



# 2015

## ANNUAL REPORT

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**CALS** Centre for Applied Legal Studies

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We take this opportunity to thank all those who have contributed to our work in 2015, particularly our funding partners and counsel.



*Justice Thembile Skweyiya (left) and Mr Gednezar Dladla (right). Images courtesy of Bongive Mchunu and Trevor Barrett*

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# DEDICATION

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This publication is dedicated to two of our dear friends and colleagues, Justice Thembile Skweyiya and Mr Gednezar Dladla. Their lives were marked by their passionate activism and devotion to social justice. We remain profoundly saddened by their loss and we send our deepest condolences to their loved ones.

Justice Skweyiya was a pioneer in the legal profession, playing an impactful role during a difficult and painful time in our country’s history. Later, Justice Skweyiya was an unassuming judge who played a quiet, often unacknowledged role in the development of the jurisprudence of the Constitutional Court. CALS is also grateful for his contribution on the editorial board of the South African Journal of Human Rights.

He will be remembered as a humble and peaceful man with an enduring commitment to the values of our Constitution and a great love of jazz music.

Mr Dladla was a remarkable community leader and environmental activist who campaigned tirelessly for the rights of the mine-affected Somkhele community in KwaZulu Natal. Mr Dladla was a founding member and deputy chairperson of the Mining and Environmental Justice Community Network of South Africa, a network of communities impacted by mining in the country. He will be remembered for his quiet dignity, courage and commitment to seeking environmental justice for all.







*Buildings and water tanks in the Johannesburg inner city*

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## BASIC SERVICES

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In South Africa, everyone has the right to access basic services such as water, health care and housing. While these rights are protected in the Constitution, widespread poverty and inequality remain huge barriers and many communities are still unable to access these rights. The Basic Services Programme works to assist these communities and to ensure socio-economic rights are realised.

Historically, the Programme has largely focused on housing and eviction matters, contributing to many landmark cases in this area. More recently, our work has included cases on issues such as access to water, sanitation and electricity. However, housing remains a major challenge despite the many gains that have been made.

### HOUSING AND EVICTIONS

The Constitutional Court has made clear rulings on how evictions should be managed and on the state's obligations to anyone who may be left homeless by an eviction. However, many courts still fail to take this into account, granting evictions without considering the personal circumstances of the residents and failing to ensure the state provides them with alternative accommodation as they should.

To try to combat this, the Programme has attempted to intervene in more cases at the magistrates' court level. "What we've seen is that some magistrates don't agree that our clients have a defence to their evictions," says Palesa Madi, candidate attorney at CALS.

"They don't even understand why we need to take instructions. We have to convince them that the City of Johannesburg has to be cited in proceedings, and make the same arguments again and again even though the case law here is clear."

Working consistently with these magistrates over the past year has shown some success. "There are still many cases where evictions are being granted without the City being cited, but we've seen some shifts there," says Palesa. "In our most recent appearances, the same magistrates have compelled the City to meet its constitutional obligations. It shows this is the right place for CALS to intervene and we feel strongly that there is an important advocacy role for us to play here."

Even when the City of Johannesburg is cited in proceedings, this is not a guarantee that residents will be given access to accommodation as they should. "With the City instituting a continuous stay application, alternative accommodation is itself now a challenge," says Zeenat Sujee, attorney in the Basic Services Programme.

"The stay application suspends all our eviction cases involving the City of Johannesburg. It's holding all of our cases in obedience because there is a lack of resources to deal with temporary emergency accommodation."

This application has resulted in many more 'constructive' evictions, where residents find their water and electricity is disconnected to try to force them to leave their homes without a court order. "We're going to court continually to fight for the reconnection of water supply and electricity," says Zeenat. "The most positive thing is that our client communities still have some place to stay."

## Case Study: Elias Motsoaledi

In December 2015, CALS was approached by a large community in the Elias Motsoaledi area in Soweto who were being forced out of their homes. The majority of them were so-called 'backyard dwellers' who construct homes in the back of the main residents' stand. As part of the City of Johannesburg's RDP programme, a number of city officials had been telling landlords that, in order to receive their houses, they would have to make sure their current stands were cleared and that everyone had moved off including the 'backyard dwellers'.

***"In our most recent appearances, the same magistrates have compelled the City to meet its constitutional obligations. It shows this is the right place for CALS to intervene and we feel strongly that there is an important advocacy role for us to play here."***

"This is, of course, wholly contrary to the law," says Gina Snyman, CALS in-house counsel. "The Constitution and our case law say that no person can be evicted except through an order of court and that even then the municipality must provide accommodation for anyone who would be rendered homeless through an eviction."

CALS brought an urgent application to prevent these ongoing evictions, interdict the City from instructing people to evict

others, and allow everyone who had been evicted to return to their original stand. The Court agreed that the City was ultimately responsible for the evictions, granting the urgent interdict and ordering our clients to be resettled back to where they had been living.

The City did not comply with this order, however, and CALS was forced to bring contempt proceedings at the end of December. The Court handed down a new order giving the City more time to comply with its instructions. In the end, the group of about 100 people were returned to their homes in the informal settlement.

## WATER AND SANITATION

As mentioned above, the Basic Services Programme has previously litigated mostly on urgent evictions and housing issues, especially in the Johannesburg inner city. More recently, our work has grown to include cases focusing on the rights to water and sanitation and how lack of access to these basic services can impact rural communities.

“People cannot live without water,” says Zeenat Sujee. “It affects everything from their health and sanitation to education, safety and security.”

Lack of access to water is also a particular problem for women, given the gendered roles that they are expected to fulfil. “It’s women who are expected to walk the long distances to carry water home to prepare food and take care of their children. It’s women who have to put their safety at risk every day. It’s women whose rights are most impacted when there is no consistent water supply,” says Palesa Madi.

### Case Study: Flag Botshielo West

CALS represents five villages in Limpopo which have not had access to water since 2009 when the Sekhukhune District Municipality cut off their existing water supply. The villages of Elandskraal, Morarela, Mbuzini, Dichoeng and Tsansabela have been left with little to no water despite the fact that there is a pipeline nearby servicing other areas. The majority of community members are children and elderly men and women whose health and safety are compromised daily by the lack of water. They are forced to collect water from crocodile-infested rivers and springs shared with other animals far from their homes. Without sanitation, many of the girls are unable to attend school when menstruating.

On behalf of these communities, CALS approached the North Gauteng High Court, asking for their water supply to be returned. The Municipality opposed the application and insisted that they had plans to build a dam in the area to provide water.

“Until the dam is built, the communities need a stop gap. People can’t go without water for days on end with no consistency in water delivery. There needs to be a consistent source of water through water trucks or tanks,” says Baone Twala, candidate attorney at CALS.

***“People cannot live without water. It affects everything from their health and sanitation to education, safety and security.”***

The matter was thus brought in two parts, with the first part of the application asking for an interim water supply to be put in place urgently. This was heard in July 2015 and resulted in a settlement with the Municipality. The Municipality agreed to truck potable water into the villages twice a week.

By October 2015, the Municipality had failed to comply with the order and CALS went back to court. After this, the communities have had a more consistent, predictable water supply. The second part of the application will focus on a more long-term solution to the lack of access to water and will hopefully be heard next year.

“The long-term plan is still to challenge the Municipality’s water policy,” says Zeenat. “This is ultimately about the progressive realisation of the right to water.”

## COMMUNITY WORKSHOPS

Throughout 2015, CALS ran a series of workshops with our client communities in the Basic Services Programme. These workshops consisted of intensive day-long interactions with groups in the communities. The workshops give community members an



opportunity to discuss their own cases and learn more about their rights and how to exercise them. The workshops not only focus on socio-economic rights but also on civic responsibilities, the obligations of the state and how local government can be held accountable.

“The purpose of the workshops is to contextualise the cases,” says Palesa Madi. “So often the law is inaccessible, but it’s important to get the law out to people who don’t usually work with it. The ultimate goal is for our clients to walk away informed but also having enjoyed engaging with the law.”

The workshops include a number of exercises prompting participants to share what they understand about their rights and the obligations of the state. The intention is for them to share their own knowledge and struggles with the rest of the group and come to a better understanding of the issues in their own cases and in the wider South African context.

These interactions also help our staff members to build relationships with the communities outside of urgent situations, and to better assist communities with their litigation strategies.



Top: Client communities engaging in workshops on constitutional rights in Kliptown, Soweto. Centre and bottom: Communities participating in workshops in Marble Hall, Limpopo



*Members of the African Coalition for Corporate Accountability attend the 2015 United Nations Forum on Business and Human Rights in Geneva*

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# BUSINESS AND HUMAN RIGHTS

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While much of our work focuses on holding the state accountable for upholding human rights, there are many powerful non-state actors that also have a role to play here. Many corporations impact the rights of individuals and communities where they operate, affecting everything from their environment to their social security. The Business and Human Rights Programme therefore works toward ensuring that corporations respect human rights and are held accountable for violations. We also take this one step further by targeting the entities that fund these operations, including investors and financial institutions. We work at a number of different levels, but the Programme primarily focuses on regional and international advocacy.

## NATIONAL ACTION PLANS

In 2008, John Ruggie's Guiding Principles on Business and Human Rights were adopted by the UN Human Rights Council. The Guiding Principles emphasise states' duty to protect and corporations' duty to respect human rights. In Europe, many states have begun developing national action plans detailing how they intend to implement the Guiding Principles. "The UN Working Group on Business and Human Rights is the entity responsible for overseeing this process," says Nomonde Nyembe, attorney at CALS. "They commissioned a guiding document to lay out what should ideally go into the plans, how the process should work and who should be consulted."



CALS has partnered with SAIFAC at the University of Johannesburg, the Centre for Human Rights at the University of Pretoria, and the Singapore Management University to provide the Working Group with a 'Global South' perspective on national action plans taking into consideration our particular context. In 2014, we made two submissions focusing on the development agenda in Africa and Asia. This year, we hosted a series of workshops and conducted surveys with relevant stakeholders to get a sense of their ideas for what the process of developing a national action plan might look like in Africa.

## FINANCIAL INSTITUTIONS

CALS not only examines the roles of states and corporations in human rights violations, but also those entities that fund development projects. In 2011 CALS developed the Johannesburg Principles, a set of guidelines for financial institutions that outline the steps they can put in place to monitor projects they fund, for example by doing human rights due diligence or staggering loans which are then conditional on complying with human rights standards.

"Financial institutions are possibly the most important building block," says Nomonde. "If financial institutions refuse to fund projects which harm human rights, violations would not occur." We have used the Johannesburg Principles as a foundation to guide a range of institutions, including development banks, insurance companies and retirement funds to make them aware of how they may be financing projects which violate human rights.

This year, we have also been able to make a number of policy and legislative submissions on the Promotion and Protection of Investment

Bill, the Financial Sector Regulation Bill, the BRICS New Development Bank, and the World Bank's Environmental and Social Framework. Our aim has been to ensure that these policies and frameworks take human rights standards into account when promoting development and investment. A particular focus for us is advocating for communities negatively affected by development projects to have access to a dispute resolution process.

## BINDING TREATY

Dispute resolution is also a theme of one of our other focus areas: a binding treaty on business and human rights. "We're at a point now where businesses are just as powerful as state actors. They have the power to do a lot of harm to individuals, to communities, to countries. Yet there's no regulating authority and no legislation to govern their operations," says Baone Twala, candidate attorney at CALS. "There are many treaties that are pro-business and consider the financial aspects of global corporations and how they operate. But there isn't anything holding them accountable

for human rights violations. What we need is a legally binding international mechanism to fill this gap."

In June 2014, a resolution calling for such a mechanism was drafted by representatives from Ecuador and South Africa and tabled for adoption by the UN Human Rights Council. The resolution was signed by Bolivia, Cuba and Venezuela and supported by 20 countries. It called for establishing an intergovernmental working group to develop an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights.

The UN subsequently resolved to set up such an intergovernmental working group and CALS made submissions at their first meeting in June 2015. We argued that an important aspect of the binding treaty relates to how communities negatively impacted by development projects, especially in the Global South, must be able to access remedies and resolve disputes.



“We need businesses to make the economy work, but they have to operate in ways that do not oppress people,” says Baone. “We are oppressed even in the way that we think about corporations and what they should be able to get away with for the sake of the economy. The binding treaty should help us to address that on an international stage.”



“The fact that the binding treaty was a process led by countries in the Global South was remarkable,” adds Nomonde Nyembe. “Not only are we in the process of developing an essential tool in holding corporations accountable for violating human rights, but this is being driven by some of the countries most often affected by these violations.”



CALS continues to consult with representatives from South Africa and Ecuador on the development of the binding treaty.

Top: Women and mining workshop participants break into small groups. Centre: Wandisa Phama conducts a session with workshop participants in Rustenburg. Bottom: Phama and participants at the Richard’s Bay workshop



## BUSINESS, HUMAN RIGHTS AND GENDER

As with all of our Programmes, gender is an important aspect of our work in holding corporations accountable for rights violations. While the field of business and human rights critically examines how businesses operate, there is limited work done in this area that takes a gendered perspective. We recognise that rights violations do not generally occur in isolation, but rather intersect and often have a disproportionate impact on women.

“Women often experience any harm in a particular and nuanced way,” says Nomonde. “When there is no access to sanitation or water or electricity, this doesn’t have the same effect on men and women. There is almost always an extra burden on women. The same is true whether it’s the state or a corporation responsible.”

***“We need businesses to make the economy work, but they have to operate in ways that do not oppress people. We are oppressed even in the way that we think about corporations and what they should be able to get away with for the sake of the economy.”***

CALS therefore has several projects focusing specifically on the impacts of business practices on women, especially in relation to the mining industry.

### Case study: Women and Mining

In 2015, CALS was approached by the family of a female mine worker who had been raped and murdered while working underground at a platinum mine in Rustenburg. In 2013, the 27-year-old was gang raped and left to die in the mine where she worked.

“There were 13 men working in the shaft at the time of her death,” says Bonita Meyersfeld, Director at CALS. “Only one suspect was arrested and prosecuted.” In 2014, this suspect was found guilty of rape and murder. He had worked as a health and safety officer at the mine.

CALS is assisting the family with their campaign to hold the mining company accountable for the safety of women underground. We argue that this is something that should form part of health and safety standards for all mines, where women working underground are in the minority and are vulnerable to attack. We hope that successful litigation and advocacy efforts will force corporations to put in place systems that prevent sexual violence underground.

Working on this case also gave us an opportunity to look at other approaches to sexual violence in mining communities. At the end of 2015, CALS conducted a series of workshops in Johannesburg, Rustenburg and Richard’s Bay. “The point of doing the workshops was to capacitate everyone,” says Ayabonga Nase. “Even just to let them know that it should not be the norm that you go through this much violence.”

### Case study: Women of Marikana

CALS has worked with the women of Marikana through their organisation Sikhala Sonke since 2012. We have assisted them with their protest work and presented evidence on their lived experiences at the Marikana Commission of Inquiry. Now that the Inquiry has ended, CALS is assisting Sikhala Sonke to lodge a complaint with the International Finance Corporation, the lending arm of the World Bank. The IFC is a major investor in Lonmin, yet has failed to ensure the company meets its own standards. The complaint describes how mining in the area has affected the women and their community. The first step in the process is mediation. “As long as I have worked with these women, all they have wanted is to sit down and speak to the executives at Lonmin,” says Palesa Madi. “This process allows for that interaction.”



*Mine affected community in the Eastern Cape Province*

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# ENVIRONMENTAL JUSTICE

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The concept of environmental justice focuses on how environmental benefits and burdens are distributed. For the CALS Environmental Justice Programme, this means focusing on the extractives industry in South Africa and working to address the long history of inequality in the sector. Mining continues to disproportionately affect rural communities and people living in poverty. They are forced to bear the burden of environmental degradation while receiving little to no benefit from the use of the natural resources.

The Environmental Justice Programme acts on behalf of these communities to unpack their concerns and use the law to address this inequality. One of the main projects in this area examines mines' social and labour plans.

## **SOCIAL AND LABOUR PLANS**

Something that has become clear from the Marikana Massacre and its aftermath is that mine workers and their communities are deeply frustrated with the exploitative manner in which the mining industry operates. Their living and working conditions remain appalling, even though there is a mechanism that governs how mining should benefit them: the social and labour plan system.

When a company applies for a mining right, that application has to include a document called a social and labour plan (or 'SLP'). This plan outlines how the mine intends to contribute to development in the area and benefit its workers and affected communities.

"The system is not currently well-understood by the mining industry or by the communities it's supposed to benefit," says Louis Snyman, attorney in the Environmental Justice Programme. "It's a system that could be very powerful or could perpetuate the exclusionary way in which communities are being treated."

With little to no research yet conducted in this area, CALS launched the social and labour plan project. The project began in 2014 with collecting social and labour plans to analyse how they are designed.

This presented the first challenge as only one SLP was readily available on a company's website. To access the rest of the samples, we undertook a massive access to information project, requesting the documents from government and the mining companies.

We were able to collect 50 social and labour plans from mines of various sizes extracting different minerals in areas around the country. The plans were analysed across a range of criteria from whether the documents were signed and authorised, to the potential impacts of the mine listed, to whether communities were consulted during drafting. This analysis generated over 4000 data points and allowed us to track the trends in the quality of the SLP designs. These trends were captured in the first report on the project, published in 2016.

"One of the major problems is public participation," says Louis. "People can't participate in the process meaningfully if they don't have the information or haven't been invited to meetings or don't even know that the system exists. How can you develop people's lives without asking them what they want?"

The project is set to continue next year with an in-depth look at how SLPs are implemented.

***"People can't participate in the process meaningfully if they don't even know that the system exists. How can you develop people's lives without asking them what they want?"***

## GLOBAL SOUTH MINING EXCHANGE

CALS is part of a global network of civil society organisations who share a common funding partner, the Bertha Foundation. "In some of our early interactions with the network, it became clear that we were working on similar issues around mining and land," says Lisa Chamberlain, Deputy Director at CALS. "Bertha made it possible for us to construct something out of that."

CALS co-organised a trip to Mexico this year where members of the network were hosted by a local organisation called PRODESC. The exchange brought together lawyers working on land and mining issues in the Global South – from South Africa, Mexico, Colombia, India, Myanmar and Thailand. CALS was represented by Lisa Chamberlain, Louis Snyman and Palesa Madi.

"The purpose of the exchange was to share strategies and information and to see how other people facing the same challenges are doing things so we could take this back to our clients," says Palesa Madi. "It was definitely one of the highlights of 2015."

## MAPUNGUBWE WATCH

Since 2010, CALS has been working with the Save Mapungubwe Coalition to protect the Mapungubwe World Heritage Site from the threat posed by coal mining in the area. When Vele Colliery was given the right to mine within 7km of what is not only a national park, but a sacred heritage site and water scarce area, a diverse group of organisations came together to oppose the mining.

While the Mapungubwe Project began with litigation, the Coalition's strategy has shifted over the years to include media advocacy, negotiation and most recently compliance

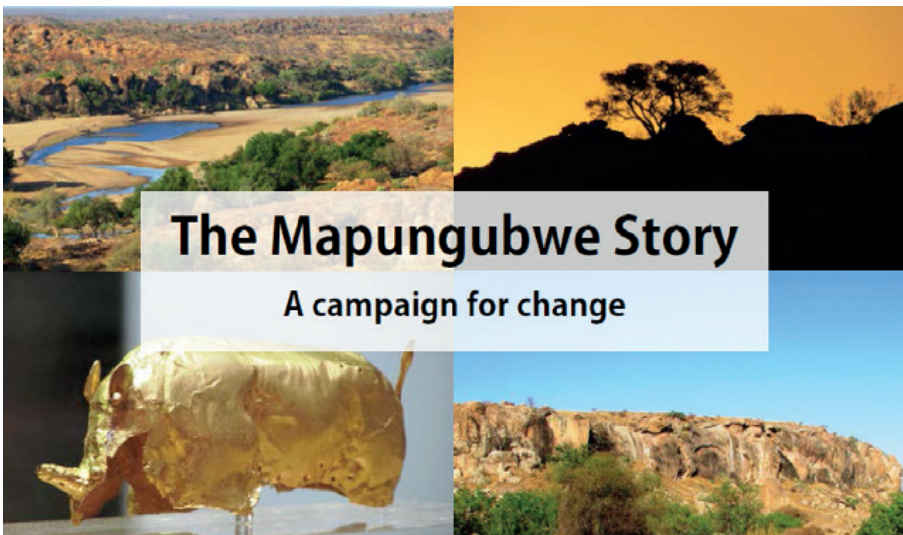


monitoring. The Coalition is the first civil society group in the country to sit on an Environmental Management Committee, overseeing the mine's compliance with its environmental obligations.

"The Coalition has contributed immeasurably toward the protection of Mapungubwe and has placed the danger posed by unsustainable mining projects on the regional, national and global agenda," says Robert Krause. The Coalition continues this work through Mapungubwe Watch: a strategy which sends the message that decisions relating to Mapungubwe and its environment are still being closely monitored.

**Launch of 'The Mapungubwe Story'**

The story of the Coalition, its challenges and achievements have been captured in a book published this year by CALS entitled, 'The Mapungubwe Story: A campaign for change.' The book includes contributions from Coalition members and our legal partners at the Centre for Environmental Rights and, most importantly, from affected communities. The book launch was a poignant moment for CALS and the Coalition. What follows is a speech by one of the community leaders at the launch event.



Top: Cover of our publication 'The Mapungubwe Story: A campaign for change'. Centre: Lemba community members attend the book launch. Bottom: Save Mapungubwe Coalition members attend the launch, 24 June 2015.



## **Launching Mapungubwe: A Lemba Community Perspective by Matshaya Mathivha-Seremane, Lemba Cultural Association**

To the organisers of this event, CALS staff, community members and all those gathered here tonight, Shalom and good evening. I am Matshaya Mathivha-Seremane, the son of Thakhani, the grandson of Gedzula, the great-grandson of Randifaleni, the great-great-grandson of Seremane, and great descendant of Mapungubwe.

I am honoured to be part of this book launch. It is also a great privilege for me to be one of the persons who contributed in the writing of this book. I am a dedicated and unwavering advocate of our culture and heritage, the Lemba community and others' rights. I am also an environmentalist who fights for the protection and sustenance of nature. I stood up and objected to the mining activities of Vele Colliery, the mine which is destroying our culture and heritage, without the consent of our community, the descendants of Mapungubwe, stakeholders and other interested parties. The mine that has been granted a mining licence by the government without us. I wonder what type of government is this? The government which carelessly and blindly concludes deals without considering its citizens rights.

I am also prepared to fight fearlessly against the government officials, and establishments that nicodemously intrude upon our sacred places, and undermine the rights of the communities of Mapungubwe. I believe my position as chairperson of the Mapungubwe Park's forum is not by chance, but by the spirit of Mwali, the creator of universe, and the spirits of

my ancestors who are resting on the top of the Mapungubwe Hill. I would like to share a poem written by my son specially for this occasion.

### **Mapungubwe**

***By Talifhani Mathivha-Seremane***

The kingdom of gold, it is  
So small, yet so big  
So big, filled with talent so big  
It is Mapungubwe

A place with extraordinary things  
A place with tremendous value  
A place of trade  
A place so strong it can never be  
shaken like the mighty elephant  
Yet so old, but the history of it will  
never fade

It is as it is  
Isn't it?  
The northern tip of South Africa  
Where they turn rock into liquid  
Moulded into shape  
Turning nothing into something  
As they moulded the golden rhino



# ALTERNATIVE MINING INDABA

The Alternative Mining Indaba is an annual event held in February in Cape Town. It was introduced in 2009 as a response to the Investing in African Mining Indaba, a networking event for investors, mining companies and government officials. The Alternative Mining Indaba is a platform where mine-affected communities and civil society organisations working on mining in South Africa can come together to share ideas,

exchange strategies and shed some light on the realities of the impacts of mining in South Africa and the region.

“We learnt this year that the ‘talk shops’ are no longer enough,” says Louis Snyman. “We need to start putting solutions on the table. Communities and civil society agree that the time for talking is over. It’s time to initiate a reasoned response to the way in which mining is ruining rural communities in South Africa.”

## Candidate Attorney Spotlight: 'A Tale of Two Indabas' by Baone Twala

“As long as I don’t see a placard, you’re welcome,” we heard the security guard say. We had asked to enter a café connected to the Cape Town International Convention Centre. At the time, Cape Town was playing host to two separate mining indabas. The corporates were at the Investing in African Mining Indaba (IMI) at the Convention Centre in town, while mining communities and civil society were at the Alternative Mining Indaba (AMI) on the outskirts of the city centre.

On the first day of both indabas, delegates from the AMI marched to the Convention Centre to voice their dissatisfaction with the way mining companies operate in Africa. Their messages asked corporations to calculate the true cost of mining – the health and well-being of mine workers and their communities.

Unfortunately, the representatives of these companies were inside a guarded building, barely aware of the protesters. Those IMI delegates who did witness the march merely shook their heads in frustration. The indaba already

placed an emphasis on a community partnership approach to mining and it would not be possible to meet the demands of every protest.

Regardless of the close proximity of the AMI marchers to the IMI merchants, the two indabas and their respective messages remained separate. Likewise, there is an ideological divide between the corporate world and the world of workers and communities affected by mining.

The dissatisfaction of these communities evident in the protest can also cause major problems for mining companies. With dissatisfaction comes striking for better pay and access to basic services. At the IMI, many cautioned that South Africa is becoming less attractive to investors because of the unstable nature of labour relations.

These investors are one of five entities that are indispensable to the extractives industry. The others are government, the mining companies, mine workers and communities affected by mining. It is no secret that the last three are in

a cycle of contention which, if allowed to continue unchecked, will lead to the degeneration of the South African mining sector.

Judging from the negative reports on the state of mining in the country, and the shift in focus to other African countries at the IMI, this degeneration has already begun. A bad working relationship between mining companies and communities negatively affects the good relationships with other entities.

Although each entity's input is needed for mining to take place, the output each receives differs vastly. Mine workers are responsible for the actual extraction of minerals, and communities provide labour and are often faced with the environmental damage that mining brings. Yet they are not adequately compensated for their roles. The benefits that they do receive from hosting the mine and working in it often do not meet even their basic needs. This has to change.

Taking a receptive stance to community needs will decrease risk for mining companies and increase stability in the sector, which should attract investors. The hard truth is that corporations do not speak 'placard' and communities do not speak 'bottom-line'. The negotiation between a mining company and a bank differs vastly from the negotiation between a mining company and a community affected by mining. There are better ways for these parties to communicate and what we need are strategies that draw on mutual understanding and respect to improve the way they share information. With stronger negotiating bases, we can bridge the gap between mine-affected communities and corporations.

It is the duty of mining companies to initiate this engagement with communities on a meaningful level. This will change the relationship into a mutually beneficial one in the best interests of all parties concerned. This means being willing to share the proceeds of mineral wealth with mine workers and their communities through tangible developmental benefits which will ease their dissatisfaction. Satisfaction breeds efficiency. Efficiency breeds profit.

Then the true value of human labour can better come to the fore. And, with better value comes stability and a workable, possibly flourishing, mining environment that enhances the lives of the poorest South Africans and not just the rich. We need better systems of communication and profit-sharing if we want our mining story to have a 'happily ever after'.

Or we can continue to operate at the extremes where corporate capital and human capital speak in different languages, host separate meetings and, perhaps inevitably, find themselves on a koppie at dusk asking for someone, somewhere, to listen.





*High school learners attend a workshop discussing sexual violence in schools*

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# GENDER

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Gender is an important theme that runs through much of our work at CALS and informs many of our projects. It is, for example, essential to bring a gendered perspective to our basic services work to get a better understanding of how lack of access to housing, water and sanitation specifically impact women. Likewise, our projects working with the women of Marikana and other women in mining shines a light on forgotten populations and the rights violations they suffer.

The Gender Programme at CALS draws on a long history of gender activism and currently focuses primarily on gender-based violence and its impact on women and children through a number of standalone projects.

## RAPE ADJUDICATION AND PROSECUTION STUDY

According to the Medical Research Council's 2008 publication 'Tracking Justice', only 1 in 9 women who experience rape in Gauteng report the crime to the police. Of these reported cases, around half result in an arrest and a mere 6.2% result in the conviction of the perpetrator. CALS has partnered with the Medical Research Council to conduct a follow up study extending to all nine provinces in South Africa.

The study examines cases reported to police in 2012 and focuses on different aspects of the criminal justice system responding to rape and particularly why there is such a high



rate of attrition from reporting to investigation to arrest to conviction. The aim of the project is to provide the National Prosecuting Authority with some guidance on how to improve these conviction rates.

"Our role in the project is to examine the transcripts from the cases that do make it to court," says Sheena Swemmer, researcher in the Gender Programme. "The analysis covers a broad range of questions including prejudice and myths around rape and how those make their way into our court systems. For example, a lot of the time we see prosecutors asking complainants if they screamed or resisted when they were attacked. We know that this is not necessary evidence for rape."

The initial findings from the study suggest that little has changed since 2008. "It's almost like there is no accountability for people who commit rape," says Sheena. "The statistics are on their side. That's a problem. There's a sense of impunity that comes from the failures in the system along the way. Our plan is to use the findings to assist the National Prosecuting Authority, not only to increase conviction rates but to avoid re-traumatising victims of these serious crimes." The findings of the study will be released in 2017.

## SEXUAL VIOLENCE IN SCHOOLS

CALS has been working on the issue of sexual violence by educators in South African schools since 2013. We have conducted extensive research in the area and continue this work by hosting workshops with learners in Johannesburg schools. This falls in line with the principles guiding our community engagement, where we do not simply go into a community to collect data, but also provide services to inform the community of their rights.

## Case study: Katlehong

CALS was approached by a school in Johannesburg's East Rand where a School Governing Body member suspected that an educator was abusing the children in their care. There were no complainants who had come forward, so CALS engaged with the school and conducted a series of workshops with the learners and teachers.

"It's important that children know their rights, but it's also important teachers know that they are likely to be approached by children who have been abused," says Sheena. "Teachers are one of the most popular first report witnesses. This means that children are likely to go to them to report experiences of sexual violence before the police or other officials. It is essential that teachers know how to adequately deal with this."

"We have a good working relationship with the school and we've put sexual violence on the agenda. We will be there if or when someone does come forward and wants assistance," says Sheena.

## TRANSFORMATION OF THE LEGAL PROFESSION

On 30 September, CALS launched our report on the Transformation of the Legal Profession. The report examines barriers to black and female lawyers from advancing through the profession. The findings show that race, gender and class are factors that lead to discrimination in the profession including, for example, through racist treatment and sexual harassment. The report has already played an important role in opening a space to discuss issues of diversity and transformation and we plan to continue the research in this area.

## **Candidate Attorney Spotlight: 'The Women of Marikana' by Palesa Madi**

South Africa has about 90% of the world's platinum and most of this is found in the Rustenburg and Brits districts in the North West Province. And yet, this wealth does not reach the people living right on top of the platinum reserves. Instead of bringing wealth, for many people the platinum industry brings pain. Mine workers and their families are forced to live in inhumane and undignified conditions, and their wages do not reflect the value of their contributions.

These are some of the factors that led to workers from Lonmin PLC going on strike in August 2012 to ask for a decent living wage. The strike was marred by tragedy when police shot and killed 34 mine workers, an event which has come to be known as the Marikana Massacre.

As a result of the Marikana Massacre, many women in the community lost their partners and family members. The women are the foundation of their communities – they put food on their tables, create homes with what little they have, raise children, care for the sick and the elderly, and sometimes work in the mines themselves. Without the women of Marikana, mining would not be possible.

In the aftermath of the massacre, they were under unimaginable strain as they struggled to come to terms with their grief and continue to support ongoing strikes by the workers. And yet, the responses to the massacre and the systems of power at play, have consistently failed to acknowledge the humanity and suffering of the women.

Despite this attempted silencing, or perhaps partly because of it, the women of Marikana have formed their own community-based organisation called Sikhala Sonke, a name which literally means “we are crying together” but can also be interpreted as “we are all in the same pain”. Together, through Sikhala Sonke, the women have organised protests, fought to have their voices heard at the Marikana Commission of Inquiry and continue to strive for better living conditions for all in their community.

In September 2012, Councillor Paulina Masutlhe, a leader in the community who was providing support to the families of the deceased, injured and striking mine workers, was shot in the leg by police during one of their operations and later died in hospital. Sikhala Sonke decided to organise a peaceful protest to the police station, to honour Paulina and call for peace in the community. The women were confronted by opposition from both Lonmin and their municipality.

Notwithstanding this attempt to silence them, the women of Sikhala Sonke did not back down and consequently sought legal assistance from the Centre for Applied Legal Studies (CALS). Following failed engagements with the police and municipality, the women were heard in the Mahikeng High Court on an urgent basis on the evening before the protest was due to take place. The Court ruled in their favour, setting aside the municipality's decision and ruling that its refusal to allow them to march was an unjustified limitation of the women's

constitutional right to protest. This was a victory for the women and the protest went ahead peacefully the next day.

Two years later, in January 2014, another wage strike swept the platinum belt. This strike continued for 5 months and was the longest wage strike in South Africa's history. It devastated the families and communities of the mine workers. During this hardship, the women of Sikhala Sonke came together again to take action. Not only did they meet for prayer sessions in fear of another Massacre, but the women were trying to find ways to feed their families. In their meetings, the women decided to organise a march to Lonmin's offices to express their grievances as a result of the wage strike.

The women once again sought assistance from CALS to march to Lonmin's offices. Yet again, there was much opposition to the notice to march. After threats from the women to take the matter to court, Lonmin officials eventually agreed to receive their memorandum. The march took place on 21 March 2014, Human Rights Day. In a very emotional plea, the women requested that Lonmin put an end to the strike and that the mining company increase its workers' wages. The women detailed how the strike had affected their homes; that they did not have food; that their children were unable to attend school; and they called for peace and an end to police brutality. In the meantime, in October 2012, President Zuma appointed a Commission of Inquiry to investigate matters of public concern arising out of the tragic events at Lonmin's Marikana mine. The investigation was divided into two phases, with the first phase examining the conduct of the police and

the second intended to encompass the broader systemic issues of inequality in the mining industry which culminated in the strike. Despite many attempts by the CALS legal team to engage with the Evidence Leaders and the presiding officer of the Commission on the importance of the second phase, the Commission did not prioritise this.

The Commission of Inquiry sat for close to 3 years and during that time only one hour was set aside to hear from the women of Marikana. Aside from this testimony from the chairperson of Sikhala Sonke on the living conditions in Marikana, the women of the community had no voice in the proceedings. They attended the Commission every day, but sat silently in the back. Yet again, their contribution to the community and the tragedy's impact on them was undervalued and their voices silenced. Yet again, they refused to accept this. In response, in partnership with CALS, the women made a documentary showing their living conditions and their protest action, which was used as evidence at the Commission of Inquiry. The purpose of this documentary was to showcase the story of the women of Marikana and to show what it was like to be a woman living in Marikana.







*Client community engaging in a protest for service delivery in Johannesburg, 2 September 2015*

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# RULE OF LAW

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The rule of law is an important principle for any democracy. It implies that all people are bound by the law, including government officials, lawmakers, law enforcement officers and judges. The CALS Rule of Law Programme aims to protect the systems of democracy in South Africa by challenging structural violence, protecting civil and political rights and challenging discrimination against people living in poverty.

Our interventions focus on three main areas including: the treatment of prisoners and people awaiting trial, the state and private sector’s responses to protest, and the difficulty faced in gaining access to information from both public and private bodies.

## PRISON WORK

The criminal justice system is an important aspect of the rule of law. CALS has a strong interest in the rights of people in prisons, many of whom need access to legal representation. “This is a very under-resourced focus area,” says Gina Snyman, CALS in-house counsel. “The prison population is a forgotten population. It’s one of South Africa’s biggest shames, the way we treat our prisoners despite the protections that they ought to have through our Constitution.”

Our projects seeking to address these issues focus on awaiting trial prisoners and the basic conditions of detention.

## Remand Detention

Since 2012, CALS has conducted extensive research into remand detention and how this affects the living conditions of people in prisons. Almost one third of our prison population is made up of people who have not been convicted of a crime and are still awaiting trial. While placing accused people on remand detention should be a measure of last resort, this is not the practice in South Africa. People may remain on remand for years awaiting trial.

In examining the reasons people are placed on remand for long periods of time, we found that many people had not had bail set because they didn't have a fixed address that could be verified. "This is a total travesty of justice," says Gina. "Not only are people having their rights as infringed when they can't access the bail system, it's a double blow to their dignity since the reason they don't have an address that can be verified is that they are in a particular situation of poverty to begin with."

Verified addresses are intended to be used to find any accused person who does not appear in court. CALS is currently researching how best to balance this with the fact that many people may not have a fixed address, particularly because of situations of poverty, and investigating other ways of ensuring that a person stands trial.

## Prison Conditions

CALS also works with people convicted of crimes who struggle to access legal representation to challenge the conditions they face in prison. Many prisoners complain that they are kept in solitary confinement or are assaulted by officials.

***"The prison population is a forgotten population. It's one of South Africa's biggest shames, the way we treat our prisoners despite the protections that they ought to have through our Constitution."***

"The Constitution also protects people who have been accused or convicted of crimes," says Palesa Madi, candidate attorney. "Your rights don't automatically fall away when you have been convicted of a crime. You have a right to access a lawyer. You have a right to access justice. The Constitution protects us all."

CALS is working with inmates in a number of facilities to ensure that they know their rights and have access to legal assistance to

challenge poor conditions. "If we detain people for a number of years, and we intend on releasing some of them at a later stage, the conditions in which they were detained will determine what type of person they come out as. Ultimately, it affects society how we treat inmates," says Palesa.

## ACCESS TO INFORMATION

Accessing information is often the first step for communities facing rights violations. "It's the starting point for any social justice struggle," says Lisa Chamberlain, Deputy Director at CALS. "In order to know what's wrong, let alone how to respond to it, you need information. Whatever your area of social justice, you need information in order to engage."

CALS remains committed to promoting an environment of openness and transparency in the public and private sectors in South Africa. We are part of a group of organisations forming the PAIA Civil Society Network, which aims to raise public awareness about the right to access information and improve compliance with the Promotion of Access to Information Act (PAIA). Each year the Network compiles a shadow report to map the trends in responses to requests for information using PAIA.

The Network has produced reports since 2009 and has been able to track the shifts in responses to PAIA requests over that time. "Five years ago, the single biggest problem was non-response. Requests and appeals were met with deafening silence," says Lisa. "That's still a problem, but what we've seen is levels of non-response have decreased slightly and what's replaced that is inappropriate reliance of some of the grounds of refusal."

While officials are more aware of PAIA and their duties under the Act, both public and private bodies still primarily refuse requests for information on the grounds of confidentiality. The Act allows information officers to decide which aspects of the information should be censored, but more often the entire document is deemed confidential.

"It's indicative of the kind of value that we place on different kinds of people and on their information and their needs. When you weigh that up, there is no right in the Bill of Rights to confidential business information; whereas there is a right to water and to housing and to health," says Lisa.

## PROTEST

The right to protest is protected in our Constitution and exercising this right is a sign of a vibrant democracy and an engaged public. South Africa has a long history of protest, but in recent years there have been some disturbing patterns in the response of government and the private sector to protest.

"There has been a narrowing of the space for holding gatherings, which are seen as triggers for instability in the country rather than an acceptable way for people to express themselves," says Gina Snyman. "This is a perception we need to change."

Because officials are resistant to protest, communities often struggle to exercise this right using the Regulation of Gatherings Act. "The way the Act is implemented is often arbitrary," says Gina. "Officials understand their role to be to *authorise* a protest as opposed to receiving notification of a protest so they can assist with its orderliness and protect protesters."

This means that protests are often treated as criminal acts rather than an acceptable way for people to have their voices heard. Recently, communities have started calling on civil society for legal assistance on protest cases more and more. CALS has responded by assisting many of our existing client communities with legal advice, representation at meetings with officials and representation at bail proceedings or criminal trials if necessary. So far, we have been successful in having notices approved and charges withdrawn.

## Case study: Lephalale

One example where we have assisted protesters is in the area of Lephalale in Limpopo following demonstrations near the Medupi Power Station. The community had grown extremely frustrated that the development in the area had not resulted in increased job opportunities or improved infrastructure. CALS represented 14 individuals who were accused of being part of the protests.

"We spent several days in Lephalale trying to bring urgent bail applications and we met a lot of resistance to doing this," says Palesa Madi, attorney at CALS. "The delays were incredibly frustrating and gave us an insight into what is probably playing out in magistrates courts across the country."



While we did eventually manage to get bail for our clients, this was first set at R5,000 – an unreasonable amount for people who were unemployed or living on social grants.

“This indicates a lack of awareness of the court in setting bail on what it means to live in these communities and the impact this would have on the individuals if they couldn’t raise money for bail,” says Palesa. “We were able to get the amounts reduced and clients were grateful for the assistance.”

## Right2Protest

CALS has also joined with a number of other civil society organisations to form the Right2Protest Project. The coalition includes not only legal organisations but also activist and research organisations, taking an interdisciplinary approach to addressing concerns around protest.

So far, the coalition has focused on monitoring the challenges that people face in trying to exercise their constitutional right to protest. The intention is to form a national network of lawyers and activists who can assist with rights training and legal representation. This was first piloted in relation to this year’s #FeesMustFall protests.



*Top: Client community engaging in a protest for service delivery in Johannesburg, 2 September 2015. Centre and bottom: #FeesMustFall protest to the Union Buildings with CALS acting as marshals, 30 October 2015.*

## #FeesMustFall Campaign

In October this year, students around the country engaged in a mass protest shutting down university campuses and demanding to be heard by government. Their goal was to stop the proposed 10.5% fee increase to university education for the following year and to promote the idea of free tertiary education for all. The protests were met with force from police and private security.

CALS was instrumental in pulling together a collaborative effort from civil society and the private sector, setting up a hotline for anyone needing legal assistance and raising funds for bail. We were also able to represent 141 students from the University of Johannesburg who had been arrested outside the campus, and participated in marches to Luthuli House and the Union Buildings. The students made fantastic gains not having fees increased for 2016 and galvanising the legal community.

### Student Spotlight: 'Reflections on #FeesMustFall' by Anele Nzimande, Wits University

There are moments when we are set alight by a burning desire for justice. When this conviction is shared by hundreds and thousands of people the world over, it can result in a historical moment of resistance and rebellion that has the potential to break the chains of injustice and move our society forward.

This happened in the form of the #FeesMustFall movement in October this year, which sparked mass protest in Universities all around South Africa. Students at institutions of higher learning across the country shut down their respective campuses in acts of defiance against escalating tuition fees. The protests also demanded the end of the dehumanizing practice of outsourcing and called for decolonised education.

To many children of the working class, the fight for tuition-free education was inextricably linked to the fight for fair wages for outsourced workers. We recognized that poverty is not accidental but is created through forms of exploitation. It was time for students

and workers to pledge solidarity, in ways that were unprecedented and to together deal with their socio-economic conditions. For the students, this meant protesting against state inaction to regulate tuition fees and to ultimately expedite the implementation of tuition-free education in South Africa.

The air was palpable with promise and tension. Some of the student leaders fell physically ill as sleep deprivation took its toll on participants of protest. The need for free education transcended the borders of our institutions. The horrors that outsourced workers experienced – a reduced quality of life because of very low salaries, no medical aid benefits and inability to save substantially towards their UIF fund – was something that resonated with workers from all campuses. Through a sense of collective conviction and a deep knowing that many voices together would amplify the plight of both students and workers, we echoed the calls made from different parts of the country to decolonise the education system.



Social media was set abuzz by pictures of Wits Vice Chancellor Professor Adam Habib seated on the floor with student representatives on either side as the country marvelled at how power had been unseated, brought to its knees, and symbolically, students had brought the Vice Chancellor 'to their level' in order for more fair negotiations to take place. This was an attempt at truly creating "People's Power" – where power no longer lay only in bureaucratic structures of governance, with office bearers who could unilaterally make decisions that affected thousands of lives with little to no consultation.

As the events of those weeks were unfolding, we were becoming alive to our own abilities, and our own limitations. We learned that our middle class privilege, by virtue of being Wits students and being in closer proximity to whiteness, which is valued, can present a blind spot. We were not always reliable allies in the struggle for workers against outsourcing because we did not truly understand its impact. We act within a particular paradigm, of prioritising our own suffering above that of others.

As the #FeesMustFall movement became more fragmented based on political and personal interests of some groups, Solomon Mahlangu House began to take on a different meaning. Workers and students laid out mattresses after meetings that ran late into the evenings and slept side by side. Some nights were incredibly cold, because the space was so big and there were many crevices in the walls and floors the cold air could creep in.

The air was a miasma of extremes – hope, fatigue, despair were all thick in

the air. Workers had been fighting this as a battle that had been going on for over 12 years. Students had been merely transitory to the movement: every year they graduate from the system to fight for a space as part of the rising black middle class.

A meaningful solution to the students and the workers issues would require, as Chinua Achebe once said in his book *There was a country*, "a concerted effort on the part of all those who share the weight of Africa's historical burden."

Our leaders no longer have consciences that are moved by the suffering and inequality of the people of this country. Sympathy has been flattened out by luxury, access and two decades of comfort. On the 1st of November 2015, when Wits University agreed to the principle of in-sourcing and committed to the instatement of a task team for the purposes of implementation, there was a small sense of justice shared by everyone present in the room.

It is indeed true, that when you tell the youth that they will be the leaders in the future, then you must be ready when that future arrives, coming at you at full speed.







*Tables at this year's Wits University School of Law Careers Day*

# GROWING THE SOCIAL JUSTICE SECTOR

As a centre based at the Wits School of Law, CALS is both deeply committed and perfectly placed to contribute to growing the social justice sector in South Africa. We recognise the importance of training the next generation of social justice activists and lawyers and use our unique position to expose students and recent graduates to human rights work. CALS provides support to student-led initiatives such as the Wits Chapter of Students for Law and Social Justice and the Law School Careers Days of both Wits and the University of Pretoria. Most importantly, we have a thriving internship programme offering opportunities to young people from the Global South.

## INTERNSHIP PROGRAMME

The goal of our internship programme is to enhance the quality of our work while providing an enriching experience to students and young graduates who are passionate about social justice. Our interns work closely with our staff members on various projects and develop skills that add to their formal legal education. CALS is conscious that internships are often not accessible to the majority of young people in South Africa and we thus focus on recruiting and funding interns from the Global South. In 2015, we were able to support ten interns.

## Student Spotlight: 'My internship in the Rule of Law' by Christine Grobler, Wits University

My internship at the Centre for Applied Legal Studies has had a profound impact on shaping my chosen legal career path. I feel extremely privileged to have been given the opportunity to gain knowledge and experience throughout my time spent at the organisation.

I began my internship in November 2013 working predominantly in the Rule of Law Programme and a considerable portion of the work I completed related to the Marikana Commission of Inquiry. CALS represented the South African Human Rights Commission before the Commission. My tasks included analysing documentary evidence, preparing draft heads of argument as well as analysing domestic, regional and international law. I would also attend many of the Commission's hearings to assist Counsel.

Over the past two years, I was exposed to different areas of law, including international law, business and human rights and environmental justice. I have had the opportunity to use the knowledge gained to further my professional career.

In June 2015, the Marikana Commission released its final report to the public. Coincidentally, I had decided to dedicate my undergraduate dissertation to reflecting upon the Commission's role in South Africa's new democratic era. I was given the opportunity to present the draft of the dissertation at the civil society gathering entitled 'Commissioning the Present: Marikana and its Aftermath' hosted by SERI and the History Workshop at Wits University.

If I were to pick a single highlight of my internship, it would be my time spent with the Women of Marikana and their organisation Sikhala Sonke. I worked with them while producing a film called *Marikana: The Lived Reality*. It is through that experience that I am able to articulate the relationship between law and film and its potential impact on access to justice in South Africa. The intention behind the film was to give the Commission of Inquiry an idea of the lived experiences of the women of Marikana and to illustrate the socio-economic factors that contributed to the unrest in Marikana. The film follows the women of Sikhala Sonke as they prepare to hold a peaceful protest about their living conditions. Their strength, tenacity, kindness and ever growing success continues to be a great source of inspiration for me.

I would like to thank CALS for the opportunity to be exposed to the world of public interest law. In addition, a special thanks to the staff members at CALS, both past and present, who I consider mentors and colleagues.



## CAREERS DAYS

CALS is committed to helping students access the social justice sector and informing them about the kinds of career paths available after they have completed their studies. One of the important ways in which we can do this is by participating in careers days and other Law School events. In 2015, we supported both the Wits and University of Pretoria careers days and is also able to encourage other public interest law organisations to attend.

“There is such an incredible need for social justice activists and lawyers in South Africa and all over the world,” says Lisa Chamberlain, Deputy Director at CALS. “It’s very difficult for law students today to make their career decisions in an informed way. They aren’t going to know how to access this sector unless those avenues are made available to them.”

## SLSJ

Students for Law and Social Justice (SLSJ) is a student-led organisation dedicated to protecting human rights, preventing discrimination and promoting social justice and the rule of law. SLSJ has branches throughout South Africa and CALS continues to support and house the Wits Chapter.



*Top: CALS staff engaging with law students about our work at Wits University Careers Day. Centre: Staff members engaging at the University of Pretoria. Bottom: CALS staff attend an NGO Marketplace event.*



## Report from Students for Law and Social Justice by Tina Power, Chairperson of SLSJ Wits Chapter

Wits SLSJ has grown exponentially over the past few years. We now have over 285 members, many of whom are active participants. This year we have structured our programmes slightly differently and have run a series of campaigns. By introducing four topical campaigns, our aim was to be a dynamic and innovative society that gives students the opportunity to be part of a progressive, unified voice that intends to address the challenges of our society. These four campaigns included: the Ububili Project, raising awareness of gender issues on campus; Just Justice focusing on access to justice; Little Rights are Big Rights, promoting children's rights; and Do the Right Thing, raising awareness about human rights in general.

As well as running events and campaigns on campus, we have continued our partnerships with the Constitution Hill Education Project and the Hillbrow Community Advice Office running rights education workshops. We have also participated in the response to the xenophobic attacks that began in Johannesburg in March this year and have been invited to join the Coalition against Xenophobia. In honour of Women's Month, we hosted a panel on the current gender disposition in South Africa featuring Justice Kate O'Regan and Bonita Meyersfeld from CALS.

We have had a great year and wish to thank CALS for their continued support. We hope to see our branch and SLSJ as a whole grow from strength to strength.



*Members of SLSJ Wits take part in an anti-xenophobia march in Johannesburg, 23 April 2015*



## TRANSFORMATION WORKSHOPS IN EASTERN CAPE SCHOOLS

2015 was marked by robust debates around racism and transformation in South Africa, driven particularly by the students of the #RhodesMustFall movement. Prompted by this, our four candidate attorneys and Bertha Be Just Fellows were motivated to address the challenges facing young black people beginning tertiary education.



"There is structural racism that exists in South Africa. These student movements have exposed that. They spoke out to the rest of the world, to people in and outside of these institutions. That called out for attention," says Palesa Madi.



*Top: Participants gather at the beginning of the workshops to form a circle and share their hopes for the future. Centre: The learners are split into groups for discussions. Bottom: The learners watch an educational film.*

Palesa and our other Be Just Fellows, Baone Twala, Ayabonga Nase and Wandisa Phama worked together to develop a curriculum aimed at high school learners focusing on transformation as it relates to education. They approached the Bertha Foundation Impact Opportunity Fund to conduct the workshops in the Eastern Cape. They were successful and the workshops took place in Mthatha in August 2015 with assistance from SLSJ students at Walter Sisulu University.



The Fellows approached ten schools in Mthatha, inviting five grade eleven learners from each school to participate in the three-day workshop held at Saint John's College. The learners were exposed to material on race, the legacy of apartheid, black consciousness, white privilege and transformation in a number of different and engaging ways. These included using posters, film, multimedia, small group discussions, presentations, brainstorming, and reflection sessions.

"We wanted the learners to break out of their way of thinking and do some introspection. We wanted them to transform themselves and equip themselves to face what would be waiting for them at university," says Baone Twala. "The results were better than we could possibly have imagined. They had personal convictions about overcoming their own perceptions and still making South Africa a better place for all. They were very positive and optimistic but not just idealistic. They had concrete ideas for how they were going to bring about change and their ideas about themselves changed over the course of the workshop. It was a good skills development and personal development opportunity."

The project was a great success and is set to continue next year.



*Top: All the participants on the final day of the workshops. Centre: Learners sharing their stories and participating in the curriculum. Bottom: Workshop facilitators and participants.*





*Filming during workshops at Eastern Cape Schools 26 August 2015*

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## WORKING ACROSS DISCIPLINES

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CALS is committed to taking an interdisciplinary approach to our work, integrating law with other disciplines to find creative ways of solving problems and advocating for our clients. As a centre of Wits University, CALS is able to effectively access partners in different disciplines and keep our work innovative. Two of the most valuable partnerships we have developed are in the areas of film and social work.

### LAW AND FILM PROJECT

Since 2012, CALS has been working to use film as an effective tool in advocacy and even litigation. We have partnered with designers and filmmakers to produce animations and short documentaries to use in community

workshops and the media as an accessible way to learn about human rights. This year, our long-term law and film intern produced her own film on our internship programme. CALS was also very fortunate to receive funding from Wits University and our Faculty Research Committee for our own film equipment.

### SOCIAL WORK PROGRAMME

CALS continues to provide a placement for two final year students from the Wits Department of Social Work. This has proved valuable for us as the social workers are able to provide psychosocial support to our clients and also make staff at CALS aware of our clients' needs. They have been integrated into a number of our projects and have performed very well.

## **Report from Social Work Interns by Rudzani Tshivhase and Edward Govere**

Being a student comes with a lot of responsibilities and also opportunities. We have the chance to grow in a chosen profession and also to interrelate with other professions. At first, it seems social work and law only work together in theory as we used it in our lectures, but the information and experience we got from the Centre of Applied Legal Studies was beyond our expectations.

We learnt that social work and law are not that far apart as disciplines: one of the core social work values is social justice. The Code of Ethics of the National Association of Social Workers states that social change efforts in social work are primarily focused on unemployment, poverty, discrimination and other forms of social injustice.

One of the most valuable experiences we had was from working in an informal settlement, Kliptown in Soweto, which is one of the many communities that CALS works with. This gave us a chance to see things in a different perspective. Kliptown has so many social issues like unemployment, substance abuse and most importantly poverty which are the main issues that the social work profession tries to address.

The first time we went to the area, we could see that the community lacked so much: they had no nearby clinics, no sanitation and the environment was not a safe place for young children as there were uncovered electrical cables and water on the ground. Identifying these issues enabled us to come up with ways to assist in making the area a better place for all.

Firstly, we contacted the Department of Health to address the sanitation issue and also to educate young mothers on child nutrition. Secondly, we worked with the Department of Home Affairs to conduct a workshop on how people can acquire identity documents and the steps to take to register children.

One of the key values in social work is the importance of human relationships because they are the driver of social change. Furthermore, social workers engage people as partners in the helping process and, according to Reamer, also “seek to strengthen relationships among people in the purposeful effort to promote, restore, maintain and enhance the well-being of individuals, families and communities”.

Kliptown inspired me to become a better social worker and I am grateful to CALS for collaborating with social workers in their quest to fight for human rights and empowering communities with their pro bono work. I look forward to working with them in the future.





*View of the Great Hall at the University of the Witwatersrand*

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# ACADEMIC ACTIVITY

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CALS is based at the School of Law at the University of the Witwatersrand and operates not only as a law clinic but as a centre of the University. This unique position allows us to connect the worlds of both academia and social justice, to contribute to legal theory and practice. Our staff members are encouraged to participate in the academic project through teaching, attending conferences and publishing their research. CALS remains committed to developing our staff members academically by offering financial assistance with further study and providing regular seminars which allow our staff members to present their research and receive constructive feedback. CALS also maintains a strong relationship with academics in the Law School who are able to provide guidance.

## TEACHING AND SUPERVISION

This year, our staff members have taught courses at undergraduate and Masters level at Wits University and have given a number of guest lectures at Wits and the University of Pretoria. Bonita Meyersfeld was the course co-ordinator for the LLM course Human Rights and the Marketplace. Lisa Chamberlain co-taught LLB courses in Administrative Law and Environmental Law as well as LLM course Environmental and Sustainable Development Law. Gina Snyman, Louis Snyman, Robert Krause, Nomonde Nyembe, Lisa Chamberlain and Bonita Meyersfeld all contributed a number of guest lectures on topics ranging from access to information to environmental justice to refugee law.



## Vice Chancellor's Academic Citizenship Team Award

CALS was deeply honoured to receive the Wits University Vice Chancellor's Award for Academic Citizenship in December this year. The purpose of the award is to acknowledge and reward a team within the University for contributing substantially and innovatively to their communities.

At the awards ceremony, Deputy Vice-Chancellor Prof Andrew Crouch explained how CALS staff had been selected as this year's recipients: "They have shown themselves to work as an integral team towards the goals of academic citizenship within the University. The committee considered the impact of the work; the degree to which co-operation, collaboration and partnership have been exemplified; the

values exemplified by the work, such as social responsibility, social justice and community connectedness.

The committee was of the opinion that the Centre for Applied Legal Studies had submitted an excellent application which adhered to the criteria mentioned above. The committee was impressed by the issues raised and presented by the team in a very strategic way. CALS' presentation was not only based on the individual cases they defended, but rather on matters that were strategic and made a major difference in raising the national and international profile of the University."

CALS is very grateful to the University for this acknowledgement of our work.



*Accepting the Vice Chancellor's Academic Citizenship Team Award: Bonita Meyersfeld, Phindile Khulu, Nomonde Nyembe, Adam Habib (Vice Chancellor and Principal of Wits University), Palesa Madi, Sheena Swemmer, Zeenat Sujee, Lee-Anne Bruce and Wandisa Phama*

## PUBLIC INTEREST LAW GATHERING

Every year, the Public Interest Law Gathering brings together those working with the law as a tool for social change. This includes activists, attorneys, law students, legal academics, community organisations and even judges. This gathering provides a platform to discuss the current issues in public interest law, share information and strategies. PILG is designed to be a collaborative event and is organised by CALS, Lawyers for Human Rights, the Legal Resources Centre, Probono.Org, Section27, the Socio-Economic Rights Institute, the Southern Africa Litigation Centre, Students for Law and Social Justice and the Wits School of Law.

This year's gathering ran from 22 - 24 July at the Wits School of Law and was opened with a keynote address by former UN Commissioner for Human Rights, Judge Navi Pillay. CALS staff participated in four panel discussions covering topics including: strategic litigation using the Promotion of Access to Information Act, the challenges of unlawful evictions and temporary alternative accommodation, the difficulties of environmental offsets, and the legal obligations of multinational companies and tools for holding them accountable for human rights violations.

## SOUTH AFRICAN JOURNAL ON HUMAN RIGHTS

The South African Journal on Human Rights (SAJHR) was founded by CALS in 1985 and is still housed at the Wits School of Law. The SAJHR is considered South Africa's leading public law journal and is dedicated to advancing human rights scholarship. In 2015, the journal celebrated its 30-year anniversary with a conference entitled 'Transformation and the Courts' on 28 and 29 January. CALS Director and Chair of the SAJHR Editorial Board presented a paper entitled 'The nuanced nature of change, transformation and the law' drawing on her work at CALS' work on transformation in the legal profession.

## SEMINAR SERIES

CALS runs a weekly skills development and training programme which consists of three different components: research seminars, reflection sessions and candidate attorney training. Research seminars give staff members an opportunity to present their research and improve their outputs. Reflection sessions allow us to learn from others outside of our organisation and reflect on the themes running through social justice work. Candidate attorney skills sessions ensure that our clerks receive a well-rounded training in social justice and general legal practice.

## FURTHER STUDIES

CALS is committed to assisting our staff members develop academically and provides financial assistance for completing degree qualifications and short courses. This year Sibongile Ncube is continuing with her BCom degree, while Sheena Swemmer has been awarded an LLM from the University of Johannesburg and Zeenat Sujee completed a Postgraduate Diploma in Human Rights Advocacy and Litigation.

## PUBLICATIONS

### Book Chapters

Chamberlain, L. & T. Murombo, 'International Environmental Law' in de Wet, Hestermeyer & Wolfrum (eds). *The implementation of international law in Germany and South Africa*.

Isaack, W. 'Ending impunity for hate crimes against black lesbians in South Africa' in Smythe & Rohos (eds). *In Search of Equality: Women, Law and Society in Africa*.

### Conference Papers

Krause, R. 'Planning for transformation? An exploration of the extent to which the social and labour plan system can be characterised as transformative'. Presented

of Mining and Metallurgy conference, 13 May.

Snyman, L. 'Environmental Management Frameworks: Sustainable planning for sensitive areas'. Presented at SA Institute of Mining and Metallurgy conference, 13 May.

## Journal Articles

Chamberlain, L. 'Housing the Ghostwriters: the Appropriate Institutional Location for Legislative Drafting Expertise'. *South African Law Journal* (55).

Magaya, I., M. Cooke, P. Macchelli and L. Chamberlain, 'Constitutional Court Statistics for the 2010 Term'. *South African Journal on Human Rights* (31).

Viljoen, J., I. Magaya, J. Ongeso, C. Ndebele, G. Tungay, C. Samaradiwakera-Wijesundara, M. Cooke & L. Chamberlain 'Constitutional Court Statistics for the 2011 Term'. *South African Journal on Human Rights* (31).

Tungay, G., C. Samaradiwakera-Wijesundara, M. Cooke, C. Ndebele, M. Wentzel, J. Viljoen, I. Magaya & L. Chamberlain, 'Constitutional Court Statistics for the 2012 Term'. *South African Journal on Human Rights* (31).

## Research Reports

Snyman, L. & R. Krause. *The Social and Labour Plan Series, Phase 1: System Design, Trends Analysis Report*.

PAIA Civil Society Network Shadow Report for 2013 – 2014.

## Op-eds

Bruce, L. & B. Twala. 'No help when they needed it most' in the *Star*. 21 October 2015.

Chamberlain, L. 'Lonmin has broken law by dodging housing obligations' in the *Business Day*. 1 July 2015.

Krause, R. 'Mining compact ignores crucial players' in the *Business Day*. 23 February 2015.

Madi, P. & A. Nase. 'New bill makes local solutions a priority' in the *Business Day*. 25 September 2015.

Meyersfeld, B. 'Violence of poverty most deadly' in the *Business Day*. 26 October 2015.

Nyembe, N., M. Belalba & A. Nase. 'Human rights are central to alleviating poverty' in the *Business Day*. 3 March 2015.

Phama, W. & A. Nase. 'Transformation of the legal profession: To betray, or fulfil the mission?' in the *Daily Maverick*. 5 November 2015.

Twala, B. 'Global campaign to make corporations more accountable' in *GroundUp*. 9 July 2015.

## Submissions

Comments to the Department of Justice and Constitutional Development on the Draft Regulations Relating to Sexual Offences Courts.

Update on Asia and Africa National Action Plans to the UN Working Group on Business and Human Rights.

Comments to the Department of Women on the Draft Report to the United Nations Convention on the Elimination of Discrimination against Women.

Submission on the Promotion and Protection of Investment Bill.

Submission to the Intergovernmental Working Group on the Elaboration of a Binding Instrument on Business and Human Rights.

Submission on the Financial Sector Regulation Bill.

Submission on the World Bank safeguards.

Submission on the White Paper on the Police.





*CALS staff attend the annual strategy planning session at Shumba Valley Lodge on 9 October 2015*

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## OUR STAFF

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CALS is very fortunate to have a dedicated team of staff members, including attorneys, researchers and administrators with a range of different backgrounds and skill sets. We also offer a number of opportunities for students, recent graduates and visiting researchers to contribute to our work through our internship programme and our associated staff policy.

### FULL TIME STAFF

**Alan Wallis** is a researcher in the Business and Human Rights Programme at CALS. Alan holds an LLB from the University of Cape Town and an LLM in International Law and Human Rights from the University of Michigan. Alan has clerked at the Constitutional Court and worked as a project lawyer in the International

Criminal Justice Programme at the South African Litigation Centre.

**Ayabonga Nase** is a candidate attorney and Bertha Foundation Be Just Fellow at CALS. He recently graduated from the University of Fort Hare, where he has continued a long tradition of activism and has been involved with both the Nelson Mandela Institute for Education and Rural Development and the South African Constitutional Literacy and Service Initiative.

**Baone Twala** is a candidate attorney and Bertha Foundation Be Just Fellow at CALS. She completed her law degree at Wits University, where she also served as Chairperson of the Wits Chapter of Students for Law and Social Justice in its second year.

**Bonita Meyersfeld** is an associate professor at the Wits School of Law and the Director at CALS. She is an editor of the South African Journal on Human Rights and the founding member and chair of the board of Lawyers against Abuse. She obtained her LLB from Wits and her masters and doctorate in law from Yale Law School. She is the author of *Domestic Violence and International Law*.

**Duduzile Mlambo** is a senior administrative officer at CALS. She has more than 10 years experience as an administrator within Wits University. Duduzile was previously employed at the Centre for Health Policy at Wits as a Senior Secretary before coming to CALS in 2011. She has extensive experience in administrative and logistics support.

**Gina Snyman** is CALS' first in-house counsel. Prior to being admitted to the bar, Gina practised as an attorney and headed the Detention Monitoring Unit at Lawyers for Human Rights. She holds an LLB degree from Nelson Mandela Metropolitan university and an LLM in human rights and democratisation in Africa from the University of Pretoria.

**Lee-Anne Bruce** works as a Communications Specialist and Associate Researcher. She joined our organisation in 2012, shortly after completing her MA in Language Studies at Lancaster University as a Commonwealth Scholar. She also holds an Honours degree in Linguistics from Rhodes University.

**Lisa Chamberlain** is the Deputy Director at CALS. She joined CALS as an attorney in 2010 and later served as Acting Head of Programmes before being appointed Deputy Director in February 2013. Lisa's expertise is in environmental law and administrative law, topics she teaches at the Wits School of Law. Lisa has an LLM from Michigan and has worked at Cheadle Thomson and Haysom and the Constitutional Court.

**Louis Snyman** is the attorney in the CALS Environmental Justice Programme. He was admitted as an attorney in June 2013 shortly after joining CALS. Prior to this, he has worked

at Warburton Attorneys and the Centre for Environmental Rights. While completing his LLM in 2012, he also worked in the School of Law as a Research and Teaching Associate.

**Marianna Belalba-Barreto** is a researcher across multiple CALS Programmes. Originally from Venezuela, Marianna holds a law degree from Andrés Bello Catholic University and an LLM in International Human Rights from University of Notre Dame. Marianna has worked in civil society organizations in Venezuela, Mexico and South Africa on issues relating to civil and political rights.

**Mashile Phalane** is the Community Liaison Officer at CALS. He is a dedicated community activist who has been instrumental in mobilising communities affected by environmental degradation. He is the founder and director of the Batlhabine Foundation in Limpopo and also serves as a Chairperson of the Mining and Environmental Justice Community Network of South Africa.

**Nomonde Nyembe** is an attorney in the Business and Human Rights Programme. She holds an LLB from Wits University and a Masters degree in public law and policy from the University of California. She has clerked for Justice Mogoeng at the Constitutional Court and worked as a policy development and advocacy associate at Sonke Gender Justice.

**Palesa Madi** is a second year candidate attorney and Bertha Foundation Be Just Fellow at CALS. She completed her LLB at Wits University, where she was a member of the Wits Volunteer Programme and a founding member of the Wits Chapter of Students for Law and Social Justice. In 2013, she began her long-term internship at CALS after working at Amnesty International, South Africa.

**Phindile Khulu** works as the Project Finance Accountant at CALS. She holds a Bachelor of Business and Commerce from Monash University. She has previously worked as a Deputy Business Support Manager at AIG and Senior Student Fees Officer at Monash.

**Robert Krause** is a researcher in the CALS Environmental Justice Programme. He holds an LLB and an LLM in public and constitutional law from the University of Cape Town. Before joining us in June 2012, Robert worked as a research assistant to a legal consultant in London.

**Sheena Swemmer** is a researcher in the CALS Gender Programme. She holds a BA and LLB degrees from Wits University and is currently completing an LLM in human rights at the University of Johannesburg. She is an admitted attorney and has previously practised at Swart Redlinghuis Nel and Partners.

**Sibongile Ncube** is a senior administrator at CALS. She is currently completing a BCom degree through UNISA. Prior to joining CALS in April 2011, Sibongile was an administrator at the College for Business and Maritime Studies. Sibongile is also a qualified teacher who is passionate about equal access to education for all.

**Wandisa Phama** is a second year candidate attorney and Bertha Be Just Fellow at CALS. She holds an LLB degree from the University of Cape Town and is currently completing her LLM in social justice at the same institution. She has previously worked at Equal Education Law Centre as a researcher and at the South Africa Human Rights Commission as a legal intern.

**Zeenat Sujee** is an attorney in the Basic Services Programme. She obtained her LLB degree from Wits University in 2006 and thereafter completed articles at the Legal Resources Centre. She was admitted as an attorney in 2009 and has since worked on a number of important constitutional matters.

## ASSOCIATED STAFF

**Faraaz Mahomed** is a visiting research fellow. He holds an MA in clinical psychology from Wits University and another in international policy, development and human rights from the Middlebury Institute of International Studies at Monterey, where he studied as a

Fullbright Scholar. His professional work has ranged from clinical psychotherapy to broader policy research work, most recently at the South African Human Rights Commission.

**Zonke Majodina** is a visiting researcher hosted at CALS. Dr Majodina is the former Chairperson of the UN Human Rights Committee, and a widely-respected authority on the rights of refugees, asylum-seekers and migration policy. Since returning to South Africa, Dr Majodina has taken up posts as senior lecturer at Wits University and Deputy Chairperson at the South African Human Rights Commission.

**Dale McKinley** is an independent writer, researcher and lecturer based at CALS. He holds a PhD in international political economy and African studies. Dale has worked across a number of spaces, including the South African Communist Party and the Anti-Privatisation Forum and remains active in social movements. He is the author of four books and is currently writing a follow up to *The ANC and the Liberation Struggle*.

## Interns

**Sharon Chimhanda** is the long-term law and film intern at CALS. She holds an Honours degree in politics and philosophy from Wits University. As our first law and film intern, Sharon has assisted us to grow our expertise and this year produced a film on our internship programme to assist us in showcasing and sourcing additional funding for it.

**Dylan Cowart** is a law student from the University of Chicago, with whom we have a long-standing intern-hosting arrangement. Prior to his legal studies, Dylan worked as a teacher. This background allowed Dylan to assist us in developing the curriculum for our workshops on housing and water rights.

**Christine Grobler** is in her final year of law school at Wits University. She has worked as an intern in our Rule of Law Programme for the past three years. She is also a student editor for the SAJHR, where she has assisted with cite checking and compiling court statistics.



**Martin Hare** is a recent graduate from Rhodes University, where he developed a passion for student activism. Martin worked as a long-term graduate intern at CALS from July 2015. He has been instrumental in many of our projects assisting us with everything from facilitating workshops to analysing statistics for reports.

**Basetsana Koitsioe** is a final year LLB student at Wits University, where she has also been part of the Students for Law and Social Justice leadership team. Basetsana has broken ground as our first Access to Information intern, assisting us to fulfil our role as secretariat to the PAIA Civil Society Network this year.

**Cebile Ndebele** has had a long relationship with CALS. She interned with us part-time as a final year student in 2013 and again as on a full-time basis after graduating last year. Cebile holds an LLB degree from Wits and has returned this year to complete her LLM. She shows a particular affinity for gender and children's rights work.

**Amogelang Makuwa** is going into his final year of LLB studies at Wits University. He is passionate about advancing the rights of people living in rural areas in South Africa. He is particularly interested in environmental justice and has formed a core part of our Social and Labour Plan team.

**Sinethemba Memela** is a final year LLB student at Wits University. She is passionate on issues of race, identity and transformation. Although she has not yet been with us for very long, we have already found her contribution to CALS has enriched our discussions and caused us to interrogate aspects of our work and space that needed reflection.

**Johan Makoathi** is studying law and politics at Wits University. He is an avowed feminist and aspiring activist who has a strong critical voice. His work at CALS has focused primarily on basic services, conducting research on water rights, electricity and informal settlement upgrading.

**Nonhlanhla Mnengi** is currently completing an LLB degree at Wits University. She has worked on a number of different projects at CALS focusing on gender and the rule of law. She has also assisted us to better understand issues around disability.

**Vuyolethu Mntonintshi** is a final year LLB student at Walter Sisulu University. He has worked on the Students for Law and Social Justice National Committee and chaired panels and presented at the Public Interest Law Gathering. He has provided CALS with invaluable assistance during our transformation workshops in the Eastern Cape.

**Tshegofatso Monnana** is currently studying towards an LLB at Wits University, where she also completed an undergraduate degree in political science and international relations. She has interned at both CALS and the Studies in Poverty and Inequality Institute and volunteered as part of the Wits Volunteer Programme.

**Natasha Salant** is an LLB student at the University of Cape Town who worked at CALS during the June/July vacation period in 2015. Natasha conducted some useful preliminary research on a possible Equality Court challenge that CALS is considering.

**Nkhosivile Shongwe** is a graduate intern at CALS. He is currently studying towards an LLB degree at Wits University after completing his undergraduate studies in geography and environmental sciences. The research he conducted on social and labour plans while at CALS will be published as part of our upcoming report.

**Dominique Spies** is currently completing her LLB degree at Wits University, where she is also the marketing and fundraising officer at Students for Law and Social Justice. She is working towards a career as an environmental lawyer. Her independent research report is supervised by CALS attorney Louis Snyman.

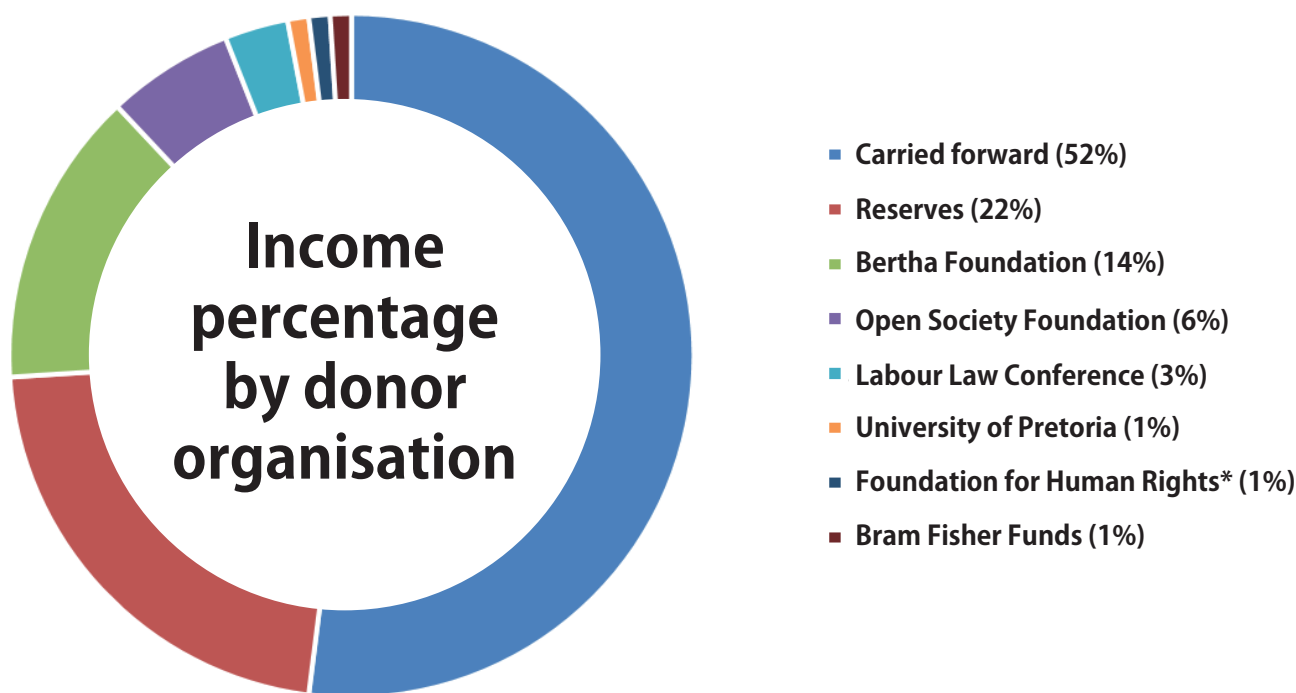
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# OUR FINANCES

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As a university-based entity, CALS is audited as part of the university-wide audit. Many of CALS’ assets thus actually belong to the Faculty of Commerce, Law and Management and CALS does not operate its own bank account, but uses the broader University bank accounts and financial systems of checks and balances.

The graph below shows a breakdown of the income received in 2015 by donor organisation. The table on the page that follows gives the actual donation amounts as well as a summary of expenditure. A majority of the funds available at the end of the year are for projects that will continue into 2016.



\* The Foundation for Human Rights is funded by the Department of Justice and Constitutional Development and the European Union under the Sector Budget Support Programme.

## DONOR INCOME

Carried forward from 2014	R	4 864 730
Reserves	R	2 036 850
Bertha Foundation	R	1 308 211
Open Society Foundation for South Africa	R	591 938
Labour Law Conference	R	249 964
University of Pretoria	R	114 968
Foundation for Human Rights*	R	108 000
Bram Fisher Fund	R	50 000
<b>TOTAL</b>	<b>R</b>	<b>9 324 661</b>

## EXPENDITURE

Operational expenditure	R	1 770 073
Salaries and benefits	R	4 831 839
<b>TOTAL</b>	<b>R</b>	<b>6 601 912</b>
<b>Net surplus to carry forward to 2016</b>	<b>R</b>	<b>2 722 749</b>



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# A NOTE OF THANKS

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None of our work would be possible without the support we receive, especially from our partners and funders. We would like to take this opportunity to thank all those who have contributed to our work in 2015.

In particular, CALS would like to thank the following organisations for their financial contributions and guidance:

Bertha Foundation  
Bram Fischer Fund  
Claude Leon Foundation  
Ford Foundation  
Foundation for Human Rights  
LegalAid South Africa  
Open Society Foundation for South Africa  
Raith Foundation  
South African Human Rights Commission  
Swedish Amnesty Fund  
University of Pretoria

In addition, we would also like to thank the many advocates who have assisted us and generously given their time, including:

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Janice Bleazard  
Bilal Bodania  
Jason Brickhill  
Geoff Budlender SC  
Irene de Vos  
Toby Fischer  
Palesa Khosa  
Kate Hofmeyr  
Buhle Lekokotla  
Hamilton Maenentje SC  
Ngedwani Mgcina  
Byron Morris  
Tebogo Mosikili  
Nyoko Muvangua  
Tembeka Ngcukaitobi  
Zinhle Ngwenya  
Nkhensani Ntuli  
Kameshni Pillay SC  
Nasreen Rajab-Budlender  
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Stuart Wilson

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