SUBMISSION TO THE PARLIAMENT OF SOUTH AFRICA **18 October 2017**

Honourable Chairperson of the portfolio committee, Mr M R Mdakane

Honourable members of parliament from different political parties.

Leaders of different religions that are represented here today.

Ladies and gentlemen, allow me, my constitutional right, to greet you all in the name of our Lord and Saviour Jesus Christ.

**Church Leaders Empowerment Foundation Africa,** abbreviated, **CLEFA,** which I represent here before you today, in my capacity as chairperson, is an umbrella body of independent Pentecostal and Charismatic Christian churches which are spread all over South Africa. (We do not claim to be the only organization that represents this groupings).

Christianity, diverse as it is, as you would know honourable members, represent more

than 80% of the population of South Africa, way above the 2/3 majority that is

needed to change our beautiful country constitution.

It is for that reason that as CLEFA we believe that this house cannot operate and fulfil

its constitutional mandate truly, if it ignores the majority of the constituencies it seeks and ought to represent.

CLEFA has been in consultation with the CRL on many occasions and have submitted

our recommendations to the proposed report that is presented here today. We did not

wait for them to come to us but we approached them, because we have nothing to

hide. We didn’t go to the CRL with the intension that whatever our proposals are, the CRL must just adopt them, as that would not be the right spirit for negotiating. We also didn’t expect the CRL to totally reject at hand, all our proposal and we have identified some of our proposal in their final report.

We of course are not proud of some crazy individuals who are using the name of our

Lord Jesus Christ, feeding their congregants petrol, grass and perform strange

inhuman acts in our name. As it is written in the book of Matthew 25:4 of the Holy

Bible "For many will come in My name, saying, ‘I am the Christ,’ and will deceive

many.”

Truth be told, these are a small fraction of the Christian population but because bad

news sells, they are more popular than those of us who are decent and doing a good

job.

It will be a great mistake to put all of us in one basket and judge us by the few rotten

ones in our profession. We also have bogus doctors, fake lawyers and corrupt

politicians, but we still use the services of layers, doctors and of course, of honourable

members of parliament.

It must be noted that there are also strange practices in other religions like Islam,

Hinduism and traditional healers e.g. Enlarging of the male organ, one tablet that cures all disease including getting your lost lover back and winning favours with your boss, abortion and many other social ills done by other religions, which unfortunately are not mentioned in the report. Maybe the reason would be, since we are the majority, like the ANC in parliament, all focus is on us and very little on other religions.

We welcome the idea of regulating the faith-based organization but we stress that this

should be left to the organizations, through recognized regulatory bodies, self-regulating themselves and not be state captured.

**Regulations in our view, should not involve doctrinal matters but be limited to:**

**1. Registration of religious** organizations and religious practitioners.

**2. That religious organizations adhere to basic principles of accounting** and reporting process.

**3. That foreigner ministers** who come to our country should not be allowed to operate before their background from their country of origin is **checked and established.** They must serve under local organizations on **a probation basis** until a specified time.

**4. The Peer Review Committee** as proposed by the CRL report on page 42 item 19.3, should not and cannot be expected to report to another structure be it the **Peer Review Council, the CRL** nor any other organ of state as this would be tantamount to state control and end up with a state-captured church. You cannot regulate a regulator.

CLEFA agrees that we have a problem and it needs to be addressed. CLEFA believes that Christians as citizens of the Country, must obey the Laws of the country that are not in conflict with the Bible. Some of us have been involved in the struggle and we opposed the apartheid government on laws that conflict with the Bible and we will with no doubt continue to do so.

Most, if not all the incidents mentioned in the CRL report could be solved by the Government enforcing the existing Legislations/Acts by various Government Departments. The following are some of the Acts that can be enforced to achieve the rule of Law in South Africa:

1. Where a church is registered as a Non-Profit Organisation it must comply with the Non-Profit Organisation Act 71 of 1997 administered by the Department of Social Development.
2. When registered as a Section 21 Company it must comply with the Companies Act 71 of 2008.
3. The Income Tax Act 58 of 1962 further applies where a company is registered as a public benefit organisation. If not registered, the religious organisation or practitioner, should still pay taxes as a sole proprietor, and SARS should monitor and enforce this.
4. Financial Intelligence Centre Act 38 of 2001 through the banks also applies, churches are not immune to its provisions.
5. Visa and immigration laws apply to foreign pastors. Labour legislations, health and safety legislation,
6. Consumer Protection Act 68 of 2008 and Prevention of Cruelty to Animals Act 46 of 1986 etc.

If we have such beautiful laws that this house debated on, adopted and passed, how come are we finding ourselves in this situation today. Passing a law and enforcing it are two different things and this house should help us in this regard.

As CLEFA, we do not agree with **the total or wholesale rejection of the CRL report** as this would be an indirect way of promoting and encouraging continuation of ill-practices stipulated in their report, which seems, there is consensus that they are not acceptable practices.

**The question maybe should be,**

1. Will the new proposal address the problem?
2. What stops the ‘snake and doom’ religious practitioners to start their own umbrella body?
3. If formed, how will the Christian Peer Review Committee deal with this challenge in a constitutional manner.
4. The proposed National Consultative Conference, or meeting; it sounds like a great idea, the question again is,
   1. Who will facilitate it?
   2. Who will attend it?
   3. Who will fund it?
   4. The outcome of that conference or meeting, will it be legal binding, and if so, by what law or legislation?

In conclusion, while we as CLEFA have some reservation especially on the implementation thereof, as stated above, we do not believe we will be doing justice by totally rejecting the report. We recommend that the portfolio committee considers the report, deliberate on it and if satisfied, draft a bill where, as religious organisations and the public in general, would be afforded an opportunity to make submission, as it is the norm with all other legislations.

**I thank you!**

**Pastor Thivha Lidzhade**

**Chairperson**

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