

THURSDAY, 16 MARCH 2017

PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES

The Council met at 14:00

The House Chairperson: Committees, Oversight, Co-operative Government and Intergovernmental Relations took the Chair and requested members to observe a moment of silence for prayers or meditation.

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS - see col 000.

The HOUSE CHAIRPERSON (Mr .A J Nyambi): Hon members, let me take this opportunity to welcome special delegates that are present here and the representatives of Salga, who are with us today.

NOTICES OF MOTION

Mr J W W JULIUS: House Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the DA:

That the Council -

- (1) notes that economic progress in South Africa has been stalled due to mismanagement and maladministration, ineffective governance fruitless and wasteful expenditure, corruption and fraud;
- (2) further notes that this is evident, especially among the political and operational management of state departments and entities, such as passenger rail agency of South Africa, Prasa, the SABC, Eskom and the South African post office;
- (3) observes that according to the auditor-general report of 16 November 2016, national and provincial departments have accumulated R46 billion in irregular expenditure;
- (4) admits that the auditor-general Kimi Makwetu said that Prasa contributed R13,9 billion of this irregular expenditure; and
- (5) calls for a debate on the lack of lack of effective political and operational management within government departments which led to endemic corruption and fraud. I so move.

Mr C F B SMIT: House Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the DA:

That this Council -

- (1) notes that it is thus with great concern that it has been revealed that the cables, ready to be installed, and telephones at Kleinvlei police station in Cape town were stolen;
- (2) regrets that calls to the Kleinvlei police station are being transferred to the Emfuleni police station who then have to radio call the respective incidents through to the Kleinvlei police station;
- (3) takes into consideration how lack of resources to police stations impairs the safety and wellbeing of communities;
- (4) debates the mandate of the SAPS as derived from section 205 of the Constitution of 1996; and
- (5) further takes into account the objectives of the policing; namely, to prevent, combat, and investigate crime, maintain public order, protect and secure the inhabitants of the Republic and their properties, uphold and enforce the law. I so move.

Mr C HATTINGH: House Chairperson, I am very concerned, you know, previously I raised my concern about a strong smell and I thought it was coming from the air conditions; and looking all around me I see

many empty seats and I wonder if that smell did not affect all these people who are absent today.

The HOUSE CHAIRPERSON (Mr A J Nyambi): We will try to address what you are raising, hon Hattingh.

Mr C HATTINGH: Thank you, I am very much concerned, Chair.

Ms E PRINS: House Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

That the Council debates the proliferation of fake news deliberately published largely on social media and the internet to mislead our people and paddle person attacks against individual and wage smears and political propaganda. I so move.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you. Does any member wish to move a motion without notice?

MOTIONS WITHOUT NOTICE

GET WELL WISHES TO AHMED KATHRADA

(Draft Resolution)

The CHIEF WHIP OF THE NCOP: House Chairperson, I move without notice:

That the Council -

- (1) notes that former Rivonia trialist and struggle veteran, Comrade Ahmed Kathrada who was hospitalised on 04 March and had to undergo a surgery related to blood clotting on the brain;
- (2) further notes that Comrade Ahmed Kathrada along with Nelson Mandela, Walter Sisulu, Govan Mbeki, Raymond Mhlaba and Elias Motsoaledi were sentenced in 1964 to life imprisonment on Robben Island during the famous Rivonia Trial, and he is one of just three Rivonia trialists still alive today, the other two being Andrew Mlangeni and Denis Goldberg; and
- (3) takes this opportunity to wish Comrade Ahmed Kathrada a speedy recovery.

Motion agreed to in accordance with section 65 of the Constitution.

OLIVER TAMBO YEAR

(Draft Resolution)

Ms Z V NCITHA: House Chairperson, I move without notice:

That the Council -

- (1) notes with great sense of pride that this year 2017, declared by the ANC as the year of Oliver Reginald Tambo, coincides with the 30th anniversary of the SA Youth Congress;
- (2) further notes that the SA Youth Congress, Sayco, was a revolutionary youth organisation founded amidst the reign of terror under the state of emergency to unite and mobilise South African people against the apartheid white minority regime;
- (3) also notes that this was in response to the clarion call by the late president of the ANC for the masses to render the country ungovernable and apartheid unworkable;
- (4) calls on South Africa to lower their banners in fitting memory of the gallant revolutionary youth of South Africa inspired and organised by the Sayco for liberation of our people; and
- (5) further calls on the President of the Republic of South Africa, the hon Jacob Zuma to launch a national youth award in recognition and honour of the youth who made immense

sacrifices for this country and to recognise the excellence of the current young people.

Motion agreed to in accordance with section 65 of the Constitution.

MS ASANDISWA NXOKWANA WINS BOXING TITLE

(Draft Resolution)

Mr L V MAGWEBU: House Chairperson, I move without notice:

That the Council -

- (1) notes that Ms Asandiswa Nxokwana of East London, Eastern Cape successfully defended her SA featherweight title this past weekend against Ms Unathi Myekeni;
- (2) further notes that Nxokwana stopped Myekeni in the ninth round to retain her crown as SA Featherweight champion;
- (3) also notes that Nxokwana' story is a story not only of the immense talent in the Eastern Cape, but also one of hope against all odds. Nxokwana trains at the back of a shack in Leaches Bay otherwise known as Amagali Abomvu;

(4) notes that she is indeed a role model of triumph over adversity; and

(5) congratulates Nxokwana and her father, who is her trainer, and wishes them further success.

Motion agreed to in accordance with section 65 of the Constitution.

UNITED NATIONS REPORT SLAMS ISRAEL

(Draft Resolution)

Mr S J MOHAI: House Chairperson, I move without notice:

That the Council -

(1) notes the report that was released by the United Nations Economic and Social Commission for Western Asia yesterday, 15 March, which states that Israel has established an apartheid regime that dominates the Palestinian people as a whole;

(2) further notes that the report states that there is concrete evidence, which proves without a shadow of doubt that Israel is guilty of policies and practices that constitute the crime of apartheid as legally defined in instruments of international law, especially the Charter of the United

Nations of 1945, the Universal Declaration of Human Rights of 1948, and the international Convention on the Elimination of All Forms of Racial Discrimination of 1965;

- (3) takes this opportunity to reaffirm the principled solidarity of the ANC with the struggle of the Palestinian people and their quest for freedom and justice; and
- (4) notes that expresses our support for the numerous United Nations resolutions as well as submissions and calls that were made by our government to the International Court of Justice which recognised the illegality of the Israel occupation, the illegal settlements, the building of the apartheid wall, the system of road blocks, seizure of land, detentions without trial and extrajudicial and killings and the imprisonment of thousands of innocent Palestinians, including women and children.

Motion agreed to in accordance with section 65 of the Constitution.

DA-CONTROLLED METROS IN GAUTENG

(Draft Resolution)

Ms B A ENGELBRECHT: House Chairperson, I move without notice:

That the Council -

- (1) congratulates the DA-controlled metros in Gauteng with their great strides in bringing real service delivery to its residents;
- (2) further congratulates Johannesburg Mayor, Mr Mashaba, in changing the working hours of the Princess Clinic in Roodepoort where residents can now go to work and still go to the clinic which now operating from 7am to 10pm, Mondays to Fridays, and Saturdays from 7am to 13pm;
- (3) also congratulates Mayor Mashaba in doubling the cleaning shifts of Pikitup in the inner city, including a night shift to serve businesses operating at night;
- (4) congratulates Mayor, Mr Msimanga for Tshwane's first ever open and transparent bid adjudication committee meeting that took place on 07 February 2017;
- (5) further congratulates Tshwane Mayor, Mr Msimanga, for the increase of answered call centre calls from a shockingly low 36%, from when the ANC was in government, to well over 60% of calls answered since the DA governs Tshwane; and

- (6) also congratulates the DA for bringing real change and real service delivery to our residents.

Motion agreed to in accordance with section 65 of the Constitution.

CITY OF EKURHULENI HOLDS MEMORIAL SERVICE FOR RICHARD THOLE

(Draft Resolution)

Mr E MAKUE: House Chairperson, I move without notice:

That the Council -

- (1) notes and welcome the City of Ekurhuleni's proposal to hold a memorial service for the five-year-old boy who fell into a mineshaft Boksburg last month;
- (2) also notes that Richard Thole fell into the disused mineshaft near his home in the Jerusalem informal settlement on 25 February;
- (3) sympathises with the parents' devastation as they, like any other parent wished for the recovery of the body, but due to the reports from experts and the danger posed around the mission, compelled by law to abide by reports given, the operation had to stop;

(4) commends the Ekurhuleni Municipality for their consultation with the residents of Jerusalem and forging an agreement for the community to be relocated from the area to the Ramaphosa informal settlement; and

(5) conveys its profound sympathy to Richard's parents, relatives, friends and the entire community of Jerusalem during these trying times.

Motion agreed to in accordance with section 65 of the Constitution.

SINKHOLES IN THE WEST TRAND AREAS

(Draft Resolution)

Nkul M GANA: Mutshamaxitulu, ndzi rhandza ku hundzisa moxini:

Leswaku Huvo -

(Translation of Xitsonga paragraph follows.)

[Mr M GANA: Chairperson, I hereby would like to move a motion:

That the House -]

- (1) notes that during the early hours of Sunday, 05 March 2017, a massive sinkhole in Khutsong township swallowed a house, luckily there was no one at home;
- (2) further notes that the Merafong Municipality identified at least 16 sinkholes and that the areas of Khutsong, Randfontein and Mogale City also experience these threats of sinkholes; and
- (3) calls on the Gauteng provincial government to employ concerted efforts to avoid this extremely serious situation as a matter of urgency to avoid an imminent tragedy for the West Rand community.

Motion objected to.

JUDGMENT OF THE INTERNATIONAL COURT OF CRIMINAL JUSTICE

(Draft Resolution)

Mr J M MTHETHWA: Hon Chairperson, I move without notice:

That the House –

- (1) notes that the judgment of the North Gauteng High Court regarding the notice of intention by the South African

government from the International Court of Criminal justice delivered on 22 February 2017, as stated by the court, the issue centres around the separation of powers and how it should find articulation in the realm of the national executive authority, the judiciary and legislatures;

- (2) further notes that the decision of government to abide by the decision; this demonstrates the commitment of the ANC-led government to respect the supremacy of the Constitution and the rule of law contrary to what our detractors think; and
- (3) commends the government and the Minister of Justice and Correctional Services, for speedy analysis of the judgment and the implementation of its decision.

Motion agreed to in accordance with section 65 of the Constitution.

Mr J W W JULIUS: Hon Chairperson, on a point of order.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Julius, I am presiding. Can you take your seat. Hon Zwane. Let us be active.

DEATH OF UNIVERSITY OF PRETORIA LECTURER

(Draft Resolution)

Ms L L ZWANE: Hon Chairperson, I move without notice:

That the Council –

- (1) notes with profound sadness that a 55-year-old senior lecturer at the University of Pretoria was shot and killed in what looks like a gunfight between himself and his attackers;
- (2) also notes that Mr Liebenberg joined the Department of Agricultural Economics, Extension and Rural Development at the University of Pretoria in 2010;
- (3) further notes that the incident happened on his farm in Bronkhorstspuit, East of Pretoria where he lived alone and he was found by farm workers last Saturday morning; and
- (4) calls upon the SA Police Service, SAPS, and the other law enforcement agencies to do everything in their power to investigate and apprehend the culprits. Our thoughts and prayers are with his family, friends and the university. May his soul rest in peace.

Motion agreed to in accordance with section 65 of the Constitution.

**DEVASTATION CAUSED BY MINING TO RESIDENTS OF MOOIFONTEIN IN
MPUMALANGA**

(Draft Resolution)

Mr F ESSACK: Hon Chairperson, I move without notice:

That the Council –

- (1) notes the residents of Mooifontein farm in the Steve Tshwete Local Municipality, Mpumalanga are forced to move from their homes daily, to avoid further devastating infections as they continuously suffer from contaminated water and pollution;
- (2) further notes that, as revealed by the Mpumalanga Taking Legislature to the People programme, the homes of residents have collapsed at the hands of the Gupta and Duduzane Zuma-owned mine. The mines are located within close proximity of the people and settlement areas. These mines are located on land that had previously been allocated to the Mooifontein community prior to its take over by the Guptas and their partners;
- (3) requests urgent and serious research into mining operations in Mpumalanga needs to be conducted regarding proximity to community settlement areas. These devastating effects of Eskom's hunger for coal as well as multimillion rand contracts are having a huge detrimental effects on the destitute citizens of this area and location; and

- (4) prioritises the people's health over and above the hunger for power and money.

**MINISTER OF ENVIRONMENTAL AFFAIRS SET TO BE APPOINTED AS CHANCELLOR
OF SEFAKO MAKGATHO HEALTH SCIENCES UNIVERSITY**

(Draft Resolution)

Ms T K MAMPURU: Hon Chairperson, I move without notice:

That the House -

- (1) notes with the utmost appreciation that the Minister of Environmental Affairs, Edna Molewa, is set to be appointed the first Chancellor of the Sefako Makgatho Health Sciences University on Friday;
- (2) also notes that the university, located in Ga-Rankuwa, North of Pretoria at the then Medical University of Southern Africa, Medunsa, was established in May 2014, and opened its doors in January 2015 with its main purpose being teaching, research and community engagement;
- (3) further notes that the establishment of this new university marked another successful milestone by the democratic government of South Africa;

- (4) also notes that Comrade Molewa, 59, is the former Minister of Social Development and a member of the ANC Women's League national executive council and was the first woman to serve as Premier of the North West province from 2004 to 2009; and
- (5) congratulates and wish her well in her new duty.

Motion agreed to in accordance with section 65 of the Constitution.

DEATH OF HUMAN RIGHTS LAWYER ADV PETER WILLIAMS

(Draft Resolution)

Mr C J DE BEER: Hon Chairperson, I move without notice:

That the Council –

- (1) notes the death of human rights lawyer and struggle activist Adv Peter Williams who died yesterday, 15 March at the age of 49 after a battle with cancer;
- (2) further notes that Adv Williams, commonly known as the ANC lawyer, was a courageous youth leader on the Cape Flats, who used his profession to wage a concerted fight against injustices and gross human rights violations;

- (3) also notes that last year Adv Williams, took on former estate agent Penny Sparrow at the Equality Court, for her racist tirade on Facebook against black beachgoers in Durban where she was forced to pay a fine; and
- (4) takes this opportunity to convey its profound condolences to the Williams family and friends who lost a principled advocate, who dedicated his life to the pursuit of justice and freedom.

Motion agreed to in accordance with section 65 of the Constitution.

**STATEMENT MADE BY MEDIA AND COMMUNICATIONS MANAGER IN THE DEPARTMENT
OF SPORT AND RECREATION**

(Draft Resolution)

Mr C HATTINGH: Hon Chairperson, I move without notice:

That the Council registers its concern regarding the blatant racism forthcoming from the media and communications manager in the Department of Sport and Recreation, Mr Esethu Hasane, and rejects statement made by him and I quote, "Only Western Cape still has dry dams. Please God, we have black people there, choose another way of punishing white people." Racism should be

identified for what it is and rejected wherever and whenever it is committed.

Hon Chair, I hear some laughter and I know where it is coming from. This is not a joke, this is very serious.

**PROMOTING INTERGOVERNMENTAL COMMUNITY DIALOGUE AGAINST CHALLENGES OF
SERVICE DELIVERY AND DEVELOPMENT**

(Draft Resolution)

Mr D L XIMBI: Hon Chairperson, I move without notice:

That the House notes with concern the spiralling wave of violent community protests ... [Interjections.]

Mr T C MOTLASHUPING: Hon Chairperson, on a point of order.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Motlashuping, what is your point of order?

Mr T C MOTLASHUPING: Hon Chair, my point of order is: I do not think that it is parliamentary for hon Hattingh to refer to me as a racist when I objected to the motion because I understood ...

[Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Motlashuping, can you take your seat. Let us allow hon Ximbi to finish his motion. Hon Ximbi, continue.

Mr D L XIMBI: Hon Chairperson, I move without notice:

That the House -

- (1) notes with concern the spiralling wave of violent community protests against challenges of service delivery and development in some parts of the country;
- (2) also notes the immense costs associated with the destruction of public infrastructure and amenities, accompanying these protests;
- (3) further notes human rights violations for learners who are deprived the right to attend schools during these protests;
- (4) recognises the democratic rights of the citizens to freedom of association and expression and to hold government accountable; and
- (5) plays a greater and more meaningful role in facilitating constructive dialogue between the different spheres of government and our communities in addressing the challenges of

service delivery and development in line with its constitutional mandate on promoting co-operative governance.

Motion agreed to in accordance with section 65 of the Constitution.

**FINAL ACT OF THE PLENIPOTENTIARY CONFERENCE OF THE INTERNATIONAL
TELECOMMUNICATIONS UNION - GUADALAJAR 2010, MEXICO**

(Consideration of Report)

Ms E PRINS: Chairperson, the report of the Final Acts of the Plenipotentiary Conference of the International Telecommunications Union - Guadalajara 2010, Mexico. The Select Committee on Communications and Public Enterprises, having considered answerably engaged the Final Acts of the Plenipotentiary Conference in the ITU, on 8 February 2017 wishes to report as follows:

The Plenipotentiary Conference is the highest decision-making body of the ITU. The conference is held every four years and it is at this conference that the senior management team and the members of the ITU council, including the members of the Radio Regulations Board are elected.

As a global Information and Communication Technology, ICT, institution, the conference is a strategic global forum for the member stage like our own country to partake in strategic decisions

and to give direction to the union's policies objectives with regards to information and communication technology worldwide. The objectives of the global institutions are very clear and are as follows:

To maintain and extend the international cooperation for the improvement and to promote the improvement and rational use of the telecommunications services; to promote the development and technical facilities and their most efficient operations; to approve the efficiency of telecommunications services whilst also increasing the usefulness in making them generally available to the public.

We believe that none of the objectives mentioned above are in any way in conflict with our own ICT policies objectives. In interrogating the ITU Plenipotentiary Conference, as the committee, we looked at how it promotes our own policy goals and set the agenda for an equitable ICT policy globally.

However, we were pleased to note that the ICT sector is one of the key component sectors encapsulated in the National Development Plan, NDP. The NDP puts an emphasis on the ICT infrastructure to expand access and services to all the South Africans. Our ICT infrastructure is unevenly and sometimes inadequately located between the urban and the rural areas.

The Department of Telecommunications and Postal Services has just released the National Integrated ICT Policy Review White Paper which takes into consideration the ICT developments globally and the impact they have on the ICT domestically. The release of the white paper is a clear indication to our proactive approach in aligning our policies with what is happening globally and it is providing better ICT services to the people.

Our members said the ITU Plenipotentiary Conference binds us to fulfil our obligations as the member states and this, in effect, allows us to make the ICT services accessible and available to all our people. The obligation rests with the Department of Telecommunications and Postal Services and the relevant stakeholders. Our role as the national legislature is to ensure that our people get better services.

As the country, we cannot claim to be on par with the rest of the global world if we do not partake in forums such as the ITU Plenipotentiary Conference to take our country forward and provide our people with better and excellent services. As a matter of urgency, we must take our work through from what is happening globally and by being part of the process.

Our participation should not at any time suffer from the spectator syndrome, where we are only known for the payment of the subscription fees and less for input. The plan position of putting

us up as the candidates for elective positions in the ITU in 2018 is a clear indication that, indeed, we are not going to be the spectators.

We must galvanise our resources and empower our delegates as the nation, the regional block and even a lobby where necessary, to put the agenda for this country, the Southern African region and the continent. I so move.

Debate concluded.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON COMMUNICATIONS AND
PUBLIC ENTERPRISES - RATIFICATION OF THE AFRICAN TELECOMMUNICATIONS
UNION (ATU) CONVENTION OF 1999**

(Consideration of Report)

Ms E PRINS: Chairperson, this is the Report of Select Committee on Communications and Public Enterprises on Ratification of the African Telecommunications Union, ATU, Convention of 1999.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Can you have the microphone close to you, hon Prins.

Ms E PRINS: The Select Committee on Communications and Public Enterprises having considered and thoroughly engaged the ratification of the African Telecommunications Union, ATU, Convention of 1999 on 8 February 2017, wishes to report as follows. The African Telecommunications Union is part of the African Union's agenda to unite and develop the African continent for the benefit of its citizens. The agenda for Africa prosperity is all encompassing and it entails politics, economics, trade and sector specific co-operation. The formation of the ATU in 1999, came as a result of the realisation that African countries can neither be heard nor have influence on global events if they cannot speak in one voice.

The ATU therefore, serves as a regional and continent forum designed mainly to consolidate the interests and views of African people in international forums such as the International Telecommunications Union which I spoke about earlier on. The information and communication technology sector is a growing industry globally and most of the developing world which South Africa is a member, is playing catch up as the agenda for the information and communication

technology, ICT, services worldwide is dominated by developed countries.

Key to our own challenges is the tendency by our brightest researchers and scientists to leave the continent to pursue their career opportunities in developed countries and thus robbing us of the skills and capacity to engage effectively in these forums. Despite these challenges, our commitment to peace and stability necessitates us to be part of the African Telecommunications Union whose very objective is to stabilise the ICT sector across borders while also strengthening the continent's bargaining powers globally. Our country is one of the 45 member states of the Africa Telecommunications Union having signed the ATU Convention and Constitution in 1999. The ATU puts emphasis on the need for local content development so as to ensure the universal benefits of the ICT services whilst also preserving and enriching the cultural and natural heritage of our nation.

As a committee we also noted the active participation played by our delegates in the ATU. Our country has served as Chapter Co-ordinator and Rapporteur for Africa and still serves in the African Working Group for World Radio Communications Conference. More pleasing to us is the country's intention to put up candidates for elective positions in ATU in 2018.

To be part of the ATU puts us as a country at a strategic position as we are planning to launch our own satellite station in the near future. Any country that wants to launch a satellite station the application is made with the International Telecommunications Union, but it must receive support and endorsement from member states. The African Telecommunication Union in this regards provides the necessary network and infrastructure for our satellite ambitions. We all know that satellite stations, signal transmissions, the spectrum and the internet all need to be standardised, monitored and regulated as such are responsibilities of the ATU and ITU and it is imperative for us as a country as we are committed to peace and order among the nations to be part of these continental and global forums. I thank you.

Debate concluded.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON SECURITY AND JUSTICE
IN RESPECT OF DRAFT NOTICE AND SCHEDULE SUBMITTED IN TERMS OF**

**SECTION 2(3) OF THE JUDGES' REMUNERATION AND CONDITIONS OF
EMPLOYMENT ACT, ACT 47 OF 2001, DETERMINING THE RATE AT WHICH
SALARIES ARE PAYABLE TO CONSTITUTIONAL COURT JUDGES AND JUDGES
ANNUALLY**

Mr D L XIMBI: Chairperson, this is the Report of the Select Committee on Security and Justice on the draft notice and schedule submitted in terms of section 2(3) of the Judges Remuneration and Conditions of Employment Act, Act 47 of 2001, determining the rate at which salaries are payable to Constitutional Court judges and other judges annually. The report is dated 22 February 2017.

The select committee met with the Office of the Chief Justice which briefed it on the President of the Republic of South Africa's determination of remuneration increases for Constitutional Court judges and other judges, annually. The President, after consultation with the Independent Commission for the Remuneration of Public Office Bearers, determined that the annual increase for Constitutional Court judges and other judges would be set at 0% with effect from 1 April 2016.

The Select Committee on Security and Justice, having considered the draft notice and the schedule submitted in terms of section 2(3) of the Judges Remuneration and Condition of Employment Act, Act 47 of 2001 which determines the rate at which salaries are payable to Constitutional Court judges and judges annually with effect from

1 April 2016, referred to it, and recommends that the Council approves the said draft notice and schedule. Thank you, Chairperson.

Debate concluded.

Question put: That the Report be adopted.

In favour: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON TRADE AND
INTERNATIONAL RELATIONS - SOUTH AFRICA'S PROTOCOL OF ACCESSION TO
THE AGREEMENT ESTABLISHING THE ADVISORY CENTRE ON WORLD TRADE
ORGANISATION (WTO) LAW (ACWL)**

Mr E MAKUE: Hon House Chairperson, hon members, hon special guests and members of provincial legislatures, South Africa's Protocol of Accession to the agreement establishing the Advisory Centre of World Trade Organisation, WTO, law, herein after referred to as ACWL, is in terms of section 231(2) of the Constitution of the Republic of South Africa.

I present this statement to you following a unanimous agreement of the Select Committee on Trade and International Relations during its meeting held on 22 February 2017. Pursuant to the Constitutional provision, an international agreement binds the Republic of South Africa only after it has been approved by resolution in both the National Assembly and the National Council of Provinces.

The protocol before us sets out the terms and conditions agreed to for South Africa's joining of the ACWL. Through the entry into force of the protocol, after Parliament's ratification, South Africa accedes to the Agreement Establishing the Advisory Centre on WTO law and the following provisions will apply:

South Africa will be categorised as a category B member of the ACWL; South Africa will make a once-off contribution of CHF 162 000 to the ACWL's Endowment Fund no later than the end of the third month following the protocol's entry into force; and should South Africa seek advice and support of the ACWL in WTO dispute settlement proceedings prior to the protocol's entry into force, South Africa will pay the ACWL rates and other charges applicable to non-member category B developing countries.

The ACWL was established in 2001 pursuant to the agreement establishing the ACWL as an organisation independent of the WTO. The ACWL's mission is to provide developing countries and Least

Developed Countries, LDCs, with the legal capacity necessary to enable them to take full advantage of the opportunities offered by the WTO.

The ACWL provides free legal advice on all procedural and substantive issues arising under WTO law. There are three categories on legal advice: firstly, opinions on legal issues arising in WTO decision-making and negotiation; secondly, opinions on domestic trade policy contemplated by members to assist in ensuring consistency with WTO law; and thirdly, opinions on the feasibility of challenging the actions of other WTO members under WTO dispute resolution procedures.

The ACWL provides only legal advice, not political or strategic advice. This is necessary to ensure the ACWL's neutrality and impartiality between its various Members status and the least developing countries.

We then were informed of what the WTO offers us in terms of training of lawyers in South Africa for effective participation in the WTO law. In terms of national interest, according to the Department of Trade and Industry, South Africa's joining of the ACWL will enable us to source free advice on the compatibility of other countries' trade measures to the World Trade Organisation Law that affect South Africa's exports.

The ACWL will also be able to advise South Africa on the compatibility of any new trade measures the country is considering to WTO law, as well as assistance in any WTO dispute settlement cases at a discounted rate. As mentioned before, as per the ACWL's classification, South Africa will be classified as a category B member of the ACWL, and will therefore be liable to make a one-time discounted contribution of CHF 162 000. I am mentioning that because by us acceding to this we are receding to this allocation. Looking at a flank to South African rand rate of 13,5 which was applicable at the time that this was before us, it means a contribution of R2,2 million.

Should South Africa choose to pay its contribution in five year instalments, the country will pay R440 000 per year. And this was seriously considered by this statement that we are bringing to you by members of the select committee.

Joining the ACWL is in line with South Africa's foreign policy, in particular our strong emphasis on multilateralism as a necessary intergovernmental response to managing globalisation and the deepening interdependence of national economies.

As per our foreign policy, South Africa recognises the marginalisation of many countries in the global economy, particularly the least developed countries in the global economy,

and the question of coherence in global economic policy-making as some of the key challenges confronting the international community.

South Africa, therefore, commits itself to, and I quote, "remain an active participant in the efforts to comprehensively reform the architecture of global governance, including the UN system and the Bretton Woods Institutions, to make them more effective, legitimate, and responsive to the needs of the developing world."

South Africa's utilisation of the ACWL services may therefore serve as catalyst for other African countries to follow suit to ultimately assist in advancing trade in and with Africa in a manner that will advance the continent's developmental and economic aspirations. It is therefore the role of Parliament and as the NCOP - as a House in Parliament - to ratify the agreement in terms of Section 231 (2) of the Constitution for it to become domestic law and the Republic to be obligated by it. Secondly, it is a responsibility of Parliament to oversee and monitor the implementation of the ACWL.

The implementation of this agreement, particularly due to its financial implications, would need to be monitored by Parliament to ascertain whether the South African government will be utilising the ACWL and its services in a manner that justifies its membership; to ensure the development of South Africa's trade policy to be WTO compliant has been enhanced; and the quality of the ACWL's services

is satisfactory to South Africa. I thank you House Chair.

[Applause.]

Debate concluded.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal,
Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the
Constitution.

JUSTICE ADMINISTERED FUND BILL

(Consideration of Bill and Report of Select Committee on Security
and Justice thereon)

Mr D L XIMBI: Chairperson, the NA referred the Justice Administered
Fund Bill, Bill 26 of 2015, to the NCOP for concurrence on
8 November 2016. On 8 November 2016, the Select Committee on
Security and Justice referred the Bill to the NCOP for consideration
and report.

The select committee enquired into the subject of the Bill and
invited the Department of Justice and Constitutional Development to

brief it on the purpose and content of the Bill. The select committee noted that the Bill was not considered controversial in nature.

The Department of Justice and Constitutional Development administers certain funds on behalf of a third party. The Bill seeks to address existing gaps in the governance and administration of the third party's funds by providing for the establishments of a Justice Administered Fund to regulate the management, control, investment and use of the money in the fund.

The select committee, in keeping with the principle of facilitating public involvement in the legislative processes of the NCOP, agreed to facilitate public participation by advertising the Bill on SABC radio stations, SAFm, Ukhozi FM and Radio 2000. The select committee also published an advertisement on the parliamentary website and on other social media online platforms from 8 to 26 November 2016.

The select committee received no submission on the Bill.

The Select Committee on Security and Justice invited the Department of Justice and Constitutional Development to a meeting on 30 November 2016. After deliberations, the select committee considered the subject of the Justice Administered Fund Bill, Bill 26 of 2015 - which is a section 75 Bill - referred to it and reports that it has agreed to the Bill without proposed amendments. The

Select Committee on Security and Justice therefore recommends that the Council approves the Justice Administered Fund Bill, Bill 26 of 2015.

Declarations of vote:

Mr G MICHALAKIS: Hon House Chairperson, although the DA is in favour of this Bill, I would just again like to draw the attention of the House to the fact that, on a section 75 Bill, the governing party would not be able to pass its own legislation due to the fact that they do not have a quorum here. Therefore, we extend a warm invitation to the ANC: If you are unable to do the job, do stand down and give the opportunity to a party that can. Thank you.

Mr E MAKUE: Chairperson, the matter before us is the Justice Administered Fund Bill. The ANC is unapologetic and unequivocal in its stance that it has the greatest respect for the courts of this country and their responsibility to deliver justice that will serve all people in our country and make our country proud.

Therefore, the ANC will not allow itself to be diverted by members who are coming to us and not focusing their attention on the matter that is before us, and will therefore not even deem it necessary to respond to the petty remarks they are making when we are here to vote as provinces. Thank you.

Debate concluded.

Question put: That the Bill be agreed to.

Bill accordingly agreed to in accordance with section 75 of the Constitution.

**DEBATE ON HUMAN RIGHTS DAY: CELEBRATING 20 YEARS OF THE CONSTITUTION
AND A CULTURE OF HUMAN RIGHTS**

The DEPUTY CHAIRPERSON OF THE NCOP: House Chairperson, special delegates, Salga delegates present and, of course, our extended special delegates in the gallery, I want to start this deliberative session by first and foremost paying tribute to the life and times of Judge Moosa who recently passed away.

As a lawyer and human rights activist, Judge Moosa played an important role in advancing South Africa's transformation agenda. His resolute commitment to the attainment of human rights inspired him to work tirelessly to challenge apartheid violations such as detention without trial. Judge Moosa was also a founding member of the National Association of Democratic Lawyers.

We should also take a moment to pledge our support and prayers to stalwart and struggle veteran Dr Ahmed Kathrada who is still recovering from an operation. He has selflessly given his life to fight for the rights that we, as a nation, enjoy today. Today, let

us honour his legacy by extending our support and prayers to his family for his complete recovery.

In his state of the nation address, His Excellency President Jacob Zuma declared 2017 the "Year of O R Tambo", the human rights revolutionary. This selfless leader of ours spent a significant portion of his life fighting for freedom and democracy in South Africa. The life and times of both President Oliver Tambo and Judge Essa Moosa are clear examples of what selflessness and leadership mean. Their lives should also remind us of the overall contribution of the many nameless and often faceless heroes who clung to the enduring quest to free all South Africans from oppression and abuse. Today, let us celebrate our architects of democracy and human rights. May their illustrious contribution remain engraved on the historical archives of our country.

Today, this House has assembled in order to debate one of South Africa's most critical instruments of transformation and radical change. We stand here today reminded once more that human rights underpin every endeavour that gives expression to the concept of true socioeconomic transformation and freedom. We stand here today reminded once more that human rights must fundamentally dictate the terms and conditions of South Africa's radical transformation agenda. We must do so bearing in mind that South Africa is globally recognised as a country that is still at the forefront of advancing global transformation, its progressive agenda, and respect for human

rights. These rights, besides being fundamental and universal in character, have long been recognised internationally as the master doctrine that should govern all human existence.

We should also be reminded that on 10 December 1948, the United Nations adopted the Universal Declaration of Human Rights. This was the same year that the apartheid South African government came into power. Under the apartheid dispensation, South Africa was one of eight countries that refused to sign this seminal human rights document, largely because the government was already preparing to implement the apartheid programme which would systematically violate every one of the rights recognised in that declaration. The failure of the South African government to vote in favour of the declaration was quite inevitable because they would not have been able to implement those particular aspects of the declaration.

The antagonism of the racist South African regime towards the Declaration of Human Rights was not based on any complicated ideas derived from a basis of political philosophy or ideology. It was clearly an element of hatred towards a particular race. The simple fact then was that for every section of the declaration, the statutory law of South Africa had a provision containing a direct infringement of human rights - those of blacks in general and Africans in particular, with an emphasis on women, children and young people.

It was no surprise that the Sharpeville massacre ensued as a result of that. Here the South African Police Force opened fire on the crowd and killed 69 people, including eight women and 10 children, leaving 180 injured, including 31 women and 19 children. We would remember that many were shot in the back as they tried to flee the massacre as it unfolded.

After the Sharpeville massacre, a state of emergency was declared, banning all liberation movements under the Unlawful Organisations Act that commenced on 7 April 1960. That particular Act gave the sense to the entire nation that we either triumph in unity or face the foreseeable failure as a divided nation. It meant that, as a nation, our struggle was not centred and isolated outside the country only but that the struggle was taking place everywhere in country. Although a particular emphasis, as the Act was declared at that time, the intention was to control the area of Sharpeville.

The aftermath of 21 March 1960 led to the People's Power struggle of the 1980s. The struggle for liberation was elevated to new heights which included the workplace, across communities and in the schools - everywhere where we found the working class and the poor. This decisive action was stimulated by the hunger of our people to be their own liberators.

As resistance mounted, the regime became more vicious. A state of emergency was declared in many parts of the country in July 1985. It

lasted for six months. Then, in June 1986, it was escalated to a national level, and it affected people not only on a temporary basis but found itself well entrenched. As result of the resilience of the South African people and the working class, in particular, this lasted until 1990. It was used to detain over 300 000 people, amongst them children. This relentless onslaught also led to the banning of quite strategic organisations, such as the United Democratic Front, including all its affiliates, from engaging in any activity that sought to liberate Africans.

A brief reflection on South Africa's transition from oppressive and oligarchic rule to this watershed democratic breakthrough demonstrates the resolve of a nation that has proven its determination to eliminate all traces of human rights abuses from its transitional landscape.

History reveals that the foundation of a free South Africa was entrenched through the adoption of a progressive constitutional framework, which was modelled on principles of social justice, sustainable development, universal human rights, and equality for all South Africans. In striving to demonstrate its commitment to advance the precepts of a safe and peaceful world order, the dawn of democracy in South Africa inspired a definitive move towards prioritising nuclear disarmament as an apex objective.

We should also remember that, to date, South Africa is the only country worldwide to have voluntarily and unilaterally destroy its nuclear weapons capability, and we remain convinced that the possession of these weapons ... at the time, that is what made us take the decision because those weapons were meant for the destruction of the working class and the poor and, in particular, black people. [Applause.] We believe that that in itself doesn't enhance peace and security. It also violates human rights. Therefore, this Parliament continues to call for the disarmament of weapons of mass destruction through structures like the International Parliamentary Union.

Much of our work as Parliament in the first decade of democracy was on ensuring the transformation of South Africa's political and legislative landscape, in line with the country's first democratic Constitution, Act 108 of 1996. We all know this document laid the basis for the kind of rights all South Africans need to enjoy.

During the second phase, Parliament focused on institutionalising public participation as an integral part of our oversight role. We believe much work still needs to be done on this front. We have seen evidence of that through the Lamola judgment and Doctors for Life International judgment, where we were warned about not having involved our people enough to contribute towards the kind of legislation we developed. In the main, when you look at these judgments, basically they focus on the fact that we did not allow

our people the right to really voice their view. Therefore, as Parliament, and the legislative sector, we need to use this as an eye-opener in entrenching and advancing the human rights of our people.

The third phase of our transition was the development of our Oversight and Accountability Model, which hinged on the primary objective of providing a framework that describes how Parliament conducts its oversight work. This phase of our transition also sought to improve existing tools of parliamentary oversight, whilst streamlining components of the new oversight model with the existing components. These undertakings greatly enhanced Parliament's capacity to fulfil its oversight function in line with the institution's new strategic direction.

Parliament has taken many strides to advance the country's human rights agenda. We have ensured that people take control of their lives by contributing towards the life of Parliament and how they influence what we, as Parliament, pass. Part of these things that we normally do is ensuring that our people have access to basic human rights. The NCOP came up with anchored programmes like the Taking Parliament to the People Programme and our oversight week that allow us, as a House, to engage directly with our people, to listen to what they want, to listen to the challenges they are faced with, and to come back to this House to hold the executive accountable. This

is done in a way that will ensure that this kind of work improves the lives of South Africans.

The lingering effects of abject poverty and unemployment in South Africa provide a compelling call to continue to work harder and smarter to improve the quality of life of the indigent. It is our belief that without addressing the triple challenge South Africa is faced with, we will not be able to advance the cause that will improve the human rights of our people. There is no way that we can continue to say that our people are enjoying their human rights if they are still unemployed, if there is a high level of underdevelopment, and if there is a high level of poverty.

Therefore, it becomes our responsibility as public representatives to ensure that the triple challenge facing our society becomes our priority. We can only do that if we become that much smarter in doing our oversight work. We must therefore remain resolute in our commitment to actively engage the executive through the relevant tenets of intergovernmental relations and co-operative governance.

All of the abovementioned evolutionary phases of Parliament seek to cement the work done by our forebears who sacrificed everything to ensure that South Africa upholds the principles of human rights. The task lying ahead is to continue building a state which derives its authority from the people through popular participation in the processes of governance. Our people must remain mobilised around a clear vision to continue building the kind of society we wish to

become - a nonracial, nonsexist, united, and prosperous South Africa.

The nation should also act in partnership with government and Parliament to ensure that price collusion by the private sector comes to end. We cannot just sit back, and our communities cannot just sit back, when big companies or big capital, in fact, continue to collude and impact them negatively. That act of collusion then also impacts negatively on their lives. It borders on undermining the fundamental human rights of our people. In some instances, they would not have access to affordable food, like we have seen with the collusion taking place around prices of bread.

Each sector must contribute to the realisation of the common good. Citizens should be enabled to fully exercise their human rights. As public representatives, we should always been seen to be at the forefront of ensuring that they enjoy that.

Furthermore, we must also protect and adhere to the checks and balances required to ensure that we function as a fully functional society governed by the rule of law. We, as parliamentarians, must take our oversight role more seriously. The democratic state should also have the organisational and technical capacity to decisively with deal corruption, which seeks to undermine the processes aimed at advancing our transformation agenda.

We must uplift the quality of life of our black people, in general, and Africans, in particular, with a strong bias towards women, children, and young people. When we work towards uplifting the poor, we would be arresting the corrosive tendencies that seek to violate the human rights of foreign nationals. We must speak in unison and act in unison to bring to an end crime against foreign nationals. As we all know, as we celebrate the "Year of Oliver Tambo", we celebrate the year of an internationalist, somebody who could go out and mobilise the international community to rally behind our struggle and even support us.

In conclusion, as we celebrate Human Rights Day, or Human Rights Month, we should remember Rehanna Moshoeshoe, a young girl who fell victim to human trafficking. It has been seven years since she was last seen. We call on the Police Commissioner in Kimberley to reinstate the case and to commit some resources to the case so that Rehanna could be reunited with her family. We also remember Zoliswa Nkanyana, a lesbian who was stoned and stabbed to death just meters from her Cape Town home. We say never again must lesbians, gays or bisexual people feel threatened to live their lives as normal South Africans.

I conclude my remarks by reiterating that human rights remain by far our most credible instrument for advancing our objectives of radical economic transformation. It must be rooted in our resolve to

actively advance and realise the human rights of all Africans. I thank you. [Applause.]

Nks N ABRAHAM-NTANTISO (Mpuma Koloni): Sihlalo weNdlu, Sekela Sihlalo, Mbhexeshi oyiNtloko weBhunga lamaPhondo leSizwe, amalungu asegxina ale Ndlu, abaPhathiswa abasuka kumaPhondo, abathunywa abakhethekileyo, abathunywa abuphuma kuMbutho woRhulumente baseKhaya boMzantsi Afrika, Salga, iindwendwe zethu ezibekekileyo, manene nani manenekazi, molweni.

Ngowe-1977 e-Angola ekunye notata uThabo Mbeki no-Alfred Nzo, utata u-Oliver Tambo wathi: (*Translation of isiXhosa paragraphs follows.*)

[Ms N ABRAHAM-NTANTISO (Eastern Cape): House Chairperson, Deputy Chairperson, Chief Whip of the National Council of Provinces, permanent delegates of the House, MECs, special delegates, delegates from the SA Local Government Association, Salga, honoured guests, ladies and gentlemen, greetings to you all.

In the company of Messrs Thabo Mbeki and Alfred Nzo in Angola, 1977, Mr Oliver Tambo said:]

Comrades, you might think it is very difficult to wage a liberation struggle. Wait until you are in power. I might be dead by then. At that stage you will realise that it is actually more difficult to keep the power than to wage a liberation war. People will be

expecting a lot of services from you. You will have to satisfy the various demands of the masses of our people. In the process, be prepared to learn from other people's revolutions. Learn from the enemy also. The enemy is not necessarily doing everything wrongly. You may take his right tactics and use them to your advantage. At the same time, avoid repeating the enemy's mistakes.

La ngamazwi athethwa yile ngwevu eyayiyinkcuba-buchopho, ikhaliphile kodwa inomoya ophantsi. Inkokeli eyakhokela ngamaxesha anzima, ikhokela umbutho wabantu ngexesha apho abaninzi babemana belahla ithemba, wabakhuthaza ebachazela ngobunzima obusezayo. Utata uTambo, kulo nyaka, njengoko sekutshiwo, ebeza kuggiba i-100 leminyaka. Thina njenge phondo lakhe simanxada-nxada sizama ukuvuselela ikhaya lakhe eliseNkantolo apho azalwa khona eMbizana.

Siyakholelwa ukuba imbumbulu eyadlakaza umzimba, yemka nobomi bukatata uChris Hani ngaloo mhla ku-Tshazimpunzi yabugqiba ubomi bale ngwevu kuba kungekudala nayo yalandela. Xa sizama ukubhiyozela iminyaka yokuphila kwakhe sidibanisa kwakunye nenyanga yamaLungelo aBantu. Asithethi njee singurhulumente we-ANC. UMphathiswa wokuHlaliswa koLuntu uxakekile wakha iindlela, izindlu kunye neendawo apho abantu bafumana impilo. Ubomi kunye neenkumbulo ngale ngwevu kumele ukuba zithunuke izazela zethu. *(Translation of isiXhosa paragraphs follows.)*

[These are the words that were said by this icon who was an intellectual; who was brave but also humble. He was a leader during difficult times, leading a people's movement at a time when many were losing hope; he motivated them and also told them of the difficulties that lay ahead. Mr Tambo, as has been mentioned already, would have turned 100 old this year. As his province we are busy trying to refurbish his home at Nkantolo, Mbizana, where he was born.

We believe that the bullet that riddled the body of Chris Hani and took his life on that fateful day in April hastened the demise of this icon, Oliver Tambo, because not long thereafter he also passed on. Our celebration of his life is also linked with the celebration of Human Rights. As the ANC-led government we are not blowing hot air. The Minister of Human Settlements is busy building roads, houses and public health facilities. The life and memories of this icon should prick our conscience.]

Lest we forget, ...

... ukuba abantu bethu basaphila kwintlupheko, abanamisebenzi kwaye xa ujongile asikalingani ngokohlanga. I-ANC izama ngako konke ukuqinisekisa ukuba iyincothula neengcambu ingcinezelo nobukoloniyali bayizolo. Kukho abacinga ukuba xa sithetha ngezolo sizama ukusithela ngesebe lenkawu ngokungakwazi ukuzisa iinkonzo eluntwini. Kuyafuneka ke kodwa ukuba sisifundise isizukulwana sethu

ngemvelaphi yethu yayizolo ukuze sazi izizathu zokuba sikule ndawo namhlanje. Loo nto iya kusincedisa ukuba sikwazi ukuthetha ngekamva.

Ama-20 eminyaka yoMgaqo-siseko awazange aze lula. Yaba ligazi labantu abafana nooChris Hani, Matthew Goniwe, Fort Calata, Sparrow Mkhonto, Sicelo Mhlawuli, nabanye abaninzi ubomi babo obaphelela ezandleni zamadlagusha. ISahluko sesibini kuMgaqo-siseko wethu uthetha ngamaLungelo aBantu. Nabo bebemoshile ngezolo, sikhupha isandla singurhulumente we-ANC sithi nawe ungumntu. Lo Mgaqo-siseko ukhusela amalungelo abantu, ulwe nokukhethana kwabantu ngokwebala nesini. Sinoxanduva lokukhusela amalungelo abantu ngaphezulu kweemfuno zethu. Kufuneka siqinisekise ukuba imiceli-mngeni silwa nayo ngamandla siqande nokulwa sisodwa sizinkokeli.

Utata uTambo waye engumntu oluthanda kakhulu umanyano. Yiyo loo nto sisithi lo ngunyaka womanyano. Kufanele ukuba sidibane ukuze sikwazi ukulwa nazo zonke iingcinezelo zayizolo. Iphondo laseMpuma Koloni liya kube libhiyozela uMhla wamaLungelo aBantu oya kube useVictoria Nonyamezelo Mxenge Stadium. Eli bala, njengoko sisazi, lathiywa ngomama owaye eliqhawekazi elalisuka ezilalini. Sinenkolo yokuba amalungelo abantu ngamalungelo oomama kwaye sifuna ukothulela umnqwazi bonke oomama abalwayo, bekhokele ngaphambili, bencamele ubomi babo elutshabeni kunokuthengisa ngabantu bakubo abaphila kabuhlungu.

Namhlanje sime emagxeni aloo maqabane naloo maqhawe sinoxanduva lokwenza oko kuncinane esikwaziyo kwithutyana esilini kiweyo.

Yiminyaka enga-40 wafayo utata uBiko. Siya kube siquka naloo minyaka yakhe xa sibhiyozela uMhla wamaLungelo waBantu. (*Translation of isiXhosa paragraphs follows.*)

[... our people still live in poverty, have no jobs and we are still racially unequal. The ANC is trying by all means to make sure that it uproots oppression and colonialism. There are those that think that when we talk about the past we are just creating a smokescreen to hide our inability to deliver public services. However we do need to educate the younger generations about our past so that they can appreciate how we got to be where we are today. That will enable us to talk about the future.

Twenty years of constitutional democracy did not come easily. It took the blood of people like Chris Hani, Matthew Goniwe, Fort Calata, Sparrow Mkonto, Sicelo Mhlawuli and many others who died at the hands of the boers to attain it. Chapter 2 of the Constitution talks about Human Rights. As the ANC-led government we extend an olive branch to those who caused us harm in the past and recognise them as our fellow human beings. This Constitution protects human rights and fights against racial and gender discrimination. We have a responsibility to protect human rights more than our personal interests. We also have to face our challenges head-on and stop fighting amongst ourselves as leaders.

Mr Tambo used to have a high regard for unity. That is why we say this is the year of unity. We have to come together and fight all the oppression of the past. The Eastern Cape province will be celebrating Human Rights Day at Victoria Nonyamezelo Mxenge Stadium. This stadium, as we know, was named after a heroine from the rural areas. We believe that human rights are women's rights and we want to honour all women leaders who fought and sacrificed their lives to the enemy instead of selling out their people who were struggling.

Today we stand on the shoulders of those comrades and heroes with a responsibility to do the little we can in the little time we have been given. It is 40 years since the death of Mr Biko. We will also be celebrating his life when celebrating Human Rights Day this year.]

The theme is: The Year of OR Tambo: Unity in Action in Advancing Human Rights.

Ngokwenene, sinoxanduva lokunyusa size siphucule ubomi babantu nesidima sabo. Kaloku notata uMandela watsho wathi: (*Translation of isiXhosa paragraph follows.*)

[Indeed, we have a responsibility to improve people's lives and protect their dignity. Even Tata Mandela said that:]

To deny people their human rights is to deny them their very humanity.

In conclusion, hon Chairperson, when people are suffering in one form or another, leaders must be moved by compassion. Patriotism is not just love for the nation; it is actually love for the people because it is people that make up nations.

The Eastern Cape leads in producing leaders. It is only relevant that we continue with the legacy of promoting human rights not only in our individual provinces, but rid the entire country of any trace of human indignation. I thank you. [Applause.]

Mr G MICHALAKIS: Hon Chairperson, George Bizos in his autobiography in *Odyssey to Freedom*, quotes Nelson Mandela, in 2001 saying:

The Constitution speaks of both the past and the future. It permits us to build a nation based on the democratic values of human dignity, equality and freedom, through constitutionalism and the rule of law. It describes the mechanisms and institutions which we have created to ensure that we achieve this. There are no shortcuts on the road to freedom. The Constitution describes the path which we must and shall follow.

These are profound words. It implies that there is something sacred about the principles underlying the Constitution and that we, as the

people – and more so the leaders of this nation, must and shall follow it. The Constitution grants citizens inalienable rights, such as, the right to equality – yes, there is a vast legacy of apartheid that needs to be addressed, but this government should, at least, have made an honest effort to address it over the past 23 years.

How many billions that were supposed to be used to address the apartheid legacy that got lost through corruption, which begs the question, is the person at home experiencing the legacy of apartheid only, or is it being stretched out because the ANC failed to address it in the past 23 years?

The right to life – a right denied to the citizens at Marikana and elsewhere across the country, brutally killed at the hands of the state. Every time our state kills one of us, it is denying us our fundamental right to life. One can argue that every single time that our state fails to protect us; they are also sharing in the guilt.

The right of freedom of expression – where an artist's work is defaced because he has dared to draw a penis on a democratically elected dictator who is driving a spear through the core of our democratic life and value system.

The right to access to information, with Bills brought before Parliament in the previous term that was found to be

unconstitutional. Ministers who do not answer to Parliament or to public, but think that they are above the law and the Constitution.

The right to assemble, demonstrate, picket and petition - time and again undermined by President Zuma and his riot police, against students protesting, against private citizens raising their concerns and even against Members of Parliament; political rights, undermined by the alleged involvement by the ANC in the so-called "war-room" tactics, to sabotage the opposition by printing false posters and hijacking the media.

The right to property undermined by the President's recent foolish announcements about expropriations, despite clear opposition from the wiser factions of his party and others. The right to access to adequate housing, felt every single day by millions of South Africans who have to either live in a dwelling that is falling apart with apartheid style planning by the ANC; with a toilet outside, or no house at all, hon Wana - because the money simply disappeared or you do not qualify because you are not a card carrying member of the ruling party. The right to health care services - Esidimeni, the right to access to water ... [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Michalakis, sorry, can you take your seat?

Ms T WANA: Chairperson, can the speaker take a question?

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Michalakis, are you ready to take a question?

Mr G MICHALAKIS: Not at this stage, thank you, Chairperson.

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, he is not ready, continue hon member.

Mr G MICHALAKIS: ... the right to access to water - with 27 towns in the Free State, alone experiencing this problem constantly due to nothing other than bad administration by ANC municipalities. The right to access to social security, where the only grant Minister Dlamini is concerned about is the one that comes in liquid form.

The right to education, where we get excited about a pass rate of 72%, but fail to mention how many students dropped out on their way to matric, or were asked to let subjects stand over for the sake of numbers. We are failing a generation of students who are in desperate need of quality education, skills and jobs. A lost generation that if we do not look after them will carry the legacy of the ANC in the same manner that they will have to carry the legacy of apartheid. All of this speaks to the heart of our right to human dignity.

Then there is just administrative action, Nkandla, the decision to withdraw from the ICC, and the disrespect shown for our Chapter 9

institutions and then, probably the root of all the problems in the first place: Schedule 2, the President's failure to stay true to his Oath of office, to obey, observe and uphold the Constitution, promote all that will advance the Republic, protect and promote the rights of all South Africans, discharge his duties to the best of his abilities, do justice for all and to devote himself to the wellbeing of the Republic and all its people.

Dr S DHLOMO (KwaZulu-Natal): For health reasons, can the member get a pause and drink water please? [Laughter.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Michalakis, you can continue.

Mr G MICHALAKIS: Thank you, hon House Chairperson. If the member is too slow to follow, I will provide him with a printed copy. [Applause.]

Chairperson, this Constitution is the inheritance that my generation receives from a previous generation. It is supposed to be the guideline, the road map for us to move forward. And yet, the President has given us the middle finger and this government has violated almost every single one of our most important rights.

President Mandela said:

The Constitution is a living document our understanding of its requirements will and must adapt over time. But the fundamental principles are and must be unchanging. Full understanding of how and why those principles were adopted will help us to ensure that we remain true to the solemn undertakings which we have made to each other and to those who follow us.

Chairperson, it is a road shown to us by giants. You will note that 2017 is not only the year of OR Tambo, but that on 7 November 1917 another giant was born on my side of the House, that made such a profound contribution to establish our democracy that President Mandela invited her to stand next to him when he signed it into law 20 years ago.

On 7 November 1917, Helen Suzman was born. Chairperson, whether you are a child of Helen Suzman or a child of OR Tambo, we share a common heritage. A set of values of what we as progressive South Africans want to achieve. To safeguard the rights and freedoms of our citizens as enshrined in the Constitution, to address the legacy of apartheid and to build an open opportunity society for every single individual. The late hon Dene Smuts said that "accountability for an MP should lie in the four Cs: conscience, country, Constitution and constituency".

She makes no mention of party - because principles are above politics and you will find that the voters out there are ahead of

most members in here. For them, it's about principles, a better life and a better country. It's not about the party banner under which Tambo stood, but the principles for which he stood.

Perhaps then, it is time for the children of Suzman and of Tambo to stand up, to stand united and to say, enough is enough. This, Chairperson, is the only way in which we can safeguard their legacy, our Constitution. I thank you. [Applause.]

Mr M KHAWULA: Hon Chairperson, as a citizen of South Africa, I looked back at the road travelled towards the enactment of the Constitution of South Africa with pride. I looked back at the contribution made by the IFP towards this marvellous work of the collective with pride. The fore bearers of our country who left this legacy and laid this solid stone for the future generations of our country had a glorious vision for South Africa. The wordsmith of the time came up with terminologies like rainbow nation, reconciliation, government of national unity, GNU, Ubuntu, Madiba Magic, unity in diversity Beijing and many other theoretical graphics of the time which were intended to bring the previously divided nation together, to build bridges and create harmony and to leave the past behind and march in unison to the future.

The question we need to be confronted with today is whether this present generation gathered in these premises here today is implementing the vision in accordance with the original template. As

a collective, together, we need to jealously guard against forces hellbent on turning this glorious vision of our fore bearers to another animal farm story. We need to heed the call and abide by the warning that William Shakespeare gives in Julius Caesar, when he says:

Lowliness is young ambition's ladder, whereto the climber-upward turns his face; but when he once attains the upmost round, he then unto the ladder turns his back, looks in the clouds, scorning the base degrees by which he did ascend

William Shakespeare lived between the years 1564 to 1616 but the words he said are as true today as they were then when they were pronounced. The Constitution of the Republic of South Africa in the Bill of Rights, Chapter 2, a contribution of IFP, talks about amongst others, the following rights: equality, human dignity, the right to privacy, freedom of expression, freedom of religion, belief and opinion, freedom of association, political rights citizenship, freedom of movement, property, housing, healthcare, food, water and social security, children's right education, and so on and so forth.

When the President of the country, the Deputy President, Ministers, Members of Parliament, premiers, members of provincial legislatures, mayors and conciliators, assume office at the beginning of their term, they take an oath of office or solemnly swear. The oath binds them:

To be faithful to the Republic of South Africa and they swear obey, observe, uphold and maintain the Constitution and all other law of the Republic.

The IFP admits that, indeed, a lot of work has been done in South Africa to ensure that those who were denied opportunities before are uplifted through social and community development programmes. However, a lot more still needs to be done.

The problem with the current leadership of our country is that the train is derailing. When the tramping of the very same Constitution happens right at the highest office of the country, when Parliament fails to appropriately hold the executive accountable, when the executive fails to abide by the rulings of the judiciary, when corruption compromises the country's purse to the detriment of achieving the protection of the rights entrenched in the Constitution, when the scramble for the country's meagre resources is so rampant amongst those who are in power with an intention for self-enrichment to the total neglect of the poor masses, we have to be concerned and warned.

In view of the looming chaos, we have to be scared. In the words of Alan Paton, I also say: Cry, the beloved country for the unborn child that is the inheritor of our fear. The tragedy is not that things are broken. The tragedy is that they are not mended again. I thank you.

Mr S LEKGANYANE (Limpopo): Hon Chair, hon Deputy Chairperson of the NCOP, hon Chief Whip, permanent delegates to the NCOP, Salga delegates, I extend warm and fraternal greetings to you. The 20 years of constitutional democracy and the culture of human rights mark an important milestone in our historical calendar. We celebrate the advent of a dispensation consecrating human rights. Most importantly, we celebrate the might of the ordinary civilians who, from the outset, refused the application of unjust laws and embarked on peaceful demonstrations, the epitome of which were Sharpeville and Langa in 1960.

We remember the gallant fighters, especially those who laid down their lives in the noble struggle for freedom. Our unfailing memories bring to the fore the names of Vuyisile Mini, Wilson Khayinga, Zinakhile Mkhaba, Daniel Ndongeni, Nolani Mpentse and Samuel Jonas. These were the first uMkhonto weSizwe, MK, combatants to be executed by the monstrous Pretoria regime, after having been charged on 17 counts of sabotage under the notorious Terrorism Act, in Port Elizabeth.

This year marks exactly 100 years since the birth of Oliver Reginald Tambo. Accordingly, the ANC attaches historical significance to this year. The Year of O R Tambo is meant to celebrate a life account well spent, the life of a compassionate human being, a lodestar of integrity and humility.

His was a pantheon of a generation, a highly decorated and galactic generation of globally venerated champions of freedom, human rights, peace and justice. This generation included Govan Mbeki, Walter Sisulu, Nelson Mandela, and many more, on an endless list of heroes and heroines - sung and unsung - of the congress movement. Oliver Tambo and his generation lived to hear and witness the misanthropic deeds of the barbarism of tyranny, slavery and forced labour, racist pogroms under Hitlerite fascism, the occupation of Palestine, apartheid cruelty and inhumanity, child labour, and the diminution of women as perpetual minors.

Those were the inglorious narratives and circumstances that obstinately confronted his consciousness and sharpened him to become an international icon of solidarity. This revolutionary colossus enduringly dedicated his time and energy travelling throughout the globe, consistently conveying a message of eternal fraternity and friendship.

In one of his addresses to the international community, O R Tambo declared, on 27 January 1987, at Georgetown University, that:

We seek to create a united, democratic and nonracial society. We have a vision of South Africa in which black and white shall live and work together as equals in conditions of peace and prosperity.

He also said:

... using the power you derive from discovery of the truth about racism in South Africa, you will help us to remake our part of the globe into a corner of the globe of which all of humanity can be proud.

Having listened to Oliver Tambo, the international community satisfied itself that the ANC had a vision which Pretoria did not have. The international community was enticed by the humility of this African giant to be part of a vision to build a united, democratic South Africa in which black and white live together.

We speak here, today, when that vision of our own Oliver Tambo has been realised. The very vision he spoke so fervently about at Georgetown University was made a reality with the passage, in 1996, of the Constitution of the Republic of South Africa, founded on values of human dignity, equality, human rights, personal freedoms, nonracialism and nonsexism. Consequently, as the supreme law of the Republic, the Constitution outlaws any law or conduct inconsistent with its provisions. He said that we would make this corner of the globe a part which all of humanity could be proud of.

As the ANC, it has always been our burning desire to build an inclusive society which is an antithesis of the apartheid enclaves of separate development. The obnoxious apartheid legislation, which included the Group Areas Act, the Prohibition of Mixed Marriages Act, the Reservation of Separate Amenities Act, the Bantu Education

Act, the Black Administration Act, and the many land Acts were never meant to serve our people but to dehumanise and impoverish, and to disenfranchise them of their citizenship.

This Constitution is a vital cog in the wheels of the Freedom Charter. It is a befitting tribute to all those who made the supreme sacrifice and those denied the comforts of life for as long as they lived. We are steadfast in our subscription to the constitutionalism, with the concomitant doctrine of the separation of powers. Because the cries of our people could not bring justice under apartheid, this Constitution brings justice to our people under the democratic government.

In the midst of the seemingly insurmountable challenges we have had to deal with since 1994, we have made South Africa a country to be proud of. In the period under review, we initiated intensive social and economic transformation programmes compatible with the Bill of Rights, as enshrined in the Constitution. We will expand the protection of these rights to the maximum satisfaction of the citizens.

No champion has ever won all the games that he or she has played. When a champion loses one, two or three games, he or she doesn't lose the good record and reputation. He or she remains glorious in defeat by appreciating the enormity of the challenge he or she encountered.

I am saying this because our human rights profile has been upset by the unfortunate incidents of Marikana and the sporadic xenophobic attacks on fellow Africans. We have accepted that this was not the vision espoused by Oliver Reginald Tambo, and we have put in place remedial programmes to avoid a repeat of human rights abuses. We should continue to educate our communities about the sociology of the communities of Mapungubwe, Great Zimbabwe, Munhumutapa, and many other pre-existing communities. We can only learn to respect and love one another once we know who we are and what our origins are.

We have also noted with concern the racist ranting on social media by those who still refuse to share the vision of Oliver Tambo and Nelson Mandela. This comes from the outcasts subscribing to the Nazi psychological fallacy of *Herrenvolk*-ism, which regards other people as something akin to human beings but less than human beings.

[Interjections.] They stand inveterately opposed to the statement that Mandela made when he accepted the Nobel Peace Prize and said:

At the southern tip of the continent of Africa, a rich reward is in the making, an invaluable gift is in the preparation for those who suffered in the name of all humanity when they sacrificed everything - for liberty, peace, human dignity and human fulfilment. ... The value of our shared reward will and must be measured by the joyful peace which will triumph, because the common humanity that bonds both black and white into one human

race will have said to each one of us that we shall all live like the children of paradise.

We, ourselves, who share a vision with Tambo and Mandela, will not be deterred. We will augment and reinforce the laws that we have to clamp down on racist attitudes and conduct.

There is a pertinent question we have to ask ourselves. We have to ask this question to avoid the dereliction of our revolutionary responsibility. We should ask the question because we have said that we are in the second phase of transition and that this phase will be a radical one. The question we must ask is this. Now that we are proud, like Oliver Tambo said we shall be in a country where black and white live together as equals, which other rights have not been achieved?

We have been told that a complete freedom is one that recognises more things should be done. [Time expired.]

Ms F MAZIBUKO: House Chair, and let me greet all the members and special delegates that are here with us today, acknowledge the visitors also that have joined, today as we participate under the theme of 20 years of our Constitution and the culture of human rights. We do it mindful of the sacrifices that were made by our forbearers. Again as we about to commemorate Human Right's Day, which is on the 21st of March we are also mindful of the fact that

69 people died and scores were left injured in Sharpeville. This year again is the 40th anniversary of the vicious murder of Steve Biko at the hands of the apartheid security police who were defending a system which had been declared a crime against humanity, namely apartheid.

This year as we celebrate the centenary of our leader O R Tambo, we do it being mindful that he was a champion of human rights who led the ANC whilst in exile and as he was addressing the general assembly four months after the June 16, 1976 shootings he said:

As a colonised people we'll not only assert our right to rebel against the coloniser, we assert also our right to determine for ourselves the means and methods to use to liberate ourselves and our country, as well as our right to determine what to do with our liberation. We have a vision and we will fight for a future South Africa in which national oppression will be abolished once and for all, in which racism in all its forms as it rears its ugly head will be suppressed with all the might of popular power. And we will fight to restore the power of our people. In so doing we shall also liberate the oppressor. And we know that many white South Africans are ill at ease because they are aware of the immorality of the injustices and cruelties that are being practised in their names and on their behalf to uphold an inhuman social order of which they are beneficiaries. They already sense that change is coming.

The human rights which are enshrined in the Bill of Rights as found in our Constitution, bear the footprints of the work of O R Tambo, and the collective leadership of his era. President Tambo was a world-renowned internationalist who believed that the freedom of the majority of South Africans could not be separated from that of fellow Africans and the rest of humanity. Hence we condemn all acts of xenophobic attacks which are directed at people from other countries. During the Convention for a Democratic South Africa, Codesa, negotiations we were aware that the transfer of power would be in phases. We were also aware that we had to allay the fears of those who had been in power while not enjoying any shred of legitimacy. It is against this background that we are dismayed at the opportunism of peacetime revolutionaries who accuse us of having sold out during the Codesa negotiations. Our experience in government has taught us that meaningless gimmicks and empty rhetoric will not deliver economic transformation and the realisation of the tangible rights that are enshrined in the Constitution. It is also important to contextualise the realities of the early 1990s and juxtapose them against the global conditions of the turn of the first decade of the new millennium.

There is no doubt that when we took over the levers of power we inherited a state which was virtually bankrupt. We could not turn away from the odious debt that had been incurred by the apartheid regime in its pursuit of wars in Angola and Namibia, and also in its sanctions busting machinations that it had. In addition, the primary

mode of production which was dependent on mining and agriculture was on the decline. This was further compounded by the fact that the education system of the country at the time had never been geared to the economic shift which decimated the agricultural and economic sectors. There was a huge disjuncture between our trade and industrial policies in the light of the economic shift to focus on financial and services sectors.

Enough has been said about the economic realities which were prevalent when we assumed power. We are now faced with new realities which are characterised by factors such as migration, both internally and externally. We remain steadfast and unwavering in our mission to fundamentally change the racialised and unequal structure of the South African economy and of our society. Human rights which do not encompass a radical transformation of the economy, spatial patterns and an improved standard of living conditions will not result in desired nation-building and social cohesion. As the Gauteng province, we are of the firm belief that our programmes which seek to promote social cohesion up are not just limited to fighting mere attitudes and prejudices.

We have to confront systemic exclusion which has been ingrained for centuries. We also acknowledge the objectives of social cohesion can not be achieved without increased economic inclusion. These must be accompanied by interventions which change apartheid spatial patterns and improved living conditions of the majority of our citizens which

are also cognisant of the dialectical relationship between economic growth and human development. Inclusive growth must necessarily create opportunities for those who are excluded, but also it is by creating new opportunities. We therefore avoid a binary approach to economic growth and human development. Both of these have to be mutually reinforced.

We are also aware of the danger of viewing economic growth through the prism which excludes human development, respect for the rights, rights of workers and an environment that is not exploitative and seeks to decimate indigenous culture. It is for this reason that as the ANC government we have consistently refused to be drawn into being a single issue government.

Sikholelwa ekutheni iNational Development Plan, NDP, yiwona umkhombandlela ozoqikelela ukuthi zonke izinhlelo zeminyango kahulumeni zibamba iqhaza ekwakhiweni kwesizwe esibumbene. Kusukela ekuthuthukisweni kwezemfundo, ukuqikelela ukuthi ezempilo kubantu bakithi bakuleli likaMthaniya izimpilo zabo ziyaphuculwa, ubugebengu buyancipha, amathuba ezomnotho avulelekile kuwowonke, imithetho yemigwaqo iyahlonishwa, isihlava sesidakamizwa siyashabalala, abantwana bethu baba namathuba alinganayo okubamba iqhaza kwezemidlalo nezamaciko, kuyahlonishwana, kuyabekezelelwana, singacwasani ngokwebala. *(Translation of isiZulu paragraph follows.)*

[We believe that the National Development Plan, the NDP, is the guideline that would ensure that all the government departments' programmes contribute in nation building. From developing education, ensuring that health wise - our people's lives who are the inhabitants of the Mthaniya land are made better, crime is reduced, economic opportunities are accessible to everybody, traffic rules are respected, get rid of drug use, our children get equal opportunities of participating in sport and arts, there is mutual respect amongst people, there is tolerance and no racial discrimination amongst us.]

In our province Gauteng, the Department of Sports, Arts, Culture and Recreation leads social cohesion and nation-building owing to the fact that we derive our core mandate from Outcome 14 of the National Development Plan, NDP and we are using sport, arts, culture and recreation as tools to engender nation-building and social cohesion. We are already implementing a Gauteng City Region social Cohesion strategy which emphasises the imperative of increasing the percentage of Gauteng residents who benefit from radical economic transformation and these programmes are aimed at reducing high levels of poverty, massive unemployment and casualisation of labour, high income inequalities and exclusion of a large number of the black population from meaningful economic participation. We are also making strides in terms of pursuing equality and equity both in government and also in our society. We are working very hard to ensure that these strides are also replicated in our broader

society, because we believe that women's rights are also human rights. We also believe that patient's rights are also human rights; hence we are working very hard to ensure that there is no repeat of the Life Esidimeni tragedy.

We remain unapologetic in pursuing to redress in the socioeconomic spheres of life. In conclusion, we wish to call upon all members in this House to help us in spreading the message to your constituencies to learn the preamble of the Constitution every Monday or Friday when they are in their assemblies help them to recite the first portion of the Constitution. It starts by saying: "We the people" These copies are available from all the Departments of Arts and Culture in your provinces. I sure hope when you do your constituency work you will help us to build a better nation and let us make our learners patriotic to the Republic of South Africa. Ngiyabonga kakhulu. [Thank you very much.] [Applause.]

Dr Y C VAUDA: Allow me please to acknowledge the presence of our supreme forces, irrespective of whatever our perceptions might be. I greet all of you with As-salamu-alai-kum. [Peace be with you.]

This age that we live in has never seen such advances in technological sophistication as today. However, the prejudices and inequalities that have been with us from time immemorial continue and are responsible for untold human suffering.

On 21 March 1960 the leader of the Pan Africanist Congress of Azania, the late Robert Mangaliso Sobukwe, led a nationwide peaceful march against pass laws. Just to place this and the personality in perspective, let us remind ourselves that unlike other prisoners on Robin Island, Robert Sobukwe was not allowed access to other prisoners like was the case with all other prisoners on Robin Island, but he was incarcerated in isolation. This should help to place the stature of Robert Sobukwe in perspective.

The response on that day from the evil supremacist regime of the time was to mow down 69 black people. This figure, I can assure you members, is not a true reflection of the number of people that were killed on that day - they were far more. Those who died paid the ultimate price for the freedom that we enjoy in this country today. They died so that we could be able to call our souls our own; so that the people of this country could claim back ownership of land, minerals, wealth and indeed of our history.

The democracy ushered in in 1994 was hope to be the first step towards the realisation of that goal which many died for; the complete liberation of our people from racism, poverty, violence and underdevelopment. The preamble to our Constitution, which is meant to guarantee human rights for all, clearly states that the Constitution is the supreme law of the Republic and amongst other things it is intended to heal the divisions of the past and

establish a society based on democratic values, social justice and fundamental human rights.

Section 2 of the Constitution states that the Constitution is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and the obligation imposed by it must be fulfilled. Today, 20 years after the Constitution was enacted, are we truly in a position as a country to proudly claim that we are healing the divisions of the past while the single most important indicator of those divisions, the land, is still in the hands of those who benefited from the divisions of the past. Can we proudly claim to be effectively dealing with the matters of social justice while 10% of the population owns at least 90% to 95% of all its assets?

In 2015, Statistics SA reported that 21,7% of South Africans live in extreme poverty, not being able to pay for basic nutritional requirements; 37% of people don't have enough money to purchase both adequate food items and non-food items so they have to sacrifice food to pay for things like transport and airtime; 53,8% of people cannot afford enough food and non-food items but fall under the widest definition of poverty in South Africa, surviving on under R779 per month.

All these are products of our past divisions. The ANC has spectacularly failed to heal those divisions and has instead unleashed untold violence against our people, The Constitution does

allow for amendments to sections thought to be inimical to its founding provisions. So the refusal of the ANC to amend section 25 of the Constitution to allow for historical justice in as far as the land question is concerned is a treasonous act by the liberation movement, against our own people.

The cementing of private property rights in the Constitution cements colonial and apartheid inequalities. The 69 people who were killed in Sharpeville died fighting for a right to call their souls their own. They died for a government by Africans, for Africans, for the complete unleashing of an African personality to the world, so that, as Steve Biko remarked, we could give the world a more "human face".

They died so that the land, the mines, the waters and all the wealth of this country would finally belong to the rightful owners. Today, the ANC has failed both the people who died in Sharpeville, and failed to live up to the spirit of the founding fathers and mothers of our Constitution. We are led by a Constitutional delinquent, who respects nothing other than his belief that he is entitled to loot the resources of this country. We are led in Parliament by partisan people ... [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Vawda?

Dr Y C VAWDA: ... who are prepared to be complicit ...

[Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Vawda?

Dr Y C VAWDA: ... in the violation of the constitution. Thank you, sir. [Time expired.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): I will just remind our special delegates and not those that are used to the podium that there is a screen there reflecting your time on the right.

Ms L L ZWANE: Chairperson, hon members of this august House, special delegates, my own member of the executive council of the province, MEC, from the province of KwaZulu-Natal, hon Sbongiseni Dhlomo, MEC for Health and esteemed guests, it is fitting indeed that the theme that underpins this debate is: "The year of Oliver Reginald Tambo: Unity in advancing human rights". Thank you to the ANC-led government for having taken this decision, to celebrate the life of this struggle icon, the tried and tested leader, a valiant leader, one of our forebear who fought for the liberation not only for the oppressed, but also of the oppressor.

In recognising the struggles of women that they face everyday in South Africa and in the ANC movement, Oliver Reginald Tambo found it necessary to question the position of women within the ANC movement. He made comrades aware that women not only faced racial discrimination, their struggle was on a deeper level - one of gender

discrimination too. In addressing this level of discrimination and how it should be tackled. He stated that and I quote:

The mobilisation of women is the task, not only of women alone, or of men alone, but of all of us, men and women alike, comrades in struggle. The mobilisation of the people into active resistance and struggle for liberation demands the energies of women no less than of men.

When this gallant leader Oliver Reginald Tambo fought for liberation, he was not alone; he was with women who have run before us that we cannot forget today as we stand here because they have paved your way. They were bulldozers for us to be able to stand on these platforms. We will not forget ...

... omama uLillian Ngoyi - ngeke sibakhohlwe omama Victoria Mxenge, Florence Matomela, Charlotte Maxeke, Dorothy Ntwanambi, Albertina Sisulu, Helen Joseph, Jean du Bryne, ngeke ngibabale bonke - kodwa sibathulela bonke isigqoko labo mama abahlahlela abanye abesifazane indlela okwakungeke kubelula kubo ukuthi bayihlahle ngokwabo.

(Translation of isiZulu paragraph follows.)

[... women like Lillian Ngoyi - we will not forget Victoria Mxenge, Florence Matomela, Charlotte Maxeke, Dorothy Ntwanambi, Albertina Sisulu, Helen Joseph, Jean du Bryne, to mention but a few - however

we salute these women for paving the way for other women who would not find it easy to pave it themselves.]

Human rights and the implementation of these rights are a priority to the ANC-led government. Human rights redress and transformation inclusivity and social justice are only, but a few principles that underpin the ANC's social transformation efforts. The Universal Declaration of Human Rights fits into many national constitutions and it expresses and acts as a basis of all human rights. It states that and I quote:

... the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.

Chapter 2 of the Constitution of South Africa states that the Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom. It is these human rights which not only the South African government should protect and honour, but also the people of this country irrespective of race, gender and ethnicity or religion or class should protect.

ANC policy orientation has always placed the marginalised and the poor working class at its epicentre. Over the years the ANC has led a democratic government that has made advances in rectifying the legacies of apartheid regime that hindered the human rights of the majority of South Africans.

Let me acknowledge at this point the government's stated commitment to national Constitution as well in various pieces of legislation that are meant to protect and advance the rights of women. Some of these pieces of legislation are the Employment Equity Act, the Promotion of Equality and Prevention of Unfair Discrimination Act, the Prevention and Combating of Trafficking in Persons Act, Act 7 of 2013, the Maintenance Act and various other pieces of legislation that have enhanced and liberated women.

The post-1994 government established enablers to redress the history associated with the marginalisation of women and such institution as the Commission for Gender Equality is a very important institution that has played a major role in ensuring that equality is maintained between the genders. There has been other apparatuses, processes and institutions that have been established by the ANC-led government like the Office on the Status of Women, the Human Rights Commission, the Public Protector, the Ministry of Women in the Presidency with the mandate to champion the advancement of women's socioeconomic empowerment. Women will pull themselves with the strings of their own boots. Knowledge is power; it's pleasing to know that as we

observe the statistics of graduates in different universities, we are taking note of the fact that we are having an increasing number of women that are beginning to graduate at the level of Masters and PhDs. That is the route to go. We want to see an increasing number of women that are becoming vice chancellors who are professors in charge of various sections and institutions of higher learning.

In the history of the struggle for women both the Women's Charter and the Constitution paved the way for the women's issue to be included in the political agenda. Prior to the democratic government, we had only 2,7% representation of women in Parliament. After the ANC-led government took the reigns, we now see that in the Cabinet we have got 41% ANC-led government representation of women. Women Deputy Ministers are making up 47% of the total number of Deputy Ministers. A total of 47% represented in Parliament in both Houses are women.

Also, when you look at what is happening in local government, we see that the ANC has done all it could to create space at that level for women to take a meaningful space. I am proud of KwaZulu-Natal being the province that has got the highest female representation in the mayoral positions. [Applause.] There have been 42 women executive mayors all over the country, but it seems like this statistic is not consistent enough. We need to push harder to ensure that we place women in those positions much more vigorously. Also when it comes to economy ...

... abafazi bafuna umhlaba wabo owathathwa abagcindezeli. [... women want their land that was taken away by the oppressors.]

We cannot speak truly of the ideals of radical economic transformation if women are not given land to till the soil, develop into commercial farmers, and be able to sustain and feed the nation. We want to applaud those brave women who have made it in the business world. It is not easy to be an entrepreneur, but there are those women who have made it and we are very proud of them. Sibongile Sambo, the founder and the managing director of SRS Aviation, which is 100% black-female owned aviation that provides personal and professional flight to global destination. Chairperson, as I conclude

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mangethe, [Time expired.]
I thank you.

Ms L L ZWANE: Thank you, Chairperson. [Applause.]

Ms A J D MARAIS (Western Cape): House Chair, good afternoon, molweni nonke [good day, everyone], goeie middag. At a time when our nation requires much social inclusion, healing and redressing, I thank you for the opportunity to participate in this significant debate, as we are about to commemorate Human Rights Day, on 21 March 2017.

In light of our current circumstances, it is no secret that the future of South Africa, for many - for the majority - is bleak. We have all felt ourselves fade into a state of hopelessness. There now exists a mutual despondency in our criminal justice system, our national government, the status quo, job availability, and options to improve our livelihoods. This all ultimately leads to a loss in confidence in the very institutions that ought to protect and promote our human rights. Each day, we see how our human rights are imposed upon by a new form of division, be it on the basis of race, cultural backgrounds, ethnicity, gender, language, appearance, sexual orientation or levels of education - but more importantly, on access to quality education.

The hon Mmusi Maimane woke us up to the harsh reality that 80% of our school-going children receive an education that is considered among the very worst in the world. It is an education that will consign them to a lifetime of poverty. If education is the most powerful weapon we can use to change the world, it would appear, then, that we are showing up to a cycle tour without a bicycle. Yes, we can run the race, but those with bicycles will surely finish first and would not have to endure the same burdens as those without. No wonder we are surrounded by an uninspired, unmotivated and lost generation. The pride, ambition and confidence we once shared as a nation has been crippled into a renewed sense of hopelessness.

Ek deel graag die volgende ervaring met u om dit in perspektief te plaas. Ek was bevoorreg om verlede jaar ons Paralimpiese span in Rio de Janeiro persoonlik te ondersteun. Tydens my verblyf daar, het ek Maré, een van die berugste informele woonbuurte in Rio de Janeiro, besoek. Dié van u wat op hoogte is van die omstandighede in Brasiliaanse informele woonbuurte, of *favelas*, sal weet dis glad nie 'n vreemde verskynsel om agt- tot 17-jarige kinders gewapen met gewere, AK 47-gewere en ander swaar masjiengewere te sien die strate van hul eie gemeenskappe patrolleer om dwelmgebiede te beskerm nie. Dink net hoe kwesbaar is die gemeenskap elke uur van elke dag.

(Translation of Afrikaans paragraph follows.)

[I would like to share the following experience with you to place this in perspective. I was privileged last year to support our Paralympic team personally in Rio de Janeiro. During my stay there, I visited Maré, one of the most notorious informal settlements in Rio de Janeiro. Those of you who are familiar with conditions in Brazilian informal settlements, or *favelas*, will know that it is not at all an unusual sight to see eight- to 17-year old children armed with firearms, AK 47 guns and other heavy machine-guns patrolling the streets of their own communities to protect drug areas. Just imagine how vulnerable the community is every hour of every day.]

To gain more insight, I visited Luta pela Paz, which translates as Fight for Peace. This is a Brazilian NPO and NGO that uses sport and education as tools to improve the lives of youth who reside in

communities affected by gang-based crime and violence. Their objectives include reducing the incidence of youth involved in those social ills.

During my visit, I engaged with the youth involved in the programme and asked them what had brought them to Fight for Peace. Victoria, a beautiful 20-year-old, responded that she had decided to come to develop her judo skills because she had to protect her mother from her father's abuse. While conversing on how the programme has impacted on their lives, Patrick, a 19-year-old, said that before joining Fight for Peace, he had not seen any need to develop himself in any way, because he was going to die in two years' time, in any case.

Can we just take a minute to think about the plight these young people face every single day of their lives? These testimonials will always stick with me. In addition, they have emphasised the urgency with which we, all stakeholders, have to partner together to incorporate a culture of positive participation, develop excellence and create an enabling environment for our youth as an alternative to the antisocial activities dominating our communities.

As South Africans, we are no stranger to these hardships. The hon Bucwa reminded us of this in her maiden speech in the NA as she eloquently described the lost generation as a generation whose dreams have been denied, whose hope has been diminished, whose trust

has been broken and whose talents have been crippled. The question then arises, What do we, as a society, then do to reclaim our human rights and correct the inequalities and hardships we suffer as a nation?

As seasoned activists, and proudly South African, we are in an extremely powerful position to make a real difference in our country. The solution is quite simple - well, simple to say - but to bring it to fruition will require the co-operative will to bring about real change to South Africa.

The solution is to paint a new picture of the future of South Africa to allow our youth and nation to dream again. We need to boost the confidence and inspire that very same hope we all shared as South Africans when Madiba was released; when we won the 1995 Rugby World cup; or when we hosted the 2010 Soccer World Cup. There has never been more urgency to fulfil our powerful positions as effectively and efficiently as possible to unite; foster tolerance and acceptance; reinforce healthy living; and rebuild civic pride and community participation. The role we have to play is not only to liberate society once more, but to liberate the minds of society.

Contrary to popular belief, we need to understand that we are not a country at risk but, rather, a country with potential. Yes, we are confronted with all these adversities, but there are meritable initiatives happening in our communities, and it is long overdue

that we showcase these life-changing efforts rather than perpetuate our sad state of affairs.

The DA's priority is to build a better tomorrow for South Africa's youth because too many of our sons, daughters, brothers and sisters live a life of hopelessness, despair and desperation. As public servants, we are mandated by those who elected us to personify the preamble to our Constitution, which constantly reminds us to heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights.

The Western Cape government has made significant strides in creating an enabling environment for our youth. I can go on and on about the different initiatives, programmes and partnerships that are opening opportunities for all. Yet, so much more can be achieved. The successes of the Western Cape should be used to snowball more success - and I refer to success in a sustainable, impactful form, and not simply the chasing of numbers. We need to highlight the positive realities emerging from our communities, make it known that, regardless of circumstances or beliefs, an alternative to improving one's life is available and that one should continually push to avail oneself more of these opportunities.

I encourage all present here today to plant that seed of hope and to inspire our youth to want to be better versions of themselves.

Engage with our communities at a level that far exceeds a

prospective cross on a ballot paper. Listen to the challenges and aspirations of our people. Communicate their needs to a colleague who has the capacity to make a real difference in the life of that one person, and follow up on the progress.

I understand that we all have our own tasks at hand and commitments to fulfil. However, the rescue mission to unite in action to advance our human rights and to save our beloved country is a far greater cause than the self, at this point. It is pivotal for us, regardless of political affiliation, differing cultural backgrounds or even job descriptions, to increase trust, social inclusion, quality education and confidence in the human spirit to contribute to the enrichment of our communities and the wellbeing of the South African condition through the promotion of our very basic human rights. I thank you.

Cllr J SIDELL (Salga): Hon House Chair, please receive my warm greetings. Hon Deputy Chairperson, hon members of the NCOP and special delegates, to stand before this honourable House and talk about human rights is the greatest honour of my life. A multitude of our brothers and sisters died in pursuit of the rights we now enjoy enshrined in our Constitution. They made personal sacrifices for a public cause. Their convictions were bigger than any attempt to make them compromise their faith. This was universally punctuated by Abraham Lincoln when abolishing slavery. I quote, "I have said nothing but what I am willing to live by and, if it be the pleasure of Almighty God, die by".

Separated by years and decades from each other, Nelson Mandela, in pursuit of freedom and human rights said, " ... it is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die" - in the same spirit as Abraham Lincoln.

The visionary leadership displayed by Oliver Reginald Tambo, coupled with consistency in character and his commitment to a set of democratic values and principles, inspires the entire nation. And such good values are enshrined in our Constitution. He gave us an idea that will live beyond us and will go a long way to inspire generations to come.

Rights give birth to freedom; freedom allows creativity for the development to take root and in turn leads to transformation. This eventually led to the creation of a national democratic society, Dynamic imagination and enlightened reasoning in the building of a nation is fundamentally rooted in basic human rights. We must construct a people-centred society of freedom in such a way that it guarantees the political liabilities and the human rights of all our citizens. Building a nonracial, nonsexist and a democratic country is in itself our own contribution to the wellbeing of humanity as a whole and is at the centre of human progress.

The principle of universality of human rights is the cornerstone of international human rights law. Human rights are inherent to all

human beings, whatever the national or ethnic origin, colour, religion, language, sex or any other status. It is our responsibility to ensure that the rights that we fought so hard to gain must be protected by all of us and that we should not be protective of our personal protection and should seek to achieve the common good of all our citizens.

We must teach our people to understand that, if every person does what pleases him and seeks to satisfy his ambition, anarchy will be the inevitable result. We have every duty to protect the rights of vulnerable groups like women, children and people living with disabilities and to ensure that we help them enforce their rights.

We know that access to resources to enforce certain rights is still a challenge within the disadvantaged sections of our communities. It is important that human rights institutions like the Human Rights and Gender Commissions be strengthened to serve our people effectively and efficiently. Human rights entail both rights and obligations. While individuals are entitled to human rights, they must also respect the human rights of others.

To quote from Joe Slovo, 27 October 1994:

Government strives for the establishment of viable, socially and economically integrated communities which are situated in areas allowing convenient access to economic opportunities, health,

educational and social amenities and within which South Africa's people will have access on a progressive basis to: a permanent residential structure with secure tenure, ensuring privacy and providing adequate protection against the elements; and potable water, adequate sanitary facilities, including waste disposal and domestic electricity supply.

Local government is the sphere of government that interfaces with communities the most. As such, the White Paper on Local Government of 1998 puts forward a vision of a developmental and accountable local government that is able to address the human rights of communities. The White Paper declares that municipalities must continuously engage with all stakeholders within their respective areas of jurisdiction in municipal planning processes. Planning for social and economic development initiatives must be driven through the integrated development plans, IDPs. According to the White Paper, local government is uniquely placed to promote people-centred and people-driven development. Despite that, the country continues to face significant challenges in providing access to services to poor and vulnerable persons. It is however recognised that significant progress has been made in terms of meeting human rights by local government since 1994. The provision of an estimated 3,7 million housing opportunities, provision of around 12,5 million people with access to housing, along with further improvements in access to other basic services including adequate water, sanitation,

electricity, and refuse removal have been registered by the services of local government.

The conceptual, noble future that incorporates the aspirations, values and desires of the people that promises the fulfilment of the socioeconomic dreams of the people is rooted in the recognition of fundamental human rights.

In conclusion, to build a better Africa based on the will of the people we must strive to demand the rights of the African people as human beings. I thank you. [Applause.]

Mr S DHLOMO (KwaZulu-Natal): Hon House Chair, hon members of this House, my MEC colleagues from various provinces, all our delegates and special guests, I thank this opportunity that I have been afforded. I want to start with Mr Vawda, hon Chair, we would like to welcome all criticism as the ANC, but maybe it should just end there, not misinformation. We, as ANC have not unleashed any violence. We have actually been the architect of peace against violence that has been ignited against our people.

Lest we forget, it is very interesting and ironic that in 1948 when the United Nations was deliberating and agreeing on 30 articles of human rights in the Universal Declaration of Human Rights. This very House then, in 1948, was pulling into apartheid programmes of Hendrik Verwoerd

On 10 December 1948, when the Universal Declaration was adopted by General Assembly by a vote of 48 countries, none against, South Africa was counted amongst the eight that abstained. This abstention was in essence declaring that the rulers who sat and debated there, today again, were deterred from enacting and practising their chosen and preferred apartheid policies, which fostered white supremacy. For more than 40 years, up to 1994 this House was in denial and vehemently so, opposed to the notion of human rights that are inherent in all human beings, whatever their nationality, sexual orientation, nationality ethics, ethical origin, colour, religion and language.

If truth be told, we should really be thanking the ANC and all other progressive formations for bringing light and civilisation into this House. Today, we all talk the same language; the rights of being equal and extend to the descendant ... and all those who were descendants of this oppressive regime, today, would like to mentor us and lecture us on the Constitution of our country and human rights.

Today, as we celebrate 2017 Human Rights month under the theme: The Year of OR Tambo: Unity in Action in Advancing Human Rights, we feel justified to revisit the abhorring feelings heard about our apartheid system.

We recall the pronouncements that OR Tambo made at the headquarters of International Community at the Red Cross in Geneva in 28 November 1980. There, on behalf of ANC and uMkhonto weSizwe, he committed adherence to the Geneva Conventions of 1949 and Protocol 1 of 1977 by saying amongst other things, and I quote:

Apartheid the policy of official discrimination enshrined in the law and Constitution of South Africa has now been legally denounced as a crime against humanity and has led to an International Convention for the Suppression and Punishment of the Crime of Apartheid.

Again, in his address, "impose comprehensive and mandatory sanctions against South Africa", which he made in UNESCO House in Paris in 1991, he decreed lack of humanity and feelings of apartheid rulers by saying, and I quote:

Through the majority of the population, the regime and its supporters are celebrating two decades of the most brutal repression, oppression and exploitation that our people have ever known. It is dancing a victory's dance to express its satisfaction that it has removed by assassination such patriots as Vuyisile Mini, Joseph Mdluli, Steve Bantu Biko and Solomon Mahlangu, that it has incarcerated for long terms our national leaders such as Nelson Mandela, Walter Sisulu, Govan Mbeki, Ahmed Kathrada, Dennis Goldberg, Harry Gwala, Zephaniah Mothopeng and others. It is today

poised to assassinate more freedom fighters, adding to the thousands it has killed in Soweto, Langa, Elsie's River, Matola, Kasinga and elsewhere.

Hon Chair, in the spirit of never again, KwaZulu-Natal is joining the whole country in celebrating the unprecedented gains achieved since the advent of democracy because it is this ANC that went into prison and exile for just saying South Africa belongs to all who live in it both black and white.

Today, it is this ANC that is championing free health, free basic education, provision of housing, water and sanitation, electricity as well as equal status and grants given to pensioners of all races. It is through the ANC that our grannies are getting grants every month. [Applause.] It used to be a privilege of the old white people to get grants every month.

Now that everybody is getting a cake, it becomes an issue. The KwaZulu-Natal provincial government will be commemorating the Human Rights Day in Pongola on 21 March, but fully support the decision to celebrate the national event at Ginsberg, King William's Town, the ancestral house and home of Steve Bantu Biko.

Comrade Steve Bantu Biko, who strive for human rights for all, a medical student died under very inhuman circumstances, forsaken and denied a right to live even by fellow doctors - their very noble

profession that he had chosen. It is very ironic to kill a medical student by doctors.

Here again, I challenge medical schools in the country to lead in the commemoration of the 5th year of the passing away of comrade Bantu Steve Biko, as an act of atonement for not raising their voices against doctors who forgot that there is something called the golden hour when someone is injured.

Unfortunately, maybe it was white doctors who turned their backs on the Hippocratic Oath, which solemnly said, and I quote:

I will offer care to all not to whites or to Indians, to all patients who ask for it no matter their sexual orientation, race colour, creed or economic status. I will voluntarily offer part of my time to the care of the poor and underserved ones. While I continued to keep this oath inviolated, may it be granted to me to enjoy the practice of the art of medicine, respected by all men and women, at all times! But should I trespass or violate this oath, God and society should demand these violations against me.

Indeed, we are very appreciative of the fact that the authors of our Constitution deemed it necessary to recognise the contributions of our fallen heroes with the view to remind South Africans of the importance of respecting, protecting, promoting and fulfilling human rights in our democracy. Their names and sacrifices remain written

in the gallery of our memories. Here in, we bring memories of Neil Aggett, Rick Turner, David Webster, Zwelakhe Nyanda, Joe Gcabi, Bathandwa Ndonga, Mbuso Tshabalala, Phumezo Nxiweni, Phila Ndwandwe and some of those that we don't even know where they are lying. The memory and the spirit of OR Tambo, KwaZulu-Natal commits to fight all forms of discrimination including, racial, xenophobic, gender oriented as well as muti killings and hunting down people with albinism.

In the name of this gallant fight, we reaffirm this freedoms and human rights of all women, children, and people with disabilities as well as people with different sexual orientation. We have taken a decision as a Government of KwaZulu-Natal, yesterday, that in the Month of April, we shall have the Social Cohesion Summit where we want to rekindle these noble values that OR Tambo left.

I like what my colleague, MEC Mazibuko raised with regard to prioritising the issues of children learning our Constitution - having a preamble set. Now, I feel very obliged as a soldier because I am still part of that. If you can do it as in the SA National Defence Force, SANDF, as soldiers that in all our measure events the code of conduct is recited by all soldiers. We should then start a culture in the country to educate and make the Constitution available to all our learners and South Africans. I thank you.

Mr J W W JULIUS: House Chairperson, I noticed that there is no time allocation for me on the speaker's list. [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, do not worry.

Mr J W W JULIUS: Can you just inform me how many minutes I have.

The HOUSE CHAIRPERSON (Mr A J Nyambi): You have five.

Mr J W W JULIUS: Or do I have the whole day? Five. Alright.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Five.

Mr J W W JULIUS: Alright. It was a valid question isn't it? It was a valid question because it is not reflecting on our list.

The HOUSE CHAIRPERSON (Mr A J Nyambi): It is clear in my Order Paper. Do not worry.

Mr J W W JULIUS: Alright. I just needed clarity. However, House Chairperson, hon members and the public at large, human rights in South Africa as instructed by section 7(1) of the Constitution forms a cornerstone of our democracy in South Africa. Section 7(2) further dictates that the state must respect, protect, promote and fulfil these rights. Now as we celebrate human rights, it provides us with an opportunity to assess the status quo and to see how people's

lives have changed over the past 23 years since the dawn of democracy and under the ANC government.

House Chair, allow me to test the ANC's track record after 23 years of governance with regard to human rights - it is after all the constitutional duty of the state to respect, protect, promote and fulfil these rights. Hon Dhlomo, yes let us thank the ANC. Let me take this opportunity to say thank you ANC. Thank you. Thank you for the following: [Interjections.]

Recently, health care was dealt a major blow, when over a 100 patients in Gauteng and counting died after they were transferred from unregistered NGOs ... [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Julius, can you take your seat, there is a point of order. Hon Wana. [Interjections.] No, rely on the one that is yours. Yes.

Ms T WANA: Thank you Chairperson through you, can the speaker take a question?

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members order. It is her right and it is hon Julius that will assist us. Hon Julius, are you ready to take a question?

Mr J W W JULIUS: Yes.

The HOUSE CHAIRPERSON (Mr A J Nyambi): The hon member is ready to take a question. Hon Wana, you can ask the question.

Ms T WANA: Hon Julius, how far is the disciplinary action to Premier Zille after her racist statement utterances?

The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you. Hon Julius.

Mr J W W JULIUS: Hon House Chair, can the hon member repeat her question I did not hear it properly?

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Wana, can you repeat the question?

Ms T WANA: There is sabotage here. Thank you Chairperson, I am asking Julius because he is discussing ... [Interjections.]

Mr J W W JULIUS: It is hon Julius.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Julius, yes.

Ms T WANA: Sorry, hon Julius ...

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon member, just repeat the question.

Ms T WANA: My question is: As far as our human rights discussion today, how far is the disciplinary action against Helen Zille? Thank you.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Julius.

Mr J W W JULIUS: It just started today, House Chairperson, to answer the question. After one hour of learning about it, we started with the disciplinary action. We announced it and there will be an investigation. It is not like the ANC. You have the Minister, with the SA Social Security Agency, Sassa, matter; the President defended her an hour ago in the NA, he did not want to answer questions.

[Interjections.] You have numerous Ministers and MECs that were sent from there to sit here without any disciplinary action. Unlike the ANC, the DA takes swift action. We are a disciplined party.

[Applause.] The ANC still sits on disciplinary hearings and they do not act. Are you covered hon Wana?

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, hon Julius.

Mr J W W JULIUS: Can I continue hon Chairperson?

The HOUSE CHAIRPERSON (Mr A J Nyambi): Yes, continue. Hon Wana, take your seat. Continue, hon Julius. Order, hon members.

Mr J W W JULIUS: The ANC government simply fired the MEC for the Life Esidimeni, hon MEC. That is not enough.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Julius! Hon Julius! Hon Zwane, why are you standing?

Ms L L ZWANE: Thank you, Chairperson. Can the speaker take a question?

The HOUSE CHAIRPERSON (Mr A J Nyambi): Alright. Hon Julius, are you ready to take another question from hon Zwane?

Mr J W W JULIUS: Hon Zwane, in a few years' time I will be a Minister and I will come and answer any question you want to have answered; if you are still here. [Laughter.] Because those seats will change to DA seats soon. [Applause.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Julius, please continue.

Mr J W W JULIUS: I am sorry, but I cannot take two questions. I would gladly do it.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Julius, please continue.

Mr J W W JULIUS: The Premier of Gauteng hon David Makhura knew about the immanent threats because he was warned by the DA. The ANC is now

defending the Premier of Gauteng. They have forgotten about the people and their human rights and yes thank you ANC for that, thank you hon Dhlomo.

House Chairperson, poverty is the worst form of human rights abuse. In the euphoria of 1994, the ANC proclaimed that they would change the people's lives for the better. Yet, after 23 years the Gini coefficient has worsened. The gap between the rich and the poor is not improving as promised then. It is only an elite few of the ANC cadres that gained wealth and live in opulence.

Look at the President and the Deputy President - bulls and stuff. Some Ministers and government officials, they are stinking rich and the people are still very poor out there and struggle to make a living. Not even social grants are safe anymore. Thank you, ANC, for this, and thank you, hon Dhlomo.

What did the ANC do to hold the Minister of Social Development Bathabile Dlamini accountable for the Sassa crisis? Ask the question again hon Wana? The President himself ordered the Minister not to answer questions. The ANC is defending the Minister and forgot about the people that are dependent on these grants. Just to assure South Africans that indeed grants will be paid is not enough.

How did we get to this stage? Where did the ANC Minister go wrong? Where did it all go wrong? Even the Constitutional Court calls this

failure by the ANC Minister and Sassa incompetent. Yes. How did we get to this stage ANC? You are silent, while people's rights that voted for you are violated. They are threatened with their livelihoods and you are silent. Shame on you ANC! Thank you ANC. Thank you hon Dhlomo.

My assessment is that the ANC, after 23 years, have proven that it is not interested in respecting, protecting, promoting and fulfilling these rights. The ANC is showing the middle finger to our courts. They have shown that human rights to South Africans are less important than the protection of its cadres. The ANC comes first and the people last. It was proclaimed by the President, your ANC President. The President puts the ANC first and the people's rights last.

The people have shown you that the only weapon that they have against oppression, failures and the corruption of the ANC is the ballot box. They have shown you last year and they will show you again in 2019. I reiterate for all these we say, thank you ANC and we will show you at the ballot box come 2019. I thank you.

[Applause.]

Mr T C MOTLASHUPING: Thanks, hon Chairperson. House Chair, hon members, come 2019 the ANC will still be the ruling party in South Africa. Your dream that you will become a Minister will only remain in your dreams; and will never become a reality. What is central to

the South African people and to the majority of the people in this country is that come the 01 April 2017, which is fundamental, the people will receive their grants irrespective of people who come here and grandstand.

The Bill of Rights which is Chapter 2 of the Constitution of the Republic of South Africa is the cornerstone of our democracy. It is important to remind ourselves what a cornerstone is. A definition found in the Oxford Dictionary says that: It is a stone that forms the bases of a building joining two walls. It also defines it as an important quality or feature on which a particular thing depends or is based.

The celebrations of Human Rights Day this year occurs when we are celebrating the life one of the heroes whose values and principles are embedded in the DNA of the South African Constitution. Oliver Reginald Tambo's love for the people of South Africa drove him to sacrifice his entire life to the struggle for freedom. The majority of South Africans, regardless of political persuasion, embrace the Constitution of our country drafted and initiated by the ANC.

However, in many instances when the values of the Constitution are invoked, it is to make a point about the rule of law or individual or group liberties. Much as these are important and must be protected at all times, the ANC, and every political party for that

matter, has a duty to also advance the social and economic rights of all our people as guaranteed by the Constitution.

In his statement on the occasion of the 20th anniversary of the Universal Declaration of Human Rights in 1968, OR Tambo said:

Our people do not have the right to equal opportunity in all fields of life without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion.

They cannot enjoy a full cultural life in accordance with their artistic, literary and with scientific inclinations.

On the contrary, the majority of the people are excluded from places of culture or entertainment, from libraries, from scientific institutions.

They have no rights of collective bargaining, and cannot form or join a labour union, even one recognised by the state.

That's Oliver Tambo.

Mr W F Faber: Your time is up.

Mr T C MOTLASHUPING: My time cannot be up when I have not heard hon Faber at one stage saying that these swimming pools privileges must be enjoyed by all in South Africa.

Mr W F FABER: Chairperson, on a point of order, for clarity sake I must say, he is talking about the Nkandla fire pool not the swimming pool. So he got that wrong. I said people can ... [Inaudible.]
[Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Faber, you are out of order. Hon Faber, take your seat.

Mr S M GANA: Thanks my Chair. On a point of order, I wanted to check if the member is willing to take a question. He has got enough time.

Mr T C MOTLASHUPING: If I have enough time I will come back to you.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Motlashuping, are you ready to take the question?

Mr T C MOTLASHUPING: No, no.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Okay, he is not ready. He said if he has got time at the end he will comeback to your question.

Mr T C MOTLASHUPING: Chairperson, one of the features of apartheid that abides to this day is the spatial segregation of communities in South Africa on the basis of race as well as land hunger for the majority. These challenges evoke raw emotions even in the younger generation that never experienced apartheid.

These challenges remain the most glaring manifestations of centuries of dispossession and discrimination. Our government is leading society in an effort to resolve the land question with the urgency it deserves.

Mr C F B SMIT: House Chair, on a point of order, I would like to hear if the member will take a question on the land issue?

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Motlashuping, are you ready to take a question on the land issue?

Mr T C MOTLASHUPING: Chair please, nobody should stand up and say will I be able to take a question. I don't want to take questions I want to address South Africans.

The HOUSE CHAIRPERSON (Mr A J Nyambi): He is not ready to take a question.

Mr T C MOTLASHUPING: In addressing the land question - you know they will ask me questions because I'm talking about land now.

In addressing the land question let us contextualise the problem of the rural economy within which the land question must be resolved.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Motlashuping, sorry can you take your seat. Hon Michalakis, why are you standing?

Mr G MICHALAKIS: Hon House Chairperson, I just thought for the member's own benefit and I should tell you. I have just received the call. They are missing him in the bar at Barney's; and he should actually go back. He left his whisky there.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Michalakis, can you retract what you have said.

Mr G MICHALAKIS: I withdraw.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you. Continue, hon Faber!

Mr W F FABER: Chairperson, the hon member has just said that he is going to tell the nation about land, but when the hon member asks the question ... [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, hon Faber, you can't do what you are doing. You can't be debating with him on the podium. You have had your chance. Can you allow - can you take your seat.

Mr W F FABER: But then he said that he would take a question.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Can you take your seat.
Continue, hon Motlashuping.

Mr L P M NZIMANDE: On a point of order, Chairperson: Hon Michalakis
must withdraw.

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, I have dealt with it. He
has done that.

Mr L P M NZIMANDE: No, it is not recorded Chair. He must record it.
It wasn't recorded, Chair.

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, hon Nzimande, he has done
it on the mike.

Mr L P M NZIMANDE: It wasn't recorded, Chair, he must say it on the
speaker, please. That's a point of order I'm raising, Chair. He must
... [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Nzimande, I'm sustaining
your point of order. He has done it. Hon Michalakis, can you take
your seat.

Mr T C MOTLASHUPING: We are unapologetic and we are going to radically transform this country and its economy. We are going to restore land to the rightful owners of the land; and it shall happen in our lifetime, that land is given back to the rightful owners.

The 08 January 2015 the ANC NEC Statement called upon government to speed up the pace of land reform:

We commit that the land will be returned to the people and the ANC calls on its government to act with the necessary speed to put legislation in place to ensure that this happens.

Progress in this regard can be reported on as follows: The implementation of the constitutional principle of relative rights for those working and living on farms more commonly but not accurately referred to as the 50/50 Policy Framework is well underway with numerous agreements signed across the provinces.

The ANC's 53rd National Conference in Mangaung adopted a number of resolutions aimed at speeding up land reform through policy, legislation and institutional reforms. In line with this and linked to the four-tier system of land tenure , the processing of legislation that gives effect to this significant resolution in particular the imposition of land ceilings on the extent of land that can be owned by individuals or natural persons is well underway.

This proposal on land ownership has as its four pillars of land tenure: State and public land with leasehold rights only; no ownership of land by foreign nationals except through limited leasehold of 30 years; freehold with limited extend and leasehold; communal land tenure with institutional land rights.

In addition, the establishment of the following institutions to drive agrarian change is under process with the establishment of the: Land Commission; Office of the Valuer-General; Land Rights Management Board and work towards a Rural Investments and Development Financing Facility.

Chairperson, it is important that South Africa march along the ruling party on its radical socioeconomic transformation. The dignity of South Africans cannot be protected and guaranteed until every citizen is free to find work and enter trades and professions of their choice. Notwithstanding government's interventions our country's unemployment rate ... [Interjection.]

Mr S M GANA: "Ndza khensa, Mutshamaxitulu," on a point of order, I want to check if giving the Cash Paymaster Services, CPS a contract for Sassa is radical transformation. I'm checking Chair.

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, hon Gana. You are ... - order members! Order members! I don't need assistance. Can you take

your seat? I'm giving you a final warning. You can't debate with the speaker at the podium. You know that is not in order.

Mr T C MOTLASHUPING: Chairperson, misleading this House is very dangerous. Hon Michalakis I'm coming to you. These measures ...
[Interjections.]

Mr C F B SMIT: Hon Chair, on a point of order, I believe that it is a rule in this House that if a member like myself stand up that the member actually sit down. I don't know whether it is a special arrangement for him today.

The HOUSE CHAIRPERSON: (Mr A J Nyambi): No, I sustain your point of order. It is correct. It is a valid point of order. Hon Faber, why are you standing?

Mr W F FABER: Chairperson would you also just tell the speaker to, when he addresses member Michalakis, that he addresses him through you, and not directly to Mr Michalakis.

The HOUSE CHAIRPERSON (Mr A J Nyambi): I sustain your point of order. Hon Motlashuping, when addressing the House you don't address the hon member directly.

Ms T G MPAMBO-SIBHUKWANA: Thank you, Chair. I just wanted to know on this Human Rights debate that is it fair and equality that there is

no interpreter for people who needs the sign language. It is part of their rights as per the Constitution and the equality. Chairperson, South Africans needs to be acknowledged; and this is not constitutional for those who use the sign language - the deaf communities. Thank you.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mpambo-Sibhukwana I sustain you point of order. The leadership will attend to your issue accordingly. It is a valid one. It is important that even people at home that can't hear are supposed to follow the debate. So your Point of Order is sustained.

Mr T C MOTLASHUPING: Chairperson, in conclusion in terms of my speech. In order for us to honour the memory of OR Tambo and others who fought gallantly for freedom and democracy, we must act decisively to advance the socioeconomic rights that are enshrined in our Constitution.

We must mobilise all South African citizens behind the radical socioeconomic transformation programme of government. It is the only way to guarantee the meaningful enjoyment of the Human Rights by all.

Chairperson, as we celebrate this day, I think it is important and very touching for me that as I stand here today I should think of the heroes and heroines who recruited me and found it very prudent

that I follow this liberation movement - the ANC. Comrade Wesley Matlaopane I dedicate this speech forth win.

However, Chair the last point that I wanted to make because I have few seconds is that my sexuality is not in question.

The DEPUTY CHAIRPERSON OF THE NCOP: Chairperson, I can see that the clock is not moving. Let me use the opportunity ... [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Don't mind, I do have mine her, I will assist you.

The DEPUTY CHAIRPERSON OF THE NCOP: Let me start by thanking the MECs who really participated in the debate and try to shape the direction of the debate and special delegates, Salga for having really participated constructively to the debate. And of course, I think, it was quite interesting and vibrant to hear how we approach issues of human rights in the country as a House.

I will be missing it if I don't and make the point to say whilst I am excited about this, it was also disappointing that in some instances other members really missed the point. They had really missed the point and they wasted a very good opportunity to have really shared with us.

For instance, let me - hon Julius, you are leaving the House and I wanted to address you on something. A very important point that you are making that we need to respect the Constitution. We need to respect the separation of institutions that constitute the state, the judiciary, the legislature and the executive.

However, you make a very serious mistake at the same time - whilst there is a process that is undertaken by the highest court of the Republic of South Africa, you already arrive at a conclusion of what the court would say. Because it was a question that the Chief Justice asked to the senior council of South African Social Security Agency, SASSA, representing the Ministry whether there is incompetency and so forth.

However, you stand in this House and say, the court said, the Ministry is incompetent. Therefore, it's a contradiction, whilst you need to respect the judiciary and allow the judiciary to make conclusions on the matters that it has raised ... [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Tau, can you take your seat?

Mr J W W JULIUS: Hon Chair, I would just like to know if hon Tau would take a question.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Tau, are you ready to take a question?

The DEPUTY CHAIRPERSON OF THE NCOP: I will allow you, once I am left with a minute.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Okay.

The DEPUTY CHAIRPERSON OF THE NCOP: Yes.

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, he will take the question once he is left with a minute. Continue, hon Tau.

The DEPUTY CHAIRPERSON OF THE NCOP: The next part of an issue that is really missed is hon Michalakis - I really don't know what to make out of his statement because what I got from his input contribution - I saw a person who is full of anger, a person who does not respect and appreciate that the majority of South Africans today enjoy basic human rights, and of course, government had also appreciated that in some instances more work needs to be done in order to do to ensure that our people further enjoy deeper rights.

For instance, deep in the rural areas, you make reference to schools or to education and I am asking myself, where did I attend school and where did Michalakis attend school? Because where I attended school I did not even enjoy a proper infrastructure in terms of a

desk, in terms of school material to be able to proceed from sub A at that time until standard 10.

Hon Michalakis speaks about - we disrespect including Parliament the freedom of expression. I am thinking to myself seated there that one of the things before 1994, freedom of expression - just to say, Amandla! It was treasonous - you would be arrested. You would face a minimum sentence of 10 years in Robben Island just to say, Amandla!

Today, everybody can express himself in a language that he wants; in doing whatever he wants, and so forth. I couldn't understand, I couldn't balance what the member said.

The right to life - the member speaks about the right to life and I'm asking myself where this member was before 1994, and maybe the best way to advice hon Michalakis - go to Pretoria today, to a prison referred to as Kgosi Mampuru Prison which was then referred to as the Central Prison. There is a section there that is still there that will teach you how our people were hanged. They had no right to life. It is the South African current democratic government that ensured that within our Constitution, we guarantee people to life. We do that. It is there. It is ours. Whereas before once declared a terrorist - it's either prison or to the gallows.

In 1994, before the democratic break through there were people who were still in prison waiting to be executed. So, it is important

that we take that and for you to understand that ...

[Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Tau, you made an undertaking, let me assist you to keep your word.

The DEPUTY CHAIRPERSON OF THE NCOP: I have got one minute 15 seconds.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, I am presiding.

The DEPUTY CHAIRPERSON OF THE NCOP: I may decide not to take even the question, because I need to address certain things here.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Order members! I don't need assistance. I was reminding him as it is now one minute 16 seconds. So I was reminding him to remember about his undertaking when he is one minute left to his speech.

The DEPUTY CHAIRPERSON OF THE NCOP: ... I retract.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Continue, hon Tau.

The DEPUTY CHAIRPERSON OF THE NCOP: I retract from that. The question of the expropriation of land - I mean - the very same people who stand here - the member says the President made a stupid

statement in Parliament by returning an Act of Parliament, which he felt that it would not pass the constitutional test around expropriation. But if you respect the Constitution so much, you will see that expropriation is there in the Constitution.

The only difference is that the Constitution therefore instructs Parliament to come up with a piece of legislation that will then outline how the land expropriation will then be undertaken and that is exactly what happened. And the President has returned that piece of legislation in order for you and me to sit down and say, how are going to expropriate land without compensation for that matter.

You can't be saying I respect the Constitution when at the same time you come back to us - when it suits you, you don't respect the Constitution. In actual fact, some of these things are in the Constitution. Be consistent! Be consistent with yourself.

The issue of the withdrawal from the ICC - the Deputy President was here and he explained. The extent to which the Deputy President explained how the executive respects the judiciary, hon Marais - he even said that the ANC government respected and responded positively to the Pretoria judgement. He even went on to say we never challenged that judgement [Time expired.] Thank you very much.

[Applause.]

Mr J W W Julius: You can run papa!

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, on behalf of the Chairperson, the Deputy Chairperson, the Chief whip and all the Presiding officers in the NCOP, in deed, in celebrating the 20 years of the Constitution, this debate did adhere to the Constitution. Because we know that we are the only House that represent the interest of the provinces and we happened to have our special delegates Salga being represented of which it was a good thing to celebrate a Constitution and having all the people that are relevant being part.

So, we want to thank the special delegates and Salga for being part of this lively debate.

Debate concluded.

The Council adjourned at 17:23.

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