

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 1

TUESDAY, 27 MARCH 2018

---

*PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES*

---

The House met at 14:00.

The House Chairperson Mr A J Nyambi as Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, I have been informed that the Whippery has agreed that there will be no notices of motion or motions without notice.

Before we proceed, I would like to take this opportunity to welcome Ministers as well as the Deputy Minister of the peace and security cluster.

We will now proceed with the question as printed on the Question Paper. I will now call the Minister of Home Affairs to respond to Question 41, asked by hon Mampuru.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 2

Question 41:

The MINISTER OF HOME AFFAIRS: Hon House Chairperson and hon members. Border law-enforcement at the SA borders pertains to the port of entry and the borderline. Key contributing factors affecting the state of border law-enforcement and a number of undocumented foreign nationals in South Africa are: firstly, the current model of co-operative border management that contributes to the lack effective and efficient border management. In future, the border management authority that will be established will improve border law-enforcement based on a model of integrated border management and the establishment of a single-line of command and the control structure in the border environment.

Secondly, corruption at ports of entry which leads to the facilitation of some undocumented foreign nationals entering the country. The department is dealing with corrupt officials on an ongoing basis.

Thirdly, the long and remote land borderline secured of 4 471km by sub-optimal border patrol roads, border or animal fences and limited border patrols of Operation Corona. The lengthy borderline enables illegal border crossings.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 3**

Fourthly, limited staff and financial resources to establish and implement systems aimed at tracing and deporting undocumented foreign nationals in South Africa. The Department of Home Affairs facilitates the legal movement of travellers upon arrival and departure from the Republic at designated ports of entry.

Lastly, Operation Corona, led by the SA National Defence Force, SANDF, is aimed at securing the land, air and maritime border environment outside of ports of entry. This includes apprehending undocumented migrants in the borderline environment.

To address the key challenges facing border management and border law-enforcement as reflected above, there had been measures put in place and these include the following: Firstly, a multiparty agreement on enhanced border management signed by 17 organs of state to strengthen border management and co-operation as a transition period towards the establishment of the border management authority.

Secondly, an integrated border management strategy approved by the Justice, Crime Prevention and Security, JCPS, cluster of director-generals aimed at better co-ordinating and implementing high-level border management interventions across government in an incremental manner.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 4**

Thirdly, a border infrastructure capital and maintenance program and a registered public-private partnership project aimed at developing key six land ports of entry to address poor border infrastructure.

Fourthly, a modernisation program to address the lack of integrated systems supporting migration management.

Fifthly, the establishment of a community crossing point at Phitshane Molopo as a pilot project between SA and Botswana to enable the legal movement of local community members based on certain conditions.

Finally, in the transition period towards the establishment of the border management authority, the department continues to work closely with all border management stakeholders on various matters such as the maintenance of border fences, increased security patrols at our borderline, joint operations - especially during festive periods - and strengthen bilateral agreements on border management and migration matters to enhance border co-operation. Thank you very much.

Ms T K MAMPURU: Hon House Chair, I am happy with the responses that I have been given by the Minister especially as the mostly affected

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 5**

province, which is Limpopo. I am also happy to say to the House that the department's administration staff and the Minister have been at the border gate and that has made me happy with the progress the department is making. Thank you.

Mr M KHAWULA: Hon Minister, you have also referred to the border management agency. Now, what has been envisaged in respect of staffing with regard to the border management agency? Because if the staff that is currently employed by different departments will be the one that will be absorbed into the agency then how will that improve their operations if it is the same thief in respect of issues like corruption, operations and so forth? It's a question of merely changing the name if you are absorbing the same people; but then changing the name, how will it help the people who are currently employed by different departments to improve when they become part of the border management agency? Thank you.

The MINISTER OF HOME AFFAIRS: Hon Chair, in the first instance it is envisaged that the border management authority will absorb all the staff of various agencies operating at our ports of entry and on the borderline. This will enable us to have initial staff as we appoint new commissioners that are going to oversee the leadership and management of the border management authority.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 6**

Going forward, we expect that we will increase the capacity of the border management authority in such a manner as to have sufficient people operating on our borderline and tower ports of entry.

I think critical to the staffing of the border management authority will be the integration of staff, the establishment of a clear line of command, the creation of superior officers that are going to command and lead the border management authority and establishment of institutions and systems that will enable us to combat corruption and fraud whilst ensuring that we have efficient systems.

Clearly, our border line management is going to rely heavily on an intelligence-led operation and therefore, sufficient capacity for knowledge gathering and information gathering will be established within the border management authority to ensure that we can manage our borders in an efficient manner.

You will have noticed, last week, that we experienced and reported about challenges at Musina, Beit Bridge, where some of the home affairs officials sabotaged the biometric capture equipment at the port of entry. Issues such as those will be dealt with through change management, improved management, employing commanding

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 7

officers that are going to be able to perform and execute their tasks as is expected of them.

So, we do expect that ending the disparate operations that currently pertain at our ports of entry and along the borderline, and establishing the fences properly, creating sufficient institutions and systems will assist us to improve our borderline management. Thank you very much.

Ms N P KONI: Minister Gigamba, the thing is the challenge of security management at the borders is the fact that officials at the border ... [Interjection.]

The HOUSE CHAIRPERSON (Mr. A J Nyambi): Hon Koni, I don't want to interfere and disturb you ... [Interjection.]

Ms N P KONI: Okay Chair, but have you paused my time there? [Interjection.]

The HOUSE CHAIRPERSON (Mr. A J Nyambi): Refer to the Minister appropriately.

Ms N P KONI: Hon Minister.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 8

The HOUSE CHAIRPERSON (Mr. A J Nyambi): Ja [Yes.]

Ms N P KONI: A key challenge of security management at the borders is the fact that officials at the borders are often bribed and easily corrupted by foreign nationals entering the country illegally. It would therefore make sense to tackle corruption amongst border management officials in order to prevent the illegal entry of foreign nationals into the country. But it would be hypocritical for you to ask border management officials not to be corrupt when you, yourself, have been proven to be corrupt and a liar. Therefore, don't you think it is in the best interest of the department for you to resign? You have failed dismally. Thank you very much, Chairperson.

Mr S G MTHIMUNYE: On a point of order. Chair, hon Koni deliberately continues to insult the Minister unnecessarily. Addressing him as corrupt and whatever; and this Minister was never found by any court of law as being corrupt.

The HOUSE CHAIRPERSON (Mr. A J Nyambi): Hopefully ... no, allow me to preside. Hon members, my appeal will be applicable to all of you. Refrain form anything that will compromise the decorum of the House! I'm warning you hon Koni that it's a question to Ministers; for them

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 9

to be able to respond to questions, let's afford them the respect, and not compromise the decorum of the House.

You are not recognised, hon Koni. Let me recognise hon Khawula first.

Mr M KHAWULA: On a point of order. I think the Chair is wrong by generalizing. You can't say you are talking to all of us when not all of us were talking. Can you please be specific? [Laughter.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, let me repeat what I said: my appeal is applicable to all members of the NCOP. It's because I don't want to keep on saying the same thing. Any other person that will be following that behaviour ... now it was specifically hon Koni but I'm appealing to all of you, let's make sure that we don't compromise the decorum of the House. Hon Mokwele?

Ms T J MOKWELE: Chair, I think your statement is totally wrong. Why am I saying that is because hon Koni has never ever uttered any wrong or any misleading statement to this House. Hon Minister or Mr Gigamba, Gigaba, has been found guilty by the court of law for lying under oath. There's nothing wrong if a member is uttering that statement because it was said before the court of law. So, let us

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 10

not degenerate this House with the misinformed information by the hon George Mthimunye. Thank you.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mokwele, probably I'll be doing it for the last time. If I'm making a ruling as the presiding officer and you have a problem with the ruling, there's a procedure to be followed. You can't raise a point of order and challenge a ruling. Hon Minister, I'm affording you an opportunity to respond to the question.

The MINISTER OF HOME AFFAIRS: Hon Chair, I would like this House, and this will apply also to the NA, to apply themselves to the question whether it is appropriate not only to attack but to denigrate the identity of an hon member? The House must address itself to that issue. [Interjections.] In so doing, the House must address itself to whether ... [Interjection.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Minister, sorry. Hon members, hon Koni and hon Mokwele, when it was your turn to ask a question and raise a point of order ... [Interjections.] ... no, hon Mokwele, when it was your turn to raise your point of order members were listening. Hon Koni, when you asked your question, the hon

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 11

members were listening. Let's allow the Minister to respond to the question. [Interjections.]

The MINISTER OF HOME AFFAIRS: Secondly, this House must address itself whether it wants to allow hon members to perpetrate xenophobia in the House using the official platforms of the House? [Interjections.] It is important that we should apply ourselves to that issue.

Thirdly ... [Interjection.]

*Setswana:*

Moh T J MOKWELE: Ke nagana gore ga go na sepe se re se buileng se e leng gore se na le letlhoo la batswantle ba bantsho [xenophobic].

*English:*

So, hon Minister or Mr Gigamba must stop saying that ...

[Interjection.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mokwele, you can't be debating.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 12

Ms T J MOKWELE: But why don't you correct him? You allowed him. Why are you allowing him [Inaudible.] in South Africa? Why did allow him to do that? Please Chair, I'm pleading with you. There's nothing xenophobic [Inaudible.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mokwele, do you want to participate in this session?

Ms T J MOKWELE: You want to throw us out? That's what you want to do.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Do you want to participate in this session?

Ms T J MOKWELE: But Chair [Inaudible.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mokwele, if you're going to behave like that [Interjections.] Hon Mokwele, I've appealed to your conduct and you are consistently disregarding the order [Interjections.] Continue hon Minister.

The MINISTER OF HOME AFFAIRS: Thirdly, and Chairperson I'm willing to address the reference to me ... [Interjections.]

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 13

Ms N P KONI: On a point of order, Chair. I want to check with the Minister if he's still answering my question?

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Koni, can you leave the House? [Interjections.] Hon Koni, I request you to leave the House.

Ms N P KONI: I will not leave the House [Inaudible.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Can we be assisted to have hon Koni ... we want to continue with the session. [Applause.]

Ms T J MOKWELE: On a point of order, Chair.

The HOUSE CHAIRPERSON (Mr A J Nyambi): I'll deal with it after finishing the issue of hon Koni. I'm now dealing with hon Koni. Hon Koni, can you leave the House? Let's have people that will get in to assist us because we want to continue with the business of the day. [Interjections.] I'll deal with the point of order after finishing with hon Koni. I'll come to you, hon Mokwele.

Ms T J MOKWELE: Chair, it has come to our attention that you are deliberately suppressing the members of the EFF for the benefit of your political affiliation. I've raised this thing and I've wrote

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 14

letters to the Chairperson of this House in terms of how our members are treated in this House. It cannot be that when a member stood up in the House on a point of order she's told to go, without any warning by the presiding officer. I'm citing this issue Chair and I'm going to cite again as well as write another letter. If ever you are not going to take this into cognisance, we will take the matter up.

Question 41 (cont):

The HOUSE CHAIRPERSON (Mr A J Nyambi): ... If you are going to raise a point of order, you're not going to be suppressed, but if you are going to cast aspersions, as you are doing on the presiding officer, you are on the final warning now. [Interjections.] You are on the final warning now. Hon Minister.

The MINISTER OF HOME AFFAIRS: Thank you, hon Chair. There is no court of law which has found the Minister of Home Affairs corrupt of anything. The ruling from December last year is being appealed, which means, legally, that it is suspended and therefore there is no ruling until there is a judgment on the appeal which has been filed by the Department of Home Affairs. Thank you.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 15**

Mr O S TERBLANCHE: Thank you, Chairperson. Hon Minister, you told us now that our security measures at our ports of entry left much to be desired. Minister, please tell this House whether current security measures at the borders meet minimum South African requirements to keep South African citizens safe and prevent criminal cross-border activity. Minister, what is your department's plan of action to rectify the situation and what is the timeframe for completion? Thank you, Chairperson.

The MINISTER OF HOME AFFAIRS: Thank you very much, hon Chairperson, and, hon member, for the question. Yes, we do meet minimum standards. I think, generally speaking, we have done a lot through existing capacity to keep our borderlines safe. If you consider the challenges which are being experienced, let alone in Europe but in East Africa and West Africa, we have not experienced similar challenges in South Africa which have exposed and undermined the security of the South African people.

We are working in co-operation with the Border Control Operational Co-ordinating Committee, the BCOCC, the national Defence Force, the Police Service and other agencies to keep the borderlines safe. We launched Operation Corona and a number of other operations along the borderline to ensure that we can keep South Africa safe. Also, we

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 16**

are undertaking proactive measures to facilitate regular movement between South Africa and our neighbouring countries, paying due regard of the initiatives we have undertaken with Lesotho and Botswana, as well as of the initiatives that we are to undertake at the Pongola border gate. We are going to intervene.

We are intervening at the Pongola border gate to ensure that the movement at that port of entry is regular and that there is safe entry and exit of people. In the next few months, we should be launching another operation, which is aimed at further enhancing our borderline management. So, up until now - besides the challenges we experienced at Beitbridge - along all our borderline ports of entry and at O R Tambo and Cape Town International Airports, the biometric capturing system is working well. Our immigration officers are on duty and operating well.

I think that South Africa is, to that extent, still relatively safe. Of course, nobody can guarantee the safety of a country altogether, but at the present moment our immigration officers, the Police Service and the army have done a lot to keep South Africa safe and ensure that unwanted people are not allowed to enter the country.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 17**

We have undertaken, as I indicated, proactive measures, engaging with the Republic of Kenya and with Nigeria. When we visited Kenya, the Minister of the Interior in Kenya informed us that, on a daily basis, they prevent transit through Kenya destined for South Africa - about 100 immigrants seek to arrive in South Africa through transiting via Kenya. Additionally, through further co-operation with countries such as those including Tanzania, we ensure that our borderline is safe and, at the same time, we ensure that we collaborate as neighbours to keep each other safe from entry and transit through our country of unwanted people. Thank you. Hon Mangethe?

Ms L L ZWANE: Thank you, Chairperson. Hon Minister, I want to believe that the borderlines are not only on land; they are also in the air. My question is: Regarding the use of private jets and private air strips, how does the department ensure that there is sufficient security so that these are not used to actually bring in goods that may not be safe, or conduct activities that are not safe for the country? What security measures are there for the private air strips that are not necessarily subjected to the borders of the other airlines? Thank you.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 18**

The MINISTER OF HOME AFFAIRS: Thank you very much, hon Chairperson. The department co-operates and collaborates with the national Defence Force to continue monitoring the private air strips. But at the present moment, it is a fact that they present an immediate challenge to the extent that most of these private air strips are on private farms between the borderlines. The private aircraft are small and fly under the radar and therefore remain undetected a number of times. That constitutes an immediate challenge, but we are engaging with the communities along the borderline.

In terms of our integrated borderline management strategy, we are working with the communities along the borderlines. And, through these operations that we are launching, we are engaging to fight exactly that type of problem from continuing to persist. At the present moment, given the fact as I have indicated above, these air strips are on private farms, the aircraft are small and they fly under the radar. In addition, even the national Defence Force does not have enough personnel to assist us in this regard. It is acceleration of the border management authority legislation that will assist us to eventually begin the process of building the capacity sufficient to keeping South Africa's borders safe and enable us to even put those private airstrips under the radar to

monitor them and ensure that unwanted goods and persons are not allowed to enter the country. Thank you.

Question 46:

The MINISTER OF HOME AFFAIRS: Hon Chairperson, payment of legal costs for the department and the state in general is made by the officials of the state attorney. Therefore, the department like other institutions of state does not have the mandate directly to effect payment regarding legal costs. As a consequence, the department is not in a position to categorise payment of legal costs specifically relating to litigation on visas.

The department only has records of the total litigation costs for the mentioned financial years. For the financial year 2015-16, 35 court cases were successfully defended and eight court cases were lost by the department. For the financial year 2016-17, 67 court cases were successfully defended and 27 court cases were lost by the department. For the financial year 2017-18, from the first of April last year up until 31 December 2017, 120 court cases were successfully defended and 31 court cases were lost by the department. Thank you very much.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 20**

Mr W F FABER: Chairperson, with reference to the Department of Home Affairs officials including former home affairs officials fraudulently issuing permits for foreigners, what systems are in place to detect fraudulent permits, Minister?

The MINISTER OF HOME AFFAIRS: Hon Chairperson, the issuance of permits is conducted through the permitting division of the department. We receive a lot of applications on an annual bases and those are received either from within the country or from outside the country.

We have an adjudication system if in case people are applying for temporary residence permits and they are still outside the country they apply at the country of origin and submit all the relevant documentation in terms of which the officials that are deployed there would facilitate the adjudication of those applications. For those applying for permanent residence permits, the adjudication takes place within the country.

I will admit that at the present moment we are implementing systems which are not efficient enough. Which therefore, creates a situation in terms of which in some instances, it takes long for people's applications to finally be adjudicated especially those applying for

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 21**

permanent residence. But for those applying for temporary residence permits we have improve the turnaround times to up to six to eight weeks from what used to be the case where applications would be pending for about a year up to two years. We have now improved the system.

It is quite clear that the department should speed up the process of introducing new and more efficient modernised systems that will enable us to implement the adjudication system. First and foremost, to centralise it, and to ensure that the turnaround times are more efficient, which will assist us to be able to respond to the applicants as quickly as possible.

There are additional amendments to the legislation that we are considering that we will bring before the National Assembly and the NCOP during the course of the year. That will further improve the adjudication of our permitting systems to bring about greater efficiency and assurance to applicants that we can respond in a manner that will accelerate economic growth and reduce the inefficiencies that are being experienced in some instances.

But in all of that notwithstanding there have been improvements that have been experienced. To the extent that there are still

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 22**

outstanding challenges we appeal to applicants to bring those to our attention so that we can resolve them quickly. Thank you.

Ms M L MOSHODI: Hon Chairperson, Hon Minister, my follow-up question is, from the assessment of the department, are some of these cases lost by the department due to the poor administration of justice by the department or loopholes in the existing legislation; how does the department intend to remedy this situation?

The MINISTER OF HOME AFFAIRS: Hon Chairperson, there would be a number of reasons why we lose some of the cases. We of course, do take some the cases on appeal at which point we either win or again we lose the appeals. But in some instances it will be due to poor preparation, insufficient documentation on our part to back our cases up or insufficient consideration of the strength of the case of the applicant at which point when the justice system considers the matter, they then think that the case of the applicant is stronger for us to reconsider our view and they rule in favour of the applicant. So, it is a number of reasons why we lose some of the cases.

However, I think hon members should take comfort in the fact that we win the overwhelming majority of the cases that are taken to court

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 23

and it is only a few cases that we lose on an annual bases. Thank you.

Mr J W W JULIUS: Hon Chairperson, my question relates to legal costs to defend lawsuits in the Department of Home Affairs. The Minister lost his case and the legal fees will be paid by the home affairs. The Minister just earlier said that this case is on appeal. I am referring to the one where the Guptas were preferred and the courts said that this was wrong.

My question is, will the Minister pay his own legal costs. We are still on the legal costs to defend lawsuits. You lost it, the court is clear. Will you pay it from your own pocket? We cannot be seen to defend unnecessary lawsuits. You did this on your own peril. You are on your own alleged to be corrupt. Defend yourself with your own money. I am asking, will you pay it from your own pockets? Thank you, Chair.

The MINISTER OF HOME AFFAIRS: Hon Chair, the hon member is deliberately misleading the House - deliberately misleading the House. There is no case of the Guptas that the Minister of Home Affairs lost - none, whatsoever. There was no case of the Guptas

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 24**

before any court of law that relates to the Guptas. The hon member is deliberately misleading the House.

The issue that the hon member is referring to is the Fireblade case. It is a case against the Minister of Home Affairs where the Minister of Home Affairs clearly stated in the case that South African law does not permit a private family to own an airport. South African law does not! Had the hon member read case and understood the judgement that was made, he would have understood why the Department of Home Affairs defended itself and why the Department of Home Affairs is appealing the case in court; because, law has not changed, that you cannot allow a private household to own anywhere in South Africa.

Secondly, the case was against the Minister of Home Affairs based on the fact that the Minister said: Firstly, you can't own a private airport. Secondly, the other departments which are partners to the management of our ports of entry which includes state security, the South African Revenue Service, Sars, the SA Police Service, the National Defence Force, others had completely rejected the application by the said family that includes Sars and others had not responded.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 25

The Minister of Home Affairs had written twice to the different departments asking them to respond to the application by Fireblade, to which they did not respond. Therefore, the Minister of Home Affairs indicated to the applicants that you cannot have a private airport; you cannot proceed in this way. And in addition to that, Denel, which is the landlord of the Fireblade facility, had refused to offer that facility for use by Fireblade as the private airport. In addition to that, Denel had got a court case in their favour rejecting the application by Fireblade. So, the Minister of Home Affairs did what they had to do in accordance with the laws of the country ... [Interjections.]

The HOUSE CHAIRPERSON (Mr. A J Nyambi): Sorry, hon Minister. Hon Mokwele!

Ms T J MOKWELE: The time allocated to the hon Minister has expired.

The HOUSE CHAIRPERSON (Mr. A J Nyambi): No!

Ms T J MOKWELE: Because, he is repeating the same thing.

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

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 26**

Ms T J MOKWELE: He is repeating the same thing, guys.

The HOUSE CHAIRPERSON (Mr. A J Nyambi): Hon Mokwele, I do have the time here and I am presiding. I have appealed to you that if you want to be part of the session, let us respect the rules. No, do participate but in a correct way. The Minister is still left with 44 seconds here. Conclude hon Minister.

The MINISTER OF HOME AFFAIRS: Therefore, hon Julius is deliberately misleading the House. There is no such a judgement in any court of law. So there is no question that I need to respond to. Thank you.

Mr L V MAGWEBU: Thank you, Chairperson. Minister, you have conceded that in your endeavours to curb fraudulent permits to foreign nationals you have weaknesses and amongst those was the lack of effective and modernised systems. So, you seem to know what needs to be done. My question is that do you have an action plan to address these, to implement these modernised and effective systems to curb these fraudulent permits? And if you do, can you give us the timeline so that we know where we are going. Thank you, Chair.

The MINISTER OF HOME AFFAIRS: Chairperson, during the course of the year we are going to introduce a number of initiatives, one of them

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 27

is the electronic application for visas and for a number of other permits to the country that will enable the applicant to obtain information electronically and submit their applications and the documentation to support application electronically. It would therefore remove the need for us to provide frontline service that tends to stretch our capacity and provide a centralised adjudication system improve the capacity at that system to enable us to take decisions quickly in terms of people's applications.

But we further intend to introduce an amendment to the legislation which is going to enable the department to have an independent citizenship advisory board. But that is only for those who are applying for citizenship once all other processes have been followed in terms of the letter of the law. All of these initiatives are going to be introduced during the course of the year.

Obviously, the citizenship advisory board is only going to be introduced once the legislation has been amended. But the electronic application system and the centralised adjudication system are all going to be introduced during the course of the year. And they will start being implemented during the course of the new financial year starting in April and ensuring that by the time the year ends we

have a much more effective, much more efficient system that can respond to the needs of the applicants. Thank you.

Question 54:

The MINISTER OF HOME AFFAIRS: Chairperson, my identity and that of my family has never been in question; therefore the question is unfounded and irrelevant. Thank you. [Applause.]

*Setswana:*

Moh. T J MOKWELE: Ke tsaya gore jaaka moeteledipele wa naga, o filwe maikarabelo a go nna le boammaruri le go tlhagisa dintlha tsa gago, e ka nna tsa poraefete kgotsa tsa mo phaboliki. Ke maikarabelo a gago gore o re tlhalosetse se. Ga go thuse gore ...

*English:*

... everytime the Minister is asked this question, he becomes personal. He must just outline to us. The reason why we are asking this question is because ...

*Setswana:*

... ka Setswana sa gaeso re are, ga nke go nna mosi go sena molelo kgotsa maru ga ese pula mosi ke one molelo. Go raya gore go nale kang nngwe ele ka mo tlase ga kang e re e buang gore Tona are

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 29

bolelelo phatlhalatsa gore nna jaaka Melusi Gigaba kgotsa Gigamba, o tla re rarabololela. Ke tsholetse kwa nageng e, ke ngwana wa bokana wa mme yo le moketekete, re tswa mo nageng ya Aforika Borwa. Jaaka le nna nka ikaisa gore ke tswa kwa Lehurutshe, ke ngwana wa ga mme le ntate Moremi, ke tsholetsweng mo Aforika Borwa.

Jaanong ke batla go botsa rre gore a nne le bonnete le boikanyego gore are bolelele gore sentle sentle kang e, a na ga ena dintlhanyana tse di leng gore di ka fa tlase ga yone gore o tsaletswe kae. A re bolelele fela go ka se direge sepe fela ebile go ka seke ga fetola tlhwatlhwa ya borotho gore o tsholetswa kwa KwaZulu-Natal kgotsa kwa Zimbabwe.

*English:*

That is what we want to know. Thanks.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Before I afford the Minister an opportunity to respond. Part of what I did when I was dealing with hon Koni when she was asking a question was that I cautioned her that it will always do no harm to refer to the Minister appropriately and that is also applicable to you. You know the Minister's surname so there is no need to argue about that. Let's refer to the Minister appropriately.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 30

The MINISTER OF HOME AFFAIRS: Hon Chairperson, I would like the hon member to listen very carefully to the response that I am going to provide. In the first instance, the hon member says the question is not personal but the question is extremely personal.

Secondly, the hon member says in her own language there is no smoke without fire. I would like the hon member to provide me with the evidence of the fire so that we are able to respond to the allegation that the hon member is making. If the hon member wishes to use the platform of the House to denigrate my identity and that of my family, then the hon member is clearly abusing her rights as a Member of Parliament.

Thirdly, the hon member knows very well who I am. I have been a Member of Parliament since 2004. I was a Member of Parliament between 1999 and 2001. I was the President of the ANC Youth League from 1996. [Interjections.] I studied at the University of KwaZulu-Natal, Durban-Westville Campus in South Africa. The fact of the matter is that the hon member doesn't want to know the answer to the question. [Interjections.]

Ms T J MOKWELE: Hai! You are not answering

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 31

The MINISTER OF HOME AFFAIRS: The hon member doesn't want to know the answer to the question ...

Ms T J MOKWELE: There was no answer

The MINISTER OF HOME AFFAIRS: ... because she wants to continue denigrating my identity. The hon member says I must indicate whether I was born in KwaZulu-Natal or Zimbabwe and the question I would want to know is that why pick up Zimbabwe. I made a claim that this question is xenophobic. At the heart of it its xenophobic based on the allegation that a person of a darker complexion cannot be South African, that you must only be of a lighter complexion to be South African. Now the hon member is not far from me in terms of complexion. [Laughter.] [Applause.] And so the claim that your complexion ... [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Sorry hon Minister.

Ms T J MOKWELE: Chair, on a point of order: You know; it's not a joke.

The HOUSE CHAIRPERSON (Mr A J Nyambi): What is the point of order?

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 32

Ms T J MOKWELE: I am black ... [Interjection.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): What is the point of order?

Ms T J MOKWELE: And I am a South African.

The HOUSE CHAIRPERSON (Mr A J Nyambi): What is the point of order?

Ms T J MOKWELE: I am telling you my point of order. I am black and I am a South African and I know where I come from and I am proud and to ask a question where they come from ... [Interjection.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): That is not a point of order

Ms T J MOKWELE: ... doesn't mean it's xenophobic. If he proud of being a Zulu guy, he must tell us; I am a Zulu person. Why is it so difficult to do that? And it doesn't mean that if he was the President of the ANC Youth League therefore I know him. I don't know that person. I don't know him. He must just clear his identity, that's it. That's what we want to know and we will give him ...

The HOUSE CHAIRPERSON (Mr A J Nyambi): Can you take your seat?

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 33

Ms T J MOKWELE: I am going to give him the evidence that ...

[Inaudible.] I am going to give him.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Take your seat hon Mangethe.

[Interjections.] [Laughter.] Hon Mokwele ... [Interjections.] And I

am going to disappoint you because I am not going to chase you out.

I am still appealing to you ... take your seat hon Mangethe.

[Interjections.] Okay, let me recognise me.

*IsiZulu:*

Nk L L ZWANE: Sihlalo ngisacela ukubeka la ngicacise nje ukuthi okona esikuzele lapha akusekona lokhu okwenzekayo. Kuyasimangaza Sihlalo.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mangethe!

Ms L L ZWANE: Let me just finish my statement.

The HOUSE CHAIRPERSON (Mr A J Nyambi): No! I am not going to allow you. [Interjections.] Hon Mangethe, I have already made a ruling and I have been consistently saying that if a person is not satisfied with a ruling, there is a procedure. [Interjections.] Hon members we now come to question 39 ... [Interjections.]

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 34**

Hon Mokwele! Hon Mokwele! [Interjections.] Can you take your seat? I am not a Chief, I am a Presiding Officer. Hon Mokwele! Hon members! That is why hon Khawula, No! I am not saying stand up. That is why when I said its always going to assist all of us at all times not to compromise the decorum and I was appealing to everybody. And I am going to disappoint her; I am not going to chase her out. I want us to participate and have Ministers accountable in this House but at the same time we must be able to respect them when they are coming to the House in as much as they are going to respect us. Take your seat hon Mthimanye. You are not special to hon Mangethe, I have already made a ruling.

Question 39:

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Minister, in terms of our Rules, hon Dlamini is not in the House, hon Stock will be standing in for hon Dlamini.

The MINISTER OF HOME AFFAIRS: Chair, the current numbers of new asylum seekers coming to South Africa to seek refuge cannot be defined as an influx by international standards. Currently the world is experiencing unprecedented of persons seeking asylum never seen in the history of human kind before while South African figures have stabilised over the last few years. At the point of application, the

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 35**

Refugees Act 1998 provides for the exclusion of asylum applicants that might pose a risk when detected. Currently refugees and asylum seekers reintegrate into society. The government through the Department of Co-operative Governance and Traditional Affairs and the Department of Home Affairs as lead departments is considering mechanisms for a managed integration framework. Thank you.

Mr D STOCK: Chairperson, thank you very much hon Minister for such a comprehensive response in terms of the question, it is highly appreciated. As a select committee we are currently busy with consultations with the different stakeholders in relation to the Border Management Agency Bill and all of that and also the establishment of the Border Management Agency. So, I would like to know from you, maybe just to give us more information or relevant details in regards to what the benefits are, your objectives, or how these Border Management Agency are going to assist us as a nation once it has been established. I thank you. I so move. Thank you, hon Chair.

The MINISTER OF HOME AFFAIRS: Chair, as we indicated, the numbers of asylum applicants in South Africa have dropped quite significantly if you consider the period of 2009 especially with the advent of the challenges in Zimbabwe to where we are today. That has assisted us

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 36**

to also improve our adjudication of asylum seekers and to determine their status to be able to grant refugee status to those who deserve and to reject the applications of those who do not deserve. It is quite clear that many people especially from the region and the continent as a whole sought asylum in South Africa in order to gain regularisation as economic migrants. We have since introduced two special permits pertaining to Zimbabweans and the Basotho which further stabilised the numbers of asylum seekers. We introduced efficiencies in the asylum system that also assisted us in reducing the numbers of people applying for asylum and the White Paper on International Migration in introducing a work quota for the resident of Southern African Development Community, SADC, nationals who are seeking employment opportunities in South Africa will also assist us to regularise the stay in South Africa of those of low skills who are seeking employment. The Border Management Authority will assist us to shut down - once it is fully operational - the numbers of people who are entering the country through irregular means and channel all enterers and exiters of South Africa through the regularised ports of entry and it will also assist us to ensure that our ports of entry are properly managed with sufficient systems.

Above everything else, the biggest achievement of The Border Management Authority will be the integration of the service at our

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 37**

ports of entry which will end the current disparate systems that we are operating where customs are separate from immigration, separate from health, agriculture and other services. We will bring all of these systems under one chain of command and ensure that there is one law, legislation, implemented and one system that is being operated which will greatly improve the capacity we have and with sufficient capacity, especially in terms of equipment such as the machines that check the trucks, containers will be in a far better position to know what goods are entering the country and what goods are exiting the country, particularly those that are illegal so that we can be able to stop them either from entering or leaving the country. So the Border Management Authority, while it does not directly solve the challenge of asylum seeker management, it will contribute a great deal in ensuring that those who enter the country are properly processed but the new system that we will introduce of moving our asylum seeker centres closer towards the border areas will assist us in ensuring that those who arrive in the country seeking asylum are processed while they are closer to the borders so that by the time they are integrated into the country they have proper documentation and those who are rejected will then be sent back at a lesser cost than what the case is at the present moment. Thank you.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 38

Mr L V MAGWEBU: Chairperson, Minister, you are saying that currently refugee seekers are reintegrated into society. Now, earlier on in your responses you indicated that you have a challenge in your department of a lack of officials to track the undocumented foreign nationals when they are in the country. Now, if you look at the two, my question is, whilst these refugee seekers are in the country undocumented, still being processed, and they disappear within the borders of the country surely poses a security risk and South Africans are therefore not safe. Now, how do you deal with this dilemma and this set up and legal framework as it were to address the safety of ordinary South Africans without pushing back the refugee seekers as well?

The MINISTER OF HOME AFFAIRS: Chairperson ...

*IsiZulu:*

... ngifisa ukukucacisa lokhu ukuthi abantu abazocela ukubhaciswa ezweni lakithi ngenxa yokuthi bayesaba noma bayashushiswa noma babaleka ukhlukeyezwa emazweni abo endabuko abayona ingozi kubantu baseNingizimu Afrika. Njengoba, masikhlukeyezwa lokhu. Ngithe uma ngiphendula lombuzo ngathi inani lalabo abazocela ukubhaciswa ezweni lakithi ngoba besaba ukhlukeyezwa emazweni akubo endabuko selinciphe kakhulu. Lokho sekusenze sikwazi ukubanikeza amadokodo

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 39

afanelekile ngesikhathi esifanelekile ukuze noma bathi bengena ezweni besabalala beyofuna imisebenzi namanye amalungelo abanawo ngokomthetho wale lizwe bakwazi ukukwenza lokho sebe namadokodo afanelekile abagunyazayo ukuthi bahlale ezweni lakithi. Lokhu kuyasilekelela nokuthi sikwazi ukusheshe sithathe izingqumo ngokuthi yibaphi abangamele sibavumele ngenxa yokuthi izicelo zabo sizithola zingafanelekile.

Njengamanje, abantu abazocela ukubhaciswa abayona ingozi. Uma ukuthi kukhona oyingozi, wumuntu osuke ezenzela ubugebengu yena hayi ngoba nakhu engenawo amadokodo wokuthi abesezweni lakithi. Uma sekwenzekile lokho siyaye sithathe izinyathelo ezingqala njengoba sigunyaziwe wumthetho wale lizwe ukuthi sizithathe. Abantu abangena ezweni bengenawo amadokodo yilabo abangazithuli emnyangweni uma befika abaye bangene ngopotsho abehlukahlukene lokho okusenzela inkinga yokuthi uma-ke sesibathola sibathumela eLindela bese sibabuyisela emazweni akubo noma uma kwenzeka uthole ukuthi mhlawumbe umuntu usenze ubugebengu, uma kufikwa esikhungweni la kwenzeke khona ubugebengu sekubhekwa izithupha ezitholakala lapho, kutholakale ukuthi asikwazi ukuzithola kuzinhlelo zaseMnyangweni Wezasekhaya, lezo ezibhekene nabahlali nabantu abawumsintsi ezweni lakithi kanjalo nalabo abangabokufika abazethule emnyangweni ngokuthi bavakashile noma bazocela ukubhaciswa. Lokho yilokho

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 40

esizokuxazulula ngalezi zinhlelo embandakanya nokwakhiwa kwalesi sikhungo sokubhekelelana nemingcele yale lizwe lakithi okuyinto ezosithatha isikhashana kodwa njengoba ngicacisile, sithatha izinyathelo zokuthi sisebenzisane namazwe angomakhelwane ukuze siqinise sisimamise izindlela esibambisana ngazo ukuze abahlali balwo mazwe bangaveli beqe imingcele beze ezweni lakithi kanjalo nabahlali bezwe lakithi bangaveli beqe imingcele baye emazweni angomakhelwane.

Siyasebenzisana namazwe angomakhelwane kodwa lena yinselelo engicabanga ukuthi sisazoqhubeka sibhekane nayo. Izikhungo ezibhekelene nokuphepha kule lizwe embandakanya amaphoyisa ikakhulukazi ngoba umuntu uma eseze wangena ngaphakathi emagcekeni ezweni lakithi uma esenza ubugebengu kusuke sekungumsebenzi wamaphoyisa ukuthi amphenye, amhungathe amthole amvalele ezitokisini bese uma eseqede ukudonsa isigwebo sakhe bese bemthumela ezikhungweni zoMnyango Wezasekhaya eLindela okuyilapho-ke siye sithathe isinyathelo sokuthi uma umuntu esesiqedile isigwebo sakhe bese simbuyisela ezweni lakubo-ke. Uma kuwukuthi kukhona umuntu okhona ngaphakathi ezweni oyingozi ebantwini bakithi baseNingizimu Afrika, okwamanje, labo bantu kusho ukuthi basathuli abakabi yingozi kanti futhi uma kwenzeka benza ubugebengu obufaka abantu bezwe lakithi engcupheni, amaphoyisa aye athathe isinyathelo ezingala

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 41

bagwetshe bathi uma sebeqede ukugwetshe babuyiselwe emazweni akubo.

Mr J W W JULIUS: Chairperson, I am so much tempted to go the naturalisation issue of the Guptas but I will leave it at that because they did not seek asylum. They are not refugees but like the Minister said, they came in for economic gain in the country or otherwise because we are not struggling with war or countries but I want to go straight to the issue. I thought that if you look at the original question, the Minister would give us the extent of the problem because an asylum seeker will come and apply. When an application is refused they would put in an appeal. Where do they go? They are still here in the country. Undocumented people pose a threat. I differ with the Minister there. They really pose a threat to our safety in the country because they are undocumented, like the Minister said, you cannot get their fingerprints and so forth. So those people are still here. I want the extent of the problem. What is the backlog in terms of the appeals process? Not the application. For me the problem is the appeals process because there are thousands of these appeals lying around and the department is very slow in reducing this backlog. So I need to know. The Minister must know that, listen, this morning we had 6 000 because the question is directed at that and I am not asking the Minister to give us the

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 42

statistics here that are there. It is statistics that must be in your head if you are in charge of your department. Based on this question, what is the extent? How many appeals are waiting there currently and do they pose a threat to us? Thank you Chairperson.

The MINISTER OF HOME AFFAIRS: Hon Chair, this hon member must not be allowed to continue spreading untruths and go unchallenged.

[Interjections.] The question about the Guptas ... [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Minister! Hon Julius?

Mr J W W JULIUS: Chairperson, I have a point of order. The Minister is attacking my character, that I am spreading lies. That I am continuing to spread lies and he does not want us to attack his character. I did not attack his character.

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

Mr J W W JULIUS: Can you please rule on that, that the Minister must withdraw that.

The HOUSE CHAIRPERSON (Mr A J Nyambi): No! What ... [Interjections.]

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 43

Mr J W W JULIUS: Because previously I could also say that I did not lie because the court said he lied. I did not even mention that.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Julius! Hon Julius, when the Minister said you must not lie I was listening attentively for him to be substantive in his response. Then, on the basis of that, it is then I was going to be able to make an informed ruling. But, let us allow the Minister to continue responding and if he is not going to substantiate then definitely I will make a ruling.

Ms T J MOKWELE: Hayi mani, Chair!

The MINISTER OF HOME AFFAIRS: Chair, ... was not asked. The question that I am responding to, Question 39, refers to the influx of refugees and asylum seekers and there was no allegation ever made that the Guptas entered the country either seeking economic gain or seeking asylum. When they entered South Africa around 1992-1994 I think the Ministers of Home Affairs at that time should then be called here to answer as to what were the reasons provided when they were naturalised in 2002 ... [Interjections.]

Ms T J MOKWELE: I rest my case!

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 44**

The MINISTER OF HOME AFFAIRS: ... and 2006. Then the Ministers of Home Affairs during those years must come and answer questions about what were the conditions that were considered at that time. I can only answer for 2015 but that question was not asked. If the question was asked I would respond to it. Secondly, asylum seekers are documented. The form of documentation for asylum seekers as provided for in law is a Section 22 permit. It is a form of documentation. Their fingerprints are taken. Their photos are taken. We know who they are and therefore whilst an asylum seeker is awaiting either adjudication for their status determination or has appealed against the rejection of their refugee status they present themselves to the courts and allow themselves to be interrogated by the courts including the Refugee Appeal Board. So, they are documented and they present themselves. They do not go into hiding. Yes, in the past some of them did go into hiding but it is no longer our experience at the present moment. The majority of them present themselves and expect that the courts will rule in their favour or the Refugee Appeal Board will rule in their favour.

It is incorrect to say undocumented migrants pose a threat to South Africa because even documented migrants can pose a threat. Even South Africans themselves can pose a threat to themselves. There are a number of South Africans who have been found to be trying to leave

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 45**

the country to join terrorist groupings in the Middle East. Those people pose a threat to the country. So the issue of who poses a threat must not stereotype immigrants. We must not stereotype immigrants as posing a threat to South Africa because that is incorrect and again I dare repeat, it is reckless and xenophobic for hon members to stereotype immigrants in that fashion. The overwhelming majority of immigrants in South Africa do not pose a threat and seek out an honest living in the country and those who may pose a threat become subjected to South African law enforcement and are dealt with in that regard but to the extent that they pose a threat, they pose a criminal threat rather than a wholesale security threat to the people of South Africa. We are working very close with the state security, police; national defence force to detect such as would be posed by the communities of immigrants in South Africa and any other communities and should across evidence that there are such threats, we act accordingly to protect our national sovereignty and integrity of our country. The question as to the backlogs, hon member, I would not have the numbers from memory. I do not wake up every morning to ask what the backlog is. I deal with a broad array of issues pertaining to home affairs and the backlog of asylum seekers is not the only thing that I need to deal with. If the hon member asked that question - which would have been a new question altogether - I would be very happy to provide a response to that

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 46

question in writing or even be called here to answer questions to that question should the next round of oral questions arise. Thank you.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Minister, we know come to Question 47 asked by hon Hattingh and hon Faber, in terms of our Rule will be standing in for hon Hattingh. But before coming to you hon Minister, let me take hon Julius.

Mr J W W JULIUS: I am sorry to disturb hon Minister but there is still something pending. You said you would make a ruling after ...  
[Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, he has adequately responding to why he said.

Mr J W W JULIUS: You said you will determine whether I lied. Tell me to my face that, yes, when the Minister responded, you actually lied because you said you will listen and you will determine whether I lied. Otherwise, the Minister must withdraw the statement.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Julius, the hon Minister was referring to when, before you asked your question, you started

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 47

by raising an issue that was not linked to the original question and in raising that issue it is then that you were not honest. He was referring to that. You started by raising what you raised - I am not going to raise it - you know what you have raised

Mr J W W JULIUS: And you believe him? [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, I was listening. I was listening.

Question 47:

The MINISTER OF HOME AFFAIRS: Hon Chair, this is a bit of a boring response that I will provide. So, I will request hon members to bear with me. In terms of business visas in 2015-16 financial year, 23 were approved and 576 were rejected. In 2016-17 financial year, 42 business visas were approved and 267 were rejected. In 2017-18 financial year 66 business visas were approved and 296 were rejected.

In terms of critical skills visas in 2015-16 financial year, 1903 were approved and 1947 were rejected. In 2016-17 financial year, 3161 were approved and 3378 were rejected. In 2017-18 financial

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 48**

year, 2101 critical skills visas were approved and 1515 were rejected.

Then in terms of visitor's visas in 2015-16 financial year, 7638 were approved and 533 were rejected. In 2016-17 financial year, 13126 were approved and 548 were rejected. In 2017-18 financial year, 16622 were approved and 878 were then rejected. Thank you very much.

Mr W F FABER: Chair, how often are interactions for the relevant departments being held with the view to evaluate the provision and the demand of scarce skills required by our economy as well as the National Development Plan, NDP?

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Faber, can you try to be closer to the microphone so that we can hear the Question.

Mr W F FABER: Sorry Minister and Chairperson. How often are interactions for the relevant departments being held with the view to evaluate the provision and the demand of scarce skills required by our economy as well as the National Development Plan, NDP and when last did it happen?

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 49**

The MINISTER OF HOME AFFAIRS: Thank you very much, hon member. With regard to critical skills and all other visas, we interact on a regular basis. Obviously with regard to critical skills, the leading departments are Department of Labour, Department of Trade and Industry and Department of Higher Education and Training. They then provide us with a list of critical skills on an annual basis that we gazette and ensure that we publicise. Now in that regard, for us, as the Department of Home Affairs do not decide which critical skills are required. We are guided by those departments. However, in our discussions with them, we have raised the issue that if you can check between 2015-16 financial year the figures were 1903 and then the following year shot up to 3161 and dropped to 2101. In large measure, when we have gazetted the critical skills, there is no aggressive approach to recruiting these critical skills. I had a discussion with business in this regard and sought a closer working relationship with the business to ensure that regarding the critical skills required in the country, we work closely with the business in identifying them and recruiting them, to assist the department to adjudicate their applications. However, it is a process that we are going to embark upon once again, in order to assist the private sector and the government in terms of those skills which are required by the government.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 50

In regard to all other skills, for example the visitor's visas, we have a scheduled meeting with a Department of Tourism to discuss tourism, how the department can assist, what systems and mechanisms can we put up to ensure that we continue to promote tourism and ensure that visitors in South Africa continue to increase. We are aware for example that countries like China are sending large numbers of visitors across the world. We would like to benefit from those large visitors. So, even as we achieve 16 622 in 2017-18 financial year, we would like to achieve more and to find more ways of capacitating Home Affairs to facilitate such visitors, including critical skills so that the issue of economic growth and national security don't pose a contradiction to one another. But as we increase our focus on attracting visitors and critical skills, we are able to do so in a manner that mitigates the security challenges to the country. Thank you.

*IsiXhosa:*

Nks P C SAMKA: Mphathiswa, ngaphandle nje kokunqongophala kwezakhono, ingaba ungakwazi kusini na ukutyebisela le Ndlu ngezinye izinto ocinga ukuba ziyasilela apha esebeni ukuqinisekisa ukuba iiMvume zokuTyelela amanye amaZwe azikhatywa? Ndiyabulela Sihlalo.

*IsiZulu:*

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 51

UNGQONGQOSHE WEZASEKHAYA: Ngiyabonga kakhulu Sihlalo nakulungu elihloniphekile ngalo mbuzo. Into eyaye ibe yingqinamba enkulu uma siphethe lo msebenzi, kuyaye kube yizicelo abantu abazifakayo ezingenazo izincwadi ezizesekelayo ngendlela efanelekile eyenza ukuthi sizichithe ezicelo zabantu baze bakwazi ukuthola izincwadi ezidingakalayo ezisekela izicelo zabo.

Kwezinye izikhathi kuyaye kube yikona ukuthi uma ikakhulukazi ubheka lapha kumakhono asezingeni eliphezulu lawa esiwadinga emikhakheni eyahlukene yezomnotho, abantuuthola ukuthi bafunde emanyuvesi angamukelekile ngendlela efanelekile ezweni lakithi. Uma izicelo zabo seziyiswa ku-South African Qualification Authority zifike zichithwe. Kuthiwe, cha thina asiyiboni njengesezingeni elifanelekile ezweni lakithi le nyuvesi noma lesiqu - bachithwe ngalezo zindlela. Ngezinye izikhathi ke kusuke kungabantu nje abazama izinhlanhla nabo ukuthi bazongena ezweni kodwa ezikhathini eziningi kuyaye kube yilezi zingqinamba ezimbili esengizibalulile ngaphezulu. Lapho sicabanga ukuthi uma sisebenzisana ngokusondelene nezimboni zangasese kuzokwelekelela lokho ukuthi sithathe izinyathelo ezizobancedisa uma abantu befaka izicelo befuna ukuzosebenza lapha kube kulandelwa imigomo efanelekile futhi nezincwadi abazifakayo, amadokodo abawalethayo okuqinisekisa izicelo

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 52

zabo kube ngamadokodo asezingeni elamukelekayo eMnyangweni kanye nakwezinye izikhungo zezwe lakithi. Ngiyabonga.

*English:*

Mr M KHAWULA: Hon Chairperson, referring to the hon Minister in the critical skills applications, how does the department ensure that the critical skills applications approved do not block the job opportunities for South Africans who may have a very similar qualifications? Thank you, Chair.

*IsiZulu:*

UNGQONGQOSHE WEZASEKHAYA: Ngiyabonga Sihlalo kanye nelungu elihloniphekile. Kulo mkhakha siyaye siqinisekise ukuthi uma abantu befaka izicelo zokuzosebenza imboni noma inkampani abasuke befuna ukuzosebenza kuyona kumele iqale iqinisekise ukuthi iyilandele yonke imigomo yezwe lakithi. Okuyiwona oseqhulwini yilo wokuthi izinkampani aziqale zisinike isiqinisekiso sokuthi ziqale zenze isikhangiso ezweni lakithi bazame ukuthi banxenxe amakhono adingakalayo ezweni lakithi. Uma kungukuthi sebegculisekile ukuthi abekho abantu abanawo lawo makhono ezweni lakithi sebengakwazi ukufaka izicelo zokuthi bayokhangisa emazweni aphešheya ebantwini abavela kwamanye amazwe. Kepha siyaye sikuqinisekise impela, sikubuka ngeso elibanzi nelijulile sisebenzisana noMnyango

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 53**

Wezabasebenzi ukuthi imigomo yezwe lakithi ilandelwa ngendlela efanelekile ukuqala sinikeze abantu bakithi ithuba lokuthi benze leyo misebenzi. Sekuyothi njengoba ngichaza uma kuwukuthi akekho umuntu ezweni lakithi onalelo khona noma sesibagedile ngoba kunemikhakha lapho sengenawo amakhono anele njengelizwe. Kuthi ke uma kungukuthi sesibaphothulile abantu basezweni lakithi kube yilapho sibheka ke emazweni angaphandle nakubantu abavela emazweni angaphandle.

Question 40:

The MINISTER OF HOME AFFAIRS: Hon Chair, the department has experienced high volumes of clients in relation to services including birth, marriage, death, passport and ID documents. The immediate plan was for the department to communicate to the public around operational hours and the decision not to operate on weekends. There was a media briefing earlier this year to inform members of the public that the green bar-coded identity document books are still valid and there is no need for clients to rush to the offices of the department.

The department has introduced floor walkers and queue management systems to assist in monitoring the queues in Home Affairs' modernised offices. With regard to the Medium-Term Plan, the

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 54

department is planning to implement mobile units to move to places where clients reside. We are also planning to implement a booking system to avoid a stampede. The department has planned to automate the birth, marriage and death services.

With regard to long-term plans, the department is planning to expand its footprints to other institutions such as the SA Post Office, the banks and others. These measures will augment the areas where there are no modernised offices.

*IsiZulu:*

Nk L L ZWANE: Sihlalo, siybonga kakhulu Ngqongqoshe ngokuthi uyicacise lendaba yokuthi omazisi laba abadala abangamabhuku basazoqhubeka basetshenziswe ngoba baningi abantu bebengekakwazi ukuthola ithuba lokuyofaka izicelo zokuthi babe nomazisi laba abawuqwembe. Umbuzo wami-ke Ngqongqoshe uthi, isikhathi sokusebenza koMnyango Wezasekhaya yilesi sikhathi abafundi besesikoleni bese kuthi ngempelasonto abafundi besemakhaya umnyango awusebenzi ngalawo mahora. Ngifisa-ke ukwazi ukuthi, yiziphi izinhlelo umnyango wakho Ngqongqoshe onazo ukubonelela ukuthi uyafinyelela ezikoleni ukuze abafundi bakwazi ukuthola omazisi ngoba ikakhulukazi uma sebezobhala ukuhlolwa kokugcina laphaya ezingeni lika-Grade 12 bayabadinga omazisi. Ngiyabonga.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 55

UNGQONGQOSHE WEZASEKHAYA: Sihlalo nakwilungu elihloniphekile, ngifisa ukukusho ukuthi kuyangithokozisa kakhulu ukuthi amanye amahhovisi omnyango ayavula ngeMigqibelo bavalontyiye ukuzolekelela ikakhulukazi abantu abasuke befuna izinsiza zikaHulumeni ngoMgqibelo. Ngiyafisa ukubavakashela labo ukuze sibakhuthaze kodwa amahhovisi amaningi aseya ngokuya avule ukuvuleleka ebantwini. Kodwa-ke kulo nyaka sizokwethula uhlelo lomahambanendlwana asebhucuzekile okuyibona abazosilekelela ikakhulukazi ukufinyelela ezikoleni. Kunezinhlelo ezintathu ebesizihlola ukuze sibone ukuthi zingakwazi yini ukusebenza. Uhlelo lokuqala olwamapotimende akwazi ukuthatha izicelo zomazisi bekhadi. Uma lelo hlelo lusebenza ngendlela efanelekile sibenawo amandla okuthenga lawo mapotimende sizobe sesikwazi ukuthi sivakashale ngawo ezikoleni ukuze abantwana bangasuki ezikoleni kodwa izinsiza sibanikeze besezikoleni abafunda kuzona noma sibahlanganise ngokweziceme ukuze sibalekelele bebaningi ngesikhathi esisodwa.

Uhlelo lwesibili ebesilihlola olwekuthula izinqola ezintsha ezingomahambanendlwana. Kumanje njena zikhona ezintathu esesizibonile ukuthi zisebenza ngendlela efanelekile. Sizo zengeza kulo nyaka. Kuzothi uma sethula isabelozimali somnyango silwethule lolo hlelo. Sase siphinda siphucula kulezi ezindala. Saphucula ezinye sazenza zaba sezingeni lokuthi zikwazi ukuthatha omazisi

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 56

bekhadi nakho esizokwethula ngokufanelekile uma sesithula isisabelozimali zomnyango. Kodwa enye yezindlela ezizosilekelela kakhulu yiyo lena yokuvula, yokwandisa amahhovisi asemabhange ngoba uma uya emahhovisi ethu amaningi kulo lonke izwe alikho ihhovisi loMnyango Wezasekhaya olufica lingenamuntu, uwafica egcwele echitheka. Uma sesengeze amabhange ngaphezu kwalawo angamashumi nane esisebenza nawo njengamanje, lokho kuzoselekelela kakhulu ukwandisa inani lamahhovisi omnyango nokuthi abantu izinsiza bazithole ngendlela efanelekile. Lokho kuyokwenza nabafundi bakwazi ukuza ngoba iyaye ingikhathaze kakhulu. Ngike ngathi uma ngivakashele amanye amahhovisi omnyango kuleli sonto eliphelile, kwangikhathaza kakhulu ukubona abafundi bengekho ezikoleni ngezikhathi zokufunda besemahhovisi omnyango bezofaka izicelo zomazisi. Kuyisifiso sami ukuthi sibalekelele ngeMigqibelo ikakhulukazi ukuthi sithole izindlela zokuthi sifinyelele kubona ezikoleni zabo. Zingangeneli njengamanje ngoba asinazo izimali ezanele kodwa sizama konke okusemandleni ukuthi ikakhulukazi abantwana abenza ibanga lwezifundo zikamatikuletsheni sifinyelele kubona sibasize bengekaqali ukubhala. Siyabonga.

*IsiXhosa:*

Nks T G MPAMBO-SIBHUKWANA: Ndifuna ukwazi kuwe Mphathiswa ukuba zingaphi izicelo esezingenile zamakhadi ezazisi zabantu

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 57

abazinzalelwana balapha eMzantsi Afrika ezithe zapasiswa? Enkosi kakhulu.

*IsiZulu:*

UNGQONGQOSHE WEZASEKHAYA: Sihlalo, ngiyabonga kakhulu ngalo mbuzo, wumbuzo obalulekile. Ngifisa ukuthi ngenxa yokuthi bengingazanga ukuthi umhlonishwa uzofuna ukwazi amanani, ngicela ukumphendula ngokumbhalela simazise amanani. Okwamanje mhlonishwa asikakuvumeli ukuthi abantu abanikezwe igunya lokuba abalelilizwe lokhu esikubiza nge-naturalisation, asikabavumeli ukuthi bafake izicelo zomazisi bekhadi. Bona sibatshele ukuthi mabalinde ukuze siqale siqede ngabantu bezwe lakithi kuthi-ke uma sesiqedile kube yila sibamukela nabo. Into esizoyenza njengamanje, ngizomemezela isinqumo sokuthi ukusukela elangeni engizolibeka, abantwana abaneminyaka engamashumi nesithupha ... [Uhleko.] bangabe besa ... izingane ezine ... [Uhleko.] ngicela umhlonishwa athathe ingqondo yakhe ayikhiphe ekungcoleni.

Ms T J MOKWELE: What are you laughing at?

*IsiZulu:*

UNGQONGQOSHE WEZASEKHAYA: Izingane ezineminyaka eyishumi nesithupha zingabe zisafaka isicelo sikamazisi wencwadi le eluhlaza, kuzothi

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 58

uma befaka isicelo sikamazisi sibanikeze umazisi wekhadi kuphela. Lokho kuzoselekelela ukuthi kule minyaka ezayo izingane ezisakhula zibe sezinomazisi bekhadi kuphela siluyeke lolu hlelo lokusebenzisa ikhadi nencwadi eluhlaza ngokushintshisana. Ngiyabonga.

USIHLALO WENDLU (Mnu A J Nyambi): Mawube seduzane umbhobho. Nyukela.

*IsiXhosa:*

Nks T WANA: Sihlalo, mandizazise. Mna ndisuka kuMasipala iNtsika Yethu kwiwadi 17. Abantu ezilalini bayakhalaza Mphathiswa ngelithi ababonakali ukuba bavotile kweli khadi. Loo nto ibakhathaza kakhulu kuba bafuna ukuvotela uMadiba. Bathi masibabuzele apha ePalamente ukuba baza kubonakala njani xa bevotile. Kungenziwa ntoni kwela khadi xa bevota. Zange ndikwazi ukuba ndiwuphendule loo mbuzo. Enkosi.

*English:*

The HOUSE CHAIRPERSON (Mr A J Nyambi): I will leave that to the Minister to comment because the question is not linked to the original question. So, that was more of a comment.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 59**

Hon Minister, on behalf of the Chairperson of the NCOP, let me take this opportunity to thank you for availing yourself in the NCOP to answer questions. Thank you. We are done with you for the day.

Hon members, we do have a formal apology from the Minister of International Relations and Co-operation. She is addressing the SADC Council of Ministers in Pretoria but we have the Deputy Minister with us to deal with the questions.

Mr E MAKUE: Chairperson, I beg your indulgence. I'm rising on Rule 246(2) which creates a bit of a difficulty for me. Maybe you can explain it to me. In terms of that Rule, every member is allowed to pose a maximum of four questions per day.

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

Mr E MAKUE: I'm worried. If I look at the pace at which some of us are raising questions, we are going to run out of our four questions before we conclude today. I would ask you to just consider that, or inform me differently. Thank you very much.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 60

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, hon members, in terms of our Rules, we are allowed to do four supplementary questions from each question. So there is no debate about it.

Question 36:

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): Hon Chair, the reply to the question is as follows. With regard to the question of the Israeli embassy in South Africa, that is a matter for the government of Israel to decide upon, and not the Department of International Relations and Co-operation.

With regard to the rest of the question, all resolutions of the 54th conference of the ANC have been referred to the Department of International Relations and Co-operation, and are presently being processed in line with the department's annual performance plan, APP.

The resolution referred to will also have to serve before the relevant subcommittee of the ruling party. The Department of International Relations and Co-operation is therefore seized with this matter, and we look to be guided by Cabinet on the way forward. Thank you.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 61**

Mr E MAKUE: Deputy Minister, my follow-up question relates to the meeting that was held in the UN two days ago, in which representatives from Nigeria, Angola, Namibia, Senegal and Somalia also made hard-hitting contributions to the debate that was happening in the UN with regard to the situation in Israel and Palestine. Because we hold a position as a country of supporting the two-state solution, I then just want to quote the remark that was made by our ambassador to the UN when she said,

In the century of the year of the birth of Nelson Mandela, we would do well to remember his warning that, and I quote, 'A person taking away another's freedom is a prisoner of hatred, and the oppressed and the oppressor alike are robbed of their humanity.'

In this light, our ambassador to the UN then calls upon the international community to stop ignoring the atrocities being perpetrated on the Palestinian people. My question is, what is the Department of International Relations and Co-operation doing to help us so that, as a country, we can be more rigorous in our support of the Palestinian people. Thank you.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 62

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): Chairperson, I would like to thank the hon Makue for the follow-up question.

I think there's a lot that can be said about the situation in Palestine and Israel. There's even more that can be said about what is actually happening there, virtually on a daily basis.

We are constantly monitoring the situation so that we can provide the kind of leadership that is expected of us. However, we remain resolute in our support of the people of Palestine, and that will remain until the ruling party decides otherwise, and there's very little possibility of that happening in the near or distant future.

So, my immediate response to the hon Makue is, we are seized with the matter. We are monitoring the situation very closely. We are looking for every opportunity to ensure that the ANC's resolution of a two-state solution can be propelled forward. Thank you.

The CHAIRPERSON OF THE NCOP: I see some happy soul has sent me flu mixture. Thank you.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 63

Mr M KHAWULA: Chairperson, the hon Deputy Minister, in responding to the original question, only referred us to a resolution of the ANC conference. Now, there are those of us who did not have the misfortune of sitting in that conference. Can the hon Deputy Minister clarify, because the question is meant for all of us to digest?

Now, fortunately, I don't sit there, hon Deputy Minister. Can you assist me? What is that resolution that you referred to ... wherever ... so that I can understand? Thank you.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): Chair, in response the hon Khawula, the 54th conference of the ANC was held in December 2017. At that conference, together with a long list of other resolutions, a resolution was taken that the South African government would downgrade its embassy in Israel.

Ms T J MOKWELE: For your information, Deputy Minister, this was not the first time that the resolution was taken by the ANC. It means the ANC is not honest with itself, with its members nor, ultimately, with the country at large. We cannot forever be referred to

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 64

resolutions of the ANC, as if the ANC is the only party that governs this country. [Interjections.]

You will be punished for that statement. I'm telling you, you'll be punished for that statement.

The CHAIRPERSON OF THE NCOP: Hon Mokwele, please address him through me.

Ms T J MOKWELE: Okay, thank you, Chair.

Hon Deputy Minister, that rhetorical statement we have heard for quite some time now. But it is within your right as a Ministry and within your powers as a Ministry to make sure that you ... it's either you close or you degrade the status of Israel in South Africa. When is your department going to take the initiative to be bold and, as you have been saying, protect the lives, the society and the people of Palestine by doing the right thing? Thank you.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): Chair, as I have said, government is seized with the matter. As a department, we are looking to be guided by Cabinet on the way forward. [Interjections.]

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 65

Yes, we are. Really. [Interjections.]

An HON MEMBER: When?

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): When? When Cabinet gives us the go-ahead.

So, I take note of the hon Mokwele's comments about previous resolutions. I am mindful of those. It is one of our failings as an organisation not only with regard to this particular resolution, but also others as well. So I'm perfectly willing to concede that particular point. [Interjections.]

No, no, no ... don't ... please ...

The CHAIRPERSON OF THE NCOP: Order!

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): So, with regard to the Israeli embassy here in South Africa, it's not for us to say what they should do with the embassy. That's a decision for the Israeli government to take.

[Interjections.]

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 66

Yes, I hear you. They're in our country, but for now, they've chosen to stay, and ... [Interjections.]

No, no, no ...

The CHAIRPERSON OF THE NCOP: Deputy Minister, don't respond to every little ... [Interjections.]

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): Sure. Sure. But, before we do that, or before we reach that point, we need to try and ascertain whether both Israel and Palestine are willing to sit in the same room and discuss the two-state solution.

Mr J W W JULIUS: Chairperson, my question was the "when" part, but the Minister responded to my heckling, so I'm covered.

Question 55:

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): Hon Chair, it is an accepted international practice for countries to maintain diplomatic relations, even though they may hold fundamentally divergent positions on any particular issue, even when they are at war. Diplomatic relations are used to facilitate

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 67**

communication between countries. In the case of South Africa and Morocco, we have had diplomatic relations since September 1991, whilst holding different positions on Western Sahara, with South Africa supporting the inalienable right of the Sahrawi people to self-determination, and characterising Morocco's occupation as illegal and contrary to international law.

South Africa went a step further and took a conscious decision in September 2004 to formally recognise the Sahrawi Arab Democratic Republic, and actively continue to support and advocate the cause of the Sahrawi people, including providing annual financial support to the Western Sahara Embassy in Pretoria.

It is important to recognise that South Africa uses its embassy in Morocco to facilitate diplomatic communication. Keeping the Embassy of South Africa in Morocco open does not, in any way, undermine South Africa's principle position on Western Sahara.

As a point of clarification, bilateral relations with Morocco were never closed, since the establishment in 1991. With South Africa's formal recognition of the Sahrawi Arab Democratic Republic in September 2004, Morocco responded by recalling her ambassador to

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 68

South Africa, and did not respond to South Africa's request for an agreement for South Africa's nominated ambassador.

Since then, South Africa has had a *chargé d'affaires ad interim*, leading her embassy in Rabat, Morocco. It bears noting that Morocco, in June 2016, submitted a formal request for what is called, *agrément*, for their ambassador to be appointed to South Africa. Their request is still receiving due consideration by the department and the government.

Ms T J MOKWELE: Chair, Deputy Minister, sometimes, it does not help to be warm. As country, we must be hot or cold. We agree that the government of Morocco is oppressing the people of Western Sahara. You and I agree on that. However, what we are failing to do, as a country, is to take decisive measures and steps to ensure that we show the Moroccans that what they are doing to the Western Sahrawians is actually illegal.

Minster, as a country, why can't we take that decisive decision to not only appeal, but to make sure that we take steps against Morocco, despite the fact that we have agreements and relations with Morocco? Take a step and show them that, as South Africans, we feel what they are doing to the Western Sahrawians is wrong, because we

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 69**

have been in that situation before. We know how being oppressed feels. Can we not do that as a country and be decisive in our actions? Thank you.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): Hon Chair, we have done that. I have attended a higher-level segment of the United Nations' Human Rights Council in Geneva where I was invited by what is called the Africa Group, where Morocco was present. They were seated in situations such this, and we put forward South Africa's position on the Sahrawi people in no uncertain terms.

This is perhaps where we differ with one another at a political level. When you say let us act, I think what you are saying is that we must cut all ties with Morocco. We don't do that because then we cannot speak to the Moroccans as we would like to. Right now, we are able to go to the Moroccans and say to them that they are harming and hurting the people of Sahrawi. If we cut all ties and we try to do that, the Moroccans will simply turn around and tell us that they don't want to talk to us. That is the purpose of keeping diplomatic relations with the country. It is meant to leave the communication open so that we can tell them these things.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 70**

Mr M RAYI: Hon Chairperson, as the ANC, we would like to congratulate government for fighting very hard against the admission of Morocco to the African Union, although they unfortunately failed, because of numbers. We are also encouraged that government is going to continue to ensure that Western Sahara gets its self-determination and independence. So far, with the admission of Morocco, are there any steps to ensure that the people of Western Sahara will get their self-determination and independence? Thank you.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): Hon Chairperson, yes, the AU has very clear rules and regulations on matters such as this. The AU is mindful of the fact that almost all the member states of the UA come from a background where they were colonised and were subsequently granted independence or fought for their independence. With that in mind, the AU has very clear rules when it comes to this matter and I have no doubt in my mind that, in the very near future, the AU will have to be seized with this matter. When that happens, South Africa will make its very considerable voice heard.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 71**

Mr S G MTHIMUNYE: Chairperson, my little understanding is that the position of Morocco on Western Sahara is also supported by some in the west. Is South Africa doing something to engage at that level?

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): Chair, the answer is yes. We engaged with as many people as possible, hence, our decision to allow an embassy to be established in Pretoria for the Sahrawi Arab Democratic Republic. Together with us, the Sahrawi people can speak to countries that support Morocco's view, which, by the way, is unlawful and contrary to international law. There are several UN resolutions taken on the matter and quite frankly, the Moroccans have very little ground to stand upon.

Mr M KHAWULA: Hon Chairperson, hon Rayi, hon Deputy Minister, the IFP appreciates the initiatives by South Africa to fight the illegal occupation of Sahara by Morocco. Why is South Africa not adopting the very same approach in respect of the illegal occupation of Tibet by China? If South Africa can fight the battle for Sahara, why does South Africa not adopt the same approach in Tibet? These are two small communities suffering the same fate, but South Africa has two different approaches. Why?

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 72

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): Hon Chair, hon Khawula, I want to take the hon members of the House back to very early in our democracy when Nelson Mandela stood up on a platform and made the following statement: We in South Africa believe in the One China policy. Our relationship with China is based on that statement. So, our relationship with Tibet does not exist, simply because of Nelson Mandela's statement about the One China policy. Yes, that is the truth. If you just do a bit of research, you will find that that is the truth.

No, no, no, we can argue about justice. As I have said, there are several UN resolutions with regard to Western Sahara, which South Africa agrees with and which South Africa actually sponsored. So, you wanted to know why there is a difference. That is the reason. Besides, the Sahrawi people, through the Polisario Front, stood with us in the dark days of apartheid.

Question 37:

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): Hon Chair, the reply to the question is as follows. South Africa participates in trade-related multilateral organisations with the objective of promoting South Africa's National Development Plan, the UN Sustainable Development Goals for

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 73**

Agenda 2030 and the AU Agenda 2063. This involves the strengthening of mutually beneficial regional and international relations and negotiating structures aimed at advancing South Africa's global competitiveness and its trade, industrial and economic development objectives.

The Tripartite Free Trade Area, TFTA, agreement is the initiative between three regional economic communities in Eastern and Southern Africa. The TFTA agreement is anchored on three pillars, namely market integration, infrastructure development and industrial development. This was based on the recognition of the importance of a developmental integration approach which does not only focus on market access but also addresses the productive capacity and infrastructure constraints of both the region and the continent.

South Africa signed the TFTA agreement during the sixth tripartite sectoral ministerial committee meeting in July 2017. So far, 22 countries have signed the TFTA agreement. For the TFTA agreement to be implemented it requires 14 countries to ratify it and so far only two countries, namely Uganda and Egypt, have ratified it. South Africa is in the process of submitting the relevant documentation and agreement to Parliament for its ratification. Thank you.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 74

Mr M RAYI: Hon Chairperson, hon Deputy Minister, there has been concern in the labour movement that these agreements, if implemented, have the potential of causing job losses. What mechanisms are in place, if they were to be implemented, to guard against job losses in South Africa? Thank you very much.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): Madam Chair, that's a very important question and I have no doubt that when the matter is brought before Parliament and Parliament calls for input from civil society, that the labour movement will take advantage of the opportunity.

I think hon members in the House need to understand how the agreement works. What it seeks to do is to liberalise trade between countries on the African continent by cutting back on things like tariffs, etc.

One of the strong points that the hon Minister of Trade and Industry, Rob Davies, has been harping on is what he calls the rule of law of origin. In other words, if a product is supposed to emanate from Zambia and it carries a label that says it is made in Zambia, then the rule says it must indeed come from Zambia. The danger we face, which we have to guard very carefully against, is

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 75

when a product purportedly comes from Zambia but actually comes from another country outside the African continent, let's say England, Canada, France, Russia or China. Then the rule of origin kicks in. Because that product does not come from an African country, the provisions of the agreement do not apply to that product.

The danger to the labour movement is not only here in South Africa but to other countries in Africa. I refer to the Zambian example. The Zambian workers will lose because that product comes from another country outside the continent. They will not have participated in the manufacturing of that product and therefore you will find that job losses will be incurred, and as a consequence the free trade area agreement will fall apart.

So I would strongly urge people in the labour movement to become directly involved in the discussion in Parliament when the agreement is tabled in that fashion. Thank you.

Mr W F FABER: Chairperson, Deputy Minister, you just told us that only two of the countries have signed so far and there are strong indications that Nigeria will not join the African Continental Free Trade Area, ACFTA, **agreement**. How does the reluctance of Africa's

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 76**

biggest economy to join the ACFTA impact on the viability and therefore the value versus cost of the ACFTA to South Africa?

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): Madam Chair, only two countries have ratified. That's what I said. Twenty two countries have signed and South Africa, in its signing of the memorandum of understanding, has given a clear indication of its intention to both sign and ratify.

The countries that hon Faber referred to have similar systems to ours whereby the agreement must be put through a consultation process. So, we bring it to Parliament. Parliament then takes it to civil society and other interested parties, and there is a broad consultation within the country so that everyone is on board with the provisions of the agreement.

Countries like Nigeria and Uganda have a similar system. In fact, the Nigerian head of state made the point that civil society in Nigeria had kicked up a fuss because there was inadequate consultation within Nigeria. It was for that reason that he asked the meeting to afford him an opportunity to go back home and do the consultation that I referred to, and once that is done hopefully Nigeria will also become a signatory.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 77

Ms T G MPAMBO-SIBHUKWANA: Chairperson, through you, I would like to know whether the TFTA agreement will be redundant given the latest developments of the ACFTA agreement and what are your thoughts on this free trade area?

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): Madam Chair, TFTA agreement remains in force until this agreement replaces it. That is how it is planned to work. So, until then, the TFTA agreement will remain in force. Unfortunately, I am unable to give the House any kind of timeframes. You will realise the logistics involved. So, one hopes that all the countries will go through the relevant processes such that the TFTA agreement then falls by the way side.

Question 50:

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): Madam Chair, I must really beg your indulgence and the indulgence of both Mr Faber and other hon members. The question relates to energy and in particular nuclear energy. That is the primary focus of the question. We would wonder whether the question could not be redirected to the relevant department, in this case the Department of Energy, for its response, rather than the Department

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 78

of International Relations because we deal primarily with foreign relations, as opposed to energy.

The CHAIRPERSON OF THE NCOP: Mr Faber, I think we should agree.

Mr W F FABER: Chairperson, I do understand what the Deputy Minister says but it also has an impact on international relations. That is why I posed the question.

The CHAIRPERSON OF THE NCOP: Deputy Minister, for my sins I represent the South African Parliament on the Brics forum. It is also true that not all the Brics partners are involved in nuclear energy, and it is also clear that not all the countries of the Brics family are in discussions with South Africa on nuclear energy, even those who have it. So, it would seem to me that the relationships would not be involved.

We should rather seek to redirect the same question to the Department of Energy for us to get a better understanding. Not to do so would be to ask the Deputy Minister to speculate and this House knows that I am hard-pressed to agree to get any member to speculate and to therefore be found wanting later for giving answers which they are not too sure of. I think we should agree, hon Faber.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 79

Mr W F FABER: I will agree to that, Chairperson.

Ms T J MOKWELE: Chair, I need your indulgence. Now that the question is before us, how did it happen that those who are responsible for placing oral questions to the executive did not pick this up? Some of our questions are not placed on the Order Paper. We received the response from the administration that the questions will either be in written form or referred to relevant departments. So we need to check because hon Faber has a follow-up question and some of us also have follow-up questions on the matter.

The CHAIRPERSON OF THE NCOP: I will take the blame because when these questions were finalised I was not in the country. I may have picked up on it and may have advised differently. My apologies to the House.

Question 38:

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): Madam Chair, the reply to the question is as follows: the regional development and economic integration are the centre piece of South's foreign policy informed by the desire to improve the multitude of challenges facing the continent, primarily issues of poverty, underdevelopment and modernisation.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 80**

South Africa is also a signatory to the Southern African Development Community, SADC, free trade area launched in 2008 when 85% of each intra regional trade amongst the participating state attained zero duty. Intra-SADC trade substantially increased following the implementation of the SADC protocol on trade more than quiet rippling between the years 2000 and 2012.

The Regional Indicative Strategic Development Plan remains our blueprint for SADC economic integration excretions. The focus on industrialisation is now front loaded in the plan of action aimed at improving intra regional trade and development.

Our county further participated in the review process of the Regional Indicative Strategic Development Plan for 2015 to 2020 in which the following priorities were set, industrial development and market integration, infrastructure in support of regional integration, peace and security co-operation and special programmes of regional dimension, which among other issues, include national resources and food security.

South Africa considers SADC and Southern African Customs Union as primary vehicles to regional economic integration. They are important building blocks to achieving the Tripartite Free Trade

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 81**

Area and the envisaged Continental Free Trade Area Agreement. South Africa's future remains inexorable linked to the future of the African Continent and that of its neighbours in the region. Thank you.

Mr J M MTHETHWA: My follow-up question, can the hon Deputy Minister demonstrate whether by a direct example of South African experience or any other international experience, how the regional integrations have benefited the lives of the people? Thank you.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): Madam Chair, yes, there are many examples, and one simple has to visit our neighbouring states in SADC to witness this. More and more throughout the world, we find that regional blocks are being created or established because it has been found that this is the best and easiest way to create the kind of economies that countries are looking to establish. Liberalisation of trade amongst neighbouring state is the first step towards economic progress. Thank you.

Mr J W W JULIUS: I will start with liberalisation of trade, Deputy Minister that it should be one of our strategies for increase trade, shared markets and the development of strong institutions. That will

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 82

actually help us; I think you will agree with me. But it's of no use to gain on the one hand and lose on the other hand. I need your thoughts on this; land expropriation without compensation is one policy of the government that actually can either help you or can bring down all your efforts in increasing trade.

The CHAIRPERSON OF THE NCOP: You are protected, sir.

Mr J W W JULIUS: So, I would like to know, what are your thoughts on this, is it endangering your strategies of increase trade or not? Can you please give us your thoughts on this? Thank you, Chair.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): Well, hon Julius has just got his DA furthering trouble with the EFF. So, the motion of no confidence in the Nelson Mandela Metro is going to be brought forward to my understanding after his follow-up question this afternoon.

The CHAIRPERSON OF THE NCOP: We can strike that, hon Julius.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): But to answer the hon member's question directly, Madam Chair, we have in a number of media statements, we have

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 83

referred to section 52 of the Constitution. We have taken the point made by former Deputy Chief Justice, Dikgang Moseneke, who decried the fact, and I have enormous sympathy for his position in that regard, for the fact that as a Judge on the Constitutional Court, he had never been afforded the opportunity to test section 25 of the Constitution. Now, we are on record as the ANC as having said. Land expropriation without compensation will be guided and inform by the Constitution. Presently, there is a committee in the National Assembly that is seeing this matter. It has been tasked with looking at whether section 25 suffices, and if not, what amendments need to be brought to it. So, that will be my response to the hon Julius.

I know that this matter has raised the temperature, not only in South Africa, but throughout the world. We have heard Dutton, Australia Minister of Home Affairs, who is a racist and a bigot, offering all kinds of things to white farmers. Of course, he has been embarrassed by the fact that his cricket team has been found to be cheats and layers. So, now South Africans are saying, well, look, we can send you white cricketers and they will teach you the value of ethics and morality, amongst other things.

So, Madam Chair ...

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 84

The CHAIRPERSON OF THE NCOP: Hon Deputy Minister, I have to take a point of order. Hon Julius?

Mr J W W JULIUS: Chairperson, I think the Deputy Minister must know that we are both South Africans, I am not an Australian. But the Deputy Minister is actually dodging the question. The Deputy Minister starts with something outrageous, bringing in cricket and all that just to dodge the question. The Deputy Minister has time to answer the question. His time will expire, Chairperson, before he gets to the critical question, what you think will happen to trade because of this policy? Don't dodge with this entire rotary. Please, just answer the question.

The CHAIRPERSON OF THE NCOP: Hon Julius, please take your seat. Deputy Minister, please continue.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): I think I have responded to the hon Julius, Madam Chair. So, let us participate in the process that's unfolding here in Parliament. I am pretty sure that the hon Julius and the DA will make their views heard in the Constitutional Review Committee deliberations on section 25 and the whole matter of land expropriation without compensation. No, no, I am fully confidence in

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 85

my own mind that this will not affect trade for South Africa.

[Interjections.] No, yes, really. Thank you.

Question 51:

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): Madam Chair, my reply to the question is as follows.

In response to (1) (a), an extradition treaty between the government of the Republic of South Africa and the government of the Republic of India was signed in October 2003. A treaty on mutual legal assistance in criminal matters was also signed in October 2003.

In response to (1) (b), no extradition treaty has been entered into between the Republic of South Africa and the United Arab Emirates. However, a memorandum of understanding on police co-operation was signed in April 2006. However, article 2, paragraph 2, states that the memorandum of understanding shall not apply to extradition and mutual legal assistance in criminal matters.

In response to (2), the Department of International Relations and Co-operation has no information available at its disposal regarding the whereabouts of a certain person, as requested. This particular question should be directed to the Department of Justice and Correctional Services or the relevant law enforcement agencies in

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 86

South Africa that are responsible ... line function departments that deal with requests of extradition and mutual legal assistance. Thank you.

Mr L V MAGWEBU: Chairperson, Deputy Minister, you say you have no information about the whereabouts of this person. Of course this person has a name. It's Ajay Gupta. Right? [Interjections.] Minister, it's Ajay Gupta, Atul Gupta and Rajesh Gupta. Yes, we know that. It's Ajay and his friends. [Interjections.] Chairperson, may I be protected from hon Makue.

The CHAIRPERSON OF THE NCOP: You are protected from hon Makue.

Mr L V MAGWEBU: My question is, did you try to find out? When you say you have no information about the whereabouts of these people, did you as International Relations try to find out to see if and where you could use your legal instruments to extradite this person?

I am asking this question because this matter is in the public domain. It's been in the newspapers and I'm disappointed that you say you do not know. It has been in our newspapers. I'll give you the date. At 20:30pm, South African time, on 6 February this year, Ajay Gupta – there are records at the airport – left South Africa

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 87

for Dubai. Those records were found at O R Tambo International Airport. We know that and you know that, Minister. So it is incorrect and perhaps, with due respect, disingenuous of you to say you do not know that on 6 February at 20:30pm Ajay Gupta flew to Dubai. Those records are here. Why are you doing this to us, Minister? Why are you misleading us?

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): Madam Chair, can the hon member confirm that the gentlemen he is referring to, Ajay Gupta, Atul Gupta and the rest of them, are still in Dubai? Does he have that? Can he give this House an absolute guarantee that they are still in Dubai or that they have not moved elsewhere?

You see ... [Interjections.] ... Well ... No, no, no ...  
[Interjections.]

The CHAIRPERSON OF THE NCOP: Order, order, order!

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): The hon Magwebe made the point that ...

The CHAIRPERSON OF THE NCOP: Magwebu. Yes, please.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 88

Mr L V MAGWEBU: Chairperson, point of order: With due respect, I addressed the Minister properly. I am not hon Makweke or whatever he is saying. I will spell it for you, Minister. It's Magwebu.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): Madam Chair, the hon member made the point that on 6 February the Guptas left South Africa and went to Dubai under the radar. We are now in March. Are they still in Dubai?

[Interjections.] No, no, no, you are making it the responsibility of International Relations to do investigative work. [Interjections.]

The CHAIRPERSON OF THE NCOP: You are protected, Deputy Minister.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): No, no, no, you see, Madam Chair ... [Interjections.]  
No ...

The CHAIRPERSON OF THE NCOP: No, order, order! The Deputy Minister is protected. Please finish your response, sir.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): If a request of whatever nature is made to the embassy in Dubai that embassy is required to carry out the provisions of

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 89

that request. [Interjections.] No, I'm not required to make the request. [Interjections.] You asked the question ... [Inaudible.]

The CHAIRPERSON OF THE NCOP: Please talk through the Chair otherwise we will not finish. Order, hon Julius!

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): Madam Chair that is my response to the hon Magwebu. No formal request on this matter has been received by the embassy in Dubai and I suspect that our law enforcement agencies here in South Africa don't want to tell everyone what exactly it is they are doing. Why should they? Why should they conduct their investigation in the public domain? That would be stupid. Thank you.

Ms T J MOKWELE: Chair, our country ... what we call intergovernmental relations ... Normally you call yourselves sister departments. They are departments that you work closely with. Hon Deputy Minister, that is why we are posing this question to you. I am going to repeat the question but in another way.

You are aware that these brothers are fugitives. Being fugitives they are ... [Interjections.]

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 90**

The CHAIRPERSON OF THE NCOP: You are protected. Hon Mthimunye!

Ms T J MOKWELE: You must go and sit there at the back!

Being fugitives they have acted in ways that left our country and state on the brink of collapse. Now I'm asking you, Deputy Minister, with due respect, will you, if requested as the Department of International Relations together with your sister departments and stakeholders, assist in getting these fugitives to come to the country in order to face a court of law? Thanks.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Mr L T Landers): Madam Chair, the answer is yes.

The CHAIRPERSON OF THE NCOP: Thank you, sir. Hon members, we proceed to the next question. Deputy Minister, that question was put to the Minister. In fact, sir, I must bid you farewell at this point. Thank you very much for coming. [Applause.]

Question 42:

The MINISTER OF STATE SECURITY: Hon Chair, I would also like to thank the member who asked the question. The answer is yes, that there are indeed there are national co-ordinating mechanisms such as

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 91**

the National Intelligence Co-ordinating Committee normally referred to as NICOC and the Counter Intelligence Co-ordinating Forum, CICF that were established in terms of the National Strategic Intelligence Act 38 of 1994. NICOC supported by the State Security Agency in terms of technical administrative and logistical support. They co-ordinate and prioritises not only the intelligence priorities for the national intelligence structures but also departmental intelligence of state departments.

The CICF has been identified as the forum that can be utilised as a platform to improve the management of the conduct and the co-ordination of counter intelligence efforts between the national security structures and to enforce compliance within the security domain and this is in order to reduce the current vulnerabilities and probably threats that the country is facing.

Mr S G MTHIMUNYE: Chair, shall we congratulate you as well from our side Minister on your new appointment? I pity you because you are new in the department but you are new in the security sector.

Minister, given the historical happenings that we have witnessed all of us as a country, the landing of the Gupta plane at Waterkloof and so on. Would you say without any shadow of doubt that our intelligence is on top of issues as a country.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 92**

The MINISTER OF STATE SECURITY: Thank you hon Chair and the member for the supplementary question. One can say with confidence that the security agency's capacities in the country are in the process of reforms. We had the former National Intelligence Agency, NIA and we had the other sections so, in the process of that the agency has not yet found its feet properly because it is still in the process of transition. But we hope that with all the measures in place now, including the long term vision, we will be able to consolidate and make sure we are up to scratch with the day to day running and, also in terms of the policies of how we conduct the intelligence services to make sure that the public indeed and, the people of this country are secured.

Ms T G MPAMBO-SIBHUKWANA: Minister, you will agree with me that crime is on the rise here in South Africa. Why are violent crimes like armed robbery, house breakings and farm murders on the rise if we have effective and coordinative crime intelligence between SAPS and state security? I want to know from you hon Minister that for instance, in 2016-17, 14956 armed robberies were reported. This is a 6,4% rise or increase if I may rephrase it, from 2015-16 home robberies increased from 37,9% in 2015-16 to 40% in 2016-17. This tells us that one can have a very dysfunctional and ineffective state of intelligence. In your view Minister, I want to know about

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 93**

the recent killing of five Ngcobo police in the Eastern Cape. In the shame and failure of our intelligence structures, what are you saying about it? Why is the state intelligence so weak and ineffective? Thank you.

The CHAIRPERSON OF THE NCOP: There were about three subsidiaries; you will choose which ones you want to respond to.

The MINISTER OF STATE SECURITY: I will respond to the last one Chair. I fully disagree with the member that the situation at the State Security Agency is hopeless. It is not hopeless and that we can guarantee you. The NICOC I referred to earlier on, which is a co-ordinating structure between the crime intelligence falls in the police, us and defence. This structure as I indicated earlier on of the long term transition, the structure was not yet properly consolidated. It was there but there were teething problems which resulted in to the NICOC being revived.

So, the issue that you are referring to of Ngcobo does not necessarily an indication that the agency is paralysed and useless, that is not the case. It is just that the co-ordination of all these departments including ourselves is still not yet at the level where we want it to be. We can collect information, pass it to the crime

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 94**

intelligence which are the enforcement agencies and maybe to the defence as well, but if our co-ordination is not yet up to that level, we will have the situation like that one that we had at Ngcobo. So, it is not only the responsibility of the agency or the weaknesses of the agencies, it is the weakness of the structure as a whole.

Mr O S TERBLANCHE: Hon Minister, let me also start by congratulating you on your appointment. You acknowledged that co-ordination amongst the intelligence agencies is not up to standard yet. Now being a newly appointed Minister may I ask; what are your plans to rectify that because at the moment there is a perception that people are operating in a silo approach and things are just not getting together? Minister once again, what are you going to do and can you tell us maybe the time frames because South Africans are very concern because apparently we are just not on top of the situation. Thank you Chairperson.

The MINISTER OF STATE SECURITY: The hon member asked about the priority in the security state agency. There are so many priorities now which are pressing. And on top of the list of our priorities is the NICOC structure to make sure it is working properly in terms of

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 95

the resources and also the infrastructure because this is where the problems are.

So, it is one of the priorities of the department because if this structure is not capacitated and supported from the political level, the structure will still limp for a long time and the whole country is depended on this structure. So, this will be one of the priorities but there are also other priorities like the priority of strengthening counter intelligence and covert operations. Those are also priorities on top of the list in these 30 days one has been in office. Thank you.

*Setswana:*

Moh. T J MOKWELE: Ke a leboga Modulasetulo. Ke go etleletse masego mma mo maikarabelong a gago a maswa jaaka moeteledipele wa lefapha le le masisi, le le tshwanetseng go netefatsa gore Aforika Borwa le baagi ba yona ba sireletsegile mo dintlheng tse tsotlhe.

*English:*

Now, what you have highlighted is that you acknowledge that there is a problem and a challenge that you need to zoom in as the department. And you are new in this position but you are not new as a Cabinet member so it means that some of the strategies that have

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 96

been set aside by the department, you know some of them. Now, I want to check with you if you will continue with the plans that your predecessors planned to make sure that you improve the status core of the unit. And if you continue, have you seen that plans that have been put in place by your predecessors are being effective or are you coming up with something that will improve what your predecessors have done. Thank you very much.

*Setswana:*

TONA YA TSHIRELETSO YA NAGA: Ke a leboga mmaetsho. Ke leboga le molaetsa wa keletsomasego.

*English:*

The plans which have been in the department as I indicated that there has been this long transition, we are building upon what has been there. We are not reinventing the wheel. The only thing which we need to do is to strengthen what already exists. In my view, I think the department or the Ministry have good plans which have been applauded by most people, academics in this country including international. So our work is to make sure that we zoom in to the effectiveness and monitoring of the plans itself because what makes the plans to fail in most cases is because there is no systematic proper monitoring of

the plans. So my task is to make sure those plans are carried out through and thorough to the end. Thanks.

Question 34:

The MINISTER OF STATE SECURITY: Chairperson, the accounting officer approved the State Security Agency, SSA, cost-containment plan which supports National Treasury's instructions for the year 2017-18.

With the implementation of the strategic development plan, the SSA consolidated structures that rendered similar services in the past. Hence, I talk about the transition and consolidation. This consolidation of these structures resulted in consolidated contracts with service providers, and that resulted in savings. I thank you.

Mr L V MAGWEBU: Chairperson, Minister, you have just said yourself that you have good plans, and I want to quote you: "... good plans that have been applauded by academics". I would really like you to tell us about these good plans and who these academics are.

What we know about state security is that it is a mess. There was R32 million stolen during the era of Mr Mdluli, and it has been very frustrating. We, as South Africans, cannot be proud of this. We

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 98

welcome you on board on a difficult terrain and I hope you have both hands on deck.

Be that as it may, here is a follow-up question: You are saying here that you have consolidated structures. Again, what are those structures, Minister, with similar mandates to save costs? We need to know. Can you really take us into your confidence on those two issues and say it, so that we know that this department, at least, is in good hands, without using broad and vague and abstract words, like "structures". What are those structures? Who are those academics that are applauding your plans? What are those plans? Thank you, Chairperson.

The CHAIRPERSON OF THE NCOP: Hon Minister, we must swear in all members of the NCOP to be able to get everything you're about to tell us now. They must be under oath.

The MINISTER OF STATE SECURITY: Hon Chair, the hon member is talking about the plans. Unfortunately, it would not be correct for me to disclose the plans, in detail, here, in this forum. What I can say is that, in the plans ... [Interjections.]

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 99

The CHAIRPERSON OF THE NCOP: Order, members! Just a minute, Minister. Members of this House do represent this House on the Joint Standing Committee on Intelligence, JSCI. They swear an oath under a particular Act, and that is why I was trying to say it was good, Minister - you can speak academically. However, that atmosphere has its own regulations.

So, I do not want to say that the Minister must go against something, or not. She should know the atmosphere she is in but there are bricks. Minister?

The MINISTER OF STATE SECURITY: Yes, let me acknowledge your protection, hon Chair, as you understand this environment we are operating in, very well. I was saying that part of the plans, though I cannot divulge them here, would be to strengthen the control mechanisms in the systems, and also to strengthen the issue of accountability in relation to the spending of resources in the agency. However, the plans are in place and we account to the JCSI, where we present them with full details of our plans. I thank you.

Mr M T MHLANGA: Chair, perhaps this will come with a response by the Minister and, of course, join the same choir to ngekukuhalalisela, mama. [congratulate you, ma'am.] My follow-up question is as

follows: What are the limitations imposed by the law and international practice on the transparency of financial expenditure of state security agencies; and if any, what has the department done to educate the public in that regard? Thank you.

The MINISTER OF STATE SECURITY: Chair, indeed, we have restrictions, in terms of the regulatory frameworks, where the agency is not at liberty to disclose fully on the financial intelligence of operations. On the other hand, however, we are aware that there is also the human element in the whole thing where abuse might occur. In this case, we will, within the framework of the regulations, try to ensure we put in place measures of accountability to make sure that state resources are not being abused. Thank you, Chair.

Question 43:

The MINISTER OF STATE SECURITY: Chair and the member who raised the question, I wish to respond as follows. The Intelligence Services Act, Act 65 of 2002, as amended, pertinently stipulated that a former member of the State Security Agency, SSA, may render a security service in the private industry, subject to him or her having obtained a clearance certificate from the Director-General of the SSA.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 101

The Minister of State Security has prescribed regulations on the manner in which former employees may apply for a clearance certificate pertaining employment in the private security industry in accordance with section 28(2) of the Act. The Act makes it an offense in terms of section 26(1) for a former member to render a security service without the necessary clearance, in contravention of section 28 of that Act. Such a former member may, upon conviction, be instructed to pay a fine or be sentenced to imprisonment for a period not exceeding 10 years, in accordance with section 26(2) (f).

Mr J P PARKIES: Chairperson, I have no follow-up question.

Mr M KHAWULA: Chairperson, the EFF were the first ones to congratulate the hon Minister. The ANC were second and then third the DA. Now, the Elephants are congratulating you.

Minister, what category of employees does that apply to? For example, the Minister and Deputy Minister are also employees of the department. Will that apply to the Minister and Deputy Minister, or are there certain levels of people in your department to whom that moratorium will apply?

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 102

The MINISTER OF STATE SECURITY: Chair, this Act applies across the board. Thank you.

Mr L V MAGWEBU: Chair, through you to the Minister: Just pertaining to your response, can we just explore further? I am getting a bit worried about something here. In terms of the Intelligence Services Act, Act 65 of 2002, that you have quoted, you mentioned that a member or intelligence officer may leave the service and join the private sector subject to the condition that such a person must get clearance from the director-general of the department.

I want to ask the following: Do you have systems in place to ensure that this happens, or how do you respond in enforcing the penalty clause that makes it an offense if you do so? If you do not have that system in place, it means you are reactionary in nature, not proactive. When you are reactionary, the danger is that the damage has been done. Like you say, lots of these people carried sensitive information whilst they were in the employ of the State Security Agency. Would you want to respond to this, Minister, and explain yourself? Thank you, Chair.

The MINISTER OF STATE SECURITY: Chairperson, through you to the hon member: Yes, the systems are in place. For instance, when you are

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 103

employed into the system, you have to go through certain processes that will enable the agency to hold the employee to account for his or her activities beyond the agency when the person exits the system. I thank you.

*Setswana:*

Moh T J MOKWELE: Tona, potso yaka e nnye fela ke gore mo lefapheng la gago, a ware netefatsa gore ga gona ope yo e neng ele leloko la lefapha ka nako ya kgatelelo. Yo eleng gore o setse a direla lefapha ...

*English:*

... as a member or employee of Intelligence, those that committed acts of oppression or inhumanity against black people in the apartheid regime. Are you completely sure that you have cleaned them out and that none of those people is in the department anymore?

Thank you.

The MINISTER OF STATE SECURITY: Chairperson and hon member, I concede that I do not have the assurance that those who committed crimes against our people in the past in the name of the state are not in the employment of the agency as we speak now.

Question 56:

*Setswana:*

TONA YA TSHIRELETSO YA NAGA: Modulasetilo, karabo ya rona mo go eno ke e e latelang:

*English:*

... in terms of the National Strategic Intelligence Act, Act 39 of 1994, the State Security Agency has inter alia a responsibility to gather intelligence on potential threats and to transfer any intelligence in its possession that is required by another member of the national intelligence structures for the fulfilment of its statutory functions in accordance with Section 3(6) of the National Strategic Intelligence Act.

Information relating to the operational information of the State Security Agency remains classified and privileged. It should, however be emphasised that the State Security Agency is held accountable on such matters by the Joint Standing Committee on Intelligence. This is provided for by the Intelligence Service Oversight Act, Act 40 of 1994. These legal provisions are in the rules of 120 of Joint Rules of Parliament which states that the Joint Standing Committee on Intelligence must perform the oversight

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 105

function concerning the intelligence services as required by the Section 199(8) of the Constitution. I thank you.

Ms T J MOKWELE: Hon Chair, according to the Minister's answer it seems like the department was aware of this Act, even though hon Minister you are trying to dodge the answer to my question. I am going to post it again to you hon Minister. In light of the fact that there is a legislation which provides your department and your structures to function, have you ever in your department made somebody to be held accountable for the Guptas to leave the country? What are the measures that you have done as the department if someone was found guilty of this ill-practise? Thank you, Chair.

*Setswana:*

TONA YA TSHIRELETSO YA NAGA: Mmaetsho, ke tlhalositse fa ke ne ke fetola potso ya gago gore sebopego se re nang le sona se se bidiwang Nicoc, ke mo go sona fa re abelanang maele gona le go fana dintlha tsa gore go diragalang ...

*English:*

... in the intelligence and security of the country. Our role in the agency is not to enforce but to pass the information to the members of the Security Cluster to act upon. Your question is, do we have

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 106

any mechanisms to hold them accountable if they do not act upon what we gave them? Is this what you say? Yes or no. Because in this fora it is where we take stock of what is happening. Up until we have a legislation which will enable us to hold each other accountable. At the moment we are not able to do so.

If we got some information and pass it, for example at the Department of Home Affairs and is not acting upon it

*Setswana:*

... rona matsogo a rona a bofilwe ...

*English:*

... we are not able to deal with Home Affairs. The same applies to the Police and the Defence Force and Military Veterans at the borders. That is the kind of the situation. So, as legislatures we need to have that kind of regulatory framework to make sure. Thank you, Chair. [Time expired.]

Mr J W W JULIUS: Hon Chairperson, I do understand that we are actually blocked with this question in terms of the Joint Standing Committee and its role in this matter of the Guptas and so forth. I would like to believe that it is not the first time that this

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 107**

happened. We have other criminals that are fleeing the borders of South Africa and people cannot be found or intelligence is too slow. It is taking them months to know where people are sharing intelligence I must say that our intelligence is actually very poor in this country.

Hon Chair, I do not want the information. On this question I just want to know what the procedures are. The Hawks issued a warrant of arrest. What did this department do then? Immediately that must have triggered something. What did you do? After that, they flee the country on 06 March 2018, one went to Dubai. What happened there? I just want to know. What is the procedure if the Hawks issued a warrant of arrest? How can a person go out of this country? I want to know the role of the department because you share intelligence and you must have given the police information indicating his whereabouts. I can tell it to you now Minister that this government is protecting those criminals because a lot of the ANC cronies are implicated in this and you are protecting criminals and endangering our security in this country. What did you do when the Hawks issued a warrant of arrest?

The CHAIRPERSON OF THE NCOP: Just on time, you were left with two seconds.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 108

The MINISTER OF STATE SECURITY: Hon members, it is our responsibility to make sure that we do not endanger the security and lives of South Africans. That is in the Constitution in relation to our mandate. That is the issue which we cannot sacrifice irrespective of who is involved. Your question is, when the Hawks issued out a warrant of arrest to the Guptas, what did our department do? I want to repeat that we are not responsible for implementing what we have as a department in terms of the information. If the warrant of arrest is issued out, we take the information - I am not saying this was the case but it is how we operate - to the relevant department to act upon what we have given them. The agency cannot be held responsible for the Guptas leaving the country at O R Tambo International Airport, at Messina or whatever border. [Interjections.]

The CHAIRPERSON OF THE NCOP: No, no, the Minister is protected from the two of you gentlemen.

The MINISTER OF STATE SECURITY: If the information is issued out and I cannot stand here and claim to have given the information to the police and they ignored it. No, I am not saying that. I am just responding to you in relation to the procedure. The procedure is

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 109

that, yes, the warrant of arrest was issued and through our systems we were able to check and warn whoever was responsible to action.

Mr M KHAWULA: Hon Chair, is the state capture not a threat hon Minister to the security of the country? I will be surprised hon Minister if your answer is no. If it is a threat why did the intelligence agency allow South Africa to be captured for so long? Almost half or more than half of the country has been captured for so long but you could not share the information of the country being captured for that long? Why did that happen?

The MINISTER OF STATE SECURITY: Hon Chair, I want to take this opportunity to respond in this manner to the hon member that the Commission of Inquiry on State Capture is happening as we speak now. Let us allow the commission to do its work so that we are able to go to the bottom of who was responsible for what within the security structure. I thank you, Chair.

Question 35:

The MINISTER OF STATE SECURITY: Hon Chair, the Regulation of Interception of Communications and Provision of Communication-Related Information Act, Rica, of 2002 governs the interception of the communications of persons within the borders of the Republic of

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 110**

South Africa. Thus, Rica provides for the interception of communications, rather than personal information.

Interception is defined in section 1 of Rica as "the aural or other acquisition of the contents of any communication ...". Accordingly, the hon member should perhaps qualify what is meant by the interception of personal information. We will still try and understand what he understands the meaning to be.

However, the legal requirements for the legal interception of communications are set out in Chapters 2 and 3 of Rica. It states that the application needs to be submitted to a designated judge. After assessing the application concerned, the judge issues a direction in terms of section 16(5). If the application is approved, the direction is channelled back to the applicant, who delivers it to the Office of the Interception Centres and instructs the service provider to effect it.

Lastly, the Office of the Interception Centres distributes or grants access of the interception products to the relevant applicant only after receiving an authorised direction from the judge. The disclosure of information related to the interception of

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 111

communications that is conducted in terms of Rica is governed by sections 42 and 43 of the Act.

Mr J W W JULIUS: Chairperson, the Minister gave a very comprehensive answer but despite the mandatory process set out in Rica, the police are still using section 205 of the Criminal Procedure Act to obtain subpoenas for people's records from a magistrate, instead of applying to the designated judge for authorisation. They are still using it.

We saw an example of this in the *Mail & Guardian* of 9 March, where the records of a journalist, Miss Saba, were obtained and shared with a corrupt official in an attempt to uncover her sources. I am sure you are aware of this matter. Now, she did this story about the state agency's equipment which was used to deliver ANC T-shirts. It was not that long ago.

My follow-up question is this: What steps has the Minister taken, to date, and what further steps will she take to stop these abuses by these men in state security - and I'm not even going to touch on the question of interception, today. I think let's just refer to this incident, here. What did she do to stop this? I am almost done, Chairperson.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 112

If one goes to the interception, Jacques Pauw's book is clear. The director-general is actually the main brain of state intelligence and he is still working in the Minister's department. I don't know what she did in terms of that. I am referring to Arthur Fraser.

On this question, however, did the Minister do anything in terms of this matter of Ms Saba's information being obtained illegally? Thank you, Chairperson.

The MINISTER OF STATE SECURITY: Hon Chair, I think the member is correct in echoing the sentiments to that effect. Our answer to this, however, is to remember that we are an agency governed by rules and regulations. We have the Office of the Inspector-General of Intelligence. If we do not receive a formal complaint from anyone, we cannot go and initiate the processes, ourselves.

In the time I've been in the department, I'm not aware of having received any other formal complaint in the matter you are referring to. Were we to receive one, it would come through the Office of the Attorney-General, who would do the investigations and bring the report to us. So, any officials involved in those matters would also have to answer for themselves. If they are, indeed, found wanting, or have committed those crimes, according to their employment

regulations, obviously, steps will be taken against them. However, as I speak, we have received no formal complaint in the department relating to the matter you are raising now.

Question 44:

The MINISTER OF STATE SECURITY: Chair, the question is answered in this manner. Insufficient capacity and budgetary constraints affect the timely processing of vetting applications. This is due to the high volumes of vetting requests – from pre-employment screening to full vetting.

The timelines are further affected by the State Security Agency, SSA, not having direct access to all required databases, thereby making it reliant on the SA Police Service, SAPS, and the financial intelligence act of criminal and ... respectively.

Other challenges include nonco-operation and resistance by officials to comply with the vetting process. This further increases the vetting backlog of the SSA. Nonco-operation is exhibited by both junior staff and senior management members.

Another challenge is that some officials question the legality of the vetting process and therefore refuse to co-operate or to submit

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 114

the required information. The aforesaid is despite the SSA sensitising management and staff members about the vetting processes through several security and vetting presentations and engagements with concerned organs of state management on an ongoing basis.

Finally, competing priority vetting projects also add to the already existing backlog. This implies that some projects have to be delayed.

Ms T WANA: Chairperson, I do not have a follow-up question. Thank you for the answer, Minister.

Mr L V MAGWEBU: Minister, let's go back you answer quickly. You are saying ... you are conceding that your department is failing. Vetting seeks to assist the state to ensure that there is a safety net – where criminals are not government officials.

We are in a country where fraud, corruption, maladministration, and abuse of power are rife and prevalent. Part of your job is to assist the state to ensure that we have capable and competent officials.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 115

And you are conceding that you are failing for the following reasons. Let's take them one by one: budget, high volumes of requests, and no direct access to required databases.

Now, these are government institutions. Why there is there no interface of government systems? Other institutions have done that. I'll give you an example. The SA Social Security Agency, Sassa ... forget about Minister Bathabile Dlamini ... let's talk about the institution. It is interfacing with the Department of Home Affairs. You can sit and access that information without physically walking to them.

In terms of the co-operative governance Act that seeks to ensure that departments co-operate with one another ... There are tools in place. You are not using them. Therefore your explanation that seeks to be an excuse is, to me, worrying. It shows, in actual fact, that once again, this department, whether it's still in good hands ... Can you respond, Minister? Thank you. [Interjections.]

The CHAIRPERSON OF THE NCOP: Please take your seat, sir. Minister?

The MINISTER OF STATE SECURITY: Chair, I think I would agree with the sentiments raised by the hon member that he is worried. Yes,

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 116

where we have weaknesses we will accept to say, yes, we have problems here. So, the fact that I agree with your sentiments does not make you to believe that you are right all the time.

The answer is ... to him ... yes, indeed, there are those mechanisms which are there. You made an example of Home Affairs and Sassa. They are interfacing. The role of the Ministry now is to make sure that we remove all the obstacles I have mentioned here, the reluctance ... [Interjections.]

The CHAIRPERSON OF THE NCOP: Hon Magwebu, please respect the response you are getting.

The MINISTER OF STATE SECURITY: The fact of the matter that we are highlighting before this honourable House that there are challenges. This is an acknowledgement that we are going to address them. As to when, one cannot stand here and commit, but there is a will on the part of the department and also from the political head that all the problems I've mentioned here will be addressed so as to make sure that we don't hire criminals.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 117

It cannot be our pleasure to ... not to vet everybody in the system. It is in our interests and in the interests of every South African to make sure we employ the right people.

So, standing here, we can assure you that this matter of vetting is critical and we will pay particular attention to it.

Mr J W W JULIUS: Minister, I just want to say thank you to the hon Wana for giving us this question. She didn't even pose a follow-up. It's a really nice one. We didn't think about it. Thank you for it, hon Wana.

Hon Minister, in 2014, Cabinet had already directed this department to vet all supply-chain staff at state-owned entities. So, your answer today to say that we are failing ... You've been failing ever since, especially when Cabinet said, do this in state-owned entities. So we can directly say that this department is actually one ... I'm not saying the only culprit ... one of the culprits ... that the Guptas stole money from state-owned entities because they did it with officials in state-owned companies.

Now, one of the challenges that you didn't mention in your first response, was actually that these people actually refused ... these

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 27 MARCH 2018

Page: 118

officials refused to be vetted. I'm sure you are well aware that they are refusing to be vetted. The previous Minister said that they are working on regulations to punish those in state-owned companies who refuse to be vetted. I want to know, are you aware of it, and how far is this process of getting regulations that will punish those in state-owned companies who refuse to be vetted? Thank you,

The MINISTER OF STATE SECURITY: Chair, yes, I'm aware of that. The process as we speak now is not ... we haven't yet presented it to Cabinet for approval. We are still working on other legalities in relation to that, taking into account the issue of the Constitution itself. Because here you are dealing with the rights of a person. So we are looking into all who ... We are trying to close all the loopholes in relation to the regulations itself. Yes, I am aware and it must happen. We must do it because we cannot afford to have state-owned enterprises whose senior management and executives are not vetted. There we agree with you.

As to where the process is, I've already answered you when I said that we haven't reached a stage where we will be able to submit it to Cabinet. Thank you.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 27 MARCH 2018**

**Page: 119**

The CHAIRPERSON OF THE NCOP: Hon members, in your name I thank all the Ministers and Deputy Ministers who have spent the day with us today. Thank you very much for availing yourselves.

The Council adjourned at 17:20.

UNREVISED HANSARD