





Vision

An activist and responsive people's Parliament that improves the quality of life of South Africans and ensures enduring equality in our society.

Mission

Parliament aims to provide a service to the people of South Africa by providing the following:

- A vibrant people's Assembly that intervenes and transforms society and addresses the development challenges of our people;
- Effective oversight over the Executive by strengthening its scrutiny of actions against the needs of South Africans;
- Participation of South Africans in the decision-making processes that affect their lives;
- A healthy relationship between the three arms of the State, that promotes efficient co-operative governance between the spheres of government, and ensures appropriate links with our region and the world; and
- An innovative, transformative, effective and efficient parliamentary service and administration that enables Members of Parliament to fulfil their constitutional responsibilities.

Strategic Objectives

- 1. Strengthening oversight and accountability
- 2. Enhancing public involvement
- 3. Deepening engagement in international fora
- 4. Strengthening co-operative government
- Strengthening legislative capacity



contents

- 5 MESSAGE FROM NATIONAL ASSEMBLY
- HIGHLIGHTS FROM THE COMMITTEE ROOMS
 This is a summary of a selection of Committees' recent deliberations while reviewing government departments' annual performance and expenditure reports
- 8 NCOP CHAIRPERSON MEETS MPONDOMISE ROYAL COUNCIL

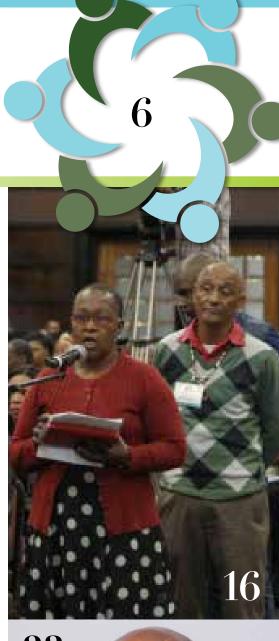
Ms Thandi Modise met with the Mpondomise Royal Council before a NCOP visit to the Alfred Nzo District Municipality

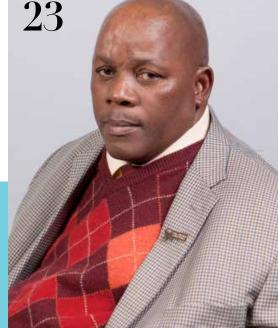
10 NCOP CHAIRPERSON VISITS MATATIELE IN EASTERN CAPE

School principals blame Department of Basic Education's policies for failure

- 12 SPEAKERS' FORUM RESOLVES TO STRENGTHEN FINANCIAL OVERSIGHT ROLE
- 16 HIGH LEVEL PANEL ON THE ASSESSMENT OF KEY LEGISLATION AND THE ACCELERATION OF FUNDAMENTAL CHANGE VISITS KWAZULU-NATAL AND FREE STATE
- 18 MEMBERS OF PARLIAMENT VISIT THEIR CONSTITUENCIES IN THE SOUTHERN AND EASTERN CAPE
- 22 COMMISSION SIGNS AGREEMENT WITH GERMANY'S KONRAD ADENAUER FOUNDATION
- 23 Tribute to **bonisile Alfred 'nobou' nesi**

COVER: The Chairperson of the National Council of Provinces, Ms Thandi Modise, meets with the Mpondomise Royal Council.





Presiding Officers

Ms Baleka Mbete, Ms Thandi Modise, Mr Lechesa Tsenoli and Mr Raseriti Tau

Secretary to Parliament

Mr Gengezi Mgidlana

Editor-in-Chief

Luzuko Jacobs

Editor

Moira Levy

Design and layout: Angelo Lamour

Copy editors: Jane Henshall and

Vusumzi Nobadula

Writers: Mava Lukani, Sakhile Mokoena, Justice Molafo, Malatswa Molepo, Abel Mputing

Photography: Mlandeli Puzi

Distribution & subscriptions: Jacqueline Zils

Archivist: Zwelethemba Kostile

Publisher: Parliament of the Republic

of South Africa

Printer: Shumani Printers

Copyright

InSession is a monthly publication published by the Information and Content Development Unit of the Parliamentary Communication Services of the Parliament of the Republic of South Africa. All material published is copyrighted and cannot be reproduced without the written permission of the publisher.

EDITORIAL ENQUIRIES

Telephone 021 403 8738 Fax 021 403 8096 **E-mail** insession@parliament.gov.za Subscriptions jzils@parliament.gov.za Post PO Box 15, Cape Town, 8000

OUR IDEALS

VISION An activist and responsive people's Parliament that improves the quality of life of South Africans and ensures enduring equality in our society.

STRATEGIC OBJECTIVES

Strengthening oversight and accountability; enhancing public involvement; deepening engagement in international fora; strengthening cooperative government; strengthening legislative capacity.

VISIT US ON

www.parliament.gov.za

www.facebook.com/parliamentofrsa

twitter.com/ParliamentofRSA

youtube.com/ParliamentofRSA

ParliamentofRSA

BOOK A TOUR

To tour Parliament **Tel** 021 403 2266 Fax 021 403 3817

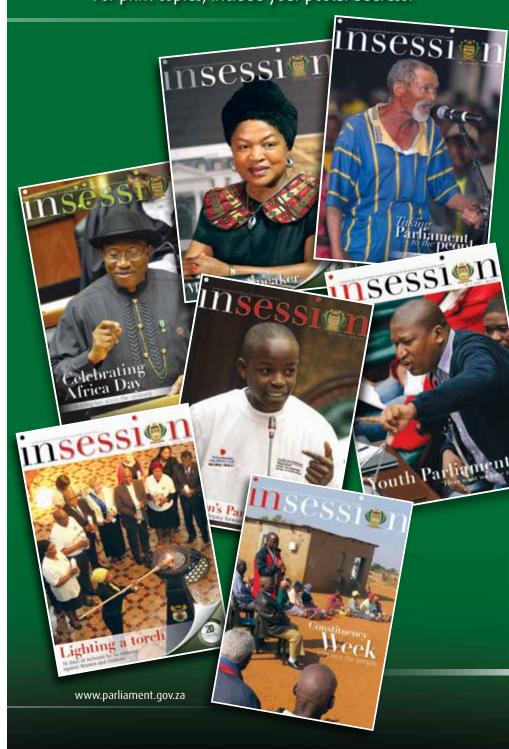
Email tours@parliament.gov.za

ISSN 2227-1325 (Print) ISSN 2227-3778 (Online)

Read about what is happening in your Parliament

Get your free copies of Parliament's publications.

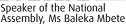
To subscribe, email insession@parliament.gov.za For print copies, include your postal address.





MESSAGE FROM THE

national



2014, the United Nations (UN) High Commissioner for Human Rights, Mr Navi Pillay, stated: "Human rights violations are among the root causes of every form of insecurity and instability. Failure to ensure good governance, the equitable rule of law and inclusive social justice and development can trigger conflict, as well as economic, political and social turmoil."

Never have these words rung more true as we bear witness to shocking scenes of human rights abuses which stretch across countries and flow over the borders.

It has been over 65 years since the UN member states signed the Universal Declaration of Human Rights and yet the full realisation of the rights enshrined in the Declaration remains elusive for the majority of ordinary people across the world. Today, about 14% of the world's population live in areas afflicted by conflict.

Women and girls continue to be at the receiving end of the most severe abuse during and in the wake of conflict. The UN Security Council Resolution 1325 adopted in 2000 reaffirmed the important role of women in the prevention and resolution of conflicts.

At the 27th Ordinary Session of the African Union (AU) in July 2016, African Heads of State and Government declared 2016 the African Year of Human Rights with Particular Focus on the Rights of Women. The Declaration was inspired by the quest for the promotion and protection of human and peoples' rights.

The Pan-African Parliament (PAP) has, as one of its objectives, to promote the principles of human rights and democracy in Africa.

It also has a permanent committee on justice and human rights, which

advocates for respect within the AU of the principles of freedom, civil liberties, justice, human and peoples' rights. These interventions go a long way in entrenching a culture of human rights, and parliaments have a fundamental role to play in this regard.

Having come from a history of extreme human rights violations as a country, establishing a human rights culture became essential as part of our transition into democracy.

In this regard, the South African Constitution created, among other things, a Human Rights Commission and a Commission for Gender Equality.

The Human Rights Commission promotes respect for human rights and a culture of human rights. The Commission for Gender Equality, inter alia, promotes respect for gender equality and protection, development and attainment of gender equality.

These Commissions are accountable to the National Assembly and submit regular reports on their functions to the Assembly. Reports from these bodies enable Parliament to proactively attend and address areas of concern. To date, our Parliament has ratified seven of the nine UN human rights instruments.

This enables the country to factor the principles espoused in these instruments into its national legislative framework. Thus, as Parliament we have adopted a range of laws in order

to translate international human rights law into national legislation. Among these is the Promotion of Equality and Prevention of Unfair Discrimination Act. As another way of being responsive to human rights violations, Parliament establishes multi-party Committees to undertake thematic or topical inquiries designed to investigate specific human rights issues in a timely and effective way.

For instance, in May 2015, Parliament established an Ad Hoc Committee on Probing Violence Against Foreign Nationals to, amongst other things, identify the root causes of the violence that erupted.

The Committee conducted oversight visits and made recommendations. These recommendations were communicated to the relevant executive authorities. Committees of Parliament continue to monitor compliance with the recommendations through their oversight activities.

To date, Parliament has ratified seven of the nine UN human rights instruments. This enables the country to include the principles espoused in these instruments into its national legislative framework.

Thus, Parliament has adopted a range of laws in order to translate international human rights law into national legislation. Amongst these is the Promotion of Equality and Prevention of Unfair Discrimination Act.

This is an edited version of the speech delivered by the Speaker of the National Assembly, Ms Baleka Mbete, at the Inter-Parliamentary Union: Human rights abuses as precursors of conflict - Parliaments as early responders. 🧐

highlights from the COMMITTEE TOOMS



month Parliament's Committees exercise their law-making and oversight functions. Justice Molafo compiled this summary of a selection of Committees' recent deliberations while they were reviewing annual performance and expenditure reports of government departments and entities for the 2015/16 financial year. The process entailed interrogating audit outcomes during the year under review, as Committees moved a step closer to preparing departments' and entities' Budget Review and Recommendations Reports (BRRR).

The BRRR process comes annually in the performance cycle of Parliament ahead of the Medium Term Budget Policy Statement (MTBPS), which is delivered by the Minister of Finance upon receipt and consideration of reports as recommended by Committees and adopted by the National Assembly.

In the middle of its BRRR process, the **Portfolio Committee on Justice and Correctional Services** also prioritised filling seven vacancies at the South African Human Rights Commission (SAHRC).

It shortlisted 18 and interviewed 16 candidates who will be considered for the filling of vacancies at the commission (two candidates withdrew).

The **Portfolio Committee on Communications** also juggled its work between the BRRR process and in dealing with the Film and Publications Amendment Bill, in which the Parliamentary Legal

Services Office briefed the Committee on the Bill following the Department of Communications' response to public hearings. The briefing was that the Bill is problematic in its current form, but the Committee is yet to decide on the way forward.

The Portfolio Committee on Telecommunications and Postal Services heard that the South African Post Office (Sapo) has suffered a revenue loss of R513m, with a regressed qualified audit outcome during the year under review.

The management of Sapo appeared before the Committee to report on its annual performance and expenditure report. The Chief Executive Officer, Mr Mark Barnes, informed Members that Sapo's challenges were exacerbated further by the loss of 1 423 skilled employees during the financial year.

Committee Chairperson, Ms Mmamoloko Kubayi, said although they are aware of Sapo's challenges with regard to finances, the Committee was still concerned about dismal performance on the objectives.

Members of the **Portfolio Committee on Small Business Development** were impressed by the department's unqualified audit outcome in its maiden annual report for the year under review.

The Department of Small Business Development was established after the 2014 general elections to radically transform the economy through effective development and increased participation of small, medium and micro-enterprises (SMMEs) and co-operatives in the mainstream economy.

Although members welcomed the audit results, they expressed a concern over the department's dismal performance on its annual targets, asking why it achieved only 13 against 31 planned annual targets.

Acting Committee Chairperson, Mr Xitlhangoma Mabasa, emphasised that the department should explain how it will fix all 35 matters of emphasis which emanate from the audit management report.

The **Portfolio Committee on Home Affairs** expressed a concern about the regression from clean to unqualified audit by Government

Printing Works (GPW), saying the matter must be stopped urgently. Members of the Committee concurred that while the entity had still achieved an unqualified audit, the fact that the Auditor-General made material findings was a concern.

Despite this, the Committee said it was satisfied that the entity was able to maintain the quality of annual performance plans and annual performance reports, which highlight the maturity of its control systems.

The Committee also heard about continued challenges with regard to the reliability of information provided by the Independent Electoral Commission of South Africa (IEC).

"We remain concerned that the IEC has made no progress in relation to its audit findings," said Mr Lemias Mashile, the Chairperson of the Committee.

The Committee was also concerned about the increase in irregular expenditure between GPW and IEC worth R72m during the year under review.

The Portfolio Committee on Police has voiced unease with instability that is impacting on the Civilian Secretariat at top leadership level, thereby receiving a qualified audit opinion from the Auditor-General (AG).

The Chairperson of the Committee, Mr Francois Beukman, said the Committee was concerned about the AG's report on the secretariat. "The AG told us there is no action

plan for how you will implement the Auditor-General's recommendations or deal with the findings. The AG is indicating stagnation and in some instances regression. This should not be happening as you are a small department and mainly head officebased.

"We need to turn around the Civilian Secretariat. Leadership is critical. We should not have a qualified audit again. We have to improve. If good governance fails, it is a huge risk," said Mr Beukman.

The impact of the #FeesMustFall protest on the basic education sector was highlighted during a presentation to the **Portfolio Committee on Basic** Education.

The Department of Basic Education presented its annual report to the Committee. Mr Enver Surty, Deputy Minister of Basic Education, said during the presentation: "We cannot ignore the reality that education is a human right. The #FeesMustFall campaign is a reality and we must deal with it."

Committee member Mr Hlamalani Khosa said this year's matriculants will struggle to find placements at tertiary institutions if the #FeesMustFall situation is not resolved. Another Committee member, Mr Gavin Davis, agreed that if universities do not re-open, this issue would be a concern for everyone.

The department reported on irregular expenditure amounting to R153m relating to the procurement of furniture and libraries for schools

and R44m in fruitless and wasteful expenditure relating to the adult literacy programme, Kharikude.

Although Committee Chairperson, Ms Nomalungelo Gina, said the department has made many improvements, she also expressed concern regarding fruitless and wasteful expenditure. "It will come to people's mind that these officials are wasting money. We need to tighten and follow the rules of the Auditor-General," she said.

The Portfolio Committee on Justice and Correctional Services heard that the much-awaited re-introduction of the Traditional Courts Bill to Parliament should occur before the end of the third term. The Committee engaged with the Department of Justice and Correctional Services on its 2015/16 annual report.

Adv Skosana from the department indicated that the Bill was to be tabled to the development committee of the JCPS cluster on 20 October 2016 and by 23 November it will be tabled before Cabinet, before it is introduced to Parliament by December 2016, at the latest.

The Committee heard that the Bill is not about transforming customary law, but regulating existing traditional courts in accordance with the Constitution and the law.

The Bill will recognise traditional courts as courts of law of a special kind with clear statutory powers and prefers a progressive approach that facilitates the equal participation of women. 🦃



NCOP Chairperson meets Mpondomise Royal Council

Thandi Modise met with the Mpondomise Royal Council before a visit of the National Council of Provinces (NCOP) to the Alfred Nzo District Municipality that took place from 18 to 20 October 2016, to hear what the royal council had to say, writes Mava Lukani.

President Jacob Zuma's launching of the Mzimvubu water project near Tsolo in the Alfred Nzo District Municipality, Eastern Cape, in 2014, sparked much excitement for South Africans, given the economic and other benefits the project promised to yield.

The Chairperson of the NCOP, Ms
Thandi Modise, referred to this
event when she met with members
of the Mpondomise Royal Council.
"Government leaders were excited by
the fact that the project confirmed the
commitment of the government for a
better life to all South Africans in all

provinces," Ms Modise said.

She told members of the council that everybody by then was certain that proper consultation with all the stakeholders, especially the traditional leadership, had taken place. Ms Modise assured the traditional leaders that the NCOP takes its relationship with traditional leaders and their institutions very seriously.

During the meeting, members of the council, under the chairpersonship of Mr Peter Madasa, raised some



IMPORTANT MEETING: The Chairperson of the National Council of Provinces, Ms Thandi Modise, met with the Mpondomise Royal Council.

Mr Madasa said this oversight meant that they are unable to provide meaningful and convincing answers to their subjects when asked about

the project.

ordinary people, and excited due to the

fact that it was an announcement about

development," Mr Madasa explained.

According to the Mpondomise chiefs, the naming of the dam Mzimkhulu and using the resources of the Mpondomise rivers without consulting the Mpondomise chiefs is tantamount to reorganising the God-created Mpondomise geography. They likened this approach to that of colonialism in

its gross disregard for the indigenous

inhabitants of the area and the rightful owners of the local heritage.

"We didn't imagine that our government would repeat, consciously or unconsciously, the serious mistakes that are a heavy legacy of colonialism, especially during the first 20 years of our democratic dispensation," Mr Madasa said.

Ms Modise thanked the council for expressing its unhappiness and their legitimate concerns. "Indeed, everybody would feel the same with regard to mistakes of that nature. I am going to take your concerns to the President and the relevant ministers," said Ms Modise.

Regarding problems with municipal boundaries, Ms Modise told the council that the government is aware of the problems and is dealing with them. She urged the council to remain calm and be ready to cooperate in the correction of the mistakes it highlighted. She said she believes the President is unaware of the nonconsultation with the people on a development meant to empower them.

A senior official from the national Department of Water Affairs responsible for the project calls meetings with the people, but Mpondomise traditional leaders expect to be consulted by senior government politicians, such as ministers or the Premier of the Eastern Cape.

There was also concern about the naming of the dam without the involvement of the people living in the area. "How can someone outside this community name something for this community? That is wrong," Mr Madasa said.

The traditional leaders also told Ms Modise that they were disappointed that the democratic government of the people could dismiss the existence of the Mpondomise kingship, as the colonial and apartheid governments had done.

They told Ms Modise that the former king of AmaMpondomise, King Mhlontlo, after whom the local municipality is named, killed a colonial leader, Mr Hamilton Hope, during the battles that took place between AmaMpondomise and colonial forces in 1880 and 1881.

"We disagree with the findings of the Nhlapo Commission that there is no Mpondomise kingship," said Mr Madasa.

One after another, traditional leaders referred to evidence confirming their kingship. They highlighted that Mpondomise and Mpondo, whose kingship is recognised, were twins. Furthermore, Mpondomise was older. Hence there is no way that the government can recognise the kingship of the younger twin and ignore the older one. "We find that

issues of concern, including the non-recognition of the Mpondomise kingship, the Mzimvubu dam project and the serious implications of municipal boundaries on historical traditional boundaries.

On the building of the Mzimvubu Dam, they said they heard about the Mzimvubu water project when the project was announced by President Zuma during his 2014 State of the Nation Address in Parliament. They said no proper consultation with traditional leadership or the general community had been done prior to the announcement.

"When we heard about the project, we had mixed feelings. We were offended due to the fact that there was no consultation or the involvement of





SHARING OF VIEWS: The Chairperson of the National Council of Provinces, Ms Thandi Modise (far left), meets with school principals and provincial government officials in the Matatiele District.

the Chairperson of the National Council of Provinces (NCOP), Ms Thandi Modise, visited Matatiele District in the Eastern Cape, school principals told her that the Department of Basic Education's policy of progression is largely to blame for poor matric results in their district, writes Sakhile Mokoena.

The school principals told Ms Modise that the Department's progression policy forces them to promote learners to the next grade, even when their marks are not good enough, and this impacts negatively on matric results.

This is in reference to the national policy pertaining to the programme and promotion requirements of the National Curriculum Statement, which defines progression as the "advancement of a learner from one grade to the next, in spite of the leaner not having complied with all the promotion requirements". It continues to say this is done "to prevent a learner from being retained in the same phase for a period exceeding four years".

They said that this practice impacts negatively on matric pass rates, overall percentage of schools' performance and also results in high levels of ill-discipline, as most progressed learners are over-age.

The NCOP, accompanied by Members of the Eastern Cape Provincial Legislature (MPLs), visited the Eastern Cape's Alfred Nzo District Municipality communities to assess the delivery of basic education in the Alfred Nzo district. The visit was also a build-up to the NCOP's Taking Parliament to the People Programme to be held in the Eastern Cape in November.

To reach as many schools and education centres as possible, Members of the NCOP and MPLs split into four groups. The groups went to

Matatiele, Mbizana, Mzimvubu and Ntabankulu.

At Nyaniso Senior Secondary School, the delegation heard that the progression of learners who have failed made teachers feel ineffective. "Progressed leaners have a negative attitude; they do not want to work. They get 30%, yet we are expected to assist them to get a bachelor's degree pass," said the school principal, Mr BV Dzingwa.

Mr Dzingwa's sentiments were shared by his counterparts from Maluti and King Edward secondary schools, who also complained about the negative impact on the matric pass rate as a result of progressed learners who continued to fail.

Mr Gordon Harrison, the principal of King Edward High School, said the policy of progression was "killing the morale of school principals". He also complained about the rationalisation of schools and redeployment of teachers. "Education is very challenging today. It is frustrating and challenging to run an institution of this nature. This week, I wanted to resign because of the policies from the department that are ruining education," he said.

He raised his concern about the department's plans to split his school into two, creating separate primary and high schools. "It breaks my heart that the department wants to split the school into two. It is disruptive and destroys something that is functioning well. It is irrational and wrong to take

schools that are functioning optimally and try rationalisation. It will increase costs and compromise the quality of education in these communities, whose children depend on this school," he said.

Mr Harrison proposed a review of the "one-size-fits-all" policy approach. "What is good for one school may not be good for the next. Please leave us alone and let us do what we know best and spend the money on impoverished schools. People are desperate for quality education," he said.

Delegation leader Mr Phello Parkies said it was part of the Members of Parliament's responsibility to monitor the impact of policies and laws that have been adopted by Parliament. "I am a fervent exponent of the policy that says if a policy that we adopt does not assist our people, then it needs to be changed," he said.

Ms Modise said it was unfortunate that some policies that were intended to do good end up doing the direct opposite of what had been hoped to be achieved. "It seems like new policies were brought in here without discussing them with the people who must implement them. We also need to get feedback from the people who have to implement them. Even when people say things that we don't like, if they have a point we have to acknowledge it and do something about it," she said.

Ms Modise was also worried about the redeployment of good educators to non-teaching posts, which she said was a loss to the education of children. "My problem is not about principals resigning, but about good principals promoted into posts that take them away from teaching. The best teachers are promoted into non-teaching posts," she said.

Speakers' Forum resolves to strengthen financial oversight role

Speakers' Forum meeting held in Polokwane and headed by the Deputy Speaker of the National Assembly, Mr Lechesa Tsenoli, took a resolution to reincorporate the Association of Public Accounts Committees (Apac) into the forum and to use its meetings as a platform to tackle contemporary issues affecting society, such as the Fees Must Fall movement, reports Malatswa Molepo and Sakhile Mokoena.

In a time of overstretched budgets and competing demands on the fiscus, the legislative sector has made a resolution that has the potential to strengthen its oversight mandate over the executive and ensure what money we have goes a long way. This was the overwhelming sentiment by members of the Speakers' Forum during their regular scheduled meeting held in Polokwane in Limpopo recently.

The meeting took a decision to reincorporate the Association of Public Accounts Committees (Apac) into the Speakers' Forum, as Apac's functions are closely aligned with those of the Speakers' Forum. Apac is made up of the nine provincial Public Accounts Committees as well as Parliament's Public Accounts Committee. The role of Public Accounts Committees is to ensure the prudent spending of taxpayers' resources, with the intention of minimising waste and encouraging greater value vis-à-vis money spent.

Apac was established in 1997 to ensure, among other things, that public sector institutions account for overspending; spending according to the policies determined by government, and that legislatures and Parliament are held accountable if

they do not comply with the relevant laws and other regulations.

There was consensus within the forum that oversight of these functions had not been as good as it should be, but it is hoped that the incorporation of Apac into the Speakers' Forum will correct that anomaly. The oversight vacuum had been filled by the Office of the Auditor-General, which provided administrative support to Apac. This raised problems of conflict of interest, another reason why the reincorporation of Apac into the Speakers' Forum is a good idea.

"We have to thank the Office of the Auditor-General for all the support it has given to Apac, mainly due to the fact that we as a sector have not fulfilled our responsibility of providing support and quidance to Apac," said Mr Tsenoli.

The Secretary to Parliament, Mr Gengezi Mgidlana, informed the meeting that processes were already under way to effect the decision. "One of the issues that came up during the initial engagements was the issue of governance and ensuring that the association will be administered in line with the applicable legislation," Mr Mgidlana said.

Mr Mgidlana further called for the forum to decide on whether it was necessary to create clear reporting lines to the forum. "One of the proposals that came out was that maybe the Speakers' Forum must create a mechanism that will enable Apac to report its work to the forum," Mr Mgidlana emphasised.

According to Mr Mgidlana, the association has already submitted its audited statements to the sector to ensure that when the sector takes over, it does so with a clean slate. "There is an amount that will have to be recovered to ensure that the sector inherits an association that is compliant with all legislation, but this will be part of processes towards full incorporation," Mr Mgidlana said.

The Speaker of the KwaZulu-Natal Legislature cautioned against rushing the process. "We must ensure that there is due process and that we don't lose the knowledge gained by the team from the Auditor-General," said Ms Lydia Johnson, the Speaker of the KwaZulu-Natal Legislature.

The forum was also informed that progress was being made in capacitating Members of Parliament and provincial legislatures, thereby strengthening the oversight mandate of the legislative sector. For the period of July-August 2016, a total of 201 Members registered and participated in the Graduate Certificate in Governance and Public Leadership through the University of the Witwatersrand.



The capacity building programme was initiated following a baseline study conducted with 274 participants across legislatures and political parties. The education profile of the sample revealed that 47.1% of the sample had a higher certificate, diploma or degree, while 14.8% had a matric or a lower qualification.

One hundred and thirty-eight Members who registered completed the course, with 57 participants attaining a pass mark of 65% and above, thus qualifying for consideration as students in the postgraduate qualification programmes at Wits university.

On the issue of making the Speakers' Forum relevant to South African society, the Gauteng Provincial Legislature's Deputy Speaker, Mr Uhuru Moiloa, tabled a motion arguing that more time should be dedicated to discussing the "state of our nation". He said the Speaker's Forum represents the South African legislative sector and is expected to provide answers when the nation is faced with questions that demand rational and practical answers.

"When we gather, it should not just be about administration. We should discuss the state of our nation, such as the Fees Must Fall movement and the

state of our state-owned enterprises. This is the platform where we must reflect on those issues. We might find that the answers are with us," he told the legislative sector's Presiding Officers.

The motion was supported by the Speaker of the Limpopo Provincial Legislature, Ms Polly Boshielo, who said the forum should create an opportunity for the discussion of contemporary political issues.

Citing the Fees Must Fall protests by university students, Ms Boshielo said Parliament and the legislatures



cannot ignore them. "We cannot watch while our youth destroy property, in demanding free education. We called them to the Youth Parliament; they told us what they want," she said.

The Speakers' Forum also wants its resolutions from the sectoral parliaments (Women and Youth Parliaments) to form part of government's planning and budgeting processes. Ms Boshielo called on her colleagues in the legislative sector to come up with more effective mechanisms to implement resolutions of the sectoral parliaments. She raised her concern that the sectoral parliaments seem to be event-driven and just "tick the box", which is not their intention, she said.

"It seems we as the legislative sector do not have means or mechanisms to implement the resolutions passed at these sectoral parliaments," she said. Ms Boshielo also suggested a change in the formats of the Youth and Women's Parliaments that would see the legislative sector playing a more active role in societal issues through these sectoral parliaments.

She said the legislative sector should explore the possibility of having interim platforms that will monitor the implementation of resolutions taken at these sectoral parliaments. "This will ensure that municipalities and provinces that are experiencing challenges can be assisted and not wait for a year before challenges are addressed. We must ensure that the forthcoming Women's Parliament will be a culmination of work derived from monitoring implementation. This platform should evolve into a process assessing the impact of the various policies passed by the 10 legislatures (nine provincial legislatures and the national Parliament)," she said in her report on the sectoral parliaments.

She reported that a programme of action will be developed on what, how, when and by whom the resolution should be implemented. Government departments and public institutions will be closely monitored to ensure that resolutions of this Women's Parliament are incorporated in the forthcoming financial year.

The Speakers' Forum meeting was also used to report on the Youth and Women's Parliaments held in June and August this year, respectively. In the report, the legislative sector acknowledged that the youth as future leaders are an important stakeholder in the determination of the policies and laws of South Africa. They should, therefore, participate actively in seeking solutions to the challenges facing the country in general, and the youth in particular.

The report also noted that the youth are significantly affected by the harsh realities of unemployment, poverty, inequality and other social challenges, such as drug and alcohol abuse. The report noted that the National Development Plan (NDP) recognises that development and growth is influenced by the level of success in developing the capabilities of its youth. The report said placing youth matters prominently in the oversight responsibility of the legislative sector cannot be overemphasised. The provincial and national youth parliaments represent important initiatives of the legislative sector in this context.

The NDP recognises that the youth play a crucial role in the development of the country. It acknowledges that South Africa has a large youth and a working-age population, which is critical in creating a developmental and prosperous state. The National Youth Parliament was a platform created by

the legislative sector for the youth to share ideas, reflect on their future and propose solutions to the challenges confronting them.

The Youth Parliament was also mandated to acknowledge successes and make recommendations for further improvements. The recommendations can be located within certain portfolios of government and can therefore be referred to the relevant parliamentary Committees at national and provincial levels.

The legislative sector will ensure that recommendations from the National Youth Parliament are debated in Parliament and provincial legislatures, and adopted as resolutions. Once adopted, resolutions according to the Speakers' Forum will be referred to the relevant Committees and the executive. Committees must ensure that the respective resolutions are included in their programmes as part of their oversight activities.

The Speakers' Forum resolved to ensure that recommendations are included in the annual plans of the national and provincial departments and municipalities. The Deputy Speaker of the Eastern Cape Provincial Legislature, Ms Bulelwa Tunyiswa, proposed that the reports presented by legislatures to the executive after Youth and Women's Parliaments must form part of the budgeting and planning processes in the provinces.

Her sentiments were echoed by the Free State Speaker, Ms Mamiki Qabathe, who added that recommendations should not just be considered within the provincial legislature's executive, but also for Parliament to engage with the national executive. "Some departments do not have concurrent mandates with provincial departments, for example Land and Rural Development. There we

Major move to speed up fundamental change for ordinary South Africans

The High Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change visited the Free State and KwaZulu-Natal recently. The chairperson of the panel, former Deputy President Mr Kgalema Motlanthe, said he hopes the exercise will result in strengthened relations between Parliament and citizens and ensure that all legislation impacts positively on the lives of the people, writes Sakhile Mokoena and Abel Mputing.

The High Level Panel (HLP) is conducting its task through nationwide public consultations and information gathering and is currently criss-crossing the country gathering views from civil society organisations and ordinary citizens on the impact of legislation passed since 1994 on the lives of South Africans.

While in Mangaung in Free State, Mr Motlanthe said that while South Africa may have produced good laws, its people are not benefiting optimally from these laws due to challenges in their implementation.

He explained the motivation for the panel. "This exercise had never been tried before. We only passed and repealed laws, but their impact has never been assessed. Where there is legislation that complicates the lives of our people, interventions should be made because legislation is meant to protect citizens. Do these laws impact positively on the lives of ordinary South Africans? Do they serve as enablers or impediments in our efforts to better lives?" Mr Motlanthe asked.

The panel has identified three categories of legislation that it wants the public to comment on: laws on social cohesion and nation-building; equitable distribution of wealth; and laws governing land.

Free State citizens told the panel that the laws governing broad-based black economic empowerment, gender equity and ex-prisoners need to be reviewed. Furthermore, the implementation of disability laws needs to be reviewed.

The Free State Provincial Secretary of the Disabled People of South Africa (DPSA), Mr Mbali Ernest Nyembe, commended the country's good legislation and policies aimed at protecting people living with disabilities. "We also have the United Nations Convention on the Rights of Persons with Disabilities, but our biggest challenge is the implementation of these policies and laws," he said.

Mr Nyembe also complained about wage inequality and said that people



with disabilities are employed in lowpaid jobs and remain in these jobs all their lives.

The High Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change also visited the KwaZulu-Natal province, to hold the first joint Round Table discussion of all working groups in Durban. The discussion was meant to pull together the input of experts on the scope of legislation relevant to their expertise, research, proficiency and line of work.

As much as these public hearings get the general public's input on the impact of legislation on poverty, inequality, land reform, nation-building and social cohesion, there is a realisation that the input of experts in accelerating fundamental change can have a huge material impact on the end product of this process.



SHARING THEIR VIEWS: South Africans have made good use of the opportunity to tell the High Level Panel about the impact of legislation on their lives.

Mr Motlanthe provided more background to the HLP. "The legacy report of the fourth Parliament, which ended in 2014, called for an assessment of the quality of legislation passed since 1994 and the lived impact thereof on our people across South Africa."

The fifth Parliament prioritised this assessment and resolved that a panel be established to look at the efficacy and implementation of legislation on poverty, inequality, unemployment, equitable distribution of wealth, land reform, nation-building and social cohesion, and how they have impacted on the lives of ordinary South Africans.

"We are here to listen so that we can integrate your experiences into the final report. Our preliminary report is expected in March 2017 and the other will be submitted in June 2017 and will then be made public," he said.

Prof Paulus Zulu, from the University of KwaZulu-Natal, drew from findings emanating from a study looking at the "threat to social cohesion in Durban", which he believes applies to a broader national reality. "What we perceived as threats are socio-economic inequalities that manifested in different forms. But there have been a number of complaints regarding the procurement of state business that was a trigger to this inquiry. That has been compounded by, for instance, our procurement legislation," said Prof Zulu.

"The structure of the economy is abetted by legislation that was predicated on social inequalities. For instance, the 80/20 formula in the procurement system makes it difficult for small black-owned companies to compete equitably with big and often white- and Indian-owned companies that subsidise their core competencies. The current structure makes small black

companies subordinate to bigger ones. This has had a detrimental effect on the empowerment legislation," he said.

Mr Benedict Dube, a senior researcher at the Xubera Institute for Research and Development, said his intention was to reconcile the inequalities and lack of social cohesion in the province. His input was titled "The apartheid system is unshaken: Bantustans still exist". In his presentation he emphasised that the spatial configuration of apartheid still prevails and has an effect on economic, social and historical configuration in this province.

"The threat to social cohesion and an end to economic inequality is rooted in our province's procurement systems and processes. There has been an admission by public officials that more needs to be done to empower black companies through government's procurement systems," he said.



Following up on their commitments to the people

of Parliament (MPs) used the recent constituency Members week to follow up on service delivery. Mava Lukani reports on two visits by MPs to the Southern and Eastern Cape.

The people of the poverty-stricken communities of Misgund, Krakeel Rivier and Louterwater in the Kou-Kamma Local Municipality reminded Dr Malcolm Figg of the Democratic Alliance about the promises made by Members of Parliament (MPs) during the local government elections when he visited the area during the September constituency week.

The communities of Kou-Kamma and Kouga Local Municipalities still face

problems with damaged sewerage infrastructure, a shortage of water and a lack of employment.

According to Krakeel Rivier residents, leaking sewerage pipes are a health harzard. "The sewerage problems we experience in this community have the potential to deter potential investors," said Ms Cila Rheeders, who is a community activist and previously served in Krakeel Rivier as a councillor.

According to Ms Rheeders, the sewage pipes on the doorsteps of people's houses leak and create small streams in which children play because they lack alternative playing facilities. She said the problem is an old one and the municipality is aware of it. "We are appealing to you to take this sewage leakage problem to the relevant government authorities," said Ms Rheeders.

Dr Figg prioritised Krakeel Rivier and other communities nearby during this constituency period. He assured the people of Krakeel Rivier that he will escalate the problems to the relevant Members of the Executive



Council of the Eastern Cape provincial government and ministers of the national government. "As I normally do in dealing with problems of this nature, I shall take them to the relevant authorities and demand a speedy response," he said.

He urged the people in the Kou-Kamma and Kouga Local Municipalities to work together with their councillors and ward committees in demanding services from their municipalities. He said community members must become a united force and speak with one voice to their municipalities under the leadership of their councillors and ward committees.

He said people experience issues related to poverty in similar ways. "Put your party political differences aside when you demand your rights and speak with one voice."

Dr Figg said he always emphasises the fact that he is available as the Member of Parliament responsible for all the people of Kou-Kamma Local Municipality. "There is a wrong impression that I am responsible for the members of the Democratic Alliance in this constituency. That is wrong and misleading. I am here for everybody, regardless of their political affiliation," Dr Figg told community members.

He appealed to Kou-Kamma residents to turn their communities into safe places with a good and attractive environment for investors. He said Kou-Kamma has opportunities that must be translated into a better life for all. "All the Langkloof communities are blessed with fertile soil that produces, among other things, apples and pears, and with energetic and skillful people," he said.

He said the blessing of fertile soil made the terrible state of poverty puzzling. "It is unbelievable that people who are blessed with all that are victims of poverty. It is a glaring contradiction."

Dr Figg told the people of Langkloof to use public land available to them to push back the frontiers of poverty. "All the arms and weapons to win the fight against poverty are there, available for the people to use. Use that and the Department of Public Works' Extended Public Works Programme," he said.

Another problem facing Kouga Local Municipality farm workers is where to bury their dead. The municipality's Cleansing and Parks Manager, Mr Frank Tamboer, told Dr Figg that one of the cemeteries is full, but the workers continue to use it for burial purposes.

Briefing Dr Figg about the cemetery, Mr Tamboer said it is situated on land donated by a farmer, who had handed over control of the cemetery to the municipality.

"Because there is no more space for new graves, farm workers dig graves near the road."

He told Dr Figg that Kouga Local Municipality is doing what is required by law to do to stop the farm workers from burying their relatives near the road and provide them with a new burial site.

Dr Figg urged Mr Tamboer to accelerate the provision of a new burial site and to persuade farm workers to use nearby cemeteries while the problem is under discussions. "Tell them deceased people don't discriminate," emphasised Dr Figg.

He asked Mr Tamboer to gather support from farm workers on the matter of the cemetery. "Burial is a very sensitive issue. Ensure that you go along with the farm workers and get their support on each and every decision on this matter," Dr Figg emphasised.

Dr Figg also visited Sarah Baartman's grave and the Sarah Baartman's Centre of Remembrance, which is still under construction near Hankey. He heard that the Sarah Baartman Project, which has been halted because of a workers' strike, will require R180m to be completed.

Dr Figg said the Kouga Local Municipality must ensure that the Sarah Baartman Centre of Remembrance provides the positive economic spin-offs that are expected from it. "Please ensure that this place becomes a tourist attraction that will be the beacon of hope for the people of Hankey," said Dr Figg.

Mava Lukani reports on a constituency vist by National Council of Provinces' (NCOPs') Eastern Cape permanent delegate, Mr Lennox Gaehler, who reported back to former employees of the nowdefunct Transkei Road Transportation Corporation (TRTC) during his September constituency programme.

Mr Gaehler, who is a member of the United Democratic Movement and whose constituency includes Sabatha Dalindyebo Local Municipality, called

all the former TRTC employees to a meeting to report on progress made in addressing issues raised by the workers in a petition they submitted to the NCOP at the beginning of the fifth Parliament.

Mr Gaehler told InSession that the former employees were his priority during the September constituency period. "We have been trying our best with other role-players to put this matter to rest, but that is not easy as the matter is very complicated," said Mr Gaehler. The TRTC was a parastatal providing bus passenger transport services to members of the public within the borders of the

former Transkei and long-distance bus services to various major centres in the Republic of South Africa.

According to Mr Gaehler, the workers are demanding back pay, their pensions and claims against the Unemployment Insurance Fund. Mr Gaehler said the NCOP referred the petition to the Committee responsible for petitions, chaired by Mr Setlamorago Thobejane. Mr Thobejane wanted to present a report from his committee on the matter to the workers himself, but due to his tight constituency programme, he was unable to travel to Mthatha to do so.







FRUITFUL HARVEST: Dr Figg (left) urged members of his constituency to make the best use of the fertile soil in the Kou-Kamma area.

Presenting the report, Mr Gaehler told the former employees gathered in Mthatha: "Because of my understanding of the problem and the fact that I am also a member of the Select Committee on Petitions and Executive Undertakings, he mandated me to pass the report to you."

He urged them to speak with one voice and be patient in fighting for their claims, which he said are legitimate. "When your petition reached the NCOP, one of the steps I took was to ensure that the different groups that existed and demanded the same claims were combined under one leadership, so that you could speak with one voice. I am very happy to report that you are now one group of TRTC workers under one leadership," said Mr Gaehler.

Explaining the delays in making the report public, Mr Gaehler told the former TRTC employees that the money was held in multiple funds, including Alexander Forbes, Old Mutual and First

National Bank. This meant that the Committee had to contact each one of them.

Mr Gaehler said initially Alexander Forbes said it did not have any TRTC money, but later said it did. "Given a situation where an institution like Alexander Forbes would give two responses to one inquiry about the money invested for workers means that this cannot be a short journey before it is over," Mr Gaehler explained. He asked the petitioners to be patient and give the Committee time to finalise the work of tracing the monies.

The ex-workers told Mr Gaehler to ensure that the final report includes information about the sale of assets (movable and unmovable). They said TRTC buses and their spares, including fuel, were sold without notice of auction. They said TRTC had bus depots in towns such as Butterworth, Mount Frere, Mount Fletcher, Lady Frere and Dutywa.

Leading the former TRTC workers, Mr Mfanelo Mpongwana thanked Mr Gaehler for the report. "The report is encouraging and we are going to wait for the NCOP," he said. He told Mr Gaehler that their struggle to get the money they believe is owed to them started in 1996, when the TRTC was dissolved.

Mr Mpongwana told InSession that the Eastern Cape provincial government had told the former employees that there was no money for them from the TRTC. Based on this response, the former employees took the matter to court, but lost. "Driven by the fact that we know TRTC owes us money, we went to the Presidency in Pretoria, but we were not helped there either," Mr Mpongwana explained.

He said the NCOP is their last hope. "[Now] we can see the light of the sun at the end of the dark tunnel. We are optimistic that the truth will prevail with the help of the NCOP".

CRL Commission signs agreement with Konrad Adenauer Foundation

agreement between the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Commission) and the Konrad-Adenauer-Stiftung is crucial for Parliament given, among other things, Parliament's role of deepening international engagement," the Deputy Speaker of the National Assembly, Mr Lechesa Tsenoli, said when he welcomed the leaders of the two organisations and other distinguished guests in Parliament, writes Mava Lukani.

Mr Tsenoli said the two institutions are crucial for the promotion of social cohesion and national reconciliation, among other things. The three arms of the state exist to serve the public and the Institutions Supporting Democracy exist to support that agenda, he said.

Mr Tsenoli hosted the signing of the Memorandum of Understanding (MoU) between the South African CRL Commission and Germany's Konrad-Adenauer-Stiftung (KAS). Institutions Supporting Democracy, of which the CRL is one, are the delegated responsibility of the Deputy Speaker.

The signing of the MoU took place within the context of Mr Tsenoli's encouragement of the Institutions Supporting Democracy to form mutually beneficial partnerships with other institutions to enhance social cohesion and democracy in South Africa.

The MoU was signed by the CRL Commission's Chairperson, Ms Thoko Mkhwanazi-Xaluva, and the KAS's Secretary General, Dr Gerhard Wahlers. Both Chairpersons committed their institutions to exchanging information that will support the institutions in fulfilling their mandates. This includes consultations when organising conferences, round tables, symposiums, panels or seminars, or exchange of expertise and experts in specific fields.

Ms Mkhwanazi-Xaluva said she was optimistic that the agreement will ensure social cohesion. "We are going to ensure that this agreement will help us in carrying out our mandate of the protection of the rights of religious, cultural and linguistic communities."

Making KAS's commitment to the MoU, Dr Wahlers said he was sure the agreement would promote social cohesion in both countries.

"In Germany, our main focus is the question of how we as KAS can contribute to strengthening the social cohesion of our changing society. How can we preserve our identity and simultaneously stay open to the changes that come with a globalised world?" he said.

He said Germany is currently experiencing an increase of extreme political views and positions, a questioning of national identity and social cohesion, a departure from a rational and fact-based debate towards "an emotionally loaded and heated one. Citizens turn their attention to populist groups and parties although these are neither able nor willing to contribute to the solutions of the problems in any meaningful way", he said.

Dr Wahlers said the CRL Commission should concern itself with the tangible problems affecting social cohesion. He said KAS notes the CRL Commission's engagement with the commercialisation of religion in South Africa.

Among the guests who attended the occasion of the signing of the MoU, were Mr Günter Nooke, Africa Adviser to the German Chancellor, and Member of Parliament and leader of the Inkatha Freedom Party, Prince Mangosuthu Buthelezi. 🦃

tribute

Bonisile Alfred Nesi

20 September 1965 – 2 October 2016

Bonisile Alfred Nesi, a Member of Parliament and former activist, will be remembered as a selfless servant and honest representative of the people. He was constant in his commitment to the cause of the disadvantaged from an early age.

Nobou, as he was affectionately called by his comrades and friends, was born in 1965 at Seven Fountains in Grahamstown in the Eastern Cape, the son of Mr Mfondini Twani and Ms Tandiwe Teyisi.

He received his primary education from Archie Mbolekwa Primary School and his secondary school education at Ntsika Junior Secondary School, also in the Eastern Cape. He then proceeded to Nyaluza High School, but could not complete his studies due to harassment by the security police due to his involvement in the struggle against Bantu education and apartheid.

Mr Nesi was recruited by the underground structures of the African National Congress (ANC) in 1982. His first successful political assignment was the establishment of a branch of the Congress of the South African Students in Grahamstown.

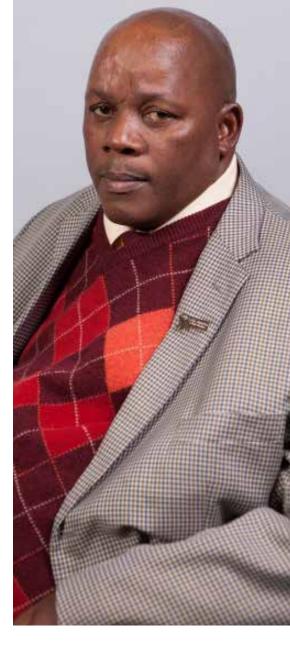
He subsequently became its first organiser. He was also among a group of political activists who launched the Albany region branch of the United Democratic Front in 1983. He served on its executive committee as a student representative.

He was arrested in 1987 and detained at St Albans prison in the Eastern Cape for three years. Mr Nesi used his time in prison to write his matric examinations, which he passed with a university exemption. Driven by his deep passion for education, soon after his release from prison he enrolled for a Bachelor of Social Science degree at the University of Cape Town and completed it in 1995. Mr Nesi subsequently completed a diploma in strategic management at Rhodes University.

After the 2004 general elections, the ANC deployed him to the Eastern Cape Provincial Legislature as a Member of the Provincial Legislature, where he served on different portfolio committees.

The ANC redeployed him to the National Council of Provinces (NCOP) as the Eastern Cape permanent delegate after the 2009 general election. There he made an important contribution in the House and in the Committees on which he served.

In the NCOP he served on the Select Committee on Petitions and Members' Legislative Proposals; the Select Committee on Security and



Constitutional Development; and the Select Committee on Cooperative Governance and Traditional Affairs.

After the 2014 general elections he was redeployed to the National Assembly, where he served on many Portfolio Committees, including the Portfolio Committee on Home Affairs and the Portfolio Committee on Defence and Military Veterans.

In paying tribute to him at his funeral at his home in Grahamstown, his fellow Members of Parliament and comrades within the ANC described him as a servant of the people and a true disciple of democracy and the revolution. He is survived by his wife, Thobeka, and three children.

