

## Northern Cape Public Hearing: 21 September 2017

### 21 September 2017: Morning Session

**Mr. Kibidul:** Thanks very much. Good morning panelists and fellow South Africans and comrades and members of our affiliates. I will speak English and also throw in a bit of what we call Northern Cape Afrikaans. Because we know we have what we call kaapse Afrikaans but in Northern Cape we have our own brand of the English. I was also wondering panelists why this 9 minutes because sometimes we get 10 minutes but it's fine we will try to get everything in. But as of now panelists it becomes bit difficult for us not to highlight on all the aspects highlighted on growth, poverty and inequality.

Quality health care and quality education and skills development. But we would like to highlight though, as a progressive and transformative trade union, everything is linked as we do stand to ensure that fair labour practices are built into collective agreements, to strive for better wages and conditions of employment, to promote democracy in the workplace by ensuring that workers participate in decision making processes, to fight for healthy and safe working environments for all workers. To fight against discrimination on grounds of race, sex, religion, sexual orientation, disability or personal beliefs and the fight to equality of opportunity. To fight for job security to advance employment prospects of the workers. Because the struggles do not start at the workplace, it is influenced by society so now we also direct the struggles for socio economic, political, ideological and class consciousness and economic and skills development.

I want to focus on what we call the Labour Relations Act in terms of addressing the issues of wage inequality. So we said the amendments to the Act came into force this year and provide greater protection for certain workers in temporary employment services. Section 198.3 states that a worker providing anything but the true temporary service to the labour broker's client is deemed to be the employee of the

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client and the client is deemed to be the employer. And individual performs a temporary service were he or she renders services to the client for the less than three months or where they fill in for an employee who is temporarily absent such as maternity leave. But that also Chairperson of the panel you know our stance in terms on the total ban on the labour brokers. The new amendments have provided commission for conciliation, mediation and arbitration where you register to get any disputes relating to the interpretation or application of the new amendments. This is in addition to its powers to deal with unfair dismissal disputes. And we just want to highlight what one of the law firms says - in terms of the category of employees protected by the provision are those that earn below the current threshold of R250 000 per annum, per year. It is equivalent to R17200 a month. The threshold is described by the Labour Minister and may increase on July 1. These are very important provisions for us because they say, if you terminate the service of the employee with the client and if the purpose of the termination is to avoid the deeming provisions of section 198 from applying, that would be regarded as a dismissal and an employee could approach the CCMA for relief so we believe that that is great progress to the amendment to the Act.

Let us come to quality education in terms of the time for us it has been a burning issue and it remains our task to have a clear road of approach to deal with issues of higher education not for employees considering disabilities, wages from different universities, and the many inequalities between the previous white dominant universities and the previous black universities. Because we know currently what we have, your Fees Must Fall campaign and all the issues relating to that. But we want to go further panelists in terms of what you call the language policy under universities. It should be considered and also taken very seriously as it hampers quality education to all our students.

Because we know some universities have what we call resolved language policy but we know there are certain NGO's that take universities to court and question the

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policies adopted by universities. There should be a thrashing out of what transformation means because if the definition of transformation is ambiguous the higher education system would be able to get away with not adhering to transformation directives. We must ensure that there is accountability of institutions, transformation and access to fees and ban outsourcing and labour brokering. We must also ensure that higher education institutions will be accountable to Parliament and the process towards a free education system is speeded up. Because we know currently that most of the universities are autonomous and they don't account to the government. Another longstanding concern we are raising is a lack of a value system for higher education. This, we argue, is necessary to underpin the development of a critical mass of intellectuals with outlook towards the developmental needs of the majority in the country and the development goals of the state...should be the end result of training in the higher education system.

The financial consideration with a focus on savings and financial efficiency have and are being rated above areas of efficiency such as academic efficiency. There is consensus of the need to transform the education landscape. Issues that remain unresolved at this stage, issues of access, disparity between fee admission policy and the fee structure and then the lack of human resource plan and the real prospect of job losses about the workers and the universities.

Financial efficiency and the main benchmark for restructuring financial and human capacity. Very important, there is a need for curriculum transformation for all institutions of higher education and this will be a subject of a national conference that we ask to be convened on curriculum reform in our education because we know we tend to go to a curriculum that is not speaking to our development needs in South Africa. And that is, new funding formulas based on the principles surrounding the white paper under transformation of higher education must be introduced. And the access to higher education and the proposals looking at reviewing access to higher education so as to ensure that the fee structure and the admission requirement does not impact negatively on access. And we also need to review what we call the

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National Student Financial Aid Scheme so it can be more accessible to many of the poor students. Then the reward withdraw syndrome is to address promoting a mobility between and with institutions and faculties within the different institutions.

Coming to what we call the healthcare, the quality healthcare. You know our stance and the national insurance and for us is not a matter of discussion as it is a matter of implementation. The national health insurance because we know that this will address a lot of inequalities in terms of access to quality health service. Now we will make the following calls especially where we have found that in our province the provincial department must stop using new licenses for the building of more private hospitals with immediate effect because we know that currently in Kimberly a new hospital is being built, a private hospital. We want to request that this is not assisting so we need to upgrade our public facilities. We know that there has been a surge in applications by private health groups to build more hospitals even where they are not needed. Because there are three hospitals in Kimberly. This overcapitalization is a significant factor in the escalating private healthcare costs passed on to members of medical schemes and users in general.

At the same time poor regulation by government in this regard also contributes to the escalation of private health costs. The Department of Health must move with speed in appointing primary health care facility managers and review the occupational dispensation to cover managers of the primary health facilities. And lastly Chair we recognize the fact that the competition commission health market enquiry is still at investigation phase into the high cost of care and medicine in the private health sector, however we are concerned that in terms of the HNI's revised statement on issues, already it appears to be an agenda to bring back the social insurance model through the back door.

We now call on the HNI to focus on its mandate i.e. the causes, and to address the extraordinary private costs by promoting proposals such as a risk equalization fund in an attempt to undermine the creation of a national single payer in the context of

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the National Health Insurance. So chair with that, I don't know whether I'm still within my time. That is our submission, we will provide the document to the table there but we want to thank you for the opportunity to address you and we hope that it will assist in terms of the inequalities and our access to proper healthcare and to proper education for our poor people, thank you very much.

**Siphiwo Vantyu (1:08:01 - 1:09:40):** Good morning everybody. As the Chairperson of the panel has said at the beginning we must shoot straight to the point. I am Siphiwo Vantyu, I am the deputy chairperson of NAPTOSA Northern Cape. Our union is based on a commitment to the following principles. Number one, the inalienable right of every child and student to the quality of education within an equitable and non-discriminatory system of education in our province. A high level of professionalism from all education sector employees. The last one is an enhancement of all aspects of working life of education sector employees. In these deliberations, we are going to focus on only two, Chairperson. One, unequal access to quality health care, the second one is the quality in education. The perception that exists out in the public that private schools are better than public schools is not good. The Minister of Education even referred to private schools as a Mercedes and to public schools as a Toyota during the release of the 2014 independent examination board (IEB) NEC results. This is worrisome and it can mainly be ascribed to the inequalities that exist in public schools.

Unequal access to quality health care, the national health care act 61 of 2003 seeks to promote cooperation and shared responsibility between public and private health professionals and providers. Learners at public schools get very little or no proper health care access. Learners from poor backgrounds are far more likely to have health and welfare difficulties to overcome before they can even pay attention to learning at school. The schools that they attend do not have adequate support for these types of welfare problems. The historical inequalities continue. Both public and private health care professional do not come to the party in terms of servicing and supporting schools with many welfare difficulties that they are faced with on a daily

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basis. Many of our local schools have learners who struggle to adapt in the mainstream, and many of our learners struggle to learn and study properly. Our school system does not provide proper for learners with special needs. Some of them are in charge of child headed households and they still need to cope with their schoolwork.

Recommendations and suggestions Chairperson: The private health professionals must come on board in order to support schools and learners in their area of expertise in order to give effect to national, provincial and district health plans. The quality, learning and teaching campaign (QLTC) needs to be revived as a matter of urgency and the role and the responsibility of all the role players needs to be made clear in order for all of us to understand what role we can play to ensure quality education. The South African Schools Act 94 of 1996 seeks to address past injustices in the education system and to provide high quality education for all learners. What is happening in schools in terms delivery of quality education is in vast contrast to what the Act provides and what it seems to combat. Learners' rights are violated because many of them are taught in conditions that make learning difficult. For an example, many schools do not have adequate sanitation, doors that can lock, proper desks and laboratories for science. The historical backlog for poor schools infrastructure and inadequacy of resources is still in the order of the day. The Act sets out the responsibility of the state in funding public schools as we are having no fees schools ion our province, this is happening but the allocation of these funds to schools that really need the money is worrisome.

Educator's rights are violated also because of the inability of the government or Education Department to be specific, to provide effective in-service teacher development that meets the needs and the shortcomings of teachers in terms of effective teaching. The Government or the Department of Education needs to re-look at the funding model of the public schools, re -look at quintile model. We need first a system of schools funding, schools that need more resources need to get it. The Government or the Education Department must be committed to providing

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constructive and useful guidance and support to teachers rather than trying to rank them with scores. In an ideal world it would also be good to send the best teacher to the underperforming schools.

To ensure quality education for every learner, teachers need to work imaginatively, together, not competitively and individualistically. The role of the teacher unions must be made clear not to interfere with the appointment of educators by influencing any of the decisions during shortlisting, interviewing and recommendations phases. The only resource available to a union observer must be to represent their members on the basis of non-adherence to procedure and not to the outcome of shortlisting and interviewing process. The domination of one union and its link to the ruling party is detrimental to the quality of education. In conclusion Chairperson, I want to say that no one however, should be under the illusion that professional standards including or certification can solve the deep seated ailments of an education system with a problematic curriculum and assessment policy and a historical inequality resourcing. Thank you.

**(1:17:54 - 1:20:30):** Thank you very much Chairperson. Good morning comrade, compatriots, friends and revolutionaries. Ehm, it is indeed a great opportunity to speak in front of the panel so that they can witness what we are going through in Richie. Over the past 10 to 20 years many developing areas achieved strong growth rates and increased economic prosperity, Richie did not. Laying the foundation of a better life for our area citizens in Richie and yet economic and social transformation during a period of fast growth and bring new challenges of our government including income inequalities, in Richie. Structural transformation and the need to meet citizens of Richie in South Africa missing expectations of standards of living and access to opportunity for youth. We are being denied access in Richie.

I am clear and unapologetic. As an emerging middle class increasingly collapse it with the peers in advancing economies, disputes about access of quality education in South Africa, as well as our small areas in the Northern Cape. Fears of disruption

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in welfare programs throughout South Africa. All these episodes are evidence of a disconnect that threatens the country's social cohesion, weakening people's sense of belonging, inclusiveness and opportunities for social mobility. Government should not ignore the toils of these emerging middle classes nor underestimate their capacity to mobilize people and exert pressure for more open and transparent governance or for an increase in standards of service provision in our small scale areas, like Richie Dam.

As a result we should recognize the importance of building sufficient capacity and resilience to overcome a counter revolutionary backlash from hostile forces. Our goal is socialization of the means of production and wealth within our small areas. In the NDR it is stated targets covering comprehensive capacity building, funding legislation and policy must be set to achieve this strategic objective. The so-called mantra of obstruction, unemployment, inequality and poverty. Now comes the question, what are we to make of the NDP, possibly say it's a paradigm maintenance.

The issue of hashtag FeesMustFall is contradicting the Freedom Charter. It's contradicting the Freedom Charter. It says, the Freedom Charter says, free education for all. It doesn't state if you have partial income or if you have income, it says, free education for all. Amandla! I am Thomas Gerevel Kgomojong, branch secretary of the communist party in Richie, Amandla!

**Seadimo Taolo (1:24:10 - 1:24:42):** Good morning, my name is Seadimo Taolo from Kutlwanong Tlaptu Tau in Kimberly. I'll be talking about the poverty, unemployment and inequality. As we know most of us black people we are struggling because of poverty. Since we were born and until now, we are still struggling. I don't see in this, called the democratic, I thought we will be having something like privilege to be at least, not rich or what but in the middle class, but we are still poor of the poorest. I'm just appealing to the government that they should look to it that the black people are suffering. The state of living at our area is also bad because of this



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poverty. Unemployment, majority of us are unemployed. Government will say there are creating jobs they are only giving us a contract like the EPWP.

You are only going to work for a year, after a year what's going to happen to you. And if you seek a job they will say they want experience. The government came up with the solution of internship/ learnership but after a year that learnership expires. The people are coming back to location to sit, what is going to happen to them? They are gaining experience for that year but at the end of the day they are not going to be given an opportunity to work in that company again, so the government should also look to it. If you say learnership, the meaning of learnership is to say you are learning which means that you are gaining experience to work on that particular, and again it shows that if you are sitting on that desk, that means that you are supposed to be working on that desk forever because you are needed in that particular space.

So the government should look into it again. And other thing is the inequality. As we say inequality, the earning of our salaries. Our people as the domestic workers are still earning less and now the new democratic people are no longer working five days because people are afraid of the labour law. Our mothers, fathers are working only two or three days because these people are afraid to give the people the insurance benefits because they are afraid. They will be working for only two days because if you work for than three days you are supposed to be registered. They are afraid to do that. You are only going to work one or two days, and it is also killing our people because most of us are uneducated, we are depending on the domestic work. So government should also look to that. Please government I'm appealing. And also the situation of our black schools, our children are struggling. We are taking our children out of schools because of lack of education, lack of skills.

If you go to the schools, our teachers are not teaching our children because they know that, like the speakers from the unions said, there is a Mercedes Benz and a Toyota. The very same teachers are taking their children to the Mercedes Benz leaving the Toyota around. So how can our children be educated when the very

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same teachers are taking their kids to Mercedes Benz leaving the Toyota. Why can't they leave their children to Toyota so that they can give our children a better education. So the teachers, the union around, please take care of that. Go and talk to your members and say they must not take their children out of the Toyota to the Mercedes.

The children must stay with the Toyota so that they must give all the children a better education to be a Mercedes. And the Health Department. If you go to the hospitals people are dying, why? Because they are not like Florence Nightingale, if they were like Florence Nightingale they would have the passion, people are going there because of money. They are not going there because of the passion they have. If you have a passion, you do what's right. You are black working the blacks, I'm a black patient but you are not treating me well. You go to the clinic you hear that there is no medicine, why are there no medicines at the clinic? Why are the sisters in charge not taking charge of checking the medicines? Every morning we are going 5'o clock at the clinic but end up coming home at 6'o clock in the evening without even getting a single medicine because the clinic does not have a medicine. The government should take also care of that, please.

We are blacks, we are struggling, we have voted for the government of our people to think that we are going to be led. We wanted old Moses to come back and treat us equally. Moses to take us to the land of Canaan, we thought maybe we are going to the land of Canaan but we are still back to the world of Egypt. Let's go back and create a better place for our people. Like the government says, better education, better service delivery to the black people and I am appealing to the panel again. If you go and sit down, go and look at the situation, like you talking about the inequality, the poverty and the education and the health system of our people. If you can just change that, maybe we'll be living another 22 years better in the near future. Thank you.

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**Kelebogile Ditshaba (1:31:26 - 1:44:14):** Dumelang bagaetsho, good morning everybody and the panel at large, my name is Kelebogile Ditshaba and I am from Phokwane municipality, in the Francis Bart district. I'm gonna outline issues affecting poverty and unemployment in Phokwane areas. As all we know that the most affected people by poverty are, most of them are women as usual. Most women in Phokwane municipality are unemployed. Most of them are not well educated. We have a very high level of single parenting, amongst those parenting are young mothers. They rely on social grants, because we all know that social grants are not that much, they ended up frustrated and resort to alcohol and that creates a huge challenge because we end up having mothers who are drunk and they end up neglecting their children.

Children that are neglected they end up dropping out of school and they also end up resorting to drugs. And that family ends up not having any light, they end up vulnerable because there is no mother who is taking care of the kids, the kids are also unmanageable because of drugs. We have the office of Sassa in Pampierstad that is trying at all their best to manage this challenge because they arrange most of outreach programs. Those outreach programs they end up not fruitful because the targeted groups are not listening to those things, because they don't attend. They are not improved by those efforts so they ended up vulnerable. The suggestions to the panel. To those who misuse grants, government should put a monitoring tool in place. Those who misuse grants they must account to the social workers every month. He/she, the social worker, must assign someone from the family or from the community to assist in monitoring. Cases of negligence and abuse of grants should be reported by everyone who - like when you are sitting here and you know that your neighbor is misusing the grants and also abuses children, let those cases be reported. One other thing that can assist in women empowerment is the support to those who have ideas on how to improve life. Organs of state are requested to implement women initiated projects and allow women to create jobs for all groups. That's all from Phokwane, thank you.

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**Osia Magumu (1:47:36 - 1:48:24):** Gooi more almaal, good morning everyone. Ek is Osia Magumu van Platfontein by die Qung ga mienskap. I will only speak about the languages. I hear that everyone here for the languages is national languages and we as the Qung and Kwe at Platfontein since 1990 when we arrived at South Africa until now our languages are not recognized in the national or in the legislation. And we as the Qung and Kwe people of Platfontein we need our languages to be in the national and we also need our languages to be in the school so that all the children can learn our languages. And we also have our own people in Platfontein who can read and write our languages and that we need education of our children and that every person in South Africa must learn our languages, like other people we learn English and we learn Afrikaans. We also need that our languages, the Qing and Kwe languages must be in the national languages is all what I'm saying.

**Japhta Kapunda (1:49:34 - 1:55:08):** Good morning, Mbamba. My name is Japhta Kapunda I'm from Platfontein, I think I'm the last speaker to present the critical issues of challenges which is faced by Platfontein San community. Platfontein is just outside Kimberly towards the Barkley road, it's a walking distance from Kimberly. The community itself, like the previous speaker has indicated, we are facing extremely high rate of unemployment and poverty because of we make life out of the social grant and child grant. So it is not good. And we don't have access to service delivery. When I mentioned that we know that as the rural community there is some basic service we used to get from the municipality like electricity, water, sanitation, so it is a huge challenge for us. We use that kind of toilet, I don't know how to describe it but we all know those who have experienced that. And it is also affecting our lives, our health lifestyle. So people get sick because of that, that toilet bag when it is full, you used to remove it by yourself and you have to dig a hole in your yard and then you have to cover it. So when it is raining, you can imagine yourself what will happen. The clinic in Platfontein, we have a clinic but it is operating from 8' o'clock to 4' o'clock. It's like a supermarket and if you get sick maybe in the afternoon and you call the emergency service for the ambulance, sometimes it can takes 5,6 to

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10 hours before it reach to Platfontein and I said previously that it is a walking distance so I think we need to see on that.

Quality education, our education system is in place but the problem is that we as the young people we applied to any position and learnership in our local government, then simply our applications are being destroyed. So on that note when you go to the Kimberly care age and you know our elders they are not educated to tell exactly what is the pain, where the pains come from. Because the doctor is speaking English and who is there to translate so we need interpreters. Sometimes they call at Platfontein and ask you, 'this is an old man, we don't understand him, can you maybe talk to him or communicate with him so that we can help them, then through communication, through cellphone contact that person get help.

So it is a serious problem. And Home Affairs is one of the issues. When we go to Home Affairs we are given the blank forms and told you must go back to South West Africa, where your parents came from so that they can fill out the forms. And in Platfontein, from Platfontein to South West Africa is 2400 kms and when will you go and come back with that form. Ehm, I think the land is...our land was purchased in 1979 under the redistribution process.

It's a 13 hectare farm which includes Platfontein itself, Wildebeesskuil, and Droogfontein and there is no development. That's why the people are facing high unemployment rate and then the very sensitive one, and I'm gonna mention that one. You know the sewage water whichs come from Rodepan and Gogapomp, it's on our land, so it's about 800 hectare just being polluted by this sewage water. So it's a huge challenge. And as the second last speaker did mention, the issue of discrimination based on tribalism. We still facing it on a daily basis. I think we are all African brothers but we feel that's why our language is being discriminated so...and the housing issue is very important. We need housing, the housing project was, the houses were built in 2003 since now and the population is growing. We cannot live in

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one RDP house, only ten people. So imagine yourself. So I think on that note I say thank you for the opportunity that I got to express my views, thank you Mr Chair.

**Benjamin Sohlezi (2:03:00 - 2:04:36):** Revolutionary greetings, my name is Benjamin Sohlezi from Greater Number two, yah. I am here for land. Land that has stood like vacant for the 21 years into Democracy, there by the Greater number two number one B roll in Galeshewe. A place that was a beacon during that apartheid times. So I had to recruit youth for new ward 33 then, I had to sell them an idea of development because it is said that politicians are hypocrites neh. Then I dared to be different and I told them neh maan, we want development because that land is standing vacant, if we go to the Section 25 of the Constitution, property and there is expropriation.

Why doesn't expropriation apply there by that place? Expropriation I think it explains itself where land has to benefit the community for the purpose of recreational that will be for the betterment of the socio economic conditions of the youth of Greater Number two and as a cluster. I'm appealing to the government and to the panel sitting here that let that land be used to advance our lives in the Greater Number two. It is standing next to the Soubukwe precinct meaning that it will complement, they will complement each other.

Yah, because the Sobukwe precinct has been, it actually turned into a dungeon, into a tavern where people go there to enjoy themselves drinking alcohol. Instead why don't they use that place for the reason it was established. The museum and the library and everything. Why do we use it now to mess up our lives as youth, going there every time, smoking, drinking? Thank you very much.

**Mpho Lekgetho (2:07:15. - 2:08:00):** Okay, ehm, good morning ladies and gentlemen. My name is Mpho Lekgetho I'm from John Taolo Gaetsewe district. My focus will be on the triple challenges of poverty, unemployment and inequality.

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Reducing poverty is seen as the world's greatest challenge in South Africa, and in South Africa it is counted as the country's triple threats and within our district as John Taolo Gaetsewe this shouldn't be the problem because we are a community that is surrounded by the mines and those mines are not helpful to us.

So our concerns would also be on issues of age restrictions for job seekers. This has become a challenge since age restriction does not always favor everyone in the society to accommodate them in the available opportunities. For example, most of the learnerships will always require 18 to 35 and we cannot say that everyone from above 35 is employed right now. And my second point will be on social grants. There is a 50 year old woman who is unemployed and who doesn't qualify for an old age grant, physically well, who finds herself with no choice but to rely on her child, her grandchild's social grant.

What are we saying about that woman, and most of the time that woman is a single parent. And she has to wait between the ages of 50 to 60 for her to qualify for an elderly grant. Although South Africa is ranked as the middle income country, we are still faced with child stunting rate because of malnutrition. And the issue of malnutrition will continue to be seen as a problem because there is a one subject that we don't always talk about and that subject is food. Even during the preparations for local government elections, all the aspects will be brought onto the table but nobody talks about food and the reality is, if we don't eat we are going to die. And we are not going to vote because we will be dead.

Poverty continues to damage individuals, families and the entire society and this has created the situation between them and us. The dangers caused by poverty are listed endlessly as, such as depression, mental health, suicide and this is a very serious concern because we will end up having a society ya batho ba ba tsenwang (of mad people) because of depression. Statistics South Africa has once reported in 2015 that one in four is hungry, simply because the subject of food has become one of the unforgotten subjects.

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Ke nagana kea utlwala (I think I am being clear). So our recommendation to the panel would be; let us look into the issue of age restriction if it can't be from 18 to 40, let it be from 18 to 45 and we say we need a basic social grant that will accommodate that woman that I was talking about. The one that is 50 years, waiting for 60 to qualify for the elderly grant. Because we cannot divorce food from land, and poverty and inequality from issues of land. We want the government to engage constructively with civil society and implement food security legislation which will benefit the marginalized and...because civil society has got a story to tell because we are the ones that are working on the ground there and we know what is actually happening. Because we can also not run away from the fact that poverty perpetuates violence. In this country we need a national strategic plan that is addressing violence alone, not violence as a topic within the eight strategic plan. And we are saying funding should be available for NGO's that specializes with poverty reduction programs, simply meaning that funding legislation needs to be reviewed. Thank you.

**Nomendu Fani (2:12:57 - 2:13:31):** Good morning ladies and gentlemen, greetings to the...His Excellency Mr Motlanthe, his fellow members of the panel, my compatriots and ladies and gentlemen. I am Nomendu Fani from the ZF Mcau district and I'll be dealing with Working Group One in the chronological order as placed on the criteria. In dealing with wage inequalities, we believe that there is great disparity in income inequality due to the backlog that was left by apartheid system, and the backlog based on race and poverty. Therefore we propose that people get the same salary for the same jobs and not be discriminated based on race, sex or poverty. Our next point is wealth distribution and inequality. Wealth distribution based on the resources that we have, be it in land, agriculture or mining, must equally be distributed and redistributed rightfully so and we propose that government be the mediator in the process.

Labour regularity and environment. We face a challenge whereby we are infiltrated by labour brokers, so we want to do away with labour brokers. We cut the middle



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man and there is direct employment between the employee and employer, because employees suffer the brunt of no benefits, no retirement funds, no medical aids, because the labour brokers they get the benefits and the employees suffer that brunt. So we say do away with the labour brokers. I'm coming to the burning issue of unemployment, mainly based on youth. We cannot run away from the issue of unemployment.

As a young person I would like to address the issue accordingly. Unemployment seems to be growing everyday, because mainly I'd like to highlight the issue of the EPWP programs which do not absorb the candidates who complete the EPWP program. They are not absorbed into sustainable employment. What happens is that they get the skill and they get the experience but they are left outside. So we need to get a system where EPWP candidates are absorbed, they matured into a process, or they are migrated into a process where they get sustainable employment and are not left to be jobless. And someone else comes into a sustainable employment while we have someone who we've skilled. Can we invest in what we've skilled and what we've matured into permanent jobs.

And furthermore with unemployment especially with graduates. Graduates are faced with a serious challenge of being unemployed. We acknowledge the stride made by government in terms of the internship programs but I believe the need is too vast for the internship programs to accommodate all graduates. So we propose government set up a sector based on skills and based on qualification where we can bring in graduates to gain experience and make them employable. Because some graduates enter internship programs and after the 12 months they are not absorbed, they are not taken into employment and they end up being unemployed. So if we continue with that it's a great scourge to our society.

Poverty and access to basic services. For the past 20, more than 20 years, government has made very significant strides but however we do realise that it is impossible to rectify so many years of racial discrimination and apartheid in such a

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small time. And we do realise that government is doing much more in making sure that we have access to basic services, it's a priority I do believe. But more needs to be done and the process needs to be expedited.

Now, what we can have as government is that by the time people occupy land, by the time people occupy residential spaces they already be serviced. Because people occupy residential spaces for maybe three years or so before they get access to basic services. Their dignity is discriminated against, so can we have government service land before apportioning or allocating such land for residential purposes, permanent residential purposes. I'd like to first skip before I go to quality health care and focus on education. Our point on education starts with system. We believe we cannot make any progress on the surface if we don't start with the system. So we start with the pass rate in elementary schooling. The pass rate is way too low to accommodate quality education. 30 or 40% is way too low to ensure that a child can get to varsity level and perform adequately and effectively. So we propose that 50% be the minimum pass rate in all schools.

Furthermore we want to do away with the private and public system of schooling because that creates a great division and inequality. If we say government is for all of us, why don't we fall under the same umbrella? Let government introduce a basic curriculum for both private and public schooling so that no one gets preferential treatment based on how much they can pay. My kid cannot be done injustice because I cannot pay for the schooling. We all have a right to education. We all have a right to the quality thereof, and if we are to bring up quality leaders and invest in our future then we need to prioritise the issue of quality education. Furthermore government owes us as citizens, based on the promise of free education. We are not saying we all want free education but can we look into a system where we tap into the primary phase of free education and move from there on.

Spatial inequalities exacerbate the issue of social cohesion or non social cohesion, because we get, for lack of a better word, we get suburbs which are classified for

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white population and we get townships which are classified for your normal citizens. That in itself disparages social cohesion thereof. So we propose that communal living is integrated into our lifestyles. Social cohesion is integrated into our lifestyle in order to enforce unity in diversity and we create a united society. Skills development which is relevantly dealt with in the NDP Section 9, I believe. Skills development, we lack sectors and training facilities that advance young people's skills. I'm mostly going to talk about young people, advancing skills. Now the NDP says, in terms of skills, we need to focus on education, training and innovation. But is the infrastructure there, to facilitate such as process? The infrastructure is not there, which is a problem.

We have beautiful policies that guide us what has to be done and what should not be done but the implementation phase thereof, fails us vastly. So in terms of skills development we propose that SETAS be visible, more visible, in terms of providing accredited certificates for people who could qualify, skilled maturely into employment. And we focus on the governance of the SETAs in order to create an open and transparent process and we ensure that we elevate whatever skills people have. We elevate those skills and make people marketable, we make them employable based on their skills.

The NHI as was earlier mentioned is a very beautiful policy that would be of much assistance if it were to be implemented. We request and we urge the expedition of the process in terms of eradicating inequality based on health care. Because what happens in society is very sad that based on my pocket, my living or my survival based on health care is based on whether I can pay or not. I believe we all have the right to health care, so can government please look into that, thank you very much.

**(2:23:54 - 2:30:19):** Professor Balim. Thank you very much and warm greetings to the panel, to...particularly to President Motlanthe. I hope you haven't lost your taste for John Coltrane. Warm greetings to one of my bosses, Dr Mouthien who sits on our council. I'm speaking here on behalf of Sol Plaatjie University, I have two of my

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colleagues in the audience. And the presentation I'm making is derived from the sense that we are now a three-year-old university, but it does behoove a university to understand its sense of place. For a university to be connected with its community, it has to engage with its sense of place. And so what I'm gonna talk about briefly Mr Chair is the...our perception of sense of place in the Northern Cape and speaking specifically to the context of the Northern Cape. Just a few highlight characteristics. There is a sparse population here, very large distances between communities. It's a difficult place to provide service delivery. Electricity and water supply is not that easy in this community. I'm a civil engineer and I still struggle with ideas of service delivery around here. High levels of poverty and a trend in social degradation like family violence, substance abuse, an arid climate... this is a very arid region and is likely to be one of the first victims if global, if climate change is a reality. Which means that food security is a future problem. Big contributions of the GDP in this part of the world is from mining, probably 30 to 37%. However the mining sector is only responsible for about 6% of the employment and those skills are generally in the low level skills.

So if somebody coughs in China, the Northern Cape catches a cold and poor people lose their jobs, and we need to be aware of that. This province has been very heavily reliant on the mining sector and I think to its detriment. The agricultural sector is the biggest employer in the region, but about 20% of the people who work in the agricultural sector, work only from November to February. And this is a problem, there is no downstream beneficiation of agricultural products either. Northern Cape contributes a very significant amount of renewable energy to the electricity grid in this country. In fact when last I looked, the Northern Cape produces more renewable energy than it actually consumes. Unfortunately and unreasonably, the people who live around the solar panel plants get no benefit. And it seems to me that we haven't thought carefully through the opportunities created by renewable energy for manufacturing facilities in the communities closest to those plants.

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Another characteristic is when it is nurtured and developed, high level human intellectual capacity usually leaves the Northern Cape. The Northern Cape is a net exporter of intellectual capacity. Ahm, one of the strange...I don't think this is necessarily a unique issue in the Northern Cape, it is a national issue but it just seems to express itself a lot more strongly here in the Northern Cape. And that is disrespect, abuse and violence against women. It is the most disturbing thing you find here that is an unacceptable expression of masculinity. Women are treated as chattel and when a woman says no, it is interpreted as a spaza yes. It's not acceptable and we have to deal with this. There is a valuable and rich cultural and paleo sciences history in the Northern Cape that is mostly ignored by the majority of South Africans and that's because we've been acculturated into a habit of mind that considers things African as deserving of disrespect. If it is from, if it is African, if it is from Africa it deserves our disrespect. Just to give this panel a sense, you are now in the part of the world where the first human being spoke the first human language. I'm quoting somebody else. This part of the world, here in the Northern Cape, gave the world its humanity and that's not a small thing. And yet today a little earlier we heard the descendants of that first human being asking us to take them more seriously. That's disgraceful and let's deal with it.

We seem to have missed the first principle of development and policy writing, and if I can make, I'm not a legal mind...if I can make any contribution. We've missed the first principle and that is that every single human being, as an individual and as a member of a community, deserves the right to a dignified life. We've not been able to achieve that. The second point that the Northern Cape has illustrated for me is that 22 years after 1994, we still have been patently unsuccessful in extending the reach of social justice to the most marginal of our community. And I have to, I really have to quote from the bible here, 'what you do unto the least of us, you do unto us', and that's unacceptable. (Afrikaans) ...We can't sustain human development in South Africa under these conditions and I don't know what the answers are, I don't even know what the legal answers are. I'm afraid I'm spending my time highlighting. Can I make, in the few minutes that are left to me Chair, a comment which our university

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would like to respond to but it's a problem. And that is our deep and embarrassing disrespect for African languages. The normal is not normal in South Africa. It is normal for people, communities to have lived in this country for 5, 6 generations and still not be able to greet in an African language. In all parts of the world that's not normal.

The idea that I can walk into a bookshop in India, buy Nelson Mandela's Long Walk to Freedom in any Indian language, I cannot get it in Setswana or Tshivenda. It is our disgrace, we should look at shoes in embarrassment when that happens. South Africans don't read their own archive in their home language. Other people in the world are reading our archive in their languages. We don't read the Mexican, the Indian, the Scottish archives in our languages let alone the South African archive. I think we have to start dealing with this and we have to start saying that forfeiting a language is about forfeiting a value system and that is why we need to defend our languages. I don't wanna be romantic about being an African, but when you forfeit a language, you forfeit a value system and that's why we must defend this. There are many reasons for this of course, I don't want to engage with that and I certainly won't be giving you a superficial analysis. But we have to start engaging with creative writing in African languages. The argument that the market must decide has not worked. Our students don't engage with the world of knowledge in sensible ways because they don't read creative writing in their home language and that is not acceptable. I read Frantz Fanon, who wrote in French, I read Albert Camus who wrote in French, I read Mahfouz who wrote in Arabic. I read them in English.

Why can't you read them in Setswana. I want to make a last comment about Afrikaans. In many ways Afrikaans was liberated in 1994. Incidentally I come from an Afrikaans speaking community, I still speak Afrikaans to my mother, I grew up in Kliptown, my tsotsitaal is well developed. But in 1994 Afrikaans was liberated and taken out of the hands of organizations like Federasi vir Afrikaans se kultir verenigings, remember those guys, where, who tried to corral the language and tried to control it and dictate it and what happened was they stifled the language. 1994

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started seeing an infusion of white Afrikaans that was finding expression amongst black Afrikaans speakers in new forms of music, new forms of cinema, new forms of poetry in Afrikaans. And white people experienced a liberating sense of what it means to express yourself as a human being. Today I find a small group of white Afrikaans speakers who stand up in protest or in legal action believing that they are the custodians of my Afrikaans. Well they're not and they'd better come and talk to me first before they do that. Thank you very much.

**Sipho Mamapula (2:39:52 - 3:02:10):** Thank you very much ladies and gentleman. Let me greet the panel as well as members of the communities invited to this particular session. Riverton like any other community, we must not want to separate it from some of the triple challenges that were raised earlier or perhaps social problems that we are having in there. Um...poverty amongst young people, one of the major problems that we are having there. But then we are saying young as we are, we've got advice on how to survive out of the vicious cycle. Because you've got municipality entities there which we see as potential to assist, to address the question of the poverty that we happen to find ourselves in. Now, our plea would then be platform should be created for us to engage with them as to how best we see this thing being addressed. Somebody spoke earlier on about non-accessibility of information between the core and the periphery. You must remember that the Sol Plaatjie municipality consists of other outskirts like your Richie and stuff. Now the problem with government neh, is the accessibility of information between the core and the periphery because poverty cannot only be addressed by government creating employment. We are also saying accessibility of information to address the question of poverty is very key, between the core and the periphery.

On social issues, we are still living in a community where we don't have access to ECD and education is one of the key challenges that we are having. From time to time they speak about education. But the question of education is how do we then address it, from where do we address it, from grassroots level, ECD is one of the challenge that we are having in that community. 22 years into democracy since

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1994, Riverton is one of the few marginalized communities in terms of service delivery and infrastructure development. Because I want to believe in the Sol Plaatjie municipality, it is in Riverton community where still you've got access to gravel roads. So my appeal would then be also the aspect of infrastructure development is yet open for discussion.

Housing also it's a problem because we are still living in municipal housing. But then, yet, sometime years back in Galeshewe and the surrounding...but Galeshewe in particular, there were houses which were given to people at the expense of five bob, fifty cent. But still we are having situation of us in Riverton still living in the very same municipal houses. What is the difference because they are municipal houses. One other issue is the question of the health care system. We, yes we do have access to clinics but then the problem is that it operates three times a week. We are saying what is the possibility of looking into the matter so that it can open normally like any other clinic, the whole week. Those are the issues. Now I want to go national, to, I want to share my views with regards to national issues because they spoke about free education.

Now my view would then be the question of free education, the government must not want to take the burden alone. It is not the responsibility of government alone because you've got private companies, you've got mining companies in South Africa. They are taking away from our resources, what is it that they are going to add in terms of trying to address to the question of free education. Free education should not be understood within the context of government being alone trying to address it. The question of land. Expropriation Bill, implementation of policies which will then speak to transfer of land, fast tracking it. It's one of the key problems that we are having because we are sitting with a situation where government is also allocating land to communities.

But the problem is that upon allocating this land, you don't give means of assistance in terms of your grants which are there, which will then speak to the question of how



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to develop this land. Because we are going to sit with the very same situation. The primary objective of land restitution: give people land so that they must work on this land, so that they must try to improve their situation. But equally so opportunities which are there in terms of information on grants which are available to address the question of non-development of land is also open for discussion if our government can also try to address that thing because annually money is being returned to the national treasury. In terms of number of issues, land in particular. Thank you very much.

**Kagiso Peace Lekgetho (3:12:47):** Ya Dumelang. Comrades mine is about MPOD related issue for the ex-mine workers and I've got BEE. My name is Kagiso Peace Lekgetho from Victor Bambane ex mine workers and associates cooperatives. Should I shoot. Let me greet His Excellency, Kgalema Mkhulwane Motlanthe and his delegates. Comrade Kgalema Victor Bambane, ex mine workers acknowledge the heavy job that you did and you had to refuse to withdraw by 2005 the monies that were allocated and that needed to be scrapped. And you fought hard so that those monies need not be stopped and it has to do for the recovery of ex mineworkers like under MPOD. What we are saying as mine workers now that we are from the same background, we are saying that poverty here in Kimberly, having been unemployed for the past 10 years through retrenchment, it is that how about the MBOD we took for job purposes, because the one stop shops seems not to have worked we would like that there is potential amongst the retrenched ex mine workers who can conduct their own MBE, that is Medical Benefit Examinations. That is we are here, we've got cooperatives so we can help ourselves, that is what we are simply saying. Because we are being told of trackers and tracers from Johannesburg by the TEBA. In fact we are not that generation that is retrenched. We were not there, work the mine by 1940. We are those, we don't even belong to TEBA the majority of us.

Let me come to the Cooperatives Act. We seem not to or all of us here in South Africa we seem not to understand the intentions of cooperatives. We are a registered cooperative, we think we understand them, we are the people who did...Now you go

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to the state organ, you've got your ducks all in order, you've got your bank accounts, you've got your triple BEE, you've got your constructions. They will even go to the extent of telling you, you've got them all but how about, I mean how do they assist us. Because the entire business of the day has been organ state if one listen correctly. Now one ask himself, the people who must assist me, do they understand what government is looking for?

So the people inside we seem to pick up a problem that they seem not to understand this. So without waste of time, we...I had something like the mining charter, the BEE. About the BEE, I'm in fact a shareholder of a BEE, they call it Ponahalo but for the past 20 years Ponahalo has done nothing for me. Now they were allocated 26% as per the mining charter. Maybe it is wise for the government because the business, that is now to be as to be straightforward, they enjoy this 74%. How about solution being the net mining charter says let's go 50/50. Maybe we can enjoy rather than 26% for the BEE, 74% for the, for the very same conglomerates of business. I thank you.

Tuelo Pharasi (3:17:38 - 3:22:04): My name is Tuelo Pharasi. First of all I just want to greet you all here in the wonderful name of my redeemer Jesus Christ of Nazareth. Yes, I want to greet Excellency Mr Kgalema Motlanthe and his panel. I will just be brief, mine will be primarily on service delivery issues. You see we have a problem here because now, we here in Galeshewe. Galeshewe it's vast, it has grown and now you find that our services at times they are not being taken. For instance refuse you know, the municipality would normally come maybe after two days or three days, you see. So that is also a challenge, whereas now we know and understand Sol Plaatje is a big municipality at times there's no trucks to take the refuse and the issue also, the burning issue now is this one that I want to raise, the high electricity tariffs. Why here in Galeshewe and Vergenoeg and Roodepan, Colville and Ritchie, why are we paying so much electricity, that is a burning issue, compared to other areas, like Kuruman. Why are we not buying electricity direct to Eskom like other

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areas, that is a bone of contention that I want to raise. The other issue that I want, I hear all the speakers have been talking, is the issue of corruption.

Corruption you know, everyone knows that corruption is an eyesore especially also in our province, we cannot shy away from this particular thing. Now here we are sitting with a issue of unemployment. Every speaker is speaking about unemployment but we don't make mention of corruption. Corruption - it's the one that is putting our province backwards, that is a problem! Now we are sitting here with a hospital that is forever being built. No one is talking about that thing, we love our government. And even the NDR speaks; it says a revolution is informed by reality, we must face reality. We are sitting with a hospital there, it's forever being built. It's more than five years and no one is taking accountability, no one wants to be accountable, what is that? It's a problem.

So that particular hospital if it was finished, the majority of young people would be working there, you see. So that thing must be addressed, and it's an eyesore. On that note I just want to say, Honorable , numerous times I've talked to the NCOP with regard to the issue of corruption in our province, that's why our province is so backwards. That thing needs to be taken into consideration and I thank you.

**Boitumelo (3:24:37 - 3:27:58):** Thank you. My name is Boitumelo and I would raise one issue. I think the issue of one minute it's an injustice in itself. But I think what is important is that through all the issues that were raised. Access to education, access to health, one issue that I think the group has left out is the issue of access to justice. Now, we would want to submit a comprehensive paper on this. Surely there is a recourse out of this process of written submissions. But what is important or what we must note is that for an ordinary person to...or for any person to take a case to the Constitutional Court, it will cost you less than a million rand, if you have to go through all the necessary processes that lead up until the Constitutional Court. Now, those that are having access to justice are those that can afford the best lawyers in the

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country and so forth and so forth. What we must note - it's the latest cases that we've seen for example the case of Oscar Pistorius.

He could have the best lawyer and I believe that, that is why he could've received a sanction of about 6 or 8 years for that matter. But an ordinary person that has committed the same crime, who does not have the very same access to those particular best lawyers will be lingering in prison for a very long time. Even the system itself, the way it is designed. It is not designed to be accessible for victims of crime because you have to go there, you have to appear before a judge, lawyers. They talk a language that you don't understand as a victim. So a judge is empowered to take decision. Even the sanctions that are meted out during court proceedings, they are very inconsistent. You will find for the very same crime that somebody has committed, well we acknowledge the circumstances might be different, but for the same crime of murder one person would receive 15 years, another person would receive 8, 7 years and so forth.

So access to justice it depends on how deep your pockets are. So it's one issue that we think was left out on the group, we must look into alternatives. We will make certain alternatives when we present the paper but we think access to justice is one issue that fails victims of crime within our province and within the country as a whole. Thank you very much.

**Freddy Lesego Montsho (3:30:55 - 3:35:24):** Thank you very much. My name is Freddy Lesego Montsho, I'm the provincial chairperson of the Northern Cape Youth Council, a non-profit organization registered with the directorate of NPOs in the Department of Social Development. I would just like to direct a point of clarity to the gentleman seated on the panel, Mr Tshefuta. With regards to the South African Youth Council because according to our understanding he says that he is the president of the South African Youth Council. However, our knowledge dictates that there are no provincial structures of the South African Youth Council in other

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provinces. The Northern Cape is the only province with a provincial youth council including Durban youth council. So how do you go around saying that you are the president of SAYC whereby SAYC does not have provincial structures?

Secondly, I would just like to check with regards to the President's view or rather the former President because we must take into cognizance that comrade Motlanthe was the President at a time, with regards to your view surrounding the nationalization of the South African Reserve Bank, because I think if we have to deal with the issue of poverty, unemployment and inequality we have to start with the nationalization of the South African Reserve Bank, because inequality in itself leads to poverty, inequality leads to unemployment. So therefore it becomes important for us to go back to the Freedom Charter which says that the mineral wealth beneath the soil, the banks and the monopoly industry shall be transferred to the ownership of the people as a whole so therefore we must take that into cognizance.

And lastly I would just like to deal with the issue of non-racialism vs. multi-racialism because in South Africa today we are living in a multi-racial society, we are not living in a non-racial society. We still have people identifying themselves as blacks, as whites, as coloreds, as Indians and that is not the conquest of the national democratic revolution. The national democratic revolution seeks to achieve a united, non-racial, non-sexist and democratic South Africa. Thank you very much.

**Onkgopotse Tiro Wolf (3:37:31 - 3:37:39):** Thank you Chairperson, my name is Onkgopotse Tiro Wolf, I'm an inhabitant of Kimberly in the Northern Cape. I have quite a number of issues but due to time constraints I will try to actually narrow them down. Before I express myself or present the issues that I would want to raise, I would just like to make reference to the NDP, with specific reference to the issues that we would want to raise Chairperson. Amongst the many challenges that have been identified by the NDP is the fact that the quality of education received by the majority of black people is actually weak. Now obviously Chairperson, a number of speakers have spoken on the issue of education, now what should actually inform it

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also is the piece of legislation that guides legislation. Now, I have noted that amongst the many legislation that are being discussed today is the South African Schools Act. Now the South African Schools Act actually makes, actually provision for feeder zones.

Now, feeder zones Chairperson actually speak to the issues of when you reside in a particular area then you are given preference with regard to particular schools. Now spatial planning, we have had a presentation on spatial planning. We also have a history of a weak quality system historically. Now, we have schools that are in the suburban areas that actually are, not necessarily more, more...how can I say, affluent, but because of resources allocated to those schools in terms of human capital and so forth and so forth. It makes those schools, it gives those schools an advantage over schools in Galeshewe and surrounding areas.

It's for that matter that you find that there are those people who stay in Greenpoint, who stay in Galeshewe, however their kids would never access to those particular skills like your Kimberly Junior, your Newtons and so forth and so forth, precisely because of the issue of feeder zones that have been imposed by the South African schools zones. Now my proposal Chairperson in terms of how we can improve this piece of legislation is to entirely scrap the issue of feeder zones so that we allow access to basic quality education for all. That is the first issue that I would want to raise Chairperson.

Then secondly Chairperson is the issue on ECDs. There is a number of institutions that are actually giving, that are allocating resources to ECD facilities. However Chairperson it is not enough. There is still a lot that can be done to improve it in terms of providing funding. I'm also fully aware that the National Development Agency is one of our machinery that we have in government to ensure that we fund ECD facilities but also Chairperson what remains a challenge is that not a lot of access is created in as far as that avenue is concerned. So my proposal is that because of, I don't want us to legislate on everything because we can't legislate on

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each and every thing Chairperson, rather, what I would propose is that we inject more funding into the National Development Agency so that it's able then to can accommodate the needs of each and every South African Chairperson in as far as ECD facilities is concerned. Yes, on my last issue Chairperson I think I will just amplify what other speakers have said in as far as corruption is concerned Chairperson.

And I would want to make specific to what was once said by our former state President Thabo Mbeki during his state of the province address. I quote, "We must be impatient with those in the public service who think that they can abuse the principal of batho pele, who work as little as possible, who come to work, who leave as early as possible, thieves intended on self-enrichment, guardians of rubber stamp intended only to benefit themselves". Chairperson, not enough, we cannot overemphasize the level of corruption and what it does to cripple our society. It's for that matter that's why we are proposing that let our government come up at least with a piece of a legislation or policy that can deal with the issue of corruption. Because it's one thing to report corruption and the next thing to do nothing about it, because that seems to be the norm of the day Chairperson, thank you.

**Thabiso Mokgothu (3:42:18 - 3:43:25):** Thank you Honourable Mr Motlanthe and his panel. Mine is just a plea. One plea from the government. Can't the government look...I'm Thabiso Mokgothu from Dikgatlong district, ward committee member also. What I'm asking is can't the government look into the medical schemes which are being placed in the private sectors because really they are charging high, very high. If I compare the government medical aid and the private sector one, they are charging us very high. There is money again which they deduct as savings, R500 monthly in Momentum. And then after a year if you do not use it you don't get cash back again and usually when you go to the GPs you hear that your medical aid is exhausted we don't know why. We are highly charged. And also, I think most miners are the poor people and unprivileged. I thank you.

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**Gaobodiwe (3:44:49 - 3:44:55):** Thank you everyone. My name is Gaobodiwe. I salute our former President Kgalema Motlanthe. I don't know where to start Chairperson, I don't know who was our former President. The late greatest, one of the greatest heroes of Africa or the world, Nelson Mandela, was he under pressure when he passed some of these laws? I'll tell you why I'm saying that. There is one, I don't know if it was a law or was it something that he just said. He said the status quo will remain and by that time we did not have the land, we did not have the resources, we did not have the quality education and still today, we still see the few are still benefitting which is the white people. So the other issue that I want to raise here is that we have let our borders open for people who are coming from outside our continent or within our continent to come and take opportunities for our people staying here in this country.

There is three, our Minister of Transport, Dipuo Peters, she said black people were known of the three t's which is tavern, taxi and tuck-shop. Let me tell you what is happening, the other two t's are being kept still by the black people but the tuck-shop one has been taken by the foreigners. Why did government let these things happen because I knew when our fathers went to pension they open automatically a tuck-shop and at least by opening that tuck-shop they could feed their families and the community by giving them the services. Why did the government let this thing go out of control?

In Botswana, I'll tell you why I'm saying that. When you go to Botswana and open a business, Botswana tells you straight away, it's 60/40 or 70/30. You like it or you take it or you leave it. The Botswana, why is De Beers called De Beers in South Africa today? In Botswana it's called the Botswana, it's because Botswana makes it a point that all of the resources that are taken out of that country benefit its own people. So in South Africa it's the opposite. A Chinese, I don't know in China is it very easy for them to get a license of selling liquor? Tell me, like everyone tell me, in China do the Chinese people get license to sell liquor? But here in this country when they come here, they open bottle stores, taverns and everything, even the



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Bangladeshis. And all of these people. I'm not xenophobic people, this thing is killing our society and it's killing us and it is killing the social fibre. These people, they don't even have business ethics. If you go to my friend's shop now, he has a cat in his shop and the municipality doesn't care anything about the Health and Safety Act. That person has a cat in the shop but he is selling bread, he is selling everything. You understand. Today we have a high infestation of diseases and because of those things that we have neglected, it is because of these opportunistic diseases coming in, and they are killing our people.

Tuberculosis, in Africa I don't believe that we had a problem of tuberculosis because our parents taught us that when you are from the toilet or when you spit on the ground you cover. When you are from the toilet you wash your hands. But today we have these opportunistic diseases that are killing us. And to Dr Shisana according to your pie chart that you have given there, I think there is a missing link ma'am, foreigners are taking jobs of us the South Africans. And why are they taking jobs? Because of these laws that are not protecting us, I'm telling you. Why are they taking these jobs because they are not being told where is your work permit? When they come here I don't know what they are saying when they come and open businesses in South Africa or are they saying they are coming to open businesses or are they saying they are coming to look for jobs? Your pie chart is a bit skewed for me, I think you must also put in this thing of foreigners taking our local jobs here in South Africa.

### 21 September 2017: Afternoon Session

**Reverend Malcolm Damon (4:50:24 - 5:23:18):** Reverend Malcolm Damon. Thank you very much for the opportunity. I'm not going to speak about the first part of the slide. As has been indicated by the previous speaker, Mr Tshefuta, that we focus on the four areas as indicated by our Chair as well but in this particular case the focus of the working group is on land reform and it's to examine the extent to which land reform policies and legislation give effect to Section 25 of the Constitution. Now Section 25 is very clear about what's expected of the government but also what we

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commit ourselves to. Whether it's in the area of land restitution, land redistribution and extension of security. So secondly the extent to which land reform policies and legislation address the legacy of racial inequality in land ownership and tenure security. Now we all aware of the fact that what happened with the Land Act, with the land, and the fact that we have been excluded of the land where 87% of the land belonged to white people previously, and this is a big issue. So how to address that adequately? Thirdly the extent to which land reform policies and legislation address the legacy of poverty and dispossession for people living in shacks and in the former homelands. Many of you spoke before lunch, spoke about the issue of land, you spoke about the issue of land, you spoke about the issue of housing, you spoke about the issue of the fact that you are living in shacks and that you want land - that that's the big issue for you. And this is one of the issues that is important to address because we know also in the South African context that the legacy that we sitting with and that poverty and the dispossession of people, the fact that people cannot provide for themselves and there aren't living conditions in that particular area is the case.

Secondly for the working group, there are about seven areas of legislation you know, issues that are important. The one is the socio-economic and political significance of the land question. You have also mentioned that. Whether when looking at land in the context of the social, society and communities. Whether we look at land in the context of the economy. Who possesses the land, who possesses and who has access to the resources both on the land and beneath the earth and the political questions that this brings to the fore.

Secondly it's also land redistribution and in the context of the Communal Property Association Act of 1994. Now various pieces of land, as has been shown in the previous slide as well when it comes to whether it's the old homelands or the fact that land has been kept in trust and we know, so how do the government therefore and for us therefore, the question of redistribution when it comes to land. As I indicated to you personally I used to stay in Port Nolloth and we know the

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Richtersveld , Alexander Bay, in those areas one of the biggest redistribution of land that took place there or restitution, and the CPAs you know the Community Property Associations. So also then land tenure reform. Fourthly with regard to communal areas the links between tenure reform legislation and related legislation and policy such as the Traditional Leadership and Governance Framework Act of 2003.

And also the provincial equivalents around that as well as the mining laws, in particular the Mineral and Petroleum Resources Development Act of 2002 as amended. So, and we know that, especially here in the Northern Cape the close link between land and access to mineral resources and how that impacts on communities, how that impacts on the environment, and how that impacts on the broader society. But then also one of the other key issues to look at for us is land restitution, so and we know the Land Commission has been dealing with land restitution and how many cases of land restitution there are and how long that is taking, and we know all the limited budgets around this.

That's one of the issues so to what extent have we been able to address this adequately? Then we realise that when we talk about land, we cannot talk about land only in the context of urbanization but also agrarian reform and rural development. Many of our communities and people live on the rural areas. We know that those of you here come from different areas and we know also in the Northern Cape the extent of rural communities so the link between land and rural development. Lastly when it comes to these issues is the legacy of spatial inequality. There have been references before lunch around whether it's townships and suburbs you know, the whole question of land use, spatial planning and the management and then the legislation of 2014 around that.

So this will be done by, in various ways. How will we address these issues? There'll be research, secondly public hearings, what we are doing here and then also roundtable discussions. Within the working group on land what we did was to organize various roundtables and then we invited experts from different aspects to

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look at these issues and then to present to us their expertise, and their research and their knowledge and experience when it comes to these issues. And we've had already quite a number of round tables. We'll also have one next week again with the trust in KwaZulu for instance, the Ingonyama Trust. Then furthermore, we want to address this in the context of redressing skewed patterns of and ownership. So therefore submissions and I've already indicated to you if you'd like to make a submission you can look on the website of Parliament, you can also send these submissions that could look at the impact of government land redistribution and/or restitution programs. Then as here members of the public to present factual information on how restitution or redistribution programs have impacted their lives, where that has taken place, whether it's here in the Northern Cape or in other areas so that we can see the real impact and we'd like to encourage you to make those submissions. Tenure security is also a direct consequence of the past racially discriminative laws. And therefore the panel is interested in the extent to which existing laws give effect to Section 25 of the Constitution which deals with tenure security and people's capacity to protect and enforce their tenure rights. The Land Tenure Security Act, ESTA, extension of security and we know this is a very contentious issue but this is also an issue that in some ways can further marginalize people and communities so therefore to what extent, what is the consequence of the extension of Security Act and the tenure issues when it comes to these? So submissions should focus on tenure rights around those.

Then we can go to the next one, land reform, sustainable livelihoods and rural reform. The focus here is on land reform in the wider context. We realize land reform is not only an issue of restitution, redistribution and tenure, but it's also about sustainable livelihoods, agricultural production, rural development and agrarian reform. So if you know of people or yourself you can make submissions on what happens when people acquire land, how it is used and what support is available.

This has already also been mentioned here and members of the public you may also indicate other laws that impact positively or negatively on productive use of the land,

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for example those dealing with water rights, you know, access to water, marketing and other issues. Land reform furthermore is in the context of the alleviation of poverty and inequality, the focus here is issues of poverty, inequality, unemployment and social exclusion. So we are saying from the land committee, the commission, our commission that is working on these issues that land is also cross cutting, you know that we want to engage with the other commissions, those who work on inequality, poverty, unemployment. Those, our colleagues who are working on nation building and social cohesion so that we look at these issues and the issue of land within a broader context and with a broader lens. Especially around, whether it's in cities, homelands etc. Next one. So I think this is almost the last slide but questions for land reform is in what ways has the implementation of the legislation post-1994 assisted or inhibited redistribution and restitution of rights? So the whole question of land redistribution and restitution.

Have the laws been successful in addressing the legacy of discrimination? You know, do we still have the old patterns or have we been able to make a dent and we know that we have not been that successful. Three, have post-1994 land policies and programs been successful in decreasing poverty and inequality? Because that's the broader lens. Then when it comes to security of tenure, has this been successful in stopping evictions, you know people are evicted from farms from where they are working. If so, what can be done about this? Then have laws, policies and programs enabled black farmers to use the land productively, in ways that improve livelihoods and improves communities at large? If so, how? If not, why not? What changes are necessary?

So land production and land use, especially in relation to black farmers. What are the strengths and the gaps in the current land laws? What are the policies and programs and how should Parliament address those? These are the issues as the chairperson indicated that we have been mandated with. You know, so that we can come with recommendations around, should the laws be amended? Should it be change, what has been the effect and what are the gaps? Next, thank you very much.

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**Prof. Muthien (5:36:51):** Thank you Chairperson and good afternoon ladies and gentlemen and thank you for remaining with us. All protocols observed as they say in government these days. So the work of our working group 3, committee 3 is to ask the question, what kind of community and what kind of society do we have? And what kind of community or society do we deserve? We ask ourselves what vision is promised in the Constitution and how are we living up to this vision as a society and as a community? If we look at the Preamble of our Constitution, that is the vision of the kind of country that we are trying to build. And I quote from that Preamble that says it is to “heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights; Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by the law; Improve the quality of life of all citizens and free the potential of each person; and build a united and democratic South Africa in the family of nations”. We look then at our problem statement for working group 3 and we note that after 22 years, many speakers have testified here today, we still have huge challenges of social cohesion of community integration and of nation building. Amongst these examples we note that the violence amongst communities is exceptionally high. Domestic abuse, gender violence and violence against children is rife. We continue after 22 years of nation building to be divided by race and by class, by poverty and inequality.

And then the sensitive issue that violence as a result of xenophobia is also unacceptably high. Because it is important for us to be mindful of the generosity of our neighboring states that bore the brunt of the apartheid regime’s violence. The neighboring states that gave freely of their generosity to house many of the people in South Africa who fled from the apartheid regime. So if we look at our work as committee 3 we see that we have two key pillars, the one being social cohesion and the other one being nation building. And under social cohesion we asked the question, what is it that binds us as a community, what brings us together? Will we continue to be divided by race and class, practices for example that are found, either

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in laws, or customs, traditions, among people can either serve to divide us or they can serve to bind us.

I mean we have a picture there of boerewors, could also be shisanyama. Then we ask those questions therefore for you to consider and tell us about. What customs and practices that we practice in our community divide us and which customs or practices can build us as communities and examples that we put there are organizations that contribute voluntarily to build the community: social organizations, churches, NGOs etc. We also ask the question here today, what policies in government, and we've heard quite a lot about this morning, or municipalities, therefore national, provincial and local government, impede us from building that social cohesion or that national unity? For example, are we all treated equally, is it possible to build one nation, one community if we are not all equal? And we look there at programs that improve the quality of our lives as promised in the Constitution, including the delivery of health, education, food, water, electricity, housing and safety. These are things that touch us at our hearts, in the hearts of our communities and touch us on a daily basis. And can we think of social cohesion and nation building when we are facing these challenges? Moving speedily onto the aspect of national building, we ask the question, what binds us as a nation? The common vision, values, traditions and customs and practices that can help build us as a very unique and diverse South African nation, unified in our diversity. That vision that creates national pride for example in our sports teams that take part in the Olympics, our rugby teams etc.

Our cultural events that are held on various national holidays and the inclusive set of national symbols. We will have seen that since 1994, the old apartheid symbols have been replaced by new national symbols. So those are the elements and are we living that in our communities so that we can say we feel proudly South African? So what we'd like to hear more from you on is which laws do you think can assist us in uniting us as communities or as a nation? Or which laws do you think divide us as communities and as a nation? Which policies of government or municipalities can

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build us as communities or as a nation and which on the other hand, policies of government or municipalities, divide us as communities and as a nation?

I heard a lot about people asking for different things for different communities, emphasizing the difference amongst us and the question we ask around nation building is how can we unite all those differences? Value the differences but unite them into a single South African nation. We'd also like to hear because this event is brought together by national Parliament in collaboration with all the provincial parliaments. What role should Parliament play in building us as communities and building our country and our nation? Should, for example, should we have laws outlaw discrimination, hate speech.

We don't have any of those laws on our statute books and should we have that in order to protect the liberties and the freedom that is enshrined in our Constitution and that we fought for? So as we start our reflection on building communities and building our nation, it is worthwhile for us to remember these words by the founding father of our democracy the late Tata Nelson Mandela when he says: "No one is born hating another person because of the colour of his skin, his background or his religion. People must learn to hate and if they could learn to hate they can be taught to love, for love comes more naturally to the human heart than its opposite". And we'd like to hear from you ladies and gentleman.

**Ogomodiwe Mantoto (5:46:12 - 5:47:29):** Good afternoon. Honourable Chairperson and the esteemed panel. My name is Ogomodiwe Mantoto and I'm representing the provincial house of traditional leaders. Sadly both the chairperson and the deputy could not be here due to some other commitments. I would simply zoom through the presentation seeing that we do not have the allocated time to do that. On the onset Programme Director, we highlight the issue of the Constitution, Chapter 7 of the Constitution. It is a considered view of the traditional leadership that the role assigned to municipalities should have actually be assigned to traditional councils. This is because this has been since time immemorial that this role were



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actually assigned to traditional councils and it's saddening to see that there are three spheres of government, which is the national sphere, the provincial sphere, and local government but now traditional leadership is not appearing as one of those spheres of government so this is, there is a grey area when it comes to that Chairperson. I would zoom through to the Special Planning Land Use Management Act, we call it in simple SPLUMA.

Traditional leadership is having a serious issue with this Act. They feel they were not adequately consulted, and that this Act is actually disempowering traditional leadership in as far as it is administering land within traditional areas. And without administration of land, traditional leaders and traditional councils are irrelevant in the democratic dispensation. The third piece of legislation that traditional leadership has a problem with is the Municipal Structures Act. We zoom into section 81 that calls for participation of traditional leadership within municipalities. Traditional leadership view this provision as it has not implemented fully and then the roles of traditional leaders must actually be determined by premiers but however this is not done in terms of the specific section. Currently traditional leaders are merely participants, are merely spectators within council set up. They are ex officio members with no other inputs to make at council and some of them they do not actually see the necessity of attending this council meeting because they just sit there, it's seconded and then the matter is closed.

The other one that traditional leaders have a problem with is the Municipal Systems Act on the IDP engagements. Traditional leaders feel like they are not meaningfully consulted regarding IDP processes. There is still no mutual relationship between councilors and traditional leaders and they feel the roles continue to be questioned within the areas of jurisdiction. There is development taking place within the communal land without any agreements or memorandum of agreements between municipalities and traditional leadership structures. The structures we mean traditional councils. As a matter of fact, traditional leadership is part and parcel of governance at local level. It cannot be divorced from local government matters, our

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relationship is inevitable, we're friends, we're family. Friends you choose, family you inherit and inheritance is a blessing.

We therefore have a responsibility to work with each other to improve service delivery and development for our people. And this is what the traditional leaders are actually proposing. They want to focus on more improved communication between traditional leadership structures and councilors. The issue of mutual respect between traditional leaders and municipal councilors. Traditional leaders and mayors of municipalities must at least meet once per quarter and such when the need arises. These engagements will, amongst other, advise on IDP development, implementation, and provide feedback on progress and impact, as well as general sharing of information. This aspect of participation has a potential to address community concerns early and objectively. Mayors and traditional leaders should jointly address public or community gatherings on matters of public interest. The principle of cooperative governance between the two structures must be seen to be practiced.

On issues of ward committees, these ward committees must also have representation from traditional leadership in order for them to be compliant. A proportional representation of community concerns in terms of traditional leadership, youth, women, people with disabilities, religion, business and other relevant sectors is a legal requirement. This requirement will address requirements from all different groups of particular municipal area. It will further ensure that the ward committees becomes a source of information for community regarding matters of municipalities. We also touch on the issue of capacity building. We want to highlight the issue like when we train councilors can we also consider training traditional leaders. We should not isolate them from such training to ensure that there is synergy between the two structures. On intergovernmental framework Act, the traditional leadership structure does not sit on IGR forums, this must be addressed as a matter of extreme urgency. Disaster management, traditional leaders do participate and they are happy with that. Now coming to Communal Property Act.

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CPA given land in traditional areas. Traditional leaders are opposed to government in restitution of land through communal property association. They instead propose the following. Traditional councils to serve as titleholders. Traditional councils to be allowed to institute claims rather than individuals to do that. Full accountability by traditional councils on land matters because this system is recognized and appreciated by rural communities.

The CPA management committees are riddled with infighting and Dikgosi serve at this structures as ex officio members and as such it is actually not a cohesive structure. The other point is the Mineral and Petroleum Development Act. Traditional leaders are further calling for the mining summit to talk about issues of beneficiation, investment by mining businesses in human capital and infrastructure. The requirement for mining and prospecting rights must be relaxed to ensure that locals do access such rights, even if it means joint ventures between big mining companies and rural communities. Human capital should be, in terms of providing relevant capacity building training to young people on various community development projects. The government should look into the plight of employees who are failed by some of this giant companies in terms of employment and livelihoods. Currently there is a crisis in the mining sector and the first option that these big companies do is to retrench despite having operated for more than thirty years. The question is did they fail to invest in alternative skills to the workforce and retain, you know, employees until the economic storm is over? Chairperson, this is the view of traditional leaders, they said they need prophetic wisdom and answers as to why communities especially in the Northern Cape, which is rich in minerals, are still living in abject poverty. Traditional leadership structure which is at least, one mining company to adopt at least a traditional council.

In the Northern Cape we have eight recognized traditional communities. So we are of the view that should all the mining areas, especially those one operating in the JTG could adopt at least one traditional council, it will go a long way in addressing issues of poverty and unemployment, development. I'm winding up Chairperson, on

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the Expropriation Bill. Traditional leaders are opposed to this structure so long as it is aimed at taking away communal land. However, we can mention that there are certain bills that have been, or inputs have been forwarded to national Parliament through the National House of Traditional Leaders. Chairperson we also would mention that there are road shows that are planned for the Traditional Khoi-San Leadership Bill that we are hoping that the Khoi San leadership would be recognized finally.

But the sad point is, you know, these public hearings keep on, they are being postponed every time and this is raising a serious uneasiness amongst our Khoi San leaders that also seek to be recognized. Currently in the Northern Cape we are the only province that has actually recognized or has Khoi San representatives serving in the provincial house structure. They sit, they have a sitting, they participate fully in the administration of the house. So we are saying we'd want this piece of legislation to be enacted as soon as possible to ensure that our Khoi San leadership is actually recognized. With those few words, Programme Director, thank you.

**(5:59:42 - 6:00:05):** Honourable Chairperson, members of the panel and fellow participants, thank you for this opportunity to present our views. The focus of my presentation today will be land reform, sustainable livelihoods and rural development. Specifically around solutions, I always try to find the solution and not highlight the problem, I think most of us are aware of a lot of challenges. I have a question, is the primary objective behind our laws and policies at the moment, to promote or to regulate the land reform process towards alleviating poverty and inequality? Honourable Chairperson please allow me to digress a little bit to basics, I'm not that versed in the law and its many intricacies.

What is our collective vision for South Africa and how do we get from where we are to where we want to be? We feel strongly that we need to inspire, educate and empower our young black people especially in the rural areas in order for them to become successful business and landowners. Most of the problems we found as an

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organization is with young, upcoming black farmers where they do not have the necessary knowledge in the first place to make a success of their business and secondly they not empowered. How do we inspire and educate our young people? South Africa has a very unique asset to its disposal and in most cases it is not seen as an asset in our view. We have a lot of commercial farmers that are doing well under some of the most challenging circumstances in the world, we view this as an educational asset and not a threat to land reform.

Do our laws and policies encourage the education and inspiration of upcoming young black farmers or does the current uncertainty over land rights inhibit this? Do we encourage or rather do we inspire our young black farmers to become globally competitive? Those people are out there, I've seen them. They are young people with an enormous amount of potential. Do we empower the right people and do we empower the right people in the right way? Are our laws and policies, as well as programs, aiding and encouraging young black farmers to be globally competitive? we are part of a global community.

I don't know about other farmers out there but the tractor that I have to buy is imported. We compete in a global market. If you own five herd of cattle, if you own five hundred herd of cattle we are still affected by global economic and political events. Are we empowering those who strive to make a success of their business by applying themselves diligently to their studies to achieve good grades or the small agri- entrepreneurs who grow their business sustainably able to support their rural community?

I feel we need more agricultural schools and colleges, accessible to the people in the rural areas. These institutions need good, quality staff and a good and up to date research base regarding modern farming practices and technology in order to be effective. Our commercial farmers need to be encouraged through our laws and policies to partner with these institutions, to partner with young black students. The focus should be producing world leaders in agriculture, I know we can do that. Our

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commercial banks will embrace these inspired, educated people in partnership with our commercial farmers and empower them to make a success of their own farms or agri businesses.

Just a quick overview of wildlife ranching in the Northern Cape province. Our province covers the largest surface area in the country with the lowest population density. Most of the land is marginal land, only suited for game and stock farming. How can we as communities utilize that? We have a huge amount of untapped potential for instance in venison production. Just quickly looking at New Zealand, in 2015 they farmed with approximately 900 000 herd of deer, animals and only the venison export value for those animals approximated R1, 7 billion rand. We have that capacity in the Northern Cape, and the country as a whole we have more than twenty times the amount of animals they have in New Zealand.

An Act that hinders this at the moment and I know it might not be what the panel is looking at at the moment but, if we look at the Meat Safety Act of 2000, it inhibits this. Possible adoption of the newly proposed game meat scheme can allow for sustainable venison production in our province, generating a possible income of R1,7 Billion. When we look at eco-tourism in our province, we have an example of the largest private nature reserve in the country, employing more than two hundred people but not only employing them. In 2015 they won the biodiversity and social responsibility award of our organization. They empower these people and they also support their communities. I'm talking about Tswale. Through the right laws, policies, programs and people in place we can duplicate this in our province in order to bring much needed foreign revenue. We need to take a critical look to create a secure and stable environment to all farmers. Young upcoming black farmers as well as commercial farmers. To utilize all the assets at our disposal, promoting land reform, sustainable utilization and rural development.

Just a quick note, about a week ago WRSA has taken hands with the Northern Cape Department of Nature Conservation as well other governmental organizations and

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role players in the industry, in the wildlife industry, to establish a wildlife forum. And part of our role will be to take a critical look at our laws, policies and programs in place in the province in order to secure a bright future for our young upcoming black farmers and rural communities through utilizing of our wildlife resources.

**Inang Maybach (6:9:37 - 6:10:15):** \*Speaks in Afrikaans\*. Good afternoon people. Dumelang bo rra le bo mme. My English is very weak so I will sometimes fall back to Afrikaans just to help me out. If you look at the my friends in the township, even they speak better English than me. I'm sure many of them speak better Tswana than me. So if you bare with me I'll use the languages interchangeably. I'm Inang Maybach I'm from Agri Northern Cape. We represent commercial farmers in the Northern Cape region. Also here in the place of Mr James Fabre who cannot be here unfortunately is the chairperson of their meat producers' organization, an affiliate of Agri Northern Cape. So we are what is called die Boere ya ne.

Okay, so Paul Neitling referred to a huge asset that we have in the relatively young population that we have. People I want to tell you that places like Europe and the USA would give their front teeth to have the kind of age distribution in their population that we have. Prior to coming to Agri Northern Cape I was a teacher for 9 years, I taught mathematics in Bloemfontein, in a black school, a Mercedes one if I may add. And you will not believe guys, in that school for the past 21 years, of which most have been as a black school, we didn't have one failure and in one occasion we had a matric class where only one of the learners could not go to university after completing their matric. What does that show us? Not only is our population a young one, it is a very very talented population. If you look around in Kimberly and you see all the energetic young people walking around, that is the future of this country and I would say of the world.

The other populations in the world are aging fast and the question now is what do we do with this young population of ours and especially in terms of agriculture? And how do our laws inhibit us or help us to get these people involved in agriculture because

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they are the future of agriculture. So, I have a little bit more of an introduction Re Chairperson, I want to thank you for one thing, I had to change my speech about five, six times today while being here and I came here to thank them for the opportunity to be here, but I'm gonna change that and thank you for the inputs you've made that caused me to change this presentation that I'm going to make now. People I've never learned so much about what's going on in the Northern Cape and in Kimberly and other areas than today by the things you have told us. Thank you for that. I wanna start again, at Greenpoint, it's where the first change into my presentation came in. Our townships are teeming with animals, cattle, goats and sheep. If you go to Greenpoint and you over those two fly overs then you'll see those animals roaming around. And they are there to help people keep their families together, to have something to fall back on in difficult situations. \*speaks in Afrikaans\*

At the moment we not doing anything about that. I want to make a proposition that we actually look at legislation to extend the available land around cities and towns in the Northern Cape and in South Africa to accommodate those farmers. Give them more space, involve them in training. I can tell you and I am going to repeat what Paul just said, there are many, many successful big commercial farmers that really want to get involved in assisting fellow South Africans to become commercial farmers and to expand their farming operations. I've heard things from colleague sitting here in front, Abbey from NAFU, that there is a tendency with the last election to use this municipal areas as a sort of putting to pasture ward members or town council members that will no longer... \*speaks in Afrikaans\*

The Department of Rural Development and Land Reform is a suitable replacement for the municipalities, then we can get much further in expanding that land and using existing land effectively not for purposes of pensioning out council members and so on. The Labour Tenants Act No. 3 of 1994, I want to say a few things about that. One, in our view it is necessary to ensure security of tenure. This law as it is at the moment, when it is applied, it kind of takes away any possibility for a labour tenant to



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become a commercial farmer. Why do I say that? A labour tenant is a potential commercial farmer. That person knows farming, is probably second or third generation on that farm, they have experience, they know the area and what happens now if there is a dispute about labour tenancy and if successful that person gets settled into being a labour tenant on a little piece of land that he doesn't get title deed for.

Is it not possible for us to write alternatives into this piece of legislation that allow for commercial options looking at other pieces of land using the Department of Land Reform to actually resettle this person, if the person is willing to do so, on a proper farm instead of tapping into some or other inappropriate database of possible beneficiaries for land redistribution projects. I think if you look at the success rate of land redistribution projects, in other words, where the Department buys a farm, settles a beneficiary on this farm, the success rate is very little. If we have a way of making sure that the person that goes on to that land in the first place is someone with experience.

Someone from a farming background then a labour tenant is a logical choice. So what we are asking for is more flexibility, yes the security aspect is important but with that we need are alternatives where we can actually use labour tenancy as a springboard to commercial farming. For us at Agri Northern Cape and Agri South Africa, commercial farming is the thing. We don't want people who sit with 10 cows, 20 herd of sheep for the rest of their lives. As Paul said we want to develop our farmers small and big into becoming internationally competitive farmers. Then there is lack of legislation in one area.

We have in South Africa a structure called the district land reform committees that was instituted by the government to facilitate land reform in the districts. However, this structure at the moment functions without any formal legislative recognition or status. There are broad guidelines called the terms of reference along which they operate. We are lucky in the Northern Cape that we have a Department of Land

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Reform and Rural Development that takes these structures very, very seriously. And they assist us a lot in getting these structures to work effectively. It's a structure where organized agriculture, Agri Northern Cape, The RPO, the Agri businesses, from every type of stakeholder is represented on these district land reform committees. And they are a kind of key mechanism in keeping thing together and moving forward in terms of land reform projects in districts.

The two problems, no proper legal recognition and status, and secondly with that, in the other provinces, not in this province, the other provinces, the affiliates of Agri SA are afraid to take part in these structures because of the legal uncertainty, and the uncertainty about their legal status. People are afraid that they might be held legally, thank you, it's called personal liability I think in legal terms and therefore they are very afraid to get involved in these things. So at the moment these things are working effectively basically only in the Northern Cape and we want that to be changed because this is really a key institution that can make a huge contribution to land reform in South Africa. So if we can have this thing settled I'm sure there will be much more certainty about how these things should function and what the responsibilities of the different parties are.

Then the Restitution Act. Of course we are all agreeing that restitution is necessary, very necessary in South Africa and Agri South Africa at the moment is involved in discussions and workshops with the national commissioner in improving and setting up work procedures to take a lot of the animosity and anxiety out of the whole process. For a commercial farmer that has farmed on a piece of land for let's say two generations, the family have been there for two or three generations who are now faced with restitution claim, it's a very traumatic experience, as it was even more traumatic when people got removed back then. However, we feel that we can go far to remove this anxiety, we don't want the restitution people to charge in fire in the eyes, spear in the hand, now we gonna rescue the nation. I'm not saying our people are doing that but it happens in some of the other provinces.

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So we are now working very hard with the commissioner, and again I must say in the Northern Cape so far in the two years that I've been here we have had good cooperation in this regard to dealing with the issue in an amicable way. The amendment to the Restitution Act is a bit of a problem. We think that that is a recipe for chaos and conflict and we think that it was constituted because of political expediency. I mean the national government was looking for more votes and so this thing came about. Currently it's under quarantine. Probably it will be re-enacted because we know that the stopping of this Act by the Constitutional Court was procedural, because of procedural problems and not really substantive issues, but we want to ask if at all we want this thing to be stopped.

Firstly, ja, we don't think there is enough money for all, there is not enough time, not enough capacity and everything for all the new claims that have been flowing in to offices of the commissioner. One last comment about land reform and I refer back to the district land committees and I think the restitution people will have the same feeling. We are totally, severely and prohibitively underfunded, we cannot buy in the land distribution committees the land necessary to redistribute with the budgets that we have so, and it's a really, really big issue for us. We need money a lot. Thank you.

**(6:26:10 - 6:40:05):** Thank you Mr. Chair, good day ladies and gentlemen. Allow me to reflect on the injustice against the Griqua people. To be equal before the law by prohibiting loss and practice that discriminate against specific minorities like us, the Griqua people. Chairperson after 22 years in democracy we still face challenges of acceptance in society which are signs of discrimination. The scars of apartheid are deep and visible and so is the pain still there. When will the injustice of the past be addressed? We are not economically empowered and landless on the soil of our forefathers. The Griqua people are still classified as coloureds and feel the pain of oppression. Nevertheless that we heard that coloureds, Indians and Africans are black but when we apply for a job in government on the Z83 form they state it clearly, coloureds.

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That is the form of discrimination, how to prevent job opportunities from us. A slogan that says South African is for all who belongs there, but why those in the up market areas are protected 24/7 but those in the townships must wait when the police vehicle is not available. The colonialists counter the actual and potential united struggle against their rotten system through the introduction of the inferiority doctrine, co-option and divide and rule strategies. To this end they use Africans, Khoi Sans. A distinction must be made between the language groups nationally and [inaudible]. The language group nationally is a natural phenomenon which exists before the arrival of the colonialists while tribalism is a political phenomenon created by the colonisers. The language group nationally, for example the Griqua people, it's a natural, it's nothing more than the sum total of the clans in its territory, just as the clan is the extension of the family.

Some government officials conflict with the regional leaders and language group are based on the ill-conceived language groups of tribalism, it is totally misguided. They conveniently forget that the fathers of the anti-colonial struggle for two thirds of the period of that struggle were traditional kings and leaders like Adam Kok The First. The modern national liberation movement played a nationally and major role of forging a nation from separate language groups.

Why we still find discrimination when it comes to houses is violation of human rights. The Griqua people are a very proud nation; they'd rather become backyard dwellers as squatters. Sadly after 22 years of democracy we still have discrimination in the workplace, especially against women. Last year statistics of South African Revenue indicate that women earn an average of 28% less than men. Violence against women has increased and Chairperson that destroys our family ties. Thank you.

**(6:43:35 - 6:44:04):** Thank you Chairperson. To the panel in front, morena Kgalema Motlanthe gammogo le komiti e go potapotileng (together with the committee besides you). The leadership that is here Bamba, dumelang, abusheni, kgotsong. I'm

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from the Commission for Gender Equality and it's indeed a privilege for me to be standing here albeit having a difficult position of playing fiduciary responsibility. I will start first by congratulating you Chairperson, your panel shows me that it is gender compliant in terms of its parity and its representation, congratulations. The Commission for Gender Equality is one of the Chapter 9 institutions established by the Constitution in order to protect and empower, as well as develop gender equality in the country. We form one of the Chapter 9 institutions that has been established and for the record I want to place it to this forum that the Northern Cape has one of the most viable first forums which is amongst others, led by the South African Human Rights Commission, the Public Protector, Commission for Gender Equality, Pan South African Language Board, parliamentary democratic officer and our other associates. Recently we have established another committee and I think, correctly so, your office has been informed about that. I'm actually not going to follow the program as I was given yesterday night but I would like to strategically take my direction from the end. In the past the Commission was seen as a small institution in terms of promoting and protecting gender equality. The Honourable professor asked the question what is it that we do to ensure that the current policies that we have and legislation find relevance on the ground and I'm gonna start first in government.

When one look at the bill that was scrapped last year which is the Women Empowerment, Gender, Equality Bill which lapsed due to procedural discrepancies in its livelihood. We sincerely embrace and challenge that such should be relooked at in terms of substantive equality and ensure the fact that the rights of women are espoused both by men and women. We acknowledge that the CGE, through its submission and through the parliamentary officer has made different submissions amongst others to the Basic Conditions for Employment Act, the Customary Marriage Act, Employment Equity Act, Promotion of Equality and Prevention of Discrimination Act no. 4 of 2000, South African Schools Act, Traditional Leadership and Good Governance Framework but we however wish to reiterate some of the factors that were mentioned by my colleague, Fire, who spoke on the bill that speaks around the issue of traditional leaders.

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We are also of the view that it becomes imperative when you give responsibility to traditional leaders that there should be an integration between the current leadership as well as the municipal structure, as well the current leadership of traditional leaders, because when you get into an area and you challenge them around the issue of gender rights they will tell you that they don't have power to make decisions.

Particularly so it becomes important that we need to mainstream the same act so that when traditional leaders speak they don't speak in contravention of Section 39 nor even the Section 9 of the Constitution. Very important. We are aware that we come from an era whereby traditional leadership used to be a patriarchal system, however with the recognition of the current reigning queen Modjadji, we've got an understanding that matriarchal leadership is still relevant to today in South Africa. Morena Motlanthe you'd recall that you led the gender-based violence council, which to me in my province found more relevance than ever.

Last of last year we delved into research that looked at intimate partner killings and we realized within a space of a year, we had about 38 fatalities of intimate partner killings in this province and one look at that broadly, my prior colleagues have referred to the tenuous and precarious position of women and when my Honourable principal who is not here, Advocate Judge Wallace Mgoxi, brought about the proposal to Commission for Land on the one woman one hectare it was precisely to address the interest and plight of women. We believe when you give women land you raise and give food to the nation. When a woman ploughs the land she does not only eat herself, her children and her husband will eat. When we say one family one hectare, we are still giving power to the men over women and I will qualify my point. When you look into the process of intestate when a husband passes on, the family of the husband overlooks the law and automatically want to claim possession to be theirs, which would then be unfair to the heirs of that family. I want to also then speak, Honourable leadership, the women of the Northern Cape have shown courage in many respects and we fail them in the law.

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Currently in the Northern Cape we've got a forum called forum of non-governmental institutions, which is the only vehicle that we use ensure that we reach the people all over the province. In the Commission we are only an office composed of five people. When you look at the broadness of this land of the Northern Cape, its vast, its dynamic, its diverse, its rich in culture and it has been relevantly shown in this forum with great social emotional maturity albeit the depth and the pain of the issues that they have raised. To then, it speaks to the point of the committee that was established by Kadar Asmal. It cannot be over-emphasized the importance of the Commission for Gender Equality's existence, is relevant even to date. More importantly when I come from Steinkof , I don't have a phone to call CGE, when I have an issue, it disadvantages that same person. Therefore then it means the same institution espoused to ensure gender equality fails its people and I think we need to look critically at that matter on chapter 9s and chapter 10s. I'm rounding up Chairperson. The importance of noting that the Northern Cape is mainly broad is important because when we look at how the structure of treasury is based, it's based on capital which means we are the least funded province albeit the vastness and the richness that we have. I also want to emphasize the importance of CRL in this province chairperson. CRL is only at national, you've learnt of the richness and diversity of our people, especially the Khoi San nation. They are not assisted as per the constitutional imperatives, that is one of the things that I want to over-emphasize, we require that to be taken at a different level my dear Chairperson and committee.

I want to close by raising a few issues. The plight of LGBTIs, especially the intersex community. You'll be saddened when these women come to our office to say they are segregated: they are ridiculed, because of their nature when they go and seek for health and I believe it is not for me to judge, I have an obligation and a constitutional responsibility to help. Let us help people and espouse to the principles of this Constitution and show dignity to each and every person, show the right to association, show the right to be in terms of sexual orientation. They are not treated fairly and we must make it a point. I don't know the legal, the correct term for the

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specialist that must deal with intersex people but we don't have such a specialist in the Northern Cape. They are constantly referred to go to Bloemfontein or pop money out of their pockets which is absolutely unfair and unconstitutional.

The plight of the elderly in this province is sad Chairperson. Young people prey on the elderly, young persons abuse the elderly's money, we throw our children amongst the elderly and let them look after them. I want to throw in a last point, we speak of social cohesion and how we can live together as a country. I believe we need to look at our curriculum, and start from the ECD and teach the children the aspect, philosophy that is worldwide renowned as Ubuntu. Teaching the children the lesson that President Rholihlahla Nelson Mandela said, it is easy to teach a child to love than to teach him to hate. If we start at that level and mainstream gender equality, mainstream disability at that level, then HODs won't struggle in terms of mainstreaming the HOD eight principles in government. Lastly, the lack of accountability amongst our government officials is a threat to this very same principle of gender mainstreaming, but I must in the same breath Chairperson, inform this committee that a couple of months ago we had a meeting with the premier of the Northern Cape, Mme Sylvia Lucas and she then told Honourable Wallace Mgoxi that, she in her own personal capacity wants to start being an activist of championing the rights of women and to me that was something profound. And once we start stepping and putting legislation in place such that HODs do not find ways to escape accountability, then the element of gender mainstreaming, element of mainstreaming disability will inherently be part of their responsibility and accountability.

We have an interesting part in government called the M and E, let us use it effectively. Any responsible leader must be able to account for the money that he was given to do and account for the work that he had to deliver, and on that note I say to you Honourable together with the committee, we as the Commission of Gender Equality, we know we've got a forum where we can raise these matters further but I want to thank you for also allowing us this space as a Chapter 9 institution and I'm speaking here on behalf of the fist forum in this province, we will



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need your assistance, we need your support. The broadness of this province dictates that we that we are not doing justice and we can only do more when you press more so that we deliver. An ancient learned person used to say, the difference that you see between an ox and a goat is that they can be taught to plough together, I thank you.

**Boitshoko Moremi (6:55:17 - 6:56:03):** Good afternoon colleagues and I want to thank the panel for giving us this opportunity. I am Mr Boitshoko Moremi, provincial manager Northern Cape, representing the Pan South African Language Board. In terms of the brief given to our office, we need to align ourselves to social cohesion, nation building and reflect on how they impact on our mandate, positively so or negatively so. The Pan South African Language Board is established through the PANSALB Act 59 of 1995. That was the year before the Constitution Act 108 of 1996. Later on that necessitated a review of the PANSAB Act and that process was undertaken in 1999 to align the PANSAB Act of 1995 to the Constitution of 1996. Now what I will be bringing forth to this public and also to the panel is three pieces of legislation that are contradicting each other, that are causing us very serious problems in terms of us attending to the mandate we are expected to perform for the country. When you go to the Constitution, section 6, relating to languages, it will mention the eleven official languages in the country. In the past these eleven official languages were categorized into your European languages, Nguni languages, Sotho languages, we understand those politics in the past. Under section 6 number 5, the Constitution on chapter one is establishing a board, PANSAB, to look into issues of promotion, development and creating conditions for the development of all official languages, that is number one eleven.

The Khoi, the San and the Nama languages, number two. Heritage languages and all other languages that are used for religious purposes in the country. That is a very big and broad mandate given to the board. The board has a plan to attend to this broad mandate but what is failing the board is the legislative gaps and the funding resources that do not match the mandate given to the board. I didn't want to say it

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public, but it's one pressure, wherever we go as PANSAB in the nine provinces, we are seen as a toothless organization, we are not promoting languages, we are not doing what we are supposed to be doing because funding is impacting on our legislation. We are expected to develop Khoi and San languages, we need resources to do that, adequate.

However, where is the gap? The Constitution under section 6 says national government and provincial government by legislative and other measures will ensure that government must use at least two official languages in conducting its business. Now if government is using two official languages most of our government departments for the past 22 years understands two official languages to be English and Afrikaans. And that is giving us a challenge, even in the Northern Cape. We have the Northern Cape Use of Official Languages Act. It's talking about us promoting four official languages but if you can monitor what the government departments of the Northern Cape are doing, they are only practicing and using two languages. This is putting pressure on us when we visit communities that are using Khoi and San languages, that are using isiXhosa, that are using Setswana. They are asking us if you bring resources and materials that are speaking to us only in English and Afrikaans, what are you doing about our languages?

Now as PANSAB, the Act says we must promote multilingualism. Our understanding of promoting multilingualism is that we should enable our communities to communicate in more than three languages but if government is going to communicate in two languages that is not promoting multilingualism. That is promoting bilingualism in a multilingual country. There is a gap there that needs to be closed. In terms of the mandate of this board, our board must also advise government departments when it comes to constitutional provisions relating to languages but these days it seems as if government departments want to advise when it comes to language issues. And normally when government departments are taking that position there is unhappiness, there are divisions, there is discrimination. I want to bring one practical point here. In 2012 in the Northern Cape, the Department

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of Education, unilaterally so, without consulting with the office of the board, decided to stop the teaching of the Khoi and San languages in all the schools of the Northern Cape. In terms of the mandate of this panel, to us that constitutes discrimination on the basis of the Khoi and San languages.

To us that constitutes underdevelopment because we wanted these communities to be developed through accessing education, through the usage of their languages or advancing their mother tongue as part of the language in education policy. For people to get access to education through the use of mother tongue. We also have a challenge that Section 29 of the Constitution says, a person is allowed to receive education in a language of his choice and right, if that is practically possible. To us as the Board in this province and in the country, it is possible that with strategies, as advisors to government when it comes to language issues, we can ensure that Khoi and San languages must be taken back to the schools and must be taught, that is possible. It's just government sometimes does not consult and does not respect the roles given to constitutional institutions.

One issue that is also leading to the misunderstanding, in our province and nationally as I've read, PANSALB is mentioned in Chapter 1 of the Constitution. Section 6, number 5 and PANSALB must attend to its mandate according to national legislation. So our understanding is national legislation is legislation that is applicable in the country in all provinces as signed by the president. We have our Act which regulates what we must do in the country which is signed by the former president Nelson Mandela. However because we are not mentioned on Chapter 9 of the Constitution, some government departments think that PANSALB is not a constitutional institution. Because all other constitutional institutions, your Public Protector, your Gender Commission, office of the auditor general, human rights commission, CRL commission, all of those institutions are mentioned in Chapter 9 with a brief summary of what each must do, PANSALB is not there. But PANSALB is in Chapter 1 of the Constitution.

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Chairperson if you go to Chapter 3 of the Constitution it talks about cooperative governance for us to do our work in the province, there are principles regulating how constitutional institutions must work with government department. I nearly said comrade Kgalema, I nearly said that but sorry. There is a battle in that, sometimes we are fighting each other as if we are not one government. We are funded by government, it's just that we are constitutional institutions they are government departments but the principles of working together is almost non-existent. We only work together when we are invited for ceremonial activities. But when we are supposed to exercise mandates as given to constitutional institutions we are seen as enemies of government. We are dogs that cannot bite.

There is another piece of legislation that I want to bring to your attention that also created a challenge for PANSALB to conduct its business in the province. In 2012, this is Act Number 12 of 2012, Use of Official Languages Act; this one is signed by our President. President Jacob Zuma. In terms of that Act government departments must regulate and monitor the use of official languages. Most of these functions in the Act 2012 are given to the ministers. Now if a minister must monitor languages in government our concern as a board is that our ministers are our leaders, our comrades, but they are not experts when it comes to language issues. All the mandate that is given to the board in terms of Act 59 of 1995 is now given to the ministers. The PANSALB board must regulate and monitor languages, the minister must regulate and monitor languages. The PANSALB Act has established in every province, a provincial language committee, which is a statutory board to attend to provincial language matters. The Act in 2012 is establishing language units per department. If you look at the functions and roles of these language units, they are doing what the board responsible for languages should be doing, so sometimes there is a fighting over turf, I want to be honest. In conclusion, the Constitution, in the preamble, we believe that South Africa belongs to all, united in our diversities, we believe strongly that language can become an important tool for advancing social cohesion and nation building but once you are going to discriminate against other people's languages you are leading to divisions, you are leading to intolerance, you

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are leading to mistrust. We are noting as PANSALB what the trend that is emerging now lately.

There are issues at tertiary institutions in the country where students are saying down with Afrikaans, down with Afrikaans, we want English, whereas the board would say can we engage these students and before the board is busy intervening to advise the party, as it is the case in Free State, Afri-Forum taking the issue of Afrikaans to the court. Normally when government departments are intervening, they are not consulting for friendly advisory purposes from the side of the board. The issue at Pretoria University, the issue at Stellenbosch University, the issue of Afri-Forum at Free State, those are issues that the board should have advised government on, how government needed to respond to those issues because in terms of our Act, if you say down with Afrikaans you are discriminating. We rather say in the Free State bring Sesotho, bring isiXhosa. Can the university teach in Afrikaans, Sesotho and isiXhosa, because we've got structures in the country that can develop terminology, and standards and resources in the different languages that are provided for in the Constitution? So normally in government intervention, before the intervention of Chapter 9 institutions, it is also leading to another disjuncture and is making us to be seen as enemies of government.

I wanted to bring to your attention the issue of Mandarin in South Africa, we have heard many national ministers, whether it's a political decision or not, it is impacting on our mandate. The ministers were upfront saying Mandarin must be introduced in this country, the Khoi and the San people are saying Mandarin does not come from here, but it's receiving more recognition, more support, more advantage than our languages. The approach of the board would have been different had government ministers before proclaiming these issues publicly, engaged with the board that is established to advice government. We are aware that deaf people are advancing, that South African sign language be the 12th official language.

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Parliament and government will have to seek advice of the board on that particular issue before responding, I think I have alluded to the legislation that is creating a difficulty for us to be implementing our mandate. I thank you.

**Celeste Louw (7:12:00 - 7:12:30):** Gosh it's been a very long day, I'm gonna try not to keep you for too long. Thank you very much for having me and thank you for inviting us, we are very, very small non-profit organization so we were very excited to be able to voice our opinions to the panel. My name is Celeste Louw, I'm vice president and founding member of Optimistic Bikers Against Abuse. I'm also a survivor of child abuse and domestic violence. So I gather that you now know that I'm gonna be speaking about domestic violence.

Domestic violence is a complicated social problem, integrally linked with other social problems including child abuse, substance abuse and sexual offenses. Domestic violence crosses the boundaries of race, religion and economic class, so I think that's the one thing that we don't have in common with most of the other things that you've been speaking about before. South Africa is rated as one of the countries with the highest incidents of domestic violence worldwide and latest statistics are showing the Northern Cape to have the highest domestic violence statistics in the country.

In response to this, South Africa has one of the most progressive examples of domestic violence legislation internationally, The Domestic Violence Act number 116 of 1998. I think it's an amazing Act, it doesn't have a comparable Act anywhere in the world and it covers every aspect of domestic violence. It was designed to provide the best possible assistance and protection for victims of domestic violence. The only lack with the domestic violence Act, is a lack of implementation. Domestic violence in-itself is not a crime, this causes a lot of problems for us. Statistics help us not at all. Police statistics do not help us because domestic violence is not a crime, so crimes get listed under things like pointing a firearm or assault or harassment or stalking. So there is no way, because the police do not list the relationship between

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the perpetrator and the victim, there is no way for us to know how many of these cases actually domestic violence cases.

So a lot of the time we're guessing. We're actually guessing what our domestic violence statistics are. Working in this field has shown us that in many cases victims of domestic violence are adult survivors of child abuse. The cyclical nature of domestic violence in our societies is of huge concern. Generally speaking we see abused women repeatedly seeking assistance from various institutions, organizations, as well as the police and the courts. A large number of protection orders are never finalized. Protection orders are the only way to police domestic violence, it's the only thing that's addressed. But a lot of them don't get finalized because a lot of the time women are intimidated, in other occasions families put pressure onto women to withdraw.

We also have a lot of red tape and unwillingness at court level to help process protection orders. Non-compliance by the police is a major issue. We see a reluctance by the police officers to issue protection orders or make arrests. This means that justice is not served in the cases as police are not fulfilling their duty as outlined in Section 2 of the Act. Lack of resources or the police results in a lack of victim friendly centres where trained officers are able to deal with cases in a meaningful way. Add to this the fact resources for non-profits and institutions to provide shelter, counseling, skills development, and medical and legal assistance to domestic violence and child abuse victims, it's all sorely lacking.

This is the type of social problem that requires long-term assistance and the infrastructure is just not there to help. Taking this all into consideration and noting that in its most extreme, domestic violence will result in death. In fact the latest statistics are showing four women being killed everyday by their intimate partner. Four, it's absolutely untenable. The responsibilities of the police are clearly outlined in the Act and looking at these responsibilities from a grassroots level it is clear that

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the police require not only better training with regard to the Act, but also assistance from non-profits and institutions to be able to implement the Act. Often these victims have little or no understanding of the Act. Women generally do not know what their rights are, and I think education on that regard is really sorely lacking especially in schools. And I just wanna add this, the grade 10 curriculum at schools, life orientation teaches victim blaming and rape culture, it is an absolute disgrace. We find that although the Act requires police to help complainants find suitable shelter often they just are no such shelters or places of safety to take these complainants to.

Although police are required to serve notice on the abuser to appear in court, they often insist on taking the victim with them, this causes secondary traumatization and the protection order gets dropped right, the person doesn't even bother to serve the perpetrator with their protection order. We've also experienced a lack of understanding of the Act from the Justice Department, from clerks of the court right through to magistrates. The onus is placed squarely on the victim by both the police and the courts to collect evidence and prove that there was abuse. Sourcing legal assistance as well as emotional, physical, and financial support for victims of domestic violence is a nightmare. And we have seen numerous case where lawyers are playing for time with divorce cases, family advocate reports, maintenance cases, all within protection orders. So by the time these women get to actually get maintenance, most of them have no funding. By the time they get any maintenance, they've already given up long time ago and gone back to him because they can't get maintenance, they can't get support and the protection order keeps on getting postponed by the defense attorney.

We have seen protection orders being used as bargaining chips and the lawyers tell us this is normal standard practice. You use the protection order and you tell her drop the protection order and I'll give a R100 extra a month. Outside of courtrooms, if anybody's ever had to get a protection order, outside of the courtroom where you go

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to get your final protection order, you sit right next door to the man who beat you to death, almost to death last week. You sit in the same area as him. By the time these ladies get into court they are too scared to speak to a magistrate, they just stand there. This man of course isn't scared and at the end of the day they end up not getting their protection order. It is a very traumatizing process. Added to this, we are very seldom allowed into the courtroom with the victim to support them. So often times with their lack of understanding of the law plus the intimidation, they don't get their protection orders because they don't actually know what their rights are.

We have numerous cases where protection orders are given by magistrates that allow an abusive man to stay in the same house as his spouse. Now personally I don't understand that at all. Basically what happens is this man now beats his wife and then court says he can stay there as long as he doesn't beat his wife. This is why protection orders are seen by complainants as a piece of paper that actually affords them no protection. We see very few cases where criminal charges are laid. So protection order is given, the way the law stands now that means that an assault charge needs to be laid or a harassment charge. But those charges, or even a rape charge, those charges aren't laid even though to get your protection order you as a victim have to get a J88, witnessed testimony, and have more than enough evidence to actually put him away for the assault. But those charges are never laid. A lot of the time we hear our victim saying that they feel like a criminal, they feel that the process of trying to get a protection order criminalizes them, so what can we do?

Well the current situation indicates a complete lack of resources and support networks for the police and Justice Department to fully carry out their duties which have been mandated to them by law. We feel that domestic violence must be recognized as a crime on its own, in order to tackle it effectively. Handling protection order breaches as contempt of court and not a criminal offence leaves victims with little to no protection. Generally police perceptions of domestic violence make

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effective implementation of The Domestic Violence Act very difficult. This unwillingness to intervene, because these cases are seen as private interpersonal matters, is a pervasive view amongst police officers. We need to back up our progressive legislation with a progressive attitude, since in our experience victims of domestic violence need longer term assistance to reclaim their place in society, the availability of funding and resources to assist non-profits in this field to be able to provide assistance is imperative. Domestic violence is an undeniable violation of the rights afforded to South Africans in the bill of rights, Section 10 of the constitution of South Africa. As well as the ratified international conventions and treaties, such as the Convention of the Elimination of all Forms of Discrimination Against Women. Clearly the system has failed to fulfill its domestic and international obligation of providing adequate protection for victims, especially women, of domestic violence by neglecting to criminalise domestic violence due to the complicated nature of the social problem. Training and education as well as financial resources need to be made available for the improvement of police, judicial, social welfare and non-profit sectors so that a broad understanding of the Act can be improved for effective implementation.

Specialised domestic violence courts that deal solely with domestic violence issues would greatly reduce the problems of time delays and other issues related to the application of protection orders. The opinion of survivors and their experience of the system seems to have been sorely neglected. The fact that so many live in unacceptable circumstances out of fear and necessity is untenable. As a grassroots organization based in Kimberly but operating nationally via social media, the internet and telephone, we have found that the legislation surrounding domestic violence as well as linked offences covered by the Sexual Offences Act and the Child Protection Act require better implementation. The police, Justice, Education, Health, Social Development Departments, in truth the public at large are lacking an understanding of these laws and the dynamics surrounding the abuses and their cyclical nature in our communities. In order for our Constitution and really progressive legislation to

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have any real meaning, it needs to bring about change at grassroots level or remain nice words on paper with little or no effect on the general population. Thank you very much. 7:25:26

7:27:14. Thank you very much Chair. I would like to thank the opportunity that I'm granted today. My name is Lusanda Mfafa from De Aar, Pixley Ka Seme region. I'm gonna talk under the topic of social cohesion and nation building. As Pixley we worked under guideline questions as we were given a package from the legislature. One, the question was, are we a rainbow nation? The response was no we are not, we are aspiring to. As we are driving on that direction. And then the other, the second question, within your local province, municipality or village, what in your opinion is the source of the tension or cohesion? And then the issue of a province, we are having a problem with Kimberly that likes us to centralize a lot of things and this is a challenge for us and mostly it is also not serving justice to us because most of the resources they are in Kimberly. And then this creates tension and also anger in our people of Pixley Ka Seme. Also the issue of language barrier is causing tension and we have lost the spirit of ubuntu in almost in all provinces.

And then number three, what divided us in the past and what does divide us in the present? In the past we think language divided us, inequality, discrimination, racism and apartheid. And presently language now is dividing us, especially when we having such activities, some people don't want to compromise their languages for others to understand. The issue of race it's a challenge, it's dividing us because we, everyone believes that his/her culture is more important than the other. We had an example of our people, Xhosa people, Xhosa people they like to be respected and when one attends our cultural gatherings, we always divide others, as we say in Xhosa, this side only men and this side only boys and all those things. That is also dividing us and it's a challenge because these things we see them every day. The issue of religion is dividing us as well because we are growing under the principle of our parents. To say that I am a Catholic so in my house we are all Catholics and then others their beliefs is Rastafarian, others they are Muslims and whatsoever but

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we are not given that freedom to choose what we believe in as we grow up. As a young person I believe that I need to be given freedom wherever I am because we live in the world of democracy, I mean now it's 2016.

And then politics, they are also dividing us because most people now they believe that politics it's career, of which it's not like that. Because young people believe that if you are in politics, everything is in your hands of which is not fair for others. Because not all of us are believing in politics. Education is dividing us, others they are in Model C schools, others they are in public schools. And even the syllabus or curriculum is dividing us because in De Aar specifically we've got a school in a Coloured area that they are doing your mechanical engineering, your knitting, of which in our schools we are doing life orientation, of which it does not assist us. We do not have gardening, we do not have. So I'm not sure of the consistency of the syllabus when it comes to high schools. Also the discrimination, we are faced with the issue of albinism now. People who are born with albinism, they are being victimized a lot now in our communities and that is the main challenge because those people, I mean, they are also carried for nine months and they are breathing and they are intelligent and they belong in our own society. And our parents cannot do anything about it because some people they believe that they are superior in our communities.

And how do these divisions impact on me? This question was based on me personally. I believe that one I'm Christian, if these things are happening in my community the question is when are we going to be free? They impact on me personally because I believe that as a Christian you need to put yourself in someone else's shoes. If that can happen in your house, or if that could happen to your own mother or father how are you going to take it? How are you going to feel about it? And then what do you think are the key social divisions in your locality or in your municipality? Poverty, unemployment, deployment is a problem. Deployment it's a problem. Nepotism it's a problem, those things they are dividing communities because people in our days they believe that they are their permanent enemies or

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their permanent friends when it comes to politics. So if those two things can be dealt with, deployment and nepotism then I think in most areas in our province, that is going to be outstanding in terms of unemployment.

Vulnerability of people with disability. They are vulnerable and old people the way they are abused. Abused in front of us and there is nothing we can do about it. And the way police they are so careless and negligent in our days. Because one you are even scared to pick a up a phone and call police and tell them who you are because you are gonna be dealt with. These things we are dealing with them because in De Aar we are faced by the issue of house break-ins that come from poverty, that comes from unemployment. And in order for one to get high you must buy the drugs, in order for you to buy that you must get something, which is money. Of which that is the challenges that we are faced with. Do the current laws assist in addressing the current division? The laws might come with good intent but the way they are practiced in our communities, it's not fair. It's not fair, it's not fair to a lot of people in our communities.

What should be changed to ensure that these divisions are addressed? I think the legislature, such gatherings should be more, should come more to our people. Our people should understand the laws and the acts so that people will know who to turn to, where to go when it comes to such. What role should be played by Parliament to contribute to social cohesion and nation? Parliament should involve people, as in like now, we feel like we are involved now when it comes to decision making. We feel that at least now we are also taken seriously when it comes to our laws.

Recommendations: in our province we need more old age homes. Like in De Aar we have one old age home that is in town, of which it's full now and our old people are send to Briska of which is hundred and eighty five kilometers away, it's not fair. And then number two, NYDA we don't feel it, NYDA is in Kimberly and we are not benefiting from it so if the offices can be in the districts we'll be very happy. Number three; we need rehabilitation centres that will be easily accessible and less

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expensive because our brothers are sent to Bloemfontein, North West etc. Then our curriculum should be reviewed so that schools can teach agriculture because we are faced with a challenge of alcohol syndrome. So we need our curriculum to also serve in regards to handiwork. And then we need more police to be recruited in our areas because in De Aar, in Nonwakali, specifically we don't have a fully-fledged police station.

We are depending in town, and of which if there is one vehicle and two police officials, then if you report crime, it will take two or three hours, and then when they come there, more damage is being done so we need police to be recruited, more of them. NHI should be fast tracked, because really if you go to clinics, you at half past seven you come back at six o'clock and you are not been given food and whatsoever. And then you wait there and wait for nothing. You having this but you will be given Panado. Of which you stay there more than eight to ten hours. We need more of these events and to close that gap I think the legislature or where we come from, white people should be more involved, acknowledging those that are here now, But we need white people to also form part of these gatherings, because that is where the gap is between us. Because you'll never see white person staying in the location.

So we need them to understand our challenges as much as us to understand their same challenge. And then lastly, there was a programme. A Parliamentary millennial program, that programme was for you people, that programme, the last time I heard of it was in 2012. I'm not sure what happened to that programme. If that programme can be brought back to us as young people because that programme, we were hands on as young people in that programme and the person who was heading that programme it was Miss Shubeida Sheik in Parliament. And we really, really concentrated on issues that are facing young people in South Africa. And it did not choose in which political party you belong to, but it was every young people in South Africa we are there. Thank you very much.

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**Rudy (7:38:26 - 7:38:46):** My name is Rudy, I'm from ward 27 Rietveil Richie. I'm standing here before this committee to address challenges our community face in terms of land restitution and the security tenure. We as South Africans, we are facing a pressing issue of land availability to become economically sufficient and financial independent. Land reform discussions in our country are unresolved because government should change its mindset so that each and every citizen in this country enjoy the benefits of our land reform policies. Compare the land reform policies of Zimbabwe and the land reform policies in South Africa, you will find out that people in Zimbabwe prefer the land instead of money. Now we sit with this problem in South Africa, people prefer the money instead of land. This is the problem here we sit. Government interventions in land reform in Zimbabwe sent a strong message to the rest of the South African counterparts that the land shall be shared amongst those who live on it and work on it.

Willing buyer willing seller concept, government should review it because both parties must be satisfied and benefit from the deal. Land reform should not be seen as a threat in the agricultural sector. CODESA resolutions, agreements, should give us a clear direction how the deal was about the land reform issues. Land claims delays, claims lodged by claimants or affected persons should be investigated, why land claims delays? Title deeds should be given to those born and still residing on farms. Evictions still exist in our country and the farmers they are not complying with the government legislation in our country. Communities or families living for more than twenty years should get title deeds and ownership on the farms. Chapter one to Chapter nine of The Land Tenure Security Bill 2010 give us a clear direction that indicates that the Bill should be reviewed and urgent implemented because the pride of the people is left unattended in this country. Speak about the legislation that protects the farm workers and the farm dwellers. Parliament should speed up land reform legislation and laws that Parliament approve and they should carry it out because affected people require it; like the farm dwellers and the people who are evicted illegally from the land.

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The Freedom Charter document should be also seen as a guideline document, how we shall share the land and live on it. The government should be responsible for land distribution according to the freedom charter. The land shall be shared amongst the people living and working on the land. Restitution, restitution is a colonial meaning word of restitution whereby our forefathers were removed by force without compensation, so now they want compensation for what? For restitution give us our land back. They take our land and make us slaves on our land, on our own land. And work us slaves here in Africa. Now they want compensation. Ancestral and heritage land should be given without fear back to us in order to restore our heritage, dignity. Thank you.

**(7:45:05 - 7:54:00):** Good afternoon Mr Chair and all protocol observed. This is really for us in the Northern Cape a big and great opportunity to air our views. As you have listened to the group speaking at the mics, they are hungry to air their views because these type of opportunities is seldom given. If it is given, it is given only to a few. As my sister said from De Aar, this is long overdue. We need to speak our minds and to get access to this legislation that is drawn on our behalf somewhere up there in Pretoria. People are not knowing even where Rien Van Smaak is, so we feel that this must be done more and when there is a paper, a legislative bill, an act, or whatever to pass, the community must be consulted because it is stated in our Constitution that the community must be consulted. Mr Chair I want to raise the ESTER issue. The ESTER has also now been amended and as you've heard from the later speakers about the evictions taking place where the lady spoke of townships, while I want to concentrate on the farms. We are fortunate in this area that in the Upington area we've got one or two organisations that work and help. We've got the lawyers for human rights and we've got the women on farms project that is in that area that assists people when coming to evictions. But on these other farms, in the Karoo or wherever, stock farming farms, you can just put the people off or even throw them to the lions because we've got all these wild or game reserves and then you just hear people have disappeared.



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I think that I would advice the ESTER to be reviewed and re-amended to fit the people on the farms because still the farmers have got the right to go to court and ask for a interdict or what you say, eviction order. Because its their cousins that are the magistrates. It's not our people that are the magistrates and it's not our people that understand all these pieces of legislation. Previously we had many advice officers in our province that were able to help communities and especially farm workers. Due to funding, our funding crisis many of these offices have closed and people have got nowhere to go. I was going to speak on the TRANKRA but I think my brother from Steinkof and Komagas has covered that. I want to come to the nuclear issue. Somebody asked this morning that nuclear be stopped. I want to emphasize that nuclear must be stopped in our province.

There is a place called Noorevier, where there is a waste dump. Before the waste dump came there, there was very little cancer related problems, it has increased because the people use borehole water, underground water and we feel that some of that drums have rust and the nuclear has infiltrated the water and people drink that water and they die as a result. Somebody has also, my colleague from the Gender Commission wanted to hijack me here. On the 30th of October 2015, the rural women's assembly marched to the Union Buildings to hand over petition to the state President. He then sent out a representative to collect it. We asked for one woman, one hectare of land. Soon in February or January the government came with a build one household, one hectare, we don't want a one household one hectare, we want one woman one hectare. Because women having land can decrease the poverty in this country very quickly.

Mr chair we've got a serious, serious problem in this province because we've got a lot of seasonal workers in the Upington area that come from the John Taolo Gaetsiwe district where I stay. This is, I didn't read this in a paper or I didn't hear it on the news, I saw it for myself. Our people being transported like cattle on these big trucks and this has been brought to the attention of our Transport Ministry but still as

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the people say, [speaks in Afrikaans]. It is very, very dangerous because our people coming from that farm and many of our farms they still the dop stelsel. We are still paid with a bottle of wine but we are so thirsty after working in this heat, we can't refuse that wine, we just have to drink it.

So then we are being transported on these trucks and the Transport Act says no person should be allowed to be transported. Our brother that was here from the wildlife or whatever spoke something about our black farmers that have not got the, I'm not sure, I speak under correction, the potential or whatever. Our black farmers know exactly what to do on a farm because they have been working on these farms since baby. They lack resources, that is what they lack to enable them to also reach where the commercial farmer is now.

I'm just sorry that my brother from the traditional council has left. Well perhaps I'm not a Khoi, I'm not a San, I'm not a Ku or a Kwe, I regard myself as black but I grew up not having a traditional leader so I don't understand the traditional house but I think it is causing more problems. I want to ask for the Traditional Bill to be, there must be more consultation on this because getting the Traditional Bill passed as it is now will once again have women suffering. The leader Toto that was standing here spoke about the mining, Mr Chair it's the traditional leaders that give the mining land to the mine owners and they are the ones that are giving the land when the consultation comes or a negotiation, the people first go to them. Without consulting the communities and then the next thing we see, the mine is up. The mine has got SLA or CLA. What is the name? They should support the communities but they don't. In our area where mines open at about five, six a month they will tell you. We support only where our workforce comes from or we support only in the area where the mine is. Well I think the land belongs to all of us, my brother spoke about Zimbabwe, I don't want to go there.

On social cohesion Ms Doctor, well it's going to take us very, very long and in this province much longer than in any other province because here the dog still sits in

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front of the bakkie and I must sit at the back in this 38, 42 degrees. Then the dog sits in the twin cab, but when the accident happens, the dog is not able to tell the police what happened then they want to know from me. Doesn't work like that. So I feel that there's a lot, a lot of work still to be done, to get us to really work together hand in glove. To make an example, on the 24th its heritage day, some white guy decided it must be a braai vleis day. We braai every Sunday, we don't need a special braai vleis day, we need heritage day. So we want to have this braai vleis day scrapped and celebrate our Heritage and our culture. And as my sister of De Aar said. As long as there are no white faces in this audience we will never go over that bridge, thank you. 8:03:46

8:03:54. Thank you Program Director, the Honourable President Kgalema Motlanthe, your panel, the house at large. Thank you for this opportunity, I can be, I'm very short, I'm short as in, physically short, but I can be long. As a former councilor I'm very jealous, I'm not going to take any time from you Chairperson. Only two minutes is enough for me, and after two minutes call me out of this podium. Chairperson, I'm not going to say anything but that lady from Bokamoso, I'm going to volunteer tomorrow with you, as a former councilor I'm really disappointed not to see even councilors here. But I'm very, I'm sure, because these things they must go back to the community.

If you know your role and responsibility as a councilor, all these things which was talked about, the speeches which were highlighted in fact on this podium, it's relevant people and it's common, we can see. We are speaking about the title deeds, what about the title deeds, greater number two is the oldest location in Galeshewe, I can just send Comrade Motlanthe, to go even tonight, or whatever the case may be, to comrade Cyril Ramaphosa. Just tell Cyril Ramaphosa not to cross like Greenpoint, they say you must not go under the bridge, but I say go through Galeshewe. Our heritage, we only want one thing, the conservation project, it must come back, we can't say we are going to build RDP houses whereby this is now our heritage. People must see and teach, 1952 Myibuyee Afrika was done in the same

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route. Our Statues are being demolished; the first [inaudible], greater number two is also demolished. We don't know what to do in fact, I think my comrade who was speaking, it's one of our youth in the area, he was speaking about they want to turn that place, just because there are interests on other people. There are interests on land, what is it, the land reform in fact. People are not doing justice for our community. I'm not going to repeat what they say in fact. Kgosi Toto, it is true in fact, our Constitution which we consider the Chapter 2 they consider the Chapter 3, the Chapter 7 and the Chapter 9 institution. The new go too far, I'm not going to take any time but I like to say comrade Motlanthe ask on Saturday, Heritage day. Ask Comrade Ramaphosa to cross greater number two and see what's happening, thank you.