

PARLIAMENT: Following up on our commitments to the people.

in session



Vol. 16 ISSUE 10 2016



Public speaks out

Traditional and Khoi-San Leadership Bill public hearings



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA



Mace of National Assembly

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



Black Rod of National Council of Provinces

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COVER: Parliament has been crisscrossing the country holding public hearings on the Traditional and Khoi-San Leadership Bill. The hearings will continue in 2017.

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Distribution & subscriptions: Jacqueline Zils

Archivist: Zwelethemba Kostile

Publisher: Parliament of the Republic
of South Africa

Printer: Asset Printers

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

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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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ISSN 2227-1325 (Print)

ISSN 2227-3778 (Online)



Parliament sends tribute *for* Comrade Castro

The *presiding officers of Parliament, Ms Baleka Mbete, Speaker of the National Assembly, and Ms Thandi Modise, Chairperson of the National Council of Provinces, sent the following message of condolence to the people of Cuba, for presentation at the funeral of Fidel Castro.*

From as early as in 1960, a year after Comrade Fidel Castro and his comrades successfully fought and removed Batista from power, Cuba started to give concrete support to various types to ANC members. The selflessness of this support over the years has been unparalleled.

Referring to Cubans who had fallen while fighting against the South African Defence Force in Angola in his address to the South African Parliament in 1998, Cde Fidel said: "From the African land in which they worked and fought voluntarily and selflessly, they took back to Cuba the remains of their fallen comrades and the honour of having fulfilled their duty. That is why we know and value the human qualities of Africa much more than those that for centuries colonised and exploited this continent."

To raise awareness on the heroic sacrifices and Cuban contribution to the liberation of Southern Africa, Parliament sent a delegation to Cuito Cuanavale. The multiparty delegation was led by the Speaker on the occasion of 20 years of the end of the

historically significant battle of Cuito Cuanavale.

Comrade Fidel's leadership will be sorely missed and leaves us with an indelible footprint of his inimitable brand of internationalism. As Nelson Mandela said in 1991: "For the Cuban people, internationalism is not merely a word, but something that we have seen practiced to the benefit of large sections of humankind."

The fact that 188 countries out of 193 voted in appreciation of Cuba's role in fighting the Ebola virus in West Africa shows that the eyes of the world are opening.

President Obama's initiative towards normalising relations between Cuba and the United States (US) has to be seen in a positive light. Cde Fidel leaves us at a time when the world looks forward to the day when the US embargo of more than 50 years against Cuba is lifted.

We join our President Jacob Zuma in saying: Hamba kahle Qabane lethu! Qhawe lamaqhawe! Nkalakatha! 🇷🇺



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

MESSAGE FROM THE national council of provinces

We came together as Members of the National Council of Provinces (NCOP) and Members of the National Assembly (NA) to listen not only to the issues around education [in the Buffalo City District Municipality] but to any other matter which the members of the public may put to us. We are very happy that the NCOP, and this time around together with the National Assembly, continues to take this programme of Taking Parliament to the People as the programme that avails Parliament to everybody that listens, that becomes the spokesperson of the ordinary citizens, that intervenes and mediates between the three spheres of government and the people.

We are very happy because this enables us to do what the Constitution enjoins us to do as the NCOP: to promote inter-governmental relations and to make sure that the three spheres of government work well together.

Taking Parliament to the People is that programme that promotes public participation. We are providing this forum for people to raise what ordinarily will take them years and months to raise in letters and trying to get to a Portfolio Committee. It provides us with the opportunity as the legislative sector of South Africa to raise issues and to demand matters to be resolved even months and years after we have raised them.

We want to say Premier [Phumulo] Masualle, we have not been disappointed thus far as the NCOP, and we have seen provincial executives and national executives doing what they undertake to do in front of the people.

So we are hoping that even in this gathering by the NCOP, National Assembly and the Provincial Legislature, that the Eastern Cape and the National Executive and any other MEC from whichever other province, the undertakings we will take in

this Taking Parliament to the People programme will be followed up.

We just looked at education as our theme for this programme, and first we went to Alfred Nzo because that was the region that gave us more sleepless nights. We found wonderful schools and bad schools in the Alfred Nzo district. There are wonderful schools and bad schools throughout the country. We found that most of the time the issues at hand and at play were about the infrastructure, staffing and policies.

We also found that the other additional problems in education did not rest only with the departments of education as such. That is why yesterday as the NCOP we had a gathering which brought together the institutions of higher learning to have a discussion about issues of education – not just for the Eastern Cape but for the entire country.

So we are very happy that we have begun what we think will begin to coordinate the efforts to improve education from early childhood development to university. Because without it we are dreaming if we think we will have a Rainbow Nation, a nation which does not recognise colour, sex and sexual orientation.

We are dreaming if we think that South Africa will prosper and will have no class if we do not continue to hammer at the importance of early childhood development.

We are also very clear that the public will not only entertain the issue of education. It may be the real stream that brought us here, but members of the public are free to raise any other matter which is related to service delivery in any other sphere of government.

So we are here to say to you we serve; we are married to the National Development Plan (NDP), but we know that without improved education, nothing about improved standards of living, employment and earnings will happen, and that it is only with rapid economic growth that we can begin to address the other social ills. But the key is education.

The key to peace is stability. If we do not find one another, we must create a situation where we will find one another.

We have to listen more than we talk, do more than we talk, and argue less but listen more. It is the role of the legislative sector to continue to push for more and more quality services.

Ke a leboga! 🙏

This is the edited version of the address by the Chairperson of the National Council of Provinces, Ms Thandi Modise, during the Taking Parliament to the People programme in the Eastern Cape, at the Abbots Christian Centre, Buffalo City Metropolitan Municipality.

highlights from the committee rooms



Every month Parliament's Committees exercise their law-making and oversight functions. *Rajaa Azzakani* compiled this summary of a selection of Committees' deliberations.

Protected Disclosures Bill adopted

The **Portfolio Committee on Justice and Correctional Services** adopted its report on the Protected Disclosures Bill. The Bill emanates from the South African Law Reform Commission's report on protected disclosures. The majority of Members of Parliament in the Committee agreed to keep the contentious clause that creates an offence for the intentional disclosure of false information.

Committee Chairperson Dr Mathole Motshekga said: "No viable solution to clause 9B could be found and therefore it remains in the Bill as agreed to by the majority in the Committee."

The DA and ACDP MPs in the Committee strongly disagreed with this clause as there is a concern that the proposed insertion will have a chilling effect, especially as the number of people who are prepared to make a protected disclosure is declining.

Scopa sends Sanral packing

The **Standing Committee on Public Accounts (Scopa)** sent the South African National Roads Agency Limited (Sanral) packing for not providing the Committee with the relevant information it was requested to present on irregular expenditure.

Scopa had stipulated all the information that it required from

Sanral in the invitation letter that it had forwarded to the agency. The presentation they forwarded to the Committee was vague with no specific information.

Scopa called on the Auditor-General (AG) to audit more State-Owned Enterprises (SOEs). Scopa has noticed that big and strategic SOEs such as Eskom, Transnet and Denel SOC Ltd are not audited by the Auditor-General but rather by private audit firms.

Inquiry on SABC Board starts

The **Ad Hoc Committee on the South African Broadcasting Corporation (SABC)** Board Inquiry elected Mr Vincent Smith as the Chairperson.

The Committee has a mandate through a resolution of the National Assembly to conduct an inquiry into the fitness of members of the SABC Board to hold office and then report back to the House on 28 February 2017. Despite legal hitches, the Committee believes it can complete its work sooner and resolved to report back on 15 February 2017.

The **Joint Standing Committee on Intelligence** conducted interviews with the 10 candidates for the appointment of the Inspector General of Intelligence.

The Portfolio Committee on Trade and Industry received a briefing on the National Liquor Policy

Various MPs raised concerns about a proposed review of the national minimum legal drinking age from 18 to 21 years. Committee Chairperson Ms Joanmariae Fubbs said although the Committee understood the spirit of the proposed review and amendments, it questioned the mechanisms and practicality of implementation thereof.

Jobs for cash in spotlight

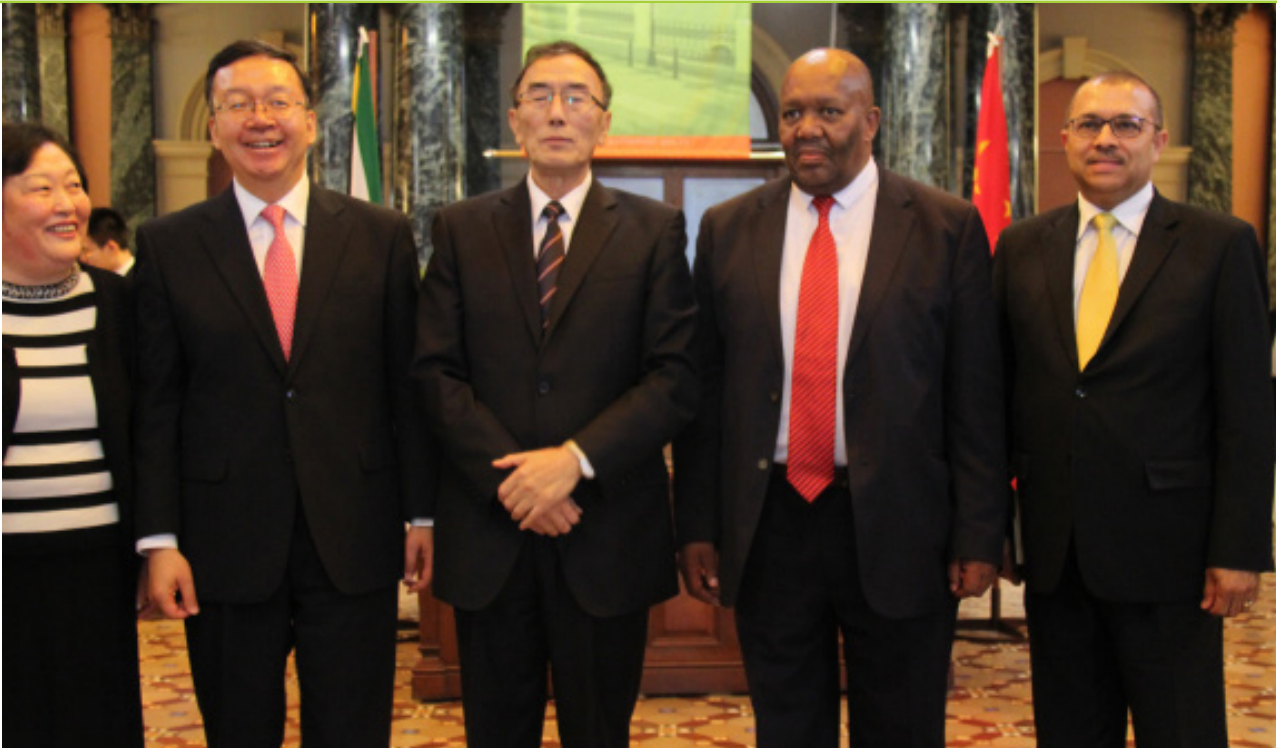
The **Portfolio Committee on Basic Education** received a briefing from the Department of Basic Education on the "Jobs-for-Cash" Report. The Committee later also interacted with stakeholders.

Small-scale fishing interrogated

The **Portfolio Committee on Agriculture, Forestry and Fisheries** received a briefing from small-scale fishing representatives on the state of readiness to participate in the implementation of the Small-scale Fisheries Policy including challenges and proposals.

Joint Standing Committee on the Financial Management of Parliament

Parliament's performance between 1 April 2016 and 30 September 2016 came under the spotlight when the Secretary to Parliament briefed the Committee on the institution's performance in the first half of the 2016/17 financial year. 🇿🇦



STRATEGIC PARTNERSHIP: The Deputy Speaker of the National Assembly, Mr Lechesa Tsenoli, and House Chairperson, Mr Cedric Frolick, welcome the Chinese delegation to Parliament.

Chinese delegation visits Parliament

No matter how big the world, people must inhabit it with great respect, knowing that it is shared and the people who inhabit it now must pass it on to the generations to come. These were the words of the Deputy Chairperson of the National Assembly, Mr Lechesa Tsenoli, when he welcomed a delegation from the Standing Committee of the National People's Congress (NPC) of the People's Republic of China when it visited Parliament recently, writes **Mava Lukani**.

In welcoming the delegation to Parliament, Mr Tsenoli assured them of the importance of international relations to the South African government and the Parliament of the Republic of South Africa. "One of the key strategic objectives of the fifth Parliament is to deepen international relations," he said.

According to Mr Tsenoli, since the advent of the democratic dispensation in South Africa in 1994, South Africa has taken international relations to new heights and at all levels, people to people, government to government, and Parliament to Parliament.

He said the fifth Parliament is driven by its commitment to the long-term goals enshrined in the South Africa's National Development Plan and the African Union's Vision 2030.

These were devised in the knowledge

that South Africa is a globally competitive economy informed by its national interests, and is an influential and leading member of the international community.

Furthermore, South Africa promotes and contributes to sustainable development, democracy, the rule of law, human rights, peace and security, within a safe, peaceful and prosperous Southern African region and Africa, as well as a fair and just world, according to Mr Tsenoli.

The Chinese delegation, led by Mr Qiangba Puncog, was in South Africa to hold bilateral talks with Mr Tsenoli and the National Council of Provinces (NCOP) Chairperson, Ms Thandi Modise, on strengthening existing cooperation between the two parliaments.

Speaking on behalf of the delegation,

Mr Qiangba said the bilateral meeting between the delegation and the Deputy Speaker took place within the broader context of the existing and bigger relationship between the People's Republic of China and the South African government. "We are following on the footsteps of our presidents," he said.

He described the relationship between the two countries as a comprehensive strategic relationship. He said it was fitting to have a relationship between the two countries as they share many similarities.

These similarities include diverse ethnic groups and cultures and accelerated economic growth. He said he was optimistic that the two countries will continue gaining positive benefits from the relationship in all areas, including the economic and environmental fields.

Ms Modise told the delegation that South Africa emphasised the importance of the peoples of both countries in the relationship. "The relationship should not be about parliaments, but rather about the peoples of both countries," said Ms Modise.

She said she hoped that given the existence of the relationship, South Africans will be able to plant forests as Chinese people are currently doing so. "I was moved by your forestation programme, which was rolled out a few years ago," she said. 🌳



MEMORY PROJECT: The Speaker of the National Assembly, Ms Baleka Mbete, listens as Ms Amy Thornton pays tribute to Ms Ray Alexander at a memorial lecture held to honour her contribute to the struggle against apartheid.

Parliament honours Ma Ray

The second year of Parliament's Memory Project honouring the role of women in the struggle for liberation from apartheid honoured the contribution of Ms Ray Alexander-Simons. During the memorial lecture held at Parliament in November, the Speaker of the National Assembly, Ms Baleka Mbete, said that it is important to retell these women's stories of sacrifice and hardship as part of the ongoing process of entrenching democracy in our country, writes **Vusumzi Nobadula**.

Under the auspices of the Speaker, Parliament launched the Memory Project in September 2015 to celebrate the life and contributions of women veterans of the struggle for South Africa's liberation. The project hosts an annual memorial lecture to honour exceptional human beings,

people who played pivotal roles in achieving a democratic South Africa and influencing a smooth transition. In the inaugural lecture last year, Ms Gertrude Shope paid tribute to struggle veteran Ms Charlotte Maxeke.

This year, tribute was paid to Ray

Alexander-Simons. In the Memorial Lecture held in Parliament, Ms Mbete thanked Members of Parliament, the Simons family and friends of Ma Ray, who were present at the event. She said she was especially pleased to see many women from rural movements and organisations at the event as their work was so important in advocating for the rights of some of the most marginalised women in South African society.

Ms Mbete said the advocacy work done by organisations such as Ubuntu Rural Women's Movement, Ilitha Labantu, the Women on Farms Project and others, is indicative of the legacy

of women like Ma Ray Alexander.

She continued: “It is wonderful to see members of organised labour, and some familiar faces from Fawu and Cosatu, Nehawu and Sasco, all coming together in honour of this remarkable woman who has left an indelible mark on the labour movement and the fight against injustice. It is my pleasure to welcome you all to this year’s annual memorial lecture. The second in what will be an annual event, this memorial lecture honours a giant of the liberation struggle and the workers’ struggle, Rachel Alexandrowich – better known as Ray Alexander.

“We are also privileged to have in our midst our guest speaker, Ms Amy Thornton, who has been an unwavering activist against racism and patriarchy in our country before and after our people’s liberation,” she said.

The Speaker said: “I am told that Amy launched her life as an activist when she was only 16 years old, when she put up posters urging white people not to vote for the then National Party. A true veteran of the struggle for liberation, Amy endured banning orders, detention and harassment under the brutal apartheid regime. She shared Ray Alexander’s passion and worked tirelessly for the recognition of the human rights of workers. She worked closely with struggle stalwart Oscar Mpheta in the Food and Canning Worker’s Union and is an honoured recipient of the Order of Luthuli.

“We are determined to acknowledge and examine the challenges women continue to face, but also tap into the wisdom and leadership prevalent among so many women. Women

such as Ray Alexander whom we are honouring today played a crucial role in the liberation of South Africa and it is important to retell their stories of sacrifice, pain and hardship as part of the ongoing process to entrench democracy in our country.

“We chose to honour Ray Alexander because of her life and her brave actions, and that should be a reminder to each and every one of us of our personal responsibility to stand against injustice and never underestimate the power that comes from ordinary people doing extraordinary things. Ray Alexander’s life was a lesson in perseverance. By the time of her passing on 12 September 2004, Ray Alexander was known around the world as a prominent activist for political and human rights in apartheid South Africa.

“In spite of 25 years of exile from South Africa between 1965 and 1990, she remained a consistent force in radical politics, eventually becoming the longest serving Communist Party functionary in South Africa. Ray joined the Communist Party of South Africa (CPSA) within three days of her arrival in the country in 1929. She became involved at once in the distribution of the party’s paper and in the formation and organisation of trade unions,” she said.

The Speaker said Ma Ray played a part in the formation of numerous non-racial trade unions in the Cape in the 1930s and 1940s, and her name is most closely associated with the formation in 1941 of the Food and Canning Workers’ Union, which survives today as the Food and Allied Workers’ Union (Fawu).

After the Afrikaner Nationalist

election victory in 1948, and the banning of the CPSA in 1950, Ma Ray was herself banned from trade union work in 1953. She joined the underground SACP on its formation in 1953 and continued to be involved illegally in trade union work. Unable to visit trade union offices, she devoted much of her energy in the later 1950s and early 1960s to research, the basis of the book she co-authored with her husband Jack Simons in 1969, titled *Class and Colour in South Africa 1850-1950*.

Ms Mbete said: “Women continue to have a vital role to play in our society, especially today. There is a wealth of untapped knowledge waiting to be absorbed by the younger generations, and it is hoped that through initiatives like this memorial lecture this knowledge will be shared. It is true that we have made massive strides in terms of gender parity in South Africa, but we acknowledge that many more challenges remain. Inequality, poverty and domestic violence, among other things, are part of the challenges we continue to confront and need to fight together.

“As we honour the life of Ray Alexander today, we should not limit our commemorations to lofty eulogies. Instead, let us commit ourselves to carrying on her fight, ensuring that her passion continues to inspire us as we continue to challenge patriarchy and injustice wherever they exist. Let us continue to shatter any and all glass ceilings that are obstacles to women’s progress. That, in my view, is how we can best thank Ray Alexander for her immense contributions to our country. We are indebted to her and her family, for their sacrifice, and as a nation, we have a responsibility to keep her legacy alive,” Ms Mbete concluded. 🌍



Esta Bill must be fit for purpose

Ms *Juanita Ludic has similar experiences to many other farm workers and farm dwellers across the country. She and thousands of others came from across the country to share their stories with the Portfolio Committee on Rural Development and Land Reform during the Committee's public hearings on the Extension of Security of Tenure Amendment Bill (ESTA), writes Malatswa Molepo.*

Ms Ludic and many families like her fear they may be evicted from farms they have called home for many decades. Many of them have known no other home their whole lives.

The Portfolio Committee concluded its nationwide public hearings in Upington, Northern Cape. With lush green farms thanks to the bounty of the Orange River that nourishes the mostly barren soil of this vast province,

the Committee heard harrowing stories that echoed similar ones the Committee heard around the country.

Ms Ludic's story began with hope. "When I started working at the farm things were fine and we had a model farmer who treated us well. He used to give us bonuses and made sure we enjoyed our stay on the farm. This is the reason I had stayed for more than 30 years on the farm," Ms Ludic said.

The problem started when the farm was sold to a new owner.

"All the good treatment we were used to vanished. As I speak to you today, we are forced to work even on public holidays. Some of the people I used to work with have been evicted from the farm and I am worried I may be next," Ms Ludic elaborated.

The Committee was very concerned about what they heard during the public hearings. "The stories we have heard across the country are harrowing and point to the total disregard for the law and individual dignity that every person is entitled to," said the Committee Chairperson, Ms Phumuzile Ngwenya-Mabila.



FIGHTING FOR THE RIGHTS OF FARM WORKERS: Public hearings hosted by the Portfolio Committee on Rural Development and Land Affairs have taken place around the country as the Committee seeks the views of farm workers and other stakeholders on the Extension of Security of Tenure Amendment Bill.

This was supported by members of the community who highlighted the need for laws that protect the community. Mr Zakes Matiso, representing the Congress of South African Trade Unions, said that it is an anomaly that farmers hire legal representation when they evict farm workers. “Farm owners have a way of circumventing these laws. Government departments must put in place monitoring systems to ensure compliance with the laws,” Mr Matiso said.

Mr Matiso also highlighted concerns with the timing of many evictions. “Owners are inconsiderate. They evict mostly in winter or when it’s raining. I tell you if we had similar weather like the storms in Gauteng now, we will be experiencing a spike in evictions in the Northern Cape,” Mr Matiso said.

“We have heard the stories of Margaret Matjila, who has been homeless since 1998 after she was evicted after her husband died, and Stephans Malibi who, despite his family living on a farm since 1960, is being told to move, and Jan Julies, who was evicted with nowhere to go. These represent a worrying narrative that undermines the rights of workers,” Ms Ngwenya-Mabila said.

Fighting for the rights of farm workers, the Land Rights Management Facility programme was designed to provide legal representation and mediation services for farm workers, along with a call centre to increase access to departmental services and to report land rights violations, particularly illegal evictions. However, the Committee questioned its relevance, as farm workers reported no useful interventions from the programme.

“I ask myself why don’t I hear people talk about how the Land Rights Management Facility assisted them in their hour of need? Is this programme really working? The department must strengthen this programme so that it serves the purpose it was designed for,” said Mr Elleck Nchabeleng, a member of the Committee.

Nonetheless, the Committee appreciated the quality of input from farm workers and farm dwellers in different provinces. “The valuable insights we have gained from these interactions will ensure that we strengthen the Act so that it protects the most vulnerable. The Committee’s main intention is to have an effective law that serves its purpose. The personal stories we have heard will ensure that we tailor the law for this purpose,” Ms Ngwenya-Mabila emphasised.

As it processes the Bill, the Committee is considering including a requirement that consideration be given to farm workers when a farm is sold. This was prompted by the noticeable trend that farm workers are particularly vulnerable when a farm is sold.

The Committee has urged the Department of Rural Development and Land Reform and other relevant departments to seek solutions to challenges farm workers are facing. “The department must strengthen its enforcement initiatives in an effort to protect the poor against illegal evictions caused by regulatory gaps that are often exploited by farmers and land owners,” Ms Ngwenya-Mabila said.

The Committee will now consider the representations that have been made and decide how to incorporate them into the Bill. 🌱

Education a focus of the NDP, leaders tell Eastern Cape

Parliament's *Taking Parliament to the People (TPTP) programme that was hosted by the Buffalo City Council at East London's Abbotsford Christian Centre gave the people of Buffalo City an opportunity to tell Members of Parliament (MPs) and Members of the Provincial Legislature (MPLs) about their service delivery challenges. However, the main focus was on basic and higher education and local economic development in the area. InSession writers report on the programme.*

As the NCOP straddles all spheres of government, the Taking Parliament to the People programme includes ministers, MECs and local councillors to answer questions on service delivery. There were ministers and MECs available to give answers at Abbotsford Christian Centre throughout the programme.

Early childhood development (ECD) centres are pivotal foundations for solid formal education for any child, the Chairperson of the National Council of Provinces (NCOP), Ms Thandi Modise, told the people of the Eastern Cape on the last day of the recent week-long Taking Parliament to the People programme.

Ms Modise said she noted with frustration the tendency of turning ECD centres into simple crèches. "ECD centres are in our view the building blocks of equality, non-sexism and a self-sufficient South Africa of tomorrow," said Ms Modise. She said she believed the future of the nation

depends on the strength of this very important and critical level of education.

In opening the programme, Ms Modise emphasised the focus areas of the programme, but told the people they could raise other service delivery problems if they wished. Ms Modise said the theme of the programme, "Following on our commitment to deliver quality education and ensure economic advancement of our people", summed up the NCOP's work, which started in June 2016 when it sent a technical team to the Eastern Cape. This was followed by research and comparisons of different reports, including Stats SA, Portfolio and Select Committee reports and resolutions, and matric results of the past few years.

"We used our Provincial and Oversight Weeks' programmes and discussions with stakeholders to understand the challenges of education across our



provinces. From our pre-visits we found quite a number of challenges facing our schools," said Ms Modise. These challenges, according to Ms Modise, include poor or no infrastructure, schools without proper and safe toilets, and lack of adequate and clean water.

There are more than 600 schools in the Eastern Cape that lack water, electricity and sanitation, and mud schools have still not been completely eradicated. According to the 2014/15 early intervention grant (EIG) report, the Eastern Cape Provincial Department of Education returned



TAKING PARLIAMENT TO THE PEOPLE: President Jacob Zuma arrives to deliver his annual address to the programme and is welcomed by the Chairperson of the National Council of Provinces' Chairperson, Ms Thandi Modise.

R211m to the Treasury as unspent. This was money that was meant to build and renovate schools.

In the current financial year, the Minister of Finance cut the Eastern Cape EIG by 12% from R1.7bn in 2015/16 to R1.5bn in 2016/17 due to underspending. According to the NCOP MPs, while the Eastern Cape Department of Education overspent on salaries, it failed to repair dilapidated and derelict schools or replace mud schools.

To account for Basic Education, the Deputy Minister of Basic Education,

Mr Enver Surty, and the Eastern Cape's MEC for Education, Mr Mandla Makupula, addressed questions asked by the people on the challenges facing education in the Eastern Cape, and Buffalo City Metropolitan Municipality in particular.

The rationalisation of schools resulting in mergers and closures of schools was one concern of the people of Buffalo City Metro. People from different wards of the Buffalo City Metro claimed that rationalisation of their schools happened without consultation and they only learnt of it when schools were closed.

Mr Makupula dismissed these claims as untrue. He said no rationalisation move could be taken without the consultation of the people. "A school is a property of the community. No one can come from outside that community and dictate to the community on its school," said Mr Makupula.

He said the law says if the learner enrolment is less than 135 learners in a primary school and less than 200 in a high school, those schools are not viable and rationalisation must be applied. Mr Makupula told the people of Buffalo City that the Department of Education follows the

law. He said the people are given a certain period within which to object to rationalisation. He said “if the motivation is weak and not based on concrete scientific facts, rationalisation would go ahead”.

Mr Makupula used the occasion of the Taking Parliament to the People’s public hearings on education to warn the people of Buffalo City Metropolitan Municipality to refrain from firing teachers and reserving teaching positions for the sons and

daughters of their community, the applicants they refer to as “organic children of the community”.

“This is totally out of order. The school governing body must treat all the applicants for the advertised vacancies at a school equally and fairly. There must be no discrimination on any grounds, including a place of birth of the applicant,” Mr Makupula said.

Higher education and training was

another key focus area of the Taking Parliament to the People programme. South Africa’s long-term blueprint, the National Development Plan (NDP), has placed the enormous responsibility of producing more than 30 000 artisans a year at technical and vocational education and training (TVET) colleges.

Yet despite this mammoth task, the sector is not supported with adequate funding that will ensure that this goal is reached. This was the

EXECUTIVE REPORT: President Jacob Zuma delivers his annual address to the Taking Parliament to the People programme, hosted by NCOP Chairperson, Ms Thandi Modise.





ACCOUNTING FOR BASIC EDUCATION: The Deputy Minister of Basic Education, Mr Enver Surty, answers questions asked by the people during public hearings.

message delivered to a delegation of NCOP MPs during an interactive session with stakeholders within the higher education and training sector programme in East London.

Briefing the delegation, the principal of Buffalo City College, Mr Dharamchand Singh, said that while many of the requirements are achievable, the underlying fact is that more resources need to be invested within the sector to realise Vision 2030. "The sector can easily achieve the requirement to reach the 1.25 million learners by 2030. Furthermore, our contribution to producing the 30 000 artisans a year starts with 12 artisans this year, but the reality is that producing artisans is expensive and more support with infrastructure and resources is required," Mr Singh said.

The challenge of funding, according to Mr Singh, has led to the inability of colleges to attract quality lecturers. "The disparity between what artisans earn in the private sector and what they would earn as a lecturer

at colleges is too great to even consider," Mr Singh emphasised. This was echoed by the Minister of Higher Education and Training, Dr Blade Nzimande, while addressing the National Assembly on the occasion of the department's 2016/2017 Budget Vote, that government cannot carry the burden of growing the sector alone.

"Despite the successes we can point to, government cannot provide technical and vocational education alone. Allow me to direct a few words to employers, both public and private. Your involvement in ensuring a continuing pipeline of well-trained and skilled people across all sectors is critical to our economy. Doing so is arguably even a greater significance to the future of your businesses, whether in manufacturing, repairing, retailing or services," Dr Nzimande said.

The leader of the TPTTP parliamentary delegation and Chief Whip of the NCOP, Dr Hunadi Mateme, said the delegation has identified various

policy gaps within the sector that needed urgent attention. "We would like to meet with the Department of Higher Education and Training before the next academic year starts so that we find solutions to the challenges raised by the sector and find a way of giving them hope," Dr Mateme said.

Dr Mateme also thanked the private sector for playing its role in ensuring that the work-based education component is a reality for some of the students. Dr Mateme concluded by saying that "more companies must be encouraged to take an active interest in building this country".

Local economic development (LED) was another focus for the Taking Parliament to the People programme in the Buffalo City Metropolitan Municipality. The NCOP's Chairperson of the Select Committee on Cooperative Governance and Traditional Affairs, Mr Jihad Mohapi, has recommended that the Buffalo City Metropolitan Municipality organise an urgent local LED summit to come up with a plan to assist

emerging entrepreneurs in the region. He was speaking during an interaction with local entrepreneurs during the TPTTP programme in East London. The NCOP MPs visited several small businesses in the Buffalo City area to check how much assistance they were getting from government departments and institutions.

Mr Mohapi said the municipality must conduct an audit and develop a clear LED strategy. An integrated approach for the development of small, medium and micro enterprises (SMMEs) was also needed to help grow the local economy, he said.

Macadamia nut farming and agri-tourism is one local economic development that is seeing some growth in the area. The Vulindlela Traditional Council in Ncera Village outside East London, hosted the TPTTP delegation and showed them

the work taking place there.

The community of about 40 000 citizens, under the leadership of Acting Chief Princess Nomaxhosa Jongilanga, has partnered with private investors to establish a macadamia farming business to create much-needed economic activity in the village. Ncera Macadamia Farming currently focuses on producing and exporting macadamia nuts – with plans to establish a hotel and organise a macadamia harvest festival to attract tourists to the village.

During his annual address to the TPTTP programme during the formal session of the NCOP, President Jacob Zuma spoke about efforts to address the schools infrastructure challenges in the Eastern Cape. He said the government has increased the province's allocation of the Accelerated Schools Infrastructure

Delivery Initiative (Asidi), which aims to replace mud and asbestos schools with proper structures.

"I am happy to report today that this province is now the leading beneficiary of government's school infrastructure programme under the Accelerated Schools Infrastructure Delivery Initiative, popularly known as Asidi.

"The objective of Asidi is to build decent modern schools with water, sanitation and electricity. It is also to replace schools constructed from inappropriate materials such as mud, plank or asbestos with proper structures," President Zuma said.

The President told the NCOP sitting that the government has, to date, built 126 new state-of-the-art schools in the Eastern Cape. The schools boast, among other things, a nutrition centre, internet connection, a science laboratory and a resource centre, to name just a few.

"This school shows how far we are prepared to go to provide a better education for our children in this country. Nationally, to date, a total of 217 replacement state-of-the-art schools have been built and handed over to the communities. Since 2014, we have provided electricity to 180 schools, sanitation to 167 schools and water to another 248 schools," he said.

At the same time, President Zuma added, the government is aware of the perennial problems of shortages of vital resources, such as learning and teaching support materials, school furniture and teachers. He said the Department of Basic Education has assured him that it has completed a comprehensive needs assessment for all schools in this province. 🇿🇦

LET YOUR VOICE BE HEARD: Members of the public share their views during a hearing on economic development.



‘We are working on a tax system that will promote growth in our economy’

The *Davis Tax Committee (DTC), named after its chairperson Judge Dennis Davis, appeared before the Standing Committee on Finance to present its finding on different taxation models that could potentially address ever-declining tax revenue, writes Abel Mputing.*

In explaining the main task of the DTC, which had been appointed by the Minister of Finance in July 2013, Judge Davis said it was charged with devising a legitimate tax system that will promote growth and investment in the economy.

The DTC has to date released a variety of recommendations on how the South African Revenue Service (SARS) can tighten loopholes in its tax laws and policies to maximise its tax base. This, in turn, will enable the government to fund its developmental priorities.

According to the DTC's findings, some of the areas that need tighter tax laws and policies are base erosion and profit shifting, value-added tax, trusts, taxpayers' morality and tax administration.

One finding is that small, medium and micro enterprises (SMMEs) are not being supported by the tax system. Furthermore, a change in taxation law will not bring them into the centre of the mainstream economy. The DTC suggests that instead SMMEs should be incentivised.

In considering the loss of tax revenue

through base erosion and profit shifting, the DTC's Chair of Base Erosion and Profit Shifting (BEPS), Prof Annet Oguttu, said the Committee found that some tax laws have not kept up with the current environment, which is characterised by globalisation and the growing value of intellectual property and ongoing developments in the digital economy.

“BEPS is about taxpayers, especially multinational enterprises, manipulating gaps in the interaction of different tax systems to artificially reduce taxable income or shift profit to low-tax jurisdictions in which little or no economic activity is performed.

“This happens because domestic rules for internationally agreed standards are still grounded in an economic environment characterised by a lower degree of economic integration across borders,” she said.

According to a report from the international non-governmental organisation Tax Justice Network, it is estimated that \$12bn (R168bn) of corporate income tax is lost each year due to tax avoidance by the 700 largest companies in the United Kingdom. To address this problem in

South Africa, the DTC recommended balancing the protection of the tax base against the competitiveness of the economy. Exchange controls will have to be supported by effective legislation, Prof Oguttu explained.

On trusts, Judge Davis said the DTC recommended that trusts should not be used to shield money and avoid taxation on the accumulation of wealth.

“Given the implications surrounding issues related to taxation locally and globally, one of the Committee's priorities is to look at our tax administration as a whole and see if it is capable of handling the recommendations we have mooted.

“In the 1990s, SARS was envisaged as an independent body. Its independence was a crown jewel. We are currently looking at what is the best global practice with regard to other similar entities in other countries.

“We are doing that because we wanted to find out if we are capable of implementing the recommendations we have made, whether SARS's operational model can do the job. It is a fact that SARS does not have the necessary technical skills to undertake some of our recommendations, and that must be attended to,” said Judge Davis. 🌍

Land issue critical for recognition of Khoi-San leadership

The *Traditional and Khoi-San Leadership Bill* currently before Parliament's Portfolio Committee on Cooperative Governance and Traditional Affairs continues to receive mixed views from the public. People in the Upington, Kuruman and Springbok areas where the Committee held public hearings, have expressed divergent opinions on the Bill, reports **Sakhile Mokoena**.

Some argue that in its current form the proposed draft legislation could reintroduce an apartheid-style segregation system and disadvantage people living in rural areas. In Kuruman, community member Mr Kagisho Sechwareng told the Committee that the Bill "wants to implement the apartheid-era segregation (Bantustan) system of dividing communities along tribal lines.

"My plea is that you go back to Parliament and revise this Bill because in its current form it does not assist us. What happened to the slogan 'the people shall govern' or 'people first'? You want to pass a law that is going to divide the nation," he warned.

Both the Congress of Traditional Leaders of South Africa (Contralesa) and the African National Congress Youth League in the Northern Cape, through their representatives during the public hearings highlighted their reservations on the proposed Bill.

They proposed a change in the title of the Bill. They said if the Bill aims to recognise the Khoi and San leadership, they should be included in

the existing traditional leadership and there should be one legislation on traditional leadership.

The objectives of the Bill include, among other things, to provide for the recognition of traditional and Khoi-San communities; to provide for the functions and roles of traditional and Khoi-San leaders; to provide for the establishment, composition and functioning of the National House of Traditional and Khoi-San Leaders; and to provide for the establishment of provincial houses of traditional and Khoi-San leaders.

Also highlighted as a concern during the public hearings was the Bill's silence on the land issue, which the participants claimed was critical for the recognition of any traditional leadership. The Khoi and San will, unlike current traditional leaders in South Africa, have jurisdiction over people and not land, which effectively excludes the Khoi and San from the land claims and restitution process, which uses the 1913 land dispossession as a deadline, whereas the Khoi-San had their land disposed long before 1913.

Khoi and San communities living in the Northern Cape are calling for a national dialogue to debate land dispossession that happened long before the 1913 Natives Land Act. They told the Committee that Parliament and government must address the land question first.

"We want a national dialogue on the land issue before this recognition, we want to be addressed on the land issue, if you acknowledge the leader you must acknowledge him with the land," said Mr Stanley Petersen, who was among the people who pointed out the serious mistakes of the Bill.

He questioned why the Khoi-San were being excluded from the government's land restitution programme, which addresses land dispossession that took place after 1913. "Everyone who lost their land after 1913 is getting their land back. We lost land long before that and we are left out," he said.

People emphasised the importance of addressing the problem they said is fundamental: dealing with the issue of land dispossession first – and traditional leadership later. They put proposals on the table of the public hearings and among those proposals was land restitution.

Mr Joseph Ryk said: "Healing will only be possible when the dispossession of our land is acknowledged. The refusal



TRADITIONAL LEADERSHIP: Public hearings seek the views of all South Africans on the Traditional and Khoi-San Leadership Bill.

of this Bill to recognise us as the first indigenous people is a problem. The main issue here is the land and the Bill does not recognise the fact that the Khoi-San have lost their land. We reject the Bill without any apologies. It does not bring any justice to our people, and instead it will give our people an inferior position."

Ms Aisha Quinton proposed a change in the title of the Bill, that is, to remove the word "Khoi-San" and replace it with "African". "I suggest we delete the name Khoi-San and rename the Bill the 'African Traditional Leadership Bill.' The people were called Bushmen, Nama, Korana and Griqua and not Khoi-San," she said.

However, there were participants who welcomed the Bill, arguing that though it is not good enough, it will stop the emergence of bogus traditional leaders.

Committee Chairperson, Mr Richard Mdakane, assured the community that Parliament would not pass legislation that will cause some discomfort in society. "This is not law yet but a proposal presented by the executive to Parliament and we have a constitutional responsibility to consult the public on the proposed law. This is not the end, it is an ongoing process," he said.

The Chairperson said the Committee noted all the comments and concerns raised by the people of the Northern Cape on the Bill and that some of the matters raised by the people will need further debate. "At the end we must also engage on what we want to do with the system of traditional leadership in our country. It is a very important institution and recognised by the Constitution," said Mr Mdakane.

The Chairperson also allayed fears that the Bill may bring back apartheid-style segregation where communities will be divided along tribal lines. "The Bill is trying to ensure that the Khoi and San become part and parcel of the governance system of traditional leadership. It is also trying to address the question of how we democratise and modernise the concept of traditional leadership in the country," said the Chairperson.

He told the community that the public hearings were not just a compliance exercise by Parliament but are being held "because we believe that you will assist us to make better laws that are acceptable to everyone and that do not disadvantage people". 🌱



ASSESSING LEGISLATION TO ACCELERATE CHANGE: Members of the Panel led by the Chairperson, Mr Kgalema Motlanthe, address a press briefing in Gauteng.

High Level Panel hearings continue in Gauteng

The *High Level Panel on the Assessment of Key Legislation and Acceleration of Fundamental Change successfully held public hearings at the Gauteng Provincial Legislature at the end of November. In welcoming the High Level Panel in Gauteng, the Speaker of the Gauteng Legislature, Ms Ntombi Mekgwe, said the High Level Panel has afforded the public a space to air their views, writes Abel Mputing.*

“It is fitting that the public hearings on the Assessment of Key Legislation and Acceleration of Fundamental Change are taking place at the Legislature, which is a place where public representatives exhaust all efforts in their attempt to work with the people to resolve our common challenges,” she said.

She said the High Level Panel will enable legislators to correct their course and improve legislation going forward in the context of the type of nation we seek to build. She also said that the work of the panel

is synonymous with the Gauteng Provincial Legislature’s “study on the efficacy of laws passed since 1994”.

Explaining the intent and the genesis of the High Level Panel, its Chairperson, former President Mr Kgalema Motlanthe said the current assessment of legislation, in terms of its content and impact, emanated from the fourth Parliament’s recommendation for the assessment of the efficacy of laws that were passed after 1994 in addressing socio-economic inequalities, land reform and nation-building.

“The fifth Parliament resolved that the best way to capture this task was through the establishment of an independent High Level Panel. This outreach programme affords South Africans an opportunity to share how their lives are impacted upon by legislation. People must state whether these laws are precise enough to address their concerns. Today’s session seeks to determine how legislation or its absence thereof, impacts negatively on the lives of our people,” he said.

He explained that the panel conducts its work through submissions, public hearings, roundtable discussions, research and engagement with Chapter Nine institutions. He implored the public to have a candid discussion and told them that the panel’s motto is “to speak less and allow the people to talk more”.



The High Level Panel is made up of three working groups. The first working group's focus is to assess the impact of legislation drafted to alleviate poverty, unemployment and inequality. The second focuses on land reform and the third focuses on nation-building and social cohesion.

The Chairperson of the first group, Dr Olive Shisana, explained that her group's intention is to ascertain from the public "which laws should be amended or written to reduce inequality, which laws should be amended or prepared to enable equitable distribution of wealth, improve access to quality free healthcare and education".

The Chairperson of the working group on land reform, Dr Aninka Claassens, explained that her working group's intention is to discover "what are the people's experiences of land distribution and restitution. In what ways has the implementation of different post-1994 land laws assisted, or inhibited, land redistribution and restitution?"

Her fellow panellist, Judge Navi

Pillay, the Chairperson of the working group on nation-building and social cohesion, said her group seeks to determine from the public which customs and practices divide communities. It is also interested in hearing about the kinds of laws can be created to promote social cohesion and nation-building and the role Parliament can play in this regard.

On the second day of the hearings Mr Motlanthe said the panel should not be seen as an extension of government nor is it made up of sitting Members of Parliament, but rather is comprised of experts in various socio-political fields.

The Executive Director of Rural Legal Trust, Mr Buti Chakache, said 22 years after the attainment of democracy, evictions on farms still happen under the radar of the Extension of Security of Tenure Act and other legal instruments meant to deter these evictions. "Most people residing on farms don't know their rights. When evictions happen they have no one to call for help. They end up forming informal structures and settle along provincial roads which are not part of the Gauteng Development Plan. How easy was it for them to be evicted when there are labour courts, legal aid and the Extension of Security of Tenure Act, instruments that are meant to prevent this from happening?" he asked.

The Assistant Project Manager of the African Farmers Association of South Africa, Mr Malebane Thabage, said they had many meetings with the Department of Rural Development and Land Reform, to no avail. They eventually resolved to march to Pretoria to call for comprehensive support for black farmers to operate

viable farming businesses.

To date, R40bn has been spent on land reform, but there is nothing to show because most of the post-land claim settlement funding went to speculative farmers rather than viable black commercial farmers. "The government claims that it has spent R40bn to support black farmers. We are of the view that the department is currently promoting a dependency syndrome rather than promoting viable black commercial farmers. We have real farmers who are keen to produce and supply. There are also speculators. They use farming to access government funds. We need to have a system that will uproot this practice so that the department can derive value from its funding initiatives," he said.

He also said the "willing buyer, willing seller" programme has failed. "What do we do when there is no willing seller? What if the willing buyer has no money and what if there is no budget? What do we do with these dichotomies? The expropriation of land and the land ceiling, which determine how much a person can lease or occupy land, can be of great help in this regard," he said.

People highlighted weaknesses on the implementation of laws as another problem, in addition to the lack of efficacy of the legislation. "We have developed a nice legal framework, but in an environment that has no capable law enforcement and democratic institutions that are able to implement it, this framework is rendered ineffective," said the Deputy National Director of Legal Resources Centre, Ms Teresa Yates-Wegerif. 🇿🇦

Brics Parliamentary Forum: a new era of Sustainable Development Goals

The *meeting of the Speakers and Presiding Officers of Parliaments of the Brazil, Russia, India, China and South Africa (Brics) Parliamentary Forum took place in Geneva, Switzerland, on the sidelines of the 135th Inter-Parliamentary Union Assembly, under the rotating chairmanship of India, writes the Executive Assistant in the Office of the Secretary to Parliament, **Thembani Mbadlanyana.***

Since its inception, Brics has been engaged in concerted efforts to put in place structures to provide administrative and technical support. These structures include, but are not limited to the Brics Academic Forum, the Brics New Development Bank, the Brics Women's Parliamentary Forum and the Brics Parliamentary Forum. In part, these efforts aim to create a formidable organisation and anchor the relations and cooperation that guide, define and give meaning to its activities and programmes.

The Brics Parliamentary Forum, in particular, was established to create a platform for multilateral dialogue between lawmakers of Brics member countries.

According to the media statement of the first Brics Parliamentary Forum held in June in Moscow, during which they discussed the significant role of parliaments of the Brics in resolving critical issues of international concern and making the Brics an international mechanism for consultation and cooperation on key issues of global

politics and economy. This was held on the basis of the following principles:

- * On the basis of friendly relations that exist between the Federative Republic of Brazil, the Russian Federation, the Republic of India, the People's Republic of China, and the Republic of South Africa, including within the framework of the Brics;
- * Being interested in further strengthening of the Brics as an influential factor of global politics and economy and, at the same time, as a symbol of forming a fair multipolar world, based on the principles of dialogue, democracy, non-interference in internal affairs and respect for the sovereignty of states, in which each nation has the right to choose its own historical path and to assure a sustainable social and cultural development;
- * Being aware of the importance of inter-parliamentary dialogue to develop multifaceted cooperation within the Brics in political, economic, legal, humanitarian and other areas, and actively promote common interests of the Brics in the

international arena;

- * Establishing their relations on the principles of openness, pragmatism, solidarity, mutual assistance, inclusive, non-confrontational nature and mutually beneficial cooperation, adopted by Brics at the 2011 and 2014 summits;

- * On the basis of a mutual desire to create mechanisms for cooperation between legislative bodies and exchange experiences in order to further improve their national legislative systems.

At this first meeting of the Brics Parliamentary Forum, Federation Council Speaker Ms Valentina Matviyenko said that the establishment of the Brics Parliamentary Forum created a solid basis for strengthening the parliamentary dimension of Brics. For Ms Matviyenko, the establishment of the Brics Parliamentary Forum reflected the spirit of genuine partnership that reigns among the five member countries.

In his message to the Plenary of the First Brics Parliamentary Forum Meeting, President Vladimir Putin of Russia said the multilateral dialogue between lawmakers is an important step in the development of Brics and is opening a new dimension in its activities. President Putin expressed his hope that, given the current



STRENGTHENING PARLIAMENTARY COOPERATION: Members of the Brics Parliamentary Forum at a meeting in Geneva hosted by India. Seated and standing second from right are South African Speaker of National Assembly, Ms Baleka Mbete, and Secretary to Parliament, Mr Gengezi Mgidlana.

complex nature of international relations, Members of Parliament will make a tangible contribution to resolving large-scale tasks facing Brics. This will promote the build-up and diversification of partnership between member countries on the global and regional agenda.

Echoing the same sentiments, State Duma Speaker Mr Sergei Naryshkin, said that cooperation at the parliamentary level is necessary for following up on the implementation of global commitments and for effective resolution of global political and economic issues.

The second Brics Parliamentary Forum in Geneva, hosted by the Indian Lok Sabha (House of the People) and Rajya Sabha (Council of States) took its cue from the first Russian meeting of the Forum. At the Geneva meeting, all Speakers and Presiding Officers of Brics Parliaments evoked the need to rethink intellectual dispositions and political commitments of the formation.

With the Sustainable Development Goals (SDGs) as a recurring theme, there was a general consensus that, given the multilayered realities of the different Brics countries, there was a need to move the debates on SDGs beyond platitudes and buzz words.

There was a general view that as countries are coming together around implementation of the SDGs, there is a need to ensure alignment with regional and sub-regional issues and strengthen institutional parliamentary oversight.

Speakers and Presiding Officers underscored the need to develop institutional oversight and monitoring instruments for effective and efficient implementation of the SDGs.

The meeting further agreed on a proposal to focus on developing methodological, strategic and data-generation capacities and set up a Brics monitoring and evaluation function on the implementation of the SDGs. Their general view

was that there is a need for Brics member countries to reorientate their standpoints in order to discover their own methodologies and infuse analytical adroitness in the SDG implementation efforts. Of particular importance is the call for linking the SDGs to national development plans and to clearly delineate the normative role of parliaments.

A strong view emerged from the meeting that the time for paying lip service to the implementation of SDGs is over. Speakers and Presiding Officers expressed their resolve to use the Brics Parliamentary Forum to transition to a new era of realising SDGs.

Moving forward, a priority for the forum is to organise and formalise the interaction of Secretary Generals to improve administrative support to the main structure of the Brics Parliamentary Forum in order to take parliamentary aspects of the Brics partnership to new heights of resourcefulness. 🌐

We remember
Tata Madiba

18 July 1918 – 5 December 2013



Three years since his death,
Parliament honours his legacy.