

# Calling for fundamental change

By Mary Turok

The writer is an ANC stalwart and continues to be active in the party after a life-time of political activism.

*This is a summary of the Report of the High Level Panel on the Assessment of Key Legislation. The High Level Panel was created in 2015 by the Speakers' Forum. Its mandate was to review legislation and its implementation and propose steps to strengthen, amend or change some of these laws.*

**T**wenty years after the fall of apartheid the question was being asked: how far have we gone?

The fourth democratic Parliament (2009-2014) resolved that the next Parliament (2014-2019) should improve governance by reviewing the legacy of the new legislation and its impact.

Following extensive consultations and workshops it became clear to the Panel that, despite extensive legislative reform, the ills of the past are being re-produced in post-apartheid society. The changes observed had not dented the deep inequities in the quality of services received, nor had they made fundamental changes in outcomes.

The Report, published in November 2017, had a very wide

and complex brief. The following is a summary of the contents:

- Poverty, Unemployment and Wealth Distribution (Chapter 2) is a primary concern and the Panel makes a range of recommendations to unlock the current impasse such as improving public health and education, and lowering barriers into the economy.
- Land Restitution, Redistribution and Security of Tenure (Chapter 3) is of concern because of the slow pace of land reform. The Panel found that policy and law has drifted from being pro-poor and there is a lack of vision for rural reform. The Panel recommends specific changes to legislation including a detailed framework for land reform.
- Social Cohesion and Nation Building (Chapter 4) are a major challenge after three centuries of colonial and apartheid rule. Spatial Inequality (Chapter 5) is identified as one of the most visible manifestations of the legacy of apartheid. Its architects and executors worked energetically to map a racial hierarchy on to the land, trapping disadvantaged communities in poverty and underdevelopment, creating inefficient cities and robbing poor, rural people of secure livelihoods. The report points out that two decades after the transition to democratic rule the geography of apartheid is largely unchanged for the poorest and most vulnerable South Africans. The Report recommends the



upgrading of informal land rights by a robust land recording system, the expropriation of well situated private land and the redistribution of well situated land owned by cities and companies.

- Implementation of Legislation (Chapter 6) is a cross-cutting theme focused on the importance of sharpening Parliament's role in guiding execution. The Panel recommends a comprehensive audit of major challenges and remedial action. State working in silos. The Panel therefore recommended that Parliament set up a special task team that cuts across portfolios to process the report.
- In the Way Forward (Chapter 7) the Speakers Forum had directed the Panel to develop a plan to guide implementation of the recommendations. However, the Panel pointed out that, given the deeply entrenched nature of many of the problems, it was unable to produce such a plan in the time available.

In April 2018 Parliament appointed an Ad Hoc Committee to deal with the Report's recommendations. It was agreed that the Committee act as a "clearing house", distributing recommendations to the relevant Portfolio Committees rather than trying to be a "super" Portfolio Committee itself. [NA](#)