

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

Western Cape Public Hearings: 5 – 6 December 2016

5 December 2016: Morning Session

The sign * indicates a translation and † the original language.

Mr Tshefuta: Thank you. Please be seated. Good morning. *Good morning. *Greetings. †Well, my name is Thulani Tshefuta, one of the Panel members. We are really happy that you have taken time off your busy schedules to join us in this important Public Hearing of the High Level Panel. The Panel is in this Public Hearing having visited others provinces. We are here lead by the Chairperson of the Panel, President Kgalema Motlanthe. Let's welcome you. (Applause)

Some of the Panel members who join us today is Dr Claassens, Dr Shisana, Prof Hirsch, Rev Damon, Dr Yvonne Muthien, Mr Paul Harris, Prof Taylor and most importantly yours truly the programme director, Tulane Tshefuta. (Applause) Thank you very much for the warm welcome. We do have interpretation devices. Those who need interpretation devices will have to access them. Where are they? We can ask one of the help desks. They will definitely be able to give you an interpretation device. We have interpretation in English. We have an interpretation in Afrikaans, isiXhosa and we should be having a sign language interpreter as well. And those are just some of the few announcements. At this point I would love to invite the speaker of the Western Cape Provincial Legislature or Parliament to come and welcome us. Over to you, Speaker.

***Ms Fernandez:** Good morning, greetings. †Ladies and gentlemen, please allow me to introduce myself. My name is Sharna Fernandez and I'm the Speaker of the Western Cape Provincial Parliament. It is indeed an honour and a privilege for me to welcome you to this very important two days of public hearings, which are held in our province on

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the assessment of key legislation passed by Parliament over the past 21 years. Allow me the opportunity to introduce His Excellency, former President, Kgalema Motlanthe, who is the Chairperson of this High Level Panel. The Speaker's Forum of the South African Legislature established an advisory Panel to assess the importance of legislation and the acceleration of fundamental change. As Speaker of the Western Cape Provincial Parliament I serve an institution priding itself in conducting its constitutional functions efficiently and effectively with specific emphasis on oversight of the provincial executive and effective involvement of the public in our processes and our work. Ultimately all of these efforts are geared towards improving the lives our people, we are elected to serve. This we can only do with the active participation of our stakeholders.

The South African Constitution provides a framework for the system of governance that is both representative and participatory. When South Africa drew up its constitutional and institutional arrangements it was able to take advantage of contemporary thinking in the evolving relationships of creating vehicles for dialogue between the people and their governments. In short it means that when people are not involved in the decisions that affect them, political interventions are likely to fail. Public participation should meaningfully improve the quality of policy and legislation, strengthen accountability and enhance overall good governance. It is against this background that the Parliament of the Republic of South Africa has identified the need to assess key legislation passed by our Parliament over the last 21 years.

I wish all participants all the best over the next two days and express the hope that everybody involved will be inspired by our beautiful city in the shadow of Table Mountain. I'm sure that all involved will find time to explore some of the many treasures of our beautiful province. I must also add that our participants have come from across the breadth and width of South Africa. We have a participant all the way from Murraysburg, which is 90km away from Graaff-Reinet. So we'd like to welcome them. We have participants from Vredendal, from the greater metro, Khayelitsha, Mitchells

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Plain as well as the Deep South. So to all our participants, you are the most important people here today. Your inputs are going to be that which takes this Panel forward in terms of recommendations that are made and I would like to say that to the participants this is your day. We might be part of a bigger group, but you had been chosen to come and represent the people and the communities that you serve. And I would like to thank you for that. And I trust that the interactions will be positive, they will be meant in – it will be conducted in a spirit that fosters nation building and that will create social cohesion, so that when we go away here we can say that we are truly proud to be South Africans. I thank you. (Applause)

Mr Tshefuta: Let's give another round of applause to the Speaker. (Applause) And acknowledge that the Speaker is not alone. She is joined by the Deputy Speaker, Mr Piet Pretorius. (Applause) There are also 12 members of the Provincial Parliament who are with us here. Let's welcome them as well. (Applause) At this point, without any waste of time, I would love us to welcome the Chairperson of the High Level Panel, President Kgalema Motlanthe, to come and address us.

Former President Kgalema Motlanthe: Thank you very much, Mr Tulane Tshefuta for your warm words of welcome and thanks to the Speaker, Hon Speaker of the Western Cape Provincial Legislature, Ms Sharna Fernandez and for your warm words of welcome. We really feel welcomed in the Western Cape. Mine is really to give you background as to why this Panel was established. The fourth Parliament which ended in 2014 identified the need for assessing impact of legislation as part of the work that the fifth Parliament would have to undertake. Now once the fifth Parliament was sworn in in 2014 after very long discussions by all parties represented in both Houses, the NCOP as well as the National Assembly, they came to a point where they adopted a strategic plan for the five years. And in that strategic plan they identified this need for assessing efficiency and impact of legislation which was contained in the Legacy Report of the fourth Parliament.

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And they felt that the best way to give effect to that task was to establish a Panel made up of 17 members. And the mandate given to the High Level Panel, is to look into impacts of legislation passed since 1994 in four broad areas.

The first of these four broad areas of focus is the triple problems of poverty, unemployment and inequality. And the second area of focus is creation of an equitable distribution of wealth. And the third areas of focus is the land question. In other words land reform, land restitution, land redistribution and security of (indistinct). And the fourth and last area of focus is nation building and social cohesion or social exclusion depending on where you stand in terms of societal pecking order. And so the Panel having given this mandate, decided that the first two areas of focus, which is poverty, unemployment and inequality as well as creation of and equitable distribution of wealth, would be combined. They are so closely related or interlinked that they – they could be tackled by one Working Group. And therefore the Panel divided itself into three Working Groups. Working Group 1's focus is on the first two areas of focus. Working Group 2 deals with the land question and Working Group 3 deals with national building and social cohesion.

Now in the interest of time we were meant to have started this gathering much, much earlier and so we've lost a bit of time. In the interest of time we will not get the chairpersons of the three Working Groups to give you their inputs in terms of the work that each Working Group focuses in. Now so we will skip that part, because the interest of the Panel is really to hear from you as to how your lives are impacted upon by legislation passed since 1994. And so if for instance you're a business person who, or an investor with lots of bags of money that you would like to invest in a Greenfields Project you may find that there is just too many regulations to comply with. So if that's your experience, please share it with us. You may be a descendent of people who owned land, a piece of land and through various pieces of legislation you find that today you have no proof that that land ever belonged to you. So please share that with us. We normally follow a simple ratio, that human beings we have two ears, one mouth. Two

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ears, one mouth. So we will speak less and listen more, but we do plead with you that in the interest of time once again, please do not preface your issues with long preambles or perorations and so on.

For a second let me share with you a story that Nelson Mandela told me. Nelson and Mandela and Oliver Tambo were lawyers and they established the first Black law firm in Johannesburg. And Nelson Mandela says Oliver Tambo was by far a better lawyer than he ever was. However, he says from the point of view of the finances of their law firm, Oliver Tambo was a hopeless lawyer in the sense that when clients came Oliver Tambo would never interrupt a client. He would just be listening and taking copious notes. And so Nelson Mandela says, you know, going by an understanding of how our people can be long winded, he learned a trick and he would say to a client. Thank you very much. How can I be of help to you? So that the client can go straight to the point. Because he says, you know, if you don't do that, someone walks in, basically seeking a conveyancer's services because the family or the clan has decided to purchase a farm or a piece of land.

Instead of saying so, he'll start off by saying, you know, it was over the Easter weekend or over the festive season and all the extended family members were together at my aunt's place. My aunt who is the third after my father. And so he says, if you listen to all of that you will only see two clients per day.

So I'm going to plead with you today that we are here to ask a simple question. How can we be of help to you in terms of how you have experienced legislation? How legislation has enhanced your lives or complicated your lives. So we want to hear that. That's why we are here and our task really is to listen as I said and to take copious notes so that by next year end of July when we complete the process and submit a report to the Speaker's Forum, which should be able to state very clearly how legislation has either bettered your lives or complicated them. So that's the reason why we are here this morning and we would like you to be free and speak to us without fear or any inhibition. We are here to listen. And with those words I want to thank you very much for your

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attention and I hope we will be able to go through today's programme very efficiently so that all, because we also want to hear, you know, the views of those in the hall today who do not represent any formation and so on, but who will be able to share with us their own lived experience. That's why we are here and I think you for your attention. (Applause)

Mr Tshefuta: Thank you very much, Chairperson of the High Level Panel. I'm sure we're going to have enhanced discussions. By the way, Chairperson, in our midst I saw the former Premier of the Western Cape, Mr Peter Marais. He said he is going to render an item for this crowd. He is going to render a song called "It wasn't easy, but it was worth it." I have also seen the former MEC of Education, Mr Cameron Dugmore and traditional leaders who are joining us. Let's all welcome them. (Applause) Let me outline the programme so that we have a compact or an agreement on how we flow for the day in advance. We have three focus areas, organised in the form of the Working Groups that the Chairperson was talking about. Now we have organised formation or stakeholder groupings that have declared interest to make inputs in those three areas, being Working Group 1, Working Group 2, Working Group 3. Working group 1 in broad strokes focussing on the economy, wealth, poverty, inequality and unemployment. Working Group 2 focussing on land and Working Group 3 focussing on social cohesion and nation building.

Now how our programme will flow is that we will now invite organisations that wanted to make presentations on Working Group 1. And then they will be followed by those of Working Group 2 and then Working Group 3. We have a total number of 22 organisations that want to make presentations on Working Group 1. We have a total number of 14 organisations that want to make inputs on the land question. We have 18 organisations that want to make presentations on national building and social cohesion. In total that gives us 54 organisations. If each organisation is given five minutes, that will take us about five hours. Five hours from now is exactly at half past three and it means the remaining time will be for anyone in the meeting who wants to raise a hand, be noted and they make their point.

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I'm making this point so that we agree in advance that by limiting the time of the speakers who are invited, we are not trying to cut out people or deprive them of an opportunity to speak, but in the day we have today we can only take so much. And so we want to request presenters to go straight to the recommendations they want to make to the Panel. And opportunity still exists that after you have presented, you can go to the tables that you have and give over the submission that you have written or even later you can even do it on pen and paper and submit it over, so that we are able to get as many inputs as possible. And I hope that that explains why we have to be strict on time when it comes to the presenters who will be coming through, so that every one of us can have an opportunity. Is that acceptable? Thank you very much.

The first group of speakers what I would like to invite. I would request that they come closer so that we take a speaker after a speaker. If our colleagues can even make an arrangement of extra chairs here in front so that all speakers are lined up here, please. Can we get extra chairs here? The first group of presenters that I have here, we have Mr Beelders from Analytico. Is he here? Please come through, Sir. And may we also invite from Mr Fourie from Alternative Prosperity, the Provincial Secretary of COSATU in the Western Cape, Mr Tony Ehrenreich. And also Mr Matthew Parks. May we also invite Mr Andrew Pieterse from All Nations Outreach Ministries to come closer. May we also invite Ms Moses Plaatjies to also come closer to the front, so that we take speaker after speaker. Mr Beelders, over to you.

Mr Beelders: Can I please ask the audio team to play the PowerPoint slides that I made. Good day, Panel and audience. Because of the limited time I'm just going to fly through the PowerPoint slides. I'm the founder of a business that studies labour, economics and trends. And what invited us here today was an article that we published for News 24 with regards to the wage inequality in South Africa. Can I have the next slide, please. Okay, so what we do is we developed a statistical model in which you input demographic variables and then it gives you earnings research, or earnings

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outcomes. So we are able to pinpoint exactly what – sorry, can you hear me better now? Okay, so we are able to input different demographic variables such as marriage, race, even pinpoint municipalities and so forth into what people earn given their demographic specifications. Next slide, please. Okay, so our research show that White skilled professionals earn R22 000 per month on the median level. Black professionals comparatively speaking earn R8 000. So there is a big differential in earnings with regards to that. As well as male and female professionals. The unemployment rate of the Black cohort and the female cohort is also higher in highly skilled occupations.

Next slide, please. Okay, so with regards to legislation, we drew summaries and trends from the equal work for equal pay legislation. And this legislation gives us practical guidelines on how to remunerate staff. Next slide. Okay, so some factors that one considers with the equal work for equal pay legislation is in which you are allowed to fairly discriminate with your pay practices are 10 year qualifications, performance evaluations, restructuring, temporary employment, employees, skill shortages, any other relevant factors. We'll dissect some of these factors just to indicate how South Africa compares to this and why there is an earnings differential. Next slide, please. So the matter with regards to qualifications, however with regards to tenure, individuals with higher levels of tenure are allowed to be paid more and thus the White population cohort, the median tenure within one job is 7.5 years, comparatively speaking to the Black cohort which is only four years. So that's why there is a likely discrepancy in pay practices with regards to, if one considers race.

With regards to qualifications, as you can see in this table proportionately speaking of the population of 20 to 24 year olds, 57% and 54% and 53% of the White population attends higher education, attends universities and technikons. Comparatively speaking only 15% of the Black cohort and the Coloured cohort attends universities. Thus within the White population you're more likely to have more highly skilled individuals, because they attend universities. What's interesting to note is that the trend of enrolment into universities has decreased from 2011 to 2014, seems to do so now. Next slide, please.

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Okay, so an important factor, this is where race plays probably the largest role consciously and unconsciously is in performance ratings within an organisation. As we can see and research shows us that people identify with each other and generally speaking Black employees rate their fellow Black employees higher and White employees rate their fellow White employees higher. However, when it comes to cross-cultural rating they decrease. So however, what's interesting to note is that White employees do not rate White supervisors higher than Black supervisors. And a method to counteract this is to form diverse cultural work groups.

Okay, next slide, please. Okay, with regards to the skills discrepancy which also impacts our labour market and earnings and which also has an impact on education, I'm just going to give you a definition quickly of what we deem to be highly skilled individuals. These are individuals that require high decision making level within their job, as well as high education levels. Next slide, please. And unskilled individuals is just the opposite. You don't need a lot of high level of education or decision making level to complete your job. Next slide, please. So what we did was we compared with proportion of the population groups in South Africa consist of highly skilled individuals and unskilled individuals. And as you can see 14% of all White employees are employed in highly skilled, in the highly skilled sector and only 7% in the unskilled sector. Comparatively speaking to the Black cohort only 6% is employed in highly skilled occupations and 19% is employed in your unskilled occupations. There is a distribution and that's generally why the Black cohort earns less than the White cohort.

Next slide, please. Okay. So in conclusion factors simply indicating what affects earnings inequality or pay inequality with regards to the equal work equal pay legislation. Only considering factors of tenure performance management, education and scarce skills as stated in the legislation is probably not going to cause that differential to decrease, because tenure is likely to increase because of an aging White population that we have.

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Performance management that is where the largest bias and racial bias occurs because cultural groups do not rate each other objectively. And then education wise, as you can see based on our research the largest portion of race groups that enter higher education institutions is the White population. And this affects scarce skills, because they find themselves studying – they find themselves studying and being able to enter occupations where scarce skills are a factor. And yes, thank you very much.

Mr Fourie: Good day, hon members. Good day, everybody. Thanks for this opportunity. The organisation I represent is Alternative Prosperity. We work with a cross cut of companies. We work with investors. We work with Organised Labour and I'm here to tell you about some research that we've recently done, which actually looks at transformation from '94 to today, basically 20 years later. And we looked at it over a person's working life, from when they're educated, when they start work and accumulating assets to when they are in leadership positions and actually own assets and influence decisions. And then lastly when they retire. So it's quite comprehensive. So the only thing I want to ask of the Panel is, is specifically an interesting part of our research that relates to ownership and influence. So the applicable piece of legislation is than Black economic empowerment and what we've found is that if you look at the ownership component of South Africans basically owning the wealth that's created by companies, we found in our research that if you look at the economic interest, so basically the wealth of companies in which we share, our research has shown that there's been quite a bit of transformation that has happened.

So just for example on the, an analysis of the Johannesburg Stock Exchange, we find that if you look at that as a whole, there is 40% that's owned by non-South Africans and 40% that's owned by institutional investors and 20% by the rest of us, the individuals and companies.

Now interesting what we found is if you look at the institutional investors, that 40%, and you take – and you look at the pension funds and retirement funds, of that we found that about 13% of that is in the hands or is actually value created for Black people. So what

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we can say is there has been some transformation on the economic interest, but what we found in our research is just a way to demonstrate how that translates to the man on the street, is the Government employees' pension fund which basically employ all State employees own a significant stake or are the beneficiaries of that pension fund and the Government employees' pension fund is currently a very healthy pension fund. So over time people that are employed by the Government will get a lot of economic benefit when they retire.

But what we find is that an area that we would really ask the Panel to consider looking deeper into, is the influence component of these institutional investors. So currently there is quite a lot of debate that institutional investors can't represent Black people. So our view is that if one looks at broad based Black economic empowerment legislation, if you look at the Pension Fund Acts and if you look at other related legislation, that there is really an opportunity for the public and the people in South Africa to find a voice in what they own and I think legislation can be improved in that sense. So we'd like to work with the Panel on that. And then I think just in close is – we've been working or to show that this is really happening, we've been working over the last three years with Labour, FEDUSA, NACTU and COSATU and we've analysed with Labour what they own and what they can influence in the economy so that when labour unions trust funds are – as I mean pension funds are used, that Organised Labour also has a voice and a say in how that money is applicable. So I really think there is a cross-cutting benefit that can be had from that. I thank you. (Applause)

Mr Parks: Good morning colleagues, good morning to the Chair, to the Panel and in particular to (indistinct) our former President Motlanthe. My name is Matthew Parks. I'm from the Congress of South African Trade Unions and I think needless to say we have 1.8 million members across all sectors of the economy. I think, Chair, as COSATU we are largely happy with Government's policies. There are some matters we have sharp disagreements with them and I'll raise some of those issues, but our main (indistinct), Chair, is that Government is weak. It fails to implement the majority of its

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policies, it seems to dither and to dather et cetera. Chair, I hope you will forgive. I might raise a few issues which will stray slightly from Working Group 1, but all issues are related to workers. I think, Chair, as workers we want to see an amendment to the Labour legislation to ban labour broking, to ban outsourcing. We'd want to see laws promoting permanent and decent work. We would want to see laws promoting parental and adoption leave, to increase access to the Unemployment Insurance Fund especially when we are (indistinct) jobs left and right.

Chair, we would also want to see the extension of permanent, collective and compulsory bargaining and we are also hopeful that in February next year the President will be able to announce a national minimum wage across all sectors of the economy. Chair, we are pleading with Government to move with greater haste to realise a national health insurance. To finally eradicate mud schools and schools which don't have proper sanitation, electricity or safety and security. It's a disgrace that still today we have about 500 schools without basic sanitation. Chair, we are pleased that Government has finally released a comprehensive Social Security Paper after 14 years of delaying and delaying. But again, Chair, we want Government to move with haste to implement such progressive policies. We want it to include a job seekers grant.

Chair, we also would want to see Government provide more and meaningful support for emerging and existing farmers. We somehow expect our agricultural sectors to compete with the highly subsidised agricultural markets of the EU and the US and hence we've seen half of our emerging farmers failing after a few years. Chair, we would want to see the end to farm evictions and to providing land equity to farm workers.

Former President Motlanthe asked about the effect of legislation where a very progressive extension of security of tenure which was tabled in NEDLAC by Government in 2014. It was brought to Parliament last year. It has still not been passed by Parliament and it's simply because there are public representatives who are sleeping

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on the job, who are not concerned with the plight of ordinary people on the ground. Chair, we want to see fishing allocations only going to small fishing communities and to properly establish fishing companies. We can't have a situation where public representatives, businessmen from Gauteng et cetera, have the allocations mysteriously for fish, yet our fishing communities in the West Coast are starving.

Chair, we would want to see DTI Expense Report for fragile economic sectors, to provide debt relief to the highly indebted consumers, to close all the loan sharks and to make sure banks are accessible to ordinary working class and middle class families. Chair, we commend Government for their excellent work around renewable energy. We've seen 27 000 jobs created in a short space. But we would want to urge Government to abandon the folly of expanding nuclear energy. It is simply unaffordable, it's dangerous for health, it's dangerous for the environment and the corruption allegations are disheartening to say the least. We would want to see Government get a hold of our ungovernable State owned enterprises where retrenchments, labour broking, outsourcing and corruption rule the day in SAA, in Telkom, the Post Office and Eskom.

We would want to see the Chief Procurement Officer of Government's good work and the Auditor General's good work be made binding upon all levels of Government. The filling of Public Service post must be treated as an urgency. We cannot blame teachers and police officers for wanting to earn a living wage, yet we don't blame public representatives for their exorbitant salaries. Chair, we would want to see Government moving with haste to expand deceleration efforts of water, to expand rain and water harvesting. Chair, currently we're in Cape Town, one of the more developed cities in the country, yet we have informal areas very close by which lack decent basic sanitation and service. Former President, you will go to the airport, there are two squatter camps, Malawi Camp and Freedom Farm, which lack the dignity of basic services 22 years into democracy. It's worse when you can go to Limpopo with RDP houses are built without electricity or sanitations, yet the tenders' entrepreneurs got their payment in full.

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Chair, we appreciate Government's efforts to provide jobs for the unemployed with the Expanded Public Works Programme, but the reality it's become a source of cheap labour for cash strapped municipalities. Permanent municipal functions are being outsourced to Expanded Public Works. So we've created modern day form of cheap slave labour.

Chair, former President Motlanthe, you have in a previous lifetime dealt with the e-tolls. We would hope that we can finally move passed e-tolls and come up with an affordable, safe and accessible system of public transport. We cannot outsource and privatise access to our roads. Since the beginning of this year we have lost 52 000 jobs in the mining sector, yet we have a Minister of Mineral Resources who has somehow become a shop steward for particular mining companies. There is no plan from Government to retrain mine workers who are losing their jobs or to find alternative employment for them. They are simply abandoned to the vagaries of unemployment.

I think lastly, Comrade Chair, and I've submitted a written submission Chair to the researchers, one of the biggest failures in our 22 years of democracy is the behaviour of our public representatives. Today our public representatives are more concerned with eating and looting if I can be very blunt. And they are really putting a risk, all the many achievements you have made since 1994 around basic services, around housing, health care, education has become a source of great shame and it seems our leaders do not seem to want to listen to what voters are saying. We had a painful *smack †in the local elections and yet the behaviour of our public reps seems to become worse by the day.

Chair, I hope I have assisted with the Panel's work. My apologies if I *smuggled †a lot of issues into it, but as COSATU we must take our chance when we have it and do a quick smash and grab. Thanks very much, Comrades.

Mr Plaatjies: Good morning. Thank you, Panel. I will address the Panel in Afrikaans.

*My name is Moses Plaatjies, I am from Bonnievale. I represent the Bonnievale

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community and the small farmers. In our community there is not much land reform. Land still belongs to the farmers, one or two hectares have been given up for community development, but to date the local government municipality has not yielded any land reform or land redistribution to our communities or small farmers. The proposals we would like to put forward in this regard are that we want more co-operation with the municipality, that we as small farmers want our animals, and also to have them with us, that we may be farmers, because that is what we have, what we have grown up with, and also to be able to plant, to be able to put food on our table ourselves, and to ask them to pay more attention to us and also to make water available to us. Because there is always land, but there are no water rights for us and we are just asking them to help us with this. Thank you. (Applause)

†**Mr Tshefuta:** Thank you very much. Proceeding with the other organisations. Do we have Mr Donovan from Suurbraak Youth Movement? Ms Caroline Davids from Mamre Council of Stakeholders, Theresa van Rensburg from Eden Municipality and Ellenor Malan from Community Women Action. Johanna Stuart Malapa from Community Development Workers. There are chairs that are just here. I requested colleagues to bring them here so that people are closer to the stage. Let's invite the first one.

***Mr Julius:** Good morning everyone. All protocol observed. I am Donovan Julius. I represent the Suurbraak Youth Movement, as well as all the youth groups in South Africa.

Today I will be speaking about unemployment, inequality and then of course all the other questions of concern. In Suurbraak, especially in our disadvantaged little communities, we finish school, we matriculate, or we do not make matric, and then we just start working on the small farms, for which we are paid as cheap labour. I mean, what is the purpose of our going to school if of course we have to go and work on a farm, for which we are paid R500 a week. You have to give money to your mother and I don't know for what else you also have to give money.

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So my question is, if the Government does not help us to get good jobs, to hold enough information sessions with our youth, especially in our disadvantaged communities, then how are we to make a living? Must we now keep on completing the cycle, around and around? My grandmother worked on a farm, my mother worked on a farm, so I must now also work on a farm? So my appeal to the Government is, come to the disadvantaged communities to give us more information sessions. Give us more opportunities, because of what use is it to us to talk and talk, but nothing is done about it. So it doesn't help; so then I say, things are so bad for me. So, sorry about these words, but now we can just as well booze our lives away. We drink and we smoke dagga and it's drugs and everyone complains about us, but nobody does anything for us. (Applause)

Personally I am a very emotional chap. Personally I am deeply affected by these things, because my sisters, my brothers, my friends, my family, all of us are suffering because of cheap labour, but nobody does anything. They merely give us big promises. I cannot emphasise strongly enough the fact or the point that we are being exploited by the people in power. (Applause) So, my appeal is, give us more, come and help us who are the youth. I thought that we are the leaders of tomorrow? You claim, or Government, you claim that we are the youth of tomorrow. We are the leaders of tomorrow, but why don't you help us to empower ourselves. Where are the opportunities for us?

So my next point is then that I don't have a job. My pay is R500 a week, R600 a week. Can I live on this? So what do I do? I need money, not so. I am a young man. Maybe I have a girlfriend, you have a girlfriend; we must also have a bit of a nice time. So what happens now? I must make a bit more extra money. Quick schemes. So I get involved with a drug lord. He sees that I am vulnerable. What does he do? He pulls me in. My bra, just sell this bit of dagga for me. R700 now bra. (Applause) What happens then? Eventually the police catch me. What happens? So now I have a criminal record. So what happens now? Now I am another statistic. So what happens now? Now I cannot

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get a good job, because I am a criminal. So, let's say for example, I go to any organisation that could give me a good job, then they look at my record. No, no, this man is a jailbird or he is a dud, we can't give the man a good job. Where do I end up? On the farmer's farm. (Applause)

So my appeal, a big please, Government, come to us, especially in Suurbrak and I assume all the disadvantaged communities, come to us, help us. Give us information sessions. Give us opportunities. Don't just talk about it, because it is not only now that it is happening. It is happening generally, all the way. So I will end with the unemployment and then I will talk about the other matter. Inequality. I always had the desire, I always said to my grandmother, Mamma, I want to go to school at the farmers' school. Those are the people that have nice education and so on. But then my mother, my grandmother, said to me, Donovan, we don't have the money to send you to the farmers' school. So then I said, so what then? No, we can't even pay for your school or for your bus fare to go to high school. I mean, Suurbrak. Swellendam is 25 km from us. So there is no school, no high school in Suurbrak. So now I must ride out. Luckily my aunty took me by the hand. But what about the other boy who does not have an aunty in Swellendam? What about the other girl who does not have family in Swellendam, or whose parents do not have the money to pay bus fare?

Why can't you create opportunities for us too, for instance to have a high school in Suurbrak? There is a little school there for instance that we could use as a skills development centre. The people in power of that little school is the church there. We asked the church. The church said to us, because we asked them whether we could not turn it into a skills development centre because many of our children have left school because things are difficult at home. Our parents do not have money. Mamma says, you must work for me. I feel it is unfair, because she should have been in a position to be able to sort herself out, but that is the cycle that we have fallen into. So what do we do now? We go to the drug lords. We work for them. We go to the farmers. We try the best we can.

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So now we ask the church, can't we for example use your school, or should I say the little school as it was known in Suurbak, or still is. Can't we turn it into a skills development centre for our youth? Of course also for the adults that didn't finish their schooling?

The church's response was, if it is not for our congregation, if it is not developed for our church's congregation, it will not happen. So then why do you abuse your power? What about our community? So my appeal is then, can't we just bring the people that are in power down to earth a little bit and say, but we are one town. We also have needs. Don't, because it is yours, not want to share it with us. There are so many things that we can do. For example the inequality. Another thing is that many of our chaps, especially the Coloureds, I am sorry to say this, but we have so much talent; we are so often recognised and told, for example at the rugby club. The chaps play great rugby and then they are invited to the trials for the (indistinct) SWD Eagles teams. What is the upshot of the matter? The club does not have the money to take the chap further. The organisation will not sponsor the chap or just give R500 for him to go further. So then what does the chap think; I will not get anywhere, so what is the use of it all? It is sad for me to have to say it, but Government really does absolutely nothing for our disadvantaged communities. (Applause)

I am a young person and my appeal today, my earnest appeal is, come to Suurbak. Come to the small disadvantaged villages. You will see what our places look like. We try our best to keep the place pretty, but come to talk to our people. Then you will see that it is not as pretty as it seems. Things are really bad. Our people are just deteriorating. And my appeal again, my earnest appeal is, come out to our villages. Let us help our people. Create opportunities for them, because the youth of tomorrow cannot be the leaders of tomorrow if you do not help us and empower us. Thank you very much. (Applause)

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***Ms Van Rensburg:** Good morning, I am Councillor Van Rensburg of Eden Municipality. And currently I represent Beautiful Women, Market in the Park, Albertinia Tourism and Bitou Stoftrappers. I would like to agree with the person that spoke before me. What he said is the biggest problem that we have in Hessequa at the moment. We have a big problem with unemployment, poverty, drugs, teenage pregnancies and everything...And the biggest problem is that funding is available, everything is there, the structures are in place, and everything, but the legislation is too formal, too strict, too high for the man in the street to truly understand it. And from the experience which I have had lately and from what I have seen, I think that if this legislation were a bit more friendly, more informal and if we could get an organisation such as CEDA which is actually established in George and which is now encouraging the promotion of small business ventures, if we could get them to visit let's say Albertinia or Riversdale more often and to work with the organisations there that know the community and understand the language and could say to the community, look, this is what we can offer you and give you, I really feel that in respect of unemployment we could give the people the opportunity to start a small business.

Because the Chamber of Commerce of Albertinia, Still Bay and Heidelberg has indicated that they would like to mentor these small business ventures, and have offered to do so and to teach them what it is to start a business and what it is all about. And as I have said, at the municipality we have what we call the Economic Development Forum. And that structure does work, but the information does not flow through to the level of the man in the street. And that is what we have now also found at Eden; that information must filter through to the man in the street so that they can understand what it is all about and the implications and the practical result thereof and how it could change their lives. If, specifically in the tourism industry, especially the hospitality sector, we could find someone there who could let's say start a home-stay for tourists who come from elsewhere and want to experience the way the Hessequa people live, what food we make, what it tastes like and what our daily life looks like, then they could stay there for say three or four days and see who and what these people are.

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At Gouritz River Mouth we now have the Bitou Trappers who do the riel dance. That money stays in the area.

But the person whose house is made available, then also generates an income. That person could later employ one or two people to help them with the work. And then also – let me just find it here – the Employment Act basically gives people a reduction on their tax if they employ a person between the age of 18 and 29. That could then be used to create another job for someone else, to, you know, go further. And in this way we could address the problem of unemployment in our area. But my recommendation to the Panel this morning is to introduce legislation in such a way as to make it more user-friendly and that organisations such as CEDA co-operate with organisations in Hessequa and that those organisations act as agents and take that information, as mentioned just now by that person, to the local population and speak to them, because many of the people are not, they do not all have university degrees to be able to write a full business plan if they wish to apply for financing. But if one could explain a plan to someone in a plain and simple manner, a business plan and they understand it and understand the basic concept of marketing, what it is all about and what the impact thereof could be and what it could mean in one's life, and if we could convey this and they obtain finance in conjunction with mentorship from an undertaking that could really help them and lead them further, then it would mean so much to us in Hessequa if we then know that, okay, our youth do have jobs. There are no longer the drugs. We no longer struggle with teenage pregnancies, we no longer have a girl of 14, 15, becoming pregnant just so that she can get that child grant. Our children no longer get involved with Tik and that we can actually know that there really is hope for someone that can go for it after school.

And the same applies as far as sport is concerned, that businesses sponsor someone in the field of sport and help that person to go further; also when it comes to cultural development, as for our riel dancers, or what is it - yes, like our riel dancers, because that is what we are doing at the moment; so that people can understand what it is all

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about and the impact that sport and art and culture have on a person's life. That is actually all that I wanted to ask; that legislation be more user-friendly and more available to the man in the street. Thank you. (Applause)

†**Ms Malan:** Good morning to the Panel and good morning to everyone here present. I'm Ellenor Malan and I'm presenting the Community Women Action. And the Community Women Action who deal with some of the following amendments and changes to be made to the above legislation, Working Group 1, we do Education. We feel that stipulations should be made that immediate family members of NASWA's bursaries should not qualify for said bursaries if current beneficiaries do not fulfil the necessary task as is required of them by the Act updating of addresses and employment details on a regular basis. Under the National Education Policy it is stipulated that no person shall administer corporal punishment or subject a student to physical or psychological abuse. We therefore ask that this stipulation be replaced on the basis that students that misbehave in class due to the knowledge that they cannot be properly disciplined cause disruptions in class, as this infringe on other students' rights to education. The law does not cater to teachers or school staff who are being physically or psychologically abused by students who take advantage of this law.

The construction of more skills schools should be of paramount importance to accommodate learners who had fallen victims to the abovementioned policy and are unable to cope with theoretical learning as a result. The mismanagement of SETAs has caused large delays in the education process of the disadvantaged. Many of the poverty stricken have taken to do SETA accredited skills courses to compensate of their lack of employable skills, yet many of these beneficiaries are sitting at home, because their courses have been stopped or many of them did not receive their certificates ever, after two years of waiting. We also said about the wage inequality, the unemployment and the wealth distribution. The minimum proposed wage of 3-5 per month is insufficient to live by. The cost of living has increased exponentially has increased due to inflation and an increase in the price of essential services, especially electricity. It is

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those who live in rural areas that suffer the most expenses, needing to travel far distances to get to work or access to other facilities.

Amendments should be made to the Labour Relations Act and the Basic Conditions of Employment Act that employers register all their workers so as to avoid paying employees illegal and below the minimum wage. We also feel that if a law should be made to give unemployed youth a grant to sustain themselves, then it should be stipulated that the grant will be subject to volunteering or working at Government or non-Government institutions in order to install in the youth a work ethic and sense of responsibility. (Applause) If youth who currently receive a grant that they do not have to work for or anything that they cannot earn, it would result in mass (indistinct) and (indistinct) decrease. Our acknowledgements is the Happyland Educare, the Minister Paternal Blue Downs, Ikamfa of Community Empowerment, the NPO, the Calvinist Church in Eerste River, the Commission of Mercy and Charity Eerste River, (Indistinct) Blue Downs. I thank you.

***Ms Malapa:** Good morning to everyone. Thank you very much for the opportunity, Panel. My name is Johanna Stuart Malapa. I am the community development worker for the Government in Genadendal in the Greyton area and today I represent the Voorstekraal Womens' Network. We chose Group 1 and our focus areas are health care, quality education and skills development. In our community Genadendal has a clinic, Greyton has a clinic. Currently there is one sister from the Genadendal clinic who manages three clinics for the whole week. Voorstekraal and Bereaville are small villages about five, 10 km from Genadendal and Greyton. So that sister attends to Bereaville on Tuesdays. On Thursdays she attends to Voorstekraal – and the whole community gets health service on that one day only. So that sister has to attend to three clinics on one day, which at the end of the day is not really quality health care. And our proposal is that there is currently a young lady; actually she works voluntarily. She is also a nurse and she works voluntarily. And our proposal at the moment is that

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more such qualified nursing sisters or nurses be used in the clinics so that people in the community can receive better quality health care.

I also want to agree with the previous speaker who said that Genadendal is a mission station and it is 40 km from everything. Our people in Genadendal have to move out. The majority of our people are seasonal labourers, seasonal farm labourers. So everything is 40 km from Genadendal. So if you want to go to the bank, you can't in Genadendal. So you have to go out. You have to go to Caledon or over the mountain. The next point is quality education. Previously children had classes, handiwork. When I was at school, I had needlework. I can do needlework. I am also a machinist, so I can work with a machine. Today's children cannot do needlework. Today's children cannot knit.

Today's boys cannot do handcraft. What do they do today? (Applause)

So instead of this, our children ... and you know, I want to tell you, it makes one emotional and heart sore to see in our communities, in our rural areas, to see where our young children end up, beautiful, beautiful children. You know, I am a supporter of education. My parents lived on a farm and you know, they brought me up on a farm. So I always say when I make my proposal, then I say that I am a 'barefoot' farm child. But you know, today I can with a thankful heart say that my parents brought me up well. Do you know that to see in our communities, to see how children go astray, early school-leavers. I had to leave school in standard 8, but I know that the desire of my heart was to do my matric. I did my matric through ABET and do you know, today I am the eyes, I am the hand, I am the feet for the Government in my small community. (Applause)

And do you know – I am the one – often children come to my office and ask whether there are no learnerships. What is there? And do you know, I want to agree with the previous speaker. You know that we, I want to see in my community – I say that I want to leave something behind in my community, that I can say that I was a part of, that I

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established something in my community. You know, and the proposals that we have, that we must look at more EPWP learnerships, more learnerships for our children and yes, the language, our children are Afrikaans. And sometimes our children are uncomfortable. They are uncomfortable. And do you know, and I think that this is where our children sometimes lose a lot, our children in our small communities; children are sometimes anxious about moving out, about moving away because they feel more comfortable in their small village. Not so? The next one is, the next point is our skills development. You know, I recall the late Nelson Mandela, his quote that: "Success is the key through education."

And you know education, I always say to our young people, I am a supporter of our young people in the community, of our women in the community. We are involved with, Voorstekraal Womens' Network is involved with women empowerment, youth development. So I am an advocate of encouraging our children, encouraging them that education is important. It is something that no-one can take away from you. The skills development is that more – currently there is the EPWP in the community, there are learnerships – that more will be implemented in the community. I myself stand here today. I worked in a factory for many years and I have been unemployed and I started doing voluntary work in the community. And one day, you know, I always walked, and you know then I walked looking for work, because I am a single mother. I have two daughters that I must bring up. And you know, I always looked at the library and at the municipality and one day I saw that there was a learnership in community development. And you know, I applied for the learnership. And today I stand here as a community development worker and today I work permanently for the Government.

So I want to say that more such learnerships be offered in our community. I want to conclude. The proposals that we make are that more such learnerships be made available in our communities and especially for our youth that when learnerships are set up, not only matric (be considered) – yes matric is important, but you know, what about Grade 11, what about the Grade 10 child who has left school, so that those children that

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have Grade 10 and Grade 11 are also included in the learnership. Our recommendation is that more EPWP skills programmes must be implemented. Unemployed youths with Grade 10 and Grade 11 must also be included so that more job creation, more job creation can take place in our communities, and yes, our children in the rural areas or our youth in the rural areas are more comfortable with their language and they are more comfortable in their environment.

At the moment Genadendal does not have a youth centre or a multi-purpose centre. The multi-purpose centre has been on the IDP from 2005 already, but has never been implemented. So what do our young people do? I see our young children riding horses. We that work with children in die community see our children riding. So that is what our young children do. The young boys in our community ride horses. But you know that our bigger young boys and young girls Tik and the drugs are increasing. So, at the end of the day, what do we do? We as a government, we as an organisation, what are we doing in our communities to prevent these drugs from increasing in our communities? Thank you very much. (Applause)

†**Mr Tshefuta:** Thank you very much to the last group. May we now invite Mr Trevor Hermanus from Community Policing Forum. Ulamele Klaas(?) from SANCO. Jessica Kamkam from Gender News Word Committee Representative, Lebo Ngcai (?) from Mfuleni. Hazel Cederman (?) from Abbotsdale and Ricardo Speelman.

***Mr Hermanus:** Good morning, all the delegates. Good morning to the Panel. My name is Trevor Hermanus. I represent the Police Forum of Riviersonderend. I am the chairman there. I don't know who knows where Riviersonderend is. Riviersonderend is a rural area in the Overberg. People stop at Riviersonderend for two reasons. It is either for petrol or to buy some of the pies in the town. They say they are very nice pies, but they are very expensive. And at this stage I want to speak about unemployment and poverty. Currently our town is controlled by businessmen who control both entrances to the town. White businessmen that own Shell Garage and the

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fast foods and the pie stall and Caltex at the other side with its fast foods, controlled by White businessmen. The Overberg is a one-stop centre in the town, which caters for the neighbouring farms in the area and many of our young people have to work on the farms and I want to agree with the speaker before me, agree that young people do not get opportunities to get ahead.

This year Riviersonderend had 29 matriculants. The previous year 35. And those 35 of last year are still at home. And I think that the 29 that will finish now, will also sit at home and then we have women in the informal settlement that sit around a tap every day and do washing, that complain about opportunities. How can they get ahead? And I can see the poverty and the type of houses of our people, because 90% of the people there live in an RDP house. We have a very small, very small middle-class community. And the people are suffering. The one thing I can say about the selected Acts about the grants given by the Government that works 100%, is that 90% of our people are responsible. They get the social grants from the Government. I recently heard that the young girls have children to get more money from the Government, because there is no work. So, the more children they have, the more money they get from the Government. It is heartsore to hear such things. So I would really like to ask the Panel today, many of the selected Acts in this booklet, looking at the Labour Relations Acts, the redistribution of wealth, the National Empowerment Fund, Cooperatives, the BEE Act, Skills Development Act – it sounds good in these booklets, but in a rural area like Riviersonderend the people do not know about these things. And I want to ask the Government and ask the Panel to bring more awareness of these Acts to our town, because people want to be helped and if they do not get the information contained in this book, then they will not know how to register a business. What must they do just to become involved with skills development.

It is a challenge in a small town where people merely stop. Millions of motor cars pass through, millions of people travel through, but how is the town being helped? How is the community being helped? How are the young people being helped? How are the

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women being helped and I recently read on the municipality's website that they describe Riviersonderend as a low economic development town. There is low economic growth and now I ask myself, if no-one comes to the town to implement the Acts, how can there then be low economic growth or development. So I earnestly ask that the Government will spend more on rural areas and implement the things in these Acts in the selected booklets, to make them a reality. Thank you very much. (Applause)

†**Unidentified Speaker:** Programme Director, Traditional Leaders, the Speaker, all protocol observed. Chairperson *I will now switch a little bit to SABC 2. Our government, as from 1994 to date, 2016, in these 22 years of democracy, we thank it a lot for the things it has done in relation to change in the life of suffering of the past. We now have electricity that we get for free in our communities as well as free sanitation, and the building of houses. We really take our hat off to the government for that. Yes, although there are still areas where it is lacking, in matters like unemployment, it is a real problem in our communities where we live. Just like in Plettenberg Bay, where we come from. It's not that there are no jobs. There are jobs. But where the problem is, is in deep involvement of politicians in administrative matters. Now that is the main problem we are facing because instead of delivering, politicians withhold these programs in preparation for the next elections. So, if the government can pay more attention to this situation, the removal of politicians from administration. And another thing: we thank the government a lot in relation to houses because now we have houses big houses, as big as 42m², more especially in Plettenberg Bay. But the problem is land. We are people who believe in our culture, and one will find that the houses the government builds for us are hide and seek units. They are big insult when it comes to our culture because we believe in our traditions and culture. So we cannot do anything because the one lives at the bottom, and another on top. We don't have enough land for performing the rituals we are supposed to perform.

Another thing I appreciate is the program that has been brought to us today. These things have always gone to politicians. When the politicians come to our communities,

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they would not give us information as communities. Now a big thank you to parliament and to big brother Khaya. We wish this not to end today, but to continue. The government should know that there are people who are still oppressed in our communities. Therefore we take our hats off for this program. Now at last there is an EPWP program Chairperson, right in our areas. If the government could take that EPWP program from municipalities, and hand it over to the fund of NGOs, or the NGOs should form...(pauses because of background applause) Even if those NGOs in municipalities – maybe those NGOs could form one forum, where the EPWP funds will go, so that it can service all the poor people in our communities. Because the problem...the problem we have in our communities is these politicians again. They will come and grab it, take and withhold it. When the time comes to go and campaign, when they want people, they will use the same funds of the EPWP. Now it's the problem we are facing again in our communities. So we really appeal to the government. If they could – we say thank you, the things they have done for us are beautiful. If they could assist us more and more. Thank you very much. (Applause)

†**Mr Ggcai:** To the Chairperson and members of the Panel, to the Speaker and the members of the Western Cape Provincial Legislature, to the Excellencies before me, I say *‘‘long live my lords.’’ †To the House at large I say good day. You know, or let me start by saying my name is Lebo Ngcai. I am from Mfuleni. I want to start by saying, you know, George Orwell in his book, Animal Farm, once said: ‘‘All people are equal, it's just that some people are more equal than others.’’ We experience this very, very acutely in Mfuleni and I can tell you that right now at this present moment if a child was born in Mfuleni and another child was born in Newlands just by virtue of their geographical location those two children do not have the same opportunities and yet we want to say they are both proudly South African. (Applause) Our interest, Chairperson, is in Working Group 1, especially in terms of equality. We want to say we acknowledge and we understand the legislation that tries to balance to the scales of our society. However, if you want to assess the impact of these legislations then you must first ask yourself, do the people, the masses of people that this legislations or these pieces of

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legislation need to respond to, do they understand? Can they engage with those pieces of legislation and you'll find that we cannot. Because if you talk about skills development, yes, there are initiatives that go down to our communities. But then what happens, yes, you impart a skill for a week or two weeks or a month or so, and then what happens? Because yes, while you might have imparted the skills, you haven't left any seed, so that that skill may then be grown and it can be harvested and then it can bring food to the table. Those things don't happen. (Applause)

We talk about, you know, this BBBEE things, we talk about having access to tenders and we talk about legislation that allows for, you know, for tenders in a particular location that it would be people from that region or from that location who get these tenders, but excuse me, go to Mfuleni with a 400 page tender document and think that someone from that area is going to be able to converse and be able to understand what that document contains is, I think, a bit presumptuous of us, because why, yes, it is a previously disadvantaged area, but it remains disadvantaged. So I think what we are basically saying here today is that, yes, we acknowledge that are laws, but the impact is felt in small pockets here there and somewhere in between. We don't always feel those impacts, because firstly there is too much compliance that we have to go through. People want to be able to, you know, be partakers and they want to be able to add value to the economics of our communities and our society.

However, the information is not readily available. There are no proper portals of, you know, to access this information. People aren't shown and aren't made aware of what is contained in this legislation so that they can take it up, understand what their rights are and move forward. So yes, the legislation is there, but do the people on the ground understand this legislation. Are they empowered enough to be able to make it have a lasting impact? I'm not so sure of that. So what are our recommendations? I want to be brief. It's just two recommendations that we have. Firstly, it is to professionalise the public service, because too many a time you go somewhere, you know, to be told that there is a particular opportunity or there is a list of housing or whatever the case may

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be, some service delivery that's going to happen if you go to a particular door, but you go there and you are taken from pillar to post. Nobody actually cares about what your issue is and then eventually if you try and do any type of follow up, it's either that it's (indistinct) or it's left on someone's desk. It's been there for three or four months and it's gathering dust and it's not moving forward. (Applause).

If we were able to prioritise the public service, to prioritise the professionalization of the public service, I think we would be in society where public officials and public servants care and they have taken up and understand the principles of †Batho Pele *people first. The second one is to prioritise the creation and maintenance of portals that allow for access to information. And that doesn't mean by putting up a library and a very under resourced library in Mfuleni and say, that is a portal of information, because it is not. Not when you get there and you'll find but there are pamphlets from 2012 that are now irrelevant. Nobody goes there to make sure that we're updating information, the information is relevant, it is information that is now, that is innovative, that is cutting edge, none of that happens and yet Government will say, yes, there are portals to information. There are portals that allow for the access of information. Creating them is not only enough, but those portals must also be maintained. They must be updated with regular information so that we, the people, that are thirsty for this information will be able to find it without having to move from Mfuleni to go to Cape Town or go to the Speaker's office. The Speaker's office or the Provincial Government we must be able to access it right there in Mfuleni. Thank you. (Applause)

Ms Griffiths: Good morning all. Good morning. I'm Ursula Griffiths. I'm representing the community of Abbotsdale and the farms, 296 farms in the Swartland. just want to say a short introduction. I am a positive product of Government. I don't have matric. I never had matric, but with all the workshops and the learnerships I did, I took a chance and I've written a letter to Minister Cameron Dugmore in his time as the Minister of Education. And he sent me a letter back with permission to go to the University of the Western Cape. And today I'm a community developer in the Swartland in Abbotsdale

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and on the 296 farms in the Swartland Municipal area. And in that time Minister Cobus Dowry encouraged me to start my own NGO, the National Agri Schools Community Foundation. (Applause)

But if you look at the youth today, they don't want to go to workshops. They don't want to attend learnerships if there is no stipend for them. They'd rather sit at home. I never got a stipend, but it opened a door for me in life.

I want to talk about Abbotsdale. It's a rural community where we live in. If I talk about the sport division, our soccer club is the best soccer club, it's on the top of the league. And our soccer players play soccer in the river. We have a cricket team, young boys play cricket. They play cricket in the river. We have a rugby field and we have a rugby club, also in the top league in the Boland Rugby Union, but our rugby field and the club house is not also well developed. The players also don't have money to pay for their own transport and as the previous people spoke that if they get taken up in the Boland to play for the Boland, there is no transport money for them to go and play and come to the provincial teams et cetera. And if I talk about the land, farming in Abbotsdale, there is no farm for the farmers who have their own pigs and cows and horses et cetera. They roam around in the streets. Several meetings has been held with Swartland Municipality to try and join hands with the Abbotsdale Community Foundation so that they could have their own farm, buy it perhaps or rent it for their animals to put there, but they can't. There is also a quarrel with that.

If I talk about our clinic. On Tuesdays and Wednesdays we have a clinic. The Department of Health is renting the community hall from Swartland Municipality for R7 000 a month and if SASSA comes on a Tuesday, then SASSA also sits in that community hall, where I must go and have my blood pressure checked, or I must go and say what's wrong with me. Everybody hears everybody's problems. They said our clinic is going to be built, like they're going to start in February and we as the community of Abbotsdale are still wondering what is going to happen.

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And policing in Abbotsdale is very, very bad. A farm, two farm boys' mother died of poison that was mixed in a Fanta bottle in the fridge. Because they don't know how poison looked, the mother thought it was water. The children were at school, she was alone at home and she was thirsty for some ice water and she drank the poison and she died. Drugs is taking over our communities. If you phone the police say Saturday, say almost Sunday morning someone knocked at my door at one [break in audio] time when I heard the knock at the door and since the time that she phoned the police at 1 o'clock, the police never came. But when I phoned them twice, they came, because it was me. But when the community member phoned, they couldn't come out. (Applause)

We don't see a police vehicle patrolling Abbotsdale. What is the use of Community Policing Forums, it's the Chairpersons want to be smart. Projects, SAPS projects don't reach our communities. When last did they have projects? Now I wanted to do a project regarding the 16 days and I've written an email to Romeo de Lange in Minister Plato's office, asking him, can they come and do with the – we're going to have a high tea. I would like them to come and do a drug display. But Capt October said, fine, he can come and do it, but ask the Minister to assist with transport and permission to come, because our mothers don't know how drugs looks. The children can bring it in the house and they'll just accept. It will lie there in the kitchen cupboard or on the bedroom table or wherever. They will accept it's something. They don't know how it looks. But when they are educated and they know how it looked, they can immediately reprimand the children what they're doing is wrong. And if we look at our councillors, most of our councillors don't know what's going on in our communities. They are just there driving grand cars. (Applause)

They are just there driving grand cars and they want to come and ride on our backs, we the community workers who walk the streets, who are on ground level with the community, they want to ride on our backs so that they can receive their salaries at the end of the day. And it doesn't work that way and I think Government must look at that, like today I – someone told me about the Ward Committee. I asked when the Ward

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Committees was elected, I told the Mayor that I would also like to be on the Committee. The councillor sent me a very negative Whatsapp SMS. I can't be there, because I'm honest. I think I can't be there because I'm honest. So today my friend just in there in the audience, she said but I must send it today, I must send the email, because they – the first meeting is tomorrow and say I'll bring my documentation tomorrow. But up until now I never received that email.

Yes, so I would like Government to come into our communities. We don't need this. Walk the streets of our communities. Talk to us, let we the community developers take you to the people, ask the people the questions. They can talk about what is really going on in our communities, because our communities out there is really, really suffering. If I think of Marthinus van Schalkwyk in his reign, I was one of his Provincial Action Plan past team members of the Western Cape Province. He had two members from each little town. If I think of Oudtshoorn he had Hilton Corecus (?). I represented the Swartland Municipal area. Ceres he had Natasha Nassen (?). So if we look at things like that, so that we can interact with Government, honest people that walk the streets every day and interact with our communities. Thank you. (Applause)

Ms Kamkam: Good afternoon, ladies and gentleman. I'm Jessica Kamkam and I'm a ward councillor for Bitou Municipality, all protocol observed. Thank you for your indulgence. Obviously the legislation that's applicable to my work environment is the local Government. So there is a lot of legislation, there is the Municipal Structures Act, Finance Act and there is all these Acts, you know. And actually very strict. But the part is that there are still people and councillors and politicians that find ways to approve corrupt and wasteful expenditure and I think it's about time that we are – we're not lenient, we shouldn't be so lenient anymore. And the reason why I say this is that because you must understand, when local Government wastes, it means that it takes away money that was meant for basic services. Money that was meant to improve the lives of the poor. So legislation is good, policies is good, but my question is, how do we actually monitor and how do we actually implement? Because when it comes to the

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recommendations that even when a local Government, we know that the audits that we're supposed to have and stuff like that. So my appeal would be that we no longer close our eyes and our ears when it comes to money being waste, when it comes to politicians being corrupt. Thank you.

The other thing I would like to speak to is when it comes to drug abuse in our communities. It is really a problem. We find youngsters they drop out of school because of the social problems and I would suggest and my recommendation would be that we're no longer lenient when it comes to – the Court should no longer be lenient when it comes to sentencing these drug lords and when it comes to tightening the controls, when it comes to going out there into the communities and actually do something about this problem, because people become so despondent that they don't know what to do anymore and when you've got social problems, you'll find there are structures within communities, but they don't get the necessary support from local Government or from the relevant organisations out there. I would therefore say that Government need to invest more into making the environment more better for the social network structures in our communities like the NPOs and the NGOs, because those organisations speak directly to the social problems that people have got within the communities.

I would also like to speak to the fishing industry, because there are so many fishing communities out there that they don't have the support to actually – they just want to fish for recreational purposes to put food on the table, but they are being given so many problems and so many hiccups when it comes to the system. So Government should really find ways to assist those people. The other thing I would like to speak to is that how do we create an economic situation that we can really equip our communities to take back our ownership and our dignity without our communities. And I want to speak to everybody here today that we should start off on structures within our communities, so that we can take back ownership for our destiny and our future. Thank you.
(Applause)

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Mr Speelman: Greetings to everyone and all protocol observed here at the back. My name is Ricardo Speelman. I'm from the Vrygrond Community Development Forum. Now this Forum is covering about 15 different sectors, so legislation to all those different sectors is actually applicable and I'd like to perhaps – but predominantly I will touch on the labour issues that we're facing in our communities and the legislation pertaining to that. Now one of the concerns that's been highlighted and that's common in the Western Cape is the fact that criminals are thriving and that people who try to make an honest living are not able to do that, because gangsters are selling drugs. They're familiar with their rights. They know if they go in today, they will get out tomorrow because of corruption. But someone who is working for a particular company and that is covered by the basic conditions of employment or the Labour Act is not able to get a day off to go to hospital or to take a child to the clinic. How many of us know that you are entitled to having two days off, two sick leave days without presenting a sick note or certificate to your employer. There is very few of us that are familiar with our rights and the reason for that is the Government has failed to make sure that legislation reaches the people that is on the ground. Laws are being changed and laws are being amended, but it never reached the people that are on the ground.

Now today we're supposed to review or discuss all legislation that was passed post 1994, but how familiar are we as people on the ground, as citizens of South Africa, how equipped, how informed are we as to our rights and the different laws that we have in the country. So if the Government actually has to go back and do their homework in terms of making sure that information reaches the people on the ground, whether it's through our libraries or public facilities or information centres that need to get established in our different respective communities. Now another case that I want to touch on is on the CCMA that's supposed to mediate and arbitrate between workers and their employers.

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But what you find a lot of times is that people lose their jobs when they go to the CCMA. They don't get the necessary assistance there, because legislation is too tight and they are not aware of their rights. They are not aware of how they are protected. An example by the Labour Act and many people lose their, I have a situation now in my community where someone that was working for a prominent bank lost her job. She went to the CCMA. There is no proof from the employer of any foul play. There is no proof of foul play, but that person was dismissed. Her case was also dismissed by the CCMA. So at the end of the day the custodians of the constitution, the people that are supposed to make sure that we have access to our rights, are the ones that are depriving us from that access, because if you don't know what your rights are, how are you going to fight for your rights. If you don't know what legislation is protecting you, how are you going to fight for that legislation? How are you going to fight for the implementation thereof?

Another situation that we are faced with is our Taxi Association. Our local Taxi Association in Vrygrond there has been a huge infighting where blood was shed in our community, because the Government, this association was started in the year 2000 already, but up till today there has been no permits for our people to operate. They're trying to make an honest living, but because of legislation and red tape they are unable to get where they are supposed to be. So my suggestion is and my desire is for a lot of people to have access to the information. We have domestic workers. Many of us have domestic workers in our families. My mother is a domestic worker. Many employers of domestic workers have not even registered their workers for UIF. And many workers don't know that that's a right that they are entitled to. So the Government must make sure that information reaches the people on the ground, so that we can then have the democracy that was hardly fought for and that we can also enjoy the benefits thereof. Thank you. (Applause)

Mr Tshefuta: Well, we seem to be proceeding quite well. May we now invite Chief Gary Arendse, Sydney Mapongolo (?), John Jansen from Retreat, Nombutjo Kongopa

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(?), Jacqueline Malete (?) and Melanie Andrew (?). These are our last speakers on Group 1, on Working Group 1. Are they all here? We may invite the first speaker, Chief Gary Arendse.

Mr Arendse: Good morning, ladies and gentlemen, protocol observed. I don't know if this question is going to be relevant, but I will raise it to the Panel. I'm standing here on behalf of Vrygrond, but the question is raised to the Panel because of one, I'm actually representing the Khoi and the San people here. And I see still in this document you're using Coloured. But the mere fact of racial issues, there is no racial term according to the Khoi and San people. It's only the embarrassment that we, that is granted to us as so-called people of Southern Africa. Now the question the question that I will raise is that there is an emblem in our money. If the Panel can say to me what is the meaning of that wording where the two people take hands. That is a meaning in that word and that meaning is the same principle whereby our deceased ex-President Mandela made the preamble out of that. So now if it's relevant to us to understand that they can make a new five rand, acknowledge the Khoi and the San people in that new five rand, it's a Griqua five rand. And the Griqua is a Khoi and a San representative in the Southern South of Africa.

Now for me to represent the oldest squatters area in the entire Western Cape and it's never been visited by the Panel, although they are ex-, they are ex-Parliamentarians. They have already benefitted and now they were recalled for another year. So now they will benefit again to travel all around the country, but nevertheless on that, as I say we were recognised on our, on our money, but why is it that we are struggling. We are struggling to get at least a fair and a common understanding that we are citizens of this country. Why are we being marginalised through the bylaws of this laws that you put Acts to.

Do you know how many bylaws is on one Act? There is for each law, there is maybe 20 bylaws. Now how can I stand here in front and say that I'm a citizen of this country

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where there is a bylaw to my approach to say that I am who I am, but then I don't – I am not who I say I am, because of the FICA. I can't have a bank account, without claiming that I have a residential address. Then it must be proven that I have a residential address. Although I have an ID, a green ID book, I must still prove it to get a job. Then I must have a bank account, which I cannot make without money. So now for me to be deprived as citizen of this country, how is this laws going to assist us, because every law there is a bylaw and not even one, there is 20. So in the sense of the eviction, why is eviction orders being applied to our communities outside there? The eviction orders is being placed whereby the Cape Flats was made for a certain group of people. There was never homelands for that certain group of people, but now according to the influx of that growth in family, they are deprived to have or to be allocated housing in a sense of one, they must fill in a subsidy. And then they deprive them of their subsidy, because if they're not married, they don't get that subsidy and should be (indistinct) or they should be married.

But then they have this problem of, of the guide and then the houses was not given to them at the end of the day, because now it goes back to the Council. Because I have a recent case whereby the Council wants to put out a grandchild where the grandmother died. And the housing said that she cannot pay the rent and she cannot apply for that house, whereby the house was supposed to be given to her in 2000 already and her grandma died in 2009. So now when are we Cape Flats people going to get our flats' houses, because I understand Langa and Nyanga did receive their homes for free, not even a cent being paid. So now how come we must pay? So I'm just putting that to the Panel. Thank you. (Applause).

***Chief Sydney Mambumbulu:** My greetings to all the residents. Greetings to the Panel of fathers and mothers here behind me. This is Chief Sydney Mambumbulu, Gilizizwe, is the praise name, in Vrygrond. I live in Vrygrond. I too have come to support the speakers who have spoken here. As you can see I have nothing in my hand. Even this report, we got at the last minute. It was very quick. Then it was said there is this

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gathering here. That is why I am here. But I will say what is in my head. All the mess started at the municipality. We will say the government is not working. Even an uneducated person can see where the fault is. When you drive a car and there is smoke behind you, you can see that there is a leak here. You are not a mechanic. But you suspect that there is an oil leak at the back. You start the car, get out to look at it. You find that there is a fire here! The mechanic will say “this is an oil leak, old man. It needs to be fixed.” But you are not the mechanic. I am trying to say, I am not educated, but I am saying the problem lies with municipality, the sub-councils. Where we say the Ward Councillor is not working. And the Ward Councillor gets scared when he/she gets there, and run to the loo! Even if he/she wants to speak out, when they have done so they are harshly chastised. And we ask, Ward Councillor, what are they saying? You can’t make head or tail of what they are saying. But when you look at the car they are driving, it is luxury because they are scared of the people they are sitting with there. The solution is with the ward councils where they sit. This Panel – I thank the Panel for being here today. The Panel must send people to go to those councils, where these meetings are held. All this is there. We will blame ward councillors for not working, and burn them with tyres. While all this is withheld by the capitalists. The capitalists are still there. The government gives out a budget year after year. Why is the budget money taken back? Now we are complaining about children who abuse drugs. These are our children. We complain about children who are protesting now on television. It is infants who are protesting there. We fought a long time ago, and won the struggle of education.

I will speak in general. Sorry for skipping. I did not prepare anything because it was all at short notice. I will say what comes to mind. We have children who are protesting at our universities. They are writing now. Our children will not be professors because when a child is about to complete studies at university, they start protesting. We do not accept that. Blood has long been spilt. It’s enough! Children must not be used. We should not decide for our children to be artisans and civil engineers. If children want to be professors, let them be, study all the way. In the previous government nobody ever protested and disrupted children at UCT. That never happened. Things were done

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correctly. You would never even hear of a person who misappropriated money. We are lucky in this government because we do hear that so and so has embezzled so much here. That is very fortunate. With the previous government one never heard anything like that. Let me come back to community problems. We are ignored when it comes to problems in our communities. We are left behind. Jobs are diminishing. Our government has opened the borders. We have brothers and sisters from North Africa. We love them. They are ours. Before our government stood firm, it benefitted from outside, learnt whatever they learned, became combatants, so they could govern this country. We applaud them for that. But the mistake we have made as this government here, we opened the borders without considering that our people were tormented, left school, stopped working and blood was spilt, with people dying.

The government then opened the borders. We never tasted our freedom after 1994. Now what is happening is that you see a brother or a sister standing at traffic lights with the writing, "help, help" on cards. A white man who owns a company sees the person asking for help, takes the person with a Help card and fire you who has been working here for three years or even ten years. He fires you. While I was still working I used to earn R150 a day, artisans earned R180 to R250 a day. That was a long time ago. He will fetch someone there and pay them R40 a day, to replace me. I say if they dismiss me, a born citizen of this country while you invested in this government. Well, you come from abroad, Bulgaria. Then give me my monies. My government did not come to me and do public participation before allowing you to come here to invest. Give me my monies and I'll see what to do. I then go and buy a car, a taxi. What is the municipality doing? They close. They deny me a taxi permit. That is what another man said here. Now I'm going to sell drugs because the municipality is closing. Even if I breed pigs, they close. They have no land here. This land belongs to residents. There is a forest. [break in audio] circumcision in that forest, but if you keep livestock in that forest, they confiscate it, and go slaughter it at the cliffs, sell and eat it. Those are the rangers of this municipality. I am trying to say the municipality ties our hands.

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We don't have water now in Vrygrond. Now as I'm standing here, we have no water. What is happening is that the water of Vrygrond flows down the streets, while there are councillors. We had a councillor in Vrygrond. He is not there anymore. There is a councillor nearby in another area. One has to travel half a kilometre to go and talk to him. When you talk to him he welcomes you but you never know if your problem will be solved. He promises to fix your problem, and you go back home. The problem is not sorted. I'm trying to say the problem lies with the municipality. They have blocked, they are Pharaohs. We are in Egypt or we are in Pollsmore prison, where you are told when to sleep, to eat. It is the municipality, sub-council 19. They have our hands tied. I am trying to say we have no water here. Sorry. The gentleman is here to stop me. He is behind me. I see him here. I did not write anything, I'm speaking from my mind because I have experience from this community. I'm turning grey now – but I'm still young – I started greying at an early age, because of community problems caused deliberately by our municipality. The government does give out the budget. The municipality takes the money back to the government. For what? We have children in Vrygrond who eat from the dump. Now I'm building with my own money. The little money that I gather, when I go to the dump to collect...eyi! (Laughs) (Applause)

†**Ms Jansen:** Thank you, my brother. I feel it with you. Good morning ladies and gentleman. Let me start with our previous President, Kgalema Motlanthe, the Panel, my Khoi brothers and sisters present and all my fellow citizens from the Western Cape. My name is Mary Jansen. I am not supposed to speak here, but I am going to speak on behalf of the Khoisan. My husband was supposed to be the representative, he is Chief John Jansen. But I'm going to speak about the Khoisan in the Western Cape and also in the broader South Africa. I am Mary Jansen. I was born in a very, very small rural area in Caledon. My ancestors, my father is from Genadendal and my great-great-grandmother was one of the first midwives without any formal education in the early 1800s, Maria Afrika. She was the midwife who delivered many, many people in the Overberg area. And I'm also going to acknowledge our – one of my home boys, Prof Japie Bredenkamp who took the honour to establish a research or resource centre in

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Genadendal so that our people can start to acknowledge our history and I think this is what everybody should do.

First of all I was listening, I don't have a formal speech with me, but I was listening to each and every person speaking here. And I was sitting here being an activist in the liberation struggle, being a Khoisan activist and also one of our community leaders in Retreat, who has done many, many successes, but I cannot speak for myself, because I don't want to take that acknowledgement. I want to give that acknowledgement to other people who has fought with me. But listening to all the people talking here today, in our 18 years in our democracy, 20 years in our democracy it makes me feel very sad and we also say that the Western Cape is the best province in terms of service delivery, but we are living in the Western Cape. We have got a very, very good constitution that is guiding us and that constitution is one of the most profound constitutions in the world and I cannot understand how our people are still suffering.

And I was listening to the sport, people talking about the sports. You know this is now a topic that's been on for the past few months where they have a sports coach from the Western Cape or from the disadvantaged Black community and they say that that sports coach is not good enough, because he cannot deliver good sportsmen. But how many of our sportsmen don't get that opportunity to become the sportsmen? How many people, the previous person has spoken about the people who had to practice near the river, how can they still overlook those sportsmen and sportswomen and how can they still judge our people and also elect our people on the same basis, where they say the people don't fit that profile of the sports. They don't have that skills. Where are we going to get that skills?

I've listened to the person from – what is that, Riviersonderend. The first stop that you get when you are on your route to Port Elizabeth is Riviersonderend. When you stop there, you pay about R20 for a cooldrink. And those finances, those monies is still going into the pocket of the White people who has been there for decades, for many,

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many years and the person also said you get the best pie. That is our indigenous knowledge.

They are using our people to create those work skills, those foods, the restaurants when you go to any restaurant in the Western Cape on your routes still, you find that it's the people of Colour at the back in the kitchen, making those beautiful nice food, but they don't get the acknowledgement and the money is pocketed by the owner who has been there for many years. I came from school one day and I saw how my parents, every – all their property were thrown onto a van to be, you know, moved to another area. So our land was taken away. We cannot purchase that land again and I've spoken to some of my other cousins last week. They cannot even purchase the property that they have lost. So the land restitution is also not really for us.

And when we get to – I'm going to mention something else in terms of my identity. I was born, I was labelled as a Coloured and I rejected my Coloured identity, because that is not me. I am not a Coloured. I was given the label Coloured and I researched what does the word Coloured means. And in 2005 the United Nations sent a person by the name of Rudolfo Stavenhagen, the special rapporteur to come and investigate into the term Coloured in South Africa. Why are the people Coloured and who are the Coloured people? And his recommendation to Government was that the Coloured people are actually the indigenous people of South Africa. And they were labelled Coloured with the purpose, the terminology Coloured means that you are nothing, you are still in transition, you are mentally not sane and you are amorphous, that is the word amorphous. And that is what the Coloured term means. So that is why the people grew up with that perception that they are nothing. They are not a citizen of South Africa, because the language that we used to speak, the Khoi Kuap is not infringed in our nine official languages. And that is also a burning issue for all of us. And I think, you know my Comrades sitting here, my Khoisan brothers and sisters, we are also in a transition. We must also mentally liberate ourselves, because we still see each other as they are not our equals. We still see Black people as not our equal. We are all Africans. We are all Black and we belong to this country. We were not born in Europe. (Applause)

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So we are all Africans and we want to fight the same struggle. We want to fight and we don't want to fight anymore, because we've got policies that's there. We've got policies that we fought for. We've got chapter 9 institutions that's there that we fought for. So I would say that today we are not going to look at let us fight. Let us look at what do we have and how can we use that to bring about the change and also to acknowledge the indigenous people, the Khoisan. I thank you.

***Unidentified Male Speaker:** Greetings. Good day, everybody. Greetings to all the leaders and the former Deputy President. It is a pleasure to see him here amongst us with his colleagues [break in audio] †it's about (indistinct) ECD. First of all ECD in our area, Langeberg Municipality, it's not functioning very well. I must say it is dead. It is not functioning. The Department of Social Services is very poor. Those people who are running educare centres, crèches, they are struggling. But the Department is always asking every month they must send reports. And I don't know whether this Department think about that, these people have to pay for papers, they have to pay for emails, they have to pay for faxes, of which they don't have. So I appealed with this Panel, please look deeply at this programme of ECD. ECD is just like the other Departments of Education. You cannot leave ECD aside whereas the Department of Education you support it, because the children that come from ECD go straight to the school, the Grade Rs. So please, let's look at that one.

I come to the agricultural department. I represent the Ashton Small Scale Farmers Trust. We acquired a land through LRAD (?) in 2001 in the area of Bonnievale. We were 147 beneficiaries. From that 147 we lost almost 30 who died by (indistinct). The saddest of all, when the owner of the farm sold his farm, he sold also his water rights. As I'm speaking now we don't have water on that farm. It's almost 20 years now. We are struggling to get water. Our neighbours are White farmers. They don't want to share water with us and you cannot produce without water. You cannot farm without water. We went to the Department of Water Affairs. They call it today (Indistinct). We also have some problems or challenges, it's so difficult for them to give us a water right

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permit. So we appeal to you as a Panel, please look on these things. Now it's the time of rural development and land reform. They said we qualify for recapitalisation. Their requirement to qualify and to apply is to have a mentor. You all know that we don't have Black people who have qualifications of being mentors. It's only White guys. And the problem with the White men to us, they are not there to assist the Black people. When I'm speaking about Black, I'm speaking about Xhosa, Sotho, Afrikaans speaking people, because in our group in that 147 we have 60 Coloured people.

We sent someone there to the Department of Rural Development to apply to be a mentor, but they didn't – he didn't qualify, because why, he doesn't have a matric. He cannot read and write. But the man who worked before for a White farmer for 10 years, he produced for that man, he was in charge, he was the foreman, but when we want him for us, the Department doesn't want him. So it's difficult. We don't accept that we are free, because if we're free, all this challenges that I'm talking about, were not going to be a problem to us. I thank you. (Applause)

***Unidentified Female Speaker:** Greetings to you all the people of Cape Town. Greetings to the Panel, including Deputy, former Deputy President, Mr Kgalema Motlanthe and all other dignitaries. I am honoured today to talk to you the people of Cape Town. Today I represent the Democratic Civic Organization of South Africa in Khayelitsha. We have complaints as the people of Khayelitsha. The first complaint that we have as the residents that we would like the government to attend to is the complaint about the pension grant. Our people are victims of having their grant monies swindled. The elderly, the disabled, children, by thieves working inside SASSA. They take their money and say they bought airtime, electricity. We have long been complaining as residents. We beg the government, Mr Motlanthe and your colleagues to help us with. Our elderly people who benefit from the grant send children to school. How are they going to be helped if their money is stolen by thieves? We appeal to the government. Please help us and remove these thieves from inside SASSA.

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Secondly we have with vehicles that transport children to and from schools, bakkies, where young children come from our townships to nearby schools to get education. Our children are squeezed into bakkies, full to capacity. Our children are under pressure, they are not happy. They get abused. At the end they do not want to go to school. We appeal to our government, the law about transporting children must be in order. A person who transports children in the community must be someone licensed to transport children, as soon as possible. Please government. The third request we have as this organisation, we have a feeding scheme in our schools. Our children are fed junk food. The food gets finished at schools. Children don't get enough. We appeal to the government, the people who cook for our children at schools in our communities must be empowered, trained so that they can get a balanced diet. Our children know that they must eat nutritious food, including Heart Foundation and other organisations. People should be trained to cook proper food for our children. We appeal to the government to assist us because violence in the areas where we live is appalling. Our children get raped, our grandmothers, our business people. A person gets arrested today, then you see that person roaming the streets. We appeal to the government to have mercy on us. Our children are killing us. Lastly, we appeal to the government to continue training communities and our organisations. Our children must be disciplined. Our children must be disciplined by their parents, and listen. But the problem we have, our children do not want counselling. Our children have an anger. You can find that in the community two out of ten children are ignored by their fathers. They have an anger. The government is dragging its feet in calling to order fathers who fail to support their children. We beg our government to stand up. Fathers do not want to support children. Our children are angry. Thank you. (Applause)

†**Mr Tshefuta:** Thank you very much. We have safely concluded our list of speakers who declared interest to make inputs on Working Group 1. We now move to those who declared interest for Working Group 2 which deals with land. In order to manage time again, I will call a group of five to come through, so that we do not compromise on the time at which we must go for lunch. And the first speaker I have here is Chief Melvin

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Arendse. I also have Mr Russel Johnson, Mr Moses Plaatjies, Mr Ronald Johannes and Ncedisa Gwilikana. Are they all here? Is Chief Melvin Arendse here? If others are not here, we can also extend the list so that at least we have five people there with Colin Erasmus and Stanley Papas.

WORKING GROUP 2 PRESENTATIONS

†**Chief Arendse:** Molweni *greetings, good day, †goeiedag *good day. †Greetings to all the chiefs, all the community leaders, all the hon members of Parliament, officials national and provincial. The issue of land for us is a particularly volatile one, since 1562 it has been a very burning and bloody issue. We have some of the best policies today to facilitate land reform. For us as Khoi it speaks to the heart of every contradiction we experience today. Let me tell you how things in our daily lives in our communities and our chieftaincies affect us on a daily basis, our children, our women, our families. The issue of domestic violence is not paper related to land, but it is. You'll find that most of our communities today in Wendy houses without formal housing, without any land, after 14 pieces of legislation over almost 480 years has ensured that we are destitute after an apocalypse of colonialism and apartheid policies. What I say is that today in terms of policy we have the best approaches, but it only works well on policy because our government and government officials cannot have the claim of having the best policies in national, provincial and whatever Department of Government, but it does not speak to the indifference in terms of implementation and the officials who manage those processes.

We are being played off Coloureds that is not Coloured, that is Khoi being played off against Blacks on the issue of land. The issue is we cannot be played off on an issue that depends our future.

In the Western Cape we see absolutely no effort being done, leadership being given on this matter. Unfortunately the Western Cape Provincial Government has to come to the party and bring the stakeholders together, because we are now forced to create our

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own consultative forum. We have more informal settlements in the Western Cape than in any other area in particular. There is an absolute necessity that we have to initiate consultative forums now to get community participation to determine a particular way forward, because it seems that Government is not going to do it for us and we cannot allow officials and political parties to play us off against each other on the question of land. (Applause)

We all need land. I'm the great grandson of Hendrik Korana of Beaufort-West, the fourth generation who all died until my grandfather Hendrik Olivier in Stellenbosch in 1938, all for the same reason. The man who initially consolidated our fight for liberation in this country, the great Dube, the great Albert Luthuli and many of our heroes since then across the lines of colour has fought bitterly to ensure that we have proper perspective today, but we don't have proper perspective. What we have is unanswered questions. What we have is our Government officials acting like celebrities. What we have is our officials where we struggled together in the bitter hot sun in the liberation days, where we drank from the same water bottles and marched for hours on end, today we are treated like exiles and foreigners when it comes to the question of land. (Applause)

What I want to say today, our solution on the land matter lies in the Nguni chieftaincies and the Khoi chieftaincies, community leaders getting together, coming together as one, not letting the DA or the ANC or whatever C divide us on this matter and say, we have to create a plan in the Western Cape that unites us, because the resources of the State are limited. It will always be limited, but our strength has always lied in the fact that when we get together, we determine our own tomorrow. And I appeal be you from Langa Gugulethu, Ravensmead, Bonteheuwel, if we do not get together on the land issue, benevolent political strategies will use our need and desire for land against us. I appeal to you to say this matter determines our very future, our chance of a better life for our children. We cannot have generations dying in shacks, dying in hokkies. My closing point to you is this, when you have unemployment in a home where there are 10

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people in a shack and only one is working, domestic violence grows on the back of substance dependency of Tik. It grows at the back of the fear of the future. The absence of land in families is creating a fear of the future. What is happening? When domestic violence is a result of economic and social deprivation happen on hokkies, you have the pressure being placed on the South African Police Services of charges being made of domestic violence and then being withdrawn, cases being made in Court.

Have you any idea what type of burden it places on the police, it places on the Courts, because there issue of domestic violence and lack of housing and land is inseparable.

I appeal to the National Government to be more proactive on the question of social cohesion in terms of land, because there cannot be separate approaches on the ground. I urge the National, Provincial and local Government officials to be proactive in finding ways to bring communities together urgently, because we can produce our papers in terms of the title deeds that were still registered in our name before 1913, 1913 with the Act of the Union, with the Deeds Office Act, the Surveyor General's Office Act, but others are not that fortunate. So it is futile or pointless for the Khoi Koranna to be able to have a successful land claim. Yes, we can under South African law, but what about our brothers and our sisters. Not just our Khoi brothers and sisters, because in the future to come this is all our problem. And I ask our Government to resource our efforts on the ground. Thank you very much. (Applause)

Mr Gwilikana: Good day, I greet everybody in the name of peace, as our Father of the nation, the late Nelson Mandela said when he delivered his first speech there under Table Mountain in District 6. I also greet the (indistinct), High Panel and also greet our brothers and sisters. My name is Ncedisa Gwilikana. I'm from the Anti-privatisation social movement of George Ntumbaletso (?), which is a structure for small farmers and land (indistinct) et cetera. Actually our Chair for the National also (indistinct) just gave us a clear purpose of this event today. That is about the progress that has been done from 1994 according to those policies and legislation programmes that they delivered to us as the people. And now what I wanted to do, I'm not going to repeat what the other

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comrades have raised here, because it's the same. I'm just going to general summarise something. Because as we're talking here, I heard something that everybody is saying. They're saying like people they are not aware about their rights. They are not mobilised. So do you know that someone is not mobilised? For sure you are mobilised and you're aware of the rights.

Then now my question is, because we know what participatory is all about, because me on my own I'm aware of my rights and I'm mobilised. Now then the thing is, I need this as comrades to take it serious and not run away from the responsibility. This is our responsibility, because what we're saying is that we know who these (indistinct) groups that causing corruption and lack of services to the community, that those needs that are delivered and been promised. Now what I'm going to, what is my point is that we know who is our liberator. We know that who struggled for this democracy. Before 1994 we were one and we knew and our, those liberation movements were in exile and there are people that have been jailed and killed, very bad. And we knew by that time that you can't go and say you're waiting for the Government to do this for you. The struggle that time was on the shoulders of us as Africans, the citizens. Sons and daughters of the soil of our land, our father. We took it as our responsibility to organise ourselves. No-one was responsible from the Government to mobilise or give us any opportunity to raise our voices. Our demands, because we know should you talk about the right, you would be killed and (indistinct). No matter who you are, like it was not about now, after 1994, where there appear some opportunities like the political parties they appear after 1994.

Now that's why people they talk like this, of mobilisation and corruption and we (indistinct) for our rights, all those things. Because why, we lost the responsibility and we must be reliable for what we have done before. Now there are (indistinct) they appear after 1994, is the same that they distance us from our rights and divide us. Before 1994 we were talking with one voice. I say we knew that should you talk about that, whoever, you're going to jail, you're going to be killed. But now we know if you join

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this political party it's going to do better things for you. And the comrades here was saying, our rights (indistinct) municipality. And we know those people who are there at the municipality. And the same people that we're staying together with them. Now we put all the (indistinct) Motlanthe and the High Level Panel that please help us. (Indistinct) Motlanthe is not staying (indistinct). He knows nothing about what's happened. That's why he said, he will hear from us what we're saying, because there they stand to their places, not that I say we're wrong about (indistinct), comrades, please, but now what is my point of is encouragement to us to be responsible for what we have done before and what have been fought for, for those now who will say their spirit is living with us. Like for instance the late comrade Chris Hani, we know that all those things the comrades they're raising here, that Section 25 1913 Land Act was bad.

And now that things now we don't have access to land. (Indistinct) before 1994 whom did we ask to give us a right to purchase the land? The comrade here, (indistinct). He said, he has got a right to get his pigs. He was a taxi man and then he wanted them to provide him with the license or whatever. Now he's getting the pigs and they don't give him the right for them. Yes, municipality is doing that. But what I'm asking is he knows that he is a citizen and a son of the soil of his land. Whom is he waiting for that he can get the right to purchase the land? Comrades, let us take it serious. In short I say, the struggle continues. Let us not forget where we're coming from. Unity. I say unity. Socialism is the future. Just, we must just do it now. Not (indistinct). You said we must forget this issue of this political parties that appear after 1994, because it's them that divide. Let us talk with one voice. So we'll talk with one voice, so we'll be free from the problems of that comrade who was raising of the communities and lack of security in the communities. And they say they know who tsotsis are. A tsotsi, lastly, comrades, a tsotsi group is not going straight when they're doing those wrong things. They go like this. So (indistinct), you want to (indistinct), yes. You mustn't be straight. You must make sure that you reach all those corners there (indistinct). Amandla! *Let our land come back, let it come back! Viva, power to the people, viva! Down with oppression, down! Bring our land back, bring it back. Amandla! (Applause)

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†**Mr Johnson:** Good afternoon ladies and gentlemen. My name is Russel Johnson and I'm a community development worker in the area of Cape Winelands, Breede Valley and the Touws River area. In terms of the land reform and the land redistribution, in our area specifically it's not working. And this is the reason why we actually want to jump to the issue of our farm workers and where does they fit in, in the land redistribution and the land reform legislation that Government has put there. We're going to talk about our concerns, specifically on the farmers' issues, the problem statement and also some research that's been done in the area. Our concerns based on the land reform, reconstitution redistribution, there is no security of tenure for the dependants. So what do we say in terms of that? Farm workers staying for more than 20 years on a farm, Russel is staying there with them, but then the father pass on. And then the owner on the farm force the wife with the kids to leave the farm. So where is the dependants or beneficiaries covered in this legislation?

Increase of farm eviction, although the ESTA legislation is in exist and still farm evictions is our challenge. Land reform is moving at a very slow pace, because specifically in the area that we say is that we can't really see that land redistribution is actually happen in our area. There is a lack of some legal support to our farm dwellers. A lack of access to private owned land, especially the farmer's land, to make farm workers and farm dwellers aware of their legal rights. So what do we say in terms of that is that we have a lot of community organisations who actually wanted to assist the Government in making sure that the farm workers are educated and capacitated in terms of their rights. But now these organisations don't have access to these farms, to making sure that we are educated, educate our farm workers.

The Courts are too far from farms where cases are to be heard and that is one of the reasons that many of our people not really attend to these Court sessions and they're being evicted from the farms, due to the fact that there is no resource. By the time you are evicted, you've got no money, you've got no resources and you've got no travelling,

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transport to go actually and partake in these Court activities. And then we see also that there is a lack of farm workers' right awareness in these specific areas. The problem statement that you see is there has been an upsurge of farm evictions around the country, particularly in KwaZulu-Natal, in the Newcastle area, Free State, Cape Winelands where I'm coming from, in the Western Cape. Farm workers and farm dwellers face many challenges when they are evicted illegally with their homes often being destroyed up on evictions. Elderly persons are at times dumped on the side of the road by farmers without any assistance or support.

Despite the Government promulgation legislation to among the things regulated eviction, including the Extension of Security of Tenure Act which we all know is the ESTA 62/1997 farm eviction is counting to a cure. And this has been published by the Department Rural Development and Land Reform on illegal evictions on farm workers on 16 October 2014.

In the Cape Winelands area eviction and the movement on farms remain difficult to quantify according to the report released by the International Labour Organisations 2015. In the Cape Winelands there remain no reliability data source documenting the scale of eviction. In 2005 six out of seven eviction orders granted in the Worcester Court, where default judgment because workers are not present in Court due to the fact they're being evicted, they have no place to go. They struggle to get transport to go to Court and go and represent themselves.

Two thirds of evicted families claim to want help when facing eviction, but approximately 75% don't know where to get it from. The highlights, the failings of ESTA implementation to provide protection for farm workers, farm dwellers as they cannot navigate the judicial system without substantial assistance. From 2005 and 2006 the number of the (indistinct) households in the Drakenstein Municipality increased by 15.1% or by 3 881 houses. This could be directly linked to the eviction and subsequent migration of farm dwellers to urban settlements.

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2007 annual report by Women on Farms claims that the amount of registered evictions does not capture the trend as there is a strong consensus among farm workers organisations and rural municipality that evicts farm workers are increased. So Women on Farms are actually the organisation that actually go out and educate farm workers on their rights and also follow the trend of farm evictions in this area. As we continue can we see the trend of line above suggest the evictions continue to be effected in very – in a variety of ways which bypass the Court in which many (indistinct) informal agreements between landlords and workers who agreed, are introduced, to leave the poverty in exchange for cash. The impact of the legislation, ESTA does not make provision for tenure rights of children, because the moment when the children's father pass on, and then the owner of the farm inform the children they must leave the farm if they're not working on the farm.

Under the legislation there has been no – been an increase of eviction. So we say that the legislation is not really helpful towards our farm workers. Tenure rights are not working for farm dwellers. Farm dwellers they must be in title of property rights on farms.

Our recommendation are, there should be no more farm evictions. A moratorium should be in place on all evictions. Law which require farm owners to provide workers with pension fund. Must see that basic service, water and sanitation and electricity are provided. Must subsidise services to farm workers. Must conduct farm audits, (indistinct) who do not want to stay on farm, especially those who pass matric and they are now being forced to become wine yard labourers, because there is no support from the farm owner to support these youngsters. Provide children educational and after school facilities. Must assist with providing secure tenure, preferable ownership. Provide land for workers to build houses, assist in the provision and maintain of houses of a better standard. I thank you. (Applause)

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***Ms Davids:** Good afternoon everyone. I am Carol Davids and I am speaking from Mamre TRANCA. I was at a workshop three days ago. It is a very heartsore story, this TRANCA story, but it has been going on for probably 22 (years) and the Minister just cannot decide to whom our land should go. Section 2 of the TRANCA Act states that the municipality of that town or the Premier may sell our land to whoever and whatever she wants to. So by the time that we actually get our land back, it will be in the hands of the overseas investors and we will not get our land back in the portions that we request. The second headache that we have in our town is the restitution. I don't know whether one of those people in restitution know what restitution's work is, because we have now been struggling for a very long time. We got one portion back. We are struggling to get the other portions too. There are people on the portions that we got back and we are struggling to remove those people. They don't care about that at all, because we may build projects there. The second thing is, Mamre got its land back with a CPA. They established a CPA without finance. We cannot do anything if we do not get finance and that is why there is so much infighting in the community and I am asking with a heavy heart that the Panel should please look into that Section 2; really, because that is what is causing the disagreements between us here in the Western Cape. Thank you. (Applause)

***Mr Mthungatha:** First of all, greetings to everyone here present. I don't want to speak in English, therefore I will speak in isiXhosa. Greetings to the Chairperson, Mr Montlathe and his Panel, and to the members of parliament. Greetings to everyone this afternoon. We are thankful that Mr Motlanthe is here today, so we can see him face to face. We always see him on television. We are thankful for these opportunities so that we see people here in the Western Cape coming from other places, Johannesburg. My name is William. And my surname is Mthungatha. I come from Crossroads, ward 36. I have come to represent a comrade of mine who was supposed to be here, but because of unforeseen circumstances could not. He then asked me to come and speak on his behalf today. He will only come tomorrow. I want to come to the issue of land, what I'll talk about. I was born here in Cape Town. I never went to the English. I will speak in

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isiXhosa. At Crossroads, Chairperson and members of Parliament, we humbly beg you: that township has been there for ages, but we are not getting anywhere. It is just like non-existent. All these townships that the previous speakers have mentioned, Khayelitsha, they come from Corssroads. But there is a lot of development in Khayelitsha, Nyanga, and KTC than in Crossroads. The people of Crossroads got there a long time ago, 1976, in 1973 they moved from Unibale, Modderdam, eh...far away places. And here near Langa at Mutual. Even in Dyatakavleyi. The people in Crossroads come from there. They are not the ones you go with in this struggle. Those are new arrivals in Crossroads. These that I have brought with me, these old women that you see Mr Motlanthe, are the real people who gave birth to Crossroads but they are still living in shacks.

What we are saying we want the land of Crossroads to be given back to the people of Crossroads for them to do their things. In Crossroads there is a piece of land at the corner down there or up there. It is called private land. It is controlled by a white person living in Constantia. We have never seen that person in Crossroads. Now we, the people of Crossroads ask that that land be given back to the people of Crossroads because we want to use the land now. We want businesses there in Crossroads, we will do it on our own. We have no land but there is land. We are kicked out. They say we must bid with Malan, but we don't know where in Crossroads, Malan stays, his street. We ask you Chairperson to send people with a backbone, not corrupt people, to lie to us in Crossroads and make us fight. These old women you see here live there and have proof of what I'm saying. They have been claiming land for long. They go from Crossroads to Khayelitsha to be duped by a certain person there who wants to misappropriate your money, the government. After that that person disappears.

We will then ask you, the government to go to Crossroads and speak to the people of Crossroads. We will tell you where this land is. What we want you to do there. These old women have no place to eat, and to stay. There is no old age home in Crossroads. There is no place to care for the elderly in Crossroads during the day, those who suffer

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from diabetes, high blood and all that. But in these new townships such facilities are there, like in Khayelitsha. We feel as though we are not from South Africa in Crossroads. But in Cross Road in 1985 when we were being burnt by PW Botha's police, burning our houses there, we were UDF then, the police were scared of Crossroads. But today we are made outcasts, we the people who brought about democracy. So please, we want the land in Crossroads to belong to us the people of Crossroads.

The good thing is that God has come down on Crossroads this year, and given us a female councillor who knows people. She is accessible. We have not seen anything wrong with her. But it looks like the government is far from us. Now we want you to come closer, knock there and ask for the key from that girl, go in and give us our rights as people of Crossroads. There is a field there that is named after Mr Mandela, and a school. We want to develop that sports field so our children can stop using drugs, and have a proper sports field. We have a place there called Top Core developed by another school. We allowed the school. That is a place for Crossroads business people. It was burnt down by the police in 1985, Barnard and others. We want that land, government of the ANC (Applause) we ask that that land be given back to us to do the business we were doing, before we were burnt. That is what we have come to ask for today. This is not the last time we speak, but I don't want to speak before people and disrupt. Mr Motlanthe we know where you were before, you know where we come from. This democracy that people are misusing, all these townships here in the Western Cape, these regions, are no better than Cross Road when it comes to fighting the struggle. I'm one of the people who survived the Gugulethu 7. Here am I standing here. But the people from Gugulethu are spending monies, and those from Khayelitsha in this government, and benefit from things that do not belong to them. Money for Cross Road goes to Gugulethu. Money for Crossroads goes to Khayelitsha (Applause) Please.

At least we have an accessible councillor there in Crossroads. We have come to humble ourselves before you as government. Send the right people to Cross Road to

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listen to these old women. There they are. I'm not telling fairy tales. I wish they would stand up. They are old, Mr Motlanthe. I am old. I was born in 1957. Just that I'm handsome like you Mr Motlanthe [Laughter] Here is my ID card, my SASSA card. What is happening in Cross Road is sad. Please, I beg you Chairperson. The Airport is on the other side of the N2. It is not on the other. Now they say that land belongs to the Airport. There a place called Mfesane there, Sir. We want to build for these old women who live there. Now they say there is someone...Another gentleman mentioned that here. There is something to do with the municipality. Remove the corrupt officials from the municipalities in the Western Cape. Because this Western Cape municipality thinks they are the government because it is controlled by Coloureds, it is controlled by Whites. They think that now this is their point. They are government. There's not a government. They are the government of our power, of the struggle. Come down man. Remove those people and let us get people to work for the municipality. And give to the elderly. Thank you.

†**Mr Papas:** I would like to greet the Panel and everybody present here. My name is Stanley Papas. I'm a member of (indistinct) community, I come from (Indistinct) Ridge in Langeberg where I am also the convenor [break in audio] where I'm also the convenor with the Economic Freedom Fighters. Let me start by saying this. When the land was taken from us, everything was taken, because if I listen to the people they are complaining about situations and bad situations, but the land is the economy. And in my community I have written to the mayor of Langeberg Municipality, Mr Henry Jansen and speak to him according the condition in our community about housing. In Ashton on this very time there is a lot of things running wrong in our municipality since 1994 as he law states and chapter 2-26 that everybody has the right to a house and a good house and it is the duty of the municipality or the Government to make sure that everybody will receive.

Let me say this, by 1996 my name also appears. I had a letter from the municipality, I qualified for a house. I only received a letter and never ever that house. And from

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since 1996 I'm writing them letters and asking them where is my house? It has disappeared along the way. And also another guy who was coming to me, Damon Carstens, he also received a letter he qualified for a house. He got a plot number, 109, and that house never realised. It's gone. And the mayors who was there in formal terms they can't answer us when we ask them questions. There is since that project was started in 1996, the North West HOP Housing Project, that project is never complete till today. There is no curbs, there is no tar roads, there is no proper infrastructure like storm water channels and so on, but the money is gone. Our people receive very, very low class houses from the municipality. That house don't have ventilation and the condition of these houses are weak, because some of them their walls are already cracked. You can see right through the walls and the municipality refuse to take responsibility for his mess.

Since there is no infrastructure in Noordwes Housing Projek in Ashton, water is running right through your house, because there is no kerbs, there is no channels, there is no storm water system in place in Noordwes Housing Project. We have engaged with them at several times, several meetings, IDP meetings. We have raised our concerns, but they ignored us. We will love today to ask the question or the Panel to listen to our humble cries. On Friday the 23rd of September 2016, the Oversight Committee of Parliament Human Settlement was visiting the Langeberg sub-region and sat with some of the Council. They addressed a document and in that document the municipality laid before them, the document said there is no need for houses in Ashton Langeberg. And let me tell you by saying this, on this very moment they also said these words and this document, there is no squatter camp. But in Ashton Ward 9 Noordwes there is a squatter camp. On this moment there standing 124 shacks and the people in that shacks live for more than now close to seven years without water, everything, without sanitation everything, without electricity everything, which is a basic right in the constitution with and after 1994 and this law fail us heavily. These women every night they have to go out their houses and sit behind the bush somewhere else. If it's raining or whatsoever. Also their daughters have to travel, go on toilet tourism (?). And this

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could be, create an environment of crime, because they could be raped. They have to go outside and sit somewhere.

I have raised the concerns and Langeberg Municipality don't take us serious. We have written petitions and we've asked them to come back to us with proposals. They don't answer. They don't take us serious. We have a huge need in that one ward of Langeberg ward 9 for housing. On this moment we have 407 back yard dwellers who live on land of other people. Don't have an address of themselves and according to constitution everybody must have a physical address. We have 127 squatters without an address and if you go to the bank the bank is going to ask you what's your address. You can't apply one. And the municipality are not taking us serious. Leadership. I said the Constitution has failed us in Langeberg. We have the right to a healthy environment, but if you come in Ward 9 by Riemvasmaak squatter camp there, sewerage is laying all over. There is no toilet. People are living in that conditions. And if I raise this with the municipality they take us not serious and that's why we are here to appeal to the Panel to take this matters up with Langeberg Municipality and make sure that our people get [break in audio] promises.

Now in many ways our people are neglected in Langeberg. One of the things that happens there, when I addressed them, they said we don't have land for housing. But I can take you now there and I can show you, this was our housing land. They sold it for R1 to a White guy. And that White guy says he wants millions to give that land back. And I said we must return the land without compensation. We must not be apologetic with corrupt servants in municipalities. A municipality is (indistinct) always a clear audit, but by serving our people they failed us. I make an appeal to the Panel, please visit Ashton so that we can return our land. And as we address the laws after 1994 up to 1996, I will also address the Panel and ask the Panel to look very serious in the law of 1956, 1956 that law that was created to oppose the freedom charter who said we may not occupy land and where it should be good and the right thing to do against the people of South Africa that that apartheid law must be removed, because that law

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crippled us. That law made us poor. That law stands in our way to economic freedom to return our stolen land to its rightful owners. Amandla! (Applause)

Mr Tshefuta: Now we are about to break for lunch. For those who would have loved to speak, but can make a submission on SMS, we have an SMS line on 076 143 0684. Let's say it again. 076 – you have that one? 143. 0684. For the last time, it is 076 143 0684. And we will arrange that it be flighted on the screen. We also have an email on highlevelPanel@parliament.gov.za. I want to invite my colleague, a former Panel member, Prof Alan Hirsh to come and join me and also invite Mr Nombana to come closer to make announcements for lunch. And all delegate coordinators from various areas with the Cape Metro are requested to remain after we have made an announcement for lunch. There is a small briefing they must receive. Over to you.

Professor Hirsch: Thank you, Thulani. I just want to make a clarification because some people have spoken who seem to think that the members of the Panel are either currently Parliamentarians or used to be Parliamentarians. There are few people in the Panel who were Parliamentarians and also in the Executive. Most of us have never been political representatives. Some of us have been Government officials in different capacities, but we're all independent. We're all volunteers, so we volunteered in response to a request from the Speaker's Forum, which is the Forum of all the Speakers of the Provincial and the National Assembly to participate in this High Level Panel under the leadership of former President Motlanthe. So that's our status. We're volunteers. We obviously have some compensation for a little bit of time that we spend, but mostly for travel and being able to participate in these meetings, but we were generally in other jobs and we're volunteering for this process. Thank you. (Applause)

Mr Tshefuta: Now I've asked Mr Nombana to make announcements about lunch. If he starts making speeches that will delay you, that will stand between you and lunch, you must unseat him. At this stage I can release the Panel members. Oh I made a terrible mistake of not acknowledging that we have been joined by one of the Panel members,

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former Minister of Justice, (indistinct) Brigitte Mabandla. Let's welcome here as well. (Applause) The Panel is released and Mr Nombana, announcements for lunch, please.

†**Mr Nombana:** Goeiemiddag. *Good afternoon. †Good day. †Molweni. *Greetings. As the Programme Director has indicated, we are now going to break for lunch. Our lunch is going to be strictly 45 minutes because of time. We are trying to accommodate as many people to be able to present. Now this is the arrangement. You will remain seated as you are. Then there is a team of usherers (sic), as you can see there is a lady on my left hand side with a green black, they will be ushering you row by row to the exit on my left hand side. This is where you will be directed to where you are going to have your lunch. And then after 45 minutes you'll have to join us again here in the same venue. But there are those amongst us who are wearing these accreditation. I will respectfully request those to exit at the back entrance and move to the left hand side. Then they will be directed to where lunch will be served for them. Then can we also respect the fact that as we are doing it row by row we request your patience, because we have to take priority for people who are living with disabilities. So the priority will be given to them first and then the rest of us will follow. And as I've said, we are coming back at, in 45 minutes time so that we can have more time to do the presentations. Lastly, there was an announcement that was made by the Programme Director. I want to reiterate that announcement. And that is in the different communities that came to this Public Hearing there were people that were coordinating the delegations, including coordination of transport. We request those people to move at the back immediately after this, in fact now, after I've just done the announcement, we want to have a quick briefly with them in preparation for tomorrow's arrangement for transport and other logistics. Thank you very much.

HEARING ADJOURNS

5 December 2016: Afternoon Session

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†Rev Damon: Molweni, *Greetings, †goeiemiddag, *good afternoon, †good afternoon. I am Malcolm Damon and I will be the Programmes Director this afternoon. Welcome back and we will immediately go straight into the hearings within the groups, Group 2, but before that we would like to give an opportunity to the Provincial Speaker, Ms Fernandez to say a word.

Ms Fernandez: (Applause) Good afternoon ladies and gentlemen. I trust you enjoyed your lunch. I see some people are still having lunch but welcome back. I thought it appropriate at this stage to say thank you, because I will not be with the group tomorrow. Myself and the Deputy Speaker need to attend the Speakers Forum and the High Level Panel works very closely with the Speakers Forum but unfortunately I cannot be in two places... [break in audio] ...His Excellency Mr Motlanthe and our very distinguished Panel for their contribution to building the... [break in audio]. Thank you to each and every participant who has come along and made a submission. In the short while that I have been here it is evident that communication is critical, public engagement and involvement is critical and despite the progress that we have made in the last 22 years there is still a long way to go in terms of ensuring that all our citizens are informed. I must though say thank you to the National Parliament. For those of you who don't know, this initiative is a joint initiative that was run with National and the Provincial Parliament. It has happened in other provinces already in the Northern Cape, in the Eastern Cape and last week it took place in Gauteng, so to the administration and the staff from National as well as from the Western Cape Provincial Parliament I would like to thank you sincerely for the hard work and effort you have put in to make this event a success. But most importantly to all the participants thank you for making the time to come out here and be part of building our democracy. I thank you. (Applause)

Rev Damon: Thank you very much Madam Speaker for being present and also for your contribution. Thank you very much. We would like to give you now the opportunity for those who have not had an opportunity yet with Group 2, there are a few outstanding

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names and we would like to call on you. As we have already indicated we would like for those where we have identified you if you could come and sit here to the right, to my right, to your left, so that it would make it easier for you to just come up to the podium and do your piece. We also as you know we have got limited time and we would like to use the rest of the afternoon productively so we call on you to keep to the five minutes allocated to each one of you, so that each can have an opportunity to make your presentation and then as we have indicated if you have a full presentation you can present that to the people on your right hand side at the tables. They will take a copy of your presentation and will make sure that it is shared with each one of us. I would therefore like to call on the following: Ralph Burger from Riverlands. I don't think he had the opportunity, is that right? Ja, and then also Albertina Ngame, Chief Shedrick Kleinschmidt from Paarl, King Henry David Goukou Solomons from Hessequa and Chief Belinda Peterson; also Chief Tania Kleinhans-Cedras. Those will be the first group of people. The floor is yours.

***Mr Burger:** Good day ladies and gentlemen, Panel members. My name is Ralph Burger. I am from a community called Riverlands. I am the executive member of the Council of Stakeholders for Ward 4 and Ward 7 in the Swartland. In our community we have big challenges as far as land use and land ownership are concerned. Firstly, in Riverlands our farmers have been farming since the mid-1700s, but if one asks which black farmers have their own land, no-one could raise his hand, because every three years, every five years there is a new land owner. Currently HDA is one of the biggest land owners there and Public Works. Public Works, the Rural Development Programme was launched in 2014 where the Council of Stakeholders was established. At last, thought our people, "Yay, here is the man. The man has now at last fallen here from heaven." But Rural Development went there, gave birth to the new baby, just left the baby there and disappeared. So now we are sitting just as we have been sitting all these years. The help that was promised to us, did not come from anywhere. HDA is the new land owner. HDA says: "Yes, we know that you have been struggling for 20 years, 30 years for electricity, but no, aunty, you are 70, you can wait another three years

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before you get electricity because it is our land. No, uncle, you are 82, you can also wait another three years before you get a tap for drinking water in your house, or if you have R6 000, then you can now...”

A person who is a pensioner, who earns R1 400, has to pay R6 000 to get a tap in his house because the land does not belong to him. The aunty who doesn't have electricity must go to fetch wood in the woods at night and early in the morning in the dark if she does not have money. Then they can also say, if you have money then you are important. If you do not have money, you are not important.

Land development is another problem, especially in the Western Cape. In places like Salt River, N1 Gateway, they said: “We are developing it for the poor communities because it is the poor communities’ land”, but then they said: “No, sorry poor communities, you must move to the concentration camps such as Blikkiesdorp, the Sonnekus areas near Atlantis because it is not your land. We are developing it for you, but because it is not your land, go to the concentration camp, let us forget about you.” Other points, my community, Riverlands, is close to my heart. The municipality disposed of a lot of our land and they say that the community said they could do so. Now we ask, who in the community? They say the Ward Committee. Now we say: “Who in the Ward Committee?” They say: “No, you are not allowed to hold meetings with the Ward Committee, but you did hold a meeting to say that you do not want the land any more.” Now the communities are asking: “Who is the Ward Committee?” Then they say “But you chose them, but Oh yes, we forgot that you nominate them and then we say who we want.” Because in the Swartland you have to fill in a nomination form and hand it in to the municipality and if they do not want you there, then they say: “No thank you, we already have someone in your stead.” That is what also happened with the Council of Stakeholders. We do not want to support you because you are not the persons that we want.

Secondly, the biggest development ever in our area in the Swartland is the N7 that is being done now. A few years before the N7 extension began, mineral rights were given

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to groups such as Tip Trans Imperial to exploit land belonging to the community for their sand mines, their quarries. Today the contractors in the community are being told: "Sorry, we do not have work for you on the roads. You must ask Tip Trans because we do not use local transport, because Tip Trans included the price for the transport of their minerals. Then you go to Tip Trans and they then want to give you a price that cannot even support local businessmen. They also say: "We are here to develop, the local economy, but because the land was not yours, we do not need to listen to you." That is why they say that local in the Western Cape is any place in the Western Cape. Currently they are only using the local labour in our area. All the contractors, all the long-term outcomes of the development of over R4 billion will go out of our community. It is said: "You cannot develop in your own community because you are not important. You don't have money ...". So once again I just want to say to the Panel that all the laws that have been passed are good laws, but if a municipality says: "Oh, we have a bye-law. Why do you speak of a constitution? We don't work with a constitution. We work with a bye-law."

So what does it help if the municipalities are not held accountable to work according to the constitution and treat us as second-class citizens in South Africa. Thank you. (Applause)

†**Ms Ngame:** Amandla! *Let it be praised! †Good evening hon ministers from our Panel, I am greeting all of the people who are here. The only thing I am going to talk about, I am going to be short, because I am short anyway, but the problem is very big. We are facing huge problems here in the Western Cape, but I will just to be short - my main concern is about I would like our Government to look an amend our Bill of Rights on the clause which doesn't state any - whatever, because what is happening, the reason of why I am asking, because we have got problems. We have got rapists. We have got criminals, killers who are killing us but what is happening is they are killing a person; after two days they are out on the street with us. We have got people who are raping our children, because a rapist is a killer. Those people - they must be away from the people forever, because what is happening according to this Bill, it doesn't state that... It

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doesn't state that they've got no rights to touch, to rape our children or no rights to kill our children and our brothers.

Secondly, the only thing is just because according to that I would like our Government to specify that this Bill doesn't stand for criminals or rapists of our children, because even Government can work very difficult according to that because of these criminals, they have got rights, even police, they have got - they are working very hard to work with the criminals and because the criminals, they've got a right.

Secondly, I am going to come to the land issue. Oh, that is a difficult thing because what is happening is as we are here in Cape Town we are desperate, we are still staying with our children at our back yards. There are no spaces for us so that we can do housing. There are no spaces because even - the only spaces which are there is for dumping rubble, not accommodating people or doing something, nothing. So on my side I will urge our Government so that they open spaces, because we are not here in Cape Town because we wanted to be in Cape Town. We are coming where we come from but just because we were running for green pastures so if Government can even go broader to Eastern Cape to do something, open business here, we were not going to come to be even whatever in Cape Town. We urge, we need houses, we need land, so that we can perform our rights. Thank you. (Applause)

Chief Belinda Petersen: Lord grant me the serenity to accept the things I cannot change, the courage to change the things I can and the wisdom to know the difference. (Speaking in vernacular – Khoisan.) *We come here! I am here! Humanity! People first! †Forward we go, taking South Africa forward. My name is Chief Belinda Petersen. I am from the Khoisan Royal House (speaking in vernacular - Khoisan) and I am representing the people's people. I welcome the Panel and our leaders behind me. For the first time after 22 years of democracy we have an opportunity and to take the guts of the people to South Africa. With all these complaints we must never forget, people, never ever forget to take South Africa further. We owe it to our future generations. This people, is not a political platform, but this is the platform for all the people so that they

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can speak what is wrong, but as we all know it... (Applause) But as we all know that from the Shoprite bag to the dustbin everything is politics, to start at this very point, so we need to start with one thing and that is equality. Without equality nothing can come right, people, nothing, which means we need to restore, revive, relook and never ever forget to take South Africa forward. So now talk is cheap, cheap-cheap-cheap like a chicken. Enough talk! Let's move. Let's move forward! Let's move. So what I want to say is *work hard, work hard. (Speaking in vernacular - Khoisan) †Declare unity in our diversity. Thank you. (Applause)

Chief Sedas Kleinschmidt: Good afternoon everybody. I am Chief Sedas from the |XĀM Tribe in the Winelands there by the Havequa Mountains, Chief Shedrick Kleinschmidt from Paarl, but today I am here to talk about the Khoisan community and my community, right. For us there in the Winelands nothing has changed, nothing. We are still in 1974. We are still in 1988 so when you talk about democracy there was nothing democratised for us because when you talk about equality people have to be equal, right, we are still farmers like my learned friend said on Facebook. We are still farmers. We are still farm boys. We are still being killed. We still have to have a dompas to get out of the farm to the next farm, right. We still need money; we still need. It is democracy time and we haven't got anything. How can we be equal to another when another is already there? Equality and democracy isn't about one is there and the other one is here. Equality is about when everybody is equal. So the people that put us in this situation are still there. Their kids are still there. Their family are still there and most of these laws protect them, not us, alright. It protects them. It gives them rights and privileges; not to us.

I have read here in the Working Group 2 as a Khoisan or as a San Chief the |XĀM have big lands, the whole of Winelands and more. It is a Bushman tribe. You will see their markings everywhere in the country but there is no law in this democracy that protect their property or their land, but here is a law, the KwaZulu Ingonyama Trust that protect the land of the King. Before 1994 we were all one. After 1990 then there came Codesa

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mos. Then suddenly things changed and after we vote, after we voted, suddenly there were blacks, Zulus, Xhosas, Kleurlinge, Boesmans, Hotnotte, al die goeters. Suddenly we are not worth it any more... (Applause) ...but we believed in the Freedom Charter because we were part of the Freedom Charter and we want the Freedom Charter to prevail within this democracy, within these laws, because we started the struggle in 1652. We started it on the farms and so we are all back together and we formed the Codesa, Congress of the People. So the problem that I have with these laws, is everything. If I was living in my own house, have my own wallet, have my own bank account, have my own everything then democracy is good for me, but where I live even if you have all those things, you won't survive because the same people, the same situations, the same problems are still there. We need to bring the Government more closer to the ground, more closer so that we can fulfil the promises of those Freedom Charter. Thank you very much. (Applause)

†**Chief Tania Kleinhans-Cedras:** !Gâi tsēs *Good day †everybody, to the Chair, Panel, all protocol is noted. How are we able to condense 364 years of subjugation, 364 years of cultural genocide into five minutes? It is not possible. We are here to discuss legislation, yet the first piece of legislation that was formulated by this democratic Government in 1994 the Land Restitution Act of 1994 provided a process for the aboriginal Khoisan people to be excluded from any form of land restitution or land redistribution. How then can we talk about democracy in this country? (Applause) We did a recent survey during July to September and these were the questions that we asked and after 500 people completing this questionnaire we decided what is the purpose, what is the use.

The first one of the questions was does the South African Government have a national implementation strategy to attain the goals of the UN Declaration on the Rights of Indigenous Peoples and the ILO Convention 169. Are there any indigenous policies in place? Is there a national structure representing the interest of the aboriginal Khoisan peoples? If the structure exists what is their mandate? Did they agree to the form of

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representation that we stipulated to them? Are there existing partnerships and agreements between inter-governmental levels and aboriginal Khoisan communities? And it goes on and on. 500 people said no to every question that we had asked. We are landless people. You are landless. You don't have a right to exist. That is the bottom line. We have no right to existence in South Africa. In 2009 - this is the investigation that I am calling for. We called upon the office of the Presidency. We made recommendations to Parliament through a petition which was tabled in 2011. With that we had a subsequent hearing with Beverley Jansen who was then the Commissioner on the Restitution on the Land Rights, the Chairperson. Since then District Six, 153 hectares, 60 000 families displaced, people displaced to the greater Cape Flats area and then I ask myself, how is it possible through a tripartite agreement that was concluded in 2000 between the Commission on the Restitution of Land Rights, the City of Cape Town and the District Six Beneficiary and Redevelopment Trust, could a 153 hectares of land be depleted to only four hectares of land.

We then have a petition that was lodged through a process of dialogue with Kimberley One and Kimberley Two, which was handed to the Portfolio Committee of Rural Development and Land Reform on the 19th of June 2014. That petition was lost. Over 700 petitioners signed that petition and it was signed up by Parliament themselves, yet the petition was lost. We then had to resubmit in 2015. That petition has been lost too. Is it because 17 delegates were injured in a colloquium that was caused by the Department of Rural Development and Land Reform and one of the delegates died, is this the reason why? Is it being concealed? I then want to call upon another investigation into (indistinct). Through a process of engagement with the Department of Rural Development and Land Reform and as a reference group member on the National Khoisan Reference Group representing the Western Cape, I am sadly and deeply disturbed by the fact that the first project that was identified for the Western Cape is now in the hands of National Government. National Government has taken ownership of this property.

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The Minister himself told us in March 2015 - excuse me - he said to us that the Department paid R27.5 million for that project. Yet if you do your investigation and you get the title deeds and deed of transfer you will see that they only paid R17 900 000. What happened to the difference of that money? It is disturbing. The state is not supposed to coerce, conceal, manipulate and deceive our people. The recommendations for intervention are as follows:

An independent, as yourselves, Commission of Inquiry regarding our ancestral land claims and the non-revenue sharing of all those currently benefiting from resourced development on aboriginal Khoisan land.

Full implementation of the UN Declaration on the Rights of Indigenous Peoples and the ILO Convention 169; the contraventions of the South African Government to the recommendations made by the special rapporteur Rodolfo Stavenhagen, which is obligated under law.

Supplying aboriginal Khoisan IDs is a right declaring our sovereignty by the Government of South Africa which they are denying as they too then are the perpetrators who has reclassified us.

The recognition of organisations is equivalent to the effectiveness of informing our people of the local level with regards to their rights; on an international level, which is what I said in my opening speech, cannot be accomplished on a voluntary basis any longer. I thank you.

Ms Solomons-Janties: Good afternoon everyone. I will greet every Khoisan leader that is here today with the Panel. My name is Leonora Solomons-Jantjies. I was mandated by our King, Henry David Goukou Solomons to read the submission as is and it is as follows: "We, the descendants from the Khoi people within the Hessequa and under the ruled law King Henry David Goukou the second Solomons supports the provision made

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within the bill towards recognition of the Khoi and San people. The disputation with the Hessequa Khoisan Royal House Cultural Organisation NPC will not support the Bill if the Griqua, Kei, Korana and Nama tribes rules over us by law. Hessequa Khoisan Royal House under the bloodline leadership of King Henry David Goukou Solomons support the traditional bill of the Khoisan as first nation within the context of a traditional leader in South Africa.

Chapter 1 being for the Traditional and Khoisan Leadership Bill definitions, applications and principles the name “Cape-Khoi” should be deleted because the name put all the other tribes on a lesser name acknowledgement than the Griqua, Korana, Nama or San. If all cannot be classified in their tribal name then the said name should be known as maybe Northern Cape Khoi or Cape-Khoi. (Chapter 2 of the Bill of Rights.) We the Hessequa, Inqua, Chainouqua, Attaqua and Obiqua San people are any day a larger tribe while the Griqua, Korana, Nama are minor tribes that reported at the Royal Kraal of the Hessequas at the Oude Heer Goukou.

Chief Sarah Solomons, Lang Saartjie, was one of the strongest woman chiefs within the Hessequa at a trading post at the Breede River Swellendam district. Paramount Chief Goukou was the most wealthy and powerful leader of all Khoi people which was recorded in the Register of Simon Van Der Stel. All tribes within the Hessequa do already have Chief leaders as required by the Bill. History is clear and can be traced back to the Netherlands, England, Spain and Portugal European Countries and strong black tribes like the Xhosa, Zulu and Sotho clans form part and can testify of the traditional role of the Hessequas. Lastly, although the relevance of the remark belongs in the Land Reform Ministry the Hessequa Khoisan Royal House lay claim only on the land between the Gourits River and the Hessequa River south of the Breede River and Indian Ocean and the Langeberg Mountains. King Henry David Goukou Solomons have under his command a list of more than 3000 members of a self-defence unit.

The focus areas is as follows: Group 1: growth, poverty, inequality encompassing skills development in the day and age is the key to alleviate poverty. Before we can talk about

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wage, wealth, inequality we should as a matter of urgency get the education system right. Therefore skills development should start at school level already, they should be prepared for the economic market. Spatial inequality is worldwide a natural phenomena but in South Africa it was brought about by apartheid laws. Therefore we should eradicate it with education and develop a sense of coherence. Educare, primary and higher learning skills together with good Technikon and other academic universities should be the buzzword in South Africa. All South Africans should help build a better and prosperous country, therefore higher taxing is of the essence. Government should also learn to prioritise its expenditure patterns.

The Group 2: Land Distribution: We the Hessequa Royal House lay claim on the historic land area of our forefathers and nothing less. The ancestral land should be given back to the descendants and restitution should be made by Government. The Khoikhoi people are not a lesser people and for a fact the first indigenous group in South Africa. Lastly also, although the relevant [break in audio] Ministry, the Hessequa Khoisan Royal House lay claim only in the land between the Gourits River and the Hessequa River south of the Breede River and Indian Ocean and the Langeberg mountains. That is the only way in line with the Constitution of South Africa Section 25. We can move forward if the Khoikhoi people can work and live if they get what belongs to them, namely land, security. Imad Adams says: "To move forward in South Africa we have to embrace all cultures so that a rainbow nation can truly come to growth. More different cultural events should be held at the same event. Tribalism should not be understood wrongly. It is a structure but it should never discriminate against other tribes."

For the Khoikhoi people land is paramount to redress and transforming South Africa. (Chapter 2, 2.2, Chapter 2.25 Bill of Rights). If not we are busy polarising the nation to a point of civil war. While there is still time great emphasis and strides should be made to bring the Khoi and San people into the mainline stream of our economy. The Hessequa Khoisan Royal House should be recognised as the legitimate house of the Khoikhoi and San people in South Africa, Henry David Goukou the Second Solomons as the true and

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only bloodline heir of the great leader Goukou Oude Heer of the Hessequa tribe. He should be the only truthful king together with the Royal House and South African Government to appoint or dismiss Chiefs of various different Government structures.

History together with proven facts should be the only guide in solving the structure of the Leadership Bill.

A word of notification to the South African Government that they should investigate the paramount by any means, King Henry David Goukou the Second, the Great, the Great son of Paramount Goukou is well within his rights to be recognised as the bloodline leader of the Hessequas.” Thank you very much. (Applause)

Rev Damon: Thank you very much. We once again want to make it clear that if you have not already given your presentation to the support staff on your right, can they just maybe waive. You can see there at the back, there. Your presentation, once you have spoken, please give it to the table on your right-hand side or if you have not made a presentation or are not going to make a presentation you are also welcome to give whatever note whatever letter whatever presentation you want to put down on paper, you can share it with the staff at the table as we have already indicates, so please once you have made your presentation or even before you can share it with the table on your right-hand side.

Once again we also want to make it clear that you can SMS on 0761430684, 0761430684 as well as email HighlevelPanel@parliament.gov.za. Now this concludes those who wanted to make a presentation on Group 2, “land issues”.

We will now - tomorrow there will be another opportunity for those we have allocated. So we would like to go therefore to Group 3 on nation building and social cohesion and I would like to call on Ms Nosipho Vidima from the Human Rights from the Sex Workers Education and Advocacy Task Force, SWEAT, to make a presentation; Sanja Bornman from Lawyers for Human Rights; thereafter Mr Aaron Messelaar, the Royal Griqua House; Peter Marais, die Bruin Bemagtigingsbeweging and also advisor to the Griqua Royal House and Mr Claassen. Can we get those five please: Vidima, Bornman,

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Messelaar, Marais, Claassen. Thank you. We can start. Welcome, you have three minutes, hey, each.

Ms Vidima: Greetings to the hon members of Parliament, honourable Chair, members of the Panel and my fellow community members. I am Nosipho Vidima. I come from the Sex Workers Education and Advocacy Task Force. I am the Human Rights and Lobbying Officer there. I present on behalf of SWEAT, the Sex Workers Education and Advocacy Task Force, as I have stated, the Women's Legal Centre and Sonke Gender Justice. My presentation is on the case of sex workers in South Africa and the criminalisation of sex work thereof. Talking on legislation and social cohesion I would first like to state that sex workers have been under legal reform review for the past nineteen years which is quite a long time. It is as close as how long we've had the democracy in South Africa, yet we still have sex workers that are getting murdered every day. We still have sex workers that are being raped by State officials mainly the police. Because of the time that I do not have I would like to just state a few facts and statistics on the case of sex workers in South Africa right now.

One in five sex workers will be raped while doing sex work in South Africa. Sex workers are 18 more times likely to get murdered. The police based on the Technikon South Africa's Institute for Human Rights and Criminal Studies, R14 million is spent each year on trying to prosecute sex workers which doesn't really even happen because sex workers are called under the by-laws in South Africa not even the law itself, the Sexual Offences Act, which automatically means that the 14 million like some of the members were crying that there needs to be something done on grants, social grants. A lot of that money is going to just trying to arrest sex workers without any success because the law itself does not provide for sanctions.

Sex workers are arrested in the evening. In the morning they are taken out or just to read one of the sex workers case studies: a sex worker in Cape Town: "I was arrested in Bothasig, Bellville. I was standing on the street when I was approached by an officer.

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The officer was a male with whom I was familiar. I was informed that I was being arrested for loitering. When the police officer approached me he requested that I have sex with him for free. When I refused he locked me up in the van, sprayed me with pepper spray. I was driven around in the van for two hours before being taken to Bellville Police Station. I was detained in police custody for 24 hours. During that period I was provided with no food, no water. The cell was dirty, especially the toilets and the blankets. I was not allowed to make a phone call and receive any visitors. I never appeared before a Magistrate's Court."

So that is two hours in a van where in Mitchells Plain there will be a gun shooting, and the police will say that there are no vans, meanwhile there is about ten vans in Cape Town doing rounds with sex workers that are not even going to get arrested. So that is - I don't know how many people that can die at a moment where they ask for a van and there is no van. What is the framework that we ask in South Africa? We ask for decriminalisation for sex work mainly to reduce HIV status in South Africa because we must realise that while sex work is under the criminal legislation, sex workers are getting raped and when they are raped by police officers by their clients, most of the time it is without a condom. These are people that are your husbands, your brothers, who when a sex workers has been raped about ten times, it automatically means that there is a chance that she is HIV positive. She is going to bring it to your house. So we need to start thinking about those kind of things.

We need sex work to be decriminalised because right now as I am standing in front of you we have about 30 sex workers that are reported in South Africa to be dead. Yes, those are the only ones that are reported. I am not counting the ones that are found in shallow graves and we never really know their names. I am not counting those that are never really found because their bodies were so thrown in the bushes that we never will ever find them, they are just missing. I am counting about 30, most of them happening in August, which was Women's Month, which shows the inequality and the power

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struggle that is within the genders because yes, they are murdered by men, and there is no equality in that. Because sex workers cannot report men take the dominance of power. Men take the gender inequality and play with it with those that are vulnerable most because they cannot step up to the law and say that “I am being abused”, because some day they are going to be (indistinct). There is going to be a lot more.

Just a case that recently happened in Witbank: a police officer was appointed as the new Station Commander. His first task because of stigma and discrimination or it is a “her” actually. She stated out clearly to sex workers that “because I am scared that my husband might be buying your services I am going to make sure that you live in hell.” And true, they have been living in hell. We have had sex workers being arrested when they find chronic medications like your ARVs, they mix them with water, condoms, dirty condoms, clean condoms, they mix them with food stuff which then when they are taken to the police station it means a lot of defaulting. Coming back to the resources of the State when somebody defaults it automatically means that their medication needs to be reviewed and they need to be put on a new regime so my plea is just that stigma and discrimination be moved away for the children of sex workers, for the families of sex workers, so that we can actually combat HIV. Let’s reach the 90/90 goal like we said. Let’s have the reports from the South Africa Legal Reform Commission stated out to the public. Let’s hear what the public themselves have to say about sex workers in their communities about their sisters, their mothers, about their cousins, about their wives. That is all I have to say. (Applause)

Ms Bornman: Thank you to the distinguished Panel and all of the beautiful people in the room this afternoon. My name is Sanja Bornman and I am from Lawyers for Human Rights from the Gender Equality Project. Now Lawyers for Human Rights’ gender equality programme is very deeply concerned with gender based violence following on very closely from what Nosipho has just explained to us as a pervasive and seemingly intractable manifestation of gender inequality and discrimination in South African society, which then in turn severely effects social cohesion across the board and while

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we have fairly comprehensive legislation in order to deal with gender based violence we are likewise concerned with the poor implementation of that legislation and that is evident by a wealth of both Government and civil society research and also the real lived experiences of victims of gender based violence. Poor implementation can to a large extent be attributed to a lack of proper monitoring and reporting without thorough, transparent and timeous monitoring and reporting the relevant stakeholders and role players cannot be held accountable and they will not have the necessary information in order to improve implementation and to design and plan better implementation strategies. We propose to focus on the monitoring systems as they relate to key pieces of legislation, being the Sexual Offences Act and the Domestic Violence Act and in this regard we propose what we believe to be two very low hanging fruit solutions.

In respect of the Sexual Offences Act it is very specifically informed by Section 62 and 65 of the Act exactly how monitoring and evaluation is supposed to be done and monitoring of the implementation of that act is regulated in these sections and it is clear that the legislation accorded a great amount of importance and priority to the proper implementation of that act. The legislature intended to make practical arrangements that also make a policy statement about South Africa's stance on sexual violence that it is to be dealt with seriously, methodologically with accountability at the highest levels of Government culminating in annual reports by the Minister of Justice to Parliament every year. These annual reports by the Minister of Justice as well as an Inter-sectoral Committee on the Management of Sexual Offences have the potential to provide critical insight into the progress and challenges with regards to the implementation of the act and this knowledge is extremely important to all of us if we are to engage in targeted and effective activities and programmes to improve coordination and implementation. However, there are three problems with the way this reporting is currently being done. The report have not been made consistently and publicly available so we as the public don't always get to see those reports.

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The reports don't follow a consistent format and the same information is not reported year on year and that makes comparison and measurement of progress extremely difficult. The reports are also not sufficiently focused on the quality of implementation and we believe consequently that Parliament is entitled to be far more robust in enforcing the mandated reporting requirements in the act and the relevant committees in addition to the Portfolio Committee on Justice should make maximum use of the opportunity to exercise oversight by making those annual reports on the implementation a standing item on their annual programmes and calling for public comments in relation to the Minister's annual report on the implementation of the Act because public participation as we have heard today can enhance the capacity of individual committees and assist committees in pointing out gaps and information and implementation challenges on the ground.

Moving on to the Domestic Violence Act and monitoring systems there. The duties to comply with and to monitor the implementation of the act is very clearly set out in Section 16 of that act. Now in 2012 the independent police investigative directorate act came into operation and the former independent complaints directorate became what is now known as IPID. Together with this change came a shift in responsibility for monitoring the implementation of the Domestic Violence Act and as of 2012 the Civilian Secretariat for Police now has that responsibility to make sure that the police are doing their work in terms of the Domestic Violence Act. At the time that the CSP then took over this monitoring function the responsibility and compliance with the DVA that they then had to look into, it was expected that all of the reference in all of the laws and policies that spoke about the former ICD or IPID would be changed into CSP so that the civilian secretariat for police could do its job.

However, according to the CSP reports to parliament since 2012 there has been a persistent failure by the National Police Commissioner to issue the necessary national instructions to the SAPS reflecting that particular change and this failure has severely affected cooperation between provincial SAPS officials and Commissioners and their

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Provincial Civilian Secretariat for Police counterparts. SAPS at a provisional level does not report to these provincial secretariats as they are expected to do in terms of the DVA because there is no internal directive from SAPS mandating them to do that. Having struggled with this DVA monitoring mandate then since 2012 the CSP has reported to parliament that it has established a compliance forum and that it has resorted to try to negotiate standing operating procedures with SAPS. However, we do not think that this is a good solution. It is a temporary solution and it is not ideal. Standing operating procedures cannot take the place of national instructions and it appears that provincial SAPS officials often do not attend the meetings of the compliance forum.

Successful implementation of key legislation on gender based violence requires a real commitment to thorough transparent and timeous reporting and monitoring. Monitoring and reporting is not something that should be viewed as punitive and it is not aimed at naming and shaming. It is part of creating a functional response to gender based violence to identifying both good practices and challenges. Current monitoring and reporting in respect of two key pieces of legislation in this regard is unsatisfactory and it is not taking place in accordance with the intention of parliament. We believe that improvement can be achieved relatively easily through simple yet crucial actions. First, the Minister of Justice should modify the annual report to a consistent year-on-year format with regards to the implementation of the Sexual Offences Act focused on outcomes and then make sure that that annual report is both presented to parliament and is made publicly available so that we as the people can see what is going on with the implementation.

Secondly, the National Police Commissioner should issue the necessary national instructions in respect of the monitoring role of the Civilian Secretariat for Police and its collaboration with SAPS as a matter of urgency to make sure that the Domestic Violence Act is implemented and that SAPS is doing its job. We believe that these simple actions will have exponential impact on the quality of monitoring and reporting

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and ultimately improve the implementation of key gender based violence legislation.
Thank you. (Applause)

Mr Marais: (?) Thank you. Honourable Chairman, members of the Panel, thank you for the opportunity to address you here today. We talk about nation building but if you build a house you build it with bricks of equal size. *You do not have big bricks and small bricks. The house would crack. This house of South Africa has cracks because not all people are treated equally. Point number 1: †let's look at the discriminatory language policies at our schools at our technikons, at our Universities in the Western Cape. It is most disturbing. There is an all out attack on my language Afrikaans. (Applause) And Afrikaans is not the white man's language, it is the language of the indigenous people who took Dutch and made it Afrikaans. * It is my language. (Applause) †Mr Chairman, the discriminatory nature of our labour equity laws which does not take provincial demographics into account but rather national demographics I had - myself and Dr Titus had to take this matter to the High Court to get ten correctional services brown skin people their rights in the Courts because they were not allowed to get promotion because he is coloured. And then we want to build a nation?

I want to say the third point: what about indigenous knowledge systems? We should withhold our knowledge of indigenous systems because it is being used by foreign NGOs to make millions and we get nothing. You see, NGOs and companies cannot be allowed to benefit solely. We should rather register those property rights and not share it.

The third point in South Africa, even after apartheid, should all be scrapped. This Government still pass labour laws that says there are coloured people and they should have less rights than black people. (Applause) Yes, let's face the facts before we talk about nation building. This Equity Bill says the designated group that must be empowered is a black group and then in the glossary of terms in the front of the act which explains what words mean, it says: "Black means..." - hold it! "Black means Africans, coloureds and Indians", in other words you are not an African. You are

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something else. How can I be indigenous and not African? I am African, because I was the first people here. (Applause)

And then I would like to know from the Government Panel why the Government has failed to ratify ILO 169, International Labour Organisation Resolution 169, which prevents Government from discriminating against indigenous people in the workplace. *They do not want to sign it. I ask, why not? Then we come to the Traditional Leaders and Khoisan Bill. My people, those that support the Bill. Have you taken leave of your senses? (Applause) †The Bill in itself is discriminatory and will not pass legal scrutiny because two of the things the Constitution says is a non-derogable right, is the right to equality and the right to human dignity. This Bill says there are traditional leaders who have a geographic area and a territory where they rule and then there are Khoisan senior leaders who is in charge of branches - *a few here, a few there, a few there. Five in Manenberg, ten in Bonteheuwel, and in Vredendal there are a few, a hundred. †You have no authority over any geographic territory but the King of the Zulus have! The King of the Xhosas have! The King of the Tswanas have and this Government is playing with the people. They rejected the homeland system, Transkei, Bophuthatswana, Venda, Ciskei, KaNgwane, KwaNdebele, Gazankulu, KwaZulu, they rejected independent homelands but they kept the geographic boundaries and made the Chiefs the big boys there. (Applause)

But they went further, I know many of you rejected the tricameral system. I didn't because that was apprenticeship for politics. But you know that the tricameral parliament had jurisdiction over all coloured, geographic areas which was - you called it "colour group areas" so Hendrikse and David Currey and these people had authority in terms of education, Local Government Land Affairs. You gave it up! You got nothing! They scrapped the Group Areas Act leaving you with private home ownership while the Nguni tribes kept communal land ownership. They own land as a tribe. You own land as an individual, *and as soon as you owe money to Lewis Stores, you sell your plot. (Applause)

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†Mr Chairman, we must address these issues before we can start with nation building! You must respect my language, this Government. I don't want to speak English unless I must. *I want to speak my language. Bonteheuwel speaks Afrikaans. Manenberg, Elim, Genadendal, Suurbraak, Darling, Delft, Blue Downs, we speak Afrikaans! (Applause) Now look what has happened to us here in the Western Cape. †This Government says because 79% of the people in this country are black and only 8% are coloured it says you only qualify for 8% of the jobs in the Western Cape. But you are 51% of the population here but you qualify only for 8% of the jobs. In the Northern Cape coloured people make up 37% of the population, economically active people but you only get 8% there too of the jobs. But you know what is even worse: black people who came to this country after 1994 and acquired citizenship, *they stand before you in the queue for a job. (Applause). †Because this equity law says they are also designated people who came here from Malawi, Ethiopia, Nigeria. *They all work for Shoprite and Checkers and you do not have work. (Applause)

†Yes, even in Bishop Lavis, Bishop Lavis is 99% coloured people staying there. I went to investigate, there is not one coloured teller working at the tills. No! I am not racist because racism is the scapegoat for people who don't want to do justice to the coloured people. I will gladly compete on an equal footing with any black man or any white man on merit.

*If he is better than me, I will step back, Boeta. Step back because he is better than you! He must not get the job because he is blacker than you, but because he is better qualified. Then he must get it. (Applause) Now let me ask you. Christmas is around the corner. How many of you will be eating crayfish? You don't have money for crayfish. But crayfish was the Khoisan's food. That is the food that he ate, white mussels and crayfish. And now? You cannot even catch it. You live next to the sea and you don't get a quota, but people in Gauteng who do not even have a sea, they get a quota. That is the point. I am here. I have been sitting here from this morning, early morning. I thought that they would call me earlier, but I am glad that I stayed because I don't want to speak

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above your heads. I don't want to use big words so that you can think that I am clever. I want to use words that my people understand. †We are a first nation, but we are third class citizens, *and you see, now they will take me away because I am heating their blood. Thank you. (Applause)

†**Rev Damon:** Order, thank you.

Chief Claassen: (?)Greetings, greetings to my chiefs, kings, queens and the leadership of the Khoi. It is a very difficult task today to speak without mentioning the people who paid with their lives like Dawid Kruiper, Chief Stuurman, Michael Vandana (?), Chief Joe Marx, Sassman (?), Richard Cautela, Chief Colin Young and many others had died for this purpose. It is a great honour for me and to remind the Panel I hope this is not a talk shop. I hope you are going to do something, that we are not just blowing hot air like my fellow Peter Marais who has spoken now. There are comrades of us that has died for the struggle. Colin Williams, Robert Waterwitch, Anton Frans who laid down their lives and contributed to the liberation struggle for you to enjoy this day. Please allow me to express my appreciation for the opportunity to address you on a very contentious issue and this concerns the Khoi and the Bushmen nation from the country, the land of the people and the land of my ancestors.

I have noticed many Khoi and Bushmen leaders coming strongly forward raising the issues and concerns with dismay and lacklustre and clumsy manner in which this very important matter is being treated by the South African Government. They haven't got our interest at heart. We are the original people of this country and anybody who denies that he has got blood of the Khoi running in his veins does not know the history that the Bushmen has got the oldest DNA in the world as the first nation. Brothers, it is time that we stopped talking. I have been calling for the last four years for a mini Codesa to address the Khoi and to make a declaration from this Government and the acts of Parliament to be able to set up the structures of the Khoi. I am not the elected chief. I am a chief by birth and therefore I believe and I want to remind this Government that for

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the last ten years there has not been an inkling to implement the International Labour Organisation Resolution 169, which gives me as a Nama and as a Bushman the right to stand here today and say this land that I am standing on belongs to the Khoi and the Bushman, nobody else. (Applause) And we are going to claim this land and the time will come. They will sign documents internationally. They are going to use us again, this gathering that they are consulting the Khoi and the Bushmen that they will be respected but it is a lie. If you hear on TV every night that the very people who are talking and say they are going to give us this new democracy, democracy is a foreign concept that was brought into our country to exploit us and depress us more. The position of the Bushmen and the Khoi people has deteriorated in the last 21 years.

I want to say to this Panel that the time has come that you live up to your commitment that you made internationally and say that you've got the most beautiful Constitution. Start to implement the United Nations Declaration for the Rights of Indigenous People. Self-determination is not negotiable. We've got to claim it and the time will come when we have to look at an armed struggle. We are going to call on the navy, we are going to call on the military, the South African Defence Force, the veterans, and the backbone of this country that is driven by our people in the administration. If we call tomorrow a strike, a national strike of all the Khoi sympathisers we will bring this Government to the ground. It is time that you speak to us, otherwise we claim that we will create a civil war in this country. I thank you. (Applause)

Mr Messelaar: Hon Chairperson, Panel, and all protocol observed (indistinct). Aaron Martin William Messelaar, Provincial Chairperson of Contralesa in the Western Cape and head of administration of the Griqua Royal House. Allow me to reflect on the injustice against the Griqua people. I believe that equality is not a privilege but a concessional obligation to be treated equal with other ethnics; became a governmental responsibility. They are sad that we are all equal while some practising discriminate against specific minorities like us, the Griqua people. It is very sad to observe it after 22 years in democracy. The reality is when it came to land ownership that the Khoi and the

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San peoples are still landless. The Sandveld Convention of 1852 had stripped the Griqua and the Korana people from all land while the British declare that no native must have land so Act 27 of 1913 was just adopted from the old Free State laws and today after 22 years in democracy we still find this discrimination against all Khoi and San peoples because when the Griqua people claims a portion of land in the Northern Cape or in the Free State the Tswanas or the Sothos are also allocated by Government on the same piece of land. Why 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 amongst the Khoi and the San peoples. When will the injustice of the past be addressed? We are not economically empowered so are we still landless on the soil of our forefathers. The Griqua people are still classified as coloureds and still feel the pain of oppression. Nevertheless that we heard that Coloureds, Indians and Africans are black, but when we apply for jobs in Government the Z83 form stated “coloured”. This is a discrimination form. How to prevent job opportunities or at the end of the day keep the Khoi and San peoples away from jobs in Government. A slogan that says: “South Africa belongs to all who live in it...” but why those in the upmarket areas are protected 24/7 but those in the township must wait till a police vehicle is available.

Colonialists encountered the actual potential and united the struggle against the rotten system through the introduction of the inferior doctrine of co-option and divide and rule strategies. This is the end they use Africans, Khoisan tribalisation. A distinction must be made between the language group nationally and tribalism. The language group nationally is a natural phenomenon which existed before the arrival of the colonists, while tribalism is a political phenomenon created by the colonialists. The Griqua people is nothing more than just a sum of players in this territory which Government still try to discriminate. Some Government officials are in conflict with traditional leaders and language groups and has based an ill-conceived equal of language group of tribalism and it is totally misguided. We conceivably forget that the forefathers of the anti-

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colonialist struggle for two-fifths of the period of struggle were kings and traditional leaders like Goman, Stuurman, Adam Kok, Moshoeshoe, Chaka, Hintsa, Langalibalele and others. The modern national liberation movements played a necessary and major role in forging a nation from separate national groups. The Khoi and San Traditional Bill still discriminate against the Khoisan peoples. It degrade the Khoi people under other tribes and kingships in South Africa. The same like the Kwe-San of Botswana, who can't have their own chief but rather a headman under the Botswana Chief. We still find discrimination when it comes to houses. Why? Is this not a form of violation of human rights? The Griqua people are a very proud nation. They rather became backyard dwellers and squatters.

The African union also failed the people of Africa due to not developing a language as a national communication language but rather develop the oppressor language like English, French and Portuguese. These are factors of xenophobia and discrimination and racism. The State largely contributes towards xenophobia because the Government privatised of its parastatals and that is the cause of the high unemployment rate in South Africa. In conclusion, honourable Chairperson, sadly after 22 years of democracy we still have discrimination in work places also against women. Last year's statistics South African revenue indicated that women earn an average 28% less than men. Violence against women increase and destroy families. Chairperson, when will the Government of South Africa address the injustice of the past and give land to the Khoi and San peoples? I thank you for this opportunity and also wish you a great fest of season. Thank you. (Applause)

Rev Damon: Once again we call on you, if you've made your presentation, or you've got a presentation but maybe you are not going to speak on that presentation, to give it to the people there behind those tables at the back. Please. Now I'd like to make one thing clear, that we not only give people an opportunity, we've got a list of those who have indicated that they would like to make a presentation. But we also give an opportunity to people from the floor and we like to do that after 20 minutes, so there is a

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few more people we would like to give an opportunity. I think there is about seven or so, six, seven, who still need to speak on Group 3, and we would like to finish this section by four o'clock so that for the last hour or at least 45 minutes we can give anyone of you from the floor an opportunity to address the Panel so I want to therefore call on those again to speak next, that you really stick to time and I am also going to be strict, so the following still need to speak: Enrico Adams from Railton Foundation, Heather Swart, Suurbraak Council of Stakeholders, Francois Carstens. I don't think he has spoken, if he has already then he won't get an opportunity. We only give you once. Jisreel Wentzel, Eugene Van Der Merwe, Steynville Secondary School, I think Cedric spoke already, am I right? And then Georgina Katasie. Thereafter we will give an opportunity to people from the floor. If you have spoken we are not going to give you another chance. Then we accept that you have already made your appeal and you can also give your written presentation if it is based on a certain group to the people behind the Chair, behind the tables there. Yes please.

***Mr Adams:** Thank you very much Mr Kgalema and the staff, the Panel, and everyone in the audience, all the dignitaries. It is a wonderful privilege for me to attend such an occasion again. I am very excited about the work that the Panel is going to do and for the work that we as representatives are going to do. I would just like to apologise because I am sure that I enrolled for Working Group 1. May I proceed? Thank you very much. †Wage inequality, Working Group 1, the Basic Conditions of Employment Act 75 of 1997(6) to give effect to the right to fair labour and practices. *In Swellendam in the community where I live and am a church leader, these basic conditions have been moved back very much and therefore I would like to recommend to the Panel that they come to Swellendam so that we can set up an association agreement because at this stage the Railton Foundation is receiving a financial injection from the Netherlands. And I would like today to ask very humbly that the Provincial Government and the National Government accept responsibility for the people of our country.

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There are many farm labourers and domestic workers etcetera that are still getting minimum wages. Because of my work involvement many people come to the Railton Foundation; many people even go to the ANC office to complain because they are earning very low wages. My question is how are we going to implement this thing and tackle the bull by the horns and hold the people or employers responsible for respecting the laws of the land? In my opinion South Africa's law is the highest authority and if employers cannot deal with our people at grass-roots level then it is an immediate problem. Wealth distribution, Income Tax Act 58 of 1962; there are still people and still poor people and people among the poorest of the poor in Swellendam that are experiencing deteriorating circumstances. Rich people are still ahead, and if the law of South Africa has introduced this Act, then it is only right that the poorest of the poor must be taken care of. I heard many of our speakers grasp many issues and in my conclusion I would like to briefly mention the following: †there is a lack of acknowledgement. There is a lack of organisation which does not implement these programmes correctly. *It is almost as if many of us have other organisations or avoid their responsibility to ensure that there is transparency. I should perhaps just tell you that I have a suspicion that many of our organisations are too afraid to give the correct leadership because they are too afraid of spending money.

†There is also a lack of information. There is also a lack of suitable sufficient and relevant knowledge, so for skills and so forth. There is also a lack of commitment, willingness and dedication. There is also a lack of cooperation, a lack of coordination and a lack of resources. *My proposal or suggestion to the Panel is to ensure that when programmes of our Provincial Government are implemented by the municipalities, it should reach the NGOs and all the role-players because if the National Government and the Provincial Government do their best but it is killed by Local Government, the municipalities, because I believe that people are still political, then all these things are cancelled out. I conclude. It is important that all of us that are present here should take hands, go back to our communities and tell them that we have a good mandate. We

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have a good mandate that we can implement and we have a good mandate that will work for us. Thank you very much. (Applause)

†**Rev Damon:** Just to make one thing clear, *we are still here tomorrow, so there are some of you that have handed in your names who are on tomorrow's list, †so if we haven't called your name today then it doesn't mean that you are not going to have an opportunity. Mōre is nog 'n dag, so those of you who have not been allocated you will be able to speak tomorrow. *We request the following: there are still five people, or four, to please be very brief so that we also get comments from the floor, †because we also like to get an idea of what people feel. Those of you sitting there who may not have made or have not prepared a formal presentation but would like to speak, *we will give you an opportunity, but those of you who have indicated that you would like to speak and are on the list, will have an opportunity tomorrow. †So let's keep to three minutes.

***Ms Swart:** Good afternoon everyone, good day Chairperson, good day Panel. I am Heather Swart, Chairperson of the Council of Stakeholders, Ward 3 in the Swellendam Municipality. We do development, but today I want to ask you, to the Panel I want to say that sport in our communities is what can bring unity, but our communities sit outside and have to watch rugby through the fence. There is not even a shelter for them or a pavilion to sit in. Our young people there in the communities do not have gyms in which to exercise, but sport would bring about a big change in our communities. And then we have many organisations. We have the EPWP programme and the CWP programme, but in my view they are not being used effectively. The municipalities use people as EPWP workers and that is cheap labour, because they should appoint people to do the work and not use these people. It is for unemployment and projects in our communities could help to empower job creation.

Then also the neighbourhood watches and health workers. I had thought that it was time for voluntary work to be phased out of our communities because for years we have been working for free and nothing is happening in our communities and we are not

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getting help. So the EPWP programmes and the CPW programme direct from the Government can be used to pay the people that work in their communities, even if it is only assisting them, but it would change many things in our community, in our communities. It would give skills to people and it should be real projects that are done by those people. It would be cooperation. It would curb unemployment. In the end it would control safety in sport and then also our tourism; tourism in our rural areas is for whites only. Our coloured people do not benefit at all from any tourism in our communities. Many problems could be solved in the manner in which we practise our sport in our communities and there could also be cooperation. The drugs and so on could be wiped out if we take note of our peoples' values or if their value is taken note of and they take ownership of their own sport grounds and their communities. Thank you. (Applause)

***Mr September:** Good afternoon ladies and gentlemen. My name is Michael September from Mamre. Good afternoon sir. I would like to speak on behalf of disabled persons of Mamre. If one looks at today, from (indistinct) until now, where are disabled persons catered for (indistinct). Number one. We have very good laws on paper for disabled persons, but we do not have good laws that can be implemented for disabled persons. (Applause) Do you know, I would like to ask that the Panel looks at these few ideas; here are a few ideas on the laws for disabled persons. Number 1. If one looks at the (indistinct) area, where have you seen (indistinct) a disabled group in a business? Are disabled persons being empowered to do business? No. Are disabled persons given the opportunity to have a house of their own? No. (Applause) Are disabled persons given the opportunity to take out a bank loan to buy a car? No. You know, if one looks at the (indistinct) for disabled persons, if one looks at the people for disabled persons, they are normal people. There is not a disabled person for our people, because the normal people speak on behalf of the disabled persons and the time has come for our disabled persons to have disabled persons to speak for us. Has it not become time for us to actually (indistinct) in disabled communities in every province?

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We must really look at the disabled community in our country because we, the normal people, speak for disabled persons and do the work for disabled persons, but we are not given the chance to do our own work. I want to conclude by saying that many disabled persons did not have the opportunity to go to school; they can't read or write, they can't do big things, but they can do work in the community such as ours in Mamre. We are a disabled group. We established the group in 1986 to get land. I want to make my final point by mentioning (indistinct) a few Acts, a few – there are more than one to look at according to the disabled persons. I hope that you will attend to that. Thank you very much. (Applause)

***Rev Damon:** Thank you very much. Don't forget ... †Don't forget to give your paper to the people on the left, on my left. *You can just give your presentation to the people at the table. Please. Thank you.

†Unidentified Male Speaker: Good afternoon, members of the Panel, distinguished guests members of the media and everyone present here today. I am from a small town called Beaufort West in the central Karoo. The City of the first, Beaufort West was the first town to have a municipality. It was the first town to produce a black judge to South Africa. It was the first town where we delivered a heart-surgeon to the world by the name of Dr Chris Barnard. That is just a few of the first that came from Beaufort West. Today I stand in the capacity of a San, I stand in the capacity of a father, husband, brother, friend, community activist, youth leader, entrepreneur, artist, Deputy Chairperson of the Arts and Culture Structure, motivational speaker as well as a radio presenter. (Applause) Indeed, indeed it is a privilege and an honour to can be here, to can address the Panel so before I go into nation building I have to first just touch base on the previous points. I am just going to touch base on them and then I am going to pass.

Just a picture of the town as it is now, being and having such beautiful history but it is ruled now by murder, gangsterism in the past week we've experienced two murders

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after one another, young men, because of the fact that there is a lot of social ills so in the first input the first group spoke about wage inequality, we as people of the Karoo we are not getting equal salaries in connection to the jobs that we do. If for instance as someone working for the department for example of cultural affairs, I do the same work as someone in for instance Cape Town, I get less of a salary while I still have the same needs, still have the same expenses, prices are also high but I would do the - me that do the actual ground work, I am getting less of a salary and not even what can I call them, benefits coming to the job that I am doing. Also wealth distribution, majority or most of the people in Beaufort West and now I am talking also surrounding towns, they are dependent on Government grants, AllPay, so you can think for yourself in a household for example there is maybe one person getting a grant and then there is more than six to ten to eight people in the household so wealth are not equally distributed. A lot of our people they are uneducated when it comes to basic services. They don't know how to access. They don't know their rights. They don't know the constitution because to a lot of them even in radio when you do speak about the constitution it becomes a boring topic but if Government and the Panel can maybe make the constitution much more interesting and also members of the media put more constitutional things, talks like from our leaders and our elders to enlighten us on our heritage instead of promoting murder, violence and all these other programmes on the media and on the television.

Also when it comes to quality education in the rural area you can go there now and ask a matriculant to write for you. He will struggle to write. He will struggle to speak even in English because of the education system. Allowing him to being put over to a grade even though he is not qualified and capable to go to the next grade. Discipline should also be brought back to the education system because lack of discipline will promote learners to do things and just feel that they have the right to say or do whatever they have to. Even when it comes to Arts and Culture in schools that has been taken out, it limits us to get in touch with our identity and our heritage as people who have a culture and who have art forms that we do participate in. Also skills development, we have a lot

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of learnerships but learnerships are not being monitored. There are learnerships running but the people in the learnerships they are not educated equipped to do the work at the end of the day when the learnership has passed. So learnerships should be monitored, very good and constantly should be evaluated in order to ensure that the education given in learnerships are quality and will allow our people especially the young people to be employable after the learnerships.

Another thing also, a lack of quality accredited training I just mentioned that we get training but it is not accredited so at the end of the day when you are done with the training you got a stipend, you have nothing to fall back on education-wise so you are just back waiting for another learnership again getting a stipend. On the second input when it comes to land reform policies, we are struggling. In small towns where we are supposed to farm there is no land for farmers and when we do get RDP houses the community are not engaged with on a constant basis. When it comes to the plans, you can go there now, we have houses. We are thankful for them but they are like the old time freezers. You can just wet the wall and then use it for a fridge or storage facility. That is how poor the conditions of the houses are that are being built. Okay I will give my presentation and then before I go off, in closing I would like to say if we want to build a nation, if we want to promote social cohesion we have to educate our young ones, the youth on our true identity. We need to get them in touch with their heritage so they can know who they are, where they came from in order to secure where they are going. Thank you.

***Ms Katasie:** Good afternoon everyone. Good afternoon everyone and the Panel. I am Georgina Katasie, the chief wife of the Gorachouqua (indistinct). Actually I am not a lady of many words, but I will do it briefly. Today I want to ask this Panel to see the life we are living in Lavender Hill; our children are being ruined. From the age of eleven years a child carries a firearm. Every day people are being murdered where I live. I live between the Mongrels, the Junky Funky and the Corner Boys, but on the other hand I can say to

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every parent, every mother: Look, this thing lies with us because the children come from us. If we go back to the old laws of long ago, if a child did not go to school for two days, then a social worker was sent out to look for that child. But not any more now, and I am a victim myself because my only child was murdered in 2011. He left me with his two children. His girlfriend was pregnant with his second child and today she is four years old. But Steenberg Police Station and Muizenberg Police Station are not police stations. The cases, the murder cases come to nothing, because I am not the only mother. They merely say that it has been provisionally withdrawn, but when you go again, then there is no case.

Today I appeal earnestly to the Panel to step in. Come to Lavender Hill because we all know that Lavender Hill is dangerous, but there is not any place that is not dangerous. I am doing it today for the sake of the other children out there. You know, I am in the incidents myself when the people come, they knock at my gate, one o'clock, two o'clock. Aunty Ous is my nickname. Then I say to my husband: "Open up." Because I have been through that – of the Khoi because I swore that I would for my community. Then they say that my child has been shot. Phone the police. Then I open that gate and I say: "No, come in..." because your child is my child. It is not to say that I have lost; I will let you lose too. What I am asking today please is that you must intervene for our children because they need you. Thank you.

Unidentified Speaker: !Gâi tsēs ke gangans. Thank you for being here. Ke gangans means thank you. My nation people, first and foremost ke se gangans (Speaking in vernacular - Khoisan) It means the fight for survival continues unabated. (Speaking in vernacular - Khoisan) We are beginning the consciousness of an ancient nation and a voice and our presence undeniable. This voice started 1969 and then 1980. So it is a long time coming. Gangans Tsi. Thank you Lord. Chairperson, people, Act 108 of 1996 without further ado, let us go there. Therefore the title of my talk is "constitutional connivance democratic deceit." Connivance means pretend not to offend. They have excluded us and yes, this democratic deceit is a fake false camouflaged façade. The

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ancient nation, people don't like it, but it is what it is. We are not going to disappear. We are not going to sugar-coat this. We are absent. We are absent and it weren't that there weren't voices. Check the Constitution for instance. The preamble it supports the empty land myth of some white historiography. There was no-one on the land. Chapter 1, the founding principles or provisions, beautiful empty concepts. Chapter 3, the languages, Section 25, property, we read land - it is a colonialist document, this. Chapter 3, cooperative governance - not for the aboriginal Khoisan people. Chapter 12, Traditional Leaders, not for us. It is what it is, people. If you discriminate, if you exclude, then it is racism. The footstool of racism is discrimination. It is what it is. We cannot be anything else, but let's go to the danger of this document, Chapter 9: the broadening, the deepening and the building out of this Constitutional connivance, democracy deceit, Chapter 9. BBEE, B-BBEE, here this document says I am black. In Chapter 9 I become a coloured and a black becomes African. It is constitutional genocide.

Why? Because this document actually says in Chapter 9: "The aboriginal Khoisan people has no link with this continent." This is what he says - we have no link, therefore beware, the colour-coded colonial consciousness of control, confuse, conquest and it comes, the promulgation, legislation, legalisation, alienation, extermination, and genocide and those that survive are alienated from who they are and I have the description for this concept. The C-concept, there were other C-concepts as well. Kaffir, we were called first "kaffir of Kaffrarialand." Then there is the concept, Koelie, the two are taboo, Kaffir and Koelie, but Coloured is acceptable. Now the description means and I call it the C-concept, "made behind the bush under the bed in a shed. You do not know your mother, you suspect the man far away on a freeway perhaps the father." Translated differently the description that I give is you are a motherless landless illegitimate bastard, and yes, people, our black people, our brothers and sisters (Speaking in vernacular - Khoisan). "Our" means nothing, be careful. We share two undeniable links - this continent and subjugation from Europe but ours is the longest, 364 years and it is continuing.

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People, we are not afraid of war. We are not afraid. I am thinking of the first war, (Speaking in vernacular - Khoisan) the war for liberation and then 1659 comes to land, JvR, Jan Van Riebeeck, his resolution of 1660. Then has the guts, the English, 1809, the Caledon Code or the Hottentots Code, so when you speak about pass laws and you speak about our land, remember the history. We are the only people that can say, may say and will say “our sacred ancestral land, our blood ground, our spiritual home.” If you are not an aboriginal Khoisan you left it somewhere. You can then never be on top above us. It can never be. Make peace with that. This ancient voice is like the wind, fruit is in the wind. George Orwell was mentioned. Let me close with the word of George Orwell pertaining to truth. The one guy spoke of Animal Farm. He wrote a beautiful novel 1984 and George Orwell said thus of truth: “In a time of universal deceit...” And I add “continental deceit, national deceit”: “...speaking the truth is a revolutionary act...” I cannot but otherwise be revolutionary? Why? I am who I am, Chief Autshumato. a radical critical revolutionary-conscious aboriginal Khoisan. (Speaking in vernacular - Khoisan) Ke gangans. (Applause)

Rev Damon: There is one more person, Marthinus Fredericks, and thereafter there is a mic here so you can start lining up those that would like to speak and get an opportunity. You will have two minutes or one minute just to say, just to, because so there is a mic and you can line up. We would like to give a few people a chance. I mean I would like to see more women so we will give women the opportunity first. Marthinus from Atlantis, I think, Fredericks. No, are you Marthinus. Yes, come. Three minutes, the normal, ja, come, and then we will give an opportunity to people here with the mic so that they can then forward and tell us their story please.

Mr Fredericks: Thank you I feel a bit robbed if I only get three minutes because my story is a bit longer than three minutes but I will try. I am speaking on behalf of the Atlantis community. Now those who know Atlantis will remember that it is an apartheid town. That town has been placed there through the planning of Hendrik Verwoerd. That was the idea, to take all coloured people outside the Cape CBD and put them in areas

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like Atlantis, Mitchells Plain, all over the Cape Flats and you know what happened with Atlantis. Initially they put up, they put a lot of money into luring companies into the area but it only lasted for ten years. After the ten years all of a sudden all the companies withdrew leaving the people behind so you sit with very high unemployment. You sit with all sorts of social ills that is related to unemployment. You sit with the issue of landlessness because all of a sudden the land that was designed to accommodate the Atlantis people has been taken away.

In the planning we had a structure plan which we planned to have about half a million people, half a million people by 2010 and that never happened, but what we are sitting with today is the big issue of a town that has grown beyond what was planned. If you take a hospital in Atlantis, the hospital was built for 40 000 people. There is over 220 000 people so you can imagine the pressure that puts on the hospital, the underground systems, the sewerage, water supply, the education systems, that total collapse of a town, that has been planned to accommodate the coloured people but when I talk about coloured people I am not just talking about coloured people because that is not their real identity. The real identity is that they are Khoi people. Now I always say that people who don't own their identity are not a people. They should have - coloured people historically had their own language which was Khoekhoe or Nama as we know it. They had their own cultures, traditions and so forth. They had their own land and they all lost all of it and so by losing all of that in my opinion they lose their self-respect so what I wanted to say also that this South Africa cannot in my opinion be regarded as a free, fair just South Africa as we forgot about the role that the South Africa under the administration played in places like Namibia, South Africa. The reason why I bring Namibia into the game is because of - I am a Nama person.

I lost my identity in South Africa. Luckily some of my people managed to keep to hold onto their tradition to speak the language, the Nama language, to exercise their cultural activities, to have portions of land but as we all know that South African Government between the period 1910 and 1990 did exactly the same thing in Namibia as what they

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did in South Africa. It is because of the Denial's Commission's recommendation all the so called Names and coloureds whatever they are has been placed in reserves the same as in South Africa and those people are dispossessed of their lands without just compensation and that is the same as in South Africa. So if we talk about legislation currently that is of relevance to the Khoi and San people we talk about one act that comes to mind is the Traditional Leadership and Governance Act. Typically that Act didn't make provision for Khoi and San structures. It didn't make provision for the governance structures that is required to as like as what Khoi and San people historically had.

If we take the issue of land that the current Government talks about the 1913 Land Act without realising that that piece of legislation was only relevant to three provinces: Natal, Transvaal, and Orange Free State not to the Cape Province. So there is an exclusionary clause in the 1913 Land Act that excludes the Cape Province. Now what we mean by the Cape Province that is the four provinces that existed in 1913. Now if we take Eastern Cape, Western Cape, Northern Cape and the rest of the provinces all of them were part of the Cape Province. So when people say that the Khoi lost their land, that is not entirely true. That is totally not entirely true, even the current Land Restitution Act that they use the restitution of land under the 1913 Land Act, that is not correct, because [break in audio] in 1991 so they cannot use that act. They cannot use the 1913 Land Act in the Cape Province.

The second thing to that is that the Land Act [break in audio] ...28 of 1908, the Crown Lands Act, the [break in audio] ...that is the Development and Trust Land Act. There is the Act 18 of 1936 which is the Development Trust Act. There is the Act 90 of 1946. There is the (indistinct) Act which is in my opinion not talking to the Khoi and San people because what it does and even the CPA Act, what it does is it takes the control that the Khoi and San people and so called coloureds had on their jurisdiction, it takes it away because it gives now the powers to the Minister. It gives now the powers to the Minister to decide what happens to people and that is in my opinion very wrong

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because now you create, the Caps is creating an island of wealth in a sea of poverty and that is not what... (Applause) (Time expired)

Rev Damon: We will give an opportunity to those of you from the floor. You can just give us your name and from where you are and then make your point and we'd ask you to go straight to the point. Once you have done your presentation or given us your story then please you can also just give your name to the people at the table. Thank you.

Ms Myakka: Good afternoon ladies and gentlemen, in the name of peace, as they would say. My name is Thembakazi Mnyaka (?) and I am from Khayelitsha. Firstly I would like to thank the Panel for being so kind to take the time and come and listen to our pleas and when you go and present the - when we go and present our respective complaints, please I am pleading with all humility that do not pass us by and when I say "us" I am talking about us living with a visual challenge because we are excluded from everything to the extent that even when they talk about disabled people and they open up opportunities for people with disability, still we who live with a visual challenge are being discriminated against so there is basically hardly any equality. We struggle a lot, I must say because in the first place I now for instance stay in Khayelitsha and in Khayelitsha they say we've got libraries to benefit from but the truth is that we with a visual challenge don't benefit from those libraries because they don't buy dual, the dual system, which is an assistive device for us who are living with a visual challenge and they haven't bought things like the - ja, I wish they could upon visiting us consider, I mean the Government now, consider implementing things in our libraries like your dual system and your Braille system because at the end of the day as many people who have spoken me before have said, only the more privileged people do [break in audio] black person who stays in Khayelitsha now who unfortunately doesn't have money to buy their own dual stuff which costs about R10 000, R15 000 around about there, they must go all the way from - a person from Khayelitsha now must go all the way to Salt River because there at least is an internet Café and all that.

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Now if we go there that means we are vulnerable. We are in places like Khayelitsha and all that. Our roads are not blind friendly and we are in danger with careless drivers who display no mercy. Not that I am begging for pity, but they display no mercy towards us. We are always at risk. Each day is a battle and then another thing job opportunities and all that - you will find that we have got all the qualifications that are needed but they will rather take a person who is wheelchair bound or a deaf person hardly ever consider because you can't - as much as you have the qualifications and speaking from experience I have been humiliated at a learnership and I have been humiliated at a University too because our people are good in making promises and speaking and speaking and speaking but when it comes to implementing them you will find that they don't implement anything and you find yourself being humiliated and you need to go back with your tail between your legs because you haven't benefited in any way. So I am concluding now.

Maybe if ever you will take back our diverse complaints to the Government please tell them not to overlook us. We are also human. We also have a right. We are also born and we are also South Africans like any other person and let there not be any distinction. Let there not be any difference between the rich and us because we are all equal as they say so let them keep to it. Thank you very much. (Applause)

Rev Damon: Thank you.

***Unidentified Female Speaker:** Good afternoon. I want to say good afternoon to the Panel and also to the community. Yes, I have only two issues here. I have been hearing people the whole morning speaking about various things, but one thing that I did not hear (break in audio) different women, Women on Farms that work with various women. We work with domestic workers, farm workers and farm dwellers. We work with all those and no-one speaks about the domestic workers in - the Khoi (Khoi?) law makes no provision for those women who have to get up every day and endure humiliation and all those ugly things. So I just want to ask the Panel to please take note of the fact that

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domestic workers are also a part of everyone. And then another thing, something new has come up for the farm workers. I am from De Doorns and I want to make it clear that we in De Doorns really struggle with the three months' work because if you want to get a 17th day, then the government says you have to work for four months, so now you only work three months. The farmers make it possible that you work for three months. Really look deeply into (this matter) because the farm workers are just the disadvantaged people so they have the worst deal. They also earn the least, but they work the hardest and I really want you to look deeply into this and correct this thing of working for three months and then getting nothing. That 17th day helps you if you are a seasonal worker and you stop working. Thank you very much.

***Unidentified Female Speaker:** Greetings. I would like to speak in isiXhosa so that I can be understood...(the record skips)...Sitshothi. I come from Stellenbosch. I'm one of the Councillors there, a Ward Councillor. In Stellenbosch there is a place called Khayamandi, for example. It is one of the oldest townships, 1940. Stellenbosch is surrounded by farms. I think you know it. The problem there is that when we talk about land, there is a problem of farm evictions, where people are chased away on a daily basis by farmers. They are evicted and have no places to stay, sleep outside. That is where the municipality must assist. But the major problem is that the farmers use our people, when they are old and cannot work anymore, have no money, have no strength, they are thrown out. They become despondent. We appeal that we be assisted with the law to represent our people in matters pertaining to farm evictions. Another issue, the Stellenbosch there are cases where you find that a farm has been leased for 99 years to one farmer who does not reside there anymore, who lives overseas. He has managers here. From 50 years to 99 years the farm is leased to a farmer. Our people are not given the opportunity to farm. There are no farms given to black and coloured people so that those who are unemployed can have something to put on the table. The farms are only available...Please we ask that this law be fixed so that our people can benefit too. They know how to farm because they are the ones employed by these farmers, to plough, and do all that for the benefit of the farmers and they get paid. Help

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us with this law. Another issue still in Stellenbosch we have a problem because we know that the national government has assisted people with services. They were given electricity for free. All areas without electricity must be electrified. All without water must have water and so forth.

There is a place called Nkanini in Khayamandi, where people have lived for more than 11 years, in darkness. Nothing is happening. When we ask we want people to be helped, but the problem is the rezoning of that land because the people occupied it forcefully. Now because they occupied the land illegally, they must die there according to the municipality because it is refusing to go and rezone that area so that it can be electrified and fit for human settlement. Another problem we are facing there, a big portion of land – as there is no land, a lot of it is reserved for developers who come with lots of money and develop that land, and our people do not get RDP houses. One finds that development is slow because because the eye is on giving the land to capitalists and they are the ones that get land to build houses. Please, let that be noted as well.

***Unidentified Male Speaker:** Thank you.

***Unidentified Female Speaker:** There is...before I conclude. We have a problem. The media will excuse me, because we do try to talk about some of the issues. I would love to know the law of the media, we need clarity because we try to call the media, but the media comes when there is a certain colour, a certain party, when asked by a certain party. And come. When asked by another party (the record skips) because they must be called by the municipality or by a certain party. Please, the media must get its house in order. We want the law of the media. Please help us with it because now they must cover up. The media covers up. They do not reveal the wrongdoing of certain parties. They reveal the wrongs of others. We think the media is not in politics. We are shocked to find that the media is into politics.

†Unidentified Male Speaker: Thank you very much.

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***Unidentified Female Speaker:** The municipality understands...Sorry. Thank you.

†**Rev Damon:** Thank you, thank you very much. Thank you, because we have got limited time so and you must stick to; two minutes even is long, so because really once you have done introducing yourself and said whatever you would like to bring to the attention of the Panel, you can also share your presentation with the table please. Now to my left there is also some people standing so I will first give two of them an opportunity and then I will come back to those of you here in the centre. So to my left, Mme.

Ms Letitia: Okay. Good afternoon everybody. My name is Letitia. I want to - the people all must... I want to speak English. The people must hear, every people must listen what I am saying. I come here for crying and I've got no lot of words. I am not going to talk lots but I am coming for crying. I am crying. Because since the Government said each and everyone must wake up to try to do something, I am one of the old mamas like that. I wake up, I rise, the people must come and do something for the community. The people can't do nothing. So we were the 24 people or volunteers. We were making at Laphumilanga and Empilisweni special day-/night-care centre. We are looking for the people who have got no place to stay, the disabled people, people who have nothing to eat, all the people from the people the policemen find on the street.

They come, bring it to our project so since '94 we stand there, no one can help us in the sake of rezoning because it is a (indistinct) '94 to now, so I am not going to talk now. I want the Government come to see what we are doing there if they can because I know the Government - maybe they do something to help us because we help, we do job for, we help the Government people because the people got nothing to eat. We look after them. We are not - we are at Mfuleni and we are not looking after from Mfuleni, all over there are people. Each and every year we go "please, please, please, thank you."
(Applause)

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***Ms Vanqa:** Greetings. I really humble myself before all the dignitaries here present. I humble myself before our father, our leader. Greetings to all. I am Sweetgirl Vanqa. I live at Number e197 Mfuleni. In 2013 I was assaulted by a soldier, Dakalo Mkheswa who works at the Nantsayi military base. Dakalo wanted to besiege my daughter in the toilet, wanting to strangle and rape her there. When I got out, as my daughter was screaming for help, Dakalo got angry. He came to me and beat me, beat me to a pulp. I do have all the papers. I took the case to Blue Downs. In Blue Downs I think I was called twice, or thrice. They said they cannot find this man, but he is a soldier here. Now the week before last, I got a call to say the case was struck off last year in September. I'm not happy at all in my soul because I even have doctor's papers. I had to be stitched. All that has been thrown out. Now I take myself as a victim in this current government. I ask the government to intervene, to see what they can do with something like this. We elderly people live alone, and don't have men children, we need help. Thank you. (Applause)

†Ms Barthes: Good afternoon everybody. I am Claire Barthes from Genadendal Women's Network in Voorstekraal. I've just got two, three points, the first is about the education that - what I realised in Act 27 of 1996 that we should look at the adaptation classes for the children with special needs that that should be implemented at schools once again and with the health act of Act 61 the problems that we are experiencing in our areas firstly in Voorstekraal Genadendal area is the patients bus transport to the hospitals from our urban I mean from our rural areas to the Western Cape. That is of serious concern because for six months now the bus has been fully booked so our poor community is struggling with transport with their appointments at the hospitals in the province. And then also the programme, I salute Government for that but more jobs need to be created for our home-base carers because some of them being trained and then I want to salute the volunteers in the Western Cape.

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Myself as being a safety parent with a safe house, presently I've got six kids in my care. My greatest concern is the support system. The kids were placed in my care in May. We have only had a court hearing in September, which means the subsidy that is supposed to be or the allowance is only now coming through in dribs and drabs and I want our Professor Vivian Taylor, I am very glad to see her here today. I would like to meet her and speak to her also because the span of time from May to September and then my question to Government is what has Government got in place for the abused and neglected children with the parents, good enough they get parental skills but that is not enough, because they abuse the social grants that they get. I had an experience, a little girl of four and a boy of one year old was placed in my care on this past Monday, the last Monday and the social worker gave me the Sassa card grant with the pin number. Low and behold that was on the 1st of December, R1.07 on that child's card. What did the parent do with that money? It is a babe that needs Kimbies that needs milk, so my plea today is please see to the volunteers because we have been - some of us have been doing voluntary work for ten, twenty, how many years and it is about high time that Government should look at us as volunteers. Thank you very much. (Applause)

***Rev Damon:** Thank you very much.

†Ms Bruines: Thank you. I am Carima Bruines. I am from Chatsworth Malmesbury and I am in Ward 4 and today my Comrade Madiba three years is gone, but nevertheless he is looking up to me. I just have a plea to the Panel today. Honourable Panel, I am in Chatsworth and it reminds me like back to reality where education is concerned. We don't have a proper school. Our school has 500 children with two, three classes. Land was allocated. I just want this Panel to find out what is the hold-up. Who is playing here with our children's education? There is no space at that school and the thing is this, this land grabbers is coming into our area and they just grab our land. We will fight with the drugs and the tik merchants until death comes.

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What does Government and the Justice Department have in place for the tik merchants because there is a law on dagga, but there is no law on tik, so it is hundred and [break in audio] no sports fields, nothing, nothing, because leaders and (indistinct) until today, then they want to come, so this is my pledge to this Panel, please in Chatsworth find out what is the hold-up of our school. Otherwise we have to take those children and come to Parliament and get all the TVs and say or we must go back to reality and burn down this chicken-run. Thank you honourable Panel, thanks.

Rev Damon: I will give an opportunity to people to the left. The two there, the three, there are three people there, so I will give the three an opportunity then I will come back to you. Okay. Those three people to my left.

†**Mr Tomana:** I am Makuzandile Tomana from Codetta Vrygrond. Firstly, I would like to greet our former Vice President Kgalema Motlanthe and the Panel, brothers and sisters. *I think I'm the first person to speak on behalf of taxi owners. I have very little time to use. But wherever they go they do raise the concern that we have at the taxi rank because it affects them too. Firstly, we believe that the province of the Western Cape did not act in good faith when dealing with us in the Vrygrond area. They never considered the legislation. If then today's Imbizo is intended to assist us, we ask for intervention so that if we are on the wrong as the taxi owners or the doings of this province. We want to know if it is possible that someone be assigned to whom we can direct our problems as taxi owners at Vrygrond. We don't want to go further than we want a person who will intervene speedily because all the people know the history of that place. We don't want to dwell much on what is happening there. We just want someone we can be referred to. Thank you. (Applause)

†**Rev Damon:** Just introduce yourself as well please.

***Ms Kies:** Good afternoon ladies and gentlemen, honoured guests. I am Christoline Kies. I am from the Cape Agulhas Municipality, a small town called Bredasdorp which is

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sometimes in the news for all the wrong reasons. I want to speak today about something which I have not heard during the whole (day). Today I want to stand up for the elderly of our communities, especially there in the Overberg. I am part of a service centre and you know that service centres were started in the early 80s and that a service centre is a place where the elderly that want to stay in their environment longer, come together daily. It is a place where we – I hesitate to say how long the service centre has existed because then it becomes, then you may think that by now we should be able to function on our own. But the service centre is the place that brings the elderly together Mondays to Fridays to keep them occupied, to get medical services for them and it is in the service centre that many things originated. For example, home-based care started at a service centre. The clinic services started at a service centre where the clinic brings the medication for the elderly to the service centre, and today I want to ask you please to see to the elderly of our country.

I do not want to say Bredasdorp and its environment only, but of our country because service centres' subsidy has remained unchanged for the past 15 years and I want to ask you please also to see what you can do about legislation that you have put in place for us. It is easy to introduce a law, but it is sometimes difficult for us on the ground to implement it and that is why I am asking you today, all of us. Some of us here are elderly already. We will all get old, or else die young and then we will not get any help from the Government or from people out there who are prepared to consider the elderly. Then we will no longer be able to afford to be of assistance to the elderly. Thank you very much. (Applause)

***Rev Damon:** Thank you very much.

†Rev Boesak: Thank you. I am Reverend Reggie Boesak. I am Chief of the Hessequa Tribe. Thank you for the opportunity, your honorary Mr Motlanthe, and the members of the High Level. I am just going to name one thing, which is to me of uttermost importance. First of all it is important that our Government should learn to really, really

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listen to our people. Listen means to look somebody into the eyes. You can't sit there in Parliament and speak to us through radio or through TV or whatever. You've got to come to us, this Government, come to our small towns, go look us into the eyes and speak to us directly as person-to-person. You know what, you must listen or the Government must listen intensely. Listen by looking into our eyes. See the tears in our eyes. See the desperation in our eyes. That is why we can't talk to somebody sitting in Parliament or even sitting there where you are. We have to sit around a round table near to each other. I just want to tell you one more thing and I am talking about land reform.

*Why are the white people so rich? Why do the whites' children go to university? Why do only they become lawyers and doctors and professors and all those good things while the children of my community can never achieve that. The reason is that if you travel on the roads of our country, you cannot turn left, you cannot turn right, because in the whole world of our roads, to the left and to the right, the farms are the white peoples' farms. The mountains belong to the whites. The rivers belong to the whites. We have absolutely nothing and because the riches belong to the white people, they own the land and the children of the poor people of our community can be clever. They can progress as far as they want to, they will not get anywhere in life because their parents do not own land.

What I want to say to you is to me at the moment the most difficult matter for the Government, but the most, most important is that we need land. †Our communities do need land. †I just want to quote, *Psalm 24 in the Bible says to me: "The earth belongs to the Lord and the fullness thereof, the world and those that live in it." The earth is not anyone's earth. The earth belongs to God and belongs to us all. †So this Government must see to it that everybody in this land gets a piece of the earth of God. Thank you very much.

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Rev Damon: Thank you very much, Reverend Boesak. Thank you Uncle Reggie. Now we have a time problem. It is five o'clock. I just want to see how we handle this.

Unidentified Female Speaker: We've got five people.

Rev Damon: Will you be here tomorrow as well because we've got time tomorrow. I will give just two people a chance because we ... (intervention)

Unidentified Female Speaker: We only have five.

Rev Damon: Only five, okay, there is five, but then you need to take one minute because we really - our time is limited and please just make your point and introduce yourself and then we'll give the last five an opportunity. You will get an opportunity tomorrow. We will be back tomorrow at nine o'clock here, so you can then make your presentation. Okay, over to you.

Mr Sogayise: Alright, let me first greet the Panel, the High Level Panel. His Excellency Mr Kgalema Motlanthe. My name is Yolisa Sogayise. I am staying in Kamande Stellenbosch in Ward 12, Patrick Tegwana (?). I am going to talk about, I am just going to comment about unemployment. The legislation is there. It is fine but the thing is, the difficult thing that is happening is reference to get a job. Sometimes it doesn't matter how educated you are. Inequality, poverty and unemployment, I call them triplets, because they interlink they intertwine them because if you have a job then there is no unemployment. Then if you have a job there is no inequality. While other people are having sushi then you will have samp and beans outside your house. A person of myself, I am having an Honours Degree in Development Studies, but I don't have a job. Legislation is there, people do read, do understand it, but then I don't know what must you do whether to get a job in South Africa. Thank you. (Applause)

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***Ms Williams:** I am glad that the people are here to listen to us, Panel. I am Margaret Williams. I live near Malmesbury. I am 71. The children there in my town, my heart feels sore to see young children, and you must wipe out the shebeens and the tik merchants. They break into the people's houses. It is heartsore when the people come from work and their place has been broken into. I am 71. I see it with my two eyes and the police do nothing. They are quick to evict, to evict people from their houses, but they do not evict the shebeens and the merchants. To me this is very wrong. Sunday mornings no-one goes to church because there are few churches, very few. Some of the young children lie and sleep from the morning to the afternoon. I said to my two young children: "If you do that, I will put your clothes out at the gate, your bags of clothes, out of my house. I don't want such..." I did not grow up like that. I grew up decently. I was fifteen years old when I went out to work for a penny's money. I gave my pay packet to my mother just like that. I am asking you please, the people talk and talk and the councillors vote them out. I don't want councillors in the town. They must get out. They just get nice pay packets. They come from shacks, but if they get the job, when they get the job then they don't see us, they don't see the community in the town. They buy themselves grand cars, grand houses that they build from scratch.

Let me speak. I am speaking the truth. My place was evicted because I because I don't want to get off my land. They must build the RDP houses quickly. I wrote a letter to the Minister of Housing, I gave all my details. And then they must build those houses quickly man. I have a pension, I am older than 65, I am. Now they must build those houses quickly. I am asking please, and people overseas speak badly about South Africa. Mandela was a good man. Mandela was a very good man. He spoke well for South Africa. Now that Mandela is gone, now they want to mess up South Africa. I know people overseas that talk to me. There are family of mine there. They hear that South Africa is very bad.

Rev Damon: Thank you.

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***Ms Williams:** Thank you hey. Please help our communities. Please. (Applause)

†Rev Damon: Thank you. Thank you. Let's keep it short please.

Mr Van Rensburg: Yes, yes, yes Sir. *Good day Panel, good day to all in the room. I am Isak van Rensburg. I am a community worker. I am an activist. I am an active youth, in many programmes to be an active youth. My emphasis is on poverty and access to basic services. What goes with that is that to decrease poverty, work can be created with recycling programmes, agriculture projects and skills development. I am part and parcel of the Rastafari community. A long time ago we were slaves in Jamaica. Jamaica's people know that it is the country of their birth. Now today we live out our heritage in South Africa. The people think we are mad and we are doing something else. What I am saying is like what the converted father over there said. God gave the land to us all. Respect the Rastas and please tell law enforcement that the Rastas have a right to collect herbs in the veld because it is our heritage, which was taken away from us and the people that do business on the Parade, they are the [break in audio] and so on. I want the people to have access there. And then the third point: social and economic inclusion. The budget that our people get, the AllPay. The AllPay is a component for trouble and all the trouble comes through the AllPay because the AllPay is too little; the budget is too small to cater for the whole house, to see to the whole house, children and expenses and everything. So the AllPay must be increased. And then the municipality has said that it is unrealistic for the whole community to get jobs at the municipality, so our people must become entrepreneurs themselves and set up companies. Our people did go so far as to set up NGOs in agriculture and farming and so on, but we do not get support. So I am asking the Department please to help support us. The NGOs that do such good work in the community and the small businesses, to support them so that they can achieve and accomplish their aims.

***Rev Damon:** Thank you very much.

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***Mr Van Rensburg:** Thank you very much.

***Rev Damon:** The last one.

***Unidentified Female Speaker:** There are two more here.

†Rev Damon: Oh, two more. Okay, the last two, please one minute. We are very sorry but tomorrow there will be more chance for you to make a presentation. So one minute.

***Mr Makeleni:** Greetings to the Panel, our government, Mr Kgalema Motlanthe, and to the people who have come here. Thank you. My first issue is the issue of volunteering. Let me first introduce myself. My name is Songezo Makeleni. I'm the treasurer of the Development Forum in Ward 35, Philippi. My first issue is about volunteering. As I'm a volunteer with the Department of Health, Ward 35 we do not have a clinic. As a person who is a volunteer as well as a community leader, those are the things we look into, clinics, our objective being looking after health and community development. Secondly, it is safety at schools where we live. We are bringing up children who get robbed of their school bags. For instance, my child is a learner at Fezeka in Gugulethu. He was robbed of his school bag when he was about to write exams. Now I must pay for those text books. It is not safe. Teachers don't know what to do because there is something called corporal punishment, children do not get beaten at schools. I went to the Department of Education. They did not take that seriously. I'm still thinking how I'm going to pay for those text books. Another thing we ask the Panel, or government to build us a clinic where we live in ward 35 because the clinic we have there is for children. Adults have to go to the Gugulethu Hospital, in other words KTC Hospital. We ask that a clinic be built for us so that we can access that service.

The last issue: volunteering, I think one day we will get an answer from the Panel, at what age does volunteering start because we volunteered in the struggle until we put our leaders in Parliament, where they are. We are still volunteering today. We are close

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to 50 years of age now and we still volunteer. I ask that this issue of volunteering be looked into. Where does it work, because we find that people are being exploited in this process. Somewhere, somehow there are funds allocated, and they are embezzled. Lastly, as a treasurer of Ward 35, I want to improve the economy. We have a plan in development and in development structure. The economy of the ward so that development and the work of our government can be seen. Thank you.

***Mr Ntola:** Greetings Chairperson. All the people who are here. Let me be quick, time is against us. I am Ntlola, Bonisile is the name. I reside in Philippi East at a place called Lower Crossroads. Chairperson, due to the short time we have, that is finished, what I want to hasten to is the issue of starvation. First at the area where we live there. There unemployment is rife. The little that becomes available often comes from the municipality, that is difficult for us. One has to go and look at the database. If you are not on the database you won't be employed. You won't get a job. People – the youth there is at all times sitting in the sun. We wish, if the government wants to use the database, they should not just do, but see them on the computer. Because at the end of the day people from as far as Worcester are employed while development was supposed to be here where one stays. Development should help residents of that area. We wish the government can take note of that and when there is going to be something in this municipality people in that area be contacted, and hear them out. There are street committees that can do that job because the street committee knows who is in need in that street. That is the first thing, Chairperson. The second thing I want to say here: I come from a community that is shivering day and night. We are not happy there because of crime. It is very high. So much that the figures I think I can give you now as we got them during the week, we had 217 corpses. So Chairperson if something can be done , so we can go and check that ward – we called the police on Thursday with the Station Commander. They have not come until today. So we are still locked up. We appeal to the government to quickly come close to us. Thank you Chairperson.

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†**Rev Damon:** Thank you very much for all your presentations. Once again before I give an opportunity just to our chair President Motlanthe to conclude today's session, there is the SMS also for those who is watching on television, they can also SMS on that particular number their remarks and without any further ado, I want to give an opportunity to our Chair, President Motlanthe just to conclude today's session. Thank you. Can you give our Chair a hand.

Chairperson Former President Motlanthe: Mine is really just to do the honours of officially closing this session and also just to thank you really from the bottom of our hearts for the very candid manner in which you were raising issues and also for your patience because you know, we need the patience to be able to listen, and we hope that we will be able to capture all of your concerns in terms of our final report. The report will definitely lead to action because there is no point in having well written well intended laws on paper if in practice and in concrete terms they do not affect very positively the lives of our people. All of this is really about how we address the concerns and needs of our people. It is not for any other purpose. If we do not succeed in ensuring that the concerns of our people are addressed we would have failed dismally in our tasks and I can assure you that members of this Panel accepted this task, this onerous responsibility precisely because they are committed people and we want to undertake that we will not fail you in this regard. Once again thank you. Travel safely. Those of you who will have the opportunity to come back tomorrow, please don't hesitate to ensure that you are granted the opportunity to share with us your own lived experiences and how legislation affects your lives. Once again, thank you very much. We close this session. We may want to ask Rev Nosey there to pray that we all depart safely. (Applause)

Rev Nosey: (Prayer)

"Father, Son and Holy Spirit, we thank you for your mercies and for your grace. We thank you for the wonderful opportunity that we were granted today to express those things that are near and dear to us, that is of grave concern to us, we pray in the name

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of Jesus that you will bless us with the necessary wisdom, especially those who will have to attend to these problems that you will give them directions and guidance to alleviate the plight of our people. Be with us now and bestow mercies upon all of us. In the name of the Father and of the Son and of the Holy Spirit, Amen.”

HEARING ADJOURNS

6 December 2016: Morning Session

Unidentified Female Speaker: Thank you very much, you may be seated. May I hand over to the programme director of today, Reverend Damon? Rev?

Rev Damon: Good morning, everybody. *Greetings. Good morning. †It's a pleasure for me to be here this morning with you on behalf, and with the High Level Panel, and my name is Malcolm Damon. As I've indicated, I'm a member of the Panel, and it's our pleasure to join you this morning as members of the Panel. I want to use the opportunity just to introduce the Panel members, after which I will ask our chairperson, former President Motlanthe, to do the official welcome. So I'll start with Dr Shisana. You can clap (Applause). Prof Hirsch (Applause), Our former Minister, Ms Mabandla (Applause), Dr Muthien (Applause), Mr Harris (Applause), Prof Taylor (Applause). Now, as I indicated, our Chair is President Motlanthe. A big hand for our President (Applause). Without any further ado, I'll ask President Motlanthe to welcome all of us. (Applause)

Chairperson Former President Motlanthe: Good morning, *Greetings. Thank you very much. Mine is really just to, besides welcoming all of you here, to just share with you the background of why this Panel was established, and what its mandate is. The legacy report of the fourth Parliament, at the end of each term of Parliament, a legacy report is compiled by Parliament, and so, in the legacy report of the fourth Parliament in 2014, they felt that it was time for Parliament to assess the quality, as well as impact of

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legislation passed since 1994, and – so the fifth Parliament, after being sworn in in 2014, upon, you know, going through the legacy report of the fourth Parliament, also realised that one of the first tasks they need to attend, is to find a way of assessing impact of legislation, in terms of how it has improved or complicated the lives of South Africa citizens.

And so both Houses, the NCOP and the National Assembly, debated this and agreed, came to a consensus view that the best way to conduct such assessment, would be for them to put together a High Level Panel, which could undertake that task, and compile a report. And so, at the end of 2015 in December, the Speakers' Forum, which involves all speakers from all provinces, and the NCOP as well as National Assembly, decided that they would approach 17 South Africans, and establish a High Level Panel. That's how we were approached, and we all accepted, with my fellow Panellists, the 17 of us, and – however, one of us has since been elected as a councillor, and so had had to drop out, because this Panel is supposed to be made up of independent South Africans. It is not an extension of government, it is also not an extension of Parliament. It's a High Level Panel, established by the Speakers' Forum, accountable and answerable to Parliament.

And so this – I'm explaining this, because in our outreach programmes, we've already – this is the sixth province that we visit. We've already covered five other provinces. Next year we'll do the remaining three provinces, and in many of the outreach programmes, fellow South Africans raise issues of concern, and often times those are issues which do not necessarily fall within the purview of the mandate of this Panel, but are issues that, as a Panel, we take note of and where, for instance, I'll just give you an example. There was an instance where, you know, a piece of legislation which is important, but which has to be signed by the Minister every year, and the Minister, for some reason, had delayed in signing such legislation, which meant that people were now being affected by the absence of legislation, because the old legislation had expired, and he needed to renew it by signing, merely signing.

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And so when these kinds of these issues are raised, what we do, we simply write a note to the Minister, and hand deliver it to the Minister and say to the Minister, “Look, you’re dalliance is affecting South Africans very negatively. So please sign”, and they do sign, and sometimes people complain that, “You know, in our local police station the police don’t take our complaints seriously”, and so on, and we write a note to the Minister of Police, and say, “In such a police station in such a district, or jurisdiction, communities complain that they do report these kinds of offences, but the police don’t take them seriously.”

And so – I’m explaining this, because the work, the timeline for this Panel, is that by next year, end of July, we would have completed all the interactions with stakeholders, with communities, with experts, and we’d be in a position to write up a report that would very clearly delineate our state. Where there are too many laws which only serve to complicate life, and where there are gaps in legislation, and therefore where there is a need for new legislation to be promulgated, where we’ll have to point that out, but that would come out in the final report. Only at the end of July in 2017.

So in the interim, as we sit here, we know that not everybody is a legal expert, not everybody is an expert, you know, in terms of understanding legislation, but you have your lived experiences, and that’s what we want to hear from you. About your lived experiences. How does legislation help in your lives, or how does it mess up or complicate your lives. That’s what we want to hear from you. So we have, as a Panel, called for written submissions, and many stakeholders and research units have submitted their views, and we interact with stakeholders. We engage with experts in round tables. We also organise round tables, and engage with experts in more intimate circumstances.

Now we also conduct this outreach programmes to go out to provinces and to hear and listen. We are guided by a very simple principle, that as human beings we have two

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ears, one mouth. So we speak less and listen more. You'll notice that today, that in such a session, it is your day, we are here to listen to you [break in audio] take copious notes, because at the end, we'll have to be in a position to compile a report that would be practical and useful. It must lead to improvements. Now the working of the Panel has had to be broken down in accordance with the mandate. Let me explain what the mandate of this Panel is. We were asked to look into efficacy and impact of legislation in four broad areas of focus [break in audio] triple challenges of poverty, unemployment and inequality. That's the first area of focus.

The second area of focus is creation of an equitable distribution of wealth, and the third area of focus is the land question. Land reform, land restitution, land redistribution and tenure of security, and the fourth area of focus is national building and social cohesion, as well as social exclusion, because many a time sections of our people are excluded, and feel excluded and marginalised. That's the fourth area of focus. Now the Panel has decided that the best way to undertake this task is to divide itself into three working groups. Three, because the first two areas of focus, which is the triple challenges of poverty, unemployment and inequality, as well as creation of an equitable distribution of wealth, are linked, and so those are handled by Working Group 1, and the land question is handled by Working Group 2, and the third, rather nation building and social cohesion, is handled by Working Group 3.

So today we are here, and no doubt you've seen the programme. We will follow this kind of, you know, sequence. That firstly we deal with issues that relate to the work of Working Group 1, and then later in the day Working Group 2, and later, before we end the session, we'll deal with Working Group 3. Now there are individuals who represent certain stakeholders, organisations and so on, who have already indicated that they would like to speak in relation to Working Group 1 issues, and/or Working Group 2 issues. So the, our Programme Director, Rev Malcolm Damon, will follow that list, and we have exhausted that list, we then open the floor.

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So any member of the participants here present, can, you know, indicate by raising your hand, that you would like to speak on a certain issue, and you will then be afforded the opportunity to do so, and all we ask for from your side, is that you must be candid, speak without any inhibition, in the language that you are comfortable with, and however. Go straight to the point. It is always better not to share with us that, you know, this issue you are raising happened and you were at a bus stop, and of course there were three other people, and one of them was on the cell phone, taking selfies, and so on. If you spare us that part of the story, you can share it with us on another occasion, but for today say to us, "This is the problem that I experience", and also say to us, because you know that you don't only have concerns, but you also have suggestions. Say to us as well that, "I believe this problem can be solved as follows." That's what we want to hear, and I want to thank you for your attention. (Applause)

Rev Damon: Thank you very much, President Motlanthe. Let's give President Motlanthe again a hand (Applause). Thank you, Sir. Ladies and gentlemen, brothers and sisters, comrades, we want to use the opportunity for the next hours, to listen to the different presentations, and I'll, as President Motlanthe already has said, we will follow the working groups, because we have identified and we've also divided ourselves into working groups, and these are also our focus areas. So we will start with the working group that focuses on the challenges of inequality, poverty and unemployment. We also realise that some of you may have indicated that you want to speak across different of these working groups, and therefore you will only have one opportunity, you know. So what I will do is to identify the first five people that will speak. You will have three minutes, and ask you to come sit on the right-hand side, so that I then just further explain some of the ground rules, so that we're all on the same page. The first five will be Andrew Charman from Sustainable Livelihoods, Naseegh Jaffer from Masifundise Development Trust, Dr Ramola Naidoo, he's doing an individual presentation, Roscoe Jacobs, Hout Bay Civic Association, and Mzanywa (?) Ndibongo from the Health Forum.

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We will ask these five to come, just sit to the right-hand side. These chairs, those chairs are there so that we can do it smoothly. One of the reasons for this is that we are also, this is also, will be streamed on the Parliamentary channel, 408 I think, and we want to welcome those at home who's also watching, and please also indicate to your family and friends that you are here, so that they can also watch you, but we can also get others to engage in this process. There's a further way you can, as an individual, also indicate your issues that you feel impact on your lives through legislation, and you can do that via SMS. The SMS number, it will also be on the screen later, is 076 143 0648, 067 143 0684(sic). This is the SMS number. There's also an email address, highlevelPanel, one word, highlevelPanel@parliament.gov.za. Now further, just to explain. We have limited time. There's about 60 of you on the list alone.

Now you can make the calculations yourself when we say three to four minutes, how long it will take, but then there are also people who are just sitting here, who has come and would like to tell their story, and say how legislation have impacted on their lives. So at the end of the day, we want to make provision for those as well. So that's the reason why we have this limited time, but you must also realise that you have a formal presentation, and that formal presentation you must give to the people there on the tables. They can just waive. Do you hear me? They're waiving there, the back. So your presentation you must also share with them, as well as when you are speaking and you've made the presentation, or even from the floor, that you will indicate this is my name, this is who I am, this is where I'm from. Lastly to say because of limited time, yesterday I just stood up and then, you know, indicated your time is up, but today I'm going to say, "You only have one minute." When I'm actually saying, "You have one minute", it means you have already gone over time. So it's for you to just wrap up. So please bear with us, but we'd like to hear especially how legislation has impacted on your lives. We can't hear all your stories, but we are here to listen to the impact of legislation, and your, also from your organisation and how, what you feel, and as the President has already said, speak frankly, say, make your point, but you are here to speak to us. This is not a political rally. We can do that on, in your own time. I, we also

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organise, you know, our own issues wherever you may are. So I will now give then to Andrew Charman. You will just follow. I'm not going to mention your names again. So we can start with the five of you. Thank you. (Applause)

Mr Charman: Good morning [break in audio] that hinder the growth of micro enterprises in a South African context. Let me get straight to my conclusion. The aim of business formalisation cannot be achieved in a township economy. We've undertaken research over a number of years in very different spatial contexts across the country, and we come to conclusion that there are a myriad of laws at each tier of government. At the municipal tier, at the provincial tier, and at the national tier, that essentially conspire to prevent businesses from entering the formal (inaudible) from formalising, becoming regulated and growing in size. In our submission we provide very detailed examples in the case of liquor traders, in the case of street traders, who's spatially excluded from opportunities to conduct business, and in the case of spaza shops, we have a classic example of under regulation. So we are calling on National Government to provide a framework of guidance to both municipal and provincial governments, to ensure that all policy aligns with the objectives of creating, formalisation of bringing informal businesses into the formal economy, and supporting the growth of businesses.

We argue that the specific case of the township needs to be regarded as a special site, taking into consideration its historical formation and development challenges. Land is a critical issue in the question of the township. Land is not only an issue that faces rural communities, it's a key issue for urban communities. There's simply not enough land available for urban communities, and there's no land that's affordable or accessible for conducting business. We argue that all land within a township context, should be classified as a mixed use, because the township environment is not an environment where people live, it's an environment where people both live and conduct business. We say that procedures for land use must be simplified. We need to recognise use rights. Many South Africans, thousands of South Africans, do not have title deeds to their land, but they have ownership of the land, and those use rights need to be

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acknowledged for the purposes of business registration, and also for planning procedures.

We need to create more trading spaces and places. They need to be liberalised. The places where people can conduct business, are very, very narrow. There's few areas where people can legitimately do business. We need to recognise the importance of places like the street as a space for conducting business. My final point is land must be available for commercial activities in the township. We need to recognise security of use for both the business and the landholder through things like licensing, making title deeds accessible, as well as recognising various forms of social tenure. Thank you so much.

(Applause)

Mr Johnson: Good morning. I, first of all, we are not, fisheries is not in this programme I see, and the most important thing in South Africa is food, agriculture and fisheries. We must recognise it, and the – well, we're going to talk about equity in the fishing industry. There were five attempts, policies, that were brought into fisheries, and the most important thing is that before, we stood and we shouted "freedom", we now stand as beggars with the hands in front of me, not a hands up here. That's important. We're being marginalised.

Rev Damon: Sorry, Andy, can you just introduce yourself?

Mr Johnson: Oh.

Rev Damon: I know you, but I don't think everybody knows you.

Mr Johnson: I'm sorry. I'm talking on behalf of Masifundise, which – I'm Andy Johnson from the Artisanal Fishers Association. I want to bring in, the most important aspect is that there was no change in policy from apartheid to what we are here. What they did in

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the beginning, under Minister Pienaar, when he saw there was change in government, he issued all the rights to people who supported the Coloured Affairs, and this previous racist government, they accumulated enough wealth during their time, and those who supported apartheid, were allowed to get rights. The attitude today, when (indistinct) is they don't want to change the status quo, and they are thinking they have divine right of kings. That's their thinking, and they co-opted leading policy makers that is possessive individualism, uncaring capitalism, and narrow minded behaviour has manifested in itself.

The true facts of history is easily forgotten, but to refresh the marginalisation by the National Party of the black fishers, started not only by job reservations, influx control or group areas, but continues with the implementation of our very fishing policies, to retain the status quo of the past. Perhaps plainly to retain the ill-gotten gains of yesterday are using transformation in the fishing (indistinct) by co-opting uncaring, unscrupulous persons to become the tool for manipulation, undermining any transformation in the fishing industry has been thwarted by the failure to recognise the historical exploitation and marginalisation of the black fishing communities during the apartheid era, and the acceptance by the privileged group that they have to develop a shared ethic, that bridges both people of colour and cultures.

Poverty alleviation, job creation, social justice and human rights are plainly not on their agenda, and these developments are obviously being jeopardised purely by self-interest. The heart of the problem lies in the failure to develop human right based fishing policy, or the ethical issues of fair distribution and equity under our ITQ system, that has a path dependency. What I mean about it, people can't change to think of equity and shared ethics. They keep on with the quota system. The path dependency outlook, here numbers of opportunists and (indistinct) seekers, who are adept at using a system and their connections, to obtain quotas or interim permits. It's not only threatening the ocean's resources, but short circuiting any sustainable development of our needy communities.

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We must hold public officials accountable, who make policy according to Dollar bills waved in front of their eyes. Our society cannot afford to allow our public officials to behave this way. It indicates that they have no respect for human rights or human life. We cannot afford to sit idly. The people in power play this kind of games with our lives of our children. We cannot sit by idly while backs are turned to the poor and doors are closed on the dispossessed, as money is passed under the table, or fishing rights are allocated to wealthy and friends. It is time to stop sitting around the table with enemies of human rights, drinking from the cup of deception, preaching on the main cause, drinking from the cup of double standard politics, eating the dessert of government corruption and (indistinct) decay. Time is running out, we must fight the fight for true freedom and justice, that we have so sacrificed for.

We who drew up the Marine Living Resources Act, we were promised the policy (indistinct) the principle of dispossession to repossession. It did not happen. It is our deepest right to live in a society that is governed by the principles of equality, justice, fairness and human rights, and that the right to harbours should be restricted to those who traditionally derived their livelihoods and food from the sea, not this lottery type fishing quotas that we have, but a quality of living for all the people.

A life for all of use that has meaning, dignity and fulfilment. I'll read out a little poem: "You, who rule us listen, do you have any humanity? Is there any rule of law in this land? Is there any laws that protect the poor? Remember, the struggle continues. The hunger and thirst of the sea's children burns like a fire along the seashore. The flame rises from the fire on the seashore. You, Ministers, you rulers of this land, open your eyes, before this great fire burns you up. Thank you very much. (Applause)

Dr Naidoo: Thank you, Master of Ceremonies, and thank you Chairperson and friends. Unfortunately I flew – my name is Ramola Naidoo. I'm an independent documentary filmmaker. I'm an independent advocate, and also an arbitrator and a dispute resolution

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designer. I thought I would be given a much longer, and I've flown in all the way from Pretoria, but I've been told to give three minutes. It's impossible to do that. But what I'd like to do first, I thought, was, because I brought different things. [Holds up item.] This here many people may not know what it is, but this is what I call a drumstick, and which is my cultural identity the food that I eat. To other people who are more affluent, they may know it as moringa.

I also want to talk about Section 6 and Section 9 of the Constitution. You see this here [Holds up item.] is the first sound that Hindus believe was uttered by a human being. This is the "Om" sign. Now "Om" is written in different ways, but this is written in my language called Telego, but Telego is not recognised as an official language of this country, and I think that's very important, and what's so interesting, is people keep asking me where's my passport. They ask me when do, am I leaving South Africa, and I wonder why people are asking me these questions, and what's interesting is that the other day I, about a month or so ago, I went into a tamel shop, and I asked them, "What exactly is this?" because I was fascinated. I looked at this particular object [Holds up item.] and it, because I was more interested in the start that's here, because I have just studied aruovera(?) and in this start, which is a six pointed start, two equilateral triangles make up the star, but this is represented as the, in aruovera, as the gem of the soul.

So when I went to somebody to ask them would you be able to recreate this for me, he said, "Are you Jewish?" I said, "No." So you see the problem we have with identify? And then I asked the man in the shop, I said, "What is this drawing here?" He said, "That's the tamel om", and I'd never, ever seen it before. So already we have, people called me an Indian, but I have never been to India. So this is where I move on to what my other identity is, and this is the South African flag [Holds up item.] and this is my legal identify.

So I may have a cultural identity and everyone here has different foods that they eat. You may have different languages that you speak, but we have one flag, and then we have this Constitution [Holds up item.] and this is where the problem arises, because I

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believe that – Chairperson, you spoke about wanting to know what is the legislation that would be enablist, and what are the impediments. here represents enabling but it's also an impediment, and there are many, many provisions in this Constitution that need to be amended. Section 6, for instance, the official languages, because when you have 11 official languages and your identity is suddenly, your legal identity is being confused by the language you speak, then you have a serious problem, and Section 9 of the Constitution deals with the right to equality, and I believe that everyone who's been historically disadvantaged in this country, and who suffered under apartheid, needs to be acknowledged, but we have an extraordinary situation, even where the Employment Equity Act, which was passed, has not recognised us as human beings.

They do not recognise the fact that we went, lived through apartheid. Not just we were on the side-lines. There's no such a thing as saying that we were, there's differential discrimination. We all suffered discrimination, regardless of where we were. I made a documentary film on the Western Cape. It was called The Commander's Slaves. It told a different story. You know, the Oxford dictionary today has a new word called post-truth, but people often say, and I've just heard some, you know, versions of the story as well. It was about land use, but how do you create wealth. The Constitution gives us the right to freedom of movement, freedom of trade and occupation. Lots of freedoms, but do we really have those freedoms? Can we create wealth? So the first working truth is can you create wealth, and how do we all work together in partnership, cooperation, rather than doing it divided. The Sectional Titles Act, for instance, is a very good vehicle to do that, but what they've done, on 7th of October, 50 weeks ago, they published the regulations. It's an absolute disaster. They are make, people who live in complexes are the largest home owners in this country. Across South Africa people are living in these so-called complexes.

So I'm talking about the emerging middle class. If you want to go out of Khayelitsha and Mitchells Plain or Rylands or wherever, and then come into the hub, you cannot do that, it's too expensive, and the complexes, what they've done, is that they asked, the

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National Credit Act will never give you money, allow you to go to a bank and get a loan, because only one third of your salary is, you know, used as a basis for that. But when you go to buy a unit in a complex, a sectional titles complex, you find that the bank may give you a loan, but the next thing you are faced with, a big levy, and most people don't know about it. So in the end you are paying an exorbitant sum. For instance, our levy went up from about R400 to R4 000. So a body corporate in section, the Sectional Titles Management Scheme Act, is allowing people to go in there and is still, they didn't change it. I made submissions to Parliament to change that legislation, to make it equitable and fair to everyone. They did not do that. They went for legislation that, there's no, there's not much time to discuss that now, but I think these are the questions we need to know. How does a person get from Khayelitsha ...(intervention)

Rev Damon: One minute.

Dr Naidoo: ...and how do they get into the urban areas, but, as a lawyer, I want to say something. There's a new Act that is out. I would like to see people's courts, friendly courts. People can go and get social justice. If you have a dispute, I want you to get it immediately. Don't wait for five years or 10 years for the Constitutional Court to actually decide for you. Why not have a people friendly court where you go (Applause), and as – you don't need lawyers, but why can't they get lawyers like me, to sit in as judges. I just met a man, a very – he's, he earns a lot of money, millions of Dollars. He lives in a small village of 1 800 people in the United States, but he's a village judge. Why can't you have village judges? People, legal profession doing that, but what they've done with the Legal Practice Act, is that they've, as an advocate, I may be able to see you next year, but I will not be able to practice as an arbitrator, I will not be able to practice as an, together with attorneys for profit. I cannot do many things. The Bar, councils and the law society are, entrench their position. So instead of transforming our society, they are entrenching it. They are charging all these fees (Applause), and that is what I hope – I had a lot to say about many things, but unfortunately we, I'm stranded. Thank you very much. (Applause)

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Rev Damon: Thank you very much. Once again, we use this opportunity to get a slice of your presentation, and your full submission you can present to the people at the table at the back. So we urge you to focus on a particular issue you want to raise in public, so that all of us can hear that, but we realise that you have a full presentation, and we will take that presentation into consideration. So please give your presentation to the people at the table at the back, please. Thanks.

Mr Ndibongo: Thank you, Programme Director. My name is Mzanywa Ndibongo from the Khayelitsha Forum. This presentation is include with the presentation of the Culture Development Forum. The (indistinct) is well organised structured community under the banner of the Culture Development Forum, which is a conduit for the development and social dialogue. The Khayelitsha welcome opportunity to address this Panel of the eminent leadership of South Africa, under the leadership of former President of South Africa, honourable Kgalema Motlanthe, Umkulu. This submission focuses primarily on the proposed three working (indistinct) challenge of poverty, unemployment and inequality, the creation and equitable distribution of wealth. Growth, poverty, inequality encompassing wage inequality, wealth distribution and inequality. Labour regulatory environment, unemployment and poverty, and access to basic services. The twin challenge of skills and level of crime reflected here as urgent task, that will help stabilise the situation and draw a critical investment. Unequal access to quality health care. The Khayelitsha is a sub district within the Cape Metro district, which has social impact and infrastructure to be a model for a national health system, supported by URP, in line with the national aid that were initiated during former President Thabo Mbeki. This needs to be flagged and reprioritised in the current review.

Quality education. Khayelitsha is seized with school disruption due to gangs' violence, juvenile delinquent behaviour, and non-coping of learners due social ill associated with alcohol abuse in the families. Khayelitsha opposed proposed amendment to Western Cape Provincial School Education Act 1997, which proposed selling of alcohol in the

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school facilities. This make it difficult for public and civil society to engage with these processes in a meaningful and informed manner.

Land reform, sustainable live hood and rural development. The small scales farmers are forced to use Eerste River land for farming and food security purposes, as squatters, and are in constant conflict with law. The policy must ensure drastic measures to transfer land in support with this, with programmes that will empower those farmers. Okay.

Lastly I'm going to the, put the general recommendations that are coming from the Khayelitsha Forum. We still, we are still convinced that the Khayelitsha people need an extension of URP, that will serve to empower communities to drive their development without over reliance from political administrators, who are opposed to the development agenda. The URP is still relevant. The constitutional amendment on poverty clause and land redistribution, need to be enforced. The community need to be empowered about the NHI and their participation in statutory bodies. The City of Cape Town introduce, introducing water metres device that restricting black people from Cape Flats below. The national free water quota needs intervention, including the access to free electricity. The Minister of Labour should intervene in the CCMA threshold cases involving the City of Cape Town, where poor workers are expected to fight their own cases at a Labour Court, due to the formula used and the interpretation by commissioners, to kick out cases that are already in the system. I thank you. (Applause)

Rev Damon: Roscoe Jacobs isn't here, so if he – am I right? If later on maybe he arrives, he can just indicate to the staff that he's here. They will facilitate the process. So our next group of people is Lynette Phillips from the, she's the regional coordinator of CWP, Allen Beukes, World Vision, Phillippe Bakahoutela from Black Management Forum, Bernard Swanepoel, Afrikaanse Handels Institute, and Watha Abdurachman, Community Development Forum. You can come and sit here to the right, and as people finishes, you can just step forward a bit so that you can then immediately come up to

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the stage. Also to say that you can also Tweet – I'm not sure now of the Tweet hashtag, but I'll give it to you later, but I think it's highlevelPanel2016, but you can also Tweet. So can you come to the front, please? As we indicated, because of also the fact that we are on television, we can't have a time, breaks in-between. So where's the others? If they're not here, then I'll call on the next group of people, because I only see one person here. Let me know if you are not here, but otherwise I'll call on others so long, just in case. Mzwande Ndibongo – but I think – no, that was already. Ndithini Tyhido, Thandile Madliwa, Masoka Tsonge, Zeline Gigaba. So if there are, those of you are not here, then indicate, but otherwise we'll take those names. So, and just as I indicated, introduce yourself and the organisation or area you come from, so that we're all clear about that. Yes, please. (Applause)

Ms Weavers: Good morning, ladies and gentlemen. I am Leonie Weavers, and I'm representing the youth of various areas, such as Westlake, Ottery, Hanover Park, Khayelitsha, etcetera. I'm from the organisation CDF, which is Community Development Foundation, Western Cape. I'll be addressing all issues of the working groups. The problem I have in my community, Westlake, is inequality amongst different races. In the Constitution, chapter 2, Section 9 states that: "The law cannot protect and benefit some and not others, everyone is equal before the law. The government should hold regular workshops in the community of Westlake, to educate our community about the importance of equality in our community.

The problem in the community of Westlake is also education. In the Constitution, chapter 2, Section 29 states that: "Everyone has the right to basic education and further education, and the State must do what it can to eventually make sure that all is possible for everyone. The government should employ proper teachers who has a passion for children. The problem in the Hillview community is healthcare, (indistinct) water, social security. In the Constitution, chapter 2, Section 27, the State: "Everyone should be able to get healthcare, including the healthcare needed when you are having a baby." You have the right to have food, water – if you cannot support yourself or your family, the

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State should help you. The State must put laws in place to do this. The government should put more structural plan in place, where they must assist poorer communities with their basic needs more often.

The problem in Hanover Park community is housing. In chapter 2, Section 26: “Housing ...in the Constitution: “Housing (indistinct) everyone has the right to good housing.” And since there are many open fields in Hanover Park, the government should build houses there, because it’s being used for a battlefield by the gangsters.

The problem in Khayelitsha is a lot of shacks, people have built a lot of shacks there, and they’ve been living there for many years. According to the Constitution, everyone has the right to good housing, as for it can be, as it states in the Constitution that the State must take action, for example, with the law, to make sure everyone eventually gets houses. Government must make sure that public services should be delivered, and there must be public consultation. The problem in the Ottery community is education. According to the Constitution, the Bill of Rights, chapter 2, Section 29: “Education (indistinct) that everyone has the right to basic education.” The government should let the SAPS deliver good services in the community, to patrol in the morning and in the afternoon when the kids come out of school, for the safety of the children. The Ottery community, in Ottery, not only are we ravished with the gangsterism and crime, a dirty environment (indistinct) with a bad effects on the health of our community. The Department of Waste is not doing their jobs in terms of picking up the waste, and this causes a (indistinct) of problems. There are also no bins. We would like our dignity back, to live in a clean and healthy environment, and we need the municipality to do their job. Thank you. (Applause)

Mr Bonile: Thank you, Programme Director, the Panel, High Level Panel led by Umkulu former President Motlanthe. I am not Ndithini Tyhido, I am Lennox Bonile from KDF, standing in for Ndithini Tyhido, from the Khayelitsha Development Forum. We are here, we’ve submitted a more comprehensive submission via the email, and also parts of our submission has been covered by Ndithini – I mean, Ndibongo, who is the chairperson of

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the Khayelitsha Health Forum. President Motlanthe, we are submitting to you that Khayelitsha, a well-structured, well organised, the, one of the long existing development forums, that is now over 20 years in existence, should be adopted as a code of good practice. In the light that there are mushrooming development forums that see the need to organise themselves and deal with the development in the manner in which they deem it fit, even here in the Western Cape, much as it was confronted with hostile and, you know, this political opposition to the people that want to make do with their lives in the circumstances that is not of their own, but with good leadership that has emerged, we have managed to make Khayelitsha what it is today.

An area where you can live (Applause), where the children can grow, where the youth can play, where the elders can look after the youth, and where the culture of the youth respecting the elders. That is, that did not come easily, it came at a price, and this is why we are also submitting in solidarity, President, with the people of Vrygrond, who are now in Court as we are speaking (Applause) in the Fish Hoek. They are in the Fish Hoek Magistrate Court to defend a simple issue. There was a land there that was a dumping area that was a health hazard, an environmental hazard, which they took it upon themselves to do a recycling, and make a meagre income out of that project, and at the same time clean their own environment. But instead of getting the support, they are thrown to the Court, and we want this High Level Panel, to take it as an urgent matter to oppose the City of Cape Town, not to continue with that litigation (Applause).

The other quick area (speaking in vernacular) that I'm going to bring to your attention, because when you were Deputy President, and in all your tenure as in Parliament, the plight of the disabled people, there was a convention, a united convention, on the rights of persons with disabilities, and in there, it tells you with it other 30 protocols, where disability should be. What should be done, the intervention that should be in place, but we are very disappointed when the President, who's a signatory to that convention, relegated the disabled people to the Department of Social Services. I don't want to go back to what transpired in the discussions that ensured that that ministry, I mean the

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ministry for, that caters for the disabled people's needs. The youth and the women was in the presidency, and we so expected that it also be in the Premier's offices, and in the municipality, it should be in the mayor's office, with their own operational budget, coming from the City Manager's office, so that it does not get (indistinct) with all these directorates' politics when it comes to mainstreaming of disability.

We are even, even see it as an insult, President (speaking in vernacular), that the, this – we don't know whether, what it symbolises, but the honourable Bogopane-Zulu Hendrietta, is even taken as a deputy of social development, which the disabled people are viewing that as a Deputy Minister of Disability. That is an insult, because if you can ask what has been the impact of all this intervention, your White Paper 7, on the mainstreaming of disability has been, we have regressed and you can look into all the developments, what has been the benefits for the disabled people.

Lastly, going to the recommendations. The Khayelitsha Development Forum is perturbed, my esteemed South Africans, with the tone that you want, we started to hear yesterday here. With the former Premier, Peter Marais. The statements that he raised here. I don't see my Khoi friend, oom Hennie, with whom we struggled so long in the PDC, the Provincial Development Forum, which was the social dialogue for the province, that saw your Saldanha steel projects. The interventions in there for those companies that are in distress. Your "Proudly South Africa". We work together in the trenches with him, but when Madam Helen Zille came in here, through the act of Parliament, she disbanded that, because she does not want the engagement, and we want you to note this, President Motlanthe. When a political leader says to the people that they are refugees in their own country, as she escapes (Applause), and she escapes with a simple apology, which, if it was uttered by somebody else, it would have been viewed as a hate speech, we are coming with a recommendation rather than a complaint, to say that the MDDA, with Khayelitsha Development Forum and Gugulethu Development Forum and other fora that are coming into the fray now, is engaging in a social dialogue, is in the social cohesion engagement, and that process should be

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engaged so that we don't fight amongst ourselves. We are not our formal oppressors. We cannot view each other as a refugee.

The people, even the refugees, the, we are opposed to the xenophobic pronouncements.

So there, Madam Helen Zille came to say in the Khayelitsha Development Forum executive meeting one day, that it will take about seven years to undo the red tapes around the land release, but we are sitting with the N2 Gateway report, that is so highly politicised. No movement there. The people that are staying in the shacks will stay in their shacks, because of this excuse, but look at what is happening before the elections. Go along on your right or on your left of your N2 Gateway. Suddenly there are the flats, there is the land of the flats. Where did it come from? The state of art stone masonry in Ocean View, where did the money come from? So we should not be fighting amongst ourselves, but rather demanding that - this legislation are beautiful, comrade Motlanthe. The problem with the implementation is to take away the people that this legislation was ...(intervention)

Rev Damon: One minute.

Mr Bonile: ...meant for, and empower them. That's why we also say the URP is very important, and still relevant in Khayelitsha, because the City of Cape Town robbed the people of Khayelitsha by internalising the usage of that budget. 418 (indistinct), but you say you don't have the budget to build people for, the houses for the people, and the recommendations, as I say, President Motlanthe, and the fully fledged submission is in front of you. I thank you. (Applause)

Rev Damon: Thank you. I just want to apologise that the stage is not friendly towards people from the disability community.

Ms Gigaba: We thank you.

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Rev Damon: You know, sorry for that.

Ms Gigaba: Good morning, South Africans. To the former President, the team, to our people, Western Capers, and all protocols observed. Mine is very short. It's not even, I'm not going to cry. We've been crying the past 20 years. Mine is just to come to the Panel, to the High Level Panel Committee, just – it is about the education which is near my heart. It is about the projects that the government has initiated, but lack of implementation. Education is one of the forefront, because in our time we said: "Struggle, then education." Which got lots of us uneducated, because we were fighting for our rights. To our children it's education then what follows, as the leadership. People have spoken, former President, here, from yesterday until today, repeating the same things that I won't go. Mine is education. The ball dropping of the government to the initiative that he has done. In education there is NSFAS. It's your baby. In our time, we never had NSFAS. Our parents had to have money to take us to school, but you brought NSFAS. Where did it go wrong? It is the planning about people without people, which made people left looking and trying to find which they cannot.

South Africa today is full of graduates that were assisted by your initiative, that is NSFAS. I think you let to educate a child with the money from the government, and place the child for what the child has learned to do, so that the government can have the money that has used on that individual, back. The only thing, they are educated, they've got master's and everything. There are just people who are working for EPWP today. We are seeing that. If you work as a community development worker in the Western Cape, you will say that is true with me, because I'm Zelina Gigaba, a former community development worker.

Then, it's difficult for us to assist one another as the people from the ground, because we have nothing. The people that are called community development workers, which is the programme for, from you. You initiated that programme in the time of former

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President Thabo Mbeki, but in that, that is the only programme I am very proud of, because that project was initiated and people were placed, and people did work, and the government did take the taxes and everything from those people he(?) assisted. The same must be done to the NSFAS. It might help to assist us to the Fees Must Fall. Maybe we shouldn't go to that route if that was done before.

Secondly, it's the housing. I won't say a lot, but you know yourself that there is a lot about housing in the Western Cape. The RDP houses, initiated by the government. There is a big problem of the housing institutions working with the street communities at home, do not want to work with officials employed by the government. Why? No one, not even you, Deputy Chairperson or Chairperson there, you don't know why if the institution people go into Langa to relocate people, they don't want to work with the CCW, they don't want to work with City of Cape Town, they will work with the committees. Why? It is the ball dropping of lack of follow-ups for the projects that are very good from the legislation, that initiated by our government - I'm very proud of this government – by our government, but not focussing on the follow-up. Please, follow-up (Applause) all the projects that were initiated, housing, services, whatever service that is there for the people. If this Panel, the High Panel, can just adopt one thing, follow-up. Then you will find where you dropped the ball. Hence people just get houses and go back to Lesotho, to Transkei, and leave somebody from somewhere, making money about that house (Applause). There are no verifications, no nothing. People are just sitting, the government, our government now, is going to be looked as if it's a Banana Republic, which it's not.

Rev Damon: Thank you.

Ms Gigaba: It did not come very easy, it was so sad. I thank you. (Applause)

Rev Damon: Thank you. There are people whose names I've called, who didn't come forward. So if they are late, let them please indicate to the table at the back that they are

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here, so that we can bring them back onto the programme. Allen Beukes isn't here, am I right? Okay. Let me continue then. Lorraine Moko, is she here? Can you – ja. You can come forward (Applause). Sandra Jafta, Sandra Jafta? Is she here? Sandra? No. Ralph Burger, Riverlands? No. Yes? He's here? Okay, he's coming. Ralph - Melanie Andrews from Atlantis, is she here? Melanie? Melanie's here. Anybody else from this group, because this is the first group focussing on the issues around inequality, etcetera. Were your name mentioned? Excuse me? No? We'll give an opportunity to people also to speak from the floor later on during the day. Just be patient with us. Okay. Once again, we want to make it clear that we are not from government, nor are we government officials. We've been appointed as an independent Panel to look at legislation over the last 20 years, and the impact of that legislation, and please, if you even have a written note, you can also give a note at the back, or you can SMS, as we've already indicated.

So bring your issues to the fore, please. (Applause)

Ms Moko: Thank you, Programme Director, the Chairperson of the High Level Panel, His Excellency Mr Motlanthe, and the Panel in full. Ladies and gentleman, good morning. My name is Lorraine Moko, like I've been introduced. I am from the Sozo Foundation, and I am also a member of the ANC, also a former South African National Defence Force member. Now I am talking more on group 1, and I'm going to touch base with all the six aspects that, which are there, that is:

- wage inequality,
- wealth distribution and inequality,
- poverty and access to basic services,
- quality education,
- special inequality, and
- skills development.

Now I am going to read my presentation. One wise person asked us, "Are we qualified enough to be able to assess the level of our democracy?" And democracy you should

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be able to believe that it is something to do with when you've got proper laws that are able to govern that country, and people can be able to partake in it. Now when it comes to the wage inequality, the legislation on wage inequality needs to be revised, fully, fully revised. The right to fair labour practices has been breached, and due to economic situation, people are forced to stay in unbearable working conditions. Only a few of those people gain (indistinct) and are able to leave their employment salary, which happens to be an incentive. It's actually the main, main concern when it comes to inequalities with regard to wage.

Our people are unable to be able to stand for their skill, compared to what they work for. In actual fact, if I'm going to give you an example. We still have, in this day and age, where people are regarded as skilled labour and unskilled labour. I believe that there is no job that is smaller than the other. All the jobs to me are equally, if not the same, when it comes to the weight of its own quality. If, in here, a tap was going to burst, who are we going to call first? It's the plumber, but if a plumber comes in here, they will expect to be paid less than R200 for that. Yet a person carrying a degree, will be able to consult with you for less than 20 minutes, and charge you about a 1 000. So where is the fairness in that? (Applause)

With regard to wealth distribution and inequality, I noted that the law that governs that, is a law, one of them, it's a 1962 law. with regard to that – yes, 1962 is long, long time ago, but that this mean that it's laws that which we have to do away with. I believe that this legislation can be able to be supported, but it needs more (indistinct). Make plans to ensure that people are able to save and not depend only today. In fact, the way it is currently, people are working from hand to mouth. So people are not being taught, there is no legislation at all, that governs how people can be able to save up in the long run for their future. It's like a person will earn a salary and be able to finish it that same month, if ever it finishes a month. When it comes to poverty and access to basic services, this legislation, to me, is perfect, and if it is well implemented, will bring dignity back to our people. However, better measures can be put in place to ensure that the

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wealth of the country is distributed equally, and lots of speakers have been speaking about lack of land, lack of money, lack of a lot of things, and service delivery issues, but then the legislation that governs that, is legislation that is hiding behind the issues of poverty and access to basic services.

The next one is the issue of quality education. Well, it is very much heart-warming that government is ensuring that there is no difference in curriculum between public schools and private schools. In fact, the curriculum looks the same. Whether you move from one institution to another, you'll be able to catch up, but the issue of the Fees Must Fall, the issue of tertiary institutions need to be addressed very, very speedily, because of it threatens the whole issue of whether this young people that have got a beautiful curriculum, where will they go beyond their matric? The issue of spatial inequality. This legislation, on its own, it's a very, very frustrating one. I think, by looking at the audience sitting here, most people sitting here are coming here with hope to be able to get something out of this. Most probably that there will be land, there will be ability to be given employment, anything to that like, but then when it comes to issues of spatial inequality, really our people need to be able to be given an opportunity to own a piece of land, and I'm talking not only about the urban areas. I'm talking also about the rural areas.

In the rural areas I wouldn't, in my wildest of dreams, expect that there is RDP houses, because by nature of those places, definitely there should be able to be people that own land.

The last issue is the issue of skills development. This legislator, on its own, needs to be well articulated. It is not well articulated. I spoke about the fact that there is still that distinction between skilled and unskilled labour. Now when it comes to this one, it is very much important that people are aware with regard to what does it mean to be in a skill that which they am. When in the workplace members are divided into skill, and the so-called office (indistinct) earn more than the person who look after the clients. This does not motivate that people be skilled in education sector. So I believe that, in all of

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this being said, it will assist that this Panel that is being, that's handling all of this legislatures, it can be able to spark something that is positive. My recommendations, with regard to all this, is that in the light of the fact that our democracy is still maturing, I suggest that government go back to the drawing board, and analyse the relevance of each and every legislator, and evaluate whether it meets the requirements of the flourishing nation. Public hearings are a start, it's very good we are here, but again, it will assist government to invest on ensuring that more and more beneficiaries of this legislations, are exposed to quality and reachable information about the legislator that exist and that are being and amendment(?) Thank you so much. (Applause)

Rev Damon: Thank you. As you come forward, introduce yourself again, please. Come forward so long. Introduce yourself again. As we've indicated, people, this is all, we're also streaming this on the Parliamentary channel. So if you don't say your name, then your name wouldn't come up on the screen as well. So it's important also to introduce yourself, and to keep to the point. Thank you.

Mr Burger: Thank you. Good day everybody. My name is Ralph Burger. I am from Riverlands outside Malmesbury. *I am going to speak in Afrikaans again. I am the executive chairperson for the Council of Stakeholders in the Swartland. In Swartland, specifically Malmesbury and our communities, there is no plan to distribute the wealth evenly, because in our little town there are so many small businesses, but a small business is summarily told, "We cannot rezone your land, because that is not in our plan."

In 1998 the little town of Riverland's RDP scheme was built, but in 2014, 16 years after the town was built, they started planning how the town has to develop, and now, all the businesses that have now already developed during this time are being told, "Sorry, we cannot rezone you." The B&Bs that want to open, are told, "Sorry, we may not rezone you to have B&B status." So now the tourism taking place in our community is only going to become Malmesbury's tourism, benefitting from our tourism.

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Secondly, our people say that the N7 upgrading is the biggest joke that has ever happened. They promised us all, the local entrepreneurs, the local businesses are going to be involved in this, but when the project started they said, "Sorry, we cannot use you. You are not registered for CSD, CIDB." No, they are looking for the most sought after level, that's what they're looking for. Now we ask, "How does one achieve the levels?" "No, you must have money to achieve the level." All the money and all the things that are now associated with that project, we are now only good enough for cheap labour, we feel, because if they now decide, the contractor gets up in the morning and he's not in a good mood, then he says, "Those 10 people from that place can stay at home. We are now going to take other people in their place." Or tomorrow morning then the sub-contractor from George again, feels, "No, my child is having a birthday this weekend, so this week I'm not paying the people in full."

So in three years' time when that big R4 trillion construction project is finished, what is then the benefits to our towns? Because all that money goes back with that contractor where he lives in George, or in the Metro, or they say again, "We have a new school that needs to be built. The local people will be empowered, but no, you do not have the sought after BEE we are looking for, even though we know that you are a disadvantaged individual, but you must have a BEE certificate." Where do you get it? Then you have to go and pay R2 000, R3 000 somewhere. Or you are not moving in the right circles to form part of where the money can be distributed (Applause).

Secondly, what happens in Riverlands. A few years ago, 2014, there was such a big issue. Local businesses, churches, applied for a piece of land. In 2009/2010 it was said, "You have to wait, we are going to advertise on a tender process", but suddenly here comes a new group that is close to the mayor, close to the councillor, close to certain families, and the Council decides, "Okay, we give this land to that group at 10% of the value of the land." So now they got land that is worth thirty, R40 000, for R1 200, R2 000, but the local people have to pay R38 000, R39 000 for the same land. Now what makes these individuals so special that they can come from (inaudible) places

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from the Cape and grab our land for a song? But if you want to talk about it, you have to keep quiet, because it's the mayor's people.

A further point, we live in RDP houses (Applause) – we live in RDP houses that were built in 1998. A few months ago we were in Parliament, then we were told we cannot go into that area, because there's a bit of asbestos. In 1998 our houses were built with asbestos roofs. Until now we haven't had ceilings. Our houses are not plastered, but they are safe. The mayor says, "No, why are you worrying? You must buy a good quality paint and just paint the asbestos." From 1998 to the present a lot of people have died, and all the time it is just being said, "The people died from TB." Who says those people did not die from asbestosis? No one comes in. When you complain, then it is just... (Applause), "It's Riverlands again. They are complaining about the same thing again. Why don't they just paint the asbestos?" Last year in November it was said that there is money to fix our houses. No one comes to give us further information. We got a clinic three years ago. I believe we have the most expensive Wendy House in South Africa. The clinic cost R6.5 million, but it is a temporary structure. The doors are falling off, the ceiling is about to collapse, but it's only three years old. They speak of social cohesion, but in Swartland there are still public places, government buildings where it reads "Whites only". So why has the signage not been taken down long ago? [Applause.]

The State, the three spheres of the State, I feel are the biggest form of racism in South Africa, because on every document that one has to complete they ask, "Who are you? Coloured?" I am a South African, why should I say I am a Coloured, or what I am? (Applause) So I feel the best thing is for the State to go back and look at what they are doing, before they want to ask how the bigger community and the country can do things together. So thank you. (Applause).

†**Rev Damon:** Thank you.

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Ms Andrews: Good morning. I'm Melanie Andrews. I'm chairperson of the Early Childhood Development Forum in Atlantis. Please bear with me, my voice isn't 100%. To the Programme Director, thank you. To the Chairperson, President Motlanthe, and the Panel, thank you for the opportunity. In Atlantis – it's very emotional for me, because many years ago, Atlantis was created to put the coloureds far from the white people. That's what we were, and the current government is doing exactly the same. Everything happens in other areas. Early Childhood Development was the President's, said it's a very important thing, but now? Our crèches are being threatened, they're going to close us because we don't comply. We are, we have to do everything our own. We must be zoned before we can start a crèche, but we are complying with the fire, we're complying with the health, but we can't get zoned because there's so much money involved in doing that.

So we are asking the Panel to look into ECD. There's nothing about ECD here, nothing, but we are building the nation from ECD. All our kids, I've got a registered programme that we have. We get trained by Grassroots and by World Vision and Family and Focus.

So these people are there to train us. We are qualified teachers, but we don't get paid. They just recently said that in the next three years, all people that are working must earn R3 500. How can we pay our staff R3 500 if nobody's helping us? Parents don't pay us (Applause), people run away. We have got 50 crèches in Atlantis that are taking children, about 10 children every month, for free. Does the government do anything for free us? Nothing, they do nothing for us. So we are helping these children. We've got people, children that we feed a healthy meal in the morning, a health meal in the afternoon, and then the, and then we send them home with something. So we're asking, we marched last year the 14th of August. We marched that a salary should be paid to ECD practitioners. We must wait until 2019, possibly we'll get paid. Is that fair? But they say education is key. Nelson Mandela said that the only thing that's going to get us to where we want to be is to have education. But nobody's helping us. The same

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government people fought for, that died for it, and we're not getting it. So we are asking them please, please, look into ECD (Applause).

They want us, government wants us to get help, we must be NPOs. What does a NPO mean? Non Profitable Organisation. Which means they don't want us to grow. We cannot be companies, because then nobody will help us. The National Development Agency is there to help us, but if you're not a NPO, you're not going to get help. So what is it about? Ask the people in ECD what they need. Don't you, up in Johannesburg, wherever, decide what ECD need. We know what children needs, we educate them, we send them school. We've got statistics that prove that our kids are excelling, because we are not a babysitting group. We are educators. We get trained by the college in Atlantis. People, so we're asking, please look into that. The other thing is the City of Cape Town. Poor, the city that works for you. They say that, but for us to get all these other things, they don't want to help. Our councillors, we've got two hopeless councillors in Atlantis, Barbara Rass and Cynthia Clayton. They do nothing for us (Applause). I'm telling you people, they know me and they hate me for who I am, because I say what I want to. They are hopeless people, both of them, and again, thank you for that, but I've told them, and I've told them in the Facebook and wherever, "I will hold you accountable, even if I land in jail, but I will hold you accountable for what we want in Atlantis."

There's lots of land for us to build crèches. Most of us have got crèches in their own houses. We, as crèche owners, employ over 350 people. They say the economy, there's about 48% of the growth comes out of small businesses. So that means that we, as crèches, are also helping. We've got 350 people working for us, which means we're about 4 of 5 people in a family. So that calculates that we are actually adding to the economy.

So we are asking government look into ECD, into the employment, the Employment Act, to put things in that suits us. Ask us what we have. We've got SA Congress. They are fighting for us, so we want government to get SA Congress to, speak to SA Congress

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and let them talk to us about what is our needs, so please, engage with SA Congress.
We need ...(intervention)

Rev Damon: One minute.

Ms Andrews: ...the National Employment Fund, Empowerment Fund doesn't help ECD. We're asking them to look into that for us as well. The – sorry, I'm getting so excited. The social assistance, we are asking. ECD centres don't get access to that, because we must be NPOs. We don't want to be NPOs, because it means that if I started an ECD centre with my own money, I've spent thousands of Rands. Now I register as a NPO. Somebody comes from nowhere, that doesn't know anything about ECD, and they come and take that NPO away from me, but my passion is where I started. So we're asking them to have funds available for us to grow. I've got my ECD centre at my house. It cost me now R40 000 just to come and sort out my building, but then a builder runs away with my money, because I'm a single parent, I don't, I didn't know all the (indistinct) and then they run away with your money. So we're asking government to be there and help us to have our businesses ...(intervention)

Rev Damon: One minute.

Ms Andrews: ...off our premises, and give the land that was allocated as per the plan in Atlantis, to ECD centres as they've said, and then – sorry. Ja, that's all. Thank you very much. Oh yes, here sorry. That's a quality education. Quality education start at a crèche. There's nothing about crèches here. I've said it before, but here by quality education it should start by the crèches. So please, President Motlanthe, please, please, please help the ECD centres in the Western Cape.(Applause).

Rev Damon: We would like to, Reverend Nosey Pieterse has asked also to speak on the first issue, but we realise that some of the issues are crosscutting. So he's the executive president of the Black Association of Agricultural Sector, Bawsi, and then I

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don't know if Mr Zackie Achmat, the co-director of Ndifuna Ukwazi is here, or Ms Shandu, and then also Jill Williams of the Princess Vlei Forum, Grant Bellairs from Community Women Action. So we're now going into issues around land, but we realise, as we've indicated, there's some of the issues that are crosscutting. So Rev Pieterse has asked to speak on the first around inequality, but we realise that, as we've indicated, that some of the issues are interlinked. So just to make sure, is Zackie Achmat or Ms Shandu here? No? Jill Williams? She's there, she's here. Grant Bellairs? Yes. You can come forward so long, and then Koleka Mengemene(?) Yes? Not here? Excuse me? Okay, there's a replacement. Yes, Rev Pieterse? Those of you whose names I called, you can come forward, because you are also going to speak around land, so ...

Rev Pieterse: Programme Director, comrade President, members of the Panel, ladies and gentlemen, comrades. My name is Reverend Nosey Pieterse, and I'm speaking here as the chief negotiator of RAAWU, Rural Agriculture and Allied Workers Union. The challenges of farmworkers are numerous. Given their circumstances, they are in many instances completely at the mercy of the farmer. Their lack of education, their ignorance of their rights, their distance from the nearest towns, their reliance on the transport of the farmer to connect with the outside world, and the fact that they occupy the house of the farmer, renders them extremely vulnerable. (indistinct) follows some of the challenges faced by farmworkers, and some recommendations that we, as a union, believe will address, or if address, will go a long way in restoring the dignity of farmworkers. The guilt of an alleged criminal has to be proven beyond reasonable doubt, but the guilt of a farmworker in a labour matter, must be proven merely on the balance of probabilities. The future of a worker is determined by who represents the most probable version. The sad part is that the CCMA commissioners and the judges, almost always find the version of the employer to be the most probable, because to them the employer has no reason to lie, whilst the worker will lie to save his job. I have sat in many hearings where the lies of employers would have made even a dentist to

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blush. Employers lie at their best when they want to get rid of a shop steward or a worker, who are not available for any form of abuse or violation of their rights.

The burden of proof in labour matters, especially in cases which can lead to dismissal, must be proven beyond reasonable doubt. The credibility findings of the CCMA commissioners is a joke. There is no factual basis for it. In one instance, the commissioner found that the, that because the applicant cried, she was guilty of lying, whilst in another case, the commissioner found that because the applicant did not cry, she was not showing any remorse. Commissioners need to be thoroughly trained in this particular area. Commissioners are a law unto themselves, because they are protected by the limited review provisions in Section 145 of the LRA. As a union, we say that the basis for review must be expanded to include a review of the procedural and substantive fairness of any dismissal. It is often said that justice delay is justice denied. It takes forever to get your case heard after you have referred it to the Labour Court for review. By the time that your case is heard, you have lost your house, your car, if you one, and you have been driven to the brink of suicide by your creditors, and in many instances, people even went through divorces. There are timeframes for referrals of unfair dismissals, unfair labour practices, timeframes for issuing of arbitration awards, etcetera. Labour Court reviews must also be subjected to a reasonable timeframe of less than six months. More Labour Courts should also be set up, especially in the more outlying rural areas that is closer to our people. When employers realise that they are going to lose a case, they then argue that the relationship has been broken down beyond repair, without leading any evidence to that effect. Employers generally don't want employees back whom they have dismissed, especially when they are union members and/or they are shop stewards. The primary remedy for unfair labour practices or unfair dismissals in terms of the LRA, is reinstatement, and that is what must be pursued.

Given the high rate of unemployment and the hostility of these farmers and employers towards unions, commissioners must be compelled to reinstate those workers when

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they have won their case. They must abandon the argument that they are reluctant to return workers to a hostile environment. Employers must be taught that they cannot get rid of the union or the shop stewards through a cash payment. Our Constitution declare that:

“All are equal before the law.” For workers in general and farmworkers in particular, that is not true. Their reality is that we are living in a pay as you go democracy. Their matter can only be referred to the Labour Court if they or their union can afford it. The State must provide representation to all workers in the Labour Court. Lawyers should have the right of appearance in the Labour Court. It does not make sense that a union representative, like myself, or an ordinary worker, has locus standi in a High Court, and even the Labour Court, but not an attorney. Many farms are in remote areas, and workers are far removed from towns. The level of literacy is low and the workers are ignorant in terms of their rights. Due to the hostility of farmers, there is an extremely low level of unionisation amongst farmworkers. For these reasons, the 30 day period for referring dismissals to the CCMA, is utterly and totally inadequate. It militates against the notion of justice for all. There should be an extension of this period, and the abovementioned factors must be positively considered during condonation hearings. Unfair labour practice has a 90 day timeframe, and the employee is still at work, but the dismissed employees only get 30 days to refer his matter.

The law treat employers with kid gloves. The law declare that the house cannot be bulldozed or people may not be evicted unless due process has been followed, and any violation of the above, constitutes a criminal offence. I don't know about a single farmer who has been criminally charged, and yet thousands of people were and are still unlawfully evicted, and their houses bulldozed. Farmers must be arrested and no police bail be granted, and a proper bail application must be made. It must carry a prison sentence without the option of a fine. It is unbelievable the levels of leniency that employers enjoy when the Department of Labour do inspection at their workplaces. They get long periods to take corrective action. They can appeal. The red tape undermines the rights of the workers. Inspectors must be given much more power.

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They must be able to enter any workplace at any time to do an inspection (Applause). Any finding must be regarded as a violation, and punishable with immediate effect. Much, much, much greater fines must be applicable. Inspectors must have the power to withdraw workers from their workstations, with full pay, if they are found not to be supplied with the necessary equipment and safety clothing. Intimidation and victimisation by employers must be a criminal offense. Unions and workers must be able to lay criminal charges against union bashing employers. Workers are being criminally charged for intimidation during our strikes, and when we protest.

So why can't employers be charged criminally when they intimidate our members for joining the union and victimised. Couples to this is the issue of access and recognition. It must be made compulsory that within three days of receipt of membership forms, the company must engage the union in verification exercises, to limit the opportunities to intimidate employees to resign from the union. In the event that no verification exercise took place, the union must be automatically, must automatically enjoy the right of a sufficient representative union. The union should be granted immediate organisational rights in accordance, within their level of representation. The process of setting up a bargaining council and statutory council must be streamlined to speed up the process. All that should be required must be to determine the level of representivity, and then the CCMA must facilitate the negotiating of the various agreements that ought to be put in place in the establishment of a bargaining council or statutory council. Consultants and lawyers must not be allowed to participate in disciplinary hearings at plant levels, unless union officials (Applause) are also granted that right, because it is unfair that our members is exposed to lawyers and to advocates, whilst they are not given the right to have a union official present.

A contract should be declared null and void if the worker was not assisted by a trade union representative, even if that worker has signed in the presence of a witness. Workers are powerless to negotiate with the farmer when presented with a contract to sign. In most instances they are intimidated and threatened with dismissal and eviction

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if they don't sign. Settlement agreements at the CCMA should also be declared null and void if the workers were not represented by a union, and they afterwards realise they have been done in, and spoken into, and at times even coerced to these settlement agreements by commissioners. Unilateral changes to conditions of employment may also be arbitrated if the employee so wish. It should not be necessarily only strike relief that they have to correct the situation. Employers must continue to pay workers their full salary, who suffered an injury on duty, until such time that the worker is declared fit.

Workers must be kept informed about the status of their claim, and in the event that the claim is finalised, the worker must be given a clear and simple statement what is due to him or her. Employment equity must be applicable at every workplace, irrespective of the number of workers employed at that workplace.

The same apply to the health and safety, and here we make specifically reference to the establishment of the safety committees, the election and the training of safety reps, etcetera. The latest amendments to the LRA do not properly deal with seasonal workers. We know that some officials in government hate that word "permanent seasonal worker", but that is what we are arguing for, because it will provide some form of security, some form of stability for those workers, that they have a guaranteed job to return back to every season, irrespective of the fact that they have only worked for four months, or six months of that year. Some of those seasonal workers is working for 40 years as a seasonal worker, but they have no job security, they have no certainty that they will be allowed to return next year to perform their duties. In the example I referred to above, such a worker with that kind of service, as I have mentioned, will retire without a cent, unless an ex gratia payment is negotiated by the unions, and I can assure you, when we talk ex gratia payments to these employers, the maximum we get for these ex gratia payments, is a R3 000. Seasonal workers must be a set above, be granted permanent seasonal status, with retirement benefits made up by the worker and the employer contributions, while at work during the, during that season, and seasonal workers in most instances also do not have insured benefit covered.

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We proposed that they must be covered, even during the time off season, due to the fact that there are limited opportunity to earn money, because the employer, in any case, pay for insured benefits for the permanent workers while they are at work. Joint income has resulted that farmworkers who does not stay on the farm, do not qualify for an RDP house, because they don't earn enough to get a bond. The threshold for joint income must be increased. To explain this better, when workers apply for RDP houses, they qualified at the time when they applied, but due to the fact that they were on the list for many years, the waiting list for housing, the increases they received put them now outside of the qualification bracket for RDP houses, and they are then taken off the waiting list. Where must they go now? (Applause)

Rev Damon: One minute.

Rev Pieterse: Okay. I have much more to say, but I will submit it in the written presentation that we will be making. However, I need to say the following about the evictions. You know, the name ESTA, Extension of Security and Tenure Act, is a misnomer, because it has never secured any members or any workers security – I mean tenure. You will see that since the implementation of that Act, in the first 10 years of democracy, more than a million farmworkers were put off the farmland, and you will see that in the Nkuzi Report (Applause). Now what we are saying is that we need to review that ESTA, because ESTA is merely a sophisticated way of evicting people. It is, if you wish, a just more decent way to evict people, but our people still end up under the bridges, they still end up in the bushes, and they still end up in the Silvertowns. So ESTA need to be reviewed and revamped, utterly and completely. I thank you. (Applause)

Rev Damon: Thank you very much. Please give your presentation to the people there at the table, between the two banners saying: “Make your voice heard” There's people sitting, you can give your presentation to them. To all of you, even if you are not getting an opportunity to say something, you're welcome to write something, or then also to

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SMS, and I've seen some of you have also Tweeted. So highlevelPanel, #highlevelPanel, continue with that, and as we've indicated, there are people sitting there, between those banners: "Make your voice heard" Who will take your presentation, thank you.

Mr Bellairs: Thank you. Welcome to the members of the community and as well the members of the Panel. My name is Grant Bellairs, and I am here representing not only Community Women Action, which is an NPO, but also Ikamva Community Empowerment, of which I am the chairperson. So the Act which I am going to submit to, is the Spatial Planning and Land Use Management Act, but I have some time, I would also like to deliver some commentary about education. So the first point which I would like to deliver, is about the inclusion of community members in the, in spatial planning. Our communities are not included within the planning of the use of our spaces within our communities, and thus we end up with wasteful municipal or government expenditure, on things that we don't actually need within our communities. However, if we were to be consulted, either as part of the municipal planning tribunals or as a committee on our own, I assure you that we would be able to tell you exactly what the needs of the community are, and by, I don't just mean including stakeholders, but including actual members from the community.

The second point which we would like to put forward, is that the Spatial Planning and Land Use Management Act does acknowledge that spatial planning is undermined, or it is insufficiently underpinned by infrastructure development. Now we would like to ask the Panel that this be actually included within law. That for a certain amount of houses built within an area, that it be law that certain infrastructure be developed as well, because if we have a case where 5 000 [break in audio] are begin built, an already overburdened primary healthcare system now has to accommodate these people. We want it to be put in law that if these 5 000 houses are being built, that our police stations be supplied with manpower, that our primary healthcare systems, our clinics, our

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hospitals, be staffed and extended. That recreation facilities be built within our communities, to accommodate the influx of these new people (Applause).

Our third point that we would like to bring up is about the housing subsidy. Our housing subsidies currently states that you have to earn collectively, as a family, R3 500. That, as the lady mentioned earlier, is what is going to be the minimum wage for one person. How then is your family supposed to apply for a housing subsidy, if only one person in the home is allowed to work? For you to qualify? Therefore we ask that the amount for the household be increased to either 6 000 or 7 000, to accommodate the large mass of the population, most of whom are renting places or are sitting homeless.

And the, with regards to the submission on education. We all talk about corporal punishment, and the Constitution talks about the rights of children, that they should not be physically and emotionally abused. Very well and done, but what laws do we have in place that actually attends to the teachers? Because we have students who take advantage of this laws, and our teachers are actually physically, emotionally and verbally abused. So I ask the Panel that we actually look at putting a law in place (Applause) that protects our teachers as well.

And then finally, with regards to the Fees Must Fall. I believe fees should fall, I believe in free education, but with a right we have responsibilities, and so if we, as a populous, receive free education, I ask that we increase the amount that our children need to pass by. From 30% up to 50%, because we can't, in right conscious (Applause), declare our children competent if they don't know half of their work. How then is it any better than the Bantu Education of the past? I therefore ask that this increase be made from 30 to 50%, if we should receive free education. Thank you. (Applause)

Rev Damon: Just introduce yourself.

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Ms Funani: Good morning to the members of the High Panel Level(sic), and everyone during this wonderful day. My name is Zandile Funani, representing Mfuleni, 13 years old from Tuscany Glen. I'm a replacement of someone that was supposed to be here, supposed to be here to speak about lands, and I'm speaking about domestic violence, Act 16 of 1998. Women and children are abused almost every day. We, as people, we see these things, but we keep quiet. That makes us as guilty as the abusers. This Act recognise that domestic violence is not a private matter, it is a serious crime against society, and the Act aims to give greater protection to victims, by broadening the definition of domestic violence, to include but not only married women and children, but unmarried couples too. The police station in Mfuleni is closed right now during this festive season. This season is a season of sexual assaults, all types of crime. Women and children can be abused where they can, where can they report and where can they cry to if the police station are closed? We, as young children, youth, we think that the perpetrators should have long sentences, not parole, but life sentences, and we also [break in audio] for people that have been abused, to have free counselling after the trauma that there can be. Thank you for this opportunity to make my voice be heard. Thank you. (Applause)

Rev Damon: Let's give a special hand to Zandile (Applause). Only, she's 13 years old and that's what: "Make your voice heard" Should be about. You know, the voices of everyone, even our children, our young people. So thank you very much, Zandile, for making that presentation (Applause). Next, please.

Ms Williams: Greetings to each and all. Firstly to the communities that are sitting before me today, and fellow soldiers of light, activists, traditional leaders and the High Level Panel behind me. I'm a strong, I am a strong, sensitive and visionary woman of colour, born in Cape Town in the Western Cape (speaking in vernacular) to you. I'm not coloured, neither can my identity be summarised or simplified as a mix between black and white, to justify why you presume I'm confused or suffering from an identity crisis. I reject all apartheid classification terms for race identity. I'm also third general

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descendent of those who resisted forced removals in Harfield Village, Claremont. I'm the only woman of colour of my age currently staying in the neighbourhood and in the street, carrying this legacy (Applause). My family are not all drug addicts, alcoholics, uneducated and abusive, and if any of them are, they weren't born, but farmed to be that way, farmed to be that way, and of course it's mainly linked to generations of strategic colonial abuse, genocide, institutional violence, disposition from land and self, physically, spiritually, emotionally, mentally. The Dop System, etcetera, from which this democracy you call a rainbow nation, still benefits today.

Okay, land dispossession begin in the Western Cape before anywhere else in the entire country, yet the Western Cape legacy of persecution is the least challenged, analysed and a far cry as spearheading as an adequate example to the rest of the country. A tourist or a white inheritor of stolen land, is still more important than the masses, forcibly removed to the Cape Flats, to exist in absolute squalor at the mercy of those that they serve, and now live where their families used to reside. Vagrants roam around streets in the suburbs they used to grow up in as children, and scratch in bins for leftovers from those living on stolen land. In the spiritual realm, those who died amidst trauma in bulk, still roam around and haunt the living. The TRC report never touched the surface of healing our wounds, or of those who came before us. Land reform and redistribution is seldom for those of mixed race. Their identity is boxed and the reality of Khoisan, an Indian Ocean slave trade ancestry, is still belittled, misinterpreted and used as an excuse to further discriminate in the 21st century (Applause).

If this Department of Rural Development and Land Reform cannot start here in the Western Cape, as the first port of entry for colonisation and dispossession, then what are they doing in the first place? Okay, now I want to talk about specifics regarding my concerns, a little bit of legislature, and hopefully I don't get too carried away.

Rev Damon: Sorry, just mention your name also. I don't know if you ...(intervention)

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Ms Williams: Oh, okay. My name is Jill, and I am currently representing the Princess Vlei Forum, but I also work with the Khoisan Active Awareness Group, known as KSAAG, and there are many other things that I do as an activist, and many other projects that I liaise with, besides the Princess Vlei Forum, okay? I'm going to touch on also what we've been doing on the, with the Princess Vlei Forum. We won the land, what next? Okay? But I'm going to just try and pace myself, because I've got quite a lot to say, and I know I don't have a lot of time. So the first point that I want to touch on is how can a historically disadvantaged person, only be entitled to restitution of a right to land, if he or she were dispossessed of a right to land after the 19th of June 1913?

There are communities that were affected by dispossession long before then. What about the:

- Resolution Act of 1855?
- Occupation Act of 1886?
- Parliamentary Voters Registration Act of 1887?
- The Squatters Act of 1887?
- Volksraad Resolution number 359 of 1891, Act 25 of 1891?
- Franchise and Ballot Act number 9 of 1892?
- Glen Grey Act of 1894?
- Squatters Law Act number 21 of 1895?
- Native Reserve Location Act number 40 of 1902?
- Crown Land Disposal Ordinance Act of 1903?
- South African Act of 1909? And
- Land Settlement Act of 1912?

Those were all Acts that were passed prior to the Act which was passed in 1913, okay? And the descendants of the Khoisan and the Indian Ocean slave trade, feel disrespected, that everything only goes back to 1913, okay? It's actually, it's a joke. It's a complete joke. It's a disgrace, okay? It's almost like strategically whoever came up with that, the law, with regards to land redistribution and reform in South Africa, of 2014,

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and prior to that, even in 1998, have somehow strategically made sure that black doesn't include those of mixed racial descent. It doesn't include the Khoi and the San, it doesn't include Indian, and everything is kind of engineered in a way to block out parts of history, strategically, and people think that we're not aware of that, okay? Princess Vlei, yes, we won the land. The City Council gave us the land. Did they give us the land because they wanted to give us the land? Did they give us the land because we had a series of successful protests, bringing both local and international attention to what was happening on the land, so such an extreme that they had no choice?

Now that we have the land, what is government and the City Council doing to develop that land? Billions, billions have been put into developing places like Green Point Park, but pieces of land that are connected to indigenous communities and that are connected to people of historically disadvantaged backgrounds, are not invested in. There are so many things we want to do in Princess Vlei, at Princess Vlei. We want to build a cultural centre, a heritage centre, we want to build an amphitheatre, we want walking trails for the blind. There's so many things that we need, but somehow, when the money comes, it only goes to the spaces that are populated by either tourists or white people. We have a problem with that, okay?

Princess Vlei, I've spoken about that. I want to know about District Six. The Department of Rural Development and Land Reform plans to build a 108 residential apartments in the next phase of the redevelopment of District Six. A third of which was promised in 2014.

In 2011, President Jacob Zuma set the deadline for more than 2 600 claimants to return to the area by 2014, but so far just 139 units have been built. 24 in the first phase and 115 units in the second. Western Cape Department of Rural Development and Land Reform spokesperson, Vuyani Nkasayi, says that they are building according to the available budget in this financial year. District Six claimants, our elders, have passed away. The people that have actually made, that have submitted these claims, most of them have passed away, and they are taken for a joke. I'm a performance artists as

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well. When the 1913 Native Land Act Exhibition was hosted at the CTICC, I was one of the performers on stage, together with another artist, who played an indigenous Khoisan instrument. I'm a performance poet and I'm a vocalist, and at the time, there was a case regarding people from District Six that had moved back onto the land, and there was a court case that we attended. At the same time as this exhibition, this national spectacle celebration, and as artists we were told, very strategically, very directly, "You're not allowed to go on stage and perform about District Six and what's currently happening in the Court." I'd like to know when justice is going to be served for the Indian Ocean slave trades decedents of the Western Cape.

Rev Damon: One minute.

Ms Williams: People that have built the City on their backs. I want to know when land redistribution will include the Khoisan communities, the mixed communities. When people will stop boxing us according to apartheid racial definition. I also want to know when the City of Cape Town is going to release the pockets of land that are, that is currently available, that they're hiding away from the masses. Somebody by the name of Meyer E Nelson (?) let slip, he let this slip, it wasn't meant to come out in a broadcast, okay? That the City own 24 000 parcels of land, "Only about half of these were vacant", he quickly added. "Yes, we have been reluctant to make that public, because we know there are many parties that want to organise land invasions. As and when we are in a position to release – wadda-wadda-wadda." Okay? I'm not going to continue, time is short, but basically the City is sitting with pockets of land, while indigenous descendants, Indian Ocean slave trade decedents, including those from the Bantu communities on the Cape Flats – when I say Cape Flats, I'm not just talking about so-called coloured areas. I'm talking about black areas as well, and, for your information, I also define myself as black, okay? (Applause) I want to know, we are at the brink of a civil war, whether you want to believe it or not. You can try and deny it for as long as you want to deny it. You can look into the eyes of those of the working class, and think that they're not going to do anything to fight you, but let me tell you something.

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Something is brewing in this City, as the first City that was colonised in the whole of South Africa and most of Southern Africa. There is something brewing here in the underbelly of Cape Town, and when it comes up, and it's slowly rising, government is going to have to stand back and bow.

Rev Damon: Thank you.

Ms Williams: The City is going to have to stand back and bow. (Applause)

Rev Damon: Thank you.

Ms Williams: Because we are gatvol. (Applause)

Rev Damon: Thank you very much. We still have a few more in this group. So if we're doing well, with the permission of the Chair, we may give four people a chance, before lunch, to do interventions from the floor, because we know sometimes, unfortunately, after lunch some people leave. We hope that you will stay. So if we're doing well, then we can make provision that maybe four people from the floor could also speak in this session. So after you, Sir, we will ask Cornelius Kok, the Griquas Traditional House, to come forward, and then also Nkosinathi Geja (?) from KwaLanga. Unless he or she has already spoken. Kwezi Kobus, is he here? Kwezi, you can come forward as well. Are you speaking on behalf of Kwezi? You got hand raised, Sir. But, okay, I'm just calling names. Chantelle van Vuuren, (indistinct) head of women, and then Zola Nzima. Zola from Worcester. Yes, Sir? Sorry, just before – just to remind you all that we've got interpretation services. English channel 1, Afrikaans channel 2 and isiXhosa channel 3. So if you need the equipment, I think it's on the, your right-hand side as well, or at the back somewhere, but you can get the earphones so that if you can't follow well, that you can follow in any one of these three languages. Either English channel 1, Afrikaans or isiXhosa channel 3. Thank you.

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***Mr Mnintsana:** Greetings. Greetings to this Panel behind me. Greetings to you people who have taken the opportunity to be here. Here I stand for an informal settlement in Nyanga, KTC. I'm not a chairman, I'm a street committee member. I came here before Mr Mandela was released from prison and I was an activist. I protested here, tear gassed by white people, scaling fences. But today – My name is Michael Mnintsana. I come from Qumbu where I was born. I still live in a shack. I have not been built a house. I was once infected with TB. I cured it. I took my treatment until the TB was cured. I'm sad. I'm a member of the committee I live in a shack and have not been built a house. I have a problem of not being liked by our children who are thugs. If you call the police to come and assist they come after five hours. I have a problem of not being liked by the parents of the children they have given birth to. Why? They say in thug language I'm a sell out. Because people are robbed in the street and even school children who walk up my street who don't have money. People who go to work and earn little, they are robbed. When I intervene, our children say: "Oh tata you are a sell out." I don't know whether this freedom was for educated people and not for illiterates because I left school in Standard 5. [Applause] But now I will die without getting anything.

I have a child I have sent to university against all odds. He has not yet got a job. He is back here. I don't know what the government thinks of us. I'm now 66 years of age living in this world. It is not my wisdom. It is the wisdom of God because if it was my wisdom I would long have died. Things I went through, I was not saved by ducking and crawling on my stomach when being shot at. But God is with me. (Applause) has me under His wing. I don't want to be long. I'm very sorry the chairman of the street where I live, Terminus Road is not here. He is the one who was going to say these things. Sit here and talk about me. Councillors in that informal settlement started with Mr Mandela and continued to Thabo, as councillors while I live in a shack. Now it's Zuma. I'm still in a shack today. I appeal to the government to do something about me. But I always pray that God knows what will happen when. (Applause) Thank you.

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†**Rev Damon:** For those of you who came late, the Panel, High Level Panel, and I'd like to just introduce to you two of our members who joined us during this morning, but firstly, as you know, we are under the Chairpersonship of President, former President Kgalema Motlanthe, and then we have been joined by President, Professor Bhorat, and then also Dr Claassens (Applause), and we earlier introduced the rest of the Panel to you. So once again we would like to make it clear that the Panel is an independent Panel, appointed by the Speaker of Parliament, to look at legislation over the last 20 years, and you've, you, we've, we're into the second working group, looking at issues around land. So as I've indicated, if we're doing well in the next 15 minutes, then we'll give about four people a chance just to, also from the floor, make a presentation about your issues. Thank you.

Mr Kok: (Inaudible) I'm chief Cornelius Nicholas Kok from the Griqua Traditional House. I first greet the royal descendants, chiefs, the Panel, our former President, and everybody here. I thank you for the opportunity to make a submission. It is important, they say the people on the ground govern. So I believe it's part of how you're governing, by let your voice, to raise your voice, or to put your opinion on the table. My submission, I think the government need to revisit the Constitution, because there, in CODESA, they made too much compromise. You know, government need to do a land audit via independent consultants, because from 1990 to 1994, a lot of land was signed into 99 years leases, which means that those people who signed the leases, grandchildren also will have benefit from that land, and it's not signed by white, by Khoisan or black people, but by white people. This government, is you signed a lease on land they bought, they give you 30 years lease, but the previous government, just before the New South Africa, they're still signing 99 years lease, and the reason for that is to keep the land into the hands of the white people. The land audit will also show that there's people overseas, that's not in South Africa, who's sitting with the land, while we've got a shortage of land. I think government must start open up his eyes, Mr Chair, and see that they need to revisit a lot of acts that was made against the people of South Africa. (indistinct) never

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work, because government do not listen to the people on the ground. We're farming since the creation of time. You do not farm years now.

I have made submissions or proposals to those days Minister Derek Hanekom, as the Minister of Land Affairs, and also to MEC Lampie Fick, even to the Premier, Gerald Morkel, and none of them listened to what we said. They never listen to our proposals, and it's about time. You know, these type of submissions you made, there's no guarantee that government will actually look at it, and start using the proposals and the ideas that we put on the table. They make, making use of consultants that is highly so-called qualified, and you know what? They're getting millions and millions, and they're milking the cow as far as they can, and they need us to believe, we need to believe they do it for our purpose. Mr Chair, in 2007, Deputy, President Mbeki, he said in Parliament that the land of Atlantis, the ground there in Atlantis, mustn't be sold without the input of the community of Atlantis. That land was bought up to expand Atlantis during apartheid years, to keep all the so-called coloureds out of the City, out of the CBD City areas, and now, what is the DA doing now? They want to get rid of the land, because they're not interested to expand Atlantis. They signed the land over to Cape Nature, and they will declare it nature conversation, meaning no business, no farming, nothing, will be done by the land.

This government cannot, you know, look after fynbos, because fynbos do not put food on the table. The people looking for land (Applause) – you know, the fynbos only bringing the white people money in, because they form the companies and nature conservation, and tourism, and they is making the money. Not the people on the ground, and if you drive down the West Coast or wherever, there's construction. The only thing they see the Khoi and the black people is doing, is the flagmen. They're only flagmen. They got no position in that companies that milking this government and the tax payers for billions. This government sit with a land problem. I think it's about time that they repeal, firstly, the Missions Act. There's two. There's the one, 12 of 1909, and there is 28 of 1909. I'm talking about that one. That land was specifically put in trust of

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the churches for the people of that specific areas. Now the reason why the previous government did that, is to strip the authorities from the Khoisan people, the chiefs, and whoever was in power in that areas, and they make it mission statements. Today they put CPAs on, that is highly unsuccessful. It's the biggest mistake government could have made. Put six people in charge and they are doing it as if it belongs to them. The land belong to the people. I believe the church mustn't own land. They are there to preach the gospel to the congregation. The land need to work for those people that the church sitting with the land for, and you can look at all the land that is in the hands of the church. The people need to plea and beg for a portion, just to (inaudible) the land. So that Act needs to be repealed, and in replacement for that, we, as the Khoisan people, do not have land to govern on. We just have branches, and yet we are the first indigenous aborigines of this country (Applause). There's no, make no mistake, nobody can argue that away. It's proven several times.

Rev Damon: One minute.

Mr Kok: I believe the government need to put, Mr Chair, the Khoisan people, the chiefs, the kings of the Khoisan, in charge of that land. Give it back to them, it belonged to them before, and I believe that if government start doing that, you will have less problems. People won't threaten with war or whatsoever, because the most important thing, it's about land. Tomorrow they call you, you're a terrorist, just because you fight for your rights. The importance of the land audit, is prime land is in the hands of white people. The other thing the government must also do, is put the, a maximum amount of land, one individual or family, whatsoever, must be, you know, need to have. You know, I was at a summit where they spoke about land, and the one woman came and she speak about, they've got 50 farms, and they want, you know, expand to 55. So for who is she keeping the land? For her great-great-great-grandchildren, while we are suffering without land? I think it's about time that that Act, they need to put up that Act, and put a maximum onto landowners (inaudible, parties talking simultaneously)

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Rev Damon: Thank you very much. (Applause)

Mr Kok: I know, you know, time is limited. I just want to read something quickly, and I'll try to be brief, and this is all for the coloured people, kleurling people, and I want our black brothers and sisters, put up the earphones so you can understand. This is in Afrikaans ...(intervention)

Rev Damon: Sorry ...(intervention)

***Mr Kok:** "Legislation 50, population registration number 30. This legislation effectively robbed indigenous people of their indigenous identity by classifying them by the discriminating name of "Coloured". It was scrapped by F W de Klerk in 1991. "Coloureds" is a derogatory term, and contains no human integrity and dignity. In no dictionary is a Coloured referred to as a human, someone with a soul, someone with human dignity or to Coloureds as a people. Coloureds, it means rubbish, not human, not a people, not created by God, and less than a thing. Siener van Rensburg described indigenous people as Coloureds that were created when the devil came from Heaven and had sex with Eva.

Europeans judged the indigenous people as cannibals. It is written in the archives, in the books of the university, the library in South Africa, and overseas, thousands of notes on this can be found and acquired. This term has been used long before 1950 by the people that came here and was anchored in the legislation that for years have robbed the indigenous people of their integrity. This legislation goes hand in hand with legislation of ..." ...[Interjection]

***Rev Damon:** Thank you very much.

***Mr Kok:** "...1913, 2733, through legislation ..." (Applause)

†Rev Damon: Thank you, Sir.

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Mr Kok: This is a very important message (indistinct) that is broadcast over TV, so that people can claim their real identity back. A coloured is not a human being, according to the white people. A coloured is not by the colonialism and the capitalism, we are not human beings (Applause), but we are the first creation of God, and everybody came from the San and the Khoi people. (Speaking in vernacular - Khoisan) (Applause)

Rev Damon: You can give your presentation to the people at the back, between those banners, on my left-hand side, your right. There are some of the support staff sitting, and you're welcome to give your presentation, written presentation to them. Also, anyone of you, even if you're not making a presentation, you're welcome to write a note, write a letter, or, as you've seen on the screen, SMS. So as I indicated, I wanted to give some people an opportunity before lunch. Maybe it's not going to be possible. So if we keep to time it may still be possible, but please introduce yourself, thank you.

Ms Van Vuuren-Leibrandt: Okay. Good morning everybody, Kogoko (?) House, Athlone Ward 17. My name is Chantelle van Vuuren-Leibrandt, Chantelle van Vuuren-Leibrandt. *I am on fire. †Head of Women and Children, as well as portfolio of arts and culture, land restoration and identity. Thank you members of public, Parliament, High Level Panel. We would like to say thank you for finally allowing us to add and play a part of this legislation. Allowing us to making our voices heard, is extremely important for our future, and our next generation. Isaiah 49 verse 9: "In acceptable time I've heard you, and in the day of salvation, I have helped you. I will preserve you and give you as a covenant to the people, to restore the earth, to cause them to inherit the desolate heritages." (Applause) In what ways has the implementation of different post 1994 land laws assisted or inhibited land restitution of land rights? Have these laws been successful in addressing the legacy of racial discrimination? No. What improvements do you suggest? We are talking about restitution, reform, redistribution. Everything is re-, re-, re-, prefix. Which means these factors already existed in our position, way before all these Acts. It is my constitutional right to reiterate, to restore my identity, as

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you know, way before who and what we are, and where we stem from, and where we come from. Clearly time has come to give back what is rightfully ours (Applause).

As my saying goes: “Be what God wants you to be, so you can be what God wants you to have.” To the members of the public, the Panel, the dignitaries, comrades, fellow brothers and sisters, (indistinct), our national. Coming back to the land reform. I think a lot of us has been covered in this area, and it’s time to raise the bar. Not becoming less available and less accessible to the members to the public, no. Be there for us as members, walk the talk, not cheap talk, and I’m talking here about when you have programmes, programmes running on television, on local television, not all of us are equipped with Wi-Fi at home. Empower our people about land restoration. Have programmes on like that on television. Stop the gansterism and the crime and the drugs and these hopeless TV programmes. Empower our children, empower our youth (Applause). That is what you need to do. Come now.

I’m very saddened with regards to our education, first of all. Our people have been trying very hard, sweating, blood sweat and tears, encouraging and motivating our children through schooling. Yes. Working hard, I can vouch from. A parent that’s been a labourer, hey? Having to work very, very hard, 46 years in the City of Cape Town, then it says it works for you? No. Just to become a millionaire? Hell no. And then be able to send your child to university, because only then you can afford, because then you are level with the ones that are earning a million and plus per year, per annum? Hell no. I don’t think so. Even so, while it’s been so hard for us to place our children in affluent schools, even so tramped, that they have to tramp on the soul that our forefathers once lived, I’m talking about Rondebosch, Rustenburg Girls, Wynberg Boys’, Bishops and so many. However, it is so challenging for our children to enter their own soil. Even to apply at those schools (Applause) and yet, they do qualify because we are born with that gift, to become the next scientist. We are born with that gift to become the next mathematician, but because of society, they decide where my child must reside, and they decide where my child must go to school. I’m talking about my children

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that average 96 to 98% mathematics. I'm talking about my daughter who is gifted, born with a music ear, but because her parents, we cannot afford those schooling, they are not allowed to go there, because it is so protected with Rondebosch Boys. Do you know, that if your father attended and your forefather, your, that child has a preference over your child, who is far more intelligent than that current child, but he has to equip that seat, because he comes from that school beforehand. Low and behold, that my forefathers once lived on that very same ground, hey? However, it is so sad to tell your child, "You know what, you qualify, but I can't afford it." But I want to go past that.

I want to talk about a very, very sad historic topic, which is Saartjie Baartman Women's Centre. A few weeks ago, Pastor Marlene(?) and I approached such an iconic historic site in our area, called the Sarah Baartman. We went there, prior to that she called, protocol, set up an appointment two weeks later, did not get an appointment. Then we decided, she contacted me, she said to me, "Chantelle, I am not finding any joy with this centre, let's just go there." We went there. We were blocked, once again. Requested a meeting with Shaheema McLeod on numerous occasions. Even so sent a few emails. To date, no response. However, Sarah Baartman's name is good enough, hey? Listen to this. The centre looks like a dumpsite. Did this woman not suffer enough? Why is there no story, background about her? One of my Khoisan colleagues is working at a school called Garlandale High. Do you know that 980 of that children, currently of those learners, are willing to donate R5, regardless of their circumstances, to put up a template at the Sarah Baartman Centre, to say who and why she was oppressed. Just to give her a bit of a history, because if their brothers and sisters go to that centre, they can read up about it. If my sister, my Khoisan sister, goes to that centre because she's been abused, she will be able to relate to where it's stemming from, but now the Act is saying: "As from 1913." What about the 1800s? What about then? Because it comes from way back. We are not keeping, they're not even keeping the grass green, the roof is in a bad state, but the funder's money is good enough.

Rev Damon: One minute.

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Ms Van Vuuren-Leibrandt: All I'm saying is, is this a make-up for foreign funders to donate to their own needs? We need to stay steadfast in our calling. If the late Ashley Kriel could die for this land, our motherland, our rights, our nation, at such a tender age of 20, I feel ashamed of our people looking down on us, and the fact that our own has sold us to government for money, comfort status. What they did not know at the time, 1994 was like a massive tidal wave, very nice, fun loving, festive, happy wave, inviting you to be swallowed into bribery, corruption, etcetera. I urge you, brothers and sisters, to unite with one another. We can learn and grow so much, and stop what is currently happening to our identity. (Applause)

Rev Damon: Can you please come forward? Next one? Thank you. We'd like to urge you to hurry up a bit.

Ms Weber: Good afternoon, goeie middag, molo to everybody, including the Panel. Okay, I am Linda Weber, presenting the Mitchells Plain Advice Office, a development project in all areas of life. I have a concern about society, because of the following reasons. The topic is natural law. Now nature existed not by humans. We have inborn principles in all human beings, forming a basis for our behaviour. Now positive law regulates the behaviour of people. Therefore, if you commit adultery – no, no, sorry. If [break in audio] then law comes in and deal with you appropriately. However, positive law cannot rest on force alone. It has to accompany a strong belief, and because, if I look at myself I see myself. If I look at others, there's a reflection of others, because of cultural backgrounds. It is extremely difficult now, for all of us, to become united with the same way of believing. It is a transformation of the mind together with the soul and your spirit.

There isn't much more for me to say. I'm going to request from the government to look at, to attend to positive law and see if they can add correctness, or supplement natural law, because it's a basic foundational truth, and truth is truth, there's nothing else to it. That is my concern. Thank you. (Applause)

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Rev Damon: Thank you.

Ms Veleko: *Greetings. Good morning. †I'm an African, and I hope all of us are looking forward to the day when we know all of these languages. Not just Afrikaans, not just Xhosa, not just Tswana, but everyone's language, so we can really do cohesion. To the High Panel, I greet you all. I'm thankful that I had this opportunity today. My name is Deborah Veleko(?). I think I'm blessed, because I've been put in three different areas. I was in Khayelitsha with the (indistinct) of HIV and AIDS, and I was a soldier there. I was then put in Nyanga for young people, unemployed youth, and that's who I stand here for. I want to remind all us adults, because this is a very huge problem in this country. People have given birth to children, but they don't look after them. So when a young person is there, they're out of grade 12, their parents think, "Okay, they can go, they can do whatever", but, you know, the responsibility from God for all parents, is that a child is a child until they die, and so we have given up this responsibility, and here it lands up at the NGO NPO level.

I speak on behalf of the Feed For Life programme, which was started in Nyanga, where all of us know, in the papers in this country, is the highest level of crime. That is where the programme started. This programme has taken people from Mitchells Plain, from Khayelitsha, from Nyanga, from Langa, training them in life skills, because in order to hold a job, you need to know who you are, and you need to know the next person. We train them in work skills, because they don't have experience. They are young. What to expect in the work environment. We train them around sexual health, because as you earn money, life does happen. Therefore you need to take care of yourself. So this programme started in Nyanga, later was taken Vrygrond, where I currently am. I was very sorry to see the place where people are staying, and yet so less development. I walked the streets in Vrygrond, because as I wanted young people with grade 12. Do you think I find them? I find some. Mr President, I was really shocked that there are 12 year olds, 9 year olds, walking the streets, not in school, nowhere else, and I

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remembered when President Jacob Zuma was talking in Limpopo, saying that everyone who is not at school, who doesn't want to go to school, will be taken to boarding school, and I'm looking forward to hearing him say it, walking the streets of Vrygrond (Applause).

We are a programme that's been training young people, assisting them to get into these jobs, and supporting them to hold onto these jobs. We have many people who came through this programme, and many of them are professionals. We have one funder, and we're doing so much work, that the government is actually supposed to be assisting us. We are asking social services to visit us at Vrygrond, to come and really see what people are dealing with on the ground, and to give us support, because as we are pointing to kids, saying they are, Tik smokers, they are alcoholic, they're stealing for their own parents, there's nothing we're doing about it. They have to fend for themselves and go smoke Tik (Applause). And I think, most of all, this programme is really needed within the rural areas. We have forgotten about them. When I go to the rural areas, which is in Mafikeng, I see a lot of orphans there. Parents are gone. Kids are not working, they're not in school, because there's no one to support them as well.

Lastly, I would like to invite the government, because we have had a rough time trying to get into the CETAs, and working with them. Public Works passes by, comes and look for various people, and they don't really come into the organisations that they are supposing to be working with. They come and take young people, take them to some spots, go and make out holes on the ground, and give them 5 cents. We want long-term work, people empowered with real skills on the ground, so that they can stand up for themselves. In terms of the NYDA, that is supposed to be looking at these young people, we are inviting them again. I know people have always complained about NYDA. We are working with them in a certain way, but we are inviting them to come in with those scholarships, because the people at Nyanga and Vrygrond and everywhere else need them. We are looking at Fees Must Fall. Just take a guess where will they be going if they don't go to school? They will come to us. We have to do the hard work

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of career guiding them, of putting them in areas where they'll possibly get a job and grow in that job. The government has been doing internships. Those internships have really broken lots of young people, because here I am with an experience of one year. At the end of the year, I'm just out. Nobody's telling me where else I can go (Applause).

So what I would like to invite the government to, is that there's lot of training in this country, and no one is coordinating this training. The internships, these guys have real experience in government departments. Why is there no one coordinating or keeping the data, so that they can go into the jobs that are coming in, as jobs are being advertised? So all in all, I want to invite all parents, all the stakeholders, all the politicians, all the teachers. If we are not grooming these young people, we have no hope for this country. Thank you.

(Applause)

Rev Damon: We've already had two people from the floor. So, but there's still people on the list, and I'd like to finish the list. So if you allow me, we'll go back to the list and then, after lunch, we will have a group 3, and there will be also more time at the end, because we're doing quite well with time, and you are doing quite well with your presentations, so that we would then give more time for people at the end of the session. So let me just make, try and clarify those who are still on the list. I, am I mistaken, but I don't think I've heard Zola Nzima from Worcester? Did she speak? Is she here? No, she's not here. Okay. Then Commissioner Cornelius Hobani, is he here? No, he's not going to make a submission. Then Kwezi Kobus. Kwezi? Spoke already? Not here? Okay. Nkosinathi? Not here? Okay. Then if you keep to two minutes, because usually, for those from the floor we just give a minute, but because we only have 10 minutes. If each of you keep to two minutes. So, brother, can we start from that side? We'll start from – ja. Each one of you two minutes. After this, we'll go for lunch.

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***Mr Nkanyuza:** Greetings to residents. I trust that you are well. I am Bongani Nkanyuza from Langa. My clan name is Rhadebe. Before I greet you all let me salute the chief. We salute the chief in our culture. We have no dignity because we have abandoned what we were supposed to do. Let me come back to the topic. Greetings to the residents again, fathers, mothers, sisters, brothers, brothers and children. Greetings to you big brother and your Panel. We say thank you for your presence. I will not say much. Here with me I have a book by Joseph Stiglitz. Why did I bring this book here? Who is Joseph Stiglitz? He is an expert in economics internationally. †Joseph Stiglitz is a former World Bank chief economist. He's currently a professor at the University of Columbia. South African Parliament and Department of Finance, including Brics, they've called upon his services to give some advice on how they develop strategies that makes them brake the ground in terms of northern hemisphere domination, and western manipulation, in all institutions of society, in particular to economic related ones.

This book emphasise on inequalities. He unpacks the evolution of societies, taking into consideration 1920 and the 21st century. He's one of the people who have come up strongly in applaud of China, to do transformation from poverty to where it is today, in 30 years. Where in 22 years we're still fumbling where we are and where we are going as South Africans. He raises a very fundamental and critical note in this book. After the 2008 recession, which was manmade, playing with big words such as derivative, GP, repo rate, CPIX, so that we can stand back, as our policy makers are not geared for that. I repeat, our policy makers currently are not geared for that. When this terms come before them, they move back, because when you run your intellectual space out of practice, you become a victim of circumstances. He states if you want to develop an economy, you've got to take into consideration the first thing, define yourself. *You must know who you are to whom, what you want, and want it from who, how.(Applause) †He says, among his explaining, ignore the rating agencies, they're unscrupulous of note. They are (indistinct) beyond reasoning (Applause). If there were auditors, accountants and rating agencies, the world could not have been in this recession. When they were

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supposed to take responsibility and guide businesses not to destroy government, they choose the opposite, and yet, in South Africa today, you are subject of micro interest. The dominant thinking in policy making it's about the rating agencies, not the plight of this society, which we are (Applause).

In conclusion, Kgalema and your delegation, the impactors(?) of policy making, is needs (inaudible, walking away from microphone). Nothing else. *Our needs, our wishes. †It defines the nation, who do you want to be? The balance sheet, the assets of Standard Bank, Anglo American, are meaningless to you and me, because they do not feed us. We are out of education, they've got money (Applause). Solly Mapaila, in one of his interviews, said the Johannesburg Stock Exchange is sitting with 500 billion liquid capital. If you do not know what is liquid capital, it's cash available. Does it relate with us? What are we waiting for? The reason why we are failing ourselves to advance the cause of this struggle, we have been dominated by political parties. Rise communities, rise. Rise independence, rise (applause and cheering). Push back the political individuals who wants to manipulate community development (Applause). Engage them to no space, because it is not about organisations that own 0.1% of society, yet they want to dictate for 55 million. We cannot be defeated by any of these people that are seated, and given opportunity to make decision for us if we stand up. *Thank you. (Applause)

Rev Damon: Thank you. We're close to time, so just two minutes, please. Thank you.

***Ms Tom:** Thank you Program Director. Greetings to the Panel. Greetings to Mr Motlanthe who is the Chairperson. Thank you, greetings to the residents. I am Thandiwe Tom. I come from Crossroads Ward 36. Crossroads is an old township that is rich in history. But it is the most behind in development. The reason why we came here today we have come to ask for a few things. The reason we have come to ask you today is because we had a councillor for 20 years in Crossroads but we saw nothing that he did in the 20 years. In Crossroads we have no sports fields. Our children are

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using drugs. They have no place to train. We ask for a police station in Crossroads. Secondly we are asking for a library. We had a library but it was relocated because it was robbed as the councillor minded his personal needs, not the needs of the residents. Thirdly we are asking for a 24 hour hospital in Crossroads because at that clinic that is there we are always referred to KTC, referred to Nyanga for X rays while we do have a place for such things in Crossroads. That's why we have come to ask here.

Lastly on the issue of land claims I have come to ask this Panel today: let them come to Crossroads. It should not be said the land claims issue is happening in Khayelithsha, in New Cross. Elderly people have to commute using their money to get to these places. When they get to these places they are told that there is money they are supposed to be paying, they must pay for administration. They have to pay. They must come directly to the people, with their pen and paper, in their own transport, that people from Crossroads will not have to pay for. Lastly I will ask you Chairperson to please visit Crossroads. Crossroads is full of problems. As it is an old township, so are its problems because no people come here for us to voice our concerns in Crossroads. Another concern I have is the issue of education in schools. We agree, our children are being taught. But there is an issue that children be condoned. That kills children. They get condoned from Grade R up to Grade 7. When they have to do Grade 12, they won't be able to progress because that has killed him/her. The child ends up dropping out of school, roaming the township and using Tik. Another concern I have is that of birth certificates for children. Our children give birth to babies and leave them with us. We cannot do anything for these children because the mother has taken the birth certificate and the clinic card with her. This child must go to school. The child must access services. When you go to Labour you are told that the Law says the grandmother must come with ID of the mother. Where will you get a mother who is in Joburg?

I appeal to you, honourable Panel...(Applause) Please try to relax some of the laws because they hinder the rendering of services to children. The child knows nothing. They ask for the mother's ID. They don't even see the mother they are told to bring with.

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Lastly, in Ward 36 we have a problem of being disturbed by the PR councillor of the DA, who plays councillor, who calls meetings and says he is the councillor. We have reported this matter but the leaders do not come to us and tell us where the PR mandate starts and where it ends. Not all of us know the work of the councillor. Not all of us know the work of the PR councillor. As far as I know no PR councillor may call all the residents to the hall. Noludwa is disturbing us in Crossroads. (Applause) The legislature must tell the people where the work of the ward councillor starts and where it ends. The PR councillor has not even been deployed in this ward, but he is disturbing us. Thank you.

Rev Damon: I will check – it's already lunchtime. So I will check with the Chair, so that maybe after lunch we can give the two of you an opportunity. So, but there will definitely be an opportunity, I will just with the Chair. So it's now lunchtime. So I just wanted to, those of group 3 – group 3 on social cohesion. You will get an opportunity after lunch. Those are Theart, Bodenstein, Mudarikwa, Samaai, Matthyse, Andrea van der Ross, etcetera. So, that we will give you an opportunity after lunch. We will ask you to just sit as you are, so that we can give the Panel an opportunity to just leave, and then somebody will come forward to explain the lunch arrangements. Where is the person who will ...?

So then we will convene at two o'clock.

Unidentified Male Speaker: *Good afternoon. Greetings. Now as it has been announced, †as it has been announced, we are now breaking for lunch. The procedure will be as follows, as we did yesterday, those who were here yesterday. The ushers will conduct you to the left exit for lunch, and then they will direct you to where you are going to get your lunch, and then the stakeholders, as they know themselves, they will also exit on the back exit door, towards the left-hand side, and that's where they will be served with lunch, and then we should be back here exactly at two o'clock. Thank you very much.

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HEARING ADJOURNS

6 December 2016: Afternoon Session

Unidentified Female Speaker: Good afternoon and welcome. Thank you very much to the media for attending this media briefing on the High Level Panel in the Western Cape Region. I'd like to introduce to you President Kgalema Motlanthe, who will then introduce the rest of the High Level Panel to you. President?

Chairperson Former President Kgalema Motlanthe: Good afternoon. We have here chairpersons of the three working groups. Dr Olive Shisana chairs the first Working Group, and Dr Aninka Claassens chairs Working Group 2, which focuses on the land question, and Dr Yvonne Muthien is standing in for Judge Navi Pillay, who chairs Working Group 3, and we are here as the High Level Panel on an outreach programme, and where, I believe, you know, this session will work better if you, we field questions from you. Otherwise I can bore you with details of what we do and so on. So over to you.

Unidentified Female Speaker: So I'd like the media to please state your name and the media house that you come from, and there's a roving mic. You can ask questions. Maybe we'll start with say three questions at a time.

Jason: Good afternoon, Mr Motlanthe.

Chairperson Former President Kgalema Motlanthe: Good afternoon, Sir.

Jason: I almost wanted to call your Mr Deputy President, but I thought (indistinct) not do that.

Chairperson Former President Kgalema Motlanthe: Ja, thank you.

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Jason: Three questions, Mr Motlanthe. The land question. How big was the land issue in the Western Cape? Second question is what was some of the key legislation that people of the Western Cape felt aggrieved with, wanted to change, or had a problem with? And then my last question for this round, is the Khoisan factor. As you know, there's a large group of Khoisan people in this province and in the Northern Cape. Did that play, how big of role did that play during your discussions over the last two days? Thank you.

Ms Lepule: Okay. Good afternoon, Mr Motlanthe. I'm Tshego Lepule from Independent Media. I think my question also comes from what Jason asked. What were the major concerns that you heard from the people who came here? What were their biggest concerns, and what did you take from that? Thank you.

Mr Mahashe: Okay. Hello, my name is Mandla. I'm from the City Vision newspaper. South Africa's Constitution is regarded as one of the most progressive in the world, and what I'm trying to find out is what indication does it give the Panel when members of the community are calling for a revision of the Constitution? What kind of indication does that give? If you understand my question. Thank you.

Unidentified Female Speaker: I think we'll leave it at three for now. If you'd like ... (intervention)

Chairperson Former President Kgalema Motlanthe: Ja. Thank you very much. The land question has been consistently raised in all previous, you know, outreach programmes in five provinces, and we are not surprised that it, once again, arises here in the Western Cape, and of course it is linked to geographic space, it is linked to identify, it is linked to language, and that is why you see the representatives and leaders of the Khoi, the San, the Khorana and the Griekwas raising this issue, and it is in that context that they also raise the fact that the Constitution, progressive as it is, for

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instance, doesn't recognise Khorana language as an official language, doesn't recognise the Griekwa language as an official language. So it is in that context that they are suggesting that the Constitution should be revisited. So it's issues of identify, language and geographic space that are linked to the land question. I don't know if you want to add onto that?

Dr Claassens: Maybe just to add that one piece of legislation that people are complaining a lot about, is the Traditional and Khoisan Leadership Bill, which is a Bill currently before Parliament, and there've been a number of public hearings about that, and we've heard a lot of Khoi and San and Nama leaders, saying that the Bill discriminates in how it treats people from former homeland areas, and themselves, and that it gives jurisdiction over territory, over land, to traditional leaders in the former homelands, but for them it just gives them the status of a representative, and they'll have a seat with no jurisdiction over land.

So they rightfully point out that the bill treats the two groups different, and yesterday they were talking about the Ingonyama Trust Act, and saying, "Here we've got a law that gives the Zulu king land, and there's nothing similar for Koi and San groups." So, you know, I think that people are focusing on that law.

One of the sad things is that land reform was meant to have three different components, redistribution, tenure reform and restitution, and now we've got this major focus on restitution, which is partly because the other aspects of land reform haven't deliver much, and restitution is a backward looking process of claiming rights. It was quite limited, because nobody expected that people who lost land two or 300 years ago, would be able to put forward, you know, valid legal claims. They may not have that sort of evidence, and so the assumption was that most people would put in claims for redistribution. But as that, you know, as that has delivered very little, we've got this major focus on restitution as the only way in which people are really feeling that they can claim land, and that does hark back to prior identities and different ethnicities. So, you know, I think it was never anticipated that restitution would be the primary form of

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land redistribution, and it's in that context that they're saying the 1913 cut-off date excludes people who lost land before 1913.

Unidentified Female Speaker: Any other comments from the Panel? In terms of the impact socially, or anything like that?

Dr Muthien: Well, one of the other issues that have come out as people relate to the Constitution, is also about rights and inequality, and the fact that for as long as people have unequal access to social services, those provisions in the Constitution cannot be fulfilled, and it relates again to the issue of nation building and social identity, because the issues of poverty and inequality and unemployment are issues that divide rather than build a new nation. So policy makers and lawmakers would need to be mindful that the Constitution also sets up a host of promises and expectations, that would need to be delivered, and what consistently comes out of our public hearings are the lack of implementation. Strong policies, strong laws in other areas. There are gaps, but the issue of implementation is something that requires urgent attention.

Unidentified Female Speaker: Are there more questions from the media? Yes? Go ahead, Jason.

Jason: Mr Motlanthe, given what you've heard over the past two days and what you've probably heard in other provinces, how do we fix this problem with the Khoisan and the land issue? Is there three ways? Do we just give the land back? What do we do? How do we fix this?

Chairperson Former President Kgalema Motlanthe: Well, as Dr Claassens has indicated, that restitution is limited to those people who have legitimate claims to the land, and of course the process is laborious in the sense that, you know, people are expected to produce proof of such ownership and their claim. So the best way of dealing with the land question is through redistribution, because the history of land

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ownership in South Africa is one of dispossession. So you can't only deal with it within the confines of, or the limitations of, you know, the land that was held in trust by missionaries and/or in reserves for occupation by natives, as it were. So you've got to deal with it holistically, and therefore redistribution is a better form of solving this problem here.

Unidentified Female Speaker: (inaudible)

Prof Shisana: Ja, I just want to say that one of the issues that came up, is the question of housing, that so many people are still living in shacks before 1994 and up to now, and they'd expected that things would have gotten better, you know, by now. One of the drivers of shack dwelling is the question of not having enough land where they can be able to build and, you know, start up their own businesses. But the other one that came up, which was interesting, was the fact that there are people who are evicted from the farms. They end up without any place to stay, and they end up in shack, you know, in shack areas. So there was a concern that some or other the law has to be looked at again to see what is it that can be done, to be able to fast-track, you know, housing. And the other thing is that there seem to be problems of corruption in terms of who gets a house and who's doesn't get a house, and that issue needs to be resolved, and this we didn't only hear it here in the Western Cape, but we also heard it when we're in other places. To say that the list itself is not followed, you know, meticulously. People tend to get houses earlier, I mean earlier than expected, and others tend to get it later than expected.

So that is something that obviously is a problem.

Unidentified Female Speaker: Are there any more questions? Any last question perhaps? Mandla?

Mr Mahashe: MR MAHASHE: Throughout the whole sessions in the other provinces, was there an indication that the ordinary man in the street understand when they have

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grievances to certain legislation, what do they have to do? Did, is that something that you've observed, that maybe the man in the street they understand that? And if not, you know, what are the ways that one person, when I write to that person and say, "This is what you can do, this is the avenues we can go", you know, can you elaborate on that, please?

Prof Shisana: My understanding of what's happening in terms of the concerns that people have, is that they've gone to so many of the imbizos, which had been held in many parts of the country, and they've raised this concerns, and the concerns are not heard.

So they're asking us a question, "What's different with you in terms of, you know, the team?" and we are saying to, "We actually are not part of government, we are independent, and there are processes that we need to follow to ensure that government gets this information." We will produce our report, we will make very clear recommendations which will go to Parliament, and Parliament would obviously have to look at those recommendations and take whatever action that they need to take, but certainly there is a concern among people, that they do have the problems. They understand what the problems are, they know who to go to, to government. Unfortunately when they go there, they hardly get a response back, and so they're hanging onto us, hoping that when we come, we will actually come up with a response that will be useful for them, but unfortunately we don't have the power to be able to implement anything, because we are independent Panellists.

Dr Claassens: Maybe just, that I think one of the key tasks that we've got, is to analyse what's going wrong and how it's going wrong, because I think that if we can lay bare, you know, the – if we can lay bare how budgets are being diverted from specific laws where there are Constitutional rights entailed and money is being spent on other things, and how in fact the implementation is in breach of the law and Constitutional rights. I think that that will make our findings and our recommendations much stronger, because I think we've had a kind of unique opportunity to go from province to province, and hear

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incredibly astute people talking about very, the concrete nature of their problems, and it's given us a kind of birds eye view of where there's certain lacunas. Sometimes in law, but more often in implementation, and I think a lot of the strength of our recommendations will depend on our capacity to analyse exactly what's happening, and why things are not being delivered, and, as one of the speakers said today, our job is to go and analyse what we find, and put forward recommendations based on that analysis.

Unidentified Female Speaker: President, would you like to give a concluding remark? Because I think we are done. I don't think there are any more questions, are there? No.

Chairperson Former President Kgalema Motlanthe: No, thank you very much. Continue informing South Africans about the work of the Panel, and the issues that are, you know, coming up from these direct interactions, because, you know, lived experience is very important. Most of the participants also raised issues that really, you know, a function of poor implementation and/or absence of methodical implementation of existing policies. So where, in one breath they are grateful that, you know, good policies are in place, but in the same breath they feel that, you know, they are let down because those policies are always implemented in the bridge year, but all I can say to you is thank you very much, and we hope that we'll continue to partner with you in this mammoth task, because, you know, our people need to know that this is an opportunity for them to find a voice here. Thank you.

Unidentified Female Speaker: And that's the final words. Thank you, President, thank you, Panel members, and thank you to the media.

HEARING ADJOURNS

ON RESUMPTION: (Session 2)

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Rev Damon: Chair, members of the Panel and distinguished guests, we would like to start – sorry, are you ready? Now I don't have a choice; I wanted to kind of skip you but now I don't have a choice. [Laughter]. So I'll start with the two of you. A short two minutes and then we'll call in Theart, Bodenstein, Mudarikwa, Samaai and Matthyse to join us here in the front.

Unidentified Male Speaker: I greet everyone in the name of our Lord, Jesus Christ. I thank you for the opportunity. It's an honour to be here in the House of God, his people, and I thank the government for giving us the opportunity to say what we have to say, through all the traumas and hurt that we went through and the suffering. I greet the Deputy President, I greet the Panel and I thank you for this opportunity. But I and my people, the so-called coloured people and even the black people that I know, stay together in Belgravia, opposite Athlone Stadium. I'm also a friend of Trevor Manuel, the previous Minister of Finance. I was in the battle in 1976 in the riots with Gary Kruze too. But what I'm seeing now is a happening that is happening when the first regime control, but I can say that the ANC did well over the years; we can all go to beautiful resorts where the first regime went; we can go to the beaches. They have done well, they have done their best, but they can do better. Come, let us give a hand to the ANC.

Then we also give a hand to the DA; they are also trying their best to control. It's not a joke to be in a position of a leader, it is not a joke to be a senior elder of the Khoisan, of the Metro, it is not a joke, when I put this klerie down, I can stop a meeting and I can let a meeting go on. I do not care how you look at my colour; it is not about the colour, it is about the suffering, it is about stealing my ground that I owned in Elsies River, Louw se Bos, acres of ground. I am the grandchild of Sam Khan; he was the lawyer of Joe Slovo. He is from Tel Aviv. He had shops in Hanover Street, he had money in the bank, but he had to flee out of South Africa. What happened to his name? What happened to his money? What happened to his properties that he owned? And then I have a grandma from Oudtshoorn and that grandma was a Khoisan woman. She could make the roosterbroodjies on stone, she could do anything that a Khoisan does – herbs and everything – and what happened to my heritage?!

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I am not ashamed to be in this body, but I am telling you today, stop fighting man! Stop fighting the government, stop fighting the local government, stop fighting yourselves. Come with a petition, come with a pen and a book, come with technology, intelligence, and tell the government “help us, we need your help.” I think the ANC saved my job; in 1997 I wanted to be a caretaker at a school in Bridgetown and my own people wanted to work me out because of the skin. But I went to an ANC office and those people – Max Ozinsky, they helped me. And the Premier of the Western Cape came to the school and told the principal “you are out of order, you’re going to lose your job.” And I didn’t know how powerful we were. It’s not about your colour, it is about what you know about your rights. And I’m telling you today, you’ve got a lot of rights. But don’t use it the same way somebody uses it that is evil. And I pray, and I’m also an Apostle of the Christian faith, I pray that you will all unite and come together with the black and the white and the pink and the orange, the rainbow nation. The Metro is in a mess, because the one wants to be better than the other. And now I’m going to introduce my King of the Metro here; King Khoebaba – can you stand please King? There’s the King of the Metro, King Khoebaba Cornelius of the Goringhaicona Tribe. Goringhaicona Tribe is a Cape Khoi tribe. And then I’ve got the spokesperson of the WHC and I’m also joined with him in SANEC, Reverend Gregg Fick. Can you stand please? Let’s give a hand to these people. These people fight for your communities, but I’m here to share with you two minutes ...(intervention).

Rev Damon: No, you’ve already had ...(intervention).

Unidentified Male: Is it over?

Rev Damon: Yes, thank you Sir.

Unidentified Male: Okay.

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Rev Damon: Thank you very much, we appreciate your contribution.

Unidentified Male: Thank you very much.

Rev Damon: Thank you very much. Next please.

***Unidentified Speaker:** One, two, eh Greetings to the residents. Greetings to our dignitaries as well. Greetings to the Deputy President...former Deputy President Mr Kgalema Motlanthe I say "Dumela ntate." I'm going to talk about a few things here, people, I don't talk much. I just want to emphasize that when I look here, I find that it is only us black people who have come here in numbers. When I talk about black I mean brown and black, I'm not a racist in that. When I look I find that it is only us, but we like speaking in foreign languages, it is one's right to do so but many of our people do not understand. What I'm going to talk about here is compensation to the people. Ever since the apartheid government made us to live separately like we do, and say today there are people who are Coloureds, there are people who are Xhosa, there are people who are Indians. We were one people collectively, united and now since we are free we are scattered. The laws that cause us to be scattered are the laws we are talking about. I think what we missed as our government that was taking over was to talk about compensation. I hear nothing about compensation to the people who were oppressed by the apartheid white government. I hear nothing said about compensation. Nor do I see a law that says what we are going to do to give those who were oppressed the right. I see here as we go about talking today, even the youngest one in our democracy today, Malema, has got his own foundation..all of them have foundations, from Mr Mandela, but there is no apartheid foundation.

Why is it that we don't have an apartheid foundation because we were abused? Why is there no such? I'm trying to say, my leaders, there is still this tendency of us being undermined by white people, even the TRC did nothing to restore our dignity, it is still dragged in mud even now. I think we should call Mr Desmond Tutu while he is alive,

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and Mr Dumisa Ntsebeza to come and tell us whether they are happy with the manner in which we were compensated,, if it is right? I thought today we would not complain because you can see outside even now the Labour Act of South Africa does not protect us, it protects white people. Black people, you can get out and look out there. I'm not racist or am I xenophobic, you can look there. It is African people who clean our toilets there now. You can go here...there is a man who spoke here, the one who comes from a farm; the one who represents farmers. You can look even now the farmers are still putting our people into coffins, they are feeding our people dogs' intestines, our law is doing nothing!

†**Rev Damon:** Thank you.

***Unidentified Speaker:** I think lastly honourable Chair, lastly without wasting your time. It depends on us now to say to the government "This is our position please tell us what you have for us in terms of compensation? Because countries like America are compensating Vietnam. What about us here who were oppressed?" Thank you.

†**Rev Damon:** So just to bring us all on the same page, that we will now concentrate on the last group. We have mentioned to you this morning that the High Level Panel have divided ourselves into three groups; the first group looked at Triple Challenge of Inequality, Poverty and Unemployment as well as Wealth Creation. The second group at Land Reform, Restitution, Redistribution and Security of Tender, the third group at Nation Building and Social Cohesion. Now we realise, as we've indicated, that some of these issues are cross-cutting; there's inter-linkages, but that people are taking a particular entry point into these issues. So now I would like to see – Mr Theart is here? Theart is here. Okay, Jeanne Bodenstein? Yes. Mudarikwa from – yes, Mudarikwa from the Legal Resources Centre, and then Seehaam Samaai. She's here from Women's Legal Resource Centre, and then Glenton Matthyse. Okay, these will be our first five. Please introduce yourself again and you have about three minutes. I'm a bit lenient so I

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may give you a few minutes extra, but when I say one minute left, then you really have one minute left. Thank you.

Mr Theart: Good afternoon members of the Panel, fellow stakeholders and esteemed guests. My name is Marthán Theart. I'm an attorney at the Centre for Environmental Rights. We are activist lawyers who help communities and Civil Society organisations realise our constitutional to a healthy environment by advocating and litigating for environmental justice. We made 11 separate submissions to the Panel on ten different Acts and most of those Acts can be classified as environmental legislation, apart perhaps from two, which is the Promotion of Access to Information Act and the Promotion of Administrative Justice Act. And I will refer to those Acts as PAIA and PAJA, as I go along in my presentation. The majority of our presentations were to the Working Group on Nation Building and Social Cohesion, and therefore I'll be focusing on some broad overarching themes that we covered in those submissions and not in our other submissions.

As the Honourable Panel is aware, two of the main focus areas of the Working Group on Nation Building and Social Cohesion are levels of trust between and amongst citizens and institutions and social solidarity and active participatory citizenry, and the two over arching themes that I mentioned that I will be addressing today relate to access to information and public participation in environmental governance in South Africa. ACCESS TO INFORMATION - As the hon members are aware, PAIA, or the Promotion of Access to Information Act was enacted to give effect to our constitutional rights of access to information, but it's often interpreted by public and private bodies to whom we submit requests in terms of that Act, as a tool that limits access to information where the default position is always non-disclosure, when it should be the other way around. Just to illustrate my point; over the past five years we've been submitting many PAIA requests and only 40% of the records that we requested were actually released.

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The reasons for non disclosure include that our request was simply ignored, which was the majority of the cases; some of our requests that were granted did not lead to the actual disclosure of the information, in other words the records that were requested were never released. Sometimes they refused on very shaky grounds, without explanation or reasons for the decision to refuse disclosure of information and sometimes records simply just could not be found. Our worst performer is the Department of Environmental – ag! The Department of Mineral Resources – I beg your pardon – only 12% of the records we requested from them last year were released. And just to make it clear, we very rarely engage in fishing expeditions, we request very elementary records, such as licenses rights, permits, etcetera. What are our recommendations? Well, we recommend that all rights, authorisations, licenses, permits, that are issued in terms of legislation are made easily accessible to the public by for instance publication of these records on line, or keeping hard copies on site, so that members of the public can access them.

PUBLIC PARTICIPATION - The main tool regulating public participation in the environmental sector in South Africa are our Environmental Impact Assessment Regulations. We have identified three main problems with those regulations; the first is that the timeframes for public participation are extremely short, they are truncated and they are very rigid. Public participation is also performed in a perfunctory – or performed, conducted perfunctorily, or it's usually just a tick box exercise and the views of interested and affected parties are never really seriously considered. The other problem we have is that public participation ends after the application process is complete. Project proponents often do not engage with interested and affected parties after rights or licenses or permits have been granted.

There are some peculiar problems in some of the other legislation, for instance public participation in respect of water use licence applications is not compulsory and it is done only when the Minister requires it, which means that public participation in respect of water use licence applications is very rarely conducted, and we believe that that is in

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conflict with the Promotion of Administrative Justice Act which states that administrative action must be procedurally fair when it has the ability to materially and adversely affect rights.

The Mineral Resources and Petroleum Resources Development Act allows government to grant mining rights in respect of land that is occupied by communities without their consent, and we believe that that is in conflict with the Interim Protection of Informal Land Rights Act and the customary principle of consent.

Our recommendations are threefold; we recommend that the timeframes in the Environmental Impact Assessment Regulations are lengthened and that some flexibility is built into those timeframes, to give especially communities time to process very complex environmental information and to express their views. We also propose that public participation must be compulsory for all water use licence applications and that the principles of free, prior and informed consent must be a requirement for granting mining rights in respect of land which is occupied by communities. Thank you very much for your time and thank you for this opportunity. (Applause)

Rev Damon: Thank you.

Ms Bodenstein: Good afternoon to the Panel and good afternoon to fellow stakeholders and members of the public. My name is Jeanne Bodenstein. I am the advocacy co-ordinator of the Rape Crisis Cape Town Trust and specifically the Rape Survivors Justice Campaign. Some of you might have seen the little purple booklets, and the submission that we make today – and we have also made written submissions – is on the implementation of the Sexual Offences Act, specifically relating to sexual offences court. This submission is also endorsed by the Shukumisa Campaign. Maybe I should start with a bit of context. So the crime statistics that was released in September 2016 showed that a number of 51 895 sexual offences were reported during the reporting period. We know from studies that there is a huge number of unreporting

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(sic) and as one in every 13 offences are actually reported, that means that more than 670 sexual offences took place during the reporting period. We need to accelerate from the mental change to this high rate of rape and we can do this through key legislation. I will guide you through the relevant legislation and policy and at the end make some recommendations of action steps that can be taken to address this.

The Criminal Law Sexual Offences and Related Matters Amendment Act of 2007 came into effect in December that year. This law brought some very important changes to the sexual offences legislation but unfortunately it did not change the unacceptably high rate of rape, the serious unreporting and the low conviction rates for sexual offences, and one of the main reasons is the barriers to reporting that exist. In 2013 the Ministerial Advisory Task Team on the Adjudication of Sexual Offences Matters released a report which I will refer to as the MATTA report and in the report they indicated that the main achievements for the initial sexual offences courts were high conviction rates in sexual offences cases. A decrease in turnaround time when cases are resolved and finalised, and lastly less secondary trauma for sexual offences survivors, mainly due to support in these courts and specifically court supporters and the support of criminal justice system. In 2013, later that year, Minister Radebe, the then Minister of Justice promised to roll out the sexual offences courts and to do that with specialised infrastructure – so waiting rooms and buildings and really ways to support the survivor through the system; specialised personnel and also specialised services. This led to the Judicial Matters Amendment Act of 2013 which was drafted to insert section 55(a) into the Sexual Offences Act, and this section was then designed to specifically authorise the designation of certain courts by the Minister of Justice to exclusively deal with sexual offences. It was further supported by the insertion of section 66 which was aimed to make sure that various government departments provide directives on how they would deal with sexual offences matters.

Unfortunately this Judicial Matters Amendment Act has not come into effect yet, which means that section 55(a) is not part of the law yet. Further, the second Judicial Matters

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Amendment Act of 2016 now aims to do away with the exclusivity clause and this clearly shows a lack of commitment to these courts and more specifically to the sexual offences survivors that they are supposed to serve. Looking at the assessment of the implementation of the legislation, the promise from the Department of Justice was to roll out an initial 57 of these courts in the first three years after the promise was made. Now, almost four years later, only 49 of these courts exist. Nationally around 298 courts hear mostly sexual offences but they are not sexual offences courts because they do not provide the specialised infrastructure, specialised personnel or specialised services. Furthermore draft regulations of the Act have been sent out for input already in 2015 but no final version has been published. When we have to identify gaps, we look at the Judicial Matters Amendment Act of 2013, not having come into effect yet, no final regulations have been passed, only 49 sexual offences courts exist across the country and there's no guarantee that they actual do provide specialised infrastructure, personnel and services. There's no clear plan for the roll out of sexual offences courts and most survivors still do not have access to a victim centred justice system. They still experience a lack of support, lack of information and often withdraw their cases as a result.

We would therefore like to propose the three following action steps:

1. Section 55(a) must be operationalised by March 2017.
2. The regulations must be operationalised and finalised, and
3. we want to see a publicly funded plan for a ten year period for the roll out of sexual offences courts. Thank you. (Applause)

Rev Damon: Thank you very much. Next please. You can come forward please, either one who is next. And I realise that those of you, also the person who just spoke, Jeanne as well as the rest of you are maybe focusing on women's issues or gender, so you will have a little bit more time. Thanks.

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Mr Matthyse: Good day everyone, greetings esteemed Panel. This is a joint submission made by Gender Dynamics, which is a non-governmental organisation as well as the Legal Resources Centre. Gender Dynamics is a human rights organisation that seeks to promote and enhance the human rights of the transgender and gender non-conforming communities, and on the other hand the Legal Resources Centre is an organisation that seeks to provide legal – sorry, can you just introduce yourself here?

Ms Mudarikwa: And I'm Mandy Mudarikwa, I'm an attorney at the Legal Resources Centre. We are a law clinic that uses law as an instrument of justice for poor and marginalised persons who would normally not be able to afford the legal services of lawyers.

Mr Matthyse: Thank you so much for that Mandy. Apologies again. So with regards to our submission, it will entail us speaking around the challenges in implementation of the Alteration of Sex Description and Sex Status Act. Many transgender and gender non-conforming people continue to bear the brunt of social stigma, prejudice, discrimination, hate and violence. One of the incidents that I would personally like to reflect on, which happened actually here today was when you step into a space such as the toilet and you are questioned for your gender identity and how you express your gender. I think that is one of the ways in which violence takes place within our community and one of the ways in which we need to address it is to start talking about it. Gender non-conforming people and transgender people seek the same services as any other South African living in this country, any person living in this country. Our rights are protected [break in audio] sexual orientation. However I do want to appeal in terms of our understanding around issues of gender and sexuality, that we do not confuse sexual orientation with gender identity. And in the context of this piece of legislation that we will be discussing today the focus is on gender identity. So I now give over to my colleague, Mandy. (Applause)

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Ms Mudarikwa: Thank you Glenton. So as Glenton has mentioned, at the Legal Resources Centre we have been offering services to transgender and intersex persons as a group of persons that are generally marginalised and vulnerable in the sense that the services are not always available to them. And our presentation today is specifically going to focus on the Alteration of Sex Description Act and Sex Status Act 49/2003, which is the legislation that allows a transgender or intersex person to alter their sex description on their identity document or birth certificate. So as you know when a person is born, it is mandatory for the person's sex to be registered on the birth certificate as male or female, so for a transgender person, as Glenton has experienced, their lived experience of their gender, sex, is not the one that is registered on their birth certificate or their identity document. So once they have transitioned from one sex to the other, this legislation allows them to be able to legally change that recorded [break in audio] legislation before the alteration can be done. So the Act allows you to alter that aspect of your identity document and your birth certificate, as long as you comply with the requirements set out in the Act. And the Act requires a birth certificate, two letters from a doctor that confirms that you have been receiving either surgical treatment or medical treatment or that your sexual characteristics have evolved through the natural course of evolution. And then for intersex persons is that you've lived in a specific gender for a period of two years. Once you've met all these requirements you then go to Home Affairs, as a department of government that is responsible for implementing this Act. You then hand over the birth certificate as well as the two letters from the doctor for you to formally apply for your identification document to be altered.

So it sounds very simple but unfortunately in reality the lived experiences of people going to Home Affairs has not been that simple and has not been easy. So what I'm going to just highlight very briefly for you the Panel, is the substantive issues that the legislation has as well as the procedural issues in the implementation of the legislation. So I think the main issue with the substance is that it's a doctor that has to say whether or not you are a woman or you're a man. It's not your experience of your gender or sex that you are emphasising yourself but you have to go to a doctor who then has to

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examine you to confirm whether you're a man or a woman. We submit that this is contrary to the rights set out in the Constitution that gives everyone the right to dignity, everyone the right to body integrity, everyone the right to equality, among other rights set out in the Bill of Rights. We believe that the expression and experience of gender identity is an individual life experience and the legal framework must allow anyone who is experiencing their gender identity to be able to express it without putting a condition of a doctor being able to say "you are a female" or "you are a male." Mostly because of, in addition to the rights access to medical practitioners is not simple, it's not easy for people, especially in rural areas or in marginalised communities where there are not healthcare facilities available it becomes difficult for them to be able to get to the doctors themselves to be able to give them these letters to confirm their transition.

And on the procedural side the Act itself does not have regulations, it does not have directives that can be implemented in ensuring that the promise of the Act is made a reality to all transgender and intersex persons. So what happens is sometimes when people report to Home Affairs it's not always clear exactly what the procedure is because there is no directive or regulation that can be clearly followed when a person comes to Home Affairs to apply. Secondly the knowledge about the Act itself is quite lacking for a lot of the frontline staff members that receive people at Home Affairs to apply. And then thirdly the timelines that it takes for a person to apply and successfully get their identification altered also takes too long. So I think we have to remember that an identity document that is reflective of your identity is very important in a day to day existence in South Africa. You need it for voting, you need it to draw money in the bank, you need it to be able to drive legally, you need it to be able to shop in an Edgars, in a Woolworths, you need it pretty much to go to university, to go – anything where you have to show a picture identity document you have to show your ID. So if your lived experience of your gender is different from the identification document that you have, then a lot of people are harassed, are arrested for fraud, they are also arrested for impersonation of people, so it becomes very difficult and clearly then becomes

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discriminatory and violate transgender and intersex persons' rights, that this Act when it was enacted in 2003 was aimed to protect.

So our key recommendation, we've done a written submission; we've also done a little booklet that explains all these things in a little bit more detail. I will make it available to the key people that are receiving information because I think it's quite detailed for me to present it now, it will take too much time and there are more people that have to present. But I will make sure that it's received so that it gives more details and the nuances of the problems being faced about implementation of this Act. But for now I would just like to emphasise that the training of frontline staff members that are processing applications for alternation of sex description at Home Affairs must be done immediately to ensure that when people come and say "I want to apply for alteration", there's no issues relating to "I don't know about this Act, I don't know how to implement it."

Secondly there needs to be regulations and directives that are put in place that clearly stipulate the timelines, what is required and who, if you want to follow up who is responsible for what, how long it takes and all of that. And then thirdly, there needs to be some form of reform that starts looking at expressions of gender identity in South Africa and whether or not we want to medically always go to doctors to say "tell me what I am, tell if I'm female, tell me if I'm male", when the experience of the identity itself is individualised, because your experience of your identity does not have to be confirmed by another person. The promise of the Constitution is that we are all free people, we are all individual people, we all have equality, we all have dignity, we all have body integrity. So what that means is that you should be able to experience and live your identity without someone who is having to confirm your identity.

Rev Damon: One minute.

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Ms Mudarikwa: And with that I am – thank you very much, with a minute to spare.
(Applause)

Rev Damon: Thank you. Next, Women Legal Resources Centre. Just introduce yourself.

Ms May: Good afternoon. Good afternoon to the Panel and thank you very much for asking us to come and substantiate the written submissions that we have made. My name is Charlene May. I'm an attorney, I work for an organisation called the Legal Resources Centre; I'm based in Cape Town. And my colleague next to me is Seehaam Samaai; she is the director of an organisation called the Women's Legal Centre, and they too are based in Cape Town. I want to start off the presentation here today by simply saying that we are mindful that we are addressing this committee and this audience during 16 Days of Activism and within the same week where the media has reported the brutal killing of a lesbian woman in Driftsands in Khayelitsha. In the same vein we acknowledge the progress that has been made and legislative development in respect of gender equality and gender based violence in South Africa as a whole.

Our submissions focus specifically on the implementation of the Domestic Violence Act, and there has been some reference to the legislation earlier this morning. We want to reflect on the preamble of the legislation which states that it is the purpose of the Act to afford the victims of domestic violence the maximum protection from domestic abuse that the law can provide and to introduce measures which seek to ensure that the relevant organs of state give full effect to the provisions of this Act and thereby to convey that the state is committed to elimination of domestic violence. To us discrimination and equality are so matched together that you can't begin to talk about discrimination without talking about equality, because they are interlinked, and interlinked with discrimination and equality is poverty. Poverty particularly, inequality in distribution of assets and related stresses have been identified as contributors to the high levels of violence that we experience within our communities, our households and

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within our countries. Every year we have new research reports that indicate an increased level of gender based violence within our society. Just last week Sonke Gender Justice released their report on gender based violence in Diepsloot in Gauteng.

Both the Legal Resources Centre as well as the Women's Legal Centre see survivors of domestic violence on a weekly basis, as we offer support and legal assistance to women as they try and obtain protection orders through our justice system. We anticipate within the coming festive season that we will see an increase in the amount of women that will come walking through our doors for assistance. The increase in reports will have a ripple effect throughout the justice system that has been designed by the Act and which has been implemented in a haphazard manner almost from the inception of the legislation. Women in our society continue to bear the brunt of non-implementation of the Domestic Violence Act. They are more often abused by someone with whom they share a domestic relationship. They therefore endure the double jeopardy and the double prejudice of abuse and violence at the hands of their abuser but as well as the inability of the government through the South African Police, to respond to the violence that they suffer.

Over a number of years our two organisations have been asked to brief the Portfolio Committee on Police on the South African Police's implementation of the Domestic Violence Act.

Over the past years the following have been re-occurring failures that we have reported to that committee: There has been a failure to arrest the abuser where there is a threat of imminent harm; a failure to inform victims of their rights; a failure to keep proper records of domestic violence incidents and protection orders that they have on file. There's a failure to serve protection orders and a failure to respond to a call for assistance or the despatching of a vehicle if a victim reports that it is an incident of domestic violence.

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The South African Police are often the first interaction or engagement that women will have with the justice system. They become the public face of government's commitment to address and eradicate gender based violence. There must therefore be a commitment within the highest ranks to address and meet these obligations. There has been non compliance with reporting frameworks that are set out in the Act by the National Police Commissioner over a very long period of time. And so these reports that have been required by parliament have simply not been provided or have been provided in large chunks so as not to allow for proper analysis by civil society organisations or by members of parliament themselves. And because we didn't simply want to list all of the negative things in respect of the legislation we also wanted to make some recommendations. I'm going to pass over to Seehaam.

Ms Samaai: Thank you. I will be addressing now just three or four recommendations that we are making in terms of Domestic Violence Act. To the Panel, we are saying that the National Instructions were issued in 1999 when the Act first came into effect. They are outdated in terms of standard operating procedures and in need of a review by the National Police Commissioner. We are saying that when things don't work, we must review and introduce new and different strategies. The Act in its entirety we are also saying is in need of review and possible amendment. The legislation does not deal with counselling or mediation and therefore provides no service that speaks to future prevention or addressing the cycle of abuse that is present. We strongly suggest that such an element be introduced to show government's commitment to addressing gender based violence in a non-punitive manner.

Service of documents has since the inception been problematic. We have a system that relies on the victim to serve a protection order on the very person who abuses her, a system that requires a poverty stricken woman to pay the sheriff of the court to effect service on her abuser and a system which relies on a reluctant SAPS official to service documents which they believe is not part of their core mandate. And I think that this provision of the services of court orders need to be strengthened within the Domestic

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Violence Act. We submit that we cannot move forward as a country and a community if we don't address the violence that women are subjected to on a daily basis in our country. We cannot rely on the current system that we have in place and new and creative methods need to be introduced at a legislative and policy level to address violence against women. Both the Women's Legal Centre and the Legal Resource Centre have made written submissions and we have addressed more issues within those submissions. These are the three key points that we want the Panel to look at. Thank you. (Applause)

Rev Damon: Thank you Seehaam and Charlene. Thank you also for those particular very relevant, to the point presentations from the previous speaker around specific legislation and specific recommendations. Just again to make clear that if you have a submission you can give it to the table at the back where they are raising their hands between the two banners; make your voice heard. Even if you're not making a written submission, you just want to put what you have on paper what you want to say, you can also give it to them. Then also there is the #HighLevelPanel and there's also the e-mail address highlevelPanel@parliament.gov.za as well as a Facebook page that I think – I don't know exactly the Facebook page but there is definitely all the social media as well as other relevant ways that you can engage. So over to the next group – Andrea Van der Ross. Andrea Van der Ross? Not here. Then also – and from the Agricultural Workers Union, and then we still have to give you from the floor. So we've got about half an hour for the rest of those of you who have asked to speak, so I'm really going to be hard on time with you. Carlo Diedrich, you're going to make a presentation. Garcia is going to make a presentation, from South African United Fishing Front and then Rev Greg Fick, you will make a presentation. Heraldine Chienda? Not here. Griffiths from Abbotsdale? I think you made a presentation yesterday? Excuse me? Yesterday. So that's good, thank you. Anele Ngitana? Anele? Not. Anele? No. Okay, let's take those. You have three minutes.

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Mr Diedrich: Good day Panel members, Comrade Chairperson, programme director and all stakeholders present here today. Thank you for the opportunity. I would like to thank the Panel for the opportunity to raise some issues, as I am from a trade union, BAWUSA who is a trade union in the agricultural sector. After 22 years it's very sad and unfortunate to see that there are still challenges that our people are facing in the agricultural sector especially in the Western Cape but also in most parts of South Africa. Our challenges are that there is a lack of shared vision by stakeholders and role players in the agricultural sector. The economy in the agricultural sector is racially schooled and only advances a specific population group as a legacy remnant of the apartheid era.

The social pathology such as poor health, alcohol abuse remain, as well as poor housing, unemployment, worker living conditions, illiteracy and a lack of specialised skills. Redressing and deracialising the economy while at the same time redressing social justice are the biggest challenges in the agricultural sector. And as a trade union in the agricultural sector I want to talk specifically about evictions. Our people are facing illegal and legal evictions on a daily basis. Farmers are evicting our people to use the houses as storage facilities and most of the times these evictions take place during the winter time, in spite of that we've got an Act called ESTA. When our people are evicted and people talk about alternative accommodation, we as trade unions do not understand how can local municipalities build our people a shack when some of our farm workers live in a three- bedroom house on the farm, but once he is evicted, as people talk about alternative accommodation, local municipalities go and build a shack. They are actually building squatter camps for our people.

BAWUSA is calling again on government to put measures in place and also to place a moratorium on evictions until such time that local municipalities can provide decent housing for our people. Other challenges in labour that we experience as a trade union is a lack of recognition for agricultural trade unions education and training and development and also labour's 21 demands not achieved. And I just would like to refresh the Panel on what were the 21 strike demands in 2012 when the farm workers

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went on strike. It's freedom of association; stopping of anti-union activity and granting of unified organisational rights regime; labour demand a minimum wage of 150 per day; an 8 working hour day; full maternity benefits for all workers including seasonal workers; end to wage discrimination and a principle of equal pay for equal work to be introduced; 40 hours a week for farm workers; the introduction of job grading and pay scales for all workers; that a provident fund be set up for all farm workers; the setting up of a bargaining statutory council in the agricultural sector; a ban on the use of labour brokers as this form of employment undermines the regulatory framework of farm workers' employment condition; that a seasonal desk be set up by the Department of Labour that keeps a data base; track and service seasonal workers' needs, i.e. to be registered for UIF and be granted permanent seasonal worker status; the setting up of an inter-Ministerial committee and define the role of agricultural sector in NEDLAC that specifically looks at farm worker and dweller issues and that a fund be set up to support activities of unions towards unionisation in the sector; that all housing contracts are entered into with both partners' names and that women in particular have rights to tenure in the event of a spouse or partner passing on or losing his job; no deduction for rent of siblings and dependents over 18 years; moratorium on all evictions; safe and decent farm worker transport for farm workers to and from work and town; no deductions for domestic water and electricity usage including gardening; that a child grant be made accessible for farm worker communities; create a fund to assist with alcohol and substance abuse, foetal alcohol syndrome and gender based violence; access to farms related to social needs of farm worker families; free accessible healthcare for farm workers; and the last one, transformation and structural change be brought about in the agricultural sector speedily. I thank you.

Rev Damon: Thank you very much. Next please.

Mr Garcia: Programme director, ladies and gentlemen of the Panel, thank you very much for this opportunity, my fellow South Africans. My name is Pedro Garcia. I'm with an organisation called The South African United Fishing Front and we deal with

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fishermen throughout South Africa. We also deal on an African level with the African Union, with NEPAD, African Union Inter Africa Bureau of Africa of Animal Resources, the FAO of the United Nations and other leading agencies, international agencies dealing with fisheries and agriculture. Ladies and gentlemen I am sure that most of you are aware of what is happening in the industry, especially with the small scale fishers (sic). We have one law, that is the Marine Living Resources Act which was amended to make provision for the small scale fishers (sic) who were excluded from the processes for many-many years without any valid reason being given to our people. Now many of the issues that were brought up here affect our people directly. When I say “our people” I am talking about fisher folk throughout South Africa. And yet after 22 years a new dispensation; we have the unenviable reputation of being the most unequal country in the world. What has that got to do with Fishing? Everything. When we have one big fishing company, just one of the big fishing companies, would declare a turnover of R8 billion plus and operational profits of R1,7 billion from resources that they acquire from the state, and we have tens of thousands of people along our coastline who are going to bed hungry at night, who are fighting for their rights – traditional ancestral, historical fishing rights – then we have a problem in our country. How can we be so divided? How can we stand as South African? Our moral compass is completely screwed up. We need to stand with our people and we need to fix things in our country.

I would like to make two recommendations here today; one of those recommendations is not about the law, it's what happens after the law has been enacted. How many of our people are aware of the laws? How many of them understand the laws? The problem that we experience in South Africa is a problem of grassroots consultation processes. Government tends to steamroll processes through our communities. In a flash they are in, in a flash they are out. Tomorrow after tomorrow you hear this law has been enacted, that law has been enacted, but you never understood it. We move too fast in our country. We move so fast that we move right past our people, right around our people. We tend to forget that we are not a first world country. We have literacy and numeracy challenges. It is imperative that we put together a structure where we can talk about

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grassroots consultation processes. One of the earlier speakers spoke about informed and prior consent. As South Africa, as a nation, we are signatories to two very important documents; one is called the VGGT's, the Voluntary Guidelines for The Responsible Governance of Tenure in Fisheries Forestry and Agriculture. Then there's another document; it's called the Pan African Fisheries and Agriculture Policy Framework and Reform Strategy. Our President signed off those documents, but we haven't achieved those objectives. How do we achieve an objective of informed and prior consent when we go into a community and you make a decision based on your understanding of what is happening? When you make that decision, that is an informed decision, but you have been informed, you have been educated, you have been capacitated.

What we need in South Africa is to ensure that when government goes into our communities, that they take the local and human dynamics into account. If it means that you have to go in with a comic strip, if it means you have to go in with a video recording, if it means you have to go in and do oral presentations in order for our people to understand, then that is what you do. You do not do, you do not fast track processes, as much as we need to fast track transformation in this country we need to be cautious about it as well, because we will move past our people once again, and that is where the exploitation comes in and the sharks are sitting, they are waiting there for us. They are waiting for these policies to move through. How for heaven's sake in the fishing industry – I refer to the fishing industry because that is where I come from – do you expect a normal fisherman to first of all understand the policy that has no substance or content and it is a huge document, it has an implementation plan that is 144 pages long, he has the permit conditions he has to adhere to. All of these documents the normal fisherman has to understand before he is accepted as a fisherman. He has been fishing all his life, for generations as a matter of fact. So that is our recommendation, that we address that particular issue, because if we address that issue a lot of our problems will be resolved. We need to build capacity. There are three pillars on which this country needs to be built; the first one is education, the second one is education, the third one is

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education. We need to educate our people. (Applause). And then just finally ... (intervention).

Rev Damon: Just finally.

Mr Garcia: Thank you. We need to look at a legal and regulatory framework to address corruption and related activities in an effective manner. We cannot – we did a presentation to the Portfolio Committee on the 25th of this month and in that presentation we alleged the capture of state fisheries, because our government still panders to the elite and the big businessmen, so how can it not be a form of capture of state fisheries? And these are the issue we need to address, we need to make it clear. We have had two reports, forensic audits, Emang Basadi, Harris Nupen, which concluded that there was political interference, maladministration; the same people are still in the offices after years. When are we going to do the right thing? When? I thank you. (Applause)

Rev Damon: Unfortunately we have limited time so I cannot give you more time. I had a bias which I do not apologise for, for those who came on women's issues, but otherwise we have limited time, so three minutes.

Rev Fick: I greet you in the wonderful name of my Lord and Saviour Jesus the Christ. My name is Gregg Fick and I represent four different organisations. I will try my best to speak from the heart as the documentation here covers about ten to 15 minutes, but first I want to thank our former President for this opportunity and for his presence, the Panel, thank you so much. And for you the public, thank you for your presence. Discrimination in South Africa after 20 years living in a democratic country should be taboo. Yet we find in our day and our time that the very people that we have elected democratically to represent our people, are the very people that discriminate against us. In 1950 – sorry – in 1950 the then President, F W De Klerk – a previous speaker spoke of this – stated the following – *I like quoting him in Afrikaans – he says the legislation of

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1950 of Section 30, the Population Registration Act states clearly that the word “Coloured” was created to rob the indigenous people of their constitutional right to ownership of their land. In other words, what I am trying to say to you is that the President, F W de Klerk, came to realise that the reason why this Act was promulgated was to rob the indigenous Khoisan, so-called Coloured people, of what God actually gave them.

Now the problem I have today is that I have also voted for a democratically elected government, but this government that exists today, †is the very same government that is continuing with the apartheid regime so-called upon our people. (Applause) And I want to speak to you, the public of South Africa and say we can never allow it. Our President Nelson Mandela said the following words: “If this government do to us what the apartheid regime did, then we must do to this government what we did to the apartheid regime.”

(Applause) *Why are there Coloured marks on government officials’ forms? When I left the police in the year 2011, I was still being told “you are now out of the police as a Coloured policeman”. Why is there the word “Coloured” in the government of South Africa’s population group marks today? †This government is guilty of discriminating against the first indigenous people, so-called coloured people and it is high time that this government takes responsibility for the hatches that they have made. (Applause)

Let me speak to you about our pensioners. I was waiting for many years for this government to declare what is a living wage. Today we hear that the Deputy President ever so proudly states before us that R3 500 is not a living wage but is a minimum wage. *Now how does the government expect our elders, our pensioners, to live off the peanuts they give us? (Applause). †Our children have a future but we cannot build upon the lies of the past. (Applause). This country will continue with the curse that is upon it; the reason being because you see – let me explain to you as I understand what happened during the apartheid time – somebody came and stole from us, they took our identity, they took our land, they took our mothers, they took our sisters; now they’re

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coming to us, and this is why the ANC government has failed us, because the ANC government says we must forgive and we must forget, but if you catch a thief even if the thief says I'm sorry, he must give back the cell phone that he robbed you from. But nothing like that happened in South Africa and our people will never be free until we are economically liberated in this country. (Applause). Poverty is a reality and it is not a problem in the white community, coloured community so-called or in the black community; it is time that we realise that it's a problem among all of us, because certain people took our liberty, took our freedom and the right to vote to enrich themselves and I say it's high time that we, the people, say "no, no to corruption, no to whosoever it might be." If it is a king, if it is a prince, if it is the President, what is wrong is wrong and justice must prevail.

Rev Damon: One minute.

Rev Fick: First of all I want to finish off with saying this; you have a vote and what does it benefit you if you go and vote and get killed tomorrow? (Applause). What does it benefit you, your vote that your fathers and forefathers have died for if you cannot even sleep in your own home and if somebody breaks into your home and you take action, that you are more guilty than anybody else? (Applause) This government needs to wake up to the reality of society, because they cannot close down a shebeen that's selling illegal drugs, but they can close down tuck shops; they cannot close down drug dens and sit in meetings - my God, how can this government do it? - sit in meetings that reckon themselves as gangster lords, drug lords, and have meetings with them? We have become gullible. Has our freedom not cost us the blood of our forefathers? Has this land not blood that is calling out to God? I say justice must prevail and the only way justice will prevail, is that we the people take back the authority that God has given us. Nelson Mandela was a great man, but in vain he has died if this government continues with the discrimination upon our people. We are the Khoisan people and the Deputy President, Minister said the following words to Parliament: "We cannot allow these people first nation status because we will have to give back what belongs to them."

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*Now I'm telling you, Minister, you have acknowledged that you are sly, you acknowledged that you †discriminate against the so-called coloured people, Khoisan coloured people and it's time that you wake up and smell the roses, before this country is cursed down to the drains. Let us take back what belongs to us. The Lord bless you. (Applause)

Rev Damon: I said I was going to give some people from the floor but we still have people on the list. Unfortunately the sister needs to leave, so I will give an opportunity. Then we have the following – so I just wanted to check with you – is Heraldine Chienda. Not here? Are you here? Excuse me? Already, thanks. Excuse me? I can't hear you, you will have to speak to the table. Then Sarah Fabi spoke yesterday. So Sarah you will have an opportunity. Marlene Pietersen. No. Nozola – no, that was yesterday – Sandra Jaftha? No. Lorraine Noko. So you all spoke. Okay, so then we have our sister that will speak and then you have an opportunity. You would like to speak? Okay. Then what we will do is I will ask the sound people to put up a mic there. So those who are on the list who want to speak from the floor, you will have to line up there and we will give you two minutes. It is not my business. You will have to go to the table if you have a problem.

***Unidentified Female Speaker:** Program Director, former President and the High Panel, I greet all present here today. I just want to ask, at Group 1 where they speak of poverty, the Act excluding grandmothers to receive foster grants causes poverty. Grandmothers are responsible for their grandchildren's education at all times. The Act is the cause of many children ending up on the street because the grandmothers cannot care for them. For example, grandmothers who are not working, and there are grandmothers who do not receive a pension – like myself standing here – they are unable to offer any help to the children. The children become involved in crime. I have a proposal that this Act prohibiting grandmothers from receiving foster grants, that it should make provision for grandmothers receiving foster grants for their grandchildren, because I, as I stand here, I am a grandmother, I have a grandchild who has to attend a special needs school. I live in Mfuleni, the child has to go to Khayelitsha and the

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transport cost is R500. I do not work, I do not receive a pension, so that child cannot go to school. And that child will see Grandma is struggling and then turn to crime. I would like the Panel to look at that Act, because that Act causes more children to be out on the streets. Thank you.

***Rev Damon:** Thank you. Sarah. (Applause)

†Ms Fabi: Good afternoon everybody, good afternoon to the Panel. My name is Sarah Fabi, I'm from Chatsworth in Malmesbury; we are falling under the Swartland Municipality.

You know I'm sitting with this booklet in front of me that's talking about social assistance and if I look in this country, all the women who are 40 and past 40 are sitting at home, cannot find any jobs. And my question to that is, if they are talking about social assistance, what happened to those women? Who are looking out for them? Because they are also mothers, they are also running a household and if the child sees in the house there is no income from the household, from the mother's side, that child goes to the street, because in my area the majority of our families that stay there are mothers who are single mothers and do not get any work, any assistance from social services. My other problem that I have in terms of social assistance, if I look at the social workers in our area in Malmesbury, you won't believe what is happening. Community workers is social workers, because at the end of the day we won't find a social worker in government's side because you have to go look for them. 24/7 we are community workers on grassroots level, we are handling cases where the mother is abusing the child, the mother is smoking out the money of the child. Then you as a community worker you have to deal with those issues. And for me is that in terms of social assistance and the social grant that the government gave, government must seriously look into that because it's not fair to that child or that mother who doesn't earn anything, who don't have food on the table, for her to sit with all these problems and we are sitting with Acts that say it is the Social Assistance Act.

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Then I have to come to the one that they call the Constitution. I have a serious problem with the country's Constitution. The Constitution is so far from the poor people, the Constitution is up there, the community people are down here on grassroots level. If you see a fight in the Constitution Court, you will see it is the political parties who fight each other, but you will not see the community issues and service delivery is in that Constitution Court. But that Constitution Court is supposed to be there to look after the poorest of the poor. And that is something that is sick, because at the end of the day the Constitution is there to look after the poorest of the poor. The other thing I have to talk about is the fact that we are talking about heritage ...(intervention).

Rev Damon: One minute.

Ms Fabi: Heritage for me in South Africa, what did we inherit. We inherited only poverty. If you look around you, there is nobody that can say in the poorest communities, in the rural areas, they inherited something from their forefathers. The only thing that they were inheriting was poverty, nothing else. For me that bill must also be looked at because at the end of the day I feel if the grandchild of the (indistinct), after the grandchild, if they grow up they must say they inherited a factory, a shop, a piece of land. That is how we must empower our children. But the only thing that we inherited for our children and our grandchildren is poverty. I thank you.

Rev Damon: I'll give an opportunity now to the young man. After that we will have King Khoebaha Kelvin Cornelius and then I will acknowledge those two of you. Yes, thank you. Just introduce yourself as well.

Mr Goba: To the High Level Panel of the Legislation and of the Acceleration – sorry, sorry – to the High Level Panel on the Assessment of the Legislation and the Acceleration of the Fundamental Change and to the Protocol, †molweni *greetings, †goeiedag, goodday, and in Mandarin Chinese “daijahau” (phonetic). My name is Andile Junior Goba and I am 16 years of age. I attend this school called Cape Academy for

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Mathematics, Science and Technology. I am standing here and representing the ANC Youth League of Zone 5. I would like to thank the leaders and especially the High Level Panel, thank you very much. My presentation is about Working Group 3. As per leaflet on page 2 says, reads as follows: "What divides us as South Africans?" It is simply the undermining of one another and due to the instilled racial issue which was influenced during the strong apartheid regime, what binds us as South Africans is when capitalacy (sic), financial advantage, financial opportunity for example when like Cricket World Cup happens and Rugby World Cups happen and that is when we only bond with one another as South Africans. That is what I have noticed as a South African. This includes inequality and discrimination that we experience in this province. As a 16-year-old child I have experienced racial discrimination daily between whites, coloureds and blacks and I would sometimes wonder and ask myself, as a democratic society why am I still experiencing this or why is this happening in this democratic society?

We live in a society where discrimination still exists but in a different degree. Non black people still view us black people as Kaffirs and they feel superior because of their skin colour and their language. We have allowed emotional bullying because as some of us do not have confidence within ourselves, as it was not instilled within us by our parents and we are addressed as the third class citizens in our own country. Tribalism: As it is caused by a minority who always use the tool of divide and rule, as a young South African we must not allow this in any sort to happen in South Africa, as we are the only African country that has not yet been affected by this Tribalism Act. Most of our African countries are affected by the Tribalism Act. They failed to anticipate that the capitalist who wanted to gain wealth of their country actually cause a conflict between them in order to gain power of their country.

Social and Economical Exclusion: We come from different backgrounds and the majority of black people are rich enough to afford a certain lifestyle like many of our peers from other racial groups and that creates inferiority to us black children and coloured children. We are unable to reach our full potential because our parents, who

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do not have financial stability for careers we want to pursue. For example, I want to become a gynaecologist, but I am aware of the fact that my mother will not be able to support my studies during university studies, and what I have noticed is that a lot of our white mates or peers have, actually have a sponsor whilst they are schooling for their career that they want to pursue, let us say in university. Redressing and transformation: We need our government to take control of our media and filming and broadcasting. We are not informed of our history and roots as people, blacks and coloured. Our dialogue and documentary need to be broadcasted to restore custom and pride of our people. This will be a way forward to break the inferiority. This includes it will also help make other people understand each other's history and all of that. We need informative broadcasting on current situations of our economy and the influence of South Africa has in the international trade market. In this way we will have the confidence and encouragement to invest in our education and skills development. We do not engage in these topics because the information is not addressed in our platforms.

A perfect example of this Act is China. I would always watch the Chinese channel, which is 447 and I would observe how do they advertise, how they encourage their people and how they gain economic strength and they do that by only displaying positive things. What I noticed, they never advertise alcohol, which is the main problem – one of the main problems in our squatter camps and our ghetto's. They also display positive things, like education, how they should be in class. If you actually watch this you will realise that they are using any – like they are going as far as possible to make the people realise the good within their country.

Rev Damon: One minute.

Mr Goba: As people of South Africa – this refers to Act 14/2002, Media Development and Diversity Agency and Act 65/1965, Film and Publication – that the division in South Africa is influenced by inequality and unfair advantage of power. The minority still has economical advantage after 21 years of democracy. To redress this issue we need

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economical equality, the minerals and the agriculture. South Africans need to invest into small businesses, vendors in partnership with the immigrants to create economical advantage to the country. The country will be able to progress while in other social problems such as poverty and crime, united in the 21st century. I believe South African youth have the potential to lead the earth. Ignorance will hinder our success. Thank you very much. (Applause).

Rev Damon: Thank you very much. We really appreciate your presentation, also referring to specific legislation, that is really very welcoming. Thank you very much for that. You have three minutes.

King Cornelius: (Speaking in the vernacular). I have greeted you in my mother tongue. My name is Gau, which means King, Khoebaha Kelvin Cornelius III. I am the head of the Royal House of the Khoisan Nation. I am the first born child for 16 generations dating back to 1695. I am the oldest king in South Africa. The Deputy Minister had a press release a few days ago and one of my advisers drafted this document and says “please, you need to read out the reply to the Deputy Minister of Traditional Affairs and the Director General.” So replying to the City Press on the 27th of the 11th 2016, “First Nation Status for the Khoisan Unsustainable.” “The press recently reported that the Deputy Minister Obed Bapela, an alleged black South African, has recently proclaimed himself to be that national scientific expert on the aboriginal nations of South Africa. His public statement concerning the First Nation status of the Khoisan is an issue of misrepresentation. It is clear, and not only is he ignorant, but he knows absolutely nothing about the Aboriginal peoples of South Africa, including the Khoisan. The Deputy Minister has determined that without adequate historical or ethnographic research the government may arbitrarily decide who is a Khoisan leader, who is not a Khoisan leader, who the government’s favourites are for the Khoisan leadership and who the government detest as a matter of leadership capacity.

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This initiative is such a convoluted expression of government policy and it completely ignores the fact that the Khoisan had a system of customary law which facilitates the determination of traditional leaders and additionally determines the endurance of the traditional leadership by the processes of community acceptance. This initiative on the part of the government is nothing other than an old fashioned colonialism with the emphasis on dividing the Khoisan nation in order to rule them separately. The Deputy Minister makes the grievous assumption that should the Khoisan be recognised for the fact that they are the first nation of South Africa that the Khoisan would instantly declare their right to self-determination and independence from the South African State. The Deputy Minister obviously has a fertile imagination because certainly there is no such, nor evidence of such an initiative in the entire Khoisan nation. The Khoisan are South Africans, they are the first nation of South Africans, they feel proud about the fact that they are the first nation of South Africa and they do not need the mediocre and ignorant Deputy Minister to diminish their right to South African citizenship without any inequality and without any racial discrimination.

The Deputy Minister then makes a comparison with the first nations in North America and Latin America; the Deputy Minister knows absolutely nothing about first nation status in Latin America and he should be ashamed of the guesswork he has introduced into this discourse. Let us give him an example. The first nation of Ecuador is the Shuar nation of the Amazonian Ecuador. The Shuar nation is a part of the State of Ecuador and every member of the Shuar nation is a citizen of Ecuador. Under the Constitutional system of Ecuador the Shuar are given certain autonomy over certain matters that are exclusive to their form of living and governance. This does not mean that the Shuar nation are less Ecuadorian than anyone else; it is possible that the distinctive features of their culture can be given the form of derivative Constitutional status to respect their right to self determination and autonomy in the internal governance. The hon Deputy Minister says that no determination can be about first nation status of the Khoisan because he is not certain how the migratory patterns actually involved in South Africa. The Deputy Minister is completely ignorant even of the South African history. In this he

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is a representative of the most shameful aspect of the current system, governance of South Africa. Essentially what he is trying to say is that the Khoisan who fought for 200 years for their status and their freedom, who were subject to genocide, forced labour and slavery, are now to be deprived of the rights which they fought for over 200 years. The Deputy Minister needs to go back to primary school to learn a little more about his own country's history because he certainly is not a representative of what this culture has provided in terms of the history of South Africa or the nation of Khoisan.

The South African State is formulated around the Constitution. It would be very helpful if the Director General Muzamani Charles Nwaila had the barest take of what the Constitution does. For his information, the Constitution is nothing other than an instrument to allocate confidence to the various groups that constitute the nation's state and the Constitution may carve out rights for minorities, it may carve out rights for majorities, it may carve out rights for businessmen, labour, whatever. The Constitution is a way of dividing up the power and competency in a society to make it run smoothly and fairly. The fact that the Khoisan are recognised as the [break in audio] the Khoisan had a stake in the voice that governs them and can put their demands on the table for what it is in the best interest of the Khoisan for their culture, their development and their contribution to South Africa as a whole. It is pathetic that the Director General has virtually no concept of what the Constitution is and it is pathetic that South Africa should put people with this, in portfolios of such importance."

Rev Damon: One minute.

King Cornelius: "Then we cut though the verbiage of the Deputy Minister and DG. What he represents is nothing but xenophobic racism which targets a victim and that victim is the Khoisan nation of South Africa. It is clear to us that the historical evidence demonstrates without ambiguity that the Khoisan nation is the first nation in Southern Africa; therefore the efforts on the part of the government of South Africa to deny first

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nation status is effectually a position denied to deprive them of their fundamental rights to which they are entitled to under international law.

It should be noted that the declaration of the rights of indigenous people is based on pre-existing documents approved by the United Nations and these documents reflect the treaty laws governing the Bill of Rights and because the declaration is also based on the universal declaration of human rights. Most of its previous provisions, regardless of what South Africa says already has the status of customary international law and already binding in South Africa. The critical question is; why is South Africa in such denial of an obvious fact, and the answer is very simple: 'racism, black racism.' The only reason that the Deputy Minister says that recognition of the first status nation for the Khoisan is unsustainable is because he believes that the black majority would desist on racial grounds the recognition of the Khoisan who was here before them." This, from the Royal House of the Khoisan Nations' adviser on international law, Prof Winston Nagan, an expert on international and indigenous human rights. I thank you. (Applause).

Rev Damon: Thank you Excellency. I just wanted to check if Patience Lunika is still here. Ah, thank you. Patience we will have to – the support staff can help us so that she would be able to either speak from down... you must let us know what is the best. You would like to come up? Yes, okay.

Ms Carelse: Good day all of my fellow South Africans and the Esteemed High Panel. Thank you for the opportunity that I can voice our burning issue. My name is Marlene Carelse and I am from an organisation called Moms Move for Justice and the AAF, which is the Alcadar Andrews Foundation in Hanover Park. If we look at – in our booklets we have South African Human Rights Commission Act 40/2013 and I've highlighted a piece; it says: "The Constitution 1996 provides that the South African Human Rights Commission must promote, protect, develop, assess and monitor human rights in South Africa." And I also want to say that coloured lives matter. Now if we look in Hanover Park, the community that I come from, in the last year 114 young men were

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killed. Now Moms Move for Justice is the moms of those deceased that came together because they couldn't get through to SAPS, which is Philippi, our police station, they couldn't get – their cases either get lost or dockets get stolen or it just gets thrown out of court and the perpetrators are still living in our community. And we want to know why in Hanover Park there is only two police vans and we have a high crime rate which is gangsterism and the drug lords. Our community lives so much in fear that they can't go to the police and report. We have – there are some policemen that are really working with us but Philippi Police Station, they handle Hanover Park which is a very big community, and Philippi Farms, and we would like to know that why is it that we only have two vans for those two places? How is this possible? It may sound a joke to people but it isn't. When you are outside and the children are throwing stones and you are trying to get the police to come, no van can come out because they are in Philippi on the farms or they are elsewhere in Hanover Park.

Our burning issue is that the Panel should take a look at what happens, why is there so much corruption in our police? You know there are some good policemen but why is it that the policemen – I would literally say in bed with the drug lords. How is it possible that *they can shake, they can shake the shebeens but then they are friends with the drug lords, you know? And at the end of the day our men and those fatherless children have to walk past those perpetrators. †Our burning issue is that our Panel, come to Hanover Park, come to the level of the people. Any community, we've got a lot of burning issues, *come see †one day, come walk around and see what needs to be changed. We can talk about it here but it's up to you guys that normally, that make the legislation, come one day, I invite you, one day, pick any community and walk with us, then I think you will have a better understanding of what is happening and what needs to be done to change our community. (Applause)

Rev Damon: Thank you. Thank you very much. I will now introduce Patience Lunika. She is from the Institute for Advancement of the Disabled and we apologise once again for the access and I hope one can also appeal to these people, the church, that they

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would look at especially access to the stage for all people, differently able people.
Thank you.

Ms Lunika: Hi everybody. My name is Patience Lunika. My organisation basically it focuses on poor service delivery for people with disability, mainly kids that are still in school. One of the things that we have a problem with is the early childhood development. We feel that there should be crèches that include kids with disabilities so that it would start there with integration and do not want to integrate kids with disability when they are older, when they are in high school or at a later stage in primary school because that makes the child feel discriminated against because people do not accept what they don't know. If you are not familiar with something of course you will act differently to it. And also the teachers in those schools, they are not equipped to be working with people with disabilities. So we would like that the teachers get to be taught about different types of disabilities and also how to handle a child with a disability, mainly – especially the kids with learning disability. The teachers would just pass a child from class to class until the child sees that, and feels that they are stupid and they cannot perform in school, and that leads the child to being a dropout out of school.

And also when it comes to transport, transportation for us is a huge problem because we have – Dial-a-Ride is useless to us. You will see them having one person and they will tell you “we are fully booked.” And also accessibility especially government facilities, it is not disability friendly. You will find that most places have stairs and yet they want you to attend these things. And with the people also in government that are doing these things for people with disability, you will find that they know nothing about disability but yet they have these constitutions about us people with disability. Now our slogan goes like “Nothing about us without us”, so we would like to be included in every decision that is made for us about us, because even the ramps that are built in certain places, I can't even go up and I can use my arms; what more, how much more for a person who cannot use their arms? And we would also like to urge the government to kindly build centres for us so that we could have, for those who are not intellectually privileged to be

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able to do things with their hands and they can provide jobs for themselves, so that those who can work and those who can provide their own jobs can give off the grant to those who cannot do anything for themselves, so that grant can assist them instead of them earning that 1,5 and then it still needs to cater for the person and the person that's looking after you, because it is indeed very expensive living with a disability because you've got special needs as you all know.

Lastly, if the government could assist us to open core offices so that we can be able to sustain ourselves instead of wanting handouts and busy writing letters to ask for funding, if we can have our own co-ops and generate our own funding, we can assist each other. Thank you. (Applause)

Rev Damon: We have almost come to the end of the day. Thank you for your patience and for staying with us. Yesterday we had quite a number of people who also made presentations from the floor. So we've got 15 minutes left, so I just want to give four people a chance. If you can line up there, right there; you have two minutes each and please, just those five first and there are already three men in front and I will give another woman a chance, so can we get...? Or a young person. Okay,

Mr Momberg: Thank you very much for the opportunity and to the Panel, the Chairperson, everyone present. I want to say we appreciate this opportunity. My name is Kevin Momberg, I am from the Cape Town Minstrel Carnival Association here in Cape Town and our concern that we are addressing is a social cohesion. And the concern really is that of the City of Cape Town, which obviously can spread to out of the country, but what they are doing is they are using their policies to cause conflict and favouritism amongst organisations who practice the same programmes. This must not be allowed because it is unfair and gives the City an advantage on the voter population in the City. The examples we want to make is that when we attended the 103rd birthday of the ANC in 2015 on the 10th February, the City interdicted us on the 12th because we attended that function and we could not do our parade on the 14th. In fact the City even forced us

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to move our event and do our event on the same day as the ANC's birthday. We refused this and then followed a host of hostile issues against us. They stated in the media that they have allocated 4 million to our organisation for our programmes and that type of thing because we are a non-profit organisation. But then we were officially informed that they gave this money to their favourite organisations and we don't get one cent. And that is how they abuse their power. They also use their venues in the same manner and a lot of other issues. So that is why we are asking that the Local Government policies, the process and the content of that should leverage – be taken on review and looked at by the National Government. I thank you.

Rev Damon: Thank you for setting a good example with your time. Next please, and then we will give the two women a chance.

***Mr Cilliers:** Good afternoon, I am Gerald Cilliers, I represent KMI, Kingdom Ministries International. Today I just want to make a plea, you have heard over the past two days what our people's needs are and what we call for and what our occupations are. You have heard of a young man of 16 today who was not part of apartheid but he still has the grievances and the situation we live in. Today I want to – yesterday someone read a text from Psalm 24, where he said that the land and everything belong to God, and I see you are a reverend and I believe you will seriously take into account what we are talking about; without God we can do absolutely nothing, and I think our country should turn to God again, so that our government and our people can live in peace and harmony, because without God's peace this country will become lawless. And we are experiencing a downward trend instead of upward. So I call on the government that they please give God a chance in their lives so that our country can flourish.

I just want to read this text and as you leave here this afternoon I want to challenge you, that you implement the same text, and ask you the question, what can we do to save our country? It is written †I will read it for you in English in Ex 26. I reads as follows, from verse 27 – I only want to read you two verses – 27: “King Agrippa believeth thou

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that the profits. I know that though believeth. Then Agrippa said unto Paul almost thou persuaded me to be a Christian.” And I pray and I trust that you people will be persuaded and that you will do the task that you are supposed to do, to save our country from chaos. I thank you. (Applause)

Rev Damon: Thank you. You may look at the table. I’m just standing here to kind of keep time, so you’re welcome to address our Chairperson and the rest of the Panel.

Ms Langeni: Good afternoon, I greet you all in the name of Jesus. Amen. My name is Nombulelo Langeni. I am from Wynberg. *I have a problem with a school in Wynberg since 2014. In 2014 I discovered that they had miscalculated fees exemption, and wrote a letter to all schools because I had three children in all 3 of those schools. They then wrote back to me apologizing. I then asked them for a refund, but they never refunded me instead they sent me to their lawyers. I have long been trying to reveal other problems in that school. I went to the Department of Education, I sent an email to the Minister of Basic Education, I went to the Human Rights, I went to the Public Protector and wrote to the media. There is nowhere I get assisted. I wrote to the Minister again, I think two weeks back, because of now that I get no help, the school sees that I don’t get any assistance because all these departments are for the school. Then they took legal action although they know that according to policy they are not supposed to take...to do that. On 19 January next year I must be in court, I got a court order. Because of that I told the school that I won’t pay school fees because they owe me. So, they are the ones who are supposed to be paying me because they admitted that they made a mistake and counted the incorrect fee exemption, but I don’t get assistance. So, I ask this High Level Panel to look into these schools. Worse of all, those are little children, there are many things happening there, certain children are favoured, these small kids are ignored. So, I ask them to please try and go to these schools. Even if they can appoint one neutral person who will look if the Governing Body functions well, that they are supposed to be doing. †I think two weeks back, because of now. Thank you.

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Rev Damon: Thank you. (Applause) Just introduce yourself as well, don't forget.

Ms Coka: My name is Siwe Coka, I'm from Sumelezi Social Justice Movement. I just want to acknowledge and to be very grateful of this UN High Level Panel. An impact on key legislation is very crucial, particularly in a young democracy. Ours is a very young democracy so it is bound to have many problems and challenges. And with the negotiated transition and the conditions and the space and the circumstances at the time, 22 years down the line I'm very grateful that the government has realised how important it is to have a process of this magnitude. Having said so – and I am very proud of the fact that the public hearing in the Western Cape is taking place a day after we commemorated the death of Madiba and on the commemoration of the 20 years of our Constitution. But I just want to highlight what is important. I will send in a submission – I did send in. My submission is very long. It talks to the three key issues on the social policy which talks about poverty, the triple challenges of poverty – unemployment and inequality, and the new, the Health Act, the Justice Act and the Economic policies and the Safety and Security Acts. Those Acts we have good – as our Constitution is applauded everywhere as a progressive Constitution, but because we lacked a transition phase we did not have time to educate and take people through on a process of what it means to be a citizen in a democratic era. I am hoping that 22 years later we will sit down and go back and go and assume all the stages that were skipped.

The kind of legislation that we have had, particularly the Schools Act on the primary schools of 1996, it is very imperative for us to gain or to participate with our counterparts, but unfortunately we are lacking monitoring – the monitoring and evaluation is not there and the accountability framework is not there, and lastly the lack of inactive - inability from the citizens' side to hold those that are tasked with those responsibilities. So I want to say the poverty and the unemployment is something that, if we can review some of the legislative framework can be addressed, but we need to apply our minds and we need to be honest and to consult all the stakeholders this time

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around because the preamble of our Constitution stipulates that South Africa belongs to all of us. The third issue on nation building and social cohesion; without that we have no country. We need to acknowledge the issue of diversity and agree that because we are different in nature in South Africa, we have diversity issues. So it is going to be a process also but it needs honestly and well thought framework. Land reform, land reform should have made a difference because land is at the centre of the wealth accumulation of the white community when they dispossessed us. But if we have failed to address land reform, land restitution, land redistribution which is protected in the Constitution, will not be achieved if the government officials keep on relying on the usage of consultants who sometimes have narrow interest and has no idea of what needs to be done.

Rev Damon: Thank you.

Ms Coka: The smallholding farming system for the South African context should be explored. Thank you.

Rev Damon: Just announce yourself at the table as well, so that they can get your name there. So once you have made your oral submissions, just so that they can get your names right. These are the last four people thank you.

Mr Gabier: My name is Mohamed Gabier. I am from Equal Education Opportunities Project. I have got two things here, legislative things; one is SASA, the South African Schools Act 84/1996 and the abuses, and it requires review because it is open to abuse in the following aspects: One is no accountability, particularly how the governing bodies are created; no transparency; used as a discriminatory tool, maintaining the status quo for the elite and in fact it creates elite schools in the public schools system, allows for private individuals to have sway over public property and public resources; creates and accelerates education inequality and social injustice. Section 38(a) specifically allows for the manipulation of public funds to give and top up teachers who are given the

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Bargaining Council salaries over and above because they work more, which creates opportunities for section 17 schools or model C schools to poach the best teachers from surrounding areas because they can pay that extra bit more, which means that education across the board, if you go into a school in Khayelitsha whether it is a new school that was built a year ago, you are still going to school in Khayelitsha and the surrounding areas. That's the one thing.

And there is a number of sections which I have highlighted here basically from section 20 which is the establishment of governing bodies all the way through till section 42, including section 43 specifically because that is to do with the financials. I am sitting with an issue right now where the schools – and I am going to get to the second bit of legislation, which is the PAIA Act, Promotion of Access to Information Act 2/2000 where there are several sections, and one of the gentlemen from the environmental people spoke about it earlier, where the default position is not to provide information, and this is against the spirit of what PAIA was created for. Now if you take for argument's sake that the person who is the information officer is also the person responsible for providing that information but might be an impact on affected persons, what is he going to do? He is not going to give you anything. And I am sitting with this instance now as well, where we are trying to resolve an issue at a school and they just blatantly refuse to give it and you have to go to court.

Now if there was another mechanism that takes the court out of it, have these documents presented to a third party or to an independent authority, like the CCMA or something, have them review it and then they decide if that information is important enough to be made public or not, and take it out of the information officer's purview or scope, because they are the ones that are denying the access in the first place. So those are the two things. And again, it is important – I think that legislation was written in 1996 or 1994 with everything being well meaning and hopefully that everybody sort of play the same rules, but it is being manipulated to such an extent that it's abuse and going contrary to the spirit of what it was written for. And because it's so vague also,

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that it is subject to interpretation and unfortunately even in the government sense, that the Department of Education of Gauteng loses its own case taking the governing body to court for something that is for students, and they are the most vulnerable people. We have spoken about it here; it is early childhood development, it is disabled, it is all of that. It encompasses the whole ambit of that and it is something that has to be seen. SASA has to be reviewed. And I have mentioned the specific section – I will be doing it by written submission as well – but this is something that absolutely has to be taken to task. Thank you

Rev Damon: Just to mention again, e-mail address highlevelPanel@parliament.gov.za. You have two minutes Sir.

Unidentified Male Speaker: Thank you Mr Chairman. I greet you all the Panel. I am from the Western Cape Capetonians Traditional Leaders. The first thing that I am going to talk about is Grindrod. Grindrod is a company that has been employed by Sassa. There is a problem; as I am talking – I was supposed to be here yesterday, I did not come because of Grindrod. I lost – I didn't lose my Sassa card, it fell into there at the bank. I went to them on Friday for a Sassa card, yesterday, it is full every day. They are making loans for millions and millions of people and every day there is a long line, people must be there at 5 o'clock. It is so dangerous – it is happening in Philippi – it is so dangerous to wake up in the morning at 5 o'clock because these boys are robbing us. The second thing is fraud, fraud in squatter camps. There are many people who have been robbed of, having been fraudly (sic) – their names have been changed in the squatter camps. It is because of the leaders of the squatter camps that are doing that because they fraudly (sic) ask money from other people who just came, while others have been there for many years.

Then I talk about the (indistinct) Group Areas Act forced removals. Forced removals are us when we are forcefully removed from Claremont, District Six, whatever. We are – the government has forgotten about us because they have been looking at the squatter

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camps, to get rid of the squatter camps. Now the (indistinct) are stuck. It was my parents, it's me, it's my children and my grandchildren. Talk about the others – Gugulethu, Nyanga, Bonteheuwel, Hanover Park, Parkwood, Heideveld and all those old townships are forgotten. Can the government please look at the Group Areas Act victims that those people have not been, the government has not looked it up, they looked at the squatter camps. Then I go to the District Six. We want to know who is going to be relocated in the District Six developments, because we as the Group Areas Act victims are the ones who are supposed to be there, because our names with our parents' names when we were forcefully removed, are in the files. If other people are going to be put there, then there is a problem. We want the government to look at that.

Then I am talking about the museum. Gugulethu is one township that has a great fat history of fighting against apartheid. We need that there must be a museum that will be built in Gugulethu at the corner of NY1, NY3A and NY3B, next to the civic hall. Then we talk about the civic hall of Gugulethu. Since it has been there on 50's it is still the same building. We need an extension on that building in order that we can even run a what's you call it, professional tournaments because I am a trainer, coach. Then we talk about the pass laws victims. I have been arrested in 1978 and I was sentenced 30 days and I went to prison for 20 days. We need compensation funds. Many people are crying of that. It is a problem because the government is not looking at that. Then we talk about Liberation Movement. I was involved, I was deeply involved, I was even in the posters. They are not talking about us, the government is only talking about the veterans, those who were in exile and all that. What about the liberation veterans? Please look at us because we are crying.

Then we talk about the land restitution fraud. In the land restitution fraud there is a case of a claim of F302. You can follow it, it is really fraud. I am waiting for a letter back from them in order that I can start fighting against it. It means many people have been fraudly (sic) lost their money at the land restitution. I am talking about this one. Thank you.

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Rev Damon: Thank you. Our time is running out so keep it short. Thank you.

Ms Seister: Thank you Panel for allowing me to speak. I would like to greet you in the name of our Lord Jesus. I firstly want to say I have waited long enough so that my voice may be heard.

Rev Damon: Please introduce yourself.

Ms Seister: I am Chantal Seister. And I am not here to represent – I would love to speak in Afrikaans because it is my home language – *I am not here to represent a denomination or organisation but I am here to talk on behalf of God †because in the beginning God created the heaven and the earth, President Motlanthe, and because of Him we exist and because of Him who gave dominium and reign over the earth, man today has the power and strength to rule on earth and own the property in their possession. And I think that while there are so many things happening in our country, and while I grow up as a youth in these circumstances, I see that there are so many things I can name that are not right, but I do not want to name it yet, because we are all aware of it, but what I have learnt while I grow up in this South Africa, I see that if our leaders are not an example to us, we who follow, we who are younger, we who are still emerging to succeed them, what is going to happen to our country? And I think that while – I am someone who has a relationship with God and I am not ashamed to say it, because I know where I come from and I just want to tell the Panel, we have to remember where we come from. We are created by God and for the purpose and glory of God, so that we may look after this inheritance which we got from God. And I think that while God gave Adam the power, there are many things that Adam received as a God-given privilege to rule over.

***Rev Damon:** Thank you.

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***Ms Seister:** But the most important is that God gave his own rules. God gave his own rules and what I see in our country and our legislative system, many times the acts that are promulgated, it is far removed from God's word and that is why our land is in such a chaos. That is why there are so many things happening and we murder each other and we all go backward instead of forward, because we lost our focus, we lost our purpose. And I just want to ask you to return to God's laws when you evaluate acts and re-enact it †because through God we exist and only in Him we can exist. Thank you. God bless you. (Applause)

Rev Damon: Thank you. *I just want to make it clear again, even if it is at the end of the day, that you are welcome to speak in one of the three languages that are dominant languages here in the Western Cape. Whether it is English, Xhosa or Afrikaans. So there is interpretation. The last two; you have one minute each.

†**Mr Bantam:** My name is Marco Bantam. I greet the Panel, I say good afternoon and it is a privilege for me to stand here as a young person representing the branch of Bonteheuwel, Ashley Kriel branch of Bonteheuwel of the ANC Youth League. My heart cries out, we as the youth are crying out from Bonteheuwel to this Panel to make a change in our community, because in that community in Bonteheuwel, when it comes into SAPS, SAPS - you can go and give your complaint to SAPS in Bonteheuwel, they never come. They always say they are on the way. When they come, when the person lies there dead in the road, they never come. When you go and report them to the Captain of the sector, nothing happens. We as youth have no activity where we can come together. There are community centres but we cannot make use of those community centres in our areas because sports and recreation has taken over in our communities and now we cannot use the community centre like we used to, pulling up accountability letters, to make use of the venues. There is no more making use of that because there is no use for us as youth. So our voice has never been heard in our area. When will our voices be heard as youth? When will we set new standards? Lots have been taken away of youths, at the age of 17 and younger have been killed in our

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communities. We need to – we cry out, we cry out to our Executive, we cry out to this Panel to do something in our community, to our sectors, to our hospital. The cleanliness of that, there is no cleanliness of that, there is no health of cleanliness. I trust that you Mr President will do a change in our community. Thank you. (Applause)

Rev Damon: Thank you.

Unidentified Male Speaker: Greetings to the Panel there in front [break in audio]. One of the problems, to just rush straight into it, the problem that I would like to highlight firstly is the timeframe [break in audio] legislations that is [break in audio] amount of time from when an incident occurred up until the point where it is addressed. To give you a living example, my father who is 76 years of age – he retired when he was 65 years – got his package from the company that he was working for and he decided to make a living for himself by buying a minibus taxi. Now, he was – procedures were not followed properly, he ended up making not enough money to sustain his business and then the bus was repossessed and he lost R90 000 of his retirement money. So when we approached the different departments in government we were actually told that because a certain amount of time has lapsed – I think it was five years – without this being resolved, nothing could happen and as a result we just had to give up. So that is one of the concerns that we have. If someone has been murdered for example, I do not think there is a number of years that whoever has or a number of years that is in place for that person to be persecuted, so I believe that all laws must be treated equally.

Rev Damon: Can you wrap up please?

Unidentified Male Speaker: Say again?

Rev Damon: Can you wrap up?

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Unidentified Male Speaker: Okay. Alright, secondly here in the Western Cape in Vrygrond there is a situation that we are faced with, is that we are living on privately owned land. It is owned by the Vrygrond Community Development Trust and as a result there is very little development from the government's side as the government is saying that they do not develop on privately owned land. So we would like to highlight that for the Panel, maybe to forward our request further to the relevant authorities to just come into Vrygrond and come and assess the situation there. We do not even have a public library or a clinic which we direly need in Vrygrond. So if this issue can maybe be escalated to the necessary or the relevant authorities for them to come in to Vrygrond and just come and examine our case there.

Rev Damon: Thank you.

Unidentified Male Speaker: And in the Western Cape, I just want to say that under the current administration that we have we are suffering. Under the DA as a ward councillor, the former ward councillor of ward 65, Shaun August has said with his own mouth that Vrygrond is a gemors place and he is not going to develop Vrygrond. So we would like to appeal to the rest of the country, to the rest of government, national and provincial and local to please intervene in the situation because we direly need your help in Vrygrond. Thank you. [Applause].

Rev Damon: The last person one minute, because as you can see people are leaving. We will then ask our Chair, former President Motlanthe to say the final words. So just stay at least so that we also respect our Chair so that we can conclude the meeting. You have one minute.

Unidentified Female Speaker: Thank you. I have been given exactly one minute, so thank you. I know you are really tired. I just want to say first of all thank you to the Panel. I am surprised that you are actually the last people in the room. Usually the Panel leaves and it is just the audience that is here. I just want to thank you for creating

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this platform. I just want to say that normally when a platform like this is created and we give people an opportunity to speak about how they feel about the legislature that has been passed over the past 20 years, a lot of people do not know much about the Constitution but they do know how they feel. That is why most people come up and they tell you how they feel instead of actually saying more about the Constitution or the laws or “these are my recommendations.” A person will come up and say how they feel. So I think for future initiatives like this, it would be worth also giving a platform to help people structure their thoughts and their feelings, so that when they actually stand up they can give you information that is relevant to what you are trying to do and what you are trying to hear.

Actually I will make a submission on behalf of my organisation. I represent the International Peace Youth Group, but at the same time I am actually trying to catch the attention of the (indistinct) for Social Cohesion and Nation Building. I do want some assistance in terms of the submission that I would like to make.

Rev Damon: You can write that e-mail to the address, the e-mail address we gave.

Unidentified Female Speaker: Okay.

Rev Damon: You can also speak, while there are people now – there is a hand – you can go to the lady there, she will help you. Thank you very much.

Unidentified Female Speaker: Ja thank you very much. Thank you so much for your time.

Rev Damon: Ja, so we will ask President Motlanthe to say the final words. Thank you each one of you. Let’s give a hand for President Motlanthe, just our final words.
(Applause)

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Chairperson Former President Motlanthe: Mine is really to thank everybody for your participation today, primarily the community members from this province. I also want to extend a word of thanks to the support staff as well as the interpreters who were able to help us go through the various languages. In my previous life I was a trade unionist, so I would not want to detain you any further; there is no overtime paid, so we will not detain you any further. We wish you all the best for the festive season and we hope that you go through this year, see it through and come back in the new year still in one piece, because the issues that were raised here today need to be addressed and we do not want these issues to be addressed when you are no more. So please come back alive, in one piece next year. And that is all. Try at whatever level you are, to play a constructive role, because we have the potential and possibilities and promise as a people in South Africa to make this country, you know prosperous, peaceful and one that can take care of all of its citizens. The fact that there are those of people who are excluded even from basic, basic, basic needs is something that must give us the energy and the drive because for as long as there are people who are deprived, none of us can really be content and satisfied because you know, as one popular writer puts it, we can then avoid the fire next time. In order to avoid the fire next time we must make sure that these issues that we are focusing on – issues of inequality, issues of poverty, issues of unemployment, need to be addressed. Issues of land hunger need to be addressed so that they serve as a platform for nation building as well as social cohesion. But once again thank you very much and travel safely. Go through the festive season and come back in the new year. Thank you. (Applause)

MEETING ADJOURNS