dropping out of school. When these children drop out they stay at home and are exposed to drugs. Secondly, still in education, the School Governing Body members devote themselves to their responsibilities yet they are not compensated with a stipend. They attend meetings, they cook meals for the school nutrition programme, and they accompany learners during school sports days and extramural activities. Yet they do not get a stipend. In the Department of Justice there is a problem as well. When my neighbour is attacked, and when the matter goes before a magistrate, the victim is asked to go on an identification parade and is forced to point out the accused. How can a victim be expected to point out the accused or to demonstrate how she was assaulted and yet a victim cannot undress in court and demonstrate how she was assaulted. Also, the Road Accident Fund, there are children whose parents died as a result of road accidents. These children are not compensated because it is said their parents were the cause of the accident, they committed suicide, and the children are left suffering. Lastly, we ask that clinics in rural areas open for 24 hours. I can relate an incident that happened last December when I took my neighbour to the local clinic, they stabilised the patient and sent us back home, they wrote me a note to say should there be an emergency at home I must call an ambulance. Then

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

while we were at home there were complications. I called for an ambulance. The ambulance too long to arrive because we waited for hours. And she died. She was buried. I realised that if the clinic was open for 24 hours we could have rushed to the clinic, and they could have helped. Thank you.

Xolani from Ntsikazi (1:13:52): Concerning traditional leadership, when they give out plots of land, they do anywhere and anyhow without taking proper planning into consideration; that communities need roads, water, and electricity. They settle people near river streams. As a result people who settle on that land end up protesting, barricading roads. At that moment the people do not direct their complaints to the chiefs, they become angry with councillors. Please help us ensure that traditional leaders take these things into account before allocating plots of land for people to build houses on.

Speaker (1:15:02): On unemployment and inequality. We do not get quality education in public schools. Youth do not get training and skills empowerment. What is the role of the NYDA because they do not visit communities to provide services? What is the role of DSD because we have community centres? The community development centres have been taking business proposals from us and then nothing happens afterwards? We are not getting funding or any kind of support. The Masibuyele Emasimini programme is a good initiative. However, where are we expected to farm? There is usually one tractor for the whole municipality. How are we supposed to farm? Also, in the mines it is only black people who work there and then we are killed when we demand our rights. Lastly, we drink contaminated water because of industrial pollution. We are powerless against big businesses.

Emily Mokoena from Bushbuckridge: Where I live I am in a rural area next to an urban area. We have no public park where children can play safely. We ask for help to get machine to level a playground for children to play safely. We ask for a bridge because the school is across the river and children are not safe. We ask for bin

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

containers because there is rubbish everywhere. There is no refuse collection. Also there is corruption, traditional leaders are blocking development, and want shares in projects to develop communities. Thank you.

Michael Ndimande from KwaBhokweni in Nkohlakalo Trust (1:22:30): We have had no water for six years yet our neighbours have water delivered three times a week. The municipality is not providing for us. Pregnant women and elderly women travel long distances to fetch water. Where is freedom? I am a pensioner, I am sick. I am forced to fetch water. I ask that members of the Panel visit the area before they go back to see for themselves that there is no water. It is very hot today and yet people are sitting outside the communal water tap waiting for water to come out. Please help us.

Samuel Malangwane from Phola (1:25:25): I ask Government to help. I worked in the mines at a time when there were pass laws. Now there are no pass laws. Traditional leaders are asking us to pay taxes. Government is giving traditional leaders cars and money, in addition to us paying money to traditional leaders. The traditional leaders are doing nothing for the community. Even when a family is bereaved, there is no form of support. Also as religious leaders, we go to Pretoria only once to apply for a registration certificate. When I go back home, I have to go to Kgosi Mokoena to apply for a site to build a church and I have to pay R4,000 for that. In addition to that traditional leaders demand an annual fee for the site. After that my friend goes to a traditional leader to apply for a site next to the church building to open a tavern, and pays a once off fee. This is not acceptable. Please go back to Parliament and ensure that what happens on the right hand side also happens on the left hand side. The RDP houses must not only be built in Johannesburg, we also want them. We are citizens also. Thank you.

Speaker (1:28:28): Legislation has not helped the communities. The man who instructed that a man be thrown into a lion's den was given a light sentence and was released on parole. What message does that send to the community? How should family members of the deceased feel? At the border gate there is no control. Foreigners

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

are flocking in and are causing crime. On traditional leaders, Kgosi Mokoena's son is the one forcing people like me out of my plot so that he can build a tavern next to a church and next to a crèche. As a result we are up in arms against our traditional leader. Thank you.

Mkhulu Peter Mopane, Belfast (1:32:40): Wage inequality in the Community Works Programme. How come some are getting R600 but other people from other provinces are earning R1,200 and others R1,600? The Emakhazeni municipality used to be one of the municipalities with the highest number of residents paying rates but today it is in debt and is threatened with electricity cuts by Eskom. My request to you as the former Auditor General is for an investigation into where the money is going to because money does not have feet, so where is it disappearing to? Why must the community suffer and pay more because some people stole the money? The people who were in the municipality before the current term must be investigated. Thank you.

Victor Masuku, Bhokweni (1:36:19): In the security industry during March 2015 we lost our jobs in private security company, and were taken out of sites where we worked at 12 midnight, kicked out like a rugby ball. When we followed up to fight for our jobs we became aware that these private security companies just come with new employees at night. When we were kicked out of our jobs we were forced to walk from Swartfontein to White River in the middle of the night. In April we were still fighting for our jobs, and we were told to go and apply again for same jobs. We paid for eye tests. Nothing happened thereafter. Please help us in the security industry and stop private security companies. Also the law must be fair. When were kicked out of our jobs there is a woman who was kicked and assaulted so badly that she had a miscarriage. We reported the matter at White River police station, and they never followed up. She was pointed at with an R5 rifle and she was traumatised. Thank you.

Eliot Sando the Chairperson of Mgadwini Community (1:39:20): We have a complaint about the Rural Development Department in our area. There is no reshuffling

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

in that Department. Is it because Cabinet reshuffle affects those who are doing a good job only? Here is Gamedze who was helping us while in that department. He was moved to another department. Now we have no one to look after us. Just recently R45m disappeared in that department and there are investigations under way to establish where the money disappeared to. Please help us before there is bloodbath. Thank you.

Cyprian Zibi from Emakhazeni (1:42:02): We ask that border control be strict, that working permits for foreigners be enforced. Please help with labour offices to ensure that people seeking employment are registered and placed where there are job opportunities. Thank you for the EPWP and CWP in our communities. Now we ask that you do not entrust these into the hands of private companies. If the Government can take control of these programmes, more people can benefit. Private companies are standing in the way of progress and development because they want to make profit. Also, the ward councillors are working hard and getting little money. Also those who volunteer as home-based care workers are not getting the stipend. Thank you.

Nomvula Maseko (1:44:09): Can you please help ensure that disabled people get employment in Government departments? In all these municipalities and Government department there is less than 2 percent of disabled people working there. Also if you are blind at the age of 18 years there is no school to attend. We ask for a school so that we can do ABET. In the Department of Health, we ask it not to buy the cheapest wheelchairs because after six months they are broken. Also, the SASSA doctors must please not diagnose by just looking at the people. They must do a proper job. COGTA, can they have CWP workers so that they can properly identify disabled people. Even when the Government builds houses, they must provide proper infrastructure for the disabled people. Also, RAF is rejecting claims from social grant recipients. The law is not serving us. Lastly, Ward Committees, there is a law that requires verification of criminal records. Are you telling me that civil servants have no criminal records? Where is justice? What is the rehabilitation programme of the department of correctional services for? Lastly, social grant money is not enough. Please do something about it.

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

Diana Kgubane, Bushbuckridge (1:48:16): I am to talk about the issue of poverty. The reasons for this high rate of poverty is as a result of the unemployment in our areas, this further affects the economy, because only the few can access the economy. On the issue of wealth, it seems to be given to only those who are rich, it must be given to also the poor people also. On banks, banks must be moved away from privatisation and must be brought into the public sectors. On behalf of pensioners, we ask that pensioners not be required to stand in these long queues, because they cannot withstand such. People in rural areas must be given something during the festive seasons, these private companies must reach out to people in rural areas. On the issues of land, land must be given to its owners, and land claim process must be speeded up. We find that one lodges a claim today, years will pass without hearing anything and some of the people even lose interest and hope. Others even die without having even gotten any compensation for their claims.

Gender equality should be applied in all job sectors and positions. All black people must be given land to plough and stop poverty. As pensioners, we must be given free doctors' consultation, and also pensioners in rural areas are less cared for than those in urban areas. Also, pensioners must be given an opportunity to access education in the form of OBIT schools, they may be old but they are not stupid. Old people are also often robbed by these banks, so they must be given privilege. We also say yes to the Sport Act, as it will give us an opportunity to also exercise.

Thank You.

Speaker (1:52:01): Floor crossing and sunset clause have caused suffering. Our leaders are negligent. I am an MK member. Those of us from exile are not working. Repatriation and integration in the military was not handled properly. The verification process was not handled properly. A lot of people were left out. The money in the Treasury was squandered. Some did not even get a force number. They were left

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

outside of the process. I cannot be verified by someone who never trained me. Only MK commanders can verify cadres. We were sold out. We are suffering.

Sylvia Shongwe from Eshweni Trust (1:55:20): We ask for roads clinics, schools, and water. We were promised a long time ago and many times. We are suffering. We ask for a community hall. All these are very important to us. Thank you.

Lucky Nkuna from Mankuna (1:56:09): We ask that Transnet fence off the railway line because every three months there is a death because children and adults are killed by trains. Some people are murdered and thrown on the railway tracks so that it can appear as though they were hit by a train. Livestock is also killed by trains. Municipal counsellors are not doing anything. We ask for help. We are tired of burying. In other areas there is fencing. Thank you to the ANC for the good work where they do a good job. About the issue of criminal records, we are that you reconsider it. We know of instances where there would be amnesty for people with illegal weapons to return them, and they are given amnesty. Why not declare amnesty for a period of six months, for an example, for people who have served their sentences to declare and get their criminal records expunged? Thank you.

Percy from Hillsvieiw (1:59:06): We are isolated in Hillsvieiw. There are no job opportunities, no schools, and no clinic. There is only a mobile clinic. We ask for services and job opportunities. Thank you.

Speaker (2:00:01): Can the youth age be increased from 35 years to 45 years because the youth are sitting at home unemployed and they are excluded from the economy and whatever opportunities that come up because of the age restrictions. Thank you.

Muntu from Zwelitsha (2:00:59): My question is whether university entry requirements can be flexible, because the point system disadvantages a lot of young people? Some get good marks throughout the years of schooling and just because they did not get A

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

symbols in Grade 12 they are denied entry to universities. NSFAS is also discriminating. There is a lot of requirements and conditions for applicants to satisfy. Please make the system flexible. Thank you.

Mrs Dlamini (2:01:39): Thank you to the Government for the good work. I am a Ward Counsellor in the area. We ask for upgrading of water purification plant because we are forced to drink dirty water and the water becomes so dirty we struggle to cook or wash clothes with it. Also, the clinic has a shortage of staff. We have educated children who can be employed to increase the staff compliment. Also, the graveyard is not fenced. Tombstones are destroyed by livestock. The roads to the graveyard are very bad, and slippery. Thank you for the visit by the Panel because when Mr Motlanthe visited us in Carolina we were promised that security cameras will be installed at social grant pay points to identify those robbing the elderly of their money. The elderly are robbed of their money, especially by those employed to disburse social grants. As Ward Committee members we ask for an increase in the stipend because from the little amount we are given we also buy airtime to make phone calls, as a result we have little money left to take home. Thank you.

Speaker (2:04:18): Do ordinary citizens have the Constitution? Do they have it? Do they know what it says? Because there are lots of unnecessary strikes in the communities instead of people demanding their rights where the responsibility and duty to protect resides. Also, the media is not assisting. They are supposed to help educate the citizens. Also, the education system must change to provide practical skills. Citizen Act has loopholes because in the borders the foreigners are flocking in and are impregnating our sisters. As a result the some children born out of such contacts do not get citizenship. We ask for review of the law so that children can get citizenship.

Sam Nzila (2:06:34): Qualifications from different universities are not given equal recognition and some earn more than others even though they have same qualifications. Also, there is still discrimination because even when completing

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

government forms there is racial classifications. I ask that at least forms must ask whether you are a South African or not only. Thank you.

Speaker (2:07:11): There is high unemployment in South Africa. In the Constitution we must add that social grant must add social grant for all citizens (Basic Income Grant) so that people can have something to build livelihood on, including improving skills and qualification. Also immigration laws, because when you go to countries like Russia you are given about three months to be in that country and go back home afterwards. Are we giving foreigners three months stay permits or for the rest of their lives? Most spaza shops have similar names, and that means an owner of multiple spaza shops and stores pays tax for one shop and the rest of the shops are not taxed. Thanks.

Speaker (2:09:33): About 5,000 youth in the province were promised training on artisan skills. The project started but it is not going well. The company that is supposed to train is not doing a good job. The certificate we received is rejected by companies. Youth from disadvantaged communities that spent time training with the hope of getting jobs are left out in the cold, time wasted, hopes shattered, promises broken, money wasted. Another group is expected to start this year and they will suffer the same fate, useless certificates. Please help us.

Thandi Bulunga (2:12:26): In Phola Park there are unemployed women collecting metal scrap. We ask for food parcels for them. Also, we have a water pipe that draws water but we have no water. Our neighbouring communities have water but we have no water. There is a brewing conflict with our neighbours because the community members walk across the boundary to get water from the taps in the neighbouring communities. We ask for water. Please install more water pipes. There are service delivery protests over water. Also, councillors must be given the budget to provide services because they end up being the target of community anger. They are closest to the people and know the needs of the community. We ask for 55 years to be the starting age for getting pension because we die waiting to receive pensions. Please help us.

Disclaimer: These transcripts were produced by different people, including post-graduate students who translated and transcribed the material from the YouTube recordings of the public hearings. We cannot vouch for the absolute accuracy of the translation and transcription, and refer those who require absolute accuracy to the YouTube record itself. 66

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

Speaker (2:16:18): Let us safeguard the youth. The Maputo corridor is letting shame in South Africa, immigration laws are not working. Drugs are dumped there. Government must act. Otherwise this country is doomed to fail. Thank you.

Themba Mtubazi from Zwelitsha (2:18:14): We ask for free education. Even though we no longer pay school fees for children but the money we are asked to pay for supplies, stationery, and other things is a burden. Families with three or more children are burdened as they cannot afford. As a result more children are not provided for. Secondly, the experience requirement when applying for a job is excluding many of us. Thank you.

Lenard Msweli from Middleburg (2:19:40): Poverty and Access to Basic services. We would like to propose that HIV positive people and those on medication for chronic illnesses must get social grants. No one must be expected to take medication on an empty stomach. Secondly, why were teaching colleges closed? There is a shortage of qualified teachers. There is high failure rate in our education system. Why were teacher colleges closed when we took over Government? Thank you.

Prayer Mashaba from Hazelview (2:20:49): I am a victim because I worked at Mbombela Municipality at the time when there was a backlog in the delivery of services. I worked on a three month contract for over a year. The municipality promised to employ us on a permanent basis and when permanent posts became available we were shut outside of the process together with my colleagues. My question is, why is it not a single one of us who were on contract has been called to be employed now that permanent posts have become available? Because we have experience to do the job and fill in the positions. I ask myself, what is the Labour Relation Act helping us with if we left outside and not given first preference when we have knowledge and skills to do the job? Why is there no observance of the law so that at least one person is absorbed in each section out of all those who have been doing the job all along? We have been to the CCMA,

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

and nothing came out of that. None of us is employed by the municipality. All of this makes me feel inferior. We ask for help.

Solly Bamjee from Emlahleni (2:23:12): I have a complaint about allocation of houses that are supposed to be occupied by local people who have long been on the list to get houses. These new houses were given to red ants who are now vandalising them. There are no geysers, there are no electricity wirings. All these are vandalised by the red ants. The Emlahleni municipality, instead of actively intervening is extending the contract of red ants, is employing them to cut off electricity in the houses of community members. We know that the red ants are not trained to disconnect electricity. They are trained to demolish shacks. The municipality wastes over R82,000 every two weeks. That money could provide a stipend to community members. I ask the Panel to pay attention to these matters. Thank you.

Speaker (2:24:14): Mining, the mines in Witbank are not helping. The learnership programmes are invisible, maybe because those who are tasked to disseminate information are falling short and as community members we do now know about the opportunities. We ask for Government intervention. In Lokhanji, Ward 14, Stand 792, has unused shopping complex. The Indians left the complex. Now drugs are flowing freely there. It is dangerous there. We ask for the government to provide a clinic in those buildings because we do not have a clinic in the area. We are forced to travel long distances for clinic services. We ask for a clinic and the library in the next IDP. Thank you.

Muzi Nyundu from Hazyview (2:26:04): Water is a problem in our area. We have benefited from the provision of other services. We often have to wait for over two months for water tankers to deliver water. Secondly, the ambulance service is not available in our area. People are dying. It takes forever to wait for an ambulance and most of the time it does not arrive. The emergency services are not available. Also, unemployment is rife and we see nepotism, favouritism, and corruption in the way in

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

which people are employed in government positions. Lastly, we ask that our traditional leadership in the province under Kgosi Mokoena not to turn our institutions of traditional leadership into personal business. We agree that there must be small fees charged here and there for certain administrative services but to exploit ordinary people because this exploitation is creating divisions between community members and traditional leadership and well as institutions of traditional leadership as a whole. As community members we end up seeing enemies in traditional leaders. We ask that traditional leadership must have a programme to go to communities, to hear the views of the communities, and so that the institutions of traditional leadership do not become a burden on the shoulders of the people.

Ntonjana Mazibuko from Bhokweni (2:28:02)

END of recordings