

UNREVISED HANSARD

NATIONAL ASSEMBLY

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PROCEEDINGS OF THE NATIONAL ASSEMBLY

The House met at 15:03.

The Speaker took the Chair and requested members to observe a moment of silence for prayer or meditation.

QUESTIONS TO THE PRESIDENT

Question 1:

The PRESIDENT OF RSA: Madam Speaker, Deputy President, members, the economy achieved GDP growth of 3,1% in the fourth quarter of 2017. Our currency has strengthened and we can see that investor confidence has improved significantly.

It is therefore critical that we mobilise all social partners to unite behind a common programme of economic recovery and transformation. We can take a leaf from how

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a number of other economies around the world have had to address their own economic woes. Countries such as Ireland, Netherlands, South Korea and Sweden have in the past successfully forged social compacts to drive economic growth.

It is imperative in our own situation that government, labour, business and civil society also agree on a set of fundamental actions and work in concert to implement a social compact. At the same time, each of these social partners does actually need to commit themselves to specific undertakings. There are a number of areas where agreement has been reached and firm commitments have been made.

Government, for example, has committed itself to ensure policy certainty and consistency. It has also committed itself to strengthen the capabilities of the state. Government has also committed itself to end corruption and wastage and to sustain investment in economic and social infrastructure. We are working to create what I would call an enabling environment for businesses to

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invest, thrive, in deed create jobs and reduce inequality in our country.

As part of its contribution, business should undertake: To invest more; create more job opportunities; implement measures to reduce income inequality; improve working conditions of people in their firms; invest in skills development; and to also develop innovation. Labour should work with employers: To strengthen collective bargaining; reduce labour instability; and support measures to improve productivity all round.

We look to civil society to mobilise South Africans from all quarters to also participate in an economic recovery that our country so years for. South Africa has demonstrated the value of cooperation among social partners to tackle what people would have called intractable problems at critical moments in our history.

This we have demonstrated and some people even begin to suggest that it is within our DNA as a nation to be able to work together to resolve problems and to tackle what many around the world would have regarded as intractable

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problems. One that we did to good effect even though we still have to complete the task was to end apartheid.

Apartheid was regarded by many in the world as an intractable problem. In fact, when they looked at our country, they thought that South Africa would just descend into a racial war which would consume as many people in the country as they could imagine.

We came together soon after the advent of democracy to craft a new labour relations framework to assert the rights of workers and usher in a new era of co-operation and stability. Following the global financial crisis of 2008, government, labour as well as business effectively worked together to ensure South Africa was spared the worst effects of the 2008 crisis. All this happened because we put our DNA into effect and we managed to get everyone to work together.

These partners came together again in early 2016 to respond to downgrades from ratings agencies and a decline in investor confidence in our country to establish the CEO Initiative, which has done much to promote

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investment, support small business and tackle youth unemployment.

Most recently, through the process of social compacting, we have worked together to introduce a national minimum wage as part of our efforts to reduce income inequality. Later this month, we will launch the youth employment service, which we referred to in the state of the nation address, and which promises to significantly improve the absorption of young people into the work place.

Over the course of the next few months, we will be engaging social partners in preparation for a national jobs summit. The summit, which is being looked forward to by many sectors in our country will, agree on a series of practical measures that will create jobs, particularly among young people.

The outcomes of the summit will form an important part of the broader social compact that we are striving to build. It will be supported by co-operation in other areas, such as in the deliberations - which we having right now, that the Minister of Mineral Resources is leading - on the

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mining charter, consultations on land reform, preparations for the social sector summit, engagements in Nedlac on comprehensive social security and other matters, and the ongoing work of the CEO Initiative.

There is much that we do need to do to achieve a sustained and durable economic recovery in our country. Working together, bound by a commitment and common vision of a just, prosperous and equal society, I am certain that we will be able to succeed. All these things are part of the social compacting process that is underway. Some of these we may not see immediately but social compacting is taking place on an ongoing basis. As many South Africans get together to discuss matters of great interest to them. Some of those matters may even be those that we think have no solutions. They work together and they do find solutions. This is the great lesson that we were taught by the father of our nation, Nelson Mandela, who took the initiative to initiate social compacting that has led to the democracy that we enjoy today. In this year of Nelson Mandela, may we firmly follow in his footsteps and continue to build social compacts that will

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make life a lot easier for all our people. Thank you very much. [Applause.]

Ms L S MAKHUBELA-MASHELE: Hon President, I think you would agree with me that all social partners are critical to drive the economic recovery of the country. I want to know: How will your government through the Nedlac process, at the Nedlac level, ensure that all social partners who are critical to drive the economic recovery and pursue a common vision for the country ensure that there aren't any unnecessary conflicts amongst social partners?

If you are to give confidence to the nation today, what are you going to be doing as the main driver of co-ordinating and ensuring that all these social partners play ball and they drive the economic recovery of the country? Thank you.

The PRESIDENT OF RSA: Madam Speak, one of the greatest inventions that we have really come up with in South Africa is an institution like Nedlac. I have heard a number of people outside our country wanting to know more

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details about how Nedlac works because they see it as an institution which promotes social compacting, dialogue, collaboration, reaching of agreement and indeed solving of problems.

Many of us may not know that there are many people from around the world who keep thronging to the doors of Nedlac. They keep coming to our country to find out how we have been able to keep an institution like Nedlac to being sustainable and being as effective as it is. This was also commented on by very senior judge in the United States who said: If you really want to know how democracy should work, go to South Africa. Go and look at their constitution. But more importantly, go and look at some of the institutions they have put in place to resolve social problems. Now, Nedlac is one of those.

We have been able to utilise Nedlac, not only to process key legislation that should come here to Parliament for passing, but also to tackle and address important problems. One that is before Nedlac now is the comprehensive social security agreement that community

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members, trade unions and indeed business would like to see us resolving.

The architecture of Nedlac is such that it brings together all those partners who know that they have to be part of the process because if they are not part of that Nedlac process, then they miss out and misrepresent their own constituencies. To answer your question more directly, we are able to keep them together because they find that through the dialogue that takes place in Nedlac. It is very co-operative, very informative and very educative - if one can use that word, and most effective in terms of reaching an agreement.

So, if you really want to reach an agreement on a very difficult problem that affects the nation, go to Nedlac. That is where you will find solutions because the participants at Nedlac who represent the South African society - I have often found - are committed to resolving problems away from sloganeering, away from the noise and away from public positions. They are able to sit down and resolve the problems. That is the magic of Nedlac. Long may it last that we all as South Africans continue to use

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Nedlac as a platform and as a forum where we resolve problems on a continuous basis. Thank you very much.
[Applause.]

Mr N F SHIVAMBU: President, you are speaking about renewal and different things but I think the more you speak is the more confusing you become because: Firstly, in your state of the nation address, you didn't mention the NDP; when you responded you spoke about the NDP as your plan but your 54th National Conference's ideological underpinnings of land expropriation without compensation, nationalisation of the reserve bank, creation of a sovereign wealth fund and a variety of what could be a radical shift of what the ANC has been doing doesn't appear in the NDP.

So it is like your 54th National Conference altogether fundamentally changes what the NDP stands for. Why do you want to insist that you are being guided by the National Development Plan, which is radically different and contradictory in many instances to what your conference has resolved? What do you stand for? [Applause.]

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The PRESIDENT OF RSA: Hon Speaker and hon Shivambu, what we really stand for is what will advance the interests of South Africans. That's what we stand for. [Applause.]

Now, you talk about the NDP. The NDP is the policy that we have adopted as this Parliament. I just wanted to remind you that. You are a Member of Parliament. We are all Members of Parliament. This Parliament adopted the NDP. [Interjections.] I am sorry you were not there, but as ... [Interjections.]

Ja, I am sorry you were not there but as it is there is a concept called democratic centralism. You are also bound by the decisions that were taken by this House.

[Applause.] So, this House and indeed the governing party, having adopted the National Development Plan also said the National Development Plan is a living document. It's not a static document. It is a living document that we need to look at consistently and continuously to see what we can take out of the NDP in order to improve the lives of our people.

You will know, as you are also on the left, that there are quite a number of institutions or structures that are

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on the left that have raised concerns about the economic chapter of the NDP. They, being ... [Interjections.] Yes, they, being Cosatu and they, being the SA Communist Party, we have said that we are willing, prepared and able to look at that chapter.

I would like to invite you, hon Shivambu to join the process of looking at that chapter of the NDP to see how best it can be improved. You seem to be a person who is full of ideas, so you are therefore invited that you can do so. What really guides us though is how we improve the lives of our people without adhering to slogans, without pontificating and without just addressing ourselves to the gallery.

We are more interested in saying: This is how you advance the interests of South Africans. Yes, when it comes to land, which I will address in a minute, the National Development Plan does not address the land question in a way that this Parliament has now taken a resolution to put the land question forward.

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We must say: That is where the NDP becomes the living document. It becomes a living document because that is there to be improved, to be sharpened and to be used as an instrument that can improve the lives of our people. I hope that you find that satisfactory because if you were thinking that the NDP is a static document, the answer is no! Maybe in your own time, you will find that your own party will be able to adopt the NDP as well. Thank you very much. [Applause.]

Dr B H HOLOMISA: Madam Speaker, Mister President, given the emergence of new players in the labour movement terrain, such as SA Federation of Trade Union, Saftu, as well as the need to always improve the relations within the socioeconomic forum: Is it not time that you consider to reconfigure the structure of Nedlac in the interest of building cohesion and enhancing industrial relations? Thank you.

The PRESIDENT OF RSA: Madam Speaker, hon Holomisa, I am made to believe that there are discussions that are taking place within the labour component of Nedlac. I have taken the view that those who are part of that

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labour component should engage in discussions and deliberations themselves without any influence or interference from any other quarter, including government. This is so that they reach an accord, an understanding and agreement which will deal with the architecture of that labour component that represents labour.

As it is now, we have got three federations that represent labour and that labour component. Those discussions that they may well be having with Saftu could lead to something. It also has to do with the representivity of each labour organisation in order for it to finally qualify to be a representative of working people in our country. Once an agreement is reached, we as government will be willing and prepared to work with whoever they put forward as a labour component.

As it is now, we work well with communities because they have structured themselves in a way they lend that component to being able to participate on a representative basis. Similarly with business, they too went through a process of having to have dialogue amongst

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themselves to finally agree on how they participate in Nedlac. Thank you very much. [Applause.]

Mr D J MAYNIER: Speaker, the President has promised a social compact that would result in hope and renewal, but since being elected, he seems to become infected with the political equivalent of a Novichok nerve agent because he seems paralysed and unable to act decisively. He has delivered: A Cabinet with a number of useless Ministers; a Cabinet that cannot be bothered to show up and be accountable; land expropriation without compensation; and the nationalisation of the Reserve Bank.

So, will he tell us whether he is paralysed and unable to act decisively or what? Because, although he is in office, the most dangerous man in politics, the hon Deputy President David Mabuza is actually in power. [Applause.]

The PRESIDENT OF RSA: Hon Speaker, I just don't know what I need to show hon Maynier that I am not paralysed. Do you want to see these arms? [Laughter.] Hon Speaker, quite frankly, that question does not even deserve an

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answer. [Applause.] The only answer I can give him, he having possibly wasted a great opportunity of asking a meaningful question is to say: I am not paralysed. Thank you very much. [Applause.]

Question 2:

The PRESIDENT OF RSA: Madam Speaker, land is central to human existence; land is about dignity; land is an asset that supports life. For millennia it has supported life, enabled the creation and the development of societies and made economic activities possible. It is fundamental to the dignity and well being of all our people. The dispossession of land of the indigenous people of this country is therefore what I characterise as the original sin that continues to constrain the realisation of the potential of our people. The return of land to those who work it is fundamental to the transformation of our society and it is critical if we are to improve the lives of poor people in our country.

In this, the Year of Nelson Mandela, we need to work together to ensure his vision for land reform is realised. This Parliament and government should therefore

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be committed to the implementation of a comprehensive land reform programme that corrects the historical injustice of land dispossession, provides land to the poor in both rural and urban area and strengthens the property rights of all South Africans and increases agricultural production and also more importantly, improves food security.

Since 1994, the democratic government has embarked on a number of interventions to advance land reform, including restitution, redistribution and tenure reform. While more than 3 million hectares of land was restored between 1995 and 2014, the Land Audit Report indicates that white people in our country still own around 72% of the farms owned by individuals. Coloured people in our country own 15% and Indians 5% and Africans who constitutes the majority of the people who live in this beautiful land only own 4%. [Interjections.] It was also reported that males own 72% and female only 13% of land. We must therefore, given all these, and given the history that we have had, work with urgency to significantly and sustainably accelerate the pace of land reform because if we do not do so this problem that has stayed with us as a

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nation for 100 of years when the dispossession started in this country and reached in zenith point in 1912 when the ANC was formed primarily to fight against land dispossession will implode in our hands. This is a historic task that we have as South Africans to address this question once and for all.

The expropriation of land without compensation is one of the mechanisms that government will use to achieve land reform and land redistribution. As I indicated in the state of the nation address, government will undertake a process of broad consultation to determine the modalities of the implementation of this mechanism. Following this announcement, the National Assembly passed a groundbreaking resolution on this matter, opening up an opportunity for all South Africans to participate in this critical debate. And this resolution, so we all remember, followed in the wake and in the footsteps of the resolution that was adopted by the 54th conference of the governing party. It was the governing party that once again saw that we do need to speed up the process of land reform in our country. [Applause.]

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This matter has been firmly placed on the national agenda and we applaud those who have come forward with views and proposals. This process of engagement presents a great opportunity for a new, reinvigorated drive for meaningful and sustainable land reform. This is an opportunity to assert the transformational intent of our Constitution. Our Constitution is a transformational document. It is a document that prescribes how we can transform our country and how we can heal the wounds of the past.

It is an opportunity to recognise that the property clause in the Bill of Rights is a mandate for radical transformation. The property clause was never constructed for the purpose of retaining existing property relations in our country. When the property clause was conceptualised, it was conceptualised with a view of saying that we need to change property relations in our country. This is a transformative instrument, constructed to facilitate transfer of land and property to South Africans who had been deprived of land through colonial and apartheid policies. [Applause.]

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The property clause in the Constitution specifically requires that the state should take reasonable legislative and other measures to enable citizens of our country to gain access to land on an equitable basis. It also requires that the state should take steps to guarantee security of tenure and restitution of land to those affected by apartheid dispossession. There is a strong case therefore to be made that the use of expropriation without compensation in certain circumstances to advance land reform is entirely consistent with the provisions of our Constitution.

It is our collective responsibility to use these provisions in our Constitution more effectively and more directly to drive land reform. We should not reduce the enormous task of land reform to a debate on expropriation without compensation. [Interjections.]

During this process of consultation and engagement, we must review the full extent of our land reform programme since 1994. We must also review the real content and full meaning of our Constitution, identifying where there have been shortcomings and undertaking measures to strengthen

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policies and programmes. One of the areas where we must acknowledge a lack of progress is with respect to the processing of claims by labour tenants.

We therefore take very seriously the responsibility given to government by the Supreme Court of Appeal to urgently develop a programme to process outstanding claims. It is clear that we must strengthen the institutions that have been tasked with effecting land reform, ensuring that they have the capacity and resources to meet the needs of the poor. We should not limit ourselves to rural agricultural land. We should take steps to address the property rights of people living in informal settlements and in inner city buildings with absentee landlords. We need to develop a very clear strategy to dispose of underutilised publicly-owned land for inclusive urban development to bring poor people from the periphery into the centre of the cities. [Applause.]

One is not often very impressed by what DA mayors do from time to time. But here is what a DA mayor said and did the other day. This is Herman Mashaba and he said that they will expropriate buildings and will expand

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affordable accommodation, that they will be willing to expropriate inner city Johannesburg buildings where they could not locate the owner or a fair selling price could not be negotiated. He said that he would expropriate such buildings without compensation. [Interjections.] These colleagues begin to tell you that the resolution that was adopted here is actually a very correct resolution. [Interjections.] [Applause.]

It is critical that we make this an inclusive process in which all South Africans are actively involved in finding just, equitable and lasting solutions. I was most impressed, Madam Speaker, when I was approached by someone who is 47 years old - a man called Mr Codrington. He said he has advised white South Africans against feelings of panic about these developments, pointing out that a careful reading of the motion that was passed here on 27 February, amongst many other things, acknowledges that the African majority was only confined to 13% of the land, while whites owned 87% of the land and that the recent land audit, he continues, claims that black people owns less than 2%, he argues and less than 7% urban land and expropriation will be implemented he says in a manner

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that increases agricultural production, improves food security and ensures that the land is returned to those from whom it was taken under colonialism and apartheid. [Applause.] [Interjections.]

He goes on to say that he undertake a process of consultation to the resolution said. Codrington then advises his white South African friends that this would not be the first time the South African government has taken land without paying for it. In fact, he argues, it is at least the 15th time that the government of South African has passed laws. He says, "Please do us a favour, if your ancestors did not comment about the previous 15 times the government took land - and I am guessing that, like mine, they did not - then right now it would be a good time to be quiet for a bit and listen."

He continues, "Not forever. Just for a bit. And then calmly contribute to the conversation over the next few weeks and months in an attempt to find a solution that helps everyone." He then goes on to list all the laws. Now, this process that we are in, hon Maimane, because Mr Codrington is also addressing himself to you who has

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asked this question, would be good for all of us to pause a little and listen a bit. It requires responsibility and the maturity of all leaders.

We should not pretend that there is anything revolutionary in encouraging our people to illegally occupy land, nor should we resort to the kind of 'swart gevaar' electioneering that some parties have resorted to. Let us engage in this debate as a nation. I invite all those who are angry, all those who are anxious, all those who are uncertain, and some who are excited and those who are inspired to be part of finding a solution on this issue.

Throughout the process we need to work together, guided by the needs of the poor in our country and the poor who are landless. We should be guided by the understanding that our Constitution - instead of being an impediment to transformation - explicitly demands of us that we take decisive measures to redress the injustices of the past that gave rise to dispossession.

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And this is also a time when we do need to sit back and listen to the stories – the heart-wrenching stories of many South Africans whose land and assets were disposed from them and ask ourselves, particularly us who have land, particularly us who have assets, “What would we have them do?” because right now, they have nothing. This Parliament is called up to come up with solutions. As we speak now, this Parliament has an opportunity to deal with this matter through the resolution that we have passed by establishing the Constitutional Review Committee and also having dialogue or consultations throughout the country. Just yesterday, the court dealing with the issue of tenancy resolved that this matter will best be resolved through negotiations and send the litigants back to go and negotiate. From a government point of view, we are saying to the governing party that having come up with this resolution, it is now time for all of us to sit back and begin the process of seeing how best this resolution that the governing party resolved on at their conference can be put to effect.

I have initiated a process where will have a dialogue with a number of people and experts, both on

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constitutional and land issues to begin the process of discussing this matter with a view of coming up with solutions that are going to give credence to what we resolved here on how we can use land as an opportunity to grow our economy and how we can lose this opportunity to increase food production in our country.

I invite all South Africans, rather than being scared, hide your head in the sand, run away, scream and say there is 'swart gevaar', land is going to be taken and title deeds are in danger, I say come to the party. Let us discuss this matter and find solutions. This is the time for everyone to stop pontificating and come forward with solutions. Thank you very much. [Applause.]

Question 2 (cont):

The LEADER OF THE OPPOSITION: Speaker, through you to the President: Thank you very much, and I really look forward to many more of these sessions and engagements.

Mr President, I agree with you: There is a deep injustice in South Africa as far as land ownership, certainly

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amongst black South Africans. The pace has been profoundly slow, and I think former President Kgalema Motlanthe, in his High Level Panel review, agrees, but he cites the fact that the problem is not the Constitution. The problem is corruption, an incapable state, a lack of budget, and your government. [Applause.] [Interjections.] What former President Kgalema Motlanthe and Dikgang Moseneke agree on is that amending the Constitution is not where we ought to start, and that is why Herman Mashaba must test the clauses in that Constitution to show he can deliver. [Applause.] [Interjections.]

You, Mr President, are a recent convert to expropriation without compensation. [Interjections.] You have proceeded now to say, against international experience, that in fact, you can expropriate without compensation. It is clear that in countries that have done that investment goes down, unemployment goes up, life expectancy suffers, and it harms the very poor people we are describing.

So, here is my question to you, Mr President: How do you reconcile your newfound view with this view that you can have expropriation without compensation or a growing

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economy that empowers citizens to own property in their own right? You can't have both! Tell us, please.

[Applause.]

The PRESIDENT OF THE REPUBLIC: Speaker, it is quite clear that the hon Maimane is not listening. [Interjections.] He clearly is not listening, and I don't know whether he is hard of hearing. He is so close to where I am, and maybe I should go and whisper to him, and then he will hear better.

Clearly, what we are talking about is not within the great understanding that he has because what we are saying is what the governing party resolved on. Let me repeat this: It says that in order to advance land reform in our country, we should embark on a number of mechanisms, and the taking of land without compensation is one of those mechanisms that we are going to want to use. The process of doing so ... clearly, the governing party has said it wants to have a broad discussion.

[Interjections.] Yes, we should also look at whether we should amend the Constitution or not. [Interjections.]

That is why this House said we should set up the

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Constitutional Review Committee and, through that Constitutional Review Committee, we should determine whether to give effect to this resolution and say, yes, a constitutional amendment needs to take place or not. At the same time, that resolution says we are going to make sure that, as we implement the resolution, we become very clear on how we are not going to damage our economy and how we are not going to damage food production or food security in our economy. With that in place, we should be able to make a great deal of progress.

Hon Maimane, I have been having a number of discussions with a number of people. Some of them are property owners who have said, Mr President, we think that land is a huge problem our country, and we are prepared to join you in resolving this problem. A number of farmers have said, yes, what this calls for is that we should give access to South Africans who do not have land, South Africans who want to work the land but find that they do not have the land. [Interjections.] A couple of them have come forward to say that they inherited a lot of land, that they have found that quite a lot of it lies fallow, and that they do not use it. Others have said they had bought a lot of

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land and find that they do not use all of the land. Some of the farmers have said the land lies fallow, and what they want to do, they have said to me, is to find ways - and they say, give us a way through which we will be able to assist you, as government, to give access to people who do not have land so that they can work the land.

[Interjections.]

I have found this to be really welcome - so welcome that it begins to depart from the noise that one is hearing on the left because these are people who are not listening. We have a lot of South Africans who are listening and saying we need to listen to the heartbeat of South Africans. The heartbeat of South Africans tells us that there is land hunger, and this land hunger will continue if we do not address it. We, as people who are propertied, the people who have land, are prepared to share so that all of us can benefit. [Interjections.] That begins to open an avenue, an avenue that we can all exploit, where people can sit down and begin to talk to good effect about the solutions that we need to find.

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For as long as we are going to get protests, empty protests really, where there are no substantive proposals being put on the table, we will not be able to make progress. [Interjections.] I would rather go and sit down with those Afrikaans-speaking farmers who are coming forward and asking ...

Afrikaans:

... hoe kan ons help? Ons wil help, want ...

English:

... South Africa is one country for all of us. We must hold hands and find solutions. Those are the people we are going to be having dialogues with that focus on issues of the land, issues of growing our economy, and issues of ensuring food security in our country.

We are going to be engaged in such discussions, and we are going to come back here and say that we have found the solutions because this is part of the mechanisms that we say should be utilised to address the issue of land and the injustice committed against our people hundreds of years ago. We say, let's move forward and have that

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engagement. Thank you very much. [Applause.]

[Interjections.]

Mr L M NTSHAYISA: Speaker, through you to the President: Perhaps the people may not be patient enough to wait for the scientific system to be implemented in order to deal with the issue of land. I just want to check the following: What plans do you have to deal with the violent activities associated with land grabs? It has just been witnessed now on television that some people have already started. I just want to check what plans you have to prevent this from happening. Thank you very much, Mr President.

The PRESIDENT OF THE REPUBLIC: Speaker, we have said very clearly that the opportunity we have is to deal with the land question in a responsible manner, in a manner where we have good dialogues amongst groups, and this does not open up the opportunity for people to resort to self-help measures where they will go and invade land and smash and grab land. That will not be allowed. That will be stopped. That is against the tenets of our Constitution that are based on the rule of law.

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We cannot have a situation where we allow land grabs because that is anarchy. We cannot have a situation of anarchy when we have proper constitutional means through which we can work to give access to land to our people. We have proper legal measures that we can utilise, so I can say now that we will not allow land grabs. We will not allow land invasions. Those who are tempted to resort to such activities must be warned, in advance, that we will not allow it because it is illegal. Apart from being illegal, it begins to violate the rights of other South African citizens, and we will not allow the rights of others to be violated. Thank you very much. [Applause.] [Interjections.]

Afrikaans:

Dr P J GROENEWALD: Speaker, ek wil begin deur vir die agb President te sê dat hy 'n beredeneerde argument oor grondhervorming sal kry as die uitgangspunt aanvaar word dat bestaande wit eienaars van grond die grond op 'n regmatige, op 'n eerlike, en op 'n hardwerkende manier verkry het. Hulle werk hard om Suid-Afrika te voed. Dit moet die uitgangspunt wees.

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Verder wil ek vir die agb President sê dat onteiening sonder vergoeding nie sy grondhervormingsprobleem gaan oplos nie. U voormalige Minister, mnr Nkwinti, het in hierdie Huis erken dat 93% van begunstigdes in terme van restitusie nie die grond wou hê nie. Hulle wou die geld hê. U eie Minister het erken in hierdie Huis dat die staat die titelaktes bekom het van 99% van grond wat in grondhervormingsprogramme verkry is.

Nou is my vraag aan u, agb President: Dink u nie as u 'n sukses van grondhervorming wil maak dat die meer as 4 000 plase wat tans in besit van die regering is eers verdeel moet word en aan mense gegee moet word nie? Dan wil ek laastens vir u sê dat ek saamstem dat regte beskerm moet word, maar agb President, op grondvlak, as 'n grondeienaar se grond onwettig beset word en hy skakel die polisiestasie, sê die polisie hulle kan niks doen nie. Dit moet onmiddellik reggestel word. Jy kan nie verwag dat 'n persoon eers by die hof 'n aansoek moet kry nie. Die polisie moet dadelik optree. Ek dank u. [Tyd verstreke.]

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Die PRESIDENT VAN DIE REPUBLIEK: Speaker, ek stem saam met die agb Groenewald dat met al die dinge wat ons gaan doen, ons ook moet kyk na die land wat nou, op hierdie oomblik, in die staat se boek sit.

English:

We have a lot of land. One has to look at this. We have categories of land in our country, and we have a number of farms owned - yes, lots of land owned by the state. We are saying that part of the interventions we should embark upon should be to address the land that is owned by the state. That land, to the extent that it is possible, should be parcelled out and given to our people. [Interjections.] That should be done. There is quite a lot of land also owned by our state-owned enterprises, by various government departments, as well as local government. Where there is a need and a hunger for land, we are saying one of the interventions should be that land should be made a priority for distribution to our people. I agree with you completely.

When it comes to things like land grabs, yes, I hear you. We will not be allowing the police just to stand by when

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land grabs are taking place. The police's job is to uphold the law and, when reports of land grabs happen, the police must ensure immediately that those who are perpetrating those acts are arrested. [Interjections.] That is what should start happening.

We are serious about the issue of land, and we will be looking, hon Groenewald, at all those categories of land, and this is by no means the only category. The other category, of course, is land that lies fallow without any owners taking account of it or being accountable for it. Land that lies fallow, that is disused, that has absentee landlords will also be looked at.

Herman Mashaba is looking at buildings, and he wants to take them without compensation. In the course of all that, he is also going to take some buildings that may well also have owners that owe money and what have you to the municipalities. [Interjections.]

The CHIEF WHIP OF THE OPPOSITION: Luthuli House!

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The PRESIDENT OF THE REPUBLIC: There are various mechanisms that can be utilised to address the issue of land. Let me say that one size does not fit all when it comes to land. We need to look at a variety of methods, and that is why the call for dialogue, for discussion, becomes relevant. It is when we sit down and talk about this that we hear about the experiences of poor people but, at the same time, hear about the offers of people who have land, people who say that in response to the poverty that they see, they are prepared to even give land to those who want to work the land.

As South Africans, we are going to come up with a number of interesting proposals, hon Groenewald, and that is why I say we should not be too angry, too scared, or too anxious to get into this debate. This is just like when we approached democracy in our country, and many people were so fearful. Many people were so anxious. Others started packing into their pantries tins of food for months and months. We are saying this is not a time to do so. This is the time to talk. This is the time to find solutions. This is the time when we, as South Africans, must collaborate with a view of coming up with solutions,

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and solutions we will find. Thank you very much.

[Applause.]

Question 2 (cont):

Mr M G P LEKOTA: Madam Speaker, may I ask for your protection, please. I have a right ... [Interjection.]

The SPEAKER: You are totally protected, hon Lekota.

Mr M G P LEKOTA: Hon President, I am very, very disturbed that we are suddenly not all South Africans. Some of us are Indians, others are coloureds and others are whites.

The Constitution to which will show allegiance. In the Bill of rights it says "we are all South Africans"; in the founding provisions we are all South Africans. We have the same rights etcetera, etcetera. [Interjections.]

It is for that reason ... if only I can get a chance, I know there are people who disturb me in this way

[Interjections.] but I appeal to you Madam Speaker, if I may have a say ... [Interjection.]

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The SPEAKER: Please, just proceed.

Mr M G P LEKOTA: The Constitution of our country says there's only one South Africa. It says there's a common citizenship. Now, you started saying - and I asked you the question - we will take land from others and give it to others; rather, in fact, you said we'll take it from some and give it to our people, and I asked you Mr President, who are our people? And who are not our people? [Interjections.] Because - let me tell you this - in all the years that we struggled to democratise this country, we were being taught by the leaders of our struggle that we want peace and stability in this country so that we can deal ... [Interjection.]

The SPEAKER: Order, hon members! Allow hon Lekota to finish.

Mr M G P LEKOTA: Those who make noise don't win an argument. [Interjections.] I say this because the reason we wanted peace and stability was so that we can be able to deal with the intricate problems of this country. At

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Convention for a Democratic South Africa, CODESA ...

[Interjection.]

The SPEAKER: Now, your time is over by a full minute.

Mr M G P LEKOTA: I will still talk about it.

The SPEAKER: The hon President, I'm sure you'll figure out which one is the question.

The PRESIDENT OF THE REPUBLIC: Madam Speaker, I actually haven't quite figured out which one is the question; to the extend that maybe one could have heard hon Lekota. Our people are all South Africans.

HON MEMBERS: Yes!

The PRESIDENT OF THE REPUBLIC: But we lay more emphasis on the people who are poor and landless in our country.

Hon Lekota, those are the people whose lives we are seeking to improve. And I would have thought that all of us, including yourself sitting here, you are here to advance the lives of our people who are poor, who are

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landless, whose lives have been so destroyed by the legacy of apartheid; those are the people we are talking about. So, I don't know exactly what your lack of understanding on that is all about. Thank you very much. [Applause.]

Question 3:

The PRESIDENT OF THE REPUBLIC: Madam Speaker, according to information from the Department of Justice and Correctional Services, government has contributed R15,3 million to the personal legal costs of former President Jacob Zuma, since 2006. [Interjections.]

An HON MEMBER: Okay thanks. Next question!

The PRESIDENT OF THE REPUBLIC: Of this amount, approximately R7,5 million was spent on the period between 2006 and the withdrawal of the charges against the former president in 2009.

An amount of R7,8 million has been spent since 2009. This stems from a request by the former President, which he made in 2006, for legal representation at state expense

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in respect of the criminal proceedings. The request was approved by The Presidency based on advice from the State Attorney's Office, and the Department of Justice and Constitutional Development, as it was named then.

The former President signed an undertaking to refund the state if he was found to have acted in his personal capacity and own interests in the commission of the offences with which he was charged.

This administration is guided by the fundamental principals that public money should not be used to cover the legal expenses of individuals on strictly personal matters and who are found to have committed criminal offences. I thank you.

Mr J S MALEMA: Thank you very much, President. I pressed earlier to speak about the land. Unfortunately, I was not recognised. But I'm happy that you acknowledged the good work of our mayor Mashaba ... [Laughter.] ... the mayor of the EFF who's doing a wonderful job for the EFF in the Johannesburg Municipality! These people are going to continue losing all the time when they speak against the

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land because they have already lost a metro because of the land. [Interjections.]

Now, Mr President, I want to check ... [Interjections.]

... which law were you relying on when you paid these monies. Because the law that most of your people refer to is actually not that clear as to whether the state can pay for such offences. Since the President has now lost the spy tapes ... with that agreement, are you now saying, is he going to pay from his personal coffers?

But also, the amount you are pointing at ... We don't think it includes cases like the Nkandla case, cases like the Public Protector's case ... which the court was very clear that he must pay from his personal pocket. And he is appealing that.

So, if you were to take almost all these cases, that amount would not be accurate, because in our own calculations, we are sitting at almost R64 million which has been paid for legal costs of the former President, the delinquent himself, whom you kept and who is still

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campaigning for you, creating an impression that there are two presidents in your ruling party. [Interjections.]

So, we are saying to you that you removed him because you thought, this guy was not good enough. He has cost us a lot of money as the state. Yet he's good enough to campaign for your beautiful face. Because now he is carrying your placard. [Interjections.] You must be ashamed that such a person who has cost the state so much money because of personal reasons and avoiding to go to prison ... he still goes around carrying your poster, the same way as Gadani Mahlangu, walking with you. You are so proud to walk with delinquents around you and claim to be clean. [Interjections.]

The PRESIDENT OF THE REPUBLIC: Madam Speaker, the amounts that have been collated are the amounts that the Department of Justice and Correctional Services has been able to collect up to now.

Hon Malema is quoting amounts of R64 million. I am not aware of that. We have been using the agreement, hon Malema. The agreement that was struck between former

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President Jacob Zuma and the government as the instrument that has enabled the government to help pay the money on the understanding – as the agreement clearly states – that the money will be paid back if he is found to have been personally responsible for these acts.

Now, that was an agreement that was struck. We also need to make a distinction between the various legal cases that have been going on, against which he has appealed. He has appealed against certain cases where legal costs have been involved. Those need to be separated from the ones that we are talking about now. The ones that we have spoken about – being R15 million – having divided them into two categories ...

So those are the ones that we have deeper knowledge of. The instrument which you asked ... which instrument did we use ... we used the agreement. Clearly, it is ...
[Interjections.]

I will need to check that more closely. I will need to do that. This is not the first time that this has been done. It has been done before for other officials. And indeed

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... Because, you see, the acts that former President Zuma was charged with ... he was charged with acts that arose as he was occupying a government position.

The CHIEF WHIP OF THE OPPOSITION: It was before!

The PRESIDENT OF THE REPUBLIC: Yes, it was. No, it was not before. It was as a result of conduct that had to do with him occupying a government position.

[Interjections.] In that regard ... [Interjections.]

Yes, there is a practice that those who are charged with activities, be they criminal or otherwise ... and this agreement covers that. [Interjections.] The agreement covers that, for those who are charged, the government will cover that. And when the court finally – and this is important, because our judiciary is so independent that it does, even in the end, make a determination on the payment of costs ... of legal costs ...

So, once these matters are finalised, the court will be able to make a determination.

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In this regard, they will even have line of sight of this agreement that has been reached and I'm sure that when they do make a determination on the basis of the outcome of the case, they will be able to determine how those legal costs should be dealt with.

Right now, because the agreement is still in place, there is just no way in which we could right now say to President Zuma, in violation of the agreement that was reached, that he must pay the costs. [Interjections.]

I know that it would be exciting for many people's minds that he must pay back the costs, but we have to wait until that case is finalised and a determination is made by a court. We did it on the basis of an agreement. Thank you. [Interjections.]

Mr J S MALEMA: Speaker! Speaker!

The SPEAKER: No, you can't have two opportunities, hon Malema.

Mr J S MALEMA: No, my question is not answered.

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The SPEAKER: No, hon Malema, take your seat.

Mr J S MALEMA: That's where we have a problem, because my question is not answered.

The SPEAKER: No! No, hon Malema ...

Mr J S MALEMA: I wrote a question to the President about which policy was he following. The President says to me ...

The SPEAKER: Hon Malema, the President has responded to you.

Mr J S MALEMA: No, he says to me he has to check which law.

The SPEAKER: He has told you that he has to check on that.

Mr J S MALEMA: But this was a written question to him long before he came here. It's here! He should have checked before he came here!

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The SPEAKER: Hon Malema, take your seat.

Mr J S MALEMA: Now he says to me ... [Inaudible.] ... if it weren't, I have written a question to him. What is the purpose of writing a question?

The SPEAKER: Hon Malema, take your seat.

Mr J S MALEMA: But my question is not answered, Speaker!

The SPEAKER: Hon Malema ...

Mr J S MALEMA: What is the purpose of this exercise? Are we going back to a situation where ...

The SPEAKER: Hon Malema, take your seat. You are allowed to pursue that issue outside of this sitting right now.

Mr J S MALEMA: Where? Where will I see this guy? I can't see him anywhere! Where will I find him?

The SPEAKER: We have to proceed. [Interjections.] We have to proceed to hon Alberts.

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Mr J S MALEMA: I will look for you in Sandhurst!

[Interjections.]

The SPEAKER: Hon Alberts.

Adv A De W ALBERTS: Thank you, hon Speaker ...

Mr N F SHIVAMBU: On a point of order, Speaker!

The SPEAKER: What is the point of order, hon Shivambu?

Mr N F SHIVAMBU: The Constitution and the Rules of the National Assembly place an obligation on us as Parliament to hold the executive and, more specifically, the President, to account. We do that through Oral Questions and through Written Questions.

We wrote a question exactly two weeks ago. How does it come about that the President comes here without an answer about giving us legal reference? All money of the state has to be spent according to law. [Interjections.] Why are we not given the answer as to, what is the legal basis of taking money of the state? What is the legal

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basis of the agreement of taking money of the state and giving it to a constitutional delinquent who has been wasting our time going to court after court? Because if we do not deal with that decisively, it means someone else is going to do it.

How many public representatives are there? There are many MECs in South Africa, like ... because, when Jacob Zuma did these things he was an MEC in KwaZulu-Natal. When he was accused of corruption with the Shaiks, he was an MEC in KwaZulu-Natal. So are you saying that all the MECs, all the MMCs, all the Ministers must come and queue for legal ... [Inaudible.] ... from the state?

The SPEAKER: Hon Shivambu, please ...

Mr N F SHIVAMBU: What law establishes the giving of money to Jacob Zuma?

The SPEAKER: The President has now responded ...

The PRESIDENT OF THE REPUBLIC: I'll answer.

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The SPEAKER: ... and you are not satisfied with his response. He has said he will check on that. You are complaining. We cannot dwell much longer on this, back and forth, between you and your dissatisfaction and the President. It can be pursued outside of this sitting. [Interjections.] It can only be pursued outside of this sitting and I'm not allowing the time of this sitting to be further wasted on this matter. The hon The President?

The PRESIDENT OF THE REPUBLIC: Madam Speaker, the question said – and I would like to deal with that – the question did say, what is the total amount that The Presidency spent on the legal costs of former President Jacob Zuma since his election as President. And, on what legal provision or policy did the state rely when using state resources to fund the former President.

[Interjections.]

Now, that is a legitimate question. What I did answer was ... we focused, hon Malema ... we focused on the agreement. I would like you to accept that. Having had an agreement that was signed, in constructing our answer we focused on the agreement, and did not go further to look

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at the legal provisions or the policy. That is why I said – if you had listened carefully, what I said was, we will look into that. I can give you an undertaking that we will come back to you on that.

Having found the agreement, we immediately thought that will give you an answer that would be satisfactory in the circumstances.

Clearly, you are not satisfied with that answer because you want us to go further and look at the legal provision or the policy ... [Interjections.] ... which we shall do and come back to you. [Interjections.]

Dr M Q NDLOZI: Date and time!

The PRESIDENT OF THE REPUBLIC: We will be able to do so within a week. [Interjections.] Thank you very much.
[Applause.]

Mr N F SHIVAMBU: That is called being presidential. You are being presidential! [Laughter.]

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The SPEAKER: Hon President, we are actually at the point of recognising hon Alberts. [Interjections.]

Question 3 (cont):

Adv A De W ALBERTS: Speaker, Agb President, u praat van 'n ooreenkoms rondom die kostes en onsweet dat papier en kontrakte geduldig is en dit verbreek kan word., ons sien hoe die kontrak wat gemaak is in 1994 stelselmatig nou gebreuk word met die gepoogde veranderinge met die Grondwet. So, daar is geen waarborge vir on swat daaruit voortspruit nie. Ek wil vir u vra, rondom die kontrak wat u het - die ooreenkoms met die vorige President - is daar enige waarborge in wat sal verseker dat hy wel betaal indien hy sy hofsake verloor? Met ander woorde, is daar sekuriteit gestel van een of ander aard en is Nkandla byvoorbeeld opgegee as sekuriteit, indien hy nie self kan betaal nie? Aan die einde van die dag, as hy nie geld het nie, dan gaan daardie geld maar net skuld bly wat die belastingbetaler moet betaal. So, ons wil graag van u weet watse sekuriteit is daar dat hy dit uiteindelik uit sy eie sak hierdie kostes sal betaal wanneer hy verloor want ons dink nie hy het 'n kans om in die toekoms om enigsins te wen nie. Dankie.

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The PRESIDENT OF THE REPUBLIC: We entered this agreement in good faith with former President Jacob Zuma, with the understanding that, as he contracts with state, with regard to the payment of legal costs in case he loses the case, he would be willing and able to pay back the money. And of course, if that fails, the government has other legal means through which it can go and recover the money.

We did not sign a guarantee, nor did we go to an extent of saying, give us which ever property. We did not go to that extent. Obviously, we enter such agreements as government from time to time with various parties. They make undertakings and we are able to rely on those undertakings without necessarily asking for a guarantee that if the money is paid, ... Obviously, as the state, we have other means of recovering the money. So, we should be able to do precisely that if the money is not paid back at the time that it would, if the courts decides in other ways. Thank you very much.

[Interjections.]

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Mr N SINGH: Hon President, thank you very much for your response. The case of the challenge of the Public Protector's report has been mentioned by hon Malema. We know exactly what the North Gauteng High Court had to say. In fact, Justice Mbalambu had to say that the former President had abused the judicial process and he ordered him to pay. We hear that you said that the matter is on appeal. I want to know is paying the costs for this appeal? In the Shaun Abrahams' case, the Presidency and through you saw fit to withdraw the appeal. Is it not wise to advise former President Zuma that he should withdraw his appeal, cut our losses short and make him pay back the R6 million order of taxpayer's that has been spent on the case so far? Thank you.

The PRESIDENT OF THE REPUBLIC: As I understand it, it is advice that is being offered to us that we should have a discussion with the former President Jacob Zuma about this matter that he should withdraw the appeal. We hear you and thank you very much for the proposal you put forward. There are many other such proposals that we deal with and thank you very much.

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The CHIEF WHIP OF THE OPPOSITION: Lock him up!

The LEADER OF THE OPPOSITION: Mr President, I think firstly, it bears noting that in a criminal case, there can be no determination of a cost order. Therefore, I struggle to understand, on the basis of what law and what policy, is the former President obligated to pay back. I think that it is important for me to also highlight the fact that we are now discussing a pensioner – somebody who is old and who one day, if he carries on with this case and you are saying you bound by an agreement, could drag this case on for years and the taxpayer has to pay. You are saying to the poor South Africans: Here is 1% VAT, let us add that to your lives. They must keep financing Mr Zuma's legal fees. So, I am here to ask you: Can you not commit today to say, let us stop it now and will you join our court action and get back the money? Otherwise, this policy is illegal and invalid. Let us stop it now. I am asking for your commitment to say stop funding a delinquent litigator's legal fees from henceforth. Stop it now! [Applause.]

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The PRESIDENT OF THE REPUBLIC: Hon Speaker, I have already said that an agreement was entered into between President Zuma and us. That agreement is a signed agreement. I have a copy of it here. We are obviously, as honourable people, bound by agreements that we enter into. This agreement still stands. [Interjections.]

Our Department of Justice and Correctional Services is keeping an eye on this agreement and the various cases, as they proceed. So, we will keep an eye on the processes of the case. That is all I can say and the agreement is here for all to see if you want to. Thank you very much. [Interjections.]

Question 4:

The PRESIDENT OF THE REPUBLIC: Hon Speaker, as I indicated in the state of the nation address, there is massive potential for South Africa's mining industry to grow. In fact, I look at the mining industry as a sunrise industry. It is an industry that can continue to create jobs, to stimulate industrial activity and also to promote social development in our country. Though mining's contribution to the national GDP has fallen from

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21%, in 1970, to 7%, in 2016, it still represents almost 60% of our country's exports.

Over the course of the next few months, government will be engaging with stakeholders in the mining industry to develop a new mining charter for South Africa. This follows agreement between government, the industry, and

other stakeholders to suspend legal action, pending further consultation on the charter. This needs to form part of a broader undertaking by all social partners to ensure that mining is, indeed, a sunrise industry that benefits all.

Our Minister of Mineral Resources will be holding discussions and having consultations in the coming days because he, too, believes that mining needs to contribute, in particular, to the growth of our economy. It needs to fundamentally change the living conditions of those who are affected, and to ensure that they are active participants in the process of transformation.

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The charter should be guided by the following broad principles. The fundamental transformation of the ownership and management of the mining industry is necessary, not only to promote equity, but also to enable the industry to develop in a sustainable and - much more importantly - in an exclusive manner. While some progress has been made, there is a need to accelerate the transfer of ownership of the industry to black South Africans, and more particularly, to women. It is necessary to agree on an ambitious ownership target that can be progressively and sustainably realised.

Mineworkers need to have a greater role in decision-making. They should also be assisted to acquire equity stakes in mining companies. The interests of affected communities need to be prioritised, as we ensure that they are able to benefit in a meaningful way from mining operations on their land.

The South African mining industry needs to be attractive to investors through a mining charter that offers certainty and stability, and has a clear transformational path. The charter should have specific provisions to

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ensure job creation, but it should also address the issue of beneficiation.

Mines usually procure goods and services in quite a big way. There should be transformation in the procurement processes of the mines. Local procurement must be part of what the mining industry does on its transformational path.

Employment equity is another important challenge that the mining industry needs to address. It should promote skills development, technological innovation, and also, exploration. While mining has been a mainstay of our economy, it has a history of inequity and exploitation. Through the Mining Charter, all role-players have an opportunity to chart what I would call a new path of growth, a path of development, transformation and inclusive prosperity.

This is an industry we need to pay more attention to, as a country, because it has, for a very long time, been the bedrock of our economic growth trajectory. We can use mining once again as a growth industry and as a great job

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creator, because underneath the soil of our country lie minerals that are waiting to be exploited. However, this time around, we are saying as they get exploited, it must be to the benefit of our people and not just to the benefit of a few people who might be scattered all over the world.

So, we therefore are saying that the Mining Charter is being addressed, as we speak. We believe that an agreement will be reached that will lead to the benefit of the industry, as a whole, as well as to all the stakeholders who are part and parcel of this industry, in the form of workers, investors, communities, government, and a number of other people who are part of making sure that our industry grows. Thank you very much. [Applause.]

Mr S LUZIPO: Speaker, President, one of the key challenges in the Mining Charter is the issue of the absence of an assessment tool and assessment mechanisms based on the cycle that is subject to review and the internal capacity of the department in terms of monitoring and ensuring compliance. Therefore, this, at

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the end of the negotiations, can become the point of dispute.

My follow-up question is: What measures will the government put in place to ensure that the Department of Mineral Resources, as a custodian for the implementation of those decisions, is able to properly administer and monitor the implementation of the new Mining Charter so that it has an impact on the transformation in the mining industry, as intended by Parliament when it passed the Mineral and Petroleum Resources Development Act in 2002? Thank you very much.

The PRESIDENT OF THE REPUBLIC: Hon Speaker, the new Minister of Mineral Resources, Minister Mantashe, has hit the ground running. [Interjections.]

The CHIEF WHIP OF THE OPPOSITION: He's been sleeping in Parliament for weeks!

The PRESIDENT OF THE REPUBLIC: He has already made it his task, not only to meet the various people in his department, but he has already been to the various

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trouble spots of the mining industry. He has been to mines where workers have been going through a number of difficulties. You should all have seen him as he went to mines like Optimum, to go and engage with the mining managers on the challenges that the mines are facing.

At the same time, he has already made it his job to go around the country, which he is going to speed up on, to visit Department of Mineral Resources offices. Having started at headquarters level, he is now going to be going around the country to where the departmental offices are with a view to determining what the capacity of the Department of Mineral Resources is, whether it is well placed to oversee mining in our country, to do the necessary assessments that you are talking about, not only to see to whether the laws that we have passed are being implemented, but also to look at how safety standards are being adhered to.

We have, here, a Minister who knows the industry, a Minister who has worked in the industry, a Minister who understands miners, a Minister who worked underground and who knows what the underground workings of a mine look

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like. He does not rely on hearsay. [Interjections.] I would ask that we give him an opportunity to go throughout the length and the breadth of the country to engage with the various managers and officials to be able to determine precisely what needs to be done in the industry and what assessment tools he will need to have.

This weekend, he is spending time with all those who are in the industry and who are supposed to have dialogue with him on the Mining Charter. We hope that the three-month period he has set for himself will finally yield a mining charter for our country. In addition, during the course of doing all this, he will be spending a lot of time engaging with these officials to make sure that the mining industry returns to a place of pride for our country, where we will know that we are able to generate growth out of this industry. Thank you very much.

Dr M Q NDLOZI: Speaker, all workers would like to be like uTata uMqwathi - get out and get education opportunities, so that they are educated like he is. However, the problem is that the Mining Charter is not enforceable. There are no consequences when people or these companies

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that are, either way, involved in aggressive tax avoidance and elicit financial flows. When they don't meet the targets, there are no consequences. There is no punishment. So, if they don't give the community opportunities, if they don't improve housing, if they don't give the workers skills, there is no punishment.

Would you consider the nationalisation of mines that don't meet the targets, taking into consideration, on the one hand, the important objectives of transformation, and on the other, the fact that has been properly demonstrated, even by former President Thabo Mbeki, that they are engaged in aggressive tax avoidance. Shouldn't one of the mechanisms to make them comply be the fact that if they don't, we are going to expropriate them without compensation? [Interjections.]

The PRESIDENT OF THE REPUBLIC: Speaker, it could be quite tempting to think that companies that seem to make a lot of profit could be nationalised, and by nationalising them, one could then increase the coffers of the state. However, what comes with that, hon Ndlozi, is also the burden of having to capitalise those companies.

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One can go and take a mining company that is worth, say, R100 billion, and it could yield profits for a year or two. Because it is subject to commodities, when the commodities tank, then you have to put more money into the company. That money - if we have nationalised it - will have to come from the fiscus, because there is this thing called rights offers. As managers, they can come to the company and say we need to go and exploit a particular ore body, we need to sink a shaft and it's going to cost us R20 billion. You are a shareholder. We require that you should follow your rights and give us so much money so that we can go and explore there.

Now, the risks and the dangers that lie in store are something that one needs to examine very carefully. It is all very well to say go and nationalise, but sometimes you can be nationalising ... One, mining is a wasting asset. You could be pouring your money down the drain.

In my view, it is sometimes better to rely on people who have a huge appetite for risk. I would need to ask myself if we, as a nation, have an appetite for risk to be able to go and pour billions of rand into holes in the ground

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and sometimes not find the ore body that we want; and sometimes the commodity pricing keeps going up and down; and then sometimes there are years of drought and years of boom. Mining, in the end, for the most part, is bust and boom. You could go bust; you could also have great years of boom.

Is that what we want to subject our type of state to, our developmental state, to processes like that? Are there other industries that would be better placed to be able to yield better? You may find that shareholders will say yes, come and nationalise even if it is without compensation. Take the burden off our hands. Quite often, those who are involved in the mining industry will tell you that, as it is a wasting asset, from day one, you are just going down and you may just benefit for a short while. Is that what we would want to expose our general fiscus to? [Interjections.] Yes, 50 years of bust and boom. Bust and boom, hon Ndlozi.

So, would we consider that? I would welcome you to engage in research and assessment but also to rely on the

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knowledge of people who have experienced it. Go and sit down with and talk to the hon Mantashe ...

Dr M Q NDLOZI: Never!

The PRESIDENT OF THE REPUBLIC: ... who has been in the mining industry. [Interjections.] He will tell you what mining is all about. Mining is not an industry for sissies. Thank you very much.

Mr J R B LORIMER: Speaker, Mr President, the Mining Charter is designed to be changed every five years. How is that compatible with a certain and predictable mining regulatory system that we need if we want to get investment?

The PRESIDENT OF THE REPUBLIC: Speaker, clearly every investor wants certainty on a sustainable basis. Every investor wants to know that the rules of the game are not going to change, every now and then. The Mining Charter that we are going to finalise should be the type of mining charter that will stand us in good stead for many years to come. Otherwise, it will be very difficult for

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us to attract investors and to ask people to commit their money for 20 years or more, and in some instances, to commit to money for a fairly long time before dividends are yielded.

I know of situations where people have invested in mining projects for almost 20 years before any ore comes out of the ground because mining, by its very nature, is a long-term process. It is not a process where you can dig up a hole and think that you will find the minerals that you want, process them and then, sell them immediately. So, I would say that the Mining Charter that we are going to strike should be the type of mining charter that will stand us in good stead for a number of years to come.

However, the real issue here is going to be whether the partners who arrive at this Mining Charter are going to be willing to implement it. As I understand it, we have reached the stage of an amendment to this charter because the parties that were part of this agreement did not implement their side of the bargain. If we can have a Mining Charter with partners who are going to implement their side of the bargain, there should be no need, at

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all, to be amending the Mining Charter every five years.
Thank you very much.

IsiZulu:

Usolwazi N M KHUBISA: Angibonge Somlomo, mhlonishwa Mongameli, eminyakeni eminingi abantu abasebenza ezimayini, abesifazane, yintsha, abahlala eduze kwezimayini, sekukade bekhala bethi bashiywa ngemuva abamelelekile.

English:

What would you say have been the challenges and impediments to ensure that they are represented by way of owning the mines and also making sure that they also become businesses, in that regard? What have been the problems, in that regard? Thank you.

The PRESIDENT OF THE REPUBLIC: Speaker, part of the structure of our mining industry has been the legacy that it has inherited from the past, which is apartheid. Apartheid colonialism, when it came to mining, made sure that the ore body was found, they imported workers from all over the country and those workers became migrant

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workers. That led to a complete disregard of the people who live near the mines. They did not become part of the labour pool that could be trained and relied on. The communities around the mines were completely disregarded and not seen as a resource or as partners in the mining effort.

What the Mining Charter is seeking to do now is to change all that. This is part of the whole transformation process to make all the key role-players partners in mining, in an endeavour, on a mine-to-mine basis, no doubt, that is going to lead to the benefit of all. So, in the end, we will have women, young people and ordinary people in the surrounding areas being part and parcel of either the labour pool or the business pool and various beneficiaries that can be part of the area where mining takes place.

To this end, we are saying that procurement must take place. We also want quite a lot of procurement to be localised. We want the mines themselves to lead business entrepreneurship in the area to develop skills so that everyone who lives near a mine should feel that it is an

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asset that they can all benefit from. After all, most of these mines are planted in areas that are either controlled or owned by our people, as a whole. From an historical point of view, they should therefore benefit.

The charter that we are drafting now is going to be addressing itself precisely to that through various mechanisms that we will put in place. Thank you very much.

Question 5:

The PRESIDENT OF THE REPUBLIC: Hon Speaker, the institution for traditional leadership is a fundamental part of South Africa's constitutional democracy. As I said during the opening of the National House of Traditional Leaders the other day, we will continue to ensure that our Constitution and the laws passed by our people remain effective in supporting and adopting this institution to better serve our citizens. In the years since Cabinet committees recommended in 2000, government has worked with traditional leaders to develop a common approach to the powers, roles and functions of traditional leadership. This was one of the matters

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covered at the Indigenous and Traditional Leadership Indaba which was held in 2017 and during the debate of the opening of the National House of Traditional Leaders. The Minister of Co-operative Governance and Traditional Affairs, CoGTA, Dr Zweli Mkhize, will develop a detailed plan on how we are going to address the issues raised during the debate that ensued but he is also going to be developing a plan which is based on the declaration that was passed or adopted at the indaba that was held in 2017. We are committed to ongoing engagement on the legislative framework on traditional leadership, not only with traditional leaders but also with affected communities as well as other stakeholders. I am confident that the concerns of traditional leaders can be addressed without the need for a constitutional amendment. What we structured in our Constitution is quite forward-looking in terms of defining the role of traditional leadership. The role of traditional leadership is secure in terms of our Constitution and indeed traditional leaders are a strong part of the body politic of our country and our task is going to be to continue strengthen that institution and give it as much support as we possibly

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can so that it can grow and develop and be part of the discourse on many issues that occur in our country. Thank you. [Applause.]

Mr M HLENGWA: Hon Speaker, Mr President, it is a case of déjà vu really. We have been down this road of commitments before and commitments which have materialised to nought, piecemeal legislation over time which has not addressed the issues. You would also recall when you in fact headed the drawing up of the Constitution of this country, these concerns were raised. The issue of international mediation was torpedoed and amounted to nought and so 18 years later you take us back down to square one to say, there will be ongoing engagements. The question then becomes, one, what confidence can traditional leaders have in terms of the clarity that they require because the wall to wall municipal boundaries cause duplication of authority in many areas in this country and is causing a problem. The interventions of Section 81 have not assisted.

So what changes now? What guarantees can you give now that all that you are saying or had being said is going

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to brought to a logical conclusion and actually define the powers, role and functions of traditional leaders. What shape or form will those take because we cannot be having the same discussion over and over again whereas the issues are very clear and on the table? And now, yet again, you have committed another commitment. For how long must traditional leaders endure this kind of treatment at the hands of the state whereas they have done nothing wrong but seek to be part and parcel of the body politic and development of this country. So, we need to bring this to a logical conclusion.

IsiZulu:

Angazi lokhu kuhahameza eningenza kona enikubhekise emakhosini ukuthi kuchaza ukuthini. Yizo izinkomba zokungahloniphi kona lezo impela.

The PRESIDENT OF THE REPUBLIC: House Deputy Speaker, I had a wonderful exchange with traditional leaders when they invited me to open the National House of Traditional Leaders and they also allowed me to respond to the issues that they rose. The engagement, I believe, was fruitful. It was an engaging type of process where they were

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raising issues which I had time and occasion to respond to. Our new Minister of Co-operative Governance and Traditional Affairs was also in the House and listened very carefully to the issues that were being raised by traditional leaders and the advantage of his presence is that he participated in the indaba that was held last year in 2017. He was, if you like, an active participant and he is fully aware of the declaration that was drafted. Now that indaba dealt, hon Hlengwa, with a lot of the issues that were also ventilated during the debate at the National House of Traditional Leaders and we overlaid what we had to say in that House with a very clear commitment that the Minister is going to be, firstly, the one continuing the engagement but secondly, identify the issues that we are going to start acting on. And he is going to be coming forward to the Presidency to raise various matters that need to be addressed. And some of them are not easy, they are quite difficult matters but we have made a commitment that we are going to address all the matters they have raised. You raised the issue of the interface between traditional leaders and our municipal representatives. In a number of areas, it is working well, in some cases it is not and that is one

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of the issues that we are going to have to address and the various other matters that were raised we thought we would be able to find fairly workable solutions around.

So, rather than you saying that nothing is going to come out of this process, I would say, we have now arrived at a particular moment where we think that the solutions that we have always sought with regard to addressing the challenges that traditional leaders are going to be coming forth and we will be able to address their concerns. So I have no doubt as difficult as some of the issues are, we will find solutions and you will have noticed that from the governing party's side we are continuing to engage at close range with traditional leaders, with our kings and queens and various other levels of traditional leaders because we believe as government that the role that traditional leaders have to play in the life of our country and indeed in the life of our people is very important and we will continue - and I repeat what I had said in that House since you raised the word 'respect' - to treat them with the respect that they deserve because they are the natural leaders of our people. We will continue to engage with them with respect

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and due recognition because they have a huge role to play in the lives of our people particularly people who live in rural areas. So our engagement is not enforced. It is an easy engagement and we will make sure that we do find solutions to difficult issues. Sometimes we will not be able to find solutions and we have undertaken and promised each other that the engagement will continue.

What I found is that there was a great deal of confidence, confidence in what we outlined to them and they are looking forward to engaging with us. So a season of engagement with traditional leaders is going to be ongoing and we will make sure that we do so with a great deal of commitment. Our Minister is going to be continuing with that process. Thank you very much.

[Applause.]

Mr K J MILEHAM: Deputy Speaker, Mr President, the report of the High Level Panel on Assessment of Key Legislation issued by President Kgalema Motlanthe addresses a number of challenges around the Traditional and Khoi San Leadership Bill. It notes that the proposed legislation:

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denies people living in areas under traditional leaders several constitutional rights, distinguishing them from those living in the rest of the country who enjoy the full benefits of postapartheid citizenship.

And that it, "poses a threat to social cohesion by entrenching and promoting ethnic identities." This mirrors many of the objections raised by the DA when this Bill was debated in the House. The panel proposed that Parliament should withdraw the Traditional and Khoi San Leadership Bill in its entirety or it should reconsider those provisions that may illicit constitutional challenges and undermine social cohesion and nation-building and replace the Bill with inclusive legislation that recognises the Khoi and San. Since this Bill is intended to be the primary legislation governing and defining the roles and responsibilities of traditional and Khoi San leaders, will you consider referring it back to the National Assembly, and if not, why not?

[Applause.]

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The DEPUTY SPEAKER: Please keep to your time.

[Interjections.]

The PRESIDENT OF THE REPUBLIC: The Bill that has been put forward is a Bill that we also had time to also discuss quite briefly I must admit with a number of the traditional leaders who are part of the National House of Traditional Leaders and we did not find a lot of opposition to the Bill being taken forward and indeed we also found that even traditional leaders who are part of the Khoi-San community themselves did not have any great difficulty. Now, we have noted what the panel has said and we will take that to heart. One of the reasons why the panel was set up was precisely to identify areas and laws that we need to have a relook at and we will do precisely that.

But as regarding the response from a number of participants at the House of Traditional Leaders, we did not pick up any of the problems that you are alluding to but at the same time we will keep that in mind and in the course of discussing all this we will make sure that

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every view is heard and every suggestion is taken on board. Thank you very much. [Applause.]

IsiXhosa:

Gq B H HOLOMISA: Somlomo nakuwe Mongameli, kukho umphako endifuna ukuba ndikuphathise wona, kulo mba weenkosi. Urhulumente wavula iKomishoni yamaBango neziKhalazo zobuKhosi. Njengoko ufika kule ofisi uza kufamanisa ukuba baninzi abantu abalindele ukusayinelwa izatifiketi ...

English:

... in terms of the recommendations by this commission.

IsiXhosa:

Kutheni le nto ungakhe useke iqela eliza kugutyula wonke lo msebenzi, liwuqoshelise kuba kaloku iinkosi ezininzi xa sihamba zisoloko zisibuza ngeziphakamiso zala komishoni ukuba ziqaliswa nini na. Xa usiya ngaphaya emaMpondweni naseNtlangwini apho bendiye khona apha ezintsukwini ikhona le mibuzo. Ndiye ndakubhalela incwadi ukuba uyifunde.

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Ndicebisa ukuba ezi zinto kuyafuneka ukuba nizigutyule ngokukhawuleza ingakumbi ngoku xa sithetha ngomhlaba. Enkosi.

The PRESIDENT OF THE REPUBLIC: UMphathiswa lo ungene kwesi sikhululo nguye kanye oza kujongana nezinye zezinto ozikhankanyileyo. Ngumsebenzi aza kuwenza lowo...

English:

... because as we go around - indeed you are right - we are meeting quite a number of traditional leaders who, through various commissions, from the Nhlapo Commission and a number of others, had hoped that their own status would be resolved and they had hoped that the President would give them their certificates of recognition and in a number of cases, that has not happened. Our Minister of Co-operative Governance and Traditional Affairs is going to be seized with this matter in particular, in fact, it is at the top of his agenda as he starts his work. Thank you very much.

Mr N A MASONDO: Deputy Speaker and members,

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IsiZulu:

Mongameli, ngezwi elilodwa siyiPhalamende siyavumelana ukuthi intuthuko nengqubekela phambili yinto ebaluleke kakhulu siyaphambili. Kukhona-ke okusamoyana okuwukudunga amanzi nokutshala umkhuba wokungabambisani phakathi kwaHulumeni namakhosi. Lokhu-ke siyakweshwama.

English:

Mr President, at the opening of the National House of Traditional Leaders you committed, among others, to catapulting agriculture to a high level. You urged, among others, for a rural and agricultural revolution. How will this come to fruition without a meaningful collaboration between chiefs and government? Please elaborate.

The PRESIDENT OF THE REPUBLIC: Deputy Speaker, thank you very much hon Masondo. One of the highlights of the engagement that we had with the traditional leaders during that debate was the enthusiastic anticipation they have on looking at agriculture as a growth industry and how they committed themselves to utilising the land that they have as a key driver of economic growth but also as a key driver in terms of bringing in young people into

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agriculture and getting them, interesting them, in participating very actively in agriculture. They decried the process that is underway now where young people leave rural areas and throng into cities and they said, if they can be given the support and assistance that is necessary for them to turn agriculture around, they will be able to generate a lot of growth or the areas that they are in will be able to generate a lot of growth. And they are asking for simple things, simple things such as, could government focus more on agriculture development in the areas that they are in? Could government give them support when it comes to things such as implements for farming, seeds, and fertiliser?

And they said if we could just help them with that in terms of the various schemes that are out there, they will be able to see success. But, I also heard them say they are grateful that a number of projects that we have embarked upon are yielding good results particularly the Agri-parks. They spoke glowingly about a number of Agri-parks that are in their areas which they saw beginning to lead them to agro-processing and that for me was quite pleasing to hear traditional leaders looking forward to

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growth being generated in agriculture and contributing to the growth of our economy. So we want to support young people. We would like to set up a number of programmes and some of these will obviously be done through the various interventions that we have such as the Public Employment Projects that we have already started on. Some of these will be generated through the various programmes that the Department of Agriculture, Forestry and Fisheries is involved in and indeed many other of our government departments will be able to lend a hand with this. So what we can look forward to, hon Masondo, is the active participation of traditional leaders in agricultural development, look forward to how they can participate in agro-processing going forward and as government we will be seeking to give them the tools, means and open opportunities for them to be able to participate.

Now that we have arrived at a point where we are going to unlock the wealth, capabilities in land we believe that we will be able to see many traditional leaders and indeed our people in the areas that they are in participating very vigorously and actively in agriculture

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and to see agriculture playing a key role in the growth of our economy as it has done in the last two to three quarters in our economic growth. Thank you very much.

Question 6:

The PRESIDENT OF THE REPUBLIC: Deputy Speaker, hon members, public confidence in institutions like the National Prosecuting Authority, NPA, is critical if we are to build a better prosperous and more equitable society. This is why in the state of the nation address we prioritised the restoration of the stability and integrity of the NPA.

The matter of the position of the National Director of Public Prosecutions, NDDP, is currently before the courts. We will continue to do what we can to ensure that the matter is speedily resolved in the interest of justice, the rule of law as well as fairness.

We all have a responsibility as political leaders to ensure that the NPA is able to undertake its mandate without any fear or favour. The NPA must work in a way where it serves the interest of all our people by being

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efficient, effective and promoting the rule of law in South Africa. This, it must do without any fear, favour or prejudice.

In terms of both the Constitution and the NPA Act, the President has clearly defined obligations in relation to the NPA. In performing these obligations including the appointment of the NDPP and other directors of public prosecutions, I will ensure the adherence both to the spirit as well as to the statutory requirements and jurisprudence emanating from our courts in relation to these matters.

There good women and men in the NPA. There are a number of people who are in the NPA, who are people of integrity, who have experience and people who have specialist knowledge about their craft. With effective leadership, with a more stable institutional environment and with our support as leaders, I am certain that they will once again be able to undertake their important responsibilities with purpose and distinction. I thank you. [Applause.]

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Prof N M KHUBISA: Deputy Speaker, hon President, in your answer, you alluded to the fact that the image that has been portrayed by the NPA has not been enviable. This has happened for quite a number of years ... [Inaudible.] ... chief among them has been the issues of administration, internal squabbles, errors of judgement and a plethora of other issues.

Hon President, have you had any time to sit down with the Minister in charge to pave a way forward with regard to these matters that are so crucial for the NPA? Thank you very much.

The PRESIDENT OF THE REPUBLIC: Yes, I have had the opportunity to have a discussion with the Minister of Justice and Correctional Services. In our discussion we looked at the issue of the NPA and how best we can ensure that the confidence of our people in the NPA is increased.

We must admit that over some time, the confidence of our people in the NPA has gone down. We are now discussing precisely the issue of the NPA. As I said in my answer,

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the issue of the director of the NPA is before the courts. We must allow our courts to process that matter and once the matter is finished, we will then be able to know the way we should chart forward. Thank you very much.

Ms N V MENTE: Deputy Speaker, Mr President, the reason why the NPA is where it is right now is the source of corruption, nepotism and issuing of unlawful instructions by the executive. What have you done right now with regard to Eskom, by appointing Mr Dabengwa, who was the main man behind your campaign and your close friend? What happened to the SAA, the appointment of Ms Dudu Myeni as the closest friend of Mr Zuma, is the very same situation that the NPA is in right now.

So, with you appointing Mr Dabengwa, are you not encouraging the very same that it must continue in the country because the state-owned entities are the very same thing as the NPA?

The PRESIDENT OF THE REPUBLIC: Deputy Speaker, I am required to directly answer, you say, the issue of Mr

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Dabengwa. Mr Dabengwa is an executive that I have known for a long time. He used to be an executive at Eskom, and then he left and went to be an executive at MTN. He then became the chief executive officer of MTN. Very astute and well experienced person that I know.

When the name of Mr Dabengwa was brought to be appointed as a director, I immediately said, I know him and I would like to recuse myself from being part of the decision that would lead to the appointment of Mr Dabengwa
[Applause.]

I think I would like you to understand this, I decided that I should recuse myself to avoid and not hide the fact that I know him, to avoid a situation where I could be accused of a conflictual relationship. I do not have any ongoing relationship of whatever nature with Mr Dabengwa except for the fact that I know him as a person who I was chairman of at MTN, beyond that, I am not involved with Mr Dabengwa in any manner whatsoever and ... [Laughter.] ... Now, I heard the antenna in my head told me that: firstly, you've to declare that you know him and recuse yourself and get people who might want to

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decide on him to know that; firstly, you have recused yourself and do not want to get involved in any way, shape or whatever.

It often happens that when we have to appoint people, we either know them in one way or another ...

The CHIEF WHIP OF THE OPPOSITION: University friends!

The PRESIDENT OF THE REPUBLIC: ... and maybe you have been to university with them, that you have met them along the road ...

Dr M Q NDLOZI: What about the ANC campaign?

The PRESIDENT OF THE REPUBLIC: ... and ...

[Interjections.] ... when it comes to a conflictual relationship, it needs to be determined whether his activities wherever he is deployed are going to be of such a fraudulent nature that they will be geared towards advancing your position.

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I can say with certainty, Mr Dabengwa's role and participation at Eskom is not going to be of a fraudulent nature advancing my interests; that will not happen under any circumstance. [Applause.] I know that we become fearful because of experiences that we have had in the past. Yes, and I can give you assurance that it is not going to happen with me. Thank you very much. [Applause.]

Dr C P MULDER: Hon President, in the state of nation address as well as in your original answer today, you conceded that we need to restore the credibility of the prosecuting authority and you said that we need to bring stability there and that confidence in that institution is critical. As result, you have indicated what you would do in that process as the new President. You also indicated that you have already spoken to the Minister.

Hon President, if you look at section 179 of the Constitution that deals with the NPA, section 179(5) clearly states that the NDPP must determine with the concurrence of the Cabinet member responsible for the administration of justice the prosecution policy.

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It goes on in subsection 6; the Cabinet member responsible for the administration of justice must exercise final responsibility over the prosecuting authority, not only the director but the Minister must take the final responsibility.

You have reappointed the hon Masutha, who has been in that position for the last four years already. What I want to ask is: When you consider your next Cabinet reshuffle, take this into account. Thank you.

The PRESIDENT OF THE REPUBLIC: Deputy Speaker, I guess in everything that one does, one would always seek to take into account the constitutional provisions that should be guiding our work. We will seek to lay emphasis on acting correctly in terms of the law and the Constitution. Thank you very much.

Mr M A PLOUAMMA: Deputy Speaker, before I ask this follow up question, hon President, when are you going to do a morning walk with the widows of Marikana and ask them if they are coping since they are ... [Interjections.] ...

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Hon President, Mr Shaun Abrahams has become a symbol of a dysfunctional NPA. He has forfeited the independence of the institution to factional battles of the ruling party. Can't he step aside to allow someone incorruptible and trustworthy to ensure the recovery of trust of this institution? I thank you.

The PRESIDENT OF THE REPUBLIC: Deputy Speaker, it seems like hon Plouamma is addressing his question to Mr Shaun Abrahams and not to me because he says can't he step aside? I do not know what the question is ...

[Interjections.]

Ms D KOHLER: Fire him!

The PRESIDENT OF THE REPUBLIC: ... All I can say is that we are dealing with the matter of the NPA and in dealing with it; we are driven by one thing and one thing only, to ensure that we restore confidence in the NPA so that the NPA can be institution that will continue to act in the promotion of justice and fairness in our country and ensure that it acts without any fear, favour or prejudice and any form of interference from anyone of us in

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whatever it does. It must be an independent authority that executes the work that it is meant to do.

Hon Plouamma that is what we can promise you. What we have said here is what we are going to adhere to and the Minister will be dealing with this matter and we are awaiting the court outcome. Once the court has determined on the basis of the appeals that have been lodged, we will then be able to have greater clarity on what needs to be done in that regard.

Once again, thank you for raising the matter. Thank you very much, hon Deputy Speaker for the moment that you have accorded me to be here. Thank you very much.

[Applause.]

The House adjourned at 17:28.