

Following up on our commitments to the people.

# Insession



Monthly magazine of the Parliament of the Republic of South Africa

Vol. 17 NO. 11 2017



## Parliament and the Budget

Minister presents Medium Term Policy Statement

Celebrating  
*20* years  
of the Constitution and  
20 years since the  
establishment of the NCOP



**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



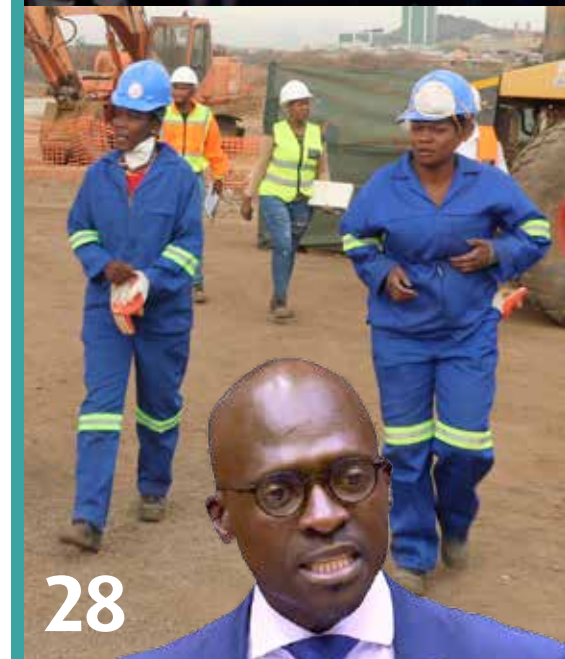
Black Rod of National Council of Provinces

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**COVER:** The Minister of Finance, Mr Malusi Gigaba, and his team were in Parliament to present the Medium Term Budget Policy Statement.

**6**



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## OUR IDEALS

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

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# bill tracker

Bills before Parliament in November

**The** *National Assembly (NA) and the National Council of Provinces (NCOP) passed the 2017 Revised Fiscal Framework. The Revised Fiscal Framework refers to the adjustment of the projected budget allocations to accommodate the changes in the projected revenue that the National Treasury is expecting to collect.*

When Minister of Finance, Mr Malusi Gigaba, tabled the Medium Term Budget Policy Statement (MTBPS) in Parliament, it included the revised fiscal framework for 2017/18 and the proposed fiscal framework for the next three years. The Minister tables the MTBPS in terms of Section 6 of the Money Bills Amendment Procedure and Related Matters Act, of 2009.

Once tabled, the revised framework documents are referred to the NA's Standing Committee on Finance and the NCOP's Select Committee on Finance for further processing. Once the two Committees have completed their deliberations on the framework, their reports are presented to plenary sittings of the two Houses for debate.

**National Public Health Institute of South Africa Bill** will establish the National Public Health Institute of South Africa (Naphisa) as a juristic person. Naphisa aims to coordinate and, where appropriate, to conduct disease and injury surveillance and provide specialised public health services, public health interventions, training and research directed towards the major health challenges affecting the population of the Republic of South Africa.

Disease surveillance systems are managed by different institutions and there is a lack of a unified institutional capacity for providing coordinated and integrated disease and injury surveillance data. The Naphisa will be a vehicle to provide coordinated and integrated disease and injury surveillance data and to enhance the effectiveness of health systems.

**Liquor Products Amendment Bill** seeks to amend the Liquor Products Act. The Act provides for control over the sale and production of certain alcoholic products, the composition of such products and the use of certain particulars in connection with the sale of such products.

This Bill seeks to amend the Liquor Products Act, 1989, so as to insert certain definitions and to amend and delete others; to provide for the renaming and reconstitution of the Wine and Spirit Board and to limit its powers; to provide for requirements regarding beer, traditional beer and other fermented beverages; to repeal a provision in respect of the authorisations regarding certain alcoholic products; to empower the Minister to designate a person to issue export certificates; to align certain provisions with the Constitution; to extend the Minister's power to make regulations; to provide gender-equal terminology; and to provide for matters connected therewith.

A loophole exists in the Liquor Act, 2003, which allows any liquor product labelled as beer or ale to be manufactured and sold. This has led to the proliferation and uncontrolled sale of fermented beverages.

**Cybercrimes and Cybersecurity Bill** seeks to create offences and penalties for cybercrimes; to criminalise the distribution of data messages that are harmful and to provide for interim protection orders. It will also regulate jurisdiction in respect of cybercrimes; regulate the powers to investigate cybercrimes and regulate aspects relating to mutual assistance in respect of the investigation of cybercrimes.

It will provide for the establishment of a 24/7 point of contact; provide for the proof of certain facts by affidavit and impose obligations on electronic communications service providers and financial institutions to assist in the investigation of cybercrimes and to report cybercrimes.

It will also provide for the establishment of structures to promote cybersecurity and capacity building, and regulate the identification and declaration of critical information infrastructures, among other things. 🌐



**LET'S TIGHTEN OUR BELTS:** The Minister of Finance, Mr Malusi Gigaba (middle, left) arrives in Parliament to present the Medium Term Budget Policy Statement with his team, including the Director-General of National Treasury, Mr Dondo Mogajane (left); Deputy Minister of Finance, Mr Sifiso Buthelezi (middle, right); and Commissioner of the South African Receiver of Revenue Mr Tom Moyane (far right).



# Medium Term Budget Policy Statement overview

**This** year's Medium Term Budget Policy Statement (MTBPS) came in the wake of downgrades by ratings agencies and an economy experiencing shrinking tax revenue and stagnant growth. These factors have put a strain on the MTBPS and exacerbated the already grave outlook of economic growth, writes Abel Mputing.

Nonetheless, South Africans hoped that the finance minister's maiden MTBPS would find creative ways to assist the National Treasury to fund government priorities. The MTBPS is used to provide flexibility and special provisions to the government's budget to increase the capacity of the National Treasury to address unforeseen events and new priorities.

In his opening address, the Minister of Finance, Mr Malusi Gigaba, said the Medium Term Budget Policy Statement is an important opportunity to reflect on South Africa's finances and economic outlook, and their ability to support South Africa's developmental objectives, as articulated in the National Development Plan's (NDP's) Vision 2030. Mr Gigaba declared that one of the most

important achievements of the fourth democratic administration was its commitment to the National Development Plan, the government's long-term vision for the country.

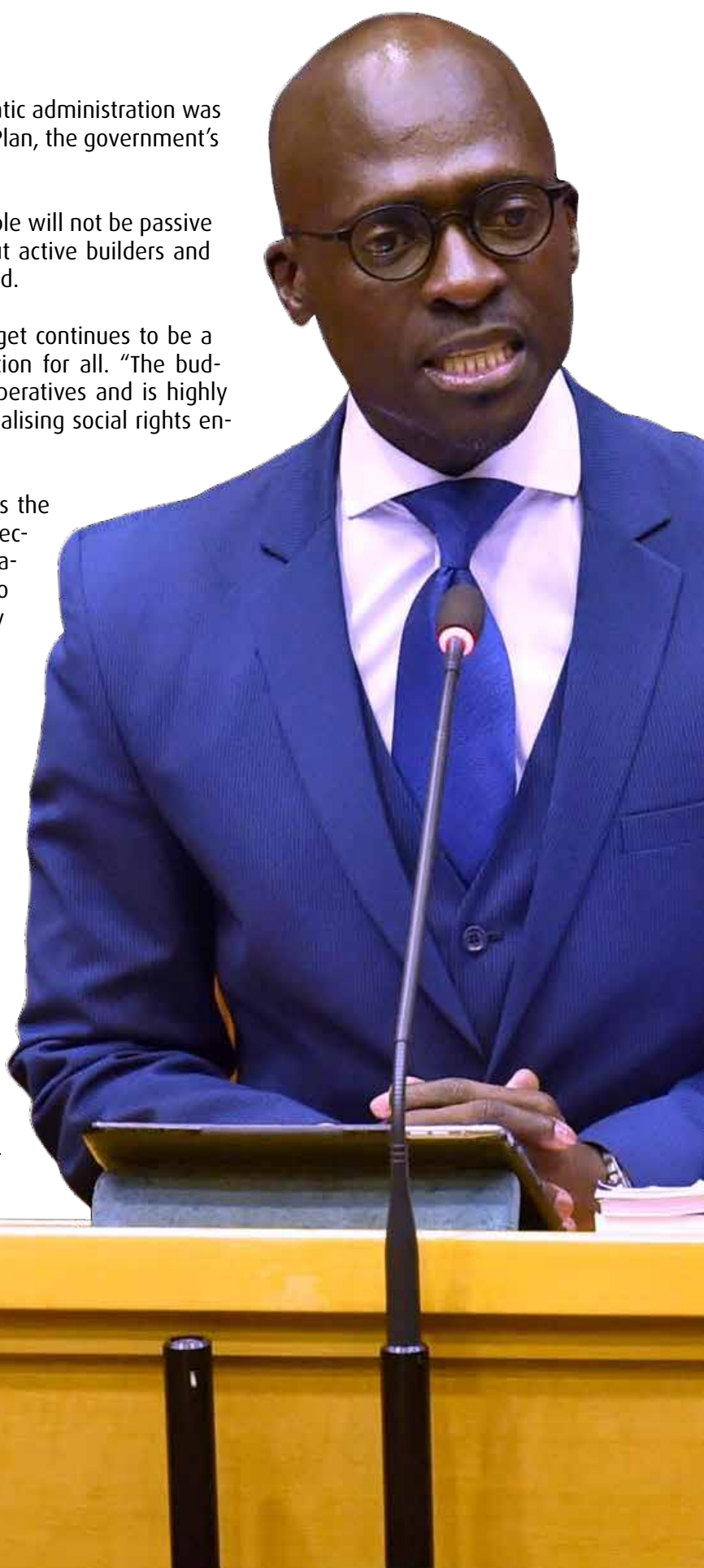
"The NDP envisages a future in which our people will not be passive beneficiaries of the largesse of democracy, but active builders and midwives of the South Africa we want," he said.

Despite the bleak economic outlook, the budget continues to be a platform for social and economic transformation for all. "The budget is strongly aligned with constitutional imperatives and is highly progressive. Two-thirds of spending goes to realising social rights enshrined in the Constitution."

The greatest setback, Mr Gigaba announced, is the downward revision of economic growth projections in the foreseeable future, from 1.3% as tabled at the time of the budget in March 2017 to 0.7%. Nonetheless, the growth is subsequently expected to increase slowly, reaching 1.9% in 2020.

"This trend assumes that the status quo will prevail. Therefore, we have the power to change our course; the political, social and economic agency to chart a new path. The global environment may be helpful, as growth is improving, despite persisting risks."

Despite that, he did not invoke any increases in taxes for he thought would have a negative effect on the larger population that is already under sustained economic strains. But he is equally worried that slow progress and poor cooperation between the public and private sectors have given rise to a lack of trust between stakeholders and a policy contestation that has compromised confidence in the economy. He cited the Mining Charter as a case in point. "It is critical that we resolve the impasse in the mining sector, which is critical to the South African economy. Government and business must find





common ground on a Mining Charter that attracts investment, advances transformation and benefits workers and communities.”

He praised a commitment from South African businesses to create one million jobs as a perfect example of the impact of collaboration between public and private sectors can have in tackling youth unemployment, which currently stands at 27%. The National Treasury has committed R1.5bn to a small and medium-sized enterprises fund, which will soon be operational.

Despite these interventions, the sluggish economic growth has caused a significant reduction in the tax revenue outlook, which has significantly eroded government’s fiscal position. “Tax revenue is projected to fall short of the 2017 Budget estimate

by R50.8bn in the current year, the largest downward revision since the 2009 recession.”

However, he assured Parliament that over the medium term, government will maintain a ceiling on expenditure. “New spending priorities will have to be met by funds reallocated from within existing limits. Any adjustments to the ceiling itself would need to be matched by revenue increases.”

On the educational front, there was no new fiscal declaration and it appeared that any budgetary allocations in the sector will depend on the outcome of the Heher Commission.

According to the Minister, infrastructure remains a major catalyst for economic growth, while a more inclusive growth would gain impetus from a transformative financial sector. He congratulated the Finance,

**MONEY MATTERS:** After presenting the Medium Term Budget Policy Statement (left), the President, Mr Jacob Zuma (below middle, right), congratulates Minister of Finance Mr Gigaba (left and below, far right), while Deputy President, Mr Cyril Ramaphosa (below, middle left) congratulates Deputy Minister of Finance, Mr Buthelezi (below, far left).





**WE HAVE A PLAN:** President Jacob Zuma and Deputy President Cyril Ramaphosa celebrates with Mr Malusi Gigaba and his team after the presentation of the Medium Term Budget Policy Statement.

**HEADS TOGETHER:** President Zuma and Mr Gigaba confer in the National Assembly after the presentation (right).

and Trade and Industry portfolio committees in Parliament for their excellent work in this regard. "There is consensus that more can be done in transforming the sector. Their work has played a critical role in the preparation of the Financial Sector Summit that Nedlac [National Economic Development and Labour Council] will convene early next year to come up with the Financial Sector Charter, which will accelerate broader transformation."



Despite positive elements in the economy, the strain on the fiscal position has been exacerbated by the R13.7bn recapitalisation of South African Airways and the South African Post Office, a situation Mr Gigaba described as untenable.

"It is imperative that government ensures that the Boards of Directors in the SOCs [state-owned compa-

nies] are properly qualified, ethical and provide the requisite skill sets that will ensure that the SOCs are soundly and profitably run, to properly serve their mandates. This recapitalisation will be funded by the state's disposal of its share in Telkom, which it has an option to reinstate in the future," he said. 🇿🇦

## PBO delivers its pre-MTBPS briefing to Parliamentary Finance and Appropriations Committees

The PBO's pre-MTBPS briefing in Parliament is a special occasion for public representatives and other stakeholders, including specialists, the media, civil society and the public, reports **Musa Zamisa**.

The Parliamentary Budget Office (PBO) delivered its pre-Medium Term Budget Policy Statement (MTBPS) briefing in a packed joint meeting of the four parliamentary finance committees. The meeting was co-chaired by the three Chairpersons, Mr Yvonne Phosa of the Standing Committee on Appropriations, Mr De Beer, who is the Chairperson of the Select Committee on Appropriations, and Mr Yunus Carrim, the Chairperson of the Standing Committee on Finance.

The briefing was part of the PBO's mandate of providing "independent, objective and professional advice and analysis to Parliament on matters related to the budget and other money Bills", in accordance with Section 15 of the Money Bills Amendment Procedure and Related Matters Act (No. 9 of 1999).

In essence, the PBO's pre-MTBPS briefing facilitates discussions prior to the tabling and presentation of the MTBPS by the Minister of Finance in the National Assembly (NA). The Director of the PBO, Prof Mohammed Jahed and his team of economists and analysts set the scene for the country's mid-year budget. The importance of the PBO's briefing is linked to the significance of the MTBPS, which according to Dr Tania Ajam, Chief Researcher at Parliament's Research Unit, offers "the first juncture at which Parliament and civil society are able to engage meaningfully with budget proposals from the executive".

This is why the PBO's pre-MTBPS briefing is a standing item on Parliament's calendar of events and also a special occasion for public representatives and other stakeholders including the media, civil society and the general public.

In setting the scene for the Minister of Finance, Mr

Malusi Gigaba's maiden MTBPS speech, the PBO's presentation navigated a wide range of pertinent issues, including South Africa's prevailing macro-economic environment; government's policy environment for 2018; the status of South Africa's public finances, including perceived opportunities and risks and; a mid-year performance of national and provincial departments.

Much of the discussion centred on the broader economic environment and risks confronting the country. These included the much talked-about difficult economic environment, characterised by weak economic growth, increasing revenue shortfall and spending pressure, widening budget deficit, and rising government debt levels.

Also taking centre stage during the discussion were issues pertaining to: low spending patterns on infrastructure projects; the undesirable performance of some key state-owned entities (SOEs) and the associated adverse effects on the fiscus; the on-going rand depreciation; political and policy uncertainty; sovereign ratings downgrades; unplanned spending pressures; sustainability of social spending (for example, social grants) and; value for money.

Undoubtedly, the presentation would be incomplete without a discussion on the country's National Development Plan (NDP); Medium Term Expenditure Framework (MTSF) and the newly released Executive Mandate Paper.

The Executive Mandate Paper seeks to strengthen the alignment of the budget, the MTSF and the NDP, prioritise the achievement of the outcomes of the NDP, ensure a focused implementation of government's plans, and guide the 2018 budget prioritisation on the last 24 months of the current administration. Overall, the meeting was united about the degree to which the fiscal risks facing the country were likely to impact on government's ability to achieve the National Development Plan (NDP) goals as reflected in the 14 MTSF performance outcomes. Among the critical goals of the NDP is the commitment to eliminate poverty and reduce inequality by 2030.

*Musa Zamisa is a Researcher for the Standing Committee on Appropriations*

# Commonwealth Parliamentary Association conference commits itself to African Union ideals

*After deliberations on a wide range of issues, the 48th Conference of the Commonwealth Parliamentary Association – Africa Region, took some major resolutions. Shirley Montsho attended the conference.*

The 48<sup>th</sup> Commonwealth Parliamentary Association (CPA) Conference, Africa Region, comprising parliamentarians from national and sub-national branches, committed itself to the ideals of the African Union and the Commonwealth.

The conference was held at the Imo Trade and Investment Centre, Owerri, Imo State, Nigeria, from 20 to 26 October 2017. It examined the theme “Africa Agenda 2063: Vision and Master Plan” and was convinced that the African Union’s Agenda 2063 is a robust and revolutionary economic and political framework for enhancing inclusive development; free movement of people, goods and services; peace-building, conflict resolution and the development of a new security architecture; and addressing the challenge of infrastructure deficit in Africa.

The CPA observed that regional economic communities, such as the Economic Community for West Africa (Ecowas), the East African Community (EAC), the Southern African Development Community (SADC), the Economic Community of Saharan States (Censad), the Common Market for Eastern and Southern Africa (Comesa), the Economic Community of Central African States (ECCAS), the Arab Maghreb Union (AMU) and the Inter-governmental Authority for Development (IGAD), provide the building blocks for economic integration.

After deliberating on a wide range of issues, the 48<sup>th</sup> Conference of the CPA – Africa Region, took some major resolutions. On inclusive development, gender-mapping, Africa’s Agenda 2063 and the Sustainable Development Goals (SDGs), the conference agreed that African parliaments should enact laws to create equal opportunity commissions as a basis for challenging all laws, policies, customs and traditions that discriminate against women including people with

disabilities. It also agreed that governments in Africa should be encouraged to formulate national gender policies with a view to ensuring gender equity in the distribution of political offices, and the promotion of affirmative action and social inclusion.

The conference also agreed that African parliaments should ratify treaties and protocols relating to gender parity, such as the Maputo Protocol of March 2016 and the African Charter on Human and Peoples’ Rights. African parliamentarians, human rights groups and other stakeholders should also champion advocacy against patriarchy and other harmful cultural practices that hinder girls’ and women’s access to social and economic opportunities, including career advancement, credit facilities, ownership of land, property, businesses and the signing of contracts.

on free movement of people, goods and services: the conference asked if Africa was ready for common passport, a common market and a single customs and monetary union? It resolved that, among other things, African governments should ratify and domesticate the 1991 Abuja Treaty on free movement of Africans within Africa by adopting a common passport and abolishing all visa regimes. African governments should encourage intra-regional trade by implementing the Continental Free Trade Area (CFTA) Agreement of 2012, removing restrictive tariffs and prohibitive laws that hinder the exchange of goods and services on the continent.

African governments should invest in cross-border communication and infrastructure networks to ease air, land and sea transportation of people, goods and services in Africa. African countries should fast-track the process of adopting a single customs union and a common currency to streamline border clearance, sim-



**CELEBRATION OF IDEALS:** Delegates to the 48th Conference of the Commonwealth Parliamentary Association gathered in Nigeria. South Africa's Deputy Speaker of the National Assembly, Mr Lechesa Tsenoli, is fourth from the left, front row.

plify issuance of work permits and promote ease of doing business within the continent.

On silencing the guns of war, the conference agreed on a parliamentary agenda for peace-building, conflict resolution, post-conflict trauma management and the development of a new security architecture by the year 2020. African governments should develop a new security architecture with an emphasis on conflict prevention through peace-building, identification of early warning signs, diplomacy and accommodation. African governments should establish alternative dispute resolution (ADR) mechanisms to promote arbitration, mediation, reconciliation, negotiation and conflict resolution in order to avert unnecessary disputes. African parliaments should pass anti-terrorism and anti-money laundering Acts as well as laws prohibiting cyber-crimes.

African parliaments should also regulate against the proliferation of small arms on the continent. Political leaders should deliberately promote free and fair elections, good governance, fairness, justice, transparency and accountability, youth employment and poverty reduction, thereby eliminating the primary sources of conflict and security threats.

African parliaments should carefully scrutinise budget estimates of the defence sector, with a view to cur-

tailoring the unnecessary diversion of scarce resources to arms procurement, especially in peace times. Governments in Africa should establish and equip post-conflict trauma centres and initiate programmes to rehabilitate victims of wars, as well as address their social and psychological challenges. Governments in Africa should establish an African multinational standby force to defend the continent against common security threats occasioned by coup d'états, insurgencies, piracy, transnational organised crime and wars. African governments should adopt a human rights approach in tackling the menace of terrorism, instead of treating suspected terrorists as war criminals.

On infrastructure deficit in Africa and the challenge of mobilising domestic resources for funding Agenda 2063 programmes and projects, the CPA resolved that African governments should strengthen their tax regimes to increase their capacity to generate capital for the implementation of projects and programmes. The CPA also resolved that African parliaments should enact legislation aimed at curbing illicit out-flow of funds and create an enabling environment to retain skilled human resources and reverse the present trend of human capital flight. Governments in Africa should also promote transparency and accountability in the management of public finances, thereby encouraging performance budgeting and good governance. 🇿🇦



Inter-Parliamentary Union  
For Democracy And Peace

137<sup>th</sup> INTER-PARLIAMENTARY UNION ASSEMBLY

137<sup>ème</sup> ASSEMBLÉE DE L'UNION INTERPARLEMENTAIRE



14-18 OCTOBRE 2017

OCTOBRE 2017

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**SOUTH AFRICAN REPRESENTATIVES:** Parliament's delegation to the IPU Assembly was led by NCOP Chairperson Ms Thandi Modise (front left) and NA House Chairperson: International Relations Ms Mmatlala Boroto (front right).

## South African Parliament makes its mark at historic 137th Assembly of Inter-Parliamentary Union

**South** Africa's Parliament was one of the 155 parliaments that committed themselves to pursuing cultural pluralism and peace through inter-faith and inter-ethnic dialogue at the recent 137th assembly of the oldest world forum of parliaments – the Inter-Parliamentary Union (IPU).

The commitment to pursue cultural pluralism and peace was part of a declaration of the Assembly's General Debate. This declaration committed parliamentarians to take action to prevent discrimination and human rights violations related to religion and ethnicity; to promote national and local dialogue; to create multicultural and inclusive societies; to enhance civic education; and to strengthen parliaments.

In keeping with the declaration on the theme of its General Debate, the Assembly adopted a resolution on: "Sharing our diversity: the 20th anniversary of the

Universal Declaration on Democracy". The Parliament of the Republic of South Africa contributed significantly to this resolution, reaffirming core elements of the original September 1997 Universal Declaration on Democracy.

The South African delegation's contribution included items such as genuine partnership between men and women in society; an independent judiciary; free and fair elections; an open and free media; parliamentary oversight; and the protection of the rights of minorities and marginalised groups.

Also adopted at the Assembly was a resolution condemning the violence and forced displacement meted out to the Rohingya people of Myanmar. This resolution – an emergency item – urged parliaments around the world to take concrete steps to end further human rights violations against the Rohingya people.

The election of a female IPU President was an historic moment of the 137<sup>th</sup> Assembly. Ms Gabriela Cuevas Barron from Mexico, the newly elected first female IPU President, drew overwhelming support from Assembly delegates, including those from South Africa's Parliament.

The IPU Assembly and related meetings occur twice in a year. The biannual gathering is the main statutory forum to express IPU views on political issues. Launched 128 years ago in 1889, the IPU is a permanent forum for parliaments worldwide to discuss and work together for peace, cooperation, and the advancement of human rights and democracy.

The IPU has members from national parliaments of sovereign states and associate members from regional parliamentary assemblies. Currently, the IPU website lists 178 members and 12 associate members. The IPU has permanent observer status at the United Nations (UN) General Assembly.

The National Council of Provinces' Chairperson Ms Thandi Modise led Parliament's seven-member delegation to the IPU Assembly, held from 14 to 18 October in St Petersburg, Russia. The delegation – consisting also of Ms Mmatlala Boroto, Ms Doris Dlakude, Mr Pumzile Mnguni, Mr Eddie Makue, Mr Mike Waters and Mr Fana Mokoena – participated in many key debates.

These included the General Debate, which Ms Modise addressed on 15 October. Ms Modise was also a panellist on the Gender Parity Debate: "Holding the purse strings: exercising oversight for the common good". Her key point in that debate was that: "We must not only educate the public, we must also partner with civil society to ensure an integrated national gender perspective."

The Assembly provided South Africa with an opportunity to promote its commitments at a global level. As Ms Modise remarked: "Our delegation showcased what democracy means. Everybody worked as one and showed what it means to overcome the divisions of the past."

Mr Waters who, with Mr Makue, participated in discussions of the Standing Committee on Human Rights, believed the South African Parliament's delegation made a "huge impact". For example, Mr Waters said out of the 15 agreed amendments to the resolution: "Sharing our diversity: the 20th anniversary of the Universal Declaration on Democracy", South Africa proposed 14. "I think (people) would be very proud that we've promoted the values of our Constitution," Mr Waters concluded.

Mr Pumzile Mnguni, who participated in the Standing Committee on Peace and International Security, observed: "The IPU is like an oversight mechanism over the UN and it was good to be part of that global platform. We drew inspiration from other parliamentarians who were there and they were interested in learning from us. As a delegation, we were able to rise above party political issues and adopted positions in support of our country's mandate and interests."

The Assembly also provided an opportunity for Ms Modise to address the Brazil, Russia, India, China and South Africa (Brics) Parliamentary Forum, which was also meeting in St Petersburg.

In her address to the Brics Parliamentary Forum, Ms Modise emphasised the vital role of legislatures in monitoring policy implementation and ensuring that accountability, transparency and good governance became the norm.

A report of Parliament's attendance of the 137<sup>th</sup> IPU Assembly was tabled in the National Assembly and in the National Council of Provinces. 🇿🇦

**SHARING OF VIEWS:** South African MPs and parliamentary officials attending the Assembly were led by NCOP Chairperson, Ms Thandi Modise.



# A fruitful harvest

Communal property association reaps rewards

**Communal** *Property Associations (CPAs) across the country have emphasised challenges that hamper their productivity. At the centre of these challenges is conflict between beneficiaries and the inability of the department to intervene in disputes between beneficiaries, writes **Malatswa Molepo**. This came up during nation-wide public hearings on proposed amendments to the Communal Property Act.*

“We hope that the amendments to the Communal Property Amendment Bill will remedy these challenges and that associations will be able to function. We urge communities to hold on to their land so that they can benefit and so that generations after them can also benefit. In order to achieve this, the land must be used for productive enterprises,” said Ms Phumuzile Ngwenya-Mabila, the Chairperson of the Portfolio Committee on Rural Development and Land Reform.

The Mhlaba Trust is doing exactly that, building their agricultural business despite facing the same challenges as other CPAs. The trust owes its success to the resilience of the executive committee, which ensures that the land is used productively. “We have tried to keep the project going, despite the continuous challenges. I have taken debt to ensure that we

are able to farm as the project had no operating budget,” said Ms Hellen Masilela, the Chairperson of the Mhlaba Trust executive committee.

The Mhlaba Trust, from Mhlaba Tribal Authority in Magogeni, Mpumalanga, comprises more than 1 000 claimants from 250 households. It benefited from the Department of Rural Development and Land Reform’s restitution programme.

The more than 1 000-hectare farm has been divided into three, with one portion used by the trust to farm sugar cane and the other two leased to other farmers for game farming and mealie meal farming. “We didn’t want the land to lie fallow and unproductive. Hence the decision to lease out part of the land, as we acquire skills to run the farm effectively,” Ms Masilela emphasised.



The biggest problem is that not all the beneficiaries are available and willing to work the land. "But when the trust makes money from harvesting, all the beneficiaries want to benefit from the proceeds of what was harvested," Ms Masilela said.

Another challenge is that the community resists the principle that the little profit that is made must be reinvested into the business to ensure growth for the future.

In relation to the leased land, the trust is receiving training on game farm and hotel management so that when the lease agreement ends, they are able to run the farm themselves. To this end, the farm has recently employed 24 youth, mainly women, in various parts of the farm to help with the running of the farm. "It is a win-win situation for the trust and the youth, because the trust gets income from the lease and the youth are employed while acquiring skills," Ms Masilela emphasised.

Ms Masilela welcomed the amendment to the legislation, as she hopes it will assist in dealing with challenges facing the trust.

Beneficiaries in Mpumalanga also raised unhappiness with the lack of assistance by the Department of Rural Development and Reform. Allegations of corruption were levelled against three officials in the Ermelo and Piet Retief offices of the department.

The Committee called for a thorough investigation of the allegations despite the revelation that the officials have since resigned. "Resigning government must not mean that people have escaped prosecution from government departments. All members agreed that the department must do all it can to investigate the complaints and institute disciplinary processes against the said officials. The law must take its course," Ms Ngwenya-Mabila concluded. 🇿🇦

**MAKING HIS VOICE HEARD:** A community member tells the Committee what he thinks about the Bill during public hearings in Mpumalanga.



# Department of Human Settlements embarks on major effort to revitalise distressed mining towns

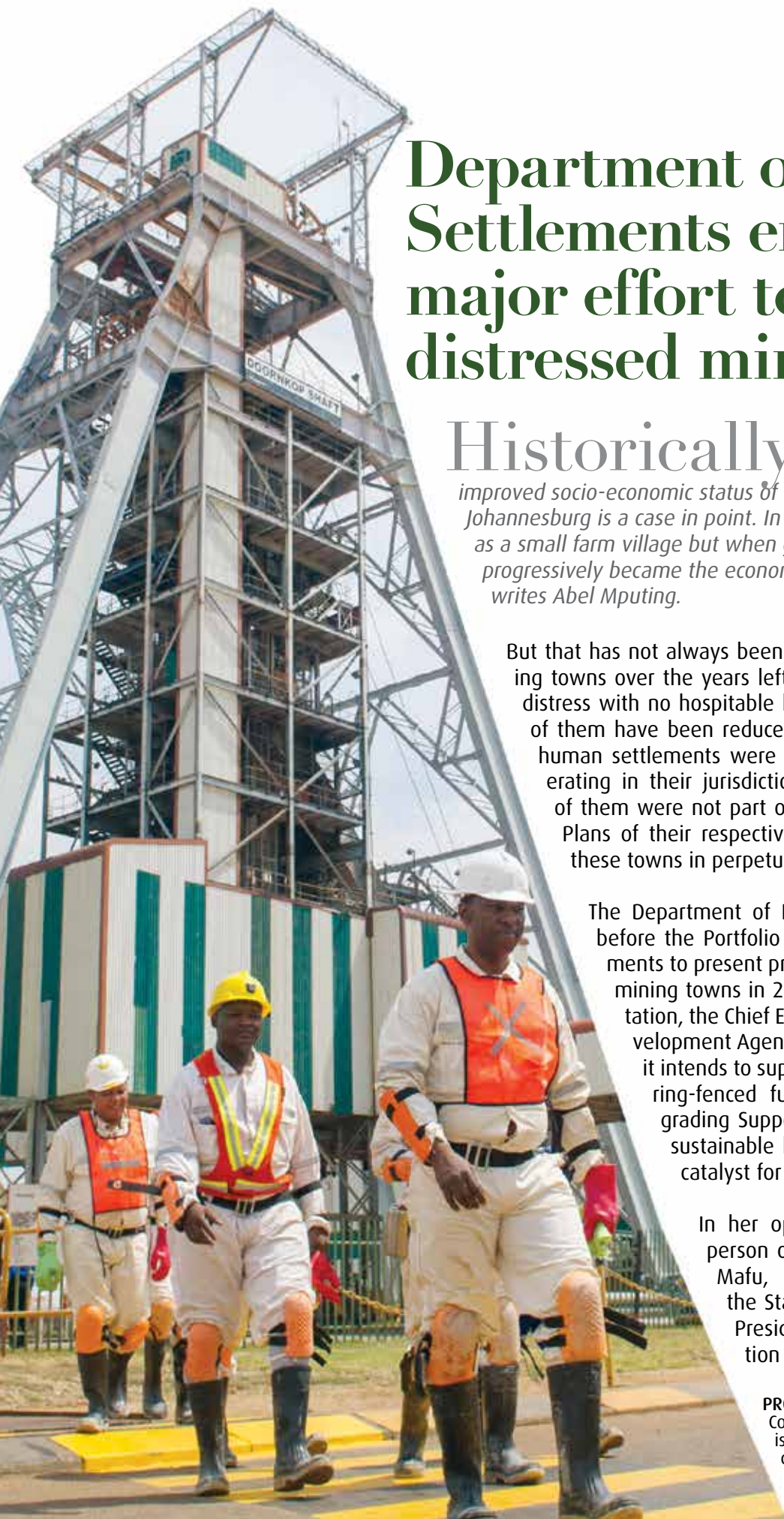
Historically, *mining towns have been catalysts for improved socio-economic status of their respective communities. Johannesburg is a case in point. In the 1800s, it started off as a small farm village but when gold was discovered it progressively became the economic capital of South Africa, writes Abel Mputing.*

But that has not always been the case. The decline of mining towns over the years left some small mining towns in distress with no hospitable human settlements, and most of them have been reduced to dire straits because their human settlements were left to mining companies operating in their jurisdictions. And unfortunately, many of them were not part of the Integrated Development Plans of their respective municipalities. This has left these towns in perpetual socio-economic decline.

The Department of Human Settlements appeared before the Portfolio Committee on Human Settlements to present progress on projects to revitalise mining towns in 22 municipalities. In its presentation, the Chief Executive Officer of Housing Development Agency, Mr Pascal Moloi, stated that it intends to support 22 municipalities through ring-fenced funding and the National Upgrading Support Programme to ensure that sustainable human settlements become a catalyst for spatial transformation.

In her opening statement, the Chairperson of the Committee, Ms Nocawe Mafu, reminded presenters that in the State of the Nation Address, the President identified the revitalisation of mining towns as a key area.

**PROGRESS REPORT:** The Portfolio Committee on Human Settlements is working to improve the housing conditions of workers on mines (left and opposite).



“Subsequent to the President’s pronouncement, Inter-Ministerial Committee was formed to deal with this matter. If this process can be correctly managed, it can make improvements on the overall outputs that the department wants to achieve,” Ms Mafu explained.

Mr Moloi informed the Committee that the Department has identified broad areas for delivery: land assembly, upgrading plans, infrastructure and capacity support, project planning, and partnerships between affected departments and the mining companies. “To date, there is a conditional assessment of human settlements environment that constitutes distressed areas. We are now in the process of identifying and isolating areas of urgent intervention, and have developed project pipelines to fit into the department’s response,” Mr Moloi said.

There is also now a detailed delivery outcome for these projects, which include capital subsidy funding and expenditure to date. Currently, a total of 338 projects have been implemented in municipalities with mining towns. “A total number of 187 501 sites and 265 271 units were completed from the 2014/15 financial year until the period ending 31 March 2017, at a total expenditure of R4bn,” Mr Moloi said. Marikana informal settlement forms part of the department’s upgrade plan.

In 2017/18, approximately R899m has been ring-fenced for upgrading informal settlements in mining towns. The Director General (DG) Mr Mbulelo Tshangana closed its presentation by stating that a number of partnerships between the affected departments and mining companies are being negotiated to ensure the effectiveness of these interventions.

Ms Mafu said that the Department presented little that the Committee had not heard before. The DG of the Department, replied that its modus operandi has changed from assigning all the responsibility to the mining company to one in which there is a partnership between the company and the government, which commits them to provide human settlement for their employees and the surrounding communities. That is now our new approach on mining towns which will inform our development of these towns going forward.”

He also stated that a study tour to Australia had changed the Department’s view on the way forward and that the Australian model is set to be approved by the end of the financial year.

A member of the Committee, Mr Mbulelo Bara, interjected, demanding that mining companies submit plans to accommodate their employees. “It cannot be that government is the one that provides houses for mine workers. It cannot be the responsibility of government to intervene.”

The issue of a customised approach to partnerships with stakeholders must be dealt with in a strategic manner, said Ms Mafu. “In all our oversight visits we heard of different partnership strategies and memorandums of understanding between municipalities and mining companies. That needs to be dealt with. There should be a standardised way of dealing with human settlements in these towns. The bigger debate and discussion will happen when your new strategy is presented to us. That must happen as soon as possible,” she said. 🗣️



# highlights from the committee rooms



**The** *Portfolio Committee on Agriculture, Forestry and Fisheries* noted with concern media reports about the high number of birds culled in the Western Cape due to avian influenza. Over two million birds have been culled or found dead since the outbreak.

Whilst the Department of Agriculture, Forestry and Fisheries has advised the Committee that it has strict control measures in place, the Committee remains concerned that the outbreak is spreading and a growing number of birds have had to be culled. Thus far, five provinces are affected.

The Chairperson of the Committee, Ms Rosina Semmenya, said: "The poultry industry is severely hit, resulting in a shortage of birds and an increase in the price of poultry and eggs. This will affect the poor and we call on the national department to work tirelessly with provincial authorities to curb the outbreak."

**Parliament's Portfolio Committee on Trade and Industry** had an engagement on the draft framework of the Committee Bill on Debt Relief. The Committee received a briefing from the Parliamentary Legal Adviser, Adv Charmaine van der Merwe, at Parliament on the possibilities for inclusion in the proposed legislation.

The framework proposed a once-off debt relief measure, as well as other measures that the Minister could prescribe. It sets out the criteria, application process and consequences of debt relief provided. Debt relief could include capping of interest and other charges, and suspension of credit agreements. Where there is insufficient prospect

that the consumer may improve his or her financial circumstances over 12 months to repay the debt, the debt may be extinguished. The persons and credit agreements to which these measure will apply will, however, be specifically defined in the Bill.

It is currently proposed that such once-off applications could be made to the National Credit Regulator (NCR) that can among other things, refer applications for debt review if it believes that debt relief would be a more suitable measure.

**The Portfolio Committee on Communications** welcomed the report from the former Minister of Communications, Ms Ayanda Dlodlo, in relation to the delayed appointment of the full-time board of the South African Broadcasting Corporation (SABC).

Ms Dlodlo informed the Committee that she enquired with the Office of the President before the term of office of the interim board expired on 26 September 2017.

Although he expressed a concern about the prolonged time to verify qualifications, Committee Chairperson Mr Humphrey Maxegwana thanked the Minister for the report.

**The Standing Committee on Finance – The Com-**

mittee has given Parliament's Legal Services Unit until 17 October 2017 to decide on the legality of the National Treasury's use of Section 16 of the Public Finance Management Act (PFMA) for the R3bn bail-out for South African Airways (SAA). The unit must also consult on the role of the Appropriations and Public Accounts Committees and the Auditor-General's Office before reporting back to the Committee.

The Committee noted that Section 16 of the PFMA allows the Finance Minister to authorise the use of funds to "defray expenditure of an exceptional nature, which is currently not provided for, without serious prejudice to the public interest".

The Chairperson of the Committee, Mr Yunus Carrim, said: "The majority in the Committee believe that the allocation to SAA could have been foreseen and should have been done through an Appropriation Bill, but accept that it was necessary to rescue SAA, otherwise there would have been a call on the total R16.4bn guarantee exposure.

The Minister of Mineral Resources, Mr Mosebenzi Zwane, appeared before the **Portfolio Committee on Mineral Resources** to answer questions related to allegations of state capture.

He told the Committee that his relationship with the Gupta family "is at a professional level" and that he has "not benefited anything from that relationship".

Committee members felt the Minister failed to respond to a number of their questions, and resolved to schedule another meeting to continue the probe with the Minister.

"I haven't heard a question that is directly on the executive authority of the incumbent, whether he acted irregularly or not. It is a very complex matter; I must be honest, and our recommendation is to reschedule to continue with the question and answer session with the Minister. It would have been nice to deal with issues that are about executive actions of the Minister. We will also need to get legal guidance on what are the parameters of this Committee – in terms of the procedure of

this matter – what will be the best option," said the Chairperson of the Committee, Mr Sahlulele Luzipo.

**Portfolio Committee on Basic Education** – The Committee was briefed by the Department of Basic Education on progress on catch-up strategies for Vuwani learners. The Committee commended the steps by all the stakeholders to ensure that the protest in Vuwani, Limpopo, was resolved and for the initiatives to ensure catch-up programmes for all learners.

The Committee commends the catch-up plan by the Limpopo Department of Education. The department assured the Committee that at the start of the recent process, they had already finalised the curriculum in schools in the area. However, various initiatives have been implemented, like extra classes on Saturdays and the Spring school. The Committee was assured that the matrics will be able to sit for final exams, which commence later this month and that trial or mock exams that they missed out on during the protest, will be written."

**Portfolio Committee on Cooperative Governance and Traditional Affairs** – Speaking during the adoption of the Traditional and Khoi-San Leadership Bill in the National Assembly, the Minister of Cooperative Governance and Traditional Affairs, Mr Des van Rooyen, said the integration of the Khoi-San leaders into the houses of traditional leaders, which would in future be known as the Houses of Traditional and Khoi-San Leaders, would advance the notion of human dignity and values of democratic governance.

Last year, the Portfolio Committee on Cooperative Governance and Traditional Affairs held nationwide public hearings to solicit input on the proposed Bill. This Bill seeks to uphold the statutory recognition of Khoi-San Traditional Authority, and its communal roles and functions.

Most importantly, the introduction of this Bill will repeal the consolidation of the existing National Traditional Leaders Governance Framework, which excluded the Khoi-San communities. 🌍

# Our trains must be reliable and safe, say MPs

Participating *in a parliamentary debate in the National Council of Provinces (NCOP) on "Building a reliable and safe passenger rail transport", the Minister of Transport, Mr Joe Maswanganyi, announced a R173bn investment for the modernisation of South Africa's railway system, writes Sakhile Mokoena.*



Addressing NCOP delegates and Members of the provincial legislatures (MPLs), Minister Maswanganyi said government has "a clear programme to recapitalise and modernise rail services in South Africa to make sure that our rail services are reliable and safe".

He said the Passenger Rail Agency of South Africa's (Prasa's) modernisation programme worth R173bn will contribute towards the refurbishment of the existing fleet, depot modernisation and the signalling renewal programme in Gauteng, KwaZulu-Natal and the Western Cape regions. These initiatives will correct years of under-investment in passenger rail in South Africa.

Prasa has commenced with its programme of modernising the commuter rail network. The acquisition of new rail rolling stock to replace the ageing fleet accommodates the growth in passenger numbers. Improved passenger safety and energy efficiency are critical components of the modernisation programme and part of Prasa's mandate.

The new fleet of rolling stock will be introduced in two 10-year cycles while the existing fleet is being phased out. New depots with the necessary equipment to maintain a modern fleet will be built and existing depots retained to maintain the existing fleet. "We are also developing the national rail policy, which is going to Cabinet soon," he said.

Mr Maswanganyi said passenger rail plays a critical role in socio-economic development. Passenger rail services are designed to move large numbers of commuters between destinations and make work centres and central business districts accessible to the country's workforce.

The Chairperson of the Select Committee on Economic and Business Development, Mr Mandla Rayi, said the ruling party made a commitment to the people of South Africa in 2014 that in the current term of government, world-class passenger trains would be introduced with new modern coaches to replace the outdated trains, bringing safety and comfort to millions of commuters.

"Government is committed to work towards opening new passenger railway lines to connect our people in the new human settlements, rural areas and townships. Government's undertaking to improve our public transport system is also aimed at creating many new jobs and contributing to skills development as locomotives and trains would be manufactured and assembled in South Africa," he said.

With regard to the operational challenges, such as the decline in fleet availability, the National Development Plan identified that South Africa needs reliable economical and smooth-flowing corridors linking its various modes of transport: road, rail, air, sea ports and pipelines. These corridors are dominated by old railway technology that is prone to malfunction and poor in-

ter-modal linkages. The passenger rail system is faced with enormous operational challenges characterised primarily by the decline in fleet availability.

The agency's current procurement of 600 train sets, coupled with rail industrialisation contractual obligations, is a key part of government's programme.

NCOP permanent delegate from the Northern Cape, Mr Willem Faber, said a reliable and safe passenger rail transportation system is a critical aspect of any society and the growth of its economy. "Millions of South Africans rely on rail transport and their safety is of utmost importance. Government encourages South Africans to make use of public transportation like trains but, considering the unreliability and safety aspect of public transport, it is yet to be a viable option for many South Africans," he said.

Mr Faber said factors such as the availability and good maintenance of resources should also be considered when determining the viability of the current railways systems. He quoted a case study done on the reliability of Metrorail rolling stock, which found that Metrorail operates an ageing fleet of trains some of which have been in use since 1958. Metrorail then uses cancellations and delays to measure the reliability of its fleet.

"Speaking to commuters on the Cape Metro trains, you will understand their fear of gangs boarding the trains, robbing passengers, and being stabbed or cut by knives on a trip. While we acknowledge that crime plays a role and has a negative impact on the railway infrastructure, what with the theft of rails, sleepers and cables leading to derailments, we have a duty to ensure the continuous maintenance of trains and the safety of commuters," he said.

KwaZulu-Natal delegate to the NCOP, Mr Mntomuhle Khawula, said: "South Africa records one of the highest road fatalities per year as compared to other countries in the world. This is one among many reasons why there is a great need to build a reliable and safe passenger rail transport.

"Whilst passenger rail transport provides no guarantees that fatal accidents will not happen, it is however rated as one of the safest modes of transport around the world. Our rail system is also not reliable in terms of time and not ideally convenient for daily commuters to and from work. Damage to rail infrastructure in the form of cable theft and other forms render the rail service totally unreliable. The train schedules in between the different cities of our country render the network inefficient for reliable usage." 🌐

**MOVING THE PEOPLE:** NCOP MPs heard during the debate that the Passenger Rail Agency has a modernisation programme that will refurbish and modernise the passenger rail fleet, depots and signalling (opposite and below).





## ‘It is the poor who suffers’

MPs debate criminal justice system

**The** *National Assembly recently held a debate on “The justice system: professional, resourced and skilled, serving communities, safeguarding lives, acting against crime and respecting people’s rights to equality and justice”, writes Mava Lukani.*

As per the Rules of the National Assembly, the discussion was opened by the initiator of the topic, Mr Jerome Maake, a Whip of the Portfolio Committee on Police and African National Congress Member of Parliament. Mr Maake spoke strongly against corruption, saying it threatens economic development, ethical values and justice, and endangers the rule of law in the country. Many acts of corruption deprive our citizens of their constitutional and human rights.

“Corruption and international perceptions in South Africa have been damaging to the country’s reputation and have created obstacles to local and foreign direct investment, economic growth. Ultimately, they have distorted the development and upliftment of our people,” he said.

He said as corruption creates redirects money allocated to income grants, housing or pensions and weakens service delivery. Thus, it is usually the poor who suffer the most. Income inequality, unemployment and poverty have increased because of high levels of corruption. Corruption threatens sustainable economic develop-

ment and justice; it destabilises our society and endangers the rule of law. It also undermines the most harmful effects of corruption. Corruption and bad management practices eat into the nation’s wealth, channelling money away,” said Mr Maake.

He added that government’s efforts and mechanisms to root out corruption were surely not good enough. “We still have a problem of coordination of all arms of the law. The fact that criminals go scot-free because of lack of coordination between the investigating officer, the National Prosecuting Authority (NPA), the courts, correctional services and other arms of the law. This must surely come to an end,” he said.

Democratic Alliance Member of the National Assembly, Mr Werner Horn, was concerned that the criminal justice system is not trusted by South Africans to ensure safe communities. “Political meddling into the affairs of the National Prosecuting Authority (NPA) over the last 15 years has proven that going forward, when a new government committed to the rule of the law and the Constitution takes over in 2019, it will be of paramount



importance to strengthen the independence of the NPA by amending the manner in which the National Director of Public Prosecutions is to be appointed," he said.

Prof Themba Msimang of the Inkatha Freedom Party told his colleagues in the National Assembly that the criminal justice system requires attention. "If it fails, we will lose all faith in our courts as a system of criminal redress. The lawlessness that follows will erode the very foundation on which our new democratic South Africa is built."

The National Freedom Party's Mr Sibusiso Mncwabe called on government to lead by example to ensure that criminal activities such as corruption and fraud within its departments and entities are rooted out. In doing so, he added, government would send a strong signal that it is serious about crime. This would be a first step to restore faith in our criminal justice system. "Results of a recent survey of victims of crime released by Statistics South Africa show that there is a steady decline in the public's confidence in the criminal justice system.

The government was also blamed for "not doing

enough to protect and provide security to its citizens" by United Democratic Movement Member of Parliament, Mr Mncedisi Filtane. "The people of South Africa have no reason to even hope for what the National Development Plan envisages: a 'feel safe and no fear of crime environment by 2030'. If government does not address these statistics or work to achieve a drastic reduction in crime for the next fiscal year, government is likely to set itself up for failure, come 2030," Mr Filtane said.

He said the many policies and programmes on fighting crime and violence against women and children have not resulted in any sustainable and effective way of dealing with the violence against this vulnerable group in society.

Rev Kenneth Meshoe of the African Christian Democratic Party (ACDP) said there was no doubt that there are serious concerns about the efficiency of our criminal justice system. "The perceived apathy and corruption in our police force are further exacerbated by reports that the police in many of our poorer, crime-ridden communities have less capacity to deal with crime than those in more affluent areas." 🇿🇦

**SERVING COMMUNITIES:** The National Assembly debated the justice system, saying that, among other things, it must be professional, well-resourced and skilled.



# Should they stay or should they go?

MPs debate relevance of provincial and municipal government

**The** question of whether South Africa should abolish provinces and district municipalities and allocate more resources to local government for effective service delivery was tabled for debate in the National Assembly (NA) through a motion from African People's Convention (APC's) Member of Parliament (MP) and Scopa Chairperson Mr Themba Godi, writes **Sakhile Mokoena**.

Opening the discussion on the relevance and effectiveness of provinces and district municipalities in our system of government, Mr Godi questioned the existence of a governance structure between national and local government. "There can and has never been a coherent and convincing conceptual argument about why between the national and local government there should be two other levels: provincial and district," he said.

Billions of rands would be freed to address urgent needs, such as free education, teachers' salaries, and infrastructure development in rural areas among many other things, with the scrapping of these levels of government, he argued.

"They have proven themselves to be havens of corruption and inefficiency. They are an unnecessary drain on the fiscus, and a bottleneck to service delivery and de-

velopment. Nothing can mitigate for their continued existence. We therefore make a call to the House and the people of our country: let's find a common perspective that provinces and district municipalities be scrapped," Mr Godi urged.

He called for a two-tier system of national and local government, saying this would release resources to strengthen local government and service delivery. "Provinces are a political scandal that entrenches tribalism and regionalism. They are fundamentally not far removed from the logic of the homeland system."

Members of Parliament from the parties represented in the National Assembly held different views on the matter. The United Democratic Movement supported the motion, with Mr Bantu Holomisa labelling them "glorified homelands".

**EFFECTIVE GOVERNANCE:** MPs debated the relevance of our current system of governance, in which provincial and district levels of governments share responsibility with national and local.



Making reference to the negotiation process leading to democracy, he said from the beginning the preferred system of government by the majority during negotiations was a unitary state, with strong and capacitated central and local government. "The introduction of provinces was a compromise to accommodate fears of the minority groups and this has proven to be ineffective and a place to disperse patronage," said Mr Holomisa.

Similarly, he added, the district municipalities are just a buffer zone with no clear-cut service delivery objectives except, in some cases, responsibility for the coordination of the provision of water and sanitation.

African National Congress (ANC) Member of Parliament, Mr Amos Masondo, defended district municipalities, saying they provided a solution to the question of underdeveloped rural areas. However, he did not have confidence in the current structure of provincial governments, saying that the roles and responsibilities of provincial legislatures need to be reviewed.

Disputing the motion, Mr Solly Malatsi of the Democratic Alliance (DA) warned that any proposal to abolish provinces was a threat to the right of citizens to choose governments of their choice. "Any move that seeks to question the future of provinces like this motion threatens the democratic right of South Africans to choose governments of their choice.

"Simply because the ANC has governed badly in provinces from Limpopo to Eastern Cape is not a legitimate reason to argue for the reduction of local governments. The reality is that there is nothing wrong with our provinces and municipalities that can't be fixed by good governance. As the DA has demonstrated where we govern," argued Mr Malatsi.

The Economic Freedom Fighters (EFF) supported the motion, with its MP Ms Ntombuvuyo Mente saying provinces have not added any value to service delivery. "All evidence clearly shows that provinces have not added any meaningful value to service delivery and the EFF is concerned about the division of revenue formula, which gives more money to provinces than municipalities.

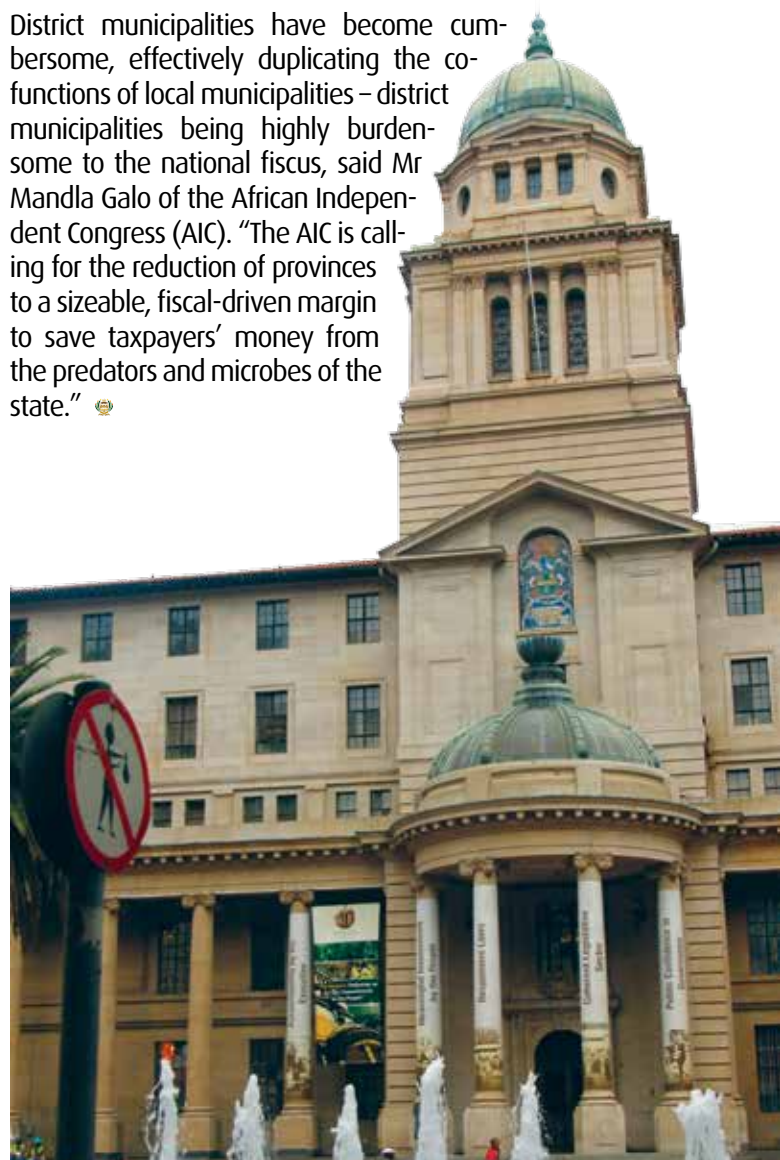
Prof Themba Msimang of the Inkatha Freedom Party said there were too many municipalities. "[Let's have] a reduction, but never a cessation and centralisation of power. Decentralisation of power is not only an effective check and balance against abuse of power, but also en-

sures that provincial, district and community needs are identified and met," he said.

National Freedom Party MP Prof Nhlanhlayise Khubisa reasoned that both provinces and district municipalities were relevant in South Africa's system of government and should be retained. "In our view, provinces and district municipalities have a pivotal role to play in creating an enabling environment for core basic services and infrastructure development. In as much as they are relevant and necessary in our system of government, we cannot deny that they are not as efficient as had been envisaged when our Constitution was drafted."

Mr Mosiuoa Lekota of the Congress of the People believes that the government is too big and ineffective. "We shouldn't have allowed government to become bigger. [It needs to be] smaller and more effective, to allow more resources to go to the delivery of services."

District municipalities have become cumbersome, effectively duplicating the co-functions of local municipalities – district municipalities being highly burdensome to the national fiscus, said Mr Mandla Galo of the African Independent Congress (AIC). "The AIC is calling for the reduction of provinces to a sizeable, fiscal-driven margin to save taxpayers' money from the predators and microbes of the state." 🗣️





**WOMEN'S WORK:** Women's emancipation is an ongoing project, as women are free to live and work where they please, but still suffer abuse and discrimination.

## Women united in moving South Africa forward

**The** *Women's Debate in the National Assembly coincided with a spike in the abuse of women and girl child abuse in the country. The debate was preceded by the International Women's Conference held at Parliament and both forums provided an opportunity for Parliament to inform and influence crucial policy discussions on the subject. Discussions that will foster women's empowerment and emancipation from all forms of discrimination, manipulation and exploitation, writes Abel Mputing.*

This year's celebration of Women's Month coincided with the honouring of a struggle icon and champion of women's liberation, Mr Oliver Reginald Tambo, said the Minister of Women in the Presidency, Ms Susan Shabangu. In her opening address at the start of the women's debate in the National Assembly, she said: "This year is declared The Year of OR Tambo, who is turning 100 on 27 October. But most of all, he was an exemplary champion for the emancipation of women during the dark days of our struggle for liberation. His wisdom continues to inspire us in our efforts for women's emancipation."

He elevated women to the higher echelons of the liberation movement when it was not fashionable to do so. These women went on to play critical roles

in the struggle and in our democratic dispensation, she said. "True to his conviction, he appointed women to key and multilateral platforms when opportunities arose. They include, among others, Ms Frene Ginwala, Ms Getrude Shope and Ms Lindiwe Mabuza, who were part of his collective leadership."

This year's theme: "Women United in Moving South Africa Forward" is a tribute to the collective-leadership-style that characterised Mr Tambo's tenure as President of the African National Congress (ANC) for decades, she said.

The horrible news reports of gender-based violence and child abuse make one think that we are living in the midst of a war zone, a war perpetuated by men, said Democratic Alliance MP Ms Denise Robinson.

These women are then subjected to secondary victimisation by police officers whenever they report cases of rape, she said. “What has South Africa learnt from the rape trial about the barriers to justice for women who approach the law. Have we fully confronted the entitlement of men in positions of power and demanded action?”

Traditional authorities must be monitored to ensure that they abide by gender equality legislation. For this to be achieved, we must ensure that the Commission for Gender Equality has a strong leadership that would see to it that objective is achieved, said Ms Makoti Khawula of the Economic Freedom Fighters. “But how can that be achieved when the top officials of the Commission are there on an acting capacity?”

Referring to the 1956 Women’s March, Mr Mkhuleko Hlengwa of the Inkatha Freedom Party reminded his listeners that South Africa’s liberation was built on the efforts of women. “The mortar mix that built our democracy and freedom was mixed not with water, but with blood, sweat and tears of women, who through their selfless sacrifices sustained the struggle, particularly at the darkest and toughest of times.”

The National Freedom Party’s Mr Sibusiso Mncwabe asked: “Does democracy equate to freedom? If the answer is yes, then there is nothing to debate, for the es-

sence of women’s emancipation is freedom,” he said. There can be no doubt that it is still black women who constitute the most disadvantaged and marginalised of all people, he concluded.

If we were to honour the women of 1956, we must assess the progress made against the eight demands the Women’s Charter adopted on the 17th of April 1954, said the United Democratic Movement’s Ms Cynthia Majeke. “This Charter laid the foundation for later visions of freedom, non-racialism, equality and human dignity. In paying tribute and to be true to women, we must honour this Charter.”

The true liberation of women depends on their full economic emancipation. This is a single and most common view that was emphasised during the International Women’s Conference that was held here at Parliament in August, declared Ms Rosalia Morutoa, Chairperson of the Joint Multi-Party Women’s Caucus and ANC member.

“Women and girls are still burdened by unpaid care work, which is exploitative and undervalued. According to the Commission for Employment Equality, women are mostly represented in these vulnerable sectors of the economy with gender-stereotype roles that have low salaries and have no job security,” she said. 🌍



# Taking Parliament to the People brings freedom fighter's remains back home

**The** 2nd Western Cape Taking Parliament to the People programme of the National Council of Provinces (NCOP) that was hosted by the Eden District Municipality in April 2015 would always be remembered by Oudtshoorn's Ncwango family as a vehicle of justice and reconciliation for its provision of support to the family's efforts of demanding the exhumation of the remains, for the purpose of a decent reburial at home in Oudtshoorn of its son, Mr Michael "Mike" Lucas, who was executed at the Pretoria Maximum Prison in 1988 and buried in the Mamelodi cemetery, write **Liesel Visser** and **Mava Lukani**.

Using the opportunity created by the NCOP of bringing Parliament to the people by providing them with a platform to speak directly to Parliament and also make written submissions on everything they want to raise, Ms Tozaan Martha Ncwango whose son Mr Lucas was executed at Pretoria Maximum Prison on 25 April 1988 used the platform by making a submission seeking assistance for the exhumation of the remains of her son from Pretoria's Mamelodi cemetery to be reburied at his home in Oudtshoorn.

According to the TRC (Truth and Reconciliation Commission) records, Mr Lucas was executed at Pretoria Maximum Security Prison on 25 March 1988 for his involvement in the killing of a bus inspector and former South African Police member, Mr William Blaauw, during political unrest in Bongoletu, Oudtshoorn, on 15 April 1986.

According to transcripts of an address by Dr Mapule Ramashala during the TRC's post-hearing community programme, Oudtshoorn was among the areas where merciless forms of apartheid were applied during that political dispensation. He said over a period of 10 years, from 1961 to 1971, the town council conducted forced removals at Deyselsdorp, Klippiess Eiland, and Suikerbult in Oudtshoorn to segregate races in terms of the notorious Group Areas Act.



**BRINGING HER SON BACK HOME:** Ms Tozaan Ncwango holds a commemorative photograph of her son, Mr Michael Lucas.

Bongolethu, where Mr Lucas was born in 1964, was proclaimed a new township in 1966 and became home to former residents of Klippias Eiland. Oudtshoorn was part of the coloured labour preference policy region, so black residents faced severe forms of movement control, as pass laws were enforced mercilessly.

Ms Ncwango said Mike, as he was affectionately referred to as a boy, liked boxing, soccer and singing.

Explaining Mike's political genesis and profile, Ms Ncwango said Mike, like most other children in Bongolethu, started at school where he was exposed to politics of resistance and became a member of the Bongolethu Youth Association, commonly known as Bhoyo where he was baptised politically. He was an active member of Bhoyo and showed preparedness right from the beginning to lay his life as a price for the liberation of the people of Bongolethu from all forms of merciless oppression of apartheid and colonialism.

Responding to the call of the then banned African National Congress of making the communities ungovernable and apartheid governance structures unworkable, the United Democratic Front's affiliated Bhoyo made Oudtshoorn's apartheid structures unworkable and in the course of that struggle, people on both sides of the fence of the struggle died.

According to the TRC transcripts, Mr Lucas was charged with the murder of Mr Blaauw along with Mr Jerome Myo and Eric Phote. Neither of these men faced the death penalty, partly due to Mr Lucas's testimony to the court.

He was found to be untruthful by apartheid court of law and was sentenced to death. After his execution Mr Lucas was buried in Mamelodi cemetery in Pretoria.

At the Oudtshoorn Taking Parliament to the People, Ms Ncwango asked the NCOP to assist her and Ncwango family to have the remains of her son exhumed and reburied in Oudtshoorn. Following unsuccessful engagement with the South African Heritage Resource Agency which was the last hope for Ms Ncwango for the possibility of the exhumation of Mr Lucas's remains from Mamelodi cemetery, the Chairperson of the NCOP, Ms Thandi Modise, wrote to the Minister of Justice and Correctional Services, Adv Michael Masutha, to draw his attention to Ms Ncwango's

request that Mr Lucas's remains be exhumed and returned home.

Mr Masutha advised the NCOP to contact the National Prosecuting Authority's (NPA's) Missing Persons Task Team (MPTT) to ensure that Mr Lucas's name was included on a list of about 130 political prisoners who were executed between 1960 and 1990 and whose remains were being exhumed and returned to their families as part of the Gallows Exhumation Project, which was launched by Mr Masutha in March 2016 at the Kgosi Mampuru II Correctional Centre, previously known as Pretoria Central Maximum Security Prison. The MPTT confirmed that Mr Lucas's name was included on the list. His remains were exhumed in May 2017 and returned to his family on 31 October 2017. Mr Lucas's remains were buried in Bongolethu township near his home on 4 November 2017.

Asked by *Insession Magazine* (Parliamentary newsletter) after the successful reburial of her son's remains, Ms Ncwango who couldn't hold her tears of the mixture of feeling of joy and the history of pain, said at last after 27 years of the excruciating anguish of the merciless killing of her son, she and her family are relieved of the heavy burden of stress and bitterness of the painful execution of their son. "We will always attribute that to God who sent Parliament's Ms Thandi Modise in particular, to Oudtshoorn specifically to come to assist us with the exhumation of the remains of my child. I was disappointed by the TRC, which to me failed to ensure that after we opened our painful hearts to it, was going to ensure that Mike's remains were exhumed and returned to Oudtshoorn."

Ms Ncwango said it was like a miracle that she now sleeps happily and peacefully, something she thought could never happen again in her life. "When I was told that the remains of my child landed in Oudtshoorn on 30 October and handed over to the municipality leadership and the municipality leadership handed them to the family on the following day, 31 October, I couldn't believe that exciting course of events. I thanked and will thank Parliament for all that until I die," said Ms Ncwango.

She described the handing over of the remains of her son to the family and the reburial of the remains on 4 November as the exciting watershed and positive reverse side of the cycle of pain that started when my son was arrested in 1986, tortured and eventually executed. "Thank you Parliament for your intervention," she said. 🙏



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