**UNREVISED HANSARD**

**JOINT SITTING**

**FRIDAY, 28 MAY 2021**

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***PROCEEDINGS OF HYBRID JOINT SITTING***

Members of the National Assembly and the National Council of Provinces assembled in the Chamber of the National Assembly at 10:02.

The Deputy Speaker of the National Assembly took the Chair.

The Deputy Speaker of the National Assembly requested members to observe a moment of silence for prayer or meditation

# DEBATE ON THE 25TH ANNIVERSARY OF THE CONSTITUTION

The MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION: Hon

members and Deputy Speaker, I want to thank the ANC Chief Whip for giving the rare privilege of participating in this debate commemorating 25 years since the adoption of the Constitution of a South Africa finally freeing itself from the shackles of apartheid. I acknowledge the presence in the House of some of its key drafters, Prince Buthelezi, hon Carnin, Rev Meshoe,

Speaker Modise who I thought will join us later, Mr Swartz, may we call those we lost as well, among them Dene Smuts, Keen Andrew, Kadar Asmal, Zola Skweyiya and of course I should not forget the role James Selfe played in the process.

Our debate will almost certainly be a critical evaluation of the road we have travelled since 1996 and the usual sentiments of doom and gloom we often hear from some in this Chamber.

We agreed, hon Deputy Speaker, that our thematic focus for 2021 will be focussed on extolling and recollecting our national heroine Charlotte Majeke, a woman of distinction who marked her place in history through excellence, commitment and service. It is absolutely fitting to mark such heroes and heroines as they have left an indelible mark on the socio political landscape of our country.

I wish to begin by affirming that the compilation and adoption of our Constitution such an important was one of this nature was one of the boldest decisions taken by our infant democracy.

It signalled a decisive and necessary break with our past while simultaneously setting out clear progressive even radical aspirations for our future.

Our Constitution is a result of a long journey by the people of South Africa ...

The DEPUTY SPEAKER: Hon Minister, for a moment. What is the point of order, hon member?

Ms N T MKHATSHWA: Apologies Deputy Speaker, on the basis of the Minister’s internet connection which is staged at the moment, can we ask that perhaps she consider switching off her videos if we can hear her clearly? [Interjections.]

The DEPUTY SPEAKER: Hon Minister, there is a proposal that you perhaps switch of your video to improve bunk with as they call it. The sound is not quite the best.

The MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION: I will

certainly do so, Deputy Speaker. My apologies for that. As I am saying our Constitution has signalled a decisive and necessary break with our past while simultaneously setting out clear progressive even radical aspirations for our future.

Our Constitution is the result of a long journey by the people of South Africa, Africa and the global community. It draws us together in a manner that no single legal instrument does and

is an extraordinary testimony of the ingenuity and humanity of millions of South Africans and the legion of men women and communities that entrenched the values and principles that are emphatically elaborated in it.

Our Constitution weaves together the struggles for humane treatment and fair play fought for by the Khoisan in the beginning of anti-colonial struggle. Their desire to settle on their land and derive sustenance from it, to breed and rear their cattle and not to be pushed to the margins, all of these are embodied in the transformative land rights and the recognition of communities elaborated in our Constitution.

The epic confrontations of the frontier wars with the Xhosa, the Basotho and the Barolong reflected in history, their dispossession and displacement their yearnings are mirrored in the aspirations of nationhood and unity in our Constitution. The brave heroism of Shaka, Makhanda, Xhosa, Moshoeshoe, Bathoeng and Sekhukhune reverberate.

Hon members are aware that our Constitution was crafted over centuries of experience. This is why we can refer to the African claims of 1946, the Freedom Charter of 1955, the Sharpeville Massacre of 1960, the assertion that Africa is for Africans of

Robert Sobukwe and the courage and steadfastness of Steven Bantu Biko in his belief that given opportunity the oppressed will achieve excellence and determine their destiny.

Added to these influences are those illustrious women fighters, Charlotte Maxeke who showed women’s place is in struggle. Albertina Sisulu who withstood banning prison and brutal assault on family and emerged with dignity and compassion for South Africa and all her people. Winnie Madikizela Mandela who would never give up believing that struggle would lead to victory. It is Mama Winnie whose undying spirit must persuade us to consistently believe that the progressive ambitions of our Constitution will be realised and we must never tire of wanting to achieve the realisation of its key goals for every person in our country.

The leadership of Oliver Tambo and the ANC Constitutional Committee in formulating Ready to Govern to prepare for drafting a Constitution that draws from our history our lived experience and our ambitions. Luminaries such as Kader Asmal, Zola Skweyiya, Frene Ginwala all played a role. Human rights lawyers such as Justice Mohammed, Arthur Chaskalson, and Nelson Mandela all believed that just laws and accessible judicial institutions were plausible to wish for and should apply universally not for

a privileged few but for all and our Constitution firmly affirms their beliefs.

Idah Mtwana, Helen Joseph, Ray Alexander all these came from vastly different backgrounds yet are united in the Constitution by the full recognition of the rights of workers and the protections they should enjoy. Mary Burton promoted gender equality and the rights of all drawing on this bravery of Mashinini, Hector Peterson, and thousands of others gave life to the right to education and the rights to children’s in our document.

Those who shaped our Constitution numbered millions not those who were in the Constitutional Assembly. It does not belong to a few, it is our instrument of freedom honouring Kwame Nkurumah, Patrice Lumumba and Sekotore.

We in Parliament and government have critical role, Deputy Speaker, to play in honour of these men and women and millions others. We need to consistently ensure that the ambitions of service to the people are honoured and realised, that we do support the maturing of a nation united in its diversity and that all rights enshrined in our Constitution are accessed and enjoyed by all people. We strive for this to be not just for

ourselves but for all men and women who suffer oppression still and exclusion today. This is why we are mandated as these people and this Parliament to stand shoulder to shoulder with the people of Palestine who still suffered today, the people of Saharawi who won self-determination, the people of Cuba who want an interrelation and the people of Myanmar who want freedom and democracy. They too will overcome with our support as our leaders and our people ensured South Africa overcome.

Deputy Speaker, hon members, this history of the framing of our Constitution must be read today alongside the still visible remnants of systematic exploitation and discrimination that continue to scar our nation due to centuries of colonialism and exclusion. The key challenge all of us face is to strengthen our efforts at reversing the precarious socioeconomic situation in which millions of the most vulnerable still find themselves. We do acknowledge that much has been achieved but the full realisation of our constitutional demands has to get much more energy and rest of action from each one of us.

Deputy Speaker, I am pleased that we have initiated this debate hoping to serve as a review of 25 years and more of our Parliament but also an assessment of more we should do in order to ensure that the people of South Africa benefit from

this absolutely wonderful document setting out the best ambitions of a people. I thank you, Deputy Speaker. [Applause.]

The DEPUTY SPEAKER: Thank you, Minister. Hon members, let me say to the broadcasting people, unfortunately you are giving a burden to the system you haven’t boosted. As a result, it creates a bad communication inside and possible outside as well. So, we would like to request members, if you are not speaking today unlike the announcement I made earlier on please switch them off to increase the better sound and bunk with in the House. We will sort out this next time. We know you are going to be unhappy but unfortunately we have to see what we can do to improve things in the House.

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker and hon members, the Constitution of the Republic of South Africa was adopted on the 08 May 1996, one day before my 17th birthday, and while I was in matric - which as we now know is my highest qualification - I am so proud and thankful to serve alongside the great parliamentarian and patriot, Mr James Selfe, who has taught me so much, told me stories of the drafting and is our resident absolute constitutional law expert. I thank all of

those who sit alongside us who drafted this immaculate document.

This document became the pride of South Africa and certainly, we had the whole world looking onto us as we adopted a forward thinking, all-inclusive and beautifully drafted document of peace and negotiation. Our preamble to this day still gives me goosebumps but more specially the line; build a united democratic South Africa, able to take its rightful place as a sovereign state in the family of nations. This introduced us and welcomed us into the international world, who had rightly cut us off for the abhorrent past that we had. It signaled to the world that; we were a changed nation, that we were united in our diversity, we were accepting of all, we were equally protected by the law and our founding into human rights have been restored to us and most importantly, that we had a piece of entrenched law that sought to improve the quality of life of all citizens and free the potential of each person.

The Constitution is the supreme law of our land and we should wake up every morning and be thankful that we have these laws protecting us as they are corresponding obligations that we are expected to adhere to. It is therefore essential that when this document is undermined, we must take it for what it is. A

treasonous act. We simply cannot have high ranking politicians making statements that the Constitution should be ignored or is not going to be considered or even more worryingly, not affect the course of action. We should have a collective outrage at such utterances and have the guts to take them and put them where they belong, behind bars.

As radical fundamentalists from both the left and the right to take hold, try and take hold and influence not only South African politics, but worldwide politics. It is our job to protect the Constitution at all costs. We swore an oath to uphold it, and uphold it, we shall. Those who negotiated its context should be applauded and never vilified. Let us always lived by these words; We, the people of South Africa, recognised the injustices of our past under those who suffered for the justice and freedom in our land, respect those who have worked to build and develop our country and believe that South Africa belongs to all who live in it, united in our diversity. May our Constitution continued to reign supreme.

May it continue to be one of the finest documents the world has. I thank you.

The DEPUTY SPEAKER: Thank you, hon member. Hon Makhosini, you are regularly having your microphone on. Can you, please,

switch it off? Just pay attention to your microphone. You are not speaking and so, we don’t want to hear you until you speak. Thank you very much.

Ms N V MENTE: Deputy Speaker, thank you very much. This year marks 27 years since the attainment of political freedom and as we are all gathered here, it also marks 25 years since the adoption of the South African Constitution. A documented hailed by many and the most progressive Constitution in the world, yet, not a single country has endeavored to emulate this Constitution. We are all aware that the Constitution is a product of negotiated settlement and exactly because of that, it seeks to be everything all people of this country.

It draws a moral equivalence between the needs of the dispossessed majority and the interest of the dispossessing minority. It imagines a world where the persecuted lives in peace with their persecutors with no redress and no material acknowledgement of the past wrongs. It proclaims to recognise the injustices of our past while at the same time acting as a stonewall around those who perpetrated these injustices and their descendants. Deputy Speaker, perhaps, we must go back to

what our struggles were for, and then accessing this Constitution is a victory for the deepest aspirations of those who perished fighting for the freedom since the arrival of the bunch of Dutch vagabonds in 1652, in these shores, the battle has always been the interests of white domination on one hand and the aspirations of African freedom in all its manifestations on the other hand. To cement their domination and control of our over African people, the colonisers confiscated the land, killed our people, turn those who lived into cheap labor available at all times to build white industries, work as domestic workers in white homes and in so doing sustained the system of white supremacy.

The arrival of the British and their consolidation of their power across Southern Africa was a continuation of a system of racist disposition of African people and they are forced entry in labor market as suppliers of cheap labor. This resulted into impoverishment of African people and the prospering of the invading forces. The struggle for freedom was to dismantle this system of oppression built over centuries of oppression and exploitation. For this reason, Robertson Sobukwe once proclaimed “The slogan of equal opportunities is meaningless if it does not take equality of incomes and wealth and is springboard for which it will take off” the fight was not for

some vague guarantees of equality in the Constitution when still today black people live in rats infested in flea ridden shacks while their colonisers live like kings in our land.

The fight was for black people to have their health exclusively service by rapidly deteriorating public hospitals, while our colonizers exclusively get service by privately health system built on the back of suffering of black people. The fight for more importantly, was not for colonisers to keep possession of the land they took from us without compensation, without regard for human life and for African dignity. The fight was for the return of land, for guaranteeing access to good and free quality education for African children, for full employment, for dignified housing for all, for quality health, for safe and secure communities free of crime. This Constitution does not help us with that.

The Constitution that we now celebrate has ensured that 25 years later of its adoption, white people still control over 70% of the land in this country. It has secured their colonial and apartheid loot and it criminalises black people for demanding their land back, it imprisons black youth for demanding free quality education, it kills black workers for demanding dignified salaries for their breaking labor to their

supply into South African owners of industry. This is not the Constitution Chris Hani and Steve Biko died for. This one is the Constitution and a product of the elite pact between colonisers and those who sold out our struggle.

The honours is now on us, comrades, to change the situation around, to recognise first and foremost that we are not yet free as black people. We will use this institution in this Parliament to turn the state of its head, we will start with amending this Constitution to take back our land from the thieves and the murderers without compensation. We will fight every day for universal free education for all, we will not stop fighting for a living wage for all South African workers. We, as the EFF, will turn the country around, attain true freedom in our lifetime and attain free economic freedom for everyone. Thank you very much.

Ms O M C MAOTWE: Deputy Speaker! Deputy Speaker.

The DEPUTY SPEAKER: Yes. What’s that?

Ms O M C MAOTWE: That was the national chairperson of the EFF.

The DEPUTY SPEAKER: [Cough.] hon the Premier of KwaZulu-Natal, please talk to us.

Mr S ZIKALALA (Premier of Kwazulu-Natal): Hon Deputy Speaker, hon members, the South African Constitution which has been in existence for 25-years is a duel in the crown of our historic liberation struggle. From a history of racial division and national oppression, the Constitution became a foundation upon which we could realise the vision of a united, non-racial, non-sexist, just and prosperous society. These 25-year-old supreme law of our land captures the voices and aspirations of the south African people. It is the final verdict in a long history of the oppressed to be heard, their rights to be accorded and their dignity to be restored.

It is a living document guiding our country to overcome its socio-economic challenges. In section 27, the Constitution embedded the right to access to sufficient food, water, social security and health care. Contrary to what the previous speaker said, guided by the commitment to this and the Freedom Charter, the ANC-led government has delivered basic services to millions of people.

The Stats SA general household survey indicates that more than 84,7% households have electricity connection resulting in the decrease in the use of wood from 20% to 7% and the use of paraffin decreased from 16% to 3,6%. More than 89% households enjoy access to water with the Eastern Cape increasing by 19% while KwaZulu-Natal increased by 11,2%. About 81,1% of the households are today residing in formal dwellings in 2018, as the percentage of household that receive government housing subsidy keeps increasing.

While poverty remain one of the major challenges but through the Department of Social Development, the people’s government continues to cushion the poor. In 2021-22, about R195 billion is allocated towards the monthly payment of more than R80 million social grants recipients. Access to roads, basic education and higher education has increased.

Notwithstanding fiscal constraints, the ANC-led government remain fully committed to fee-free higher education at least to a junior degree. Since 1994 we have continued to deepen the pillars of democracy through regular elections and partipatory democracy through the NCOP and public hearings. Furthermore, government has encouraged community participation in governance through formalisation of the organs of the people’s

power. Today, communities are part of community safety forums, school governing bodies and indeed ward committees.

Hon Deputy Speaker, it is common cause that in 1994, we inherited a fragmented an unaccountable governance system consisting of administration of homeland system, national and provincially. As well as separate administration for certain racial groups. Since then, the ANC-led government has been transforming the system of governance to be geared towards transformation by addressing the legacy of apartheid. Brick by brick we have been changing the governance system as a whole to become people centred and accountable.

The National Development Plan, NDP, envisages South Africa’s developmental state including developmental local government that intervene to support and guide development so that it benefits across society especially the poor. And build consensus so that long term national interest triumph over short term and sectional interest.

We applaud the role of the NCOP in promoting and advancing corporative governance and intergovernmental relation as required by the Constitution. It through the NCOP that Parliament ensures the voice and interest of ordinary people

in our communities, provinces and national government are adequately represented. In that regard, we wish to highlight two of the NCOP programmes which ensures that there is synergy in the programmes of government while promoting public participation in the law making processes. Those are taking Parliament to the People and the Provincial Week. We can attest that provincial legislature in KwaZulu-Natal which defines itself as an activist house of the people takes the issue of citizens’ participation with the seriousness it deserves. We hold various sittings throughout the year to accommodate our stake holders to promote the Children’s Parliament, Youth Parliament, Senior Citizen’s Parliament, Workers’ Parliament and the Parliament of People living with disabilities. The outcomes from all of these platforms are consolidated into action plans for various departments.

The National and Provincial Houses of Traditional Leaders are important institutional mechanisms which ensures effective participation of traditional leaders in our constitutional democracy. To enhance intergovernmental relations, the Presidency and the Department of Co-operative Governance and Traditional Affairs continues to consult and engage all spheres of government through the Presidential Co-ordinating

Council. This include the Premier’s Co-ordinating Forum and going down to ensure synergy and alignment of programmes.

Though Operation Sukuma Sakhe, the KwaZulu-Natal Provincial Government t regular interact with communities in particular vulnerable communities. Local government is the cold face of service delivery and remain the sphere closest to the people. The ANC-led government in the 6th administration is seized with the task of improving the performance of local government so that it can serve our people better with effective governing capacity to provide basic service and further contribute to local economic development and job creation.

It is for this reason that the ANC-led government has introduced the concept of the District Development Model, DDM, to bring leadership from national, provincial and local level to improve the performance of municipalities. The aim of this new model is enhance impact and align plans and resources through what we term, One District, One Plan and One Budget.

The model places emphasis on sharing skills and on enhancing monitoring and evaluation.

As we perfect this model, in KwaZulu-Natal we are already improving oversight and accountability through operation

Siyahlola led by the Premier. We are pleased that eThekwini is one of the priority sites that were identified by the President His Excellence Presidency Cyril Ramaphosa and hon Minister Dlamini-Zuma to pilot the DDM. EThekwini was chosen as a pilot in part to build on existing good practises of Operation Sukuma Sakhe.

Since the launch which was held in KwaMashu in 2019, eThekwini has moved with speed to implement the DDM. The political Hub has been approved and went further to approve the draft one plan for consultation. The plan will be signed off by all spheres and further adopted by the Cabinet.

The joint One Plan provide government investors and the broad public with strategic pathways in moving from the current situation to a desired future. The strategic pathway is represented by a set of impact oriented strategies and related implementation committed by all spheres of government. The eThekwini One Plan demonstrate that there is a high level of structural poverty, unemployment and inequality. But it also indicates that the COVID-19 has compounded the situation.

Nevertheless, it present clear plans to overcome all of these challenges.

This plan includes converting comparative advantages in transport, freight and logistic industry into a well-defined competitive advantage centred on a Smart Port City as a key export Hub for our country. A digitally enabled city and digitally empowered citizen anchored on social cohesion and stability. Growing localisation opportunity, supporting Small Micro and Medium Enterprises, SMMEs, in the manufacturing sector, building key sectors such as tourism, cultural and creative industries as part of job creation.

The eThekwini One Plan is anchored on transforming the apartheid spatial planning and bringing people closer to places work where they leave.

Our appreciation of our Constitution does not seek to turn a blind eye to persistent socio-economic challenges facing the majority of our people especially the blacks in general and Africans in particular. We strongly believe that we all need to pay serious attention to the high level of unemployment, poverty and inequality besieging our country.

We remain unequivocal that radical socio-economic transformation based on legitimate programmes such as black industrialist and government preferential procurement in

favour of previously disadvantaged could help redress the economic imbalances of the past.

The persistent skewed land ownership perpetuates inequality and deprivation against the black majority. All the mechanisms implemented since the advent of the land claim commission has borne no productive outcome but only enriches those who benefitted from land dispossession of the Africans. We remain steadfast that the expropriation of land with no compensation should be officialised through the amendment of section 25 of the Constitution. Of course, this could be done on a case by case basis to avoid negatively affecting agricultural and other sectors of the economy.

Prince M G BUTHELEZI: Deputy Speaker of the National Assembly, hon Chairperson of the National Council of Provinces, hon Ministers, hon Deputy Ministers, hon colleagues. In May 1994, I and 47 of my IFP colleagues took our seats in the First democratic Parliament on the strength of more than 200 million votes we ended the government of National Unity. Within the Constitutional Assembly, we shared the task of designing the final Constitution. Throughout South Africa the message reverberated “you have made your mark now you have your say and one law one nation.” This Constitution making process

sought wide public participation. The end product would enshrine in 34 principles on which consensus had been reached at the negotiation table. Our final Constitution was intended to be unassailable, a decade into the future.

But a dark cloud hung over our deliberations on April 19, 1994 His Excellency, Nelson Mandela and His Excellency F W de Klerk and I, had signed a solemn agreement on the bases of which the IFP had entered the 1994 elections, a commitment was made to pursue international mediation on standing constitutional issues immediately after elections. That commitment, unfortunately, was never honoured. The final Constitution was being rewritten while the unresolved issue remains, no wonder rumours were rife that I would work out of the Cabinet in the face of such duplicity. But the rumours, of course, were wrong because I stayed to ensure that the gains we made at the negotiating table were in the final Constitution.

The IFP had fought for a Bill of Rights, for recognition, for the Indigenous and customary law, a Constitutional Court, for independence organs of states controlling the executive and for provinces. I remain proud Deputy Speaker when Parliament adopted the final Constitution on the 8th of May 1996, many of the IFP victories were evident. For 25 years, this

Constitution has been at the centre of our democracy. South Africans are rightly proud of our Constitution.

My only regret Deputy Speaker, as you know, hon President is that no provision was made for the role, powers and functions

of traditional leadership. This shortcoming was identified by a Cabinet committee, 21 years later and a commitment was made

to amend chapter 7 and 12 of the Constitution. Like the solemn

agreement of 1994, that commitment was never honoured. These broken promises are why 25 years I am still serving in

Parliament at this great age. For I am determined to see that the matter land expropriation is finalised before I retire.

Twenty-five-years ago, there were grumblings in the ANC about Ingonyama Trust Act and although it was amended in 1997,

Although the Act had been replaced for 27 years and is

recognised by the Constitutional Court there are still grumblings within the ANC.

I am grateful Your Excellency for the commitment you made to

our late King in July 2018 that no land under the Ingonyama Trust will be expropriated. But history has taught me to see things through the end. If the Lord preserves me, I intend to remain, to see this commitment honoured.

Nkosi sikelel’ i-Afika,

Morena boloka Sechaba saheso, Die Stem on Suid Afrika.

The DEPUTY SPEAKER: Thank you, hon Buthelezi. Hon Mulder.

Mr N SINGH: Hon Deputy Speaker, this is Chief Whip Singh here. May I just intervene on a point of privilege, hon Deputy Speaker.

The DEPUTY SPEAKER: What privilege is that? Talk to us.

Mr N SINGH: The privilege is that I would like to make a correction, there was a slip of the tongue when hon Buthelezi spoke, it was 2 million votes and not 200 million. I would like that to be corrected.

The DEPUTY SPEAKER: You are campaigning already. It’s okay, we heard it. It’s clear, it was a mistake. It’s alright.

Mr N SINGH: It was a correction, yes.

Dr C P MULDER: Hon Deputy Speaker, this is a Constitution, a Constitution sets out the framework and the rules in terms of which the Constitution state operates. That’s what the

Constitution does. We are being told that this is a wonderful document the jewel our crown, some say it is the best constitution in the world. It is not, it is not. If this Constitution is so wonderful, why is South Africa after 25 years still in such deep trouble at this moment? Why? Why is the country in trouble, tell me? Is it the Constitution? Is the ANC government? Because all the problems created in this

25 years have been created within the provisions of this specific Constitution.

The problem is this, this is not one Constitution, its two Constitutions in one. In all provisions you will find the best international practice in terms of what is expected of modern states. But most of them are all qualified. Let me give you one example, I will give three examples. Let’s start with section 217 that deals with the procurement. For an organ of state in the national, provincial, local sphere of government or any other institution identified a national legislation, contracts for goods and services, it must do so in accordance with the system which is fair, equitable, transparent, competitive and cost effective. That’s an international best practice, but the it’s qualified, of course. Measures can be taken to enhance the protection of advancement of persons or categories of persons disadvantaged etc.

All the corruption that we have seen in this country in the last 25 years. Look at the Zondo Commission, look at all the things that have gone wrong, all those little qualifications that are written into this Constitution make that possible. If you look at accountability section 55 of the Constitution: Parliament’s Powers; section 92 of the Constitution: The Executive, all members of Cabinet are accountable collectively and individually to Parliament and exercise of their powers.

How many members of the executive have resigned in the last 25 years, because they accept responsibility? How many? Not one, not one, that’s how they accept accountability. We’ve heard today again about expropriation. Expropriation without compensation, it’s a nice term. It is called confiscation of property - of whom? [Interjections.] Of certain section of the population - of white people. [Interjections.] That’s what it will be about. Unfortunately, we also have a founding provision of this Constitution. Chapter 1, this Constitution is based on certain democratic values, international recognised supremacy of the Constitution and the rule of law.

Hon Minister you are going to respond to this debate. I want you to give me a list of modern countries, with modern constitutions that uphold the rule of law, that makes

provision for the confiscation of property of certain of its citizens, on a racial basis. [Interjections.] Give me a list, I want to hear that list. Please give it to me.

You see the problem, hon Deputy Speaker is this, I listened to the hon Minister of the International Relations this morning. It was an ANC political speech. It was absolutely one sided.

It was only one side as if the rest of South Africa doesn’t exist. That is your right to do so, but you missed an opportunity to talk about the Constitution. The Constitution is supposed to bring South Africans together. Is that what’s happening? If I’ve listened to the debate today is that what’s on the table? No, it’s not. A true democracy is not only about the right to vote, it’s about the right and how you protect the rights of minorities as well. But that is being ignored.

You not interested in that. The problem is this today we are not celebrating 25 years of this Constitution. That’s not what we are celebrating. We are celebrating 25 years of ANC misrule, corruption, courtesy of the provisions of this Constitution. That is why the ANC government will fall in the end, it’s a question of when. It’s not if, it’s when this is going to happen. [Interjections.] It’s unfortunate all your screaming won’t help; it won’t make the ANC ... [Inaudible.]

Forget about that, the ANC will fall, it’s a question of when.

Thank you, Chairperson.

Cllr T NKADIMENG (Salga): Deputy Speaker, let me start by greeting the Speaker of the National Assembly hon Thandi Modise, the Chairperson of the National Council of Provinces hon Amos Masondo, Your Excellency President Cyril Ramaphosa, and his Excellency Deputy President Mabuza, hon premiers of our nine provinces, hon members and fellow South Africans, in his address to the Constitutional Assembly on the occasion of the adoption of the new Constitution in Cape Town on 8 May 1996, President Nelson Mandela said:

... you, the representatives of the people, had decided

that open and accountable government will be reinforced

by co-operative governance among all tiers. And thus, we strike out along a new road, in which the preoccupation

of elected representatives, at all levels of government, will be how to co-operate in the service of the people,

rather than competing for power which otherwise belongs not to us, but to the people.

This message, 25 years later, is a befitting one as we local government ... [Inaudible.] ... of office and will follow the

2021 local government elections as they emerge with a new mandate from the electorate. It is in this context that it is hoped that under the banner of the district development model, the remaining days of our 2016 electoral mandate will be dedicated to the service of our people in co-operation with elected representatives from other spheres of government.

Our South African Constitution enshrined the supremacy of the Constitution and the rule of law in South Africa. It is our view that local government has a key role to play in ensuring that the intent of the Constitution, as stated in the preamble, is achieved. It is in all our hands to ensure that the intention of establishing a society based on democratic values, social justice and fundamental human rights comes to fruition.

As the local government sphere, we are the envy of many of our international counterparts, as they marvel at the constitutional recognition that local government enjoys in chapter 7. The recognition of municipalities as a sphere of government allows us a unique opportunity to work tirelessly to achieve a true democracy and to ensure that not only the vision for developmental local government, as set out in our Constitution, is achieved, but that we further extend it to

the Bill of Rights which must also be upheld and protected as we deliver services to our people.

Despite the democratic system of local government being even younger than the Constitution, which we are celebrating today, it has only been 20 years in the making to ensure that communities experience an increase in access to basic services and the transformation of society, aligned with the rights as contained in our Bill of Rights.

As we prepare to enter the fifth term of local government, we need to go back to the basic principles of the Constitution. We need to ensure the provision of our services to communities in a sustainable manner, and promote social and economic development and a safe and healthy environment.

We have undoubtedly made strides towards realising the rights of our people ... [Inaudible.] ... and in advancing human dignity. We must, however, as government, take a moment to reflect on the commitments which were made by our first democratic president who, on 27 April 1994, said:

Our message is that the basic needs of the masses of the people must be addressed: the creation of jobs, of

houses, the introduction of electricity, building of schools and hospitals, providing free, compulsory quality education, running water, paved roads.

The naysayers and the doom mongers say we have not even scratched the surface, but 93% of our communities, which were previously neglected and that had no access to electricity, can today switch on an electric light.

In a deep rural area – before going to the gallows – Solomon Mahlangu reportedly said: “Tell my people that I love them and that they must continue the fight. *My blood will nourish the*

*tree* that will bear the fruits of freedom. Aluta continua.”

So, as we gather here to reflect on this anniversary of the

Constitution and take stock of the current realities and difficulties that we have faced, we have gone a long way as

local government in delivering services. We must also take a step further to capture the moment as an opportunity to renew

and to recommit ourselves to marching towards the fifth term of democratic and people-centred local government.

Equally, as we do that, we must remember that this freedom was never free. It came at a heavy cost of sweat, tears, blood and

loss of life, and today we begin to equate the importance of our people in Sepedi they say, ...

*Sepedi:*

... ga go na yo mosehla.

*English:*

... and that’s what the Constitution has taught us. We are all

of equal human worth.

We cannot do this alone as local government. We therefore, equally, call upon all spheres of government, including national and provincial, to ensure that we execute our constitutional obligations together.

As I move towards a conclusion, hon Speaker, we acknowledge all those who contributed to the development of the Constitution as we celebrate it today, and there are a number of people who also contributed in ensuring that, hugely, there is a refinement of the system in the dealings of what we need to do in the implementation of our local government system 24 years on.

We also need to ensure that there are profitable gains in terms of ensuring that Africans are allocated, spatially, land that gives them an allocation of profitable land access - equal access to basic services. For example, if I say electricity is at 93%, the 7% is equally important. It needs to be taken care of as we march forward.

It has truly been a long road for us to bring our people to where they are today. As we march, following Nelson Mandela himself, we will go to our people and say: The district development model fundamentals are also about promoting local economic development, particularly in our group points like infrastructure development, our spatial economic zones and, of course, the township economies.

What we are observing, hon President, in our townships is that

... [Inaudible.] ... during the continuation of the capitalist system, there is capitalising on the allocation of where our people are. And, as local government, we have put our foot forward to ensure that the allocation of the economies in our townships is enjoyed by those who have been subjugated into Soweto, into Mdantsane, into Umlazi, by the previous system.

They must now enjoy the economic benefits of where they are staying today themselves.

Allow me, once again, to borrow from the wise words of none other than Nelson Mandela when he said: Never, never again shall all the laws of our country render our people apart or legalise their oppression and repression. Together we shall march hand in hand to a better future.

As we march to better services and the fifth local government

term, we are going to represent and ensure that our people,

particularly Africans, have access offered to them that they have never had in their lifetime. Thank you very much, hon Speaker. [Applause.]

The DEPUTY SPEAKER: Hon Cllr Nkadimeng, I know you mean “Deputy”, right? So let’s invite the hon Thring to speak to us.

Mr W M THRING: Hon Deputy Speaker, as we consider the celebration of the 25th anniversary of the South African Constitution, the ACDP has over the years expressed its belief and support for a constitutional democracy. We believe that our Constitution is a guiding document, a social construct and modus operandi for the functionality for our nation, which upholds and protects our democracy.

The ACDP notes that many speak of South Africa’s Constitution as one of the best in the world. Our Constitution has been viewed as one of the greatest achievements of our democracy, despite the many challenges we face as a nation. There are many positives that we can draw from our Constitution. Section

1 speaks to the protection of human dignity, nonracialism and universal adult suffrage and section 15 and 16 uphold the freedom of expression, religion, belief and opinion.

As the ACDP, we believe that these are some of the fundamental tenets that we must protect in order to ensure the longevity of our democracy. The ACDP appreciates the fact that our Constitution has sort to correct the imbalances or the past.

These include former segregation and oppressive laws such as the Group Areas Act.

We are emboldened by the fact that our Constitution has opted for inclusivity over separation and exclusion. However, it must be clear, that, as the ACDP, we do have some constitutional concerns, which carry the risk of leading our country down the slippery slope of moral, constitutional and democratic decline.

The ACDP has consistently spoken out against the proliferation of pornography under the guise of adult artistic expression.

We believe that pornography is the theory and rape the consequent practice. We have consistently supported the Biblical standard of the sanctity of marriage and continue to oppose termination of pregnancy.

The ACDP views the Promotion of Equality and the Prevention of Unfair Discrimination Act, Pepuda, Amendment Bill as one of the greatest threats to religious freedom and calls on all God-fearing South Africans to oppose it. We support a land restitution process that is just and equitable, but cannot support the amending of the Constitution, to make possible what is already possible.

Thomas ... [Inaudible.] ... once warned that ... [Inaudible.]

... that ignores the Constitution ... [Inaudible.] ... fundamental paradigms of our Constitution to be ignored, undermined or misinterpreted, for doing so will endanger our constitutional freedoms that so many fought and died for.

Thank you.

Mr V ZUNGULA: Deputy Speaker, there is nothing to celebrate about the South African Constitution. A Constitution ought to

translate to equality and a good quality of life for all citizens.

What are the facts about South Africa? South Africa is the most unequal country in the world. It has the worst unemployment rate in the world. It has more than 30 million people living in poverty. It is the rape capital of the world. The gender-based violence in South Africa is four times higher than the global average.

The Constitution even allows non-South African citizens to run for public office, including Presidency. The constitutional democracy system has ensured that the will of the majority is subjected to the opinion of 11 unelected judges at the Constitutional Court.

The Constitution has relegated traditional leaders, chiefs and monarchs into bystanders in the governance of their own people. The Constitution is perpetrator-centric and does not protect the victims. The Constitution ought to express the will of the people, not vice versa.

Section 235 of the Constitution allows for the existence of segregated apartheid communities, like Orania, Kleinfontein

and Eureka. The Constitution allows for oligopolies and has made it almost impossible for native citizens to enter some industries.

The Construction of South Africa is the best in the World for imperialist and international companies that exploit our minerals. However, it is the worst in the world for the African majority citizens of South Africa.

The Constitution must be reviewed and amended in full to reflect the current will of the people of South Africa. The most urgent amendments must be the expropriation of land without compensation to be effected from 6 April 1652 when Jan van Riebeeck arrived. Land must be returned to its original owners.

In terms of the nationalisation of the Reserve Bank, there must be differentiated citizenship, so that only native citizens can run for public office. Customary law must be alleviated to be equal to the Roman-Dutch Law.

We are Africans. We must be subjected to African law, which is based on our culture, traditions and norms. There is a breakdown in the relationship between inkosi and the

councillors, mayor and premiers. For ikumkani and inkosi have influence and they must be given more resources to provide services to the people.

The Constitution must be amended to incorporate African governance systems, instead of relying only on politicians. It is an embarrassment that out Constitution is not on the British document called Magna Carta, where our cultural norms and values as Africans were eroded. The time to review this Eurocentric Constitution is now. I thank you.

Mr S F DU TOIT: Hon Deputy Speaker, the puppet master holds the script. With a devious grin, he pulls the strings to manipulate individuals on the stage - South Africa. He manipulates words and phrases to soothe his deceitful mind, while feeding off the pus of all his corruption that he created.

*Afrikaans*:

Die bedoeling van die skrywers van die Grondwet was om die regte van alle Suid-Afrikaners te beskerm. Opportunistiese interpretasie en verkragting van die vinderende waardes van die Grondwet het egter tot gevolg dat die regte van gewone Suid-Afrikaanse burgers, ongeag hul ras, kultuur, geslag, of

agtergrond, vertrap word met minagting, in die najaag van ’n

bepaalde ideologie wat slegs die elite bevoordeel.

*English*:

Many say that the South African Constitution is one of the best in the world. If one looks at section 1 of the Constitution, you might even believe it, since, apparently, the Republic of South Africa is founded on, among others, the following values: human dignity, the achievements of equality and advancement of human rights and freedoms, nonracialism, nonsexism.

*Afrikaans*:

Deur net hier stil te staan, is dit duidelik dat dit wat in die Grondwet, swart op wit neergepen is, en dit wat in die werklikheid toegepas, afgedwing en uitgeleef word, in teenstelling met die Grondwet is.

*English*:

There is no equality in South Africa when applying to study, applying for employment, contesting for a tender. Race and gender are determining criteria and this, after 27 years of democracy. This forced transformation on the basis of race and sex is discriminative, even for the people that benefit from

the discrimination, since the general assumption is that the person was not appointed on the basis of qualification and skill, but just because he or she was a suitable candidate on the basis of predetermined criteria.

*Afrikaans*:

Mense word deur wetgeging, deur die Grondwet geëtiketeer, geredidseer tot blote objekte, voorwerpe om ideale te verwensenlik, ’n ideologie te streel. Dit is ’n bewese feit dat daar vir baie artikels in die Grondwet steeds nie wetgewing is, om dit uit te voer nie. En hierdie sluit artikel

235 in, asook die provinsiale taalwette wat eers onlangs aanvaar is, en die meeste van hulle, 20 jaar nadat die Grondwet aanvaar is. Hulle kry egter steeds nie die nodige regulasies en beleid in plek nie en dus word dit nog nie geimplementeer nie.

*English*:

It is evident that some politicians were wearing a poet’s hat when playing with words in crafting the Constitution. Words have power, words have meaning and interpretation. What lacks is the implementation of these words in the context in which it was crafted. A simple example is the right to education.

*Afrikaans*:

Die Grondwet sê, almal het die reg tot onderrig in die taal van jou keuse, maar 25 jaar later is dit steeds nie moontlik om in nege van die 11 amptelike tale van Graad 1 tot Graad 12 skool te gaan nie. Skole waar Afrikaans as voertaal gebruik was, word gedwing om hierdie voertaal af te skaal. Is dit nie ’n direkte skending van die kinders se regte nie?

Vyf-en-twintig jaar later en mense het die reg tot toegang tot water, maar daardie water word deur riool besoedel, as gevolg van die ANC-regering se onbevoegdheid, korrupsie en onvermoë. Vyf-en-twintig jaar later en mense het die reg tot toegang tot gesondheid, maar gaan dood in daardie hospitale. Vyf-en- twintig jaar later en dienslewering verval, korrupsie steel die hoop vir ’n beter toekoms, en rediseer die Grondwet tot mooi prosa.

Is die Grondwet in voeling met alle mense in Suid-Afrika? Vyf- en-twintig jaar later en daar is nie gelykheid nie, nie gelyke geleenthede nie; eerder leerongelykheid en ’n groepie korrupte elites wat by swart ekonomiese bemagtiging en regstellende reaksie baat, terwyl die meerderheid werkloos en arm is en nie daarby baat nie.

En meriete in aanstelklings nie tel nie. Mense word in posisies op grond van velkleur aangestel en nie op grond van ondervinding en vaardighede nie. Daarom verval dienslewering tot nadeel van almal en verval die armstes van die armstes.

*English*:

People are being deprived of their rights to freely enjoy their culture and heritage. In practice, some cultures’ heritage is being demonised, not only by the red teletubbies but also by the government’s puppet masters, the ruling party and its Ministers.

The time has come to change the way the Constitution is interpreted. The time has come to do away with restrictive abrasive implementation of the Constitution.

*Afrikaans*:

Die skrif is aan die muur. Die poppemeester is magsdronk. Sy vergryte het op die doeke gekom en Suid-Afrika en die wêreld sien dat onderdrukking tans besig is om plaas te vind, weens die huidige Grondwet.

Daar is soveel wat horendoof geword het vir die kakofonie van hierdie ongeregtigheid. Die tyd is hier dat die wat steeds

beheer word, die toutjies moet knip en met trots en kop omhoog verantwoordelikheid vir hul eie besluite neem.

*English*:

It is said that, if you are carried your whole life, you will soon forget how to walk.

*Afrikaans*:

Wees trots op wie en wat jy is. Suid-Afrika, moenie toelaat dat ’n onbevoegde, vergiftende regering jou menswees steel nie. Staan op, staan vas en staan trots. Ek dank u.

Die ADJUNKSPEAKER: Agb Du Toit, ek sal nie weer kan loop met so baie titels nie – ondervoorsitter, Voorsitter, Adjunkspeaker.

*Setswana*:

Rre S F DU TOIT: Ke a leboga. Ke go utlwa sentle, Motlatsamodulasetulo.

*Sesotho*:

MOTLATSA SPIKARA: Ho lebohile nna, ntate. Tanki!

Mr S N AUGUST: Hon Deputy Speaker, our challenges in commemorating the 25th Anniversary of our democratic Constitution is to narrow the yawning gap that still exist between the land of fairness, justice nor can honey for all that the documents described and people’s daily live their experience on the ground across the land.

Over the past few years there has been a growing tendency amongst some politicians to blame the Constitution for the far from finished business of transforming the apartheid land scape in fixing the inequality. Critics of the Constitution says there has been more useful to securing the property rights and economic reaches accumulated by the have under apartheid than to narrowing inequality and conforming the dignity of the have not.

This analysis comerfluges what has really been government failure to implement the constitutional template fast and meaningful enough to reduce grounding poverty, landlessness, homelessness and hardship. Perhaps it is easier to blame the rules for the retarding our progress than taking along the hard looking at the middle to were poor management and corruption have brought us.

Deputy Speaker, over the past few years the constitutional issue that has dominated the national discourse has been the question of land and property. Instead of asking why 27 years has been democratic government fails to use the tools at its disposal to effect land restitution and the reform including rights to expropriate land adversely no cost.

We have increasingly focus on the ability of the state to expropriate land without any compensation. There can be few arguments against change in the apartheid expropriation law that is still in news. Provided the process is carefully managed and the overseen but the courts and not politicians. There can be few arguments against having the expropriation land in certain circumstances.

But once the new law is in place and the Constitution has been amended to bring it to alignment, it will be up to the same officials and politicians who have dismally failed land reform for decades to implement which takes us back to square one.

We need to take that long hard looking in the middle. We must acknowledge our roles and what we can do better to achieve social economic environmental and special justice to

constitutional demands. What we can do better to fix nothing. Thank you.

Mr G MICHALAKIS: Hon Deputy Speaker, in a way it feels like a sort of imposture to be speaking here as some of those who came before us and were part of shaping negotiating and adopting the Constitution, reminiscence about the two years between 1994 and 1996 the negotiations that preceded and the decades of suffering before that which is sometimes behind my generations grasp and understanding.

I was 8-years-old in 1996 and many of my fellow members were even younger. When you planned for the future in 1996 you know what you were planning for us and our children. The Constitution has made it this far.

Allow me then instead to make my contribution to this debate on the part of the Constitution with which I have gained the most experience in my seven years as a Member of Parliament in the NCOP.

Deputy Speaker, Parliament is at the heart of our democracy and the Constitution dedicate the whole chapter to this institution. It is here where freedom should be increase and

shackles should be cast off. Is here the stereotype should be broken and the nation in case to be united in our diversity as individuals?

It is also to this institution not only in the Constitutional court but the country should turn as the defender of anything that we as a nation represent. Every word of it to be found in this document. I fear that if called apart to fight in the frontline of this freedom that the whole House will become my home over the past seven years will feel well short of all reasonable expectations.

The NCOP today and for many years already is a far cry from the wise persons from the traditional parliamentary pattern as deemed Smuts referred as those senators which served in our places during the interim Constitution between 1993 and 1996.

We need to raise the level of debate and openness in discussion to a level that is above that of few trial ideological squabbles and consider that the best interest of every single individual out them.

We can no longer afford to be shady pines but need to be those at the forefront working together to a post proposal that are

institutional and unfair to most of the people of this country. We need to ask ourselves what our role is in the modern society with all its current challenges and what the Constitution asks of us.

More than just like attempting to be second rank version of those who fall the National Assembly benches. We have our own unique role and 25 years after the Constitution was adopted we need to start fulfilling that role effectively.

Furthermore, Speaker I believe that those who put together in the Constitution must have establish the provinces as a compromise to various opposing views. However, these same provinces have turned out to be in some instances an asset and a source of great expertise and solutions to some of our more complex problems.

For us to thrive we must include the national discourse more than we are currently doing. We need to encourage and empower those who are responsible for good governance to do more in order to free ups as a national government time and resources to help where it is needed.

Finally, we need to do away with the mentality of mediocrity. Those who says skilfully chosen this shining document from the dark moments of our past did not do so from the position of weakness or arrogance they serve the best men and women into the battle of debate and everyone can know the better for it.

Speaker, my generation and those who are younger than us have lost faith in many of our most perusable through institution for this reason the Constitution that promise so much hope has become purges with hollow words and when spoken in Parliament they become hollow words with an echo. We need not change Parliament nor the Constitution.

On the contrary, the world respect our Constitution for what it establishes as much as for what it presents. What we need to do as defenders of this institution and of the Constitution is to turn it into changeable and increase freedom for every individual we represent. That is our main and in essence our only job.

Deputy Speaker, on this occasion I know that all parties in this House will think that fondle of those from their benches who wants small victories for individual rights and make massive strides right for freedom in those two years between

1994 and 1996 as part of the constitutional assembly. We had the magnificence seven and as we remember with immense admiration those amongst them like Colin Glen and Dean Smith, we are fortunate to still sit on our feet of giants such as then senator hon James Selfe and those in the other parties who are part of that historical process.

They have through their recollections verbally or in their writing identify like demanded democrats across the ale and across the board. We work together with them in the interest of our country and its people. All of them were fears and sincere, hardworking and vigorous principles steadfast but flexible in tracking hands

It is my hope not as a young liberal but as a young South African that we will increasingly seek the passion for this country in each other’s eye and for those who are sincere steadfast and flexible to take hands and at this time the principle we stand on will be this Constitution as it stands today and hopefully will stand for many years to come.

In the meantime, if I may paraphrase the great Christopher Hegan, we have the same job we always had, to say as South Africans and as free people that there are no final solutions,

there is no supreme race, there are no supreme leaders, there is no totalitarian solution that says that if you are just give up your land or your dreams or your opportunities, if you would simply abandon your freedom a world of captivating bless can be yours. We have to begin by repudiating such claims.

Secretary generals or shredding generals, cadre director’s general, the peddlers and surged of KwaZulu religious, politicians worshiping, the DA leader the great leader. We have no need for any of these and looking at them and their record and the pace of their supporters are realised that it is there that they are the grinding pastors and my only impatient this morning was mild by comparison. Thank you, Deputy Speaker. [Applause.]

Mr Q R DYANTYI: Thank you Deputy Speaker. We join our compatriots to mark an important milestone in the history of this country. We mark this occasion, not just as an irrational attachment to anniversaries; but we do this to demonstrate the continuity of our struggle and underline the values of our movement, humility, selflessness, and integrity amongst others.

Many people erroneously characterise the agreements reached at Kempton Park as, the political settlement that ushered in a democratic dispensation in South Africa. The truth however, is that the final settlement was reached when the elected Constitutional Assembly drew up the Constitution that was adopted in Parliament in May 1996. The Constitution is therefore a national compact among the people of South Africa, to live with one another in one indivisible state. This Constitution and strong formal and informal checks and balances, on all the institutions of the state and private sector, including a robust legal framework, an independent judiciary, Chapter 9 institutions, active civil society and a free press, underpin our democracy.

Listen to this, Judge Albie Sachs, in the book, *Oliver Tambo’s Dream* says: “Every constitution-making project has a central drama” The biggest drama in our constitutional making was - take a guess, was on one hand, Group Rights and on the other hand, Majority Rule and the Bill of Rights. Oliver Reginald Tambo wanted us to look at ourselves as citizens of a new, free, united and democratic society. I quote him:

You protect people from abuse not because they are black, not because they are white, not because they are the

majority, not because they are in the minority, but because they are human beings. [Applause]

Sitting there listening to hon Mulder, I knew that, this was the central drama and he is still in pains about the Group Rights. The South African compact included a commitment to reverse the political, social and economic disparities inherited from apartheid. In his inaugural address, President Nelson Mandela said, “Let there be work, bread, water and salt for all.” Basic things for human beings.

The ANC has been faithful to this pact for socioeconomic justice throughout our 27 years in government. We have also been conscious that the effort to combine growth and redistribution would require a collective, society-wide commitment, one that cuts profoundly against the grain of South Africa’s historical legacy.

We have inherited hon Mulder, an economy on the brink of collapse. We must not forget that by the end of the apartheid era, the economy had stopped growing. In the first decade and a half of the ANC in power, South Africa experienced the longest sustained growth period in its history. To assess where we are on the 25th anniversary of this Constitution, we

need to look at the developments in terms of socioeconomic rights, and civil and political rights.

Over the last 25 years, South Africa has made significant strides in achieving socioeconomic rights, the life and soul of this Constitution, and the rights that have the most tangible impact on people’s lives. There have been tremendous strides in housing, education, social assistance and healthcare. Millions of houses were built for the poor. Access to potable water grew from 60% to now nearly 90%. Electricity connections grew from 50% in the 1990s to over 90% of households today. Immunization coverage targeting diseases such as polio, measles, tuberculosis grew to over 90%.

Enrolment at primary school is among the highest in the world at 99%. Tertiary education admissions have more than doubled since 1994.

Furthermore, the private sector investment rose as a share of gross domestic product, GDP from an average of 14% in the 1990s to 17% in 2007. With growing revenues and a strong SA Revenue Service, Sars, government was able to reduce absolute poverty, with a near doubling of real incomes for the poorest 50–60 % of the population.

For all of the above gains, there were some stark limitations, on the progress experienced by those at the bottom of South Africa’s distributional pyramid. We are the first to acknowledge that. The poorest 40% are largely unemployed and live mostly in rural areas and informal settlements. Social grants are the principal source of livelihood for our people in these areas.

We acknowledge that many of the underlying structural realities in our country have not been addressed. If left unresolved, these dimensions of exclusion and inequality will place pressure on the institutions of our democracy, and could even lead to the unravelling of the national compact.

The ANC has always believed that a thriving future can be built around cooperation and of win-win outcomes with shared benefits. That was the essence of the 1994 electoral slogan, a better life for all. This belief remains strong, in spite of the perception that our Constitution and the legal system have been used to stall transformation and to preserve white privilege.

We know that a few ultraconservative groups such as AfriForum hon Mulder, still remain, albeit on the fringes of our

society. The overwhelming majority of South Africans are committed to a united, nonracial, nonsexist and prosperous nation

Our country is still in the grip of the COVID-19 pandemic and we have a plan to respond to that. For the ANC, there is no contradiction between building a united society and driving a radical programme to resolve the contradictions in our society. It is not a zero-sum game that the ethnocentric political parties like the EFF and FF- Plus in particular are wishing for. In fact, our failure to achieve the objectives of reconstruction and recovery plan will lead to the guaranteed destruction of all that we treasure as South Africans.

Allow me Deputy Speaker to conclude with by a WhatsApp message to the father of this constitution, O R Tambo. Here is a scorecard in 25 years. In the 25 years of this we have made remarkable progress on so many fronts, staying true to our commitment of improving the lives of ordinary citizens. What we have achieved on socioeconomic and political rights is no mean feat. The building of a national democratic society has not been without challenges and threats. These include, triple challenges of unemployment, poverty and inequality, as well as triple challenges of race, class and gender facing women.

State capacity especially at local government level, which remains a stubborn challenge. Corruption which is now a common feature of public life, including both in the public and private sector, from petty crimes such as bribing traffic officers and grand looting of the state. We will be pleased about the third one that, we have a hopeful future inspired by the leadership of this movement and a country that is attending to those issues. We are poised for acceleration on many fronts.

*IsiXhosa*:

Asinamona, asinanzondo, siyayidumisa i-ANC. [Kwaqhwatywa]

Mr A M SHAIK EMAM: Deputy Speaker, what is not in dispute is that; yes, the Constitution of South Africa was adopted in 1996. Yes, there is no doubt that it is one of the progressive Constitution in the world. There is no doubt that this Constitution of South Africa received world recognition. The Constitution in South Africa ... [Inaudible.] ... to broaden any to the apartheid regime oppression of our people.

The Constitution of South Africa ... [Inaudible.] ... a more equal society and create an environment where our people will live safe and secure. However, I think the question we need to

ask ourselves is that, has this Constitution which we often talk about being the best Constitution in the world, achieved its desired objective?

Twenty-five years later after being adopted; South Africa remains one of the most unequal societies in the world. Added to that is the fact that most of the land in South Africa still remains in the hands of a few. About 80% of the economy still remains in the hand of a few. Even water in South Africa remains in the hands of a few.

To date, more and more South Africans, 25 years later after the adoption of this Constitution, still go hungry. More of them are homeless. So the question we need to ask is, has this Constitution achieved its desired objectives? And our response is a clear and ... [Inaudible.] ..., no. Whilst the Constitution, was to a very large extent, able to protect and

... [Inaudible.] ... the rights of individuals and minorities in South Africa; and create a more equal society, taking us away from the oppressed apartheid regime, the question that arises is, what do we do now?

Is it not time now that we need to go back to the Constitution and make the necessary amendments and adjust, based on our

experiences, on our failures and successes, in implementing this Constitution? Clearly the time is now, we cannot continue to be using a Constitution without any further amendments, that is not protecting the rights of all South Africans in an equal society.

Now, what the NFP is clearly calling for, is that whilst the Constitution of South Africa, may be into a large context, put in measures to address the challenges. We have over the last

25 years learned new experiences and as such, we need to go out there and make the necessary amendments so that we can create a more equal society so that everyone living in this country will be able to enjoy the fruits of this country. I thank you.

Mr X NGWEZI: Deputy Speaker, hon members, ... [Inaudible.] ... ladies and gentlemen, on this day, where we as a proud nation, celebrate the adoption of this Constitution, the supreme law of the country, I wish to turn to the preamble of the Constitution. To remind us of our constitutional vision and duty. The preamble of the Constitution states that:

“We, the people of South Africa, Recognise the injustices of our past; Honour those who suffered for justice and

freedom in our land; Respect those who have worked to build and develop our country”

Importantly, the preamble of the Constitution continues stating that:

“We adopt this Constitution as the supreme law of the Republic so as to - Improve the quality of life of all citizens and free the potential of each person”

Deputy Speaker, these are powerful words, in these uncertain times, due to which our people are fighting on a daily basis against the devastating impact of the COVID-19 pandemic. We have to ask, what is government doing to improve the quality of life for all citizens? How is government ensuring that it delivers on this great responsibility of uplifting our people, and give the effect to the constitutional vision?

The tragic reality is that corruption and gross misgovernance resources by government, deprives our people on a daily basis from claiming their socioeconomic rights. It is outmost disbelieve that we read this week of the water crisis in Gauteng, which has directly impacted our public hospitals, which serves the most vulnerable of our society. We read with

horror the stories of patients on daily treatment at the Helen Joseph hospital, whose treatment had to be cut short due to water shortages. What is the government doing about this?

Our government has failed miserably in delivering on its constitutional mandate of improving the quality of life for all citizens. Instead, what we see, is government blaming the Constitution for failing its own duty to uplift our people from dire poverty they are in, especially in relation to land reform. The failure to accelerate land reform cannot be blamed on the waiting of section 25 of the Constitution.

Our Constitution provides extensive transformative provisions that must be used to uplift our people and build our constitutional vision. However, nothing will happen if you do not use these constitutional tools to provide regulatory frameworks to address legislative gaps and uplift our people.

Let us be reminded today that our Constitution cannot be used as a scapegoat for government’s failures. The IFP remains resolute in defending the Constitution and ensuring that the people of South Africa are not forgotten. I thank you.

*Xitsonga*:

Man B T MATHEVULA: Ndza khensa, Mutshamaxitulu. Xosungula, ndzi rhandza ku khensa vaakatiko va Afrika-Dzonga hinkwavo eka tindhawu hinkwato laha va hi hlalelaka va ri eka tona. Xandla xa Mutshamaxitulu ...

*English*:

... section 10 of the Constitution says that everyone has an inherent right to human dignity and that they must have their dignity respected and restored. Yet, millions of African people live in shacks around this country and hundreds of thousands are treated like slaves on the farms of this country by the white masters of this land.

Section ... of the Constitution guarantees the freedom and security of every individual, and yet every year over 20 000 South Africans are murdered and just between January and March more than 9 000 women were raped.

Section 23 of the Constitution guarantees everyone the right to fair labour practices, and yet ... of South Africans earn far below the living wage. They are abused and exploited without shame by our former colonisers with no recourse to the law, because the law as we have come to know it in this country, protects those who have money and power.

Perhaps the most heinous provision of the Constitution ...

*Xitsonga*:

Xandla xa Mutshamaxitulu ...

*English*:

... is section 25 of the Constitution. We tabled a motion in the National Assembly in 2018 for the amendment of section

25 of the Constitution to allow for the expropriation of land without compensation and for decolonising landownership in this country by allowing for the state to be the custodian of all land on behalf of the people. We did this because we were fully aware then, as we are now, that almost three decades of political freedom has not brought about any material changes to the lives of our people. We know now, as we knew then, that a mere 10% of the land has been transferred to black people since the attainment of political freedom. We knew then, as we still know now, that a system of landownership premised on the scarcity of ownership rights — rights acquired through colonialism and apartheid — will never allow for comprehensive land reform in this country. We are still as committed as ever to this mission and ... to right-wing beneficiaries of our oppression will stop us? No, we ... be stopped by the gatekeepers of white privilege.

It is necessary and inevitable that land must be returned back to the people to whom it belongs because at the centre of our disenfranchisement is the land question. It is at the centre of our aspirations for true freedom. To safeguard their interests, white supremacists with whom the ANC negotiated for political freedom, not only ensured that the land they stole was protected by the Constitution; they also ensured that the Reserve Bank would be independent from the state and have private shareholders, some of whom are foreigners.

South Africa’s Constitution seeks to reconcile two irreconcilable and disparate sections of society. It seeks to create a new nation out of a people that do not recognise each other’s humanity; where one side’s existence is entirely dependent on the exploitation and dehumanisation of the other. Of course, this situation is not helped by the completely ... [Inaudible.] ... government that has no interest in the people at heart and whose only preoccupation is to protect white interests and loot the resources of our people.

Every year, almost half a million school kids drop out of the public school system because of the inefficiency of this system. They then join the millions more young people who are unemployed and unemployable. Their constitutional right to

education is denied because of the socioeconomic background they come from. Now, no-one cares for these young South Africans and what the Constitution promised them.

Every month in this country, there are violent service- delivery protests by communities that have not tasted freedom; communities that do not have access to clean water, like ...

*Xitsonga*:

... vanhu va Giyani lava va ha nwaka mati na swiharhi eka nkarhi wa sweswi.

*English*:

... to school for their children, to hospitalise the elderly, to good food which will guarantee good health. For some, the only time they can ever have a stable source of income is when they reach the age of 60 in order to qualify for the old age grant or when they get terminally sick or qualify for a disability grant. For these people, the Constitution remains a meaningless document and has no impact on their lives.

The Constitution is meaningless to the community of Khayelitsha which is harassed on a daily basis by marauding groups of gangsters that demand protection fees from old women

who are selling chicken feet on street corners to feed their families.

It is meaningless to the millions of unemployed, for those who turn away from clinics and hospitals because they have no medical aid and for those who are queueing at the various post offices in this country for the R350 grant that may never come.

It is meaningless to the over ... thousand of SA Airways, SAA, employees who have not been paid since March 2020 and who have since lost their houses and cars, and who have had their children ejected from school. It is meaningless to the thousands of Denel workers who have enjoyed a similar fate.

The only people who can honestly celebrate the Constitution in this country are those who are protected by it, the landowners who evict black people from farms as they wish and the banks that decide to close the bank accounts of individuals and companies without due process.

It can be celebrated by black elite people like Zizi Kodwa, who can be bribed for over R2 million by a corrupt company doing business with the state and Gwede Mantashe, who had his

houses secured through the intervention by a company like Bosasa or even ...

Mr B A RADEBE: Point of order, Deputy Speaker.

The DEPUTY SPEAKER: Yes, hon member?

Mr B A RADEBE: I’m rising on Joint Rule 14.0. The member is referring to the members by their first names, which is not allowed in the first ... Then, what is also very critical is that she is raising issues which casts aspersions on the character of the members.

The DEPUTY SPEAKER: Hon member, you should not cross that boundary. It’s simple at a most basic level. The Rules require you to address members appropriately. You are also not meant to make allegations about members, wherever you are taking them, without a substantive motion. So, it’s not acceptable.

We have said this before. It’s in the Rules. So, if you don’t do it by way of a substantive motion, you have to withdraw those allegations. This is Parliament and what happens inside the House only happens according to the Rules.

*Xitsonga*:

Man B T MATHEVULA: Ntiyiso wa vava, Mutshamaxitulu.

*English*:

... or even Zweli Mkhize, who in the midst of the COVID ...

The DEPUTY SPEAKER: Hon member, you are proceeding in the same way you have just spoken to ... and you must withdraw unconditionally, okay?

*Xitsonga*:

Man B T MATHEVULA: Eh ... Nkulukumba Mkhize ...

*English*:

... who, in the midst of the COVID pandemic, looted millions

...

The DEPUTY SPEAKER: Hon member, I said you must withdraw unconditionally what you said about the members – all three of them whom you have mentioned by name.

Ms B T MATHEVULA: What must I withdraw, Deputy Speaker?

The DEPUTY SPEAKER: What you said about them. Those members you mentioned by name.

Ms E N NTLANGWINI: On a point of order, Deputy Speaker. On a point of order.

The DEPUTY SPEAKER: She is here. She knows what she said. So withdraw, ma’am.

Ms E N NTLANGWINI: On a point of order, Deputy Speaker. On a point of order, Deputy Speaker.

The DEPUTY SPEAKER: Yes, I’m listening.

Ms E N NTLANGWINI: She has withdrawn and then she even corrected herself. What do you want her to withdraw now? Now she is continuing with her ... She has withdrawn and she has even corrected it. What is the issue now?

The DEPUTY SPEAKER: No, hon member. Hon member? Hon member? Hon member, don’t interrupt the business between the presiding officer and the member before us here. Member, do what you are expected to do. [Interjections.] Go ahead, hon member.

Ms B T MATHEVULA: I withdraw ...

*Xitsonga*:

... kambe ntiyiso wa vava.

*English*:

The rest of us are still fighting for the South Africa we want

...

The DEPUTY SPEAKER: Hon member, don’t do it conditionally.

Ms B T MATHEVULA: I’ve withdrawn, Deputy Speaker.

The DEPUTY SPEAKER: Thank you very much. That’s better.

*Xitsonga*:

Man B T MATHEVULA: Ntiyiso wa vava.

*English*:

The rest of us are still fighting for the South Africa we want, where the land will have returned to black people, where education is free and of high quality and where health ... is free for all. Until that day, we have nothing to celebrate.

*Xitsonga*:

Man B T MATHEVULA: Ndza khensa.

Mr B H HOLOMISA: Hon Deputy Speaker and hon members, our Constitution has provided, and still provides, a sound basis upon which South Africa has been built anew after apartheid was brought down. It certainly is a wonderful example of what South Africans are capable of and what is possible when we work together. This major accomplishment is the product of the right attitude **...** heart, and distilling that which is right into words.

For these past 25 years, our supreme law has been stress- tested in certain aspects. For instance, our media and courts have shown their independence to a great extent and our Constitutional Court is a feather in the nation’s cap.

However, not everything has been plain sailing. I’m not speaking of the document itself but rather of the execution of its mandate. Chapter 2 of the Constitution is not a wish list or a nice to have for the people. It is a list of citizens’ rights which the state has a constitutional obligation to respect, protect, promote and fulfil. In fact, at a distilled level, every task that government executes every waking hour should be geared towards the expression of the Bill of Rights. We can therefore agree that the Constitution is crystal clear

on what the socioeconomic challenges are, and what the backlogs and imbalances are.

However, instead of addressing these clearly spelled out challenges, the comrades in corruption chose to write a new chapter to the Constitution, called corruption; a 27-year-long chapter where cadre deployment meant that mediocre ... and people who could be influenced were appointed to key positions in our government departments, institutions and state-owned entities. The ruling party structures outside government could audaciously instruct officials to allocate tenders, especially at national, provincial and local level, to its card-carrying members; a very nifty fundraising trick.

In conclusion, the Constitution has empowered Parliament, especially the National Assembly, to play a powerful role. We represent the people and ensure government by the people under the Constitution. We do so by various tools but mostly by, as the Constitution puts it, scrutinising and overseeing executive action. It is our job to make sure that South Africa is governed properly and that the Constitution is made manifest through the actions of government and the state.

*IsiXhosa*:

Kuyekwe ukutyiwa imali yesizwe. Amasela! *(Translation of isiXhosa sentences follows.)*

[And stop embezzling state funds. You, thieves!]

*English*:

The DEPUTY SPEAKER: Hon Holomisa?

Mr B H HOLOMISA: Yes?

*IsiXhosa*:

USEKELA SOMLOMO: Lo mcimbi ... (*Translation of isiXhosa phrase follows.)*

[This matter...]

*English*:

... I want to object to what you have just said now. It is the second time, not the first time. Your party seems to have decided that this is the language it is going to use regularly and I think it is inappropriate. You must stop it!

*IsiXhosa*:

Mnu B H HOLOMISA: Asizukuyiyeka kuba asibizanga gama lamntu. Umntu otya imali karhulumente, uyityelani? (*Translation of isiXhosa sentences follows.)*

[We will not stop because we did not mention anybody’s name.

A person who embezzles state money, why is he/she doing it?]

USEKELA SOMLOMO: Ndicela ukuba uvale umlomo wakho kuba ngoku uphikisana nam, awunamthetho. (*Translation of isiXhosa sentence follows.)*

[Please shut your mouth because you are arguing with me now, and you are out of order.]

*English*:

You are out of order! No, no, no, no, hon Holomisa! Please switch him off. Just switch him off! He’s out of order in the first place. This habit of wanting to debate with people who are chairing meetings of the House is getting out of hand.

That’s out of order! Hon Madisha, it’s your turn, sir.

Mr W M MADISHA: Thank you, hon Deputy Speaker, the COPE joins

...

The DEPUTY SPEAKER: Hon Madisha, before you fight with me ... It is sorted out. The machine is jamming here. It is out of order. Now, it is working again. Go ahead, hon Madisha.

Mr W M MADISHA: ... all members here present and all South Africans to celebrate what we truly believe is a victory for our people, our country, and trillions of human beings beyond our seas who gave us support during those hard days. It is indeed an open secret that the Constitution we celebrate here today, is a consequence of many years of struggle by millions of South Africans to attain freedom and equality for all South Africa’s people before the law. It is a victory attained by millions of South Africans after they had defeated oppression, suppression of human rights, and people’s equality, all which were enjoyed by the few and not by the many.

Before this victory that we today celebrate, this is a victory attained after a war subjected on the many by the few. The type of war which took the form of killings and torture, jailings and ethnic hatred; hatred, I here refer to divided people on the basis of their ethnic origins and threw them to the homelands, which through compromises during negotiations, we said, let’s have provinces for now, and in the future, we

shall look into a proper reorganisation of our country and our land.

History has further taught us that though the few gave themselves more power in 1948 through open legislation of apartheid, their ancestors had arrived in South Africa in the 14th and 16th centuries, which fact was recognised during negotiations for the democratic Constitution. That recognition, together with the 1955 Kliptown agreement by people of all colour that apartheid oppression was an evil system, brought all the people of South Africa together. I am referring to the Khoi and the San, the blacks and the whites, and the coloureds and the Indians to say, we are all South Africans. Hence the compromises during the drafting and crafting of the Constitution, which we celebrate here today.

There are however, still challenges: Firstly, is that those of us, who till death shall believe in our ancestor’s words that better few but the fewer the better disagree with what we see today. Thank you very much. [Time expired.]

Mr D D RYDER: Thank you Deputy Speaker, Deputy Chairperson, the Constitution of South Africa is something that we can really celebrate as you have heard from the many rational

speakers today. And yes, we should continue to celebrate it as the base document which details the principles that all our legislation should be built on and guarded by. Let me quote from paragraph two, which states: “The Constitution is the supreme law of the Republic”. Any law or conduct that is inconsistent with the Constitution is invalid. The obligations imposed by must be fulfilled.

Assaults on the Constitution have, however, increased as South Africa reels under the onslaught from greedy individuals, hiding behind redress to further their self-serving agendas.

Today, we celebrate this Constitution. It has turned 25, it has reached full adulthood and maturity. South Africa is a better place for it.

However, there are areas which remains somewhat unclear and after 25 years should have been dealt with by now. The inability to craft some of these subservient legislation that the Constitution demands or suggests has had a negative impact on our people and needs to be concluded with urgency, for example, section 25 is not a hindrance to land reform. The High Level Panel chaired by hon Motlanthe affirms this. The subordinate legislation, however, needs some updating. The Constitution as it stands is wholly correct on that point.

Since I stand here as a member of the National Council of Provinces, I will discuss, particularly the shortcomings caused by the lack of subordinate legislation or departmental regulations that affect the workings of our House. Let’s talk about the state of local and provincial governments in South Africa. For most South Africans, this is where they interact most closely with government. Local government is failing South Africa and her people. If one consults the schedules of this great book, one begins to understand that the real delivery of many of the rights that are granted in chapter 2 and 4 to local and provincial governments. When local government fails, therefore, fulfilment of the Constitution fails.

So, section 139 was written into the Constitution to ensure that there is a mechanism to step in where failures happen. Yet, looking at Limpopo and North West provinces where interventions have happened and the many instances where provinces have intervened in municipalities, the interventions have failed.

The SA Local Government Association, Salga, have confirmed in their presentation in the NCOP earlier this year that since 2000 there has not been a single section 139 intervention that

could be considered successful. The Minister of Co-operative Governance and Traditional Affairs was present in that meeting. In such a case, should she just continue with business as usual or should there be urgent action to fix the system? Well, that will depend on who is running the municipalities that are malfunctioning.

We know who runs the best municipalities. The DA has been universally accepted as the service delivery champions in South Africa. ... [Applause.] ... But what about the worst municipalities all run by the same faction of the ANC, that includes the Minister of Co-operative Governance and Traditional Affairs, her ex-husband and her rapid economic transformation crew that are responsible for the constitutional onslaught that I mentioned earlier?

There has been no effort to bring in the much-needed ... [Interjections.]

Mr B A RADEBE: On a point of order. I am rising on Joint Rule 14P. The member has just referred to the Minister of Co- operative Governance and Traditional Affairs. She is a member of this House. He cannot use offensive language without substantiating his allegations.

The DEPUTY SPEAKER: Yes. Hon member, you know that.

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, I rise on a point of order. The Minister of Co-operative Governance and Traditional Affairs is actually not a member of this House.

She is not a member of Parliament. She is one of the Cabinet members. So that Rule does not apply to the Minister of Co- operative Governance and Traditional Affairs. Thank you.

The DEPUTY SPEAKER: No, the Rules apply, hon member. Mr B A RADEBE: No.

The DEPUTY SPEAKER: Hon member, you treat her the way you treat all other Ministers. It does not mean ... Like the President when he is not here, the Rules don’t apply to him. You must still address her respectfully without making unsubstantiated claims against her. That’s the Rule, sir. Hon member, I am talking to you, yes.

Mr D D RYDER: Deputy Speaker, I am not sure. All I said was that she belongs to a faction. I didn’t speak disparaging of her.

The DEPUTY SPEAKER: Hon member ... [Interjections.] ...

Mr D D RYDER: I am not sure what I should apologise for, Deputy Speaker.

The DEPUTY SPEAKER: Hon member, you want to be told now what you said?

Mr D D RYDER: Definitely not, Deputy Speaker. I am not sure what I said that was out of line though.

The DEPUTY SPEAKER: If you say you are not sure but you don’t want to be told. What’s that? Just withdraw your remarks that are unsubstantiated about the Minister. No, hon member, can you allow a member to respond, with the greatest of respect?

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, could I rise on a point of order?

The DEPUTY SPEAKER: What’s the point of order?

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, I rise on a point of order to say that the DA will bring a substantive motion and I am sure that my member will withdraw the statement. Thank you.

The DEPUTY SPEAKER: Hon members, now that you have given me an opportunity to say this, members, if you don’t do by a way of a substantive motion and want to do it afterwards, it is inappropriate, it breaks the Rule and brings in a bad culture in the House. So, please withdraw what you said about the Minister.

Mr D D RYDER: Deputy Speaker, I withdraw.

The DEPUTY SPEAKER: Thank you very much. Go ahead, hon member.

Mr D D RYDER: Thank you Deputy Speake, there has been no effort the bring in much-needed subordination that’s mentioned in section 100(3) and 139(8). This subordinate legislation has been in draft since 2013, but it was never prioritised. For the sake of South Africa and for the rights of us leaving here, this legislation must be finalised without delay.

My message to the President is this: Mr President, it’s been well proven that this disastrous Minister is undermining you and the project to help South Africa to recover. We await your Cabinet reshuffle with increasing urgency as your political enemies from within your very ranks work to oust you, using the resources that you should ultimately control.

Next, let us look at the police service, while the Constitution demands that there should be a single Police Service, it also says in paragraph 205 that, and I quote again:

1. The police service must be structured to function in the national, provincial and, where appropriate, local spheres of government.

This is in recognition that our provinces are very different from one another. The rural policing needs of the Northern Cape differ vastly from the largely urbanised Gauteng and the Western Cape, not to mention the substantially different crime profiles in the various provinces. Greater provincial say is needed. Again, no need for constitutional amendment as it has already been recognised. It just requires the Minister and his department to issue the regulations to empower provinces to structure themselves to best suit their individual and specific requirements and the right things will happen.

That brings me to the legacies of the interim Constitution. Our 25-year-old Constitution did not fully replace the interim Constitution that was adopted in 1993. Section 228 of that document was titled “accountability”, and in subsection 3 it

gave birth to the Joint Standing Committee on Defence, an important body charged with the burdensome role of, and my last quote:

Investigating and making recommendations regarding the budget functioning, organisation, armaments, policy, moral and state of preparedness of the National Defence Force.

The section was justifiably never repealed. The reliance on this otherwise defunct document to guide the Joint Standing Committee has led to a general misunderstanding of the role of the committee and a consequent erosion of its value. It operates now more or less as an extension of the portfolio committee. As it falls under the paragraph titled “accountability”, it is obvious that this legacy must be retained, but it must be updated and strengthened especially in the current climate of regional instability. It must be strengthened in order to ensure that our country remains prepared for any threat, yet balances this need for preparedness with budgetary prudence. The functions of this committee must reviewed, debated and confirmed.

The leader of the DA, Mr John Steenhuisen, has already told this House and the President: “Bring the good legislation, Mr President, and we will help you to pass it.”

In conclusion, I celebrate our Constitution. I congratulate the contributors to it, especially my colleague, Mr James Selfe. I salute the protectors of it in this House, in our excellent courts, and in civil society. I reaffirm my oath to respect and uphold it, today, for the remainder of my term in office, and beyond until I am returned to the South African soil that I know is my home for I too, I am an African. Thank you. [Applause.]

Ms F A MASIKO: Thank you very much, hon Deputy Speaker. Hon members ... [Interjections.]

The DEPUTY SPEAKER: Hon member you’re speaking; do you see you’re casing havoc in the House.

Ms F A MASIKO: It’s the beauty, hon Deputy Speaker. Fellow South Africans, on this great occasion I join my colleagues in paying tribute to the founding mothers and fathers of our Constitution, a document which is internationally acclaimed and considered as one of the best in the world. our

Constitution was adopted to heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights. It was adopted to lay the foundation for a democratic open society based on the will of the people.

Furthermore, it was adopted to improve the quality of life of all citizens and free the potential of each person. Hon Deputy Speaker, as we celebrate the 25th anniversary of the Constitution and the Bill of Rights we must note that its roots can be traced back to the African National Congress which has been both a liberation and human rights movement. In 1923 the ANC conference adopted the African Bill of Rights the central themes in the Bill of Rights with the demand for land, freedom, the equality of all citizen before the law and justice. Two decades later, in 1943, yet another Bill of Rights was drawn and adopted. It was titled “Africans’ Claim in South Africa.” In 1955, the Freedom Charter was adopted, gathered in Kliptown the people declared the people shall govern.

The historic values of the African National Congress have, indeed, become national values. Historically, the ANC has always envisaged a society free of oppression and economic

exclusion based on racialised notions of white supremacy and subscribe to the fundamental tenents of democracy which include the principle of African unity and self-determination, parliamentary democracy, a human’s rights ethic, a universal franchise for all citizens irrespective of race and social justice, the rule of law and the separation of powers between and amongst state institution, respect for minorities and accountable and transparent government.

After the adoption of the Freedom Charter by the Congress Alliance in 1955, these tendency of democracy were concretised in its various political, economic, social cultural, nonracial, gender equality call and International Enclosure Movement and demands. The Freedom Charter marked a moment of revolutionary progress in the demand for sovereignty and self- determination. It committed all South Africans to work side by side for the realisation of their freedom and rights. To this end it’s noble values and finds expression in the Constitution of the Republic which in its preamble recognises we the people as the most ultimate sovereign in the country and establishes the Constitution as the supreme law of the Republic and commit to healing divisions of the past and establishing a society based on democratic values, social justice and fundamental rights.

Hon Deputy Speaker, the Constitution of the Republic is a unique and historic document which marks amongst the few that entrenches the Bill of Rights as a cornerstone of our democracy and enshrine people’s rights and affirms their dignity, equality to freedom, encloses the resembled Freedom Charter. The Constitution guarantees all citizens the right to equality before the law, inherent dignity, the right to life, freedom of expression, assembly, demonstration, picket and petition including freedom of association. The Constitution further calls on us to build a revolutionary democratic state and nation, and to this end much progress has been made in implementing the constitutional values in ensuring a comprehensive health system accessible to all, building sustainable and economic human settlement, free and accessible education for all and provision of the progress of social intervention mechanisms.

Although this has contributed to enhancing the lives of people we cannot shy away from the reality that many challenges and problems still persist in this regard which needs the democratic state to pay attention to. Although there has been notable progress in economic redress, it is recognised that much more needs to be done to change the patterns of ownership in the economy distribution and redistribution of economic

opportunities and resources. Our political project and national liberation remains empty as long as the economic basis of our existence both as a country and people is not transformed to ensure inclusivity and redress of the historic economic injustice. This includes addressing the issue of ownership to access to land.

Therefore, the task of nation-building is organically and strategically linked to economic emancipation and transformation, the one cannot be addressed to the exclusion of the other. for all these commitments we must continue to build a democratic capable developmental state. The state needs to continue the process of capacitating and strengthening state institutions with the aim of ensuring that these are positioned and aligned to meet the constitutional demands we outlined above. We wish to affirm our resolves to double our efforts to build an effective Constitution whose future amendments continue to shape the South African project as envisaged by our founding parents. We want this Constitution to meet the growing demands of our country, but moreover we want the Constitution to meet the ... [Inaudible.]

... that continue to elude us.

In concluding, hon Deputy Speaker, the governing party, the African National Congress, declared the year 2021, the year of unity renewal, reconstruction in the year of Charlotte Maxeke as a fitting tribute to this champion of the people. Perhaps as we look into the future we need to reflect on the question what is expected of the political leaders of today living under a free and democratic dispensation as opposed to the leaders such as uMama Charlotte Maxeke. Generations of political leaders before us had a specific task which they executed without considering to personal risk or loss. As this generation ... thank you very much, hon Deputy Speaker. [Applause.] [Time expired.]

Mr M NYHONTSO: I am not debating, Deputy Speaker.

The DEPUTY SPEAKER: Thank you very much, Sir, for responding quickly. Thank you. Hon Cardo!

Dr M J CARDO: Thank you, Deputy Speaker. South Africa’s Constitution may have come of age, but our constitutional democracy is suffering from an acute case of arrested development. In the ANC, our constitutional order has been stunted by a cruel and malignant warden. Feted at birth, admired for its facade, the Constitution has not so much been

nurtured and cared for by the ruling party, as resented, scorned, abused and now blamed. The Constitution is the supreme law of the Republic, but for the ANC, the party always comes first. Jacob Zuma said that “the ANC is more important than even the Constitution of the country”. Many of his comrades still agree. For the ANC, loyalty to the party still trumps the supremacy of the Constitution. The ANC comes first.

The National Democratic Revolution still trumps the nonracial, democratic and open society envisaged by the Constitution. The ANC comes first. Therefore, the prosperity of a few politically-connected ANC fat cats still trumps the human dignity of the majority promised by the Bill of Rights. The ANC comes first. Over 25 years, the foundations of our constitutional dispensation have been eroded by ANC cadre deployments, corruption and state capture. Most of the state institutions supporting constitutional democracy – the

Chapter 9 institutions – are ineffectual. Every Public Protector, with the exception of Thuli Madonsela, has protected ANC lawbreakers at the expense of the public. The Commission for Gender Equality is where the antiquated matrons of the ANC Women’s League go to feather their retirement nests. The Human Rights Commission fiddles while South Africa slowly burns.

First generation rights, like property rights, are under threat from proposed amendments to the Constitution that will open the sluice gates to expropriation without compensation. Second generation rights, like the right of access to health care and basic education, are undermined by the ANC’s inability to deliver services. The ANC can’t even roll-out the coronavirus disease 2019, Covid-19 vaccine, but it wants to roll out a system of National Health Insurance when the public health care sector is fundamentally broken. ANC Members of Parliament, MPs, routinely mouth platitudes about the Fourth Industrial Revolution. However, globally, South African pupils are still at the bottom of the class in maths and science, failed by our public education system.

Twenty-five years ago, the adoption of our Constitution offered the promise of change. We salute those who birthed it, from all parties, who are still Members of Parliament today.

In this regard, I pay special tribute to my long-serving, selfless colleague, James Selfe. The Constitution still offers the best toolkit for change. But the ANC has proven that it cannot be trusted with the keys. It has failed to unlock the promise of the Constitution. Eleven million South Africans are unemployed. Half the population lives below the poverty line. The Constitution conceives of a society based on democratic

values, social justice and fundamental human rights. The ANC has failed to deliver it. The ANC, not the Constitution, is the problem. Twenty-five years on, it is time for change, it is time for a guardian that will protect and defend the Constitution, and it is time for governments that can deliver change. Roll on the 27th of October. Thank you, Deputy Speaker. [Applause.]

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Thank you

very much, hon Deputy Speaker.

*Afrikaans*:

Baie dankie, agb Adjunkspeaker. Ek wil begin deur vir diegene wat ’n bietjie vrees vir dit wat in die land gebeur, te sê; jou grootste vrese raak gewoonlik bewaarheid. So ontspan. Ek dink ons is nog op die regte pad terwyl ons mekaar nog op hierdie oomblik kan teregwys. Ek sê dit vir dié wat na dit wil luister. So, agb Adjunkspeaker ...

*English*:

... let me begin where I was supposed to conclude.

*Afrikaans*:

Die ADJUNKSPEAKER: Agb lid, kan u asseblief u masker uittrek? Daar is mense wat u lippe wil lees.

Die ADJUNKVOORSITTER VAN DIE NRVP (Me S E Lucas): Kan ek dit

uittrek of afhaal?

Die ADJUNKSPEAKER: Afhaal asseblief. [Gelag.] Ons sal netnou tee gaan drink.

’n AGB LID: Uittrek of afhaal. [Gelag.] [Tussenwerpsels.]

*English*:

The DEPUTY SPEAKER: It’s okay ...

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Thank you

very much. Hon Deputy Speaker, I want to start my input by saying, commemorating 25 years of the South African Constitution is, indeed, something we can see as a very important milestone in the history of our democratic system. It is a very important milestone and I want to speak, particularly we have termed this year the year of Charlotte Maxeke. I want just want to start where I would be concluding. I have said it before and I am going back there.

As we think about the challenges that women are currently facing, we must do so in remembrance of Charlotte Maxeke, the matriarch and activist for gender rights challenged t who challenged the status quo during a time when the social, political and legislative landscape was defined by discriminatory norms and traditions. It was a time patriarchy was rife and deeply entrenched. The brute force of colonialism and land dispossessions, created an acrimonious atmosphere, where the identity and voice of Africans was forcefully undermined and diminished.

Additionally, African norms of patriarchy also denied women the right to speak and be heard. The stark reality was that women had no place in leadership and activism, and you found Charlotte Maxeke.

It is both commendable and deplorable that in this 27 years of democracy, Charlotte Maxeke is the only second woman of the women activists we are celebrating. So, I am saying that it is commendable, but it is also deplorable.

Chapter 2 of the Constitution is the equality clause that provides the legal framework within which gender equality is protected and forbids discrimination against anyone on the

grounds of race, gender, sex, pregnancy, marital status, sexual orientation and ethnic or social origin is being protected.

But I must say, since clause 9 of the Bill of Rights guarantees equal rights for all and prohibits discrimination on the basis of sex and gender. A progressive body of laws ensures every woman’s right to legal protection, as well as the right to make her own choices. I am speaking about the Women’s Charter that actually find its first existence in 1954 and was concluded as a Women’s Charter for effective quality in the first democratic Parliament in 1994.

It contains 12 articles and calls for the equal participation, recognition and development of women in all aspects of life and society across a number of broad things.

The articles of the Charter are linked and mutually dependent across sectors. It constitutes women’s freedom demands which must now become our point of reference for measuring progress in advancing gender equality. It must become the pressure point in our gender equality discourse, particularly as we address the multilayered and multisectoral nature that the gender equality agenda demands.

If we want to recognise the legal instruments let us speak about the Promotion of Equality and Prevention of Unfair Discrimination Act. the Beijing Declaration and the 2030 Agenda for Sustainable Development, importantly also, there has been a legislative framework developed recognising the Maintenance Act, Domestic Violence Act and the Choice on Termination of Pregnancy Act, Employment Equity Act and Promotion of Equality and the Prevention of Unfair Discrimination Acy as well as the Customary Marriage Act, amongst others, which stand out as clear sign posts of constitutional democracy geared at advance gender equality.

These laws are held up as evidence of positive gender transformation instruments as supported by the legal construct. But also we have the national gender machinery albeit that it is being hampered by the lack of resources in many instances, but it embodies a progressive set of institutionalised gender tools at our disposal.

Hon Deputy Speaker, during the roll-out of the provincial Women’s Charter Review process we found that most provinces did not have the theory of change embedded in their institutional planning processes. Some of these challenges are associated with the lack of mechanisms to institutionalise

gender mainstreaming through the provincial growth and development strategies the provinces. We also want to advise provinces as well as the local sphere of government, use the initial stages of the district development models to make sure that we engender our response in planning, budgeting, monitoring and evaluation and in gender auditing.

Gender responsive budgeting is amongst the identified tools which will ensure that the collection and allocation of public resources is carried out in ways that are effective and contribute to advancing gender equality and particularly women’s empowerment.

Parliament, provincial legislatures as well as local spheres of government, we need to develop necessary analytical and methodological tools and mechanisms for monitoring and evaluation how the budget is utilised to advance gender relations. We need to enhance the collection and analysis of gender disaggregated data and ensure that integrated development plans as well our poverty reduction plans must be transparent and should include the participation of women’s grassroots groups.

During the roll-out of the review for effective equality, we have found that the three spheres of government are lacking the requisite gender responsive planning and budgeting processes. The issues that have been raised in relation to the lack of gendered planning and budgeting and they have been incrementally addressed by the Department of Women, Youth and Persons with disabilities. We got the briefing from the Ministry and we could see that there is a major milestone in the development of the gender responsive planning, budgeting, monitoring, evaluation and auditing framework as it seeks to address the challenges that have been echoed throughout our countrywide consultation and review processes. It seeks to institutionalise gender mainstreaming in the state and it focusses on closing the gaps between planning, budgeting, monitoring and evaluation and auditing processes.

The framework was developed by the Department of Women, Children and Persons with Disabilities in collaboration with key government partners such as the Department of Planning, Monitoring and Evaluation and National Treasury. It was developed in response to the regression in strides made in gender responsive budgeting. In our oversight role we don’t only want to complain about that is not there, but we also want to give recognition to the ANC government because I heard

one speaker calling the ANC 12 times in his debate. Thank you for the free airtime. I think the ANC must thank him for the free airtime. [Applause.]

We live in a society in which there are great disparities in wealth. Millions of people are living in deplorable conditions, and it is a fact, and in great poverty. There is a high level of unemployment and inadequate social security.

These conditions already existed when the Constitution was adopted, and a commitment to address them and transform our society into one in which there will be human dignity, freedom and equality lies at the heart of our Constitution which we are celebrating today.

The Constitution ...

*Afrikaans*:

... soos my ouma sou gesê het, die Constitution [Grondwet} het nie ’n fout nie. Dit is die implimentering van die Constitution [Grondwet} wat belangrik is.

*English*:

It is imperative that we see women as economic contributors rather than recipients of welfare and consumers of the

national income. It is imperative also that women should therefore influence the process of changing the patterns of ownerships and resource control in the country so as to deepen economic equality so as to deepen economic equality.

We are well aware that the COVID-19 pandemic has had a far reaching impact South Africa’s economy. It is also a fact that African women account for the poorest in our country and amongst those who are disproportionately affected by the impact of the COVID-19 pandemic. The aftershocks of the pandemic on the South African labour market has led to many job losses, rising levels of unemployment and many businesses closing down.

In response to the ongoing economic challenges, the President launched the Economic Reconstruction and Recovery Plan with some of the following key objectives. I want to emphasise that as Parliament we will make sure that we do the necessary oversight over the implementation of this plan. [Applause.]

In an effort to give impetus to the realisation of gender equality, it is upon this leadership collective across all spheres of government to ensure that this plan becomes gender responsive. It is upon this leadership collective to ensure

that this plan becomes a potent instrument to advance gender equality. We must ensure that the plan becomes a lever for advancing gender based-economic inclusion. Through targeted oversight and accountability mechanisms, I want to once again emphasise that we must strive to ensure that we progressively im.prove women’s material conditions. We must strive to ensure that we progressively improve women’s material conditions.

When we economically strengthen women, who account for more than half the national population it is not only a means by which to spur economic growth, but is also a matter of advancing women’s human rights.

When we invest in women and work to eliminate inequality, poverty can be eliminated and the entire country can also better its chances of becoming a strong player in the global market.

Whilst I am on this let me also acknowledges women in the sphere of economy, congratulate Ms Nolitha Fakude, the first woman in the 131 –years history of the previously known Chamber of Mines, now Mineral Council of South Africa, who was voted president during the council’s annual general meeting. [Applause.] We are still celebrating “kanqinqi kanqinqi” [bit by bit] the achievement of women because it is still, like I

said, deplorable that even in this democratic dispensation Charlotte Maxeke is only the second woman activist that is being commemorated and celebrated. Ensuring women’s full participation within the South African economy, is essential, if the ideals of equality and shared and inclusive growth are to be achieved.

I won’t repeat what hon Maseko has said about land. Land has been an issue of which we as women have been totally excluded and I hope that in correcting the mainstreaming and institutionalisation of a gender perspective in the justice system is an essential step towards recovering a feeling of trust and security and combating its impunity. This mainstreaming entails an understanding of women’s experiences within the justice system.

Despite the provisions of our Constitution and our laws, being amongst the most progressive in the world, South Africa has one of the world’s highest rates of gender-based violence.

Gender-based violence is a profound human rights violation, and I will repeat it every time I get the opportunity to debate and be given the topic to speak about the issues of gender and women, with major social and developmental impacts

for survivors of violence, as well as their families, communities and our society more broadly.

Hon Deputy Speaker, since I am also a presiding officer and I can see my time is running out, let me just say that women need to have access to land, to have access to the economy, to have access to justice, to have access to being respected in a country that is based on human rights. [Applause. That is very important. With that said and done I want to conclude by saying in most of what she has been doing, Charlotte Maxeke has played an important role in profiling the struggles of women. May we continue to honour our heroines and may we echo their contributions loudly into the next generation. I thank you. [Aplause.]

The DEPUTY SPEAKER: Thank you very much. Hon Deputy Chairperson, would you please come here? And this is not punishment for laughing at my expense. Hon Hendricks, please take over.

Mr M G E HENDRICKS: Thank you very much, hon Deputy Speaker. “Take over”: Are you referring to the Chair? I don’t think I have that privilege.

Hon Deputy Speaker, today is a very important occasion, but we have just heard that South Africa has the highest levels of gender-based violence in the world. We also know that South Africa is the most unequal country in the world in terms of certain global analyses. South Africa is the most unequal country in the world and it has the highest levels of gender- based violence despite the Constitution that we now have. Is there something wrong with the Constitution, or is there something wrong with the governing party, or is there something wrong with the Official Opposition because the argument could be made that they have been ineffective and that that is why we have inequalities and that that is why we have high levels of gender-based violence.

A negotiated settlement has its problems, because you accommodate your oppressors, and it looks like because that was done that that is why we have the inequalities and high levels of gender-based violence.

We also have sunset clauses. While we celebrate the Constitution – and I’m celebrating the Constitution – we would like to believe that we are on the right path, but surely 25 years later and we have this?

So let’s look at the Constitution. The equality clauses have been exploited. How can you have equality clauses and then not respect religious freedom? For example, religious marriages are accommodated, but then you don’t allow those religious marriages to have consequences in terms of the tenets of that religion. I’m talking about the religions that billions of people follow, not the religions where you use doom and you eat leaves. We are talking about respected religions.

So, in celebrating the Constitution, we would like to thank everyone who has given of their best endeavours. But Al Jamah- al wants to say that we have failed. We have a document, but there is really nothing to celebrate except the fact that basic services have been provided to many people, as have housing and electricity. Those come nationally. But surely we need to relook at the Constitution when it comes to the inequality and the high levels of gender-based violence? The Constitution can be amended, but there is a drastic need for an overhaul of the Constitution to eliminate the inequalities and to eliminate gender-based violence. Thank you very much, hon House Chair.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Hon member,

I will not tell you what the correct title is of this person who is sitting here. In future, I will not be a House Chair.

Mr Y I CARRIM: Chairperson, “We vote once every five years, but we have to eat three times a day,” said somebody. “You can’t eat the vote,” others have said. Wise words. They capture why the ANC insisted on having socioeconomic rights in the Constitution, making ours one of the first – and still among the few constitutions in the world – to include these rights. We have, say experts, probably the most advanced socioeconomic rights in a constitution globally.

But these rights didn’t fall from the skies. They were an outcome of the titanic mass struggles waged over decades against the apartheid system with its entrenched class, race and gender inequalities. Our struggle was not just for civil and political rights. It was that, but it was about much more; much, much more. Ultimately, it was a struggle against grotesque material inequalities – it was a class struggle; even if it took a largely racial form, it was a struggle of the have-nots, mainly Africans and more generally Blacks, and the haves, mainly whites.

Ultimately, what was apartheid about if not economic exploitation? Of course, apartheid was about brutal racial repression. But this racial repression was ultimately a rationalisation for economic exploitation. There is absolutely no biological basis for racism. No scientific basis. Racism is a social construct. It’s a myth created by a dominant group in a society to rationalise their exploitation of others on the basis of their skin colour.

To put it crudely, the colonialists came here, wanted the land, wanted to exploit its agricultural and mineral resources, recognised the value of its geographical location for their commercial interests and wanted to profit from all this and more. But there was one big problem! There were already people here whose land this was.

How to justify taking it from them? Ah, but these people were not whites – they were Khoi, San and other traditional and Black communities. People of a dark hue. And they had a different way of living from the colonialists, a different culture, and they were not Christians. Therefore, they were not human, decided the colonialists, they were inferior. And this justified taking their land. It allowed the colonialists to free themselves from any guilt. In fact, they saw what they

did as in the interests of Black people themselves – they were going to Christianise, civilise and humanise them. This is to oversimplify. But not too much really.

Of course, racism has many complex dimensions and has assumed a life of its own independent of class exploitation and can’t always be crudely reduced to that. Even so, ultimately the roots of racism lie in the false justification – the rationalisation actually – for economic exploitation. And in the case of our country, it’s clear. Unless we significantly reduce material inequalities, we will not be able to deal effectively with racism and the pernicious legacy of apartheid.

Which is why the ANC, increasingly since the 1969 Morogoro Conference, argued that the struggle against apartheid was not just against racial oppression but economic exploitation too, and why it emphasised that the struggle had to be led by the working class in alliance with other classes and strata.

So it wasn’t just the wisdom of the legislators and the legal experts that enshrined socioeconomic rights in the Constitution. It was also the outcome of the heroic mass struggles and the nature of the class alliances that led it.

Aspects of the socioeconomic rights, in the current Constitution, were there, in fact, in the ANC’s 1943 Africans’ Claims, has others have said, and in the 1955 Freedom Charter.

And there too in the ANC’s 1990 draft Bill of Rights in an explanatory note that said: “We do not feel that it is necessary to make a constitutional choice between having freedom or having bread. We do not want freedom without bread, nor do we want bread without freedom.” And the ANC fulfilled this in the Constitution.

What, basically, are socioeconomic rights? Constitutions usually have civil and political rights: the right to life; to vote; to a fair trial; to freedom of expression, religion and association; and to other individual rights. These are referred to as “first generation” rights.

Socioeconomic rights are the rights to food, water, land, housing, health services, education and the other basic material needs that human beings need to survive. These are referred to as “second generation” rights.

There are also rights to have a healthy environment, and to cultural and linguistic expression. These are referred to as

“third generation” rights. These different generations of rights are interrelated.

Some of the socioeconomic rights have to be implemented immediately, for example basic education. But others, for example, housing, have to be realised progressively through the state taking reasonable legislative and other measures within its available resources.

Judge Albie Sachs said that for the vote to have meaning it must be an instrument of achieving second and third generation rights. “It would be a sad victory,” he said “if the people had the right to vote every five years or so to emerge from forced-removal hovels and second-rate Group Area homesteads to go to the polls, only thereafter to return to their inferior houses, inferior education and inferior jobs.”

These rights, importantly, are enforceable by the courts. And the Constitutional Court has certainly not hesitated to do this, as was seen in the Grootboom housing case, the Treatment Action Campaign’s demand for antiretrovirals and other cases. South Africa has developed a comprehensive, globally influential socioeconomic rights jurisprudence, as many of you here who are lawyers would know. But just as people can’t eat

the vote, they can’t eat the words in the Constitution. For the socioeconomic rights to come alive, they have to be implemented.

How have we fared? Of course, there have been huge improvements since 1994. Many of the speakers before me – the Premier of KwaZulu-Natal, the Chairperson of the SA Local Government Association and others – have pointed to the many, many advances since 1994: free water, electricity services, education and health services for the indigent. And, of course, we have, I think, the highest percentage of the population on social grants. It hovers between 30% and 33%. In fact, under COVID-19, it is possible that it has become higher. And there is much, much more that we have done. But there is still a very long way to go, as the ANC itself admits.

Especially disturbing is that South Africa has the most acute income inequalities in the world. This has been made worse, of course, by COVID-19. And so we need to move faster on implementing the socioeconomic rights in the Constitution.

This is going to be especially challenging given the major economic, financial and COVID-19 crises confronting us. But if we don’t address the material needs of the poor and

disadvantaged and reduce the material inequalities which are widening, we are going to be far worse off.

And among the issues we need to address is land reform. We can’t keep running away from it. The pace of transformation is painfully slow, partly because of our own failures and partly because of difficulties that have not been due to us. In 1994 government decided to transfer 30% of the productive land by 2014. Even seven years beyond that, only 10% of agricultural land has been transferred. We need to implement – as the ANC says and as the Premier of KwaZulu-Natal said at the beginning of this debate – a fair and equitable land reform process that redresses the injustices of the past, increases agricultural output, promotes economic growth and protects food security.

The parliamentary process under way on this matter has to be speeded up.

To reduce our increasing inequalities, we need to move from words to action faster than we have ever done before. And we need to tackle corruption far, far more decisively, not least within our own ranks.

We have been leaders globally in putting socioeconomic rights in the Constitution. But we need to be leaders in putting

these rights into action and influencing other countries committed to the International Covenant on Economic, Social and Cultural Rights that we are signatories to.

Of course, we need partnerships of the state, business, trade unions, NGOs and other sectors of civil society, but mainly it is for the ANC in government, Parliament and through its structures outside to decisively lead and to decisively act.

If the opposition parties want to play a part, well and good. But between the racially tone-deaf DA leadership and the pretend-socialist EFF leadership, we can’t expect much.

Nothing more vividly shows the DA’s irrelevance to South Africa than the ever-brilliant Zapiro’s Exit Note cartoon of

24 May 2021. You want to know what the DA’s about, colleagues, comrades? Just look at that cartoon. It says more than a thousand words. Nothing more needs to be said by the ANC or anyone else about the DA.

As for the EFF, who are forever losing government elections they say they’ll be winning, the less said the better. They are dreamers, fabulists, certainly not historical materialists. [Applause.] So, of course, we’ll be hearing from them how they’re going to win the October elections they don’t

want. [Interjections.] So, they will be winning, they’ll say. Well, yeah right; and the sun will rise in the West tomorrow, Chairperson.

Now let us look at this debate for a moment. Look at the glib attacks on the Constitution from some who take no account of the balance of forces at the time; no account of the material conditions at the time; no context: historical, social, ideological for the expressions in the Constitution. They just make glib criticisms. We had to carry through a country on the verge of a civil war. Nobody in the ANC has said that the Constitution is sacrosanct. It can be amended where necessary.

The ANC led the struggle for liberation. It’s the ANC that enshrined socioeconomic rights in the Constitution. It’s the ANC that has the support of the majority in this country, and it’s the ANC that must do far more to implement those rights, to reduce our widening inequalities and fulfil the promises we’ve made to the people.

We owe it to the people. They have been too good to us. But for how long? Their patience, we know, is not endless. Let’s learn from the history of other national liberation movements, or suffer the same fate. I thank you. [Applause.]

*IsiZulu*:

Mnu Z N MBHELE: Ngiyabonga, Sekela Sihlalo ...

*English*:

... there is no question that South Africa has made significant progress in many respects from where it was 25 years ago.

The establishment of our constitutional democracy marked a sharp break from our oppressive and divided past and so, we can say, without equivocation that we are indeed a different country, mostly for the better. And we pay tributes to those, like DA’s own hon James Selfe, who played a central role in shaping that process.

But given our country’s potential at the start of this journey, with the Constitution as our map, we could and should have been much further down the road to a freer and fairer society by now.

The problem is that the ANC has governed like a person who drives with the foot pressed down on the accelerator, but with the handbrake pulled up, all the time trying to change gears without using the clutch.

Our Constitution is wonderful on paper, with the bold and transformative vision for South Africa, and expressing the progressive aspirations of communities across our country. But the ANC has failed to fully translate the vision of the Constitution into a lived reality for all. And the promise of the Constitution on paper has not been adequately matched by the fulfilment of that promise in day-to-day life, especially for the poorest and most vulnerable.

Why is this? Because that journey, from concept to concrete reality, requires strong institutional capacity, competent public sector management and clean governance, which, together, make up the capable state to drive forward progress and development. But the ANC has instead constructed a corrupt, croniest and captured criminal state.

And if you want to talk about the slow pace of land reform, hon Carrim, let’s talk about the Land Bank. A crucial institution that was bankrupted, corrupted and driven into the ground. That was meant to be the lowstone for driving land reform.

While the Constitution requires members of the Cabinet to be fully accountable to Parliament, many ANC Ministers often pull

up the handbrake to effective parliamentary oversights by their absence from committee meetings, questions sessions or to respond to member statements, or when they do dare with questions in their presence they can be congesading, dismissive and evasive.

While the Constitution requires public administration to professional, efficient, impartial, responsive, transparent and accountable, the ANC undermines that and pulls up the handbrake through cadre deployment and corruption by its cronies.

That is why we as the DA say that it is time for change.

*IsiZulu*:

Sekuyisikhathi sokuthi sishintshe lo mshayeli we-ANC oshayela njengesidididi.

*English*:

Our Constitution makes the ballot box the most crucial and effective mechanism for government’s accountability. And so in the upcoming elections on 27 October we invite all South Africans who are tired of riding in this ANC’s skorokoro [old worn out car], with the doors hanging of the hinges, cracked

windows, squeaking engine, splattering exhaust, almost empty fuel tank and breaking down every few kilometres.

Come on the DA’s blue bus, vote, register for DA difference

and drive with us into a brighter and prosperous future.

*IsiZulu*:

Gibelani nonke, siyavaya. [Ihlombe.]

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: The hon

Chairperson of the NCOP, the members of this House, guests and everyone.

Listening to the DA one would be mistaken to think that it’s an election manifesto presentation. This debate is not about the elections manifesto, it’s about the Constitution of the Republic [Applause.] it’s about the substance of what can be done and it is about the people of this country; that many heroes of our struggle have fought for and shed blood for.

The hon Naledi Pandor, when she started, to show that the ANC wants to build a country which is inclusive, she acknowledged everyone who was in this House when the Constitution was adopted; but the DA only acknowledges Mr Selfe as the only

person who participated in the drafting of the Constitution. She has acknowledged everyone, including the Chief Buthelezi; it’s because of the inclusive nature of the ANC in governing this country.

It wants to place all South Africans at the centre of nation building. And it was for this reason that the former President, Thabo Mbeki, who was the Deputy President at that time, who said: “I know that no one dare challenge me when I say I am an African.” And no one challenged that statement in this House, including Mr Selfe at the time.

He went on to say:

Whatever the setbacks of the moment, nothing can stop us now; whatever the difficulties, Africa shall be at peace; however improbable it may sound to be, the sceptics of Africa will prosper; whoever you may be, whatever our immediate interest, however much baggage we carry from our past, however much we have been caught by fashion of cynism and loss of faith in the capacity of the people, let’s err and say nothing can stop us.

All of us have a responsibility to build this country.

Here we are today as sons and daughters of farm dwellers, miners, nurses, kitchen girls, debating the progress, foundation and challenges of the Constitution. This Constitution places the people at the centre of this country.

The Constitution says: All South Africans must play a role in constructing this society. The ANC as the majority party, had on many numerous occasions, could have just said it must only be what the ANC thinks and should only be what the ANC believes should be of this country, but the ANC said this responsibility is to be placed in the hands of the people of this country; it is the blood of ANC heroes that led us to this. It is not peacetime revolutionaries like the EFF who are today saying and speaking in military and violent ways to divide the nation.

These heroes shed blood; Chris Hani shed blood for this country, Zephania Mothopeng shed blood for this country, Griffiths Mxenge, and many other heroes of our struggle.

The ANC knows war, it knows violence, but the ANC said: Let’s

be a country of peace, stability and the rule of law. It was

for that reason that we brought this Constitution to this country; and it is for that reason that the first law that Nelson Mandela signed into effect, during the time of the interim Constitution, is the Land Restitution Act of 1994, he signed it in November 1994 and it came into effect in December 1994.

This demonstrated the historical commitment of the ANC to land reform, that it was formed to resolve this challenge. And it was for that reason that President Mandela wanted it to be the first law that he signs, to demonstrate the commitment of the ANC to return the land of the people of this country.

And since that period, the restitution programme has delivered land to our people in this country, historically who were affected; and also the redistribution programme.

We acknowledge that the restitution programme have had challenges, it had problems, but at least it has delivered something that the people can touch. Across the country, you will find that of received land through the restitution programme.

We do acknowledge that it has those challenges but it does not mean it is a failure altogether. Because from those lessons we can now build to move to the future.

And it is for that reason that the ANC speaks that we need to amend the Constitution to enable expropriation without compensation. It is for that reason that the ANC says we must ensure that there is redistribution of land in the country. It is for that reason that the ANC says we must reconstruct this country in a manner that leaves and allows a mixed economy, and a mixed ownership of land where the state will have land for its own use or lease and also where private individuals will be able to have free hold, but also where there will be communal ownership of the land.

The ANC says the land must go to the people. It is only when the land has gone to the people that the people will have a meaningful way to use the land for whatever benefit they want, whether socially, economically, to practice sports or for whatever purpose. It’s when they have uninhimbered access to the land.

Hon Zikalala has already given statistics about how we have moved in terms of advancing the socioeconomic rights that the hon Carrim was speaking about.

The Freedom Front clearly yearns for the past of apartheid where there was no accountability. They have no moral standing to speak about corruption because under apartheid corruption was worse; apartheid legalized corruption. They have no moral ground or anything. The system on its own was biased, immoral, corrupt, inhuman, the system on its own was not about the people.

This Constitution has brought back the people into the centre and it enables even those who were the sceptics of the Constitution and also the sceptics of our democracy to come here and spill Bills, they spill bile, they also come here and mislead the nation. They also get the platform to misread, misdirect and [Interjection.] [Inaudible.] characterised this country.

This is the basis of this Constitution. It has allowed the minorities to also participate and it is this platform ... it is this constitutional platform that allows us to construct the country we want to have. And it is for that reason that

the ANC wants both on the left and on the right and everyone to come together, join us to build this country. We have a responsibility to build a nation.

We cannot bring you into our bus to divide, to take the bus’s wheels one by one, to break windows, to do all the manner of things that are not helping this country to go forward. Your presence in this House is aimed to help us to take South Africa forward, it’s not to come here and distract what the ANC, through this Constitution, said we must be able to build.

I am bringing this issue of the Constitution because the ANC at some stage had a two-thirds majority in this House, if it wanted unravel this Constitution it would have done so. But because the ANC understood that this Constitution is what brings and binds all South Africans together, it is what all of us, it is the contract of all South Africans. It’s what we must all strive to ensure that it stands, walks and but it also make sure that all South Africans, wherever they are, are able resolve their socioeconomic challenges, whether it’s water, electricity, road infrastructure. Whatever the challenges that are there, which we acknowledge that they are there, but let’s all work together to resolve these

challenges. Because we’ve been able to say: This is what we’ve

been able to do.

The hon Premier of KwaZulu-Natal has given all those statistics. But all of us as the House, let’s then say: Working together, where do we take this country to? Above this

25 years what are the lessons that have we learnt?

The lessons that we know ourselves at the ANC, and we have learnt in government, is that we’ll not build a country if we’re divided. The African continent has many other areas that when you do not work together you’ll end up with conflicts. In Israel, as we speak, and Palestine there’s a real conflict; and many parts of the world, there are conflicts that shows that if nations do not work together you will not be able to move forward.

We have given you this platform that with the power of your words you must be able to construct a South Africa that all of us can be proud of. It is a responsibility that we have. And we are not giving this platform of the Constitution because we’re badly scared, the ANC is a product of battles in this country. It can demonstrate people who died ... who died for the freedom of this country.

It’s not because we’re cowards, it is because we understand that the only way to build a nation is when there is one social contract that binds the entire nation together.

It is not a platform to launch a manifesto this one, we’re going to have rallies and many other platforms; this is for the debate of the Constitution. [Applause.]

It is also this ANC government that has allowed all South Africans to participate during this process of COVID-19. During a pandemic we still say: All of us let’s build and fight together as a nation.

It is also this ANC government that has fought and won in the global world, in the global community to fight against vaccine nationalism, vaccine hogging and said: All countries of the world must open up, they must allow for universal access to the vaccine.

And that’s why now there is a debate across the globe which it now going to be taken to the World Trade Organisation, WTO, to waiver for a particular period of time to enable developing countries to manufacture their own vaccine; and this country

will be biggest beneficiary, including many countries in Africa and in those of the developed world.

It is this leadership of the ANC that says: All of us as South Africans we must contribute to build this state capability and the vaccine that will enable us to vaccinate the whole nation.

It is a misnomer and it is also mischief to say that we are not able to vaccinate this country. We are in phase 2 of the vaccination programme.

We will also be able to deliver in the National Health Insurance, NHI. We are in the process; we are marching ahead; you either join us or you do not.

But the outcomes of the last elections show that the people of this country ... even in the by-elections they’ve rejected all of you [Applause.] the whole by-elections.

Even hon Ryder comes here and says the DA runs the best municipalities. The people of Knysna have just said ‘No’, the DA does not. It is the ANC that they have given a mandate.

The people of Tshwane have again said ‘No’ in those areas in

many by-elections there.

The people of Eldorado Park in Johannesburg have said ‘No’.

Across the country the people are saying: We trust you, ANC. What are they just saying is that ‘please don’t play with our vote [Time expired.] because as the people of this country we want water and various thing’. Thank you very much, hon Deputy Chair. [Applause.]

Debate concluded.

# ANNOUNCEMENT

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Hon

members, allow me to, before we adjourn the Joint Sitting, recognise one of our long serving staff members, Mr Brent Leeuwendaal, and I would want him to show himself.

Mr Leeuwendaal has announced his early retirement from the NCOP ... Mr Leeuwendaal, there he is [Applause.] ... with effect from 1 June 2021 after 35 years of service in Parliament.

He started his career in Parliament on 27 January 1986 as a service officer. He diligently served Parliament in the Senate and thereafter in the NCOP as a chamber and administrative assistant.

Mr Leeuwendaal has also, throughout his career, provided chamber service support to the Joint Sittings of Parliament and it is therefore befitting that we, at this last Joint Sitting before his retirement, express our sincere gratitude to him for his dedication to his work and the excellent service provided to members for the duration of his employment.

Mr Leeuwendaal, already yesterday the members of the NCOP have said a lot about their experiences that they had with you.

Thus we want to wish you well on your retirement and success and happiness and all your future endeavours.

Like I’ve already said yesterday, we spend most of our lifetime with our colleagues more than with our families. May your family now have the time to enjoy you. Life is taking you away from us, particularly in the time of the COVID-19 pandemic, but it’s giving you to your family.

The Joint Sitting adjourned at 13:08.