

PARLIAMENT: Following up on our commitments to the people.

# in session



Vol. 16 ISSUE 2 2016



## Father of many nations

*Tributes from as far afield as the Republic of Korea*



## 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
5. Strengthening legislative capacity



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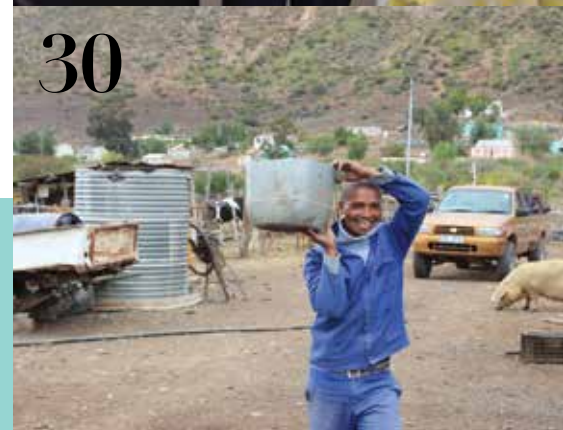
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**COVER:** The Speaker of the National Assembly of the Republic of Korea, Dr Chung Ui-Hwa (left) and other members of the Korean delegation pay tribute to former president, Mr Nelson Mandela, outside the National Assembly chamber.

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**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.

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The Chairperson of the National Council of Provinces, Ms Thandi Modise

## MESSAGE FROM THE national council of provinces

**Law-making** *and its implementation is an enormous challenge that requires the coordination, consensus building, consultations and, above all, political goodwill.*

Parliament is there to represent the interest of the people. It does this, amongst other things, by overseeing the Executive to ensure accountable, open and responsive government.

The Constitution requires that Parliament must establish mechanisms to ensure that all executive organs of state are accountable to it and that members of the Cabinet are accountable collectively and individually to Parliament for the exercise of their powers and the performances of their duties.

The control that the legislature exercises over the Executive stems from the basic principle that the legislature embodies the will of the people and, therefore, it has the authority to supervise the manner in which the legislation enacted by it is implemented by the Executive.

Parliament is traditionally seen as the apex of accountability. Accountability of the Executive to Parliament is the very essence of parliamentary democracy.

The primary functions of our two Houses of Parliament are outlined in Section 42 of the Constitution. The [National Council of Provinces] NCOP plays a unique role in South Africa's governance structure by providing a forum where issues affecting the provinces can be discussed on a national level. The Council reflects a broad range of interests which may contribute to meaningful debate. The two primary mechanisms through which such debate can take place are plenary debates and in the work of Committees.

The NCOP Committees provide an important mechanism through which provinces can share information and collectively discuss shared experiences.

Committees serve as sites where detailed analysis of issues before the House takes place. They provide access through which dialogue can be opened up on a range of issues of concern to the people, in our case those in the provinces. The Committees act as a conduit and as an instrument of democracy, fostering and enhancing the democratic process.

Committees are the 'engine room' of Parliament. They provide the necessary means and systems to hold governments accountable. The need to further strengthen the Committee system, in order to be more effective and efficient, should remain our priority.

In both the [National Assembly] NA and NCOP Committees play a central role in the legislative process. Parliament exercises its legislative authority through Committees in order to facilitate the detailed scrutiny, debate and canvassing of public submissions entailed in the development of legislation.

The Constitution enjoins the three spheres of government to co-operate with one another in mutual trust and good faith by fostering friendly relations, assisting and supporting one another on matters of common interest and coordinating their actions and legislation.

The NCOP thus oversees the relationships between spheres of government and

operates as a check on Executive action that might threaten the integrity of another sphere of government.

Central to the role of our Committees, and informed by our mandate, is the need to foster cooperation amongst the different spheres and sectors.

Oversight allows for Members of Parliament to assess the implementation of policy in specific settings. The effectiveness of our oversight depends crucially on the quality of information we process, the level of preparation of Committee members and the extent to which issues are further pursued.

The electoral mandate of the fifth democratic government is to deepen transformation and implement the National Development Plan (NDP). The mandate is premised on the acceleration of growth, creating decent work and promoting investment in a competitive economy. In giving effect to this mandate, as Members we continue to be guided by our constitutional commitment to improve the quality of life of all citizens.

To understand the work we do in our Committees, let us reflect back to the Medium Term Strategic Framework (MTSF) 2014-2019. The priorities are as follows for the next five years:

- Quality basic education
- A long and healthy life for all South Africans
- All people in South Africa are and feel safe
- Decent employment through inclusive growth
- A skilled and capable workforce to support an inclusive growth path
- An efficient, competitive and responsive economic infrastructure network

- Vibrant, equitable, sustainable rural communities contributing towards food security for all
- Sustainable human settlements and improved quality of household life
- Responsive, accountable, effective local government
- Protect and enhance our environmental assets and natural resources
- Create a better South Africa and contribute to a better world
- An efficient, effective and development-oriented public service
- A comprehensive, responsive and sustainable social protection system and
- A diverse, socially cohesive society with a common national identity.

Last year Parliament adopted five strategic objectives aimed at directing the work of the fifth Parliament. They are as follows:

- Strengthening oversight and accountability
- Enhancing public involvement and participation
- Deepening engagement in international fora
- Strengthening co-operative government and
- Strengthening legislative capacity

The President of the Republic, Mr Jacob Zuma, in his 2016 State of the Nation Address (SONA) reiterated the nine-point plan to accelerate growth and create work. They are as follows:

- Resolving the energy challenge
- Revitalising agriculture and the agro-processing value chain
- Advancing beneficiation or adding value to our mineral wealth
- More effective implementation of a higher impact Industrial Policy Action Plan
- Encouraging private sector investment
- Moderating workplace conflict
- Unlocking the potential of SMMEs, cooperatives, township and rural enterprises
- State reform and boosting the role

of state-owned companies, ICT infrastructure or broadband rollout, water, sanitation and transport infrastructure as well as

- Operation Phakisa aimed at growing the ocean economy and other sectors.

Members play a very pivotal role to ensure that the laws and budgets we pass positively impact on all our people. In 2013, government first announced a number of cost containment measures to cut excessive and wasteful expenditure. The President in the 2016 SONA urged all us in national and provincial government, municipalities, state-owned enterprises as well as Parliament and the judiciary to begin eliminating wasteful expenditure.

The relationship between the Executive and the Parliament is the buckle which joins a system of government. It determines the character of national politics, the role of key public institutions, and the balance between government and the broader political system.

To perform the work of Committees, we need to consider having long-term plans and ensuring the stability of such plans. Of course we must have space to respond to those matters that we did not anticipate.

This will need planning ahead and having a programme of action that will be communicated to the departments so that they may be aware of the dates and times that the Committee will require them. In this way the engagement is likely to be more fruitful because everybody on both sides will be prepared.

In the parliamentary system Members are generally viewed as weak on oversight. Studies have found that the majority of Members seek to support the Executive they have put in power, leaving much of the calling to account in the hands of the opposition parties. It is the responsibility of all of us to hold the Executive to account.

Parliamentary Committees must move from a narrow focus on monitoring Department's compliance with their strategic plans or operational plans to a more expansive oversight role of realising the ideal of a better life for all people. They can do this by focussing on service delivery, the impact of policy implementation and so on. They must be result-driven.

As part of our work we should play a central role in the implementation of the Sustainable Development Goals (SDGs) adopted by the United Nations (UN) last year in September.

The Parliament of South Africa should serve as the premier forum for the public consideration of issues. We have a role to play, as the Constitution specifies that the NCOP serves as "a national forum for the public consideration of issues affecting the provinces".

Our Constitution proclaims "non-racialism" as a founding value of our democratic society. We need to continue advocating the values which are embedded in our constitution. Racism and intolerance should not find space amongst us.

As parliamentarians we are at the forefront of public life and we have a special responsibility to lead the way on combating hate speech and racism in all we say and do. Parliament has a strategic and political obligation to deepen democracy, advance nation-building and promote social cohesion.

Lastly, the performance of a Parliament is ultimately driven by the will of its parliamentarians, but this must be matched and facilitated by their understanding of the issues at hand. For, if accountability and transparency should fail, then the very confidence that is necessary to sustain a democracy will be shattered. 🙄

# i put the question

Questions asked in Parliament in March concerned measures to alleviate the drought and post-graduate bursaries to science students.



Prof Nhlanhla Khubisa (NFP)

**Prof Nhlanhla Khubisa (NFP) asked the Minister of Science and Technology (DST), Ms Naledi Pandor,** whether any students received bursaries or sponsorships from her department. If so, in each case, how many bursaries or sponsorships were awarded to women and the physically challenged, at which institutions they are studying and the field of study they are pursuing.

**The Minister replied:** The DST, through its funding agency the National Research Foundation (NRF), provides bursaries for postgraduate students (honours to doctoral degrees) and postdoctoral fellowships in all the 23 public higher education institutions, excluding the two newly established institutions, which do not offer postgraduate opportunities.

In 2013, the Minister of Science and Technology issued ministerial guidelines for improving equity in the distribution of bursaries and fellowships, made through the NRF and funded by the DST. In 2014/15, a total of 11 335 postgraduate bursaries and postdoctoral fellowships were awarded.

A total 4 263 Master's and 2 845 doctoral degree bursaries were awarded. The number of women who received bursaries at Master's level was 2 199 (52%) and 1 440 (51%) at doctoral level.

In 2014/15 the NRF system had not yet captured information on people with disabilities. However, the ministerial guidelines have set a target for 4% of bursaries to be distributed to people with disabilities.

The department offers postgraduate bursaries to students at all the 23 public higher education institutions. The majority of the students funded are likely to be studying at research-intensive universities.

To ensure equity in the distribution of bursaries across and within institutions, the allocation of bursaries is guided by the targets set in the ministerial guidelines, that is, 80% to blacks, 55% to women, 4% to people with disabilities and 87% to South African citizens. Higher education institutions are allocated block grants depending on their take-up of bursaries.

Bursaries are offered in all fields of science, engineering and technology (SET), humanities and social sciences. The ministerial guidelines have put a target that 70% to 80% of the bursaries should be offered in SET disciplines. In 2014/15, 79% of all Master's and doctoral bursaries were offered in the SET fields, the rest in humanities, social sciences and commerce.

**Mr N Paulsen (EFF) asked the Minister of Science and Technology (DST), Ms Naledi Pandor,** if her department is collaborating with other departments such as the Department of Agriculture, Forestry and Fisheries (DAFF) and the Department of Water and Sanitation (DWS) in determining how alternatives such as desalination can help to address the needs of the agricultural sector in the current drought in determining how it can help to address their needs.

**The Minister replied:** The DST has effective collaboration mechanisms and works well with other national

government departments, including the DWS, and DAFF. The collaborations are formalised through Memorandums of Agreement (MOAs). The DST has an existing MOA with DAFF and is finalising one with DWS.

Through the Water Research, Development and Innovation (RDI) Roadmap, the DST works closely with the Water Research Commission (WRC) and the DWS to support research and development (R&D) and technology innovation in water. One of the key identified priorities in the Water RDI Roadmap is alternative water sources such as desalination, rainwater harvesting and wastewater treatment for reuse.

Some of these alternative water sources (including desalination) are specifically suited for use in agriculture, especially in view of the fact that agriculture alone utilises about 60% of all available sources. While driven by the DST in partnership with the WRC, the Water RDI Roadmap was adopted by the DWS as the implementation plan for Chapter 14 (Research and Innovation) of the National Water Resource Strategy 2 (NWRS 2).

The use of alternative water sources is important especially with the current drought situation. Furthermore, the DWS has prioritised desalination within the National Water Resources Strategy 2 (NWRS 2) approved in 2013. The DST has established the Programme Management Unit (PMU) for the Water RDI Roadmap hosted at the WRC.

Based on the collaboration arrangements between the DST and DWS, and DAFF respectively, one of the PMU's main

objectives is to ensure that solutions emanating from R&D and innovation activities are harnessed for use in agriculture, including supporting DAFF in dealing with drought conditions. These wide-ranging solutions will include, but will not be limited to, desalination.

Further, the DST is working with the Department of Rural Development and Land Reform (DRDLR) to position science, technology and innovation within the agri-park system currently under development. Water use is obviously of key relevance within the agricultural space.

The DST is supporting projects on wheat, soya and eucalyptus, which seek to identify improved biotic (pest and disease) resistance, abiotic (water and heat stress) tolerance, and yield. These are being done in conjunction with the relevant industry partners and the Agricultural Research Council, and are complementary to other drought-relevant developments across the agricultural sector.

**Ms BS Masango (DA) asked the Minister of Transport, Ms Dipuo Peters,** with reference to the road safety strategy during the 2015/16 festive season, what measurable targets, processes and procedures exist to measure the successes of the safety strategy and what was the outcome in each case.

**The Minister replied:** The objectives of the 2015 National Road Traffic Safety Festive Season Plan was to:

- \* Ensure high levels of visible traffic law enforcement on all major routes on a 24-hour, 7 days basis;
- \* Maximise the impact of education and law enforcement operations by heightening the level of seamless operations;
- \* Sensitise road users about their road safety responsibility through communication and shock therapy techniques;

- \* Increase the presence of law enforcement officers on our roads through the deployment of high-level support teams to the provinces;

- \* Provide auxiliary services to the deployed forces through the National Road Traffic Joint Operations Centre; and
- \* Deploy undercover anti-corruption officers to ensure ethical conduct by officers and road users.

The focus of the strategy was on impaired driving – alcohol, drug abuse, fatigue; dangerous driving – excessive speed, dangerous overtaking, all moving violations; occupants’ safety – front and rear seatbelts, child restraints; public transport – passenger transport, freight transport; vulnerable road users – visibility, drinking and walking, jaywalking, distracted walking; vehicle fitness – road blocks; road traffic information – verified data.

The targets are informed by the goals set out in the United Nations Decade of Action for Road Safety, which commits the country to reduce road crashes and fatalities by 50% from 2010 to 2020.

The processes included a comparison undertaken with the previous year’s data, in terms of the reduction of road crashes and fatalities. Other traffic information included vehicle population, traffic volumes as well as the human population in the analysis.

To measure the success of the strategy, data is collated during the festive period. This information is analysed to identify new trends and causes of crashes. A report is then produced with all the factors that contribute to fatalities over this period.

A closer look at the road crashes and fatalities over the 2015/16 festive season depicted the following trends:

- \* Small motor vehicles accounted for

47.9% of total crashes during this season, followed by light delivery vehicles at 22.7%, minibuses or combis at 10.1% and trucks contributed 4.8%.

- \* The majority of people who died were passengers at 38.3%, followed by pedestrians at 34.9%. Drivers contributed 23.9% of the fatalities and cyclists 2.8%.

- \* The age group with the highest percentage fatalities in the categories drivers, passengers and pedestrians is 25 to 39 years, accounting for about 47,9% driver fatalities, 38.5% passenger fatalities and 34,3% pedestrian fatalities respectively. Children aged from 0 – 4 contributed 10.4% of pedestrian deaths.

- \* The gender mostly affected was males with a contribution of 74.4% to total fatalities. Females represent 25.2% of the fatalities. Very disturbingly, of this number 81.4% is apportioned to blacks while the rest represents coloureds, whites and Asians.

- \* The gender of 0.4% of the deceased was undetermined because they were burnt beyond recognition.

- \* Most crashes occurred on Friday, Saturday and Sunday.

- \* The highest number of fatal crashes was recorded on Saturday at 22.2% of the total fatal crashes, followed by Friday and Sunday with 18.8% and 16.9% respectively.

- \* A new phenomenon was observed in the 2015/16 festive period where 51.4% of crashes occurred between 14H00 and 23H00. This stark contrast to the norm might be attributed to the relentless and resilient implementation of the 24/7 law enforcement.

Key factors that contributed the most to the fatalities were jaywalking, speed that was too high for circumstances, overtaking in the face of oncoming traffic, hit-and-run accidents, driving under the influence of alcohol, tyre bursts, faulty brakes, and smooth tyres. Sharp bends, wet surfaces and poor visibility also played a significant role in the contributing factors. 🚗



# highlights from the committee rooms



**Every** month Parliament's Committees exercise their law-making and oversight functions. *Cedric Mboya* compiled this summary of the Committees' deliberations.

The **Standing Committee on Appropriations** has adopted the draft report on the 2016 Division of Revenue Bill. The adoption of the report follows a public consultation process wherein inputs were received from various stakeholders, such as the Financial Fiscal Commission, South African Local Government Association and Equal Education.

Subsequent to the public hearings and the inputs that were received during the public consultation process, the Committee noted that economic growth had been revised down since the tabling of the 2015 Medium Term Budget Policy Statement.

The Committee expressed concerns about the capacity of provincial and local governments to spend infrastructure allocations. This situation has led to reduced allocations. During its deliberations, the Committee was of the view that under-expenditure on infrastructure allocations hampered economic growth and undermined the achievements of the country's National Development Plan goals.

The Committee welcomed the report by National Treasury that the local government equitable share would not be withheld during the March 2016 tranche.

The **Portfolio Committee on Home Affairs** unanimously recommended to the National Assembly the name of Ms Janet Love as a candidate to fill a vacancy within the Electoral Commission. Following deliberations the Committee agreed that Ms Love possesses the requisite skills, experience and temperament to add value to the Commission as it strives to

implement its mandate of delivering free and fair elections.

The **Portfolio Committee on Telecommunications and Postal Services** has expressed a serious concern about incoherent information by the Department of Telecommunications and Postal Services. This after the department briefed the Committee on the progress of the broadband rollout project, as outlined in the SA-Connect policy document. The department presented a consolidated number of facilities that are connected to the broadband infrastructure nationally.

"Although we welcome the presentation, it would seem as if the department has conducted desktop research to generate numbers. There were a number of inconsistencies," said Ms Mmamoloko Kubayi, Committee Chairperson.

The Land Bank has informed the **Portfolio Committee on Agriculture, Forestry and Fisheries** about the impact and response to the current drought. The number of hectares planted this season is lower than last year and there is a decline across all commodities in the agricultural sector. The consequence of lower output in agriculture is an increase in imports and therefore an increase in prices.

The hardest hit provinces are the North West and Free State with some dams standing virtually empty. Severely affected are wheat, maize and sugar cane crops, with a low possible effect into the new season.

Farmers in the disaster declared areas will be unable to plant into the new season.

The Land Bank has the responsibility of sound lending against good prospects. Both the yields and the quality of crops are likely to be low due to the lack of irrigation. There is a decrease in livestock due to the voluntary slaughter by farmers. Livestock farmers are feeling the pressure on profit margins.

The **Portfolio Committee on Police** has encouraged South Africans to utilise appropriate legislative mechanisms at their disposal when seeking to register concerns pertaining to processes followed by the Directorate for Priority Crime Investigation (DPCI) when conducting investigations on the conduct of officials in this regard.

"We would like to urge South Africans to make use of the office of the DPCI Judge to register their concerns when they are not happy with the conduct of the DPCI officials when conducting investigations or any matter related thereto," said Mr Francois Beukman, the Police Committee Chairperson.

The **Standing Committee on Public Accounts** (Scopa) is happy that the Minister of Justice and Correctional Services, Mr Michael Masutha, appeared before Scopa for the second time prepared to talk about human resources, the information and communications technology (ICT) plan, infrastructure, contractors and consultants.

The engagement between Scopa and the Minister of Justice and Correctional Services addressed issues of lack of capacity in the Department of Correctional Services, which reflected itself in the weak project management that saw a lot of infrastructure lagging behind, resulting in unnecessary cost escalations and an increase in the use of consultants. 🌐

# Land dispossession 'source of poverty and inequality'

**President** *Jacob Zuma told traditional leaders recently that land dispossession is the source of the poverty and inequality that have become the ugly hallmark of the South African nation and an impediment to a future of shared prosperity, writes Abel Mputing.*

Although the valiant role played by traditional leaders in achieving the democratic dispensation in South Africa cannot be overlooked, the dispossession of land from their communities through colonialism and apartheid remains an impediment to a future of shared prosperity, President Jacob Zuma told traditional leaders in Parliament recently during the annual opening of the National House of Traditional Leaders at Parliament's Old Assembly Chamber.

The President said: "In my address last year I urged traditional leaders to join their efforts in claiming land on behalf of the communities they lead, the land that was taken away, rather than lodging competing claims. I have been informed that some work in this regard has started, championed by the National House of Traditional Leaders.

I strongly believe that access to land and security of land tenure are key to development, especially agricultural development. Land reform lies at the centre of government's efforts to bring about an inclusive economic development."

President Zuma said one of the developmental areas identified by the government is the leveraging of the agricultural sector as one of the pillars

of South Africa's economic growth. He told traditional leaders that some of the agricultural projects that will anchor this sector are agri-parks, most of which fall under the jurisdiction of traditional leaders.

"As an important stakeholder, we believe that the national house and the institution of traditional leadership must lead in the implementation of these plans. One of the strategic objectives of the parks is to bring under-utilised land (especially in communal areas) into full production within three years. These parks will also help in maximising access to the markets to all farmers with a bias to emerging farmers and rural areas. This is a very important programme and we urge our traditional leaders to assist in ensuring its success," he said.

President Zuma said the government was concerned about the under-utilisation of productive communal lands under the jurisdiction of traditional councils. He urged traditional leaders to encourage their communities to use these lands to reduce levels of food insecurity and to alleviate poverty.

President Zuma also recognised the impact of the drought on economic growth. "One of the domestic constraints to growth in our country currently is the severe drought. It



**RURAL COMMUNITIES:** Access to land is a key element in government plans to uplift the poor.

threatens the livelihoods of our people and has pushed most of the farmers to the edge of financial ruin.

"Five provinces have declared a state of provincial drought disaster, namely KwaZulu-Natal, North West, Free State, Limpopo and Mpumalanga. The situation is very difficult for many farmers. They have seen their livestock die, which has cost a lot of money. Food prices will go up because of the drought."

To alleviate the economic distress in rural communities caused by the drought, the government has created a relief package to revitalise this sector. "Government has created a drought relief package that will help in the identification of land for the relocation of livestock, the revitalisation of feed lots, the drilling of boreholes, auction sales of livestock, the creation of firebreaks and the provision of feed and water for livestock.

"It is often difficult to appreciate the progress that has been made when the country is in a difficult economic environment such as the one we are currently facing. Just over two decades ago the prospect of a democratic South Africa where all its citizens live in peace and freedom looked like a pipe dream. Working together we pulled our land back from the brink of a civil war. I am convinced that working together again we can overcome the economic headwinds we face. Let us therefore work together to promote our country and market its many positive attributes among its people," he said. 🌱

# Speakers' Forum talks budget priorities and plans

**The** Speaker of the National Assembly, Ms Baleka Mbete, attended the Speakers' Forum in Kleinmond near Cape Town recently to discuss budgetary issues with the legislative sector to explain the regulations framing the current cost-containment measures that are part of the National Treasury's activities to foster growth and curb expenditure, writes **Abel Mputing**.

In the wake of a global recession, the South African economy is feeling the recessionary effects of sluggish local and global economic growth. This has led to the Treasury's introduction of cost-cutting measures aimed at maximizing budgetary expenditures of all the arms of the state.

The Speaker raised the President's suggestion that there is a need to revisit the location of Parliament as part of the cost-cutting initiatives. "When the president raised the issue of the relocation of Parliament, he offered us a platform to talk about it, not as a political consideration, but within the strict context that forms part of cost-cutting measures. Also we need to consider the issue of provinces as political entities, which draw from the fiscus in the manner in which they do. Will it not be better to have them as administrative rather than political entities? I wonder if it is not time to debate that now."

The Chairperson of the NCOP, Ms Thandi Modise, weighed in on employees in legislatures. "We insist that municipalities hire the right people with the right skills, but we do not do the same with the people we hire. For instance, there are people who started off as personal assistants in provincial legislatures, who are now directors. We never check how these people got there and how they perform."

The Director-General in the Treasury, Mr Lungile Fuzile, attended the forum to

explain the objectives of its proposed regulations. His presentation juggled the need to continue to improve the capacity of the state with efficient implementation of priorities.

"Currently, we are in the process of redesigning the budget process in a way that will ensure everyone feels listened to. We took a presentation to the Cabinet to explain how we were going to run the budget process. We thought people had internalised and accepted it, but people were unhappy about our process.

"We cannot have everything as a priority. It becomes problematic. When that is not done properly there is a political setback on government priorities and skewed budgetary priorities."

Apart from the sluggish global economy, there are domestic factors that contribute to our low growth forecast, he said. "Clearly there are domestic factors that hinder growth, some of which relate to uncertain policy directions, such as the mining policy that makes mining an unattractive investment proposition. The telecommunication sector is another. For instance, the rolling out of broadband is not as fast as it should be. If it were, it would have impacted positively on education and in doing business.

"To remain above the recent economic recession we had to borrow to support our economy. We thought growth would recover but instead we have seen a deceleration of growth. When gross

domestic product (GDP) does not grow, tax does not grow. Part of this poor growth has also to do with protracted mine strikes and the electricity crisis."

"We must take charge of this situation to ensure that no external forces are involved in our debt control because we will end up being unworthy of credit, the doors to markets will shut and the International Monetary Fund will take over our policy directives. Given our history, we need to correct our fiscal paths ourselves."

State-owned enterprises, which should be contributing to economic growth, are not helping the situation, Mr Fuzile cautioned. "South African Airways (SAA) is in negative equity to the tune of about R10 billion. This means if you want to sell it you have to pay off the seller R10 billion before the sale. The SAA and the post office need strong boards to take them out of intensive care."

Provinces will also face huge budget cut as part of the Treasury's cost-cutting measures, said Mr Fuzile. "We don't prescribe, but we cut the budget and provinces must decide how they manage their budget and how they prioritise the expenditure of their budget. We do have to find a way to work together. We belong to the same state and we, therefore, need to talk and find ways of going around these matters in a more efficient way."

With regards to provinces' conditional grants, the Treasury will not cut those that have a history of service delivery. "We will cut conditional grants that are underperforming and with a history of underspending. At the same time we don't only take money. We recognise when there is a need to improve capacity, more resources are needed. We have also cut Parliament's budget." 🗣️



## Parliamentarians discuss peace and security in Africa

**The** crises in Burundi and other African countries featured prominently during the sitting of the Pan-African Parliament (PAP) in Midrand, Gauteng. Cedric Mboyisa was there to cover the proceedings.

"In Burundi, the African Union [AU] is concerned about the continuing political crisis, coupled with security and violence that has resulted in dire humanitarian consequences, with thousands of refugees fleeing to neighbouring countries. The AU condemns all acts of violence, regardless of the perpetrators, and violations of human rights that continue to occur," said Ambassador Smail Chergui, AU Commissioner for Peace and Security.

PAP is the legislative body of the AU. All 10 permanent PAP committees met during the week-long session of PAP to discuss issues such as the situation in Burundi, trade, gender representation, economy and agriculture pertaining to Africa.

During a plenary – presided over by PAP President Mr Roger Nkodo Dang – discussing peace and security situation in Africa, some parliamentarians did not mince their words about the situation in Burundi, charging that the AU did not handle the situation in Burundi properly. They also mentioned the AU's lack of military muscle to resolve conflicts in Africa. Burundi has experienced unrest (protests and violence) after President Pierre Nkurunziza announced he would run for a third term in office, which he has won after disputed elections. The United Nations team that observed the Burundian elections found the polls were not free and fair.

Said Ambassador Chergui: "The AU

is redoubling its efforts to ensure deployment of human rights observers and military experts (in Burundi)." PAP's Permanent Committee on Cooperation, International Relations and Conflict Resolution had a robust and frank discussions on the report of the fact-finding mission undertaken by PAP in November last year. The report's recommendations became a bone of contention, with South Africa's Member of Parliament Ms Thandi Memela vehemently opposing some of the recommendations, which appeared not to appreciate the gravity of the situation in Burundi.

The PAP mission analysed the situation in Burundi as follows:

\* While it is true that the country has experienced a certain degree of violence during the period preceding and immediately after the elections, and the fact that there still exists a degree of repeated violence, this violence is concentrated in certain



**HAVING OUR SAY:** Voting at a meeting of the Pan-African Parliament is South African delegate, Ms Thandi Memela (right), with her Namibian counterpart.

pockets of Bujumbura only. The government is, however, making every effort to ensure that such incidents are eliminated completely.

\* From the discussions held with the AU Military Expert, it is evident that there are plenty of arms which exist in the hands of civilians and it is of paramount importance and urgency that they are disarmed. The Burundi Police Force is currently seized with the responsibility of disarming the citizens but they lack the technical expertise, equipment, numbers and professional capacity to undertake the exercise sufficiently.

\* Lack of timeously disarming of the civilians could potentially have serious repercussions on Burundi as civil strife and anarchy may continue.

\* The current situation in Burundi is not similar to the Rwanda genocide. However, a good number of citizens may lose their lives as they engage in activities that are deemed by the state as a threat to peace.

In its recommendations, the PAP mission called for the support of the key structures that the Burundian government has put in place to address

historical injustices and finalise the Memorandum of Understanding with the Burundian government focusing on areas of support that the AU can offer, especially in the disarming of civilians.

A number of Members of PAP's Permanent Committee on Cooperation, International Relations and Conflict Resolution, including South Africa and Namibia, strongly opposed some sections and recommendations of the PAP mission report. As such, the committee did not adopt the report but agreed that it would have to be reworked accordingly before being considered for adoption. The adopted report will be put to the next plenary of PAP in May.

Somalia, South Sudan, Madagascar, Sudan, Central African Republic, Democratic Republic of Congo, Mali, Guinea Bissau and Libya were also mentioned by Ambassador Chergui as other countries which were a great cause for concern. Turning his attention to the terrorist group Boko Haram, Ambassador Chergui said it could soon be the thing of the past as the Multinational Joint Task Force has made tremendous progress in its war against these terrorists.

Meanwhile, PAP's 2016/17 budget was adopted by the plenary amid objections and unhappiness from some parliamentarians who felt that they were not given detailed information regarding the budget. "Even by African standards, this is too shabby," said one parliamentarian referring to a four-page "narrative report on the budget for the financial year 2017" document.

South African Member of Parliament, Ms Sandy Kalyan, was one of the parliamentarians who unambiguously stated that there was not sufficient information to enable the adoption of the tabled operational budget of

US\$17 445 091 million (more than a quarter of a billion rand).

But objections fell on deaf ears as the majority of those present adopted the budget after PAP President Nkodo Dang told the plenary that PAP would not be able to execute its duties if the budget was not adopted. PAP's Finance Committee had also complained that it was not given enough time to deal with the budget, but the committee had called for the budget to be approved, and committed itself to providing more detailed budgets to all parliamentarians in future.

#### **2016/17 PAP budget**

\* Operational budget of US\$17 445 091. The 2015/16 operational budget was US\$ 12 016 230

\* Staff and other related costs – US\$9 347 447. Salary and wages amount to US\$ 5 966 593. Other staff costs US\$3 380 854. This budget line increased by 37% due to an increase of staff from 52 to 74

\* Travel missions US\$998 813 – missions of Members of the Bureau (US\$315 000), missions of Parliamentarians (US\$ 465 938) and missions of staff of the Secretariat (US\$217 875)

\* Parliamentary activities (ordinary sessions, sitting of committees and meetings of the Bureau) have a budget of US\$4 864 925

\* Communication and IT is allocated US\$194 250

\* Maintenance is US\$86 781

\* Other services (insurance of PAP cars and hospitality) US\$96 075

\* Other supplies (fuel, lubricants, stationery, office supplies, miscellaneous goods and services) US\$126 000

\* Financial costs (bank charges) US\$65 000

\* Capital expenses at US\$760 600

\* The programme budget is US\$20 976 006 🌐

# MPs debate monetary policy

**The** *National Assembly's plenary on South African Fiscal Framework and Revenue Proposal is one of the most anticipated debates on the South African economic calendar and this year the lively debate sought to outline government's policy to deal with the country's economic challenges while giving Members of Parliament an opportunity to debate South Africa's social priorities in light of shrinking government revenue, writes Abel Mputing.*

"Parliamentarians should not be content to fold their arms and criticise endlessly. They also need to exercise rigorous oversight that will stimulate economic growth," said the Chairperson of the Standing Committee on Finance, Mr Yunus Carrim.

He said action is needed not just from the National Treasury and government as a whole, but from Parliament too. "We must do more. We must hold the executive to far more vigorous oversight, but in ways that advance the country's needs for economic growth, job creation and development," Mr Carrim emphasised.

The Democratic Alliance's Shadow Minister for Finance, Mr David Maynier, said the current shaky fiscal outlook reflects the failure of infrastructure-led economic growth envisaged by the National Development Plan.

"The National Development Plan envisages economic growth rates at an average of 5.4% per year between 2010 and 2030. But this now seems impossible with economic growth rates revised down in 2016 from 1.5% to 0.9% by the South African Reserve Bank, from 1.3% to 0.7% by the International Monetary Fund and from 1.4% to 0.8% by the World Bank. Indeed, the failure of the infrastructure-

led economic growth model is reflected in this budget," Mr Maynier said.

Mr Maynier asked what the government would do in this economic climate to avoid junk status. "The minister could not deliver on economic growth, more or less delivered on fiscal consolidation, and could not deliver on state-owned enterprises. It seems the politics trumped the economics and a ratings downgrade to junk status is now likely. To borrow the minister's favourite phrase: What do we need to do differently to avoid a ratings downgrade to junk status in South Africa?"

The Economic Freedom Fighters' Ms Mmabatho Mokaase argued that the billions allocated to assist small-scale farmers are not enough. "The R2,5 billion allocated to assist small-scale farmers is insufficient and shows government's lack of commitment to agrarian reform, which if planned properly can empower many South Africans," she said.

Inkatha Freedom Party's Ms Judith Nkomo also emphasised that the allocations of expenditure by the Treasury should accurately reflect the pursuit of the government's expenditure policy priorities in line with the goals of the National Development Plan. She said

Parliament should also assess the impact of the introduction of additional sources of revenue on the poor.

"In respect of additional revenue, we must share the concerns as stated by the Parliamentary Budget Office in respect of the increased fuel levy, which may have a disproportionate effect on the poor and we support calls for a full impact assessment of this additional revenue stream."

The National Freedom Party's Mr Ahmed Shaik-Emam cautioned against negative attitudes and called for a policy framework that would foster growth and fiscal stability.

"We must not forget that negative attitudes displayed in this House do damage to confidence in South Africa's





fiscal policy and might well negate the gains of such stability. To rebuild credibility, the minister will need to get the deficit lower and stabilise the ever-rising public debt burden," he said. Mr Willie Madisha of the Congress of the People said the Treasury has proclaimed that South Africa needs to maintain a stable macroeconomic balance, but such a balance is very hard to achieve when state expenditure exceeds revenue.

"Revenue will fall behind expenditure. That will mean one of two things: one, more borrowing and two, higher taxation. If South African government bonds are given junk status, borrowing will become more difficult and more expensive. With the national debt already standing at R1,2 trillion, the cost of servicing the debt quickly pushing

towards R150 billion," said Mr Madisha.

The African National Congress's Ms Dikeledi Mahlangu agreed that there was a need for government to rebalance the fiscus to accommodate its social priorities. "Fiscal rebalancing in this context involves a shift from expansionary fiscal policy to effective cost containment measures, intensified efforts to improve expenditure efficiencies and increasing taxes to boost the fiscus without negatively impacting upon government's programmes," she said.

According to Mr Steven Swart of the African Christian Democratic Party (ACDP), the 2016 Budget Speech was arguably the most anticipated Budget speech since 1994, given that it was delivered in a climate characterised by sluggish economic growth domestically and globally. "Finance Minister Pravin

Gordhan has, in the ACDP's view, gone quite a long way to stimulate economic growth and restore investor confidence. The 2016 Fiscal Framework was drafted in particularly difficult circumstances characterised by downward economic growth forecasts both globally and domestically," emphasised Mr Swart.

Mr Lulama Ntshayisa of the African Independent Congress said the renewed focus on municipalities in the current budget allocations is welcomed, but their expenditure patterns need to be closely monitored to ensure that there is value for money. "The allocation of 9,1% of the total budget to municipalities is much appreciated. Of course, the local government is closer to the people on the ground. However, a thorough monitoring is needed to check if service delivery is taking place," he said. 🌟

# Micro lenders under fire for abusing vulnerable consumers

During a debate on World Consumer Rights Day in the National Council of Provinces (NCOP), members complained about the violation of consumer rights by businesses that face few or no consequences, writes *Sakhile Mokoena*.

World Consumer Rights Day is commemorated on 15 March every year to promote the basic rights of consumers around the world. The debate in the NCOP was held on the theme: “Advancing our national resolve to protecting the social and economic welfare of consumers”.

Unscrupulous and reckless practices by micro lenders, failure by markets to use indigenous languages in marketing

their products and the inaccessibility of the National Consumer Commission were some of the issues raised during the debate on World Consumer Rights Day in the NCOP. Members complained about the violation of consumer rights by businesses and the lack of consequences for these actions.

The Chairperson of the Select Committee on Social Services, Ms Catherine Dlamini, said the arena of

consumer protection has lagged in terms of the legislative enhancements that were required to prohibit such abuse and exploitation and which also statutorily acknowledged the rights of consumers.

“If we are to advance our national resolution to protect the social and economic welfare of our consumers, the protection of consumers should be accepted as a national project as well as a challenge to be embraced by all in our communities.

“A serious threat to our consumers are the so-called “loan sharks” who often operate outside the law,





charging crippling interest rates to their desperate customers, far in excess of that stipulated by the National Credit Regulator," said Ms Dlamini.

Her sentiments were echoed by Mr Farhat Essack (Mpumalanga) who said South Africans have a large amount of debt. "The rights of South African consumers have been influenced by various issues which have a negative impact on the day-to-day lives of South Africans, which is having a huge influence on our social reforms and quality of life," said Mr Essack.

He added that the increase in electricity tariffs granted by the National Energy Regulator of South Africa (Nersa), a devastating drought coupled with the rise in fuel levy announced by the Minister of Finance in his Budget Speech, will all have a further negative impact on consumers already facing

unemployment and job losses. Mr Mntomuhle Khawula (KwaZulu-Natal) urged equality in the use of languages in business and for consumers to be offered services in the language of their choice. "How many times do you enter a shop and get service in the language of your choice – especially an African language? How often do suppliers bother at all to market their products in languages that can be understood, especially by the African masses?"

He also accused the law of failing poor people living in rural areas. "The law itself is discriminatory to the rural poor. If you have an issue with the provider, you have to go to court and the courts are in urban areas and are very costly. The National Consumer Tribunal is also located far away from rural areas. All important offices in South Africa are located in major cities where only the elite can be served and better protected," said Mr Khawula.

Other members called for the need of a public consumer rights education campaign targeting both business and consumers.

"It is of paramount importance that all businessmen and consumers are well equipped with the knowledge needed to comply with the provisions of the Consumer Protection Act. In this regard, we need as public representatives to make it part of our daily work, to educate all citizens about their rights as consumers. Equally, businesses must be educated about their responsibilities towards consumers," said NCOP delegate Mr Lennox Gaehler (Eastern Cape).

Mr Simphiwe Mthimunye (Mpumalanga) said consumer protection has, until recently, remained largely unregulated with fragmented pieces of legislation, which have resulted in a lack of basic consumer

rights, inadequate consumer voice and the continuous exploitation of consumers.

"The new Consumer Protection Act sets a high standard for the protection of consumers; it establishes a single and comprehensive framework for consumer protection. The financial sector in South Africa is characterised by high and opaque fees, and needs to undergo transformation to be more transparent and cost-effective. Financial services are not going to take people out of poverty. In fact, they could deepen their poverty," said Mr Mthimunye.

Mr Emmanuel Mtileni (Limpopo) criticised the banks for allowing illegal and unauthorised debit orders as well as exorbitant bank charges, and called on the banks to act more responsibly and protect the rights of the consumers. "If indeed we want to protect the social and economic welfare of consumers, it is time we start listening to the people," said Mr Mtileni.

Furniture shops were criticised for adding ancillary fees such as delivery fees and multiple insurance charges that have nothing to do with the core product. "All these fees are written in small print and our people end up being financially imprisoned by retailers that adhere to an unhygienic business conduct," said Rev Musawenkosi Mthethwa (KwaZulu-Natal).

Ms Galerekwe Manopole (Northern Cape) said: "We make a clarion call to consumer credit institutions and the National Consumer Commission to develop integrated and coherent activities for enforcement programmes which will encapsulate a vigorous education programme to consumers about their rights and responsibilities, in order to empower them against unethical businesses that take advantage of illiterate rural people." 🗣️



# A united society with human rights for all

*As part of many activities to celebrate human rights during the month of March, Parliament's two Houses held debates on the state of human rights in South Africa. Sakhile Mokoena compiled this report.*

The National Assembly debated Human Rights on the topic: "Human rights in the context of building a national democratic society underpinned by the vision of a united, non-racial, non-sexist, democratic and prosperous South Africa."

The topic for discussion was moved by Ms Nocawe Mafu, the Chairperson of the Portfolio Committee on Human Settlements. She told Members of Parliament that social cohesion in a national democratic society would depend on the extent to which the rights of those on the lower rungs of the socio-economic ladder were protected.

"Such a society should proceed from the obvious premise that workers' rights are human rights and rights should find expression in government measures to create decent jobs, job security and a living wage," said Ms Mafu.

Ms Sibongile Nkomo of the Inkatha Freedom Party complained about the state of the economy and education, which she said did not work for the majority.

"The reality is that 22 years after democracy, South Africa's economic and education systems do not work for the majority of our citizens. A significant percentage of black children still do not attend school. Many of those who

do, attend poorly funded and poorly equipped schools and are often taught by unqualified teachers. Deprived of their basic right to education, these children retain shackles of ignorance as they become adults," she said.

Ms Nkomo was supported by Mr Sibusiso Mncwabe of the National Freedom Party, who said that the "right to education has been shaken. Many rights have been violated, many students have dropped out of universities because of outstanding fees, outstanding because they are so expensive – hence #FeesMustFall," he said.

The rights of farm workers and farm dwellers were also part of the discussions, as Mr Pumzile Mnguni of the African National Congress called for an end to exploitation of farm workers and illegal evictions.

"We note with serious concern the continuing exploitation and abuse of farm workers and farm dwellers. Our people on farms are still very insecure. They get evicted anywhere, anyhow. Women and children get victimised ruthlessly following the death or retirement of the father or husband," Mr Mnguni said.

He said the amendments of the Extension of Security Tenure Act will close the loopholes in the principal Act in order to secure farm dwellers' rights

on farms. "We call on the Department of Rural Development and Land Reform, through its Land Rights Management Facility, to ensure that farm workers and farm dwellers receive quality legal representation against evictions, any threat of eviction, even incidents of constructive evictions," Mr Mnguni said.

Ms Cheryllyn Dudley of the African Christian Democratic Party called on the government to "not only do more through diplomatic channels to intervene and prevent the killing, torture, enslavement and imprisonment of Christians around the world, but to ensure that freedom of belief and religion is not downplayed in South Africa."

The Deputy Minister of Cooperative Governance and Traditional Affairs responsible for Provincial and Local Government, Mr Andries Nel, also participated in the debate in the National Assembly.

He highlighted the serious divisions in South African society. "Many schools, suburbs and places of worship are integrated, but many are not. South Africa remains one of the most unequal economies in the world. The privilege attached to race, class, space and gender has not been fully reversed," he said.

He made an announcement that the Minister of Justice would soon introduce a Hate Crimes Bill, saying this move was "a clear message that hate crimes will not be tolerated in South Africa".

According to Mr Nel, Human Rights



**HUMAN RIGHTS:** Ms Nocawe Mafu, the Chairperson of the Portfolio Committee on Human Settlements.

Month is one of many opportunities for all South Africans to engage in constructive national dialogue on how to address the scourge of racism.

Ms Ntombovuyo Mente of the Economic Freedom Fighters said any attempts at fostering human rights, non-racialism, non-sexism and democracy would have to dismantle the foundations laid by colonialism and apartheid that still ensure that whites have all the privileges illegitimately bestowed on them by white minority regimes, which were, and still are, denied to black people.

The Congress of the People's Ms Deidre Carter said inequality in society and rising unemployment through what she called "the gross mismanagement of the economy" undermined human rights.

In the National Council of Provinces (NCOP) the discussion was held on the topic: "Working together to ensure resilience to drought and achieving sustainable access to water."

Councillor Nkele Ntingane, a representative of the South African Local Government Association in the NCOP said: "Over the last 15 years, local government has made a huge contribution to ensuring that human rights and dignity are advanced. Access to safe, sufficient and reliable water for daily human need is the human right of each and every citizen and is enshrined in the Constitution."

Mr Mntomuhle Khawula, who represented KwaZulu-Natal in the NCOP, said corruption and wasteful expenditure rob citizens of the resources that could improve social grants, housing, health care, water delivery and education. "They make a mockery of our human rights in a developing country," he said. 🙄



**EDUCATION FOR ALL:** South African children all have access to basic education, but the quality of that education varies.

## Basic Education Committee plans for the future

**While** *basic education is accessible to all South Africans regardless of gender, race and class, the quality of that education is an important element that demands critical attention, the Chairperson of the Portfolio Committee on Basic Education, Ms Nomalungelo Gina, told members of the Portfolio Committee on Basic Education and its stakeholders in a strategic planning workshop recently, writes Mava Lukani.*

“We are living in a competitive world that demands responsive scientific knowledge and skills. If our children, the future of South Africa, do not get that quality they won’t meet the demands of that competition and will

become spectators in the world where they live,” said Ms Gina.

She said South Africa cannot afford to deliver quality basic education in certain provinces and deliver poor basic

education in some provinces. “History will judge us harshly for that,” Ms Gina said.

Ms Gina told the workshop participants that the fact that certain provinces get the best matric results at the end of the year and some obtain poor matric results is an indication of something seriously wrong in the national system of basic education.

“This is why the Portfolio Committee decided to hold this workshop so that we can come together under one roof



to share experiences and tackle the challenges together," said Ms Gina.

Looking elsewhere in the world, Ms Gina said in spite of the economic and other challenges Zimbabwe delivers the best quality education to its people.

"We should draw lessons from them. Perhaps the problems we encounter today in our system of basic education are the problems they also encountered at some point in their development," said Ms Gina.

The Portfolio Committee on Basic Education invited the Minister of Basic Education, Ms Angie Motshekga, the Director-General of the national Department of Basic Education, the senior managers of the provincial departments of basic education, academics and representatives of other important stakeholders to participate

in its 2016 strategic planning workshop in an attempt to strengthen the Committee's oversight role.

Ms Motshekga told members of the Portfolio Committee on Basic Education that the department has reached the threshold in carrying out the vision of providing quality education to all South Africans.

"We have reached an important threshold in our journey to quality education," said Ms Motshekga. "I can without fear of contradiction say that although much work still needs to be done, there is curriculum stability in schools."

According to Ms Gina, the Committee continues to observe that although the national Department of Basic Education has sound policies and plans in place to improve basic education, there is evidence that implementation poses a challenge in some provinces. Human resource provisioning, infrastructure and the implementation of some conditional grants are challenges that persist in some provinces.

Ms Gina highlighted that the workshop is one of the mechanisms through which her Committee is seeking to build a comprehensive understanding of the extent of the national Department of Basic Education's influence over the provincial education departments' implementation of programmes.

The Committee also sought updates on the implementation of key programmes that are not sufficiently covered during the normal briefing sessions in Parliament.

Sharing the perspective of the Vice-Rector of teaching, learning and quality assurance at North West University, Prof Luvuyo Lalendle, said they may be

critical of South Africa's basic education system but it is vibrant.

"Great strides have been taken. We can stand in this March month of human rights as South Africans and boast about our system of basic education," Prof Lalendle said.

However, he said resources are not the only requirement for successful teaching.

"If passion and enthusiasm are lacking from teachers, there is a big problem in the system and that will be a great obstacle on the way to success," Prof Lalendle said.

He encouraged the Department of Basic Education to ensure that there is genuine inclusiveness in the creation of policy. He said the provinces, as the sites of delivery and the engines of the implementation of the policy, should be directly involved in the creation of that policy.

"It's the provinces that must ensure that their contextual realities are taken into account in the creation of policy so that when it is implemented it doesn't hit the hard rock of contextual challenges," he said.

Prof Lalendle urged labour unions to cooperate with the Department of Basic Education to take basic education to new heights. He said bargaining structures are in place that must be used to deal with problems between labour and the Department of Basic Education.

"Labour unions must not behave like the opposition to the Department of Basic Education," he said. He urged the unions to ensure that they make a progressive contribution in the creation of the best system of basic education in South Africa. 🌍

# Call to strengthen NCOP oversight capacity

**I**n her keynote address at the two-day strategic planning sessions of the National Council of Provinces (NCOP), its Chairperson Ms Thandi Modise said the aim of these sessions is to look at the year ahead, to plan, engage and to share ideas that will help to review some ideas and planning methodologies that the NCOP adopted in the last financial year. *Abel Mputing reports.*

“Previously, we may have adopted ideas we thought were best suited to help us to conduct our work. But it is necessary to review them from time to time and gauge their relevance. But most of all, it is important at all times for us to get consensus to drive that which is common to all of us as members of the NCOP,” she said.

“In the greater scheme of things, the most important part of parliamentary work is done in Committees, but critically for us is to understand that such work is meant to uphold provincial views, not those of a party. That is what informs our work as the NCOP,” she said.

“The most important work we do happens in Committees and that is where the leadership role of the NCOP is found. But part of our value chain is to be able to say we have our party views, but our provincial views precede the former. That makes the work of the NCOP more complicated because unlike the National Assembly, we don’t consider the party lines all the time.

“Also, our Select Committees must start to scrutinise the qualitative inputs of provincial mandates. It is very important for us to determine how a provincial mandate was arrived at and

we must assess its arguments and its motivation and in the light of that, we must be in a position to either accept or discard it if it is not in line or does not support the mandate of the NCOP.

“As the NCOP we are not immune from the realities that our country is faced with. And we need to get closer to these realities if we are to be taken seriously,” she said.

“As the NCOP we are not immune to the sluggishness experienced by the global and national economies. They both have a bearing on the quality of life of our people. Constitutionally, we are liable to ensure the qualitative conditions of the living conditions of our people. That becomes more important when we consider the impact of drought on food prices. These are realities that the NCOP oversight activities must get closer to.”

She also stressed that oversight must be used as an instrument not to cushion the executive, but to find necessary responses to their commitments. “The business of all of us is not to cushion the executive. We were lucky because under our late president Nelson Mandela there was a realisation that it is the Committees’ task to ask tough questions and to conduct snap debates

to call the executive to account. Our mandate as members is not to ask sweet-heart questions to the executive. This is perhaps a call of the beginning of a shift that will strengthen the oversight capacity of the NCOP.”

In relation to the State of the Nation Address, the NCOP will, among other things, monitor the efficient, competitive and responsive economic infrastructure network, said Ms Masefako Dikgale (representing Limpopo province). “Government has invested R83bn in Eskom, which has enabled the utility to continue investing in Medupi and Kusile power plants. As the NCOP we will monitor the spending on the projects as well as their progress and hold responsible governments and entities accountable.”

The Secretary to the NCOP, Adv Modibedi Phindela, tabulated the fifth Parliament’s policy priorities. They comprise strengthening oversight and accountability, enhancement of public involvement, deepening of international engagement, promotion of co-operative government and assessment of the impact and capacity of legislation.

“We need to improve the quality of support provided to members by upskilling, re-training and reorganising support. We also need to reorganise and improve the services offered to members, political party support and other key stakeholders,” he said. Critical also is the enhancement of advisory and information services to members, he said.



**WORKING FOR THE PROVINCES:** The Chairperson of the National Council of Provinces, Ms Thandi Modise.

Later on there were break-away sessions of various cluster committees whose aim was to harness their operations and rationalise their efforts to heighten the impact of their oversight work.

The Select Committee on Land and Mineral Resources resolved that it will, in this term, prioritise the optimisation of the growth of the base of South Africa's export markets.

The Cluster Committee on Appropriations resolved that top on its agenda in the coming financial year will be its monitoring of budget and expenditure policy decisions through effective implementation of the Money Bills Act and compliance to legislation.

The Cluster Committee on Education

and Recreation resolved that it will consolidate the oversight work of its previous year and continue to pay special attention to targeted interventions linked to the National Development Plan and Medium-Term Strategic Framework to ensure that they impact positively on education, sports, recreation, arts and culture.

The Select Committee on Social Services has identified the need to monitor progress on the pilot projects of the National Health Insurance and to enhance the capacity of health care centres to deliver services.

In his closing remarks, the Deputy Chairperson of the NCOP, Mr Raseriti Tau, asked: "Did we not put too much on our basket in the current financial year? Would it not be better to identify

five key priority areas over and above legislation?"

According to him, the key principle of this session is to determine "whether the NCOP's Select Committees have the ability to focus on outcomes, and whether they are making the necessary impact. This engagement should afford us an opportunity to continue to engage that."

What was glaringly missing in these deliberations, he said, was the lack of a commitment to strengthen the NCOP's relation with its most critical partner, the South African Local Government Association. He also urged the NCOP's Select Committees to use the expertise of the Parliamentary Budget Office to maximise their oversight potential. 🌐

# AU delegation brokers peace deal in Burundi

*As part of its African Agenda, South Africa has committed itself to participating in any multilateral efforts that will help find a lasting solution to the political challenges facing the central African country of Burundi, writes Abel Mputing.*

The African Union (AU) high-level delegation to Burundi led by President Jacob Zuma helped to avert an impending catastrophe in Burundi. The delegation, which included the Presidents of Senegal, Gabon, Mauritania and the Prime Minister of Ethiopia, brokered a truce that paved the way for a resumption of the inter-Burundian dialogue.

The Chairperson of the Portfolio Committee on International Relations and Cooperation, Mr Siphosizwe Masango, welcomed the intervention that brought warring factions in Burundi back to the roundtable discussion for an inclusive dialogue. "We are happy with the honour that the AU has bequeathed on our President, Mr Jacob Zuma, as the facilitator of an inclusive dialogue with government, civil society, organised labour, religious formations and youth, which will lead to an inter-Burundian process that will bring the volatile political situation of that country to normalcy."

In 2004/5 President Zuma participated in the establishment of the Arusha Peace Agreement, which ended civil unrest and ushered in a constitutional democracy in Burundi under the current President Peirre Nkurunziza.

According to the communique of the AU High-Level Delegation, there is

now an agreement that "all armed groups will lay down their arms and fully participate in the inter-Burundian dialogue. Also, countries and peoples of the region are encouraged to refrain from actions that may destabilise Burundi. The delegation welcomed the commitment of all stakeholders to participate without preconditions in an inclusive dialogue," said Mr Xolisa Makhaya, the Deputy Director-General for Africa in the Department of International Relations and Cooperation.

Before these latest tensions, Burundi was a stable country with a fairly open media and democratic freedoms, but that evaporated when president Mr Nkurunziza announced what many consider to be his unconstitutional bid for a third term in office in May 2015.

"Street protests and civil unrest against the third term degenerated into violence mainly in Bujumbura that was met with strong response by the security forces. There was also an attempted coup d'état allegedly led by the former Chief of Military Intelligence, General Godefroid Niyombare on 13 May 2015, but it was thwarted by loyalist troops. Niyombare has since launched an armed rebel movement in exile," Mr Masango explained.

The Burundian High Court declared Mr Pierre Nkurunziza's candidacy

legitimate on the grounds that his first term in office was part of the brokered Arusha Peace Agreement. The court reasoned that he first became president of Burundi not as an elected candidate but as part of this brokered deal. Therefore, that term should not be considered as his first official presidential term in office. If agreed, his 2015 candidacy would be his second term as an elected president.

On this third term debacle, Mr Masango was of the view that this is a matter that needs to be resolved by the all-inclusive inter-Burundian dialogue that was recently brokered by the AU High-Level Delegation.

A member of the Committee, Mr Bhekisizwe Radebe asked: "The High Court declared Nkurunziza's candidature as legitimate, why don't we respect our courts? And if there was a 70% turn-out and such election has been declared free and fair, who are we to rule against that?"

Mr Radebe's query led to a protracted debate. Another member of the Committee, Mr Stevens Mokgalapa, retorted: "Let's also consider the fact that the judiciary in some parts of the continent is not as independent as is the case here. We must consider that reality. What if the judge made that decision with the barrel of a gun at his head?"

The Chairperson weighed in: "When you respect the sovereignty of a country, its people and its laws, then you need to respect the decision made by the courts of that country. Anything else may be interpreted by the Burundians as interference in their own courts of law.





CHAIRPERSON: Mr Siphosezwe Masango

The Burundians who are aggrieved by the judge's determination should lodge an appeal to their Constitutional Court.

"The fear that Burundi may descend into genocide is not a far-fetched possibility. However, it is generally claimed that those who support the president and those who oppose him are both Hutus and Tutsis. If that is the case, then there is a political problem and not an ethnic problem. Perhaps, it is a civil war that is possible rather than genocide."

The hope now lies in the AU high-level delegation led by President Zuma, which has brokered a truce between the warring factions in Burundi. One of its immediate achievements is its success in paving a way for the resumption of the Eastern African Community intervention under the President of Uganda, Mr Yoweri Museveni, as a mediator.

Agreeing on the agenda for this inclusive dialogue is the main hurdle, said Deputy Director-General Mr Makhaya.

On a bilateral level, South Africa is prepared to help Burundi's government to resuscitate its Post-Conflict Reconstruction and Development (PCRD) Project. This initiative will include the training of Burundian diplomats, a Truth and Reconciliation Commission, institutional capacity, the establishment of a business council, and structural bilateral engagements.

But most of all, political stability is important for the peace and economic development, not only of Burundi, but also of the Great Lakes region as a whole, said Mr Masango. "Peace and stability in Burundi could stem the tide of people moving to its neighbouring countries for sanctuary or as economic refugees; a move that could further distress the economies of these countries." 🌍



**PARLIAMENT OF THE PEOPLE:** In April 2015, the Taking Parliament to the People programme visited the Eden District in the Western Cape.

## Taking Parliament to Eden

**The** *Taking Parliament to the People programme was established in 2002 by the National Council of Provinces (NCOP) for the sole purpose of promoting public participation in the work of Parliament. Given its purpose the programme affords ordinary South Africans the opportunity to interact with their parliamentary and government representatives and make their voices heard by participating in parliamentary processes. Jabulani Majovi reports*

The week-long programme is the only parliamentary programme that is able to call all the spheres of government under one roof and allow ordinary South Africans to ask their representatives questions on a wide range of issues that include service delivery matters.

The fifth Parliament ensures that the government priorities, which include the economy and jobs; rural development, land reform and food security; human settlements and basic services; education and training; health; and fighting crime and corruption, are realised.

The Taking Parliament to the People programme in the fifth parliamentary programme will be held in the Western Cape province for the second time. The first visit took place in 2007, when



**SITE VISIT:** NCOP delegates visit a clinic in Calitzdorp in the Kannaland District.



was held from 13 to 17 April 2015. The NCOP was hosted by the Eden District Municipality's Oudtshoorn Local Municipality. The Eden District Municipality is made up of seven local municipalities: Bitou, George, Hessequa, Kannaland, Knysna, Mossel Bay and Oudtshoorn.

In April 2016, NCOP is going back to Eden District Municipality for a report-back session on the issues that were raised during the 2015 visit. The report-back sessions are scheduled to take place from 18 to 21 April 2016.

community on, among other things, service delivery problems raised when the NCOP visited last year.

A mobilisation team working together with stakeholders, such as public participation officials from local municipalities, ward committee members, community based organisations and community development workers, ensure that communities are properly informed about the meeting and of logistical arrangements such as transport to the venue.

The report-back programme gives members of the community an opportunity to listen to and engage with their municipal representatives on all matters, including service delivery.

Another crucial part of the report-back is follow-up on the submissions made by individuals during the 2015 Taking to the People programme. During that visit, individuals raised problems on, among other things, human settlement, education, social development, agriculture, labour, military veterans, police and land affairs.

The submissions captured during the main programme were categorised and transmitted to the relevant spheres of government – municipal, provincial and national.

Other issues affecting members of the community not captured by submissions will be covered by undertakings made by various representatives of national, provincial and local spheres of government during the public hearings of the 2015 Taking Parliament to the People programme. People wishing to make further submissions will be given an opportunity to do so during the public hearings. 🌍



**MAKE YOUR VOICE HEARD:** Members of the public attend a public hearing.

the NCOP was hosted by the Cape Winelands District Municipality.

To ensure the relevance of the programme to the people of the hosting communities, the NCOP first holds a preliminary public meeting where ordinary people highlight problems that make service delivery impossible in their communities. This precedes the programme itself.

Taking Parliament to the People

Members of the NCOP and the Western Cape provincial legislature are divided into different delegations, which each visit a municipality. Senior government officials are also part of the delegations to answer questions. The various delegations conduct site inspections to assess service delivery against the main report of the Taking Parliament to the People.

The main purpose of the report back session is to give responses to the

# Collective effort to fight scourge of racism in SA

**Following** *the resurgence of racism and hate speech in various social forums in South Africa in the past few months, the two Houses of Parliament recently held separate debates to find ways to address the scourge of racism in the country. Sakhile Mokoena reports on the debates.*

Members of Parliament from both the National Assembly (NA) and the National Council of Provinces (NCOP) have unanimously denounced all forms of racial discrimination in society, some even proposing legislation to criminalise such acts and blacklist the perpetrators.

In the NCOP debate on the theme: "Debate on anti-racism and racial prejudice: Advancing our collective effort to building a united, non-racial, non-sexist and democratic South Africa", Home Affairs Minister and African National Congress (ANC) member Mr Malusi Gigaba told the House that "the colonisation of South Africa, as that of the other colonies, and the emergence of racism as a global problem, has been spawned by the emergence and spread of capitalism as a global system".

The minister said the origins and persistence of racism in South Africa were not merely a result of virulent hatred of black people inherent in some white South Africans.

"It is about achieving and maintaining economic predominance through the dispossession and marginalisation of black people," he added.

Minister Gigaba believes the fight against racism is ultimately not about convincing fellow white South Africans to eschew prejudice and their superiority complex and view their fellow black South Africans as equals, but about directly attacking the system of racialised property ownership, as well as the ill-gotten power, privileges and resources emanating from that system, entrenched in our society over many centuries and supported by the colonial and imperialist system.

"The campaign against racism in South Africa is, at the same time, a pan-Africanist and global campaign – the victory of which will fundamentally change Africa's relations with the world and affirm our continent as an equal partner in the global political, economic and cultural system.

"We must desist forthwith from regarding the recent outbreak of racism as a mere resurgence of a phenomenon that otherwise had died in 1994. The fact is that racism is still alive and well in our country, and there are many South Africans, many of whom sit in these very chambers as honourable members, who are both overtly and covertly white supremacists involved daily in racial

practices," said the minister.

"Racism is the original sin of our Republic. For four centuries, discrimination based on race, class and gender has been at the heart of the indignity, social division, dispossession and injustice which continue to bedevil our nation. Accordingly, we have always understood it that the national democratic revolution would resolve the three basic and interrelated contradictions of colonialism of a special type in South Africa: racial oppression, class exploitation and patriarchal relations of power.

"We must strengthen our legal responses to racism. This means using the mechanisms currently provided by the courts and Chapter 9 institutions to address instances of racial discrimination, and we must be bold enough to consider introducing additional measures. We must hold accountable all individuals and organisations violating the dignity of fellow citizens through racist speech or physical violence. We need to respond firmly and harshly to such individuals or organisations," he said.

Mr Christiaan Smit (Democratic Alliance) said the fact that discrimination still existed, of which racism is but one example, could not be ignored.

"Let's talk about how we will fix the inferior education system which still persists in previously disadvantaged

communities. Let's talk about how we can bring about quality working infrastructure to poor and excluded communities so that we can stimulate the rural economy and we can ensure that South Africans become active citizens who have ownership in the economy through shares in the businesses and farms they work for," said Mr Smit.

Mr Mntomuhle Khawula (Inkatha Freedom Party) called for the need to teach and instil the values of mutual respect, tolerance and dialogue. "We have to allay and combat the fears of those who still feel threatened. Intolerance and extremism do not have a place and space in the new South Africa," said Mr Khawula.

In the NA the debate was held on the theme: "The increasing racial tension and conflict in South Africa, especially at universities and its detrimental effect on the country's development".

The initiator of the topic for debate, Dr Pieter Mulder (Freedom Front Plus), repeated what he said during the State of the Nation debate: "Racism is a very serious issue that must be condemned unconditionally. Racism from the side of white people or black people carries the germ that could destroy South Africa and all human relations."

Mr Willie Madisha (Congress of the People) said university students were better placed than most in society to defeat racism.

"As there is a strong nexus between colonialism and racism, university students must take the lead in intellectually defeating the colonial mindset that keeps racism alive. Students cannot be intellectual and racist at the same time."

He added: "Apartheid is dead and therefore racism should die. Let us decolonise our minds and thoughts, we need to see ourselves as Africans and we need to assert ourselves as Africans."

Another NA Member, Mr Steven Jafta, said: "We all know that racism has a negative impact on every individual that is experiencing it as well as the wider community. Yes the laws have been designed to rid us of racism and policies are in place, but still it is difficult for people to embrace each other's culture, colour and lifestyles.

"We believe there should be a continuous dialogue on this matter as it won't just disappear, because it has a long history, dating as far back as 1652 when the Dutch landed on our shores."

For Mr Maliyakhe Shelembe (National Freedom Party), the recent incidents of racism at universities and on social media showed just how far South Africans have strayed from the ideals laid down in the Constitution.

"These incidents have a detrimental effect on our unity, peace and human co-existence. Playing the blame game or using these incidents of racism to score cheap political points will bring us nowhere, what is needed is redress and development initiatives.

"We must pay attention to our use and tone of language, take into consideration the diversity of cultures in South Africa, and nurture within our homes a tolerance of racial differences towards transforming our society."

Prof Belinda Bozzoli (Democratic Alliance) said universities need to be recapitalised on a large scale, or the

tortured agonies of economic, racial and language disputes will worsen, violence will continue and bitterness will prevail.

Mr Jabu Mahlangu (African National Congress) called for unity and the correction of the wrongs of the past, saying that without correcting these, unity would be superficial.

"Over and above promoting a knowledge of the Constitution and fostering the values it espouses, we wish to reiterate our call for strengthening of laws that protect and promote human dignity and equality by criminalising racism. Establishing a national register of racist offenders as part of tightening legislation to deal with racism will ensure that racists are blacklisted," he said.

He further suggested the register should be made accessible to embassies to assist them with the screening of visa applications to prevent racists from entering their countries. Criminalising racism will also rid this House and other public institutions of those found guilty of hate speech," said Mr Mahlangu.

The Minister of Arts and Culture, Mr Nathi Mthethwa (African National Congress), believes racism should be eradicated in the entire universe and in the country as it is "one of the great evils of our time, bedevils human relations between individuals within and between nations and across continents.

"It brutalises entire peoples, destroys persons, warps the process of thought and injects into human society a foul air of tension, mutual antagonism and hatred," he said. 🇿🇦

# Extension of Security of Tenure Amendment Bill under scrutiny

**The** lush green vineyards and sprawling mountains of the Hex River Valley in the Western Cape might be pleasing to the eye but they hide daily struggles of farm workers, farm dwellers and migrant workers. The Extension of Security of Tenure Amendment Bill has been drafted to protect these vulnerable workers, writes *Malatswa Molepo*.

Farm workers sang about their struggles during the public hearings on the Extension of Security of Tenure Amendment Bill by Parliament's Portfolio Committee on Rural Development and Land Reform. They sang *Senzeni Na (What Have We Done)* just before the proceedings started.

Ms Bettie Fortuin is one among many farm workers who has experienced the unfortunate reality of eviction. The wrinkles on her face tell a story of long hours of hard labour under the scorching sun, toiling in an effort to put food on the table for her family. But things became even more difficult when her sister and brother-in-law passed away and she had to take care of her sister's two young children.

The farmer she was working for refused to let the children move into Ms Fortuin's home on his farm. "He suggested that if I wanted to live with the children I must move out of his farm and find appropriate accommodation somewhere else. I considered it my right to live with my sister's children and as a worker my

rights were guaranteed," Ms Fortuin said with tears in her eyes.

Following years of such treatment, she decided to leave her job and to dedicate her time to assisting other women on farms through the Women on Farms Programme. The main objective of this programme is to ensure that women on farms are treated with dignity and respect in accordance with the constitutional rights guaranteed to all South African citizens. "It gives me pleasure to dedicate my life for the betterment of women on farms," Ms Fortuin said.

Despite the availability of legislation aimed at regulating evictions of farm dwellers, farm workers and migrant workers, it seems evictions as experienced by Ms Fortuin are still on the rise. Workers suggest that farmers have found loopholes in the law while some are deliberately breaking the law when evicting people from their land.

Closing these loopholes is exactly what the Extension of Security of Tenure Amendment Bill seeks to do. "The



Committee has decided to embark on countrywide public hearings to ensure that the legislation is strengthened and serves its purpose. We can only do this by speaking directly to people who are affected by this law on a daily basis. Thus we call on you to tell the Committee if these amendments will assist in curbing evictions on farms," said Ms Phumzile Ngwenya-Mabila, the Chairperson of the Committee.

The Committee heard harrowing stories of women being evicted from farms shortly after their husbands lost their jobs or passed away. This happens despite workers having occupied the land for a long time as defined by the Extension of Security of Tenure Act.



**LAND RIGHTS:** The Extension of Security of Tenure Amendment Bill seeks to protect the interests of farm workers.

Despite the Bill seeking to close any loopholes, the farm workers feel that the amendments do not go far enough in addressing pressing issues facing workers on many farms. "We urge the Committee to consider removing the legal duty of a dependant older than 18 years from the Bill. The reality is that the country is struggling with a high unemployment rate and to insist that as soon as a child is 18 years old he or she must start paying rent is untenable because of unemployment and low wages of the parents," said Ms Idah Jacobs, representing the Food and Allied Workers' Union (Fawu).

Ms Jacobs and many other speakers called for the enforcement of the Act

because many farmers evict people without the court order required by the Act. The farm workers also called for the criminal prosecution of farmers who break the provision of the Act. They believe that criminal prosecution will act as a deterrent to farmers with intentions to unlawfully evict farm workers.

The Committee assured the farm workers that their contribution was valuable and that it will go a long way in ensuring a strengthened legislation that will serve its purpose. "The contribution by farm workers gives credence to the decision by the Committee to have public hearings in areas mostly affected by evictions. We leave here

more empowered and with enough information necessary to mould the law into an effective instrument for the occupiers," Ms Ngwenya-Mabila said.

As the public hearings move from province to province in an effort to strengthen the Bill, stories like those of Ms Fortuin and many like her will give the Committee adequate information to ensure that the law serves its purpose. The bottom line is that the Extension of Security of Tenure Amendment Bill should and must protect those whom it was drafted to protect. It is the only hope that Ms Fortuin and farm workers of the Hex River Valley have that will make sure they have a secure roof over their heads. 🙏



## Welcome to the Korean delegation

**The** *fifth Parliament marks a different progressive point in the journey of changing the lives of South Africans and deepening democratic values in the South African society, the Speaker of the National Assembly, Ms Baleka Mbete, said in welcoming a delegation from the National Assembly of the Republic of Korea to Parliament, writes Mava Lukani.*

“This parliamentary term also marks a progressive step forward in the project of consolidating and further building the South African nation. The work that started in 1994, which was marked by that historic 1994 general election, that delivered the first democratic Parliament and government,” said Ms Mbete.

Ms Mbete told the delegation, “Parliament is a beacon of hope to millions of South Africans. It is a shining star that keeps up the hopes of millions of the historically marginalised South Africans.”

She told the delegation that Cape Town

is a city with a distinct history where the first coloniser arrived and it is also surrounded by important historic sites, such as Robben Island.

The Korean delegation, which was headed by the Speaker of the National Assembly of the Republic of Korea Dr HE Chung, was in South Africa to strengthen bilateral relations between the two parliaments.

In thanking Ms Mbete for the invitation to visit, Dr Chung said, “We are delighted to be here and to have an opportunity to lay a wreath in front of the bust of a very important person, the former and the first President of the democratic South Africa, the late Mr Nelson Mandela.”

Dr Chung said he has a great deal of admiration of Mr Mandela, a man who





**RELATIONSHIP BUILDING:** The National Council of Provinces Chairperson, Ms Thandi Modise (left) and National Assembly Speaker, Ms Baleka Mbete (right), welcome the Speaker of the National Assembly of the Republic of Korea, Dr Chung Ui-Hwa, to Parliament.

be where we are today without the support you gave us during that difficult time in the history of South Africa." She said the relationship between the two parliaments is anchored in that historical relationship and should be taken to the new heights, especially in these challenging times of economic slowdown.

Responding to Ms Modise, Dr Chung said Korea is a leading force in the field of information communication technology. He told Ms Modise that his Parliament is now paperless. He said Korea would like to see the establishment of a group of people, which he referred to as a friendship group made up of members of the two parliaments. "This group would be created to look at the establishment of an exchange programme, which will facilitate exchange visits for members and administrative staff so that we can learn from each other," said Dr Chung.

gave his life for the freedom of all South Africans. "He was and will remain a shining symbol of peace and reconciliation in South Africa," said Dr Chung.

Dr Chung said the two countries had much in common, including the fact that both countries are affected by the world economic slowdown. He said the cost-cutting measures South Africa has applied to deal with the economic challenges have also been applied in Korea. He said before the slowdown, the Korean economy was growing at a rate of more than 6%. "But that has dropped to 3% and below currently," said Dr Chung.

Ms Mbete appreciated the Republic of Korea's ongoing investment in South Africa, including investments in the motor manufacturing and electronics sectors. She mentioned Samsung,

LG, Hyundai and Daewoo motors as strong investors in the South African economy. "Those investments and others are worthwhile contributions in our economy and create sustainable jobs for South Africans. We thank your country for that," said Ms Mbete.

In welcoming the Korean delegation to the National Council of Provinces (NCOP), the Chairperson of the NCOP, Ms Thandi Modise, voiced her appreciation for the relationship between the two countries, in particular the meaningful trade relations. She said the exchange of ideas and experiences is important in expanding and deepening those relations.

Ms Modise thanked the Republic of Korea for extending the hand of friendship to the African National Congress during the struggle against apartheid. "We wouldn't

To take the relations between the two countries further, Dr Chung told Ms Modise that his country is strong in the marine and shipping industries and is opening its doors to South Africa for assistance. "Our country is strong in these sectors of the economy and are always prepared to offer assistance to South Africa in those areas of the economy for the creation of employment and above all for economic growth," said Dr Chung.

For the promotion of the relations between the two parliaments, Dr Chung asked Ms Modise to ensure that MPs from the South African parliament and its administrative officials create time at the International Parliaments Union in Zambia to meet with MPs from the National Assembly of the Republic of Korea to share their knowledge and experience. 🌐



# Human Rights Day

**South** Africa commemorates 21 March every year as Human Rights Day in memory of the 69 people killed by the police in the Sharpeville massacre of 1960, writes Parliament's Public Education Office. It is a day on which South Africans re-dedicate to human rights protected by law.

## PARLIAMENT AND HUMAN RIGHTS

Parliament is the custodian of the Constitution, and as such subscribes to the culture of human rights. The fact that Parliament passed legislation which gave rise to the establishment of the South African Human Rights Commission (SAHRC), in terms of Section 184, is testament to this. The mandate of the Commission is to promote, protect and monitor the observance of human rights in our country.

## WHAT ARE HUMAN RIGHTS?

As the name suggests, human rights are rights that everyone must enjoy, due to the fact that they are human. These rights are universal and they cannot be removed. It is important to note that rights are limited (Section 36) because the rights of others must not suffer in the process. Human rights are inherent, which means they cannot be regarded as privileges that apply only to a select few. They also come with certain responsibilities. Some of the rights contained in the Bill of Rights in Chapter 2 of the Constitution include the right to life, dignity, privacy and access to information, to mention just a few.

## PARLIAMENT'S ROLE IN PROMOTING HUMAN RIGHTS

This year South Africa is celebrating 22 years of democracy and the Constitution lays the foundation for democracy.

The Constitution, which was adopted by Parliament, binds the State to "heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights," and the institution has passed laws that provide for a culture of respect for human rights.

The Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) of 2000 is one such piece of legislation. This law aims to promote equality (as per Section 9 of the Bill of Rights), and importantly, it ensures that Magistrates' Courts become Equality Courts where cases of unfair discrimination can be tried.

## PUBLIC PARTICIPATION AND HUMAN RIGHTS

The facilitation of public participation by Parliament cannot be overemphasised. This is in line with the human rights

principle of participation and inclusion. Parliament is aptly called "the People's Parliament" because it upholds this principle, which finds expression in Section 59 of our Constitution.

Parliament has put in place practical channels through which the public can air their views freely. The *People's Assembly*, as facilitated by the National Assembly and *Taking Parliament to the People*, facilitated by the National Council of Provinces, are two examples of public participation activities or channels.

## HUMAN RIGHTS INSTRUMENTS

South Africa, through Parliament, is also a signatory to a number of conventions which seek to protect the human rights of everyone globally and locally – especially those who are most vulnerable – including women and children.

The Universal Declaration of Human Rights is a predecessor to our Bill of Rights. South Africa has also signed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); the Convention on the Rights



of the Child (CRC) and the International Convention on the Elimination of All forms of Racial Discrimination (ICERD).

### THE BILL OF RIGHTS

The Bill of Rights in Chapter 2 of the Constitution protects and ensures the human rights of every citizen in South Africa. It is the cornerstone of democracy in South Africa. Chapter 2 of the Constitution provides a more comprehensive list of the rights listed below:

- \* Equality – Includes the full and equal enjoyment of all rights and freedoms;
- \* Human dignity – Everyone has right to dignity and respect;
- \* Life – Everyone has the right to life;
- \* Freedom and security – Everyone has the right not to be deprived of freedom;
- \* No one may be subjected to slavery, servitude or forced labour;
- \* Privacy – Everyone has the right to privacy;
- \* Freedom of religion, belief and opinion – Everyone has the right to freedom of religion;
- \* Freedom of expression – Everyone has the right to freedom of expression;
- \* Freedom of assembly, demonstration, picket and petition – Everyone has the right, peacefully and unarmed, to assemble, demonstrate, picket and present petitions;
- \* Freedom of association – Everyone has the right to freedom of association;
- Political rights – Every citizen is free to make political choices;

- \* Citizenship – No citizen may be deprived of citizenship;
- \* Freedom of movement and residence – Every citizen has the right to a passport;
- \* Freedom of trade, occupation and profession – Every citizen has the right to choose their trade, occupation and profession;
- \* Labour relations – Everyone has the right to fair labour practices;
- \* Environment – Everyone has a right to a healthy environment;
- \* Property – No one may be deprived of property except in terms of the law;
- \* Housing – Everyone has the right to have access to adequate housing;
- \* Health care, food, water and social; security – Everyone has the right to have access to health care services;
- \* Children – Every child has rights listed under children's rights in the Constitution;
- \* Education – Everyone has the right to a basic education;
- \* Language and culture – Everyone has the right to use the language of their choice;
- \* Cultural, religious and linguistic communities – Everyone has the right to practice their culture and religion;
- \* Access to information – Everyone has the right of access to any information held by the state;
- \* Just administrative action – Everyone has the right to administrative action that is lawful;
- \* Access to courts – Everyone has the right to present any dispute before a

court; and

- \* Arrested, detained and accused persons – Everyone arrested has the right to remain silent.

Parliament, as the custodian of the highest law in the land, continues to promote the culture of human rights. Being responsive to the needs of the people is at the heart of this institution. Parliament continues to promote the culture of democracy and human rights.

Chapter 9 of the Constitution lists the state institutions supporting constitutional democracy of which the South African Human Rights Commission (SAHRC) is included.

The SAHRC can be contacted at its national office at (011) 877 3600/3750, or at the following provincial offices:  
 Eastern Cape: (043) 722 7828/21/25  
 Free State: (051) 447 1133/30  
 Gauteng: (011) 877 3750  
 KwaZulu-Natal: (031) 304 7323/4/5  
 Limpopo: (015) 291 3500  
 Mpumalanga: (013) 752 8292  
 Northern Cape: (054) 332 3993/4  
 North West: (014) 592 0694  
 Western Cape: (021) 426 2277

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The sun heals the divisions of the past, improves the quality of life of all South Africans, frees the potential of each person and builds a united and democratic South Africa, taking its rightful place as a sovereign state in the family of nations.



#### **OUR PEOPLE – THE PROTEA LEAVES**

Our people, building on the foundation of a democratic and open society, freely elect representatives, acting as a voice of the people and providing a national forum for public consideration of issues.



#### **OUR PARLIAMENT – THE DRUM**

The drum calls the people's Parliament, the National Assembly and the National Council of Provinces, to consider national and provincial issues, ensuring government by the people under the Constitution.



#### **OUR CONSTITUTION – THE BOOK**

Our Constitution lays the foundation for a democratic and open society based on democratic values, social justice and fundamental human rights. It is the supreme law of our country, and ensures government by the people.

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