



Youth and Governance

1. Preamble

1.1 The 52nd National congress of the ANC has challenged our mandate as the youth league, in our plight to rally young people behind the ANC and to champion the challenges of our past by providing a better life for all, in all spheres of government, bearing the dynamic political sphere, then the challenge is to rise up to meet the demands and needs of our developmental state and as such our governance and legislation has to be at par with the needs of young people.

2. Introduction

2.1 As leaders of the national democratic revolution it stands as our mandate as the youth league, to ensure fast paced delivery and transformation in government sector thus developing policy that robustly addresses the imbalances within our judiciary and the slow intake & usage of young minds in government institutions.

2.2. The imagination, ideals and energies of youth and governance in South Africa are vital for the continuing development of the societies in which they live, because it's from their ranks where the future leaders of this country will be recruited. Good governance and youth development play a vital role in support of the principle of the best interests of the youth.

2.3 The first legislative mandate and governance of the interest of youth in our country were first recognized by the adoption of the Constitution act 108 of 1996, it enshrined the Fundamental Bill of Rights that recognized the interests of the young people, secondly the enactment of the Children's Act 38 of 2005 and lastly years ago the Member States of the United Nations endorsed the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples in 1965.

2.4 Draft discussion document on youth and

governance provides a policy framework and practical guidelines for the contribution of the youth and governance and in South Africa. The draft discussion document on youth and governance is based on the following key important issues, namely:

- Voting age being lowered
- Transformation of the judiciary
- Floor crossing
- One Public Service
- Ethics & Integrity
- Cooling off Period
- Defending the Democratic State
- Women Ministry
- Merger of Youth Development structures
- Youth Representatives in different spheres of the government

2.5 Firstly the draft document also builds upon to the resolutions that were taken in the 2004 National Conference of the Youth League; secondly it identified **ten above mentioned priorities for the commission that will be discussing Youth and Governance.**

3. Voting age being lowered

Preamble

3.1 Pursuant to section 28(3) of the South African Constitution Act 108 of 1996, the child means a person who is under the age of eighteen years of age (18).

3.2 Constitutionally 16 is the minimum age at which each legal right and responsibility is accrued Another argument explored relates to the children's act 38 of 2005 which is entrenched in the bill of rights, legitimizes children to acquire certain things without parental consent an example would be the bill which was passed in parliament year 2007 which allowed minors aged 12 years of age to have an abortion without seeking parental consent, then if such a responsibility that is life threatening is given,

- the fundamental question would be what about the right to choose or have a say in the future that directly affects them by exercising the right to vote.
- 3.3 Extensive research of Statistics South Africa has shown that majority of people in South Africa are young, on the basis of these we cannot find logic in putting the interests of the majority at the mercy of the minority age group on that note we acknowledge level of maturity/what is deemed logically correct is different to what we deemed logically correct in 1989; as we acknowledge the responsibility the socio-political state has put on young people (parent-child; economic participation ie banking and education) we then as the youth league trust the ability of 16 year old South Africans to make informed decisions on the future of South Africa.
 - 3.4 In the global arena young men and women leave home to join the Army, our revolution was achieved by the dedication of young activists who left and took bold steps of crossing borders at a very fragile age to defend a cause of human dignity, if ANC could trust youngsters to be a strategic vessel at the height of political tension, the youth league finds no reason why 16 year olds that have children; join political parties cannot accrue voting powers. We give our youth a great deal of responsibility at a time when it is not easy to be young eg. Unemployment and HIV Nevertheless, they have incredible access to various means of communication and are constantly bombarded with global information. They are technically attuned and able to access today's technologies.
 - 3.5 The present electoral system was introduced primarily to ensure the promotion of political diversity within our legislative, broad political representation. In the political diversity includes interest young people in South Africa, and the young people play vital role in political transformation in South Africa.
 - 3.6 Pursuant to section 28(3) of the South African Constitution Act 108 of 1996, the child means a person who is under the age of eighteen years of age (18). Further in terms of section nine (9) of Children's Act 38 of 2005, in all matters concerning the care, protection and well-being of a child the standard that the child's best interest is of paramount importance, must be applied.
 - 3.7 The draft document seeks to enable lowering the voting age of the young people to the age of 16 years in the National and Local elections. The minimum age at which each legal right and responsibility should accrue ultimately is decided in light of its own unique factors and issues.
 - 3.8 Looking the realities the current times we are living at, young people are exposed to so many issues that require them to take decisions without the consultation of the parents. As stipulated in the children's act that young people can take contraceptive and have HIV/AIDS checkup without the authorization of the parents, it's among other legislative mandate that emancipate young people.
 - 3.9 If there other legislations emancipate young people through those activities, they voting age must be lowered but not on the compulsory bases. They must be given a choice of either voting or not, because is from their ranks where the future leaders will be recruited. At high school level young people are allowed to choose their own representatives, thus this justifies the lowering of the voting age of the young people in South Africa.

4. Transformation of the judiciary

Preamble

4.1 President Mandela's said the following: "There can be no gainsaying that the approach to use negotiation process to capture beach heads within the power equation; and then proceed to strengthen from a new vantage point, helped speed up the process to the great achievement celebrate today. The challenges we face is ...whether we are utilizing the new positions we occupy effectively to bring about fundamental transformation."

Introduction

4.2 The youth league acknowledges the emancipation of south Africans from colonialist ideals to transformation ideals, it is in such state that we challenge every trail of colonialism that threatens to undermine the democracy of our people especially in our judiciary where the oppressors language is quite dominant and the passages of our courts are soiled with unreformed/preserved cultures, that the majority of people who walk in those passages would rather forget.

-
- 4.3 Common law is still dominant to customary law; a law that is not biased to the majority of people in this country but a law that was meant to protect the minority; thus our justice system is in question when the youth of this country cannot walk through the walls of justice guaranteed that representation will be bias to their cultures, which embodies their values and norms as we find:
1. The democratization of government in South Africa in 1994 represented a definitive break of white minority rule. It also represented a realization of many aspirations of the masses of our people. One of these was the fulfillment of the demand the people shall govern.
 2. Before 1994 South Africa was politically and economically divided country. Post 1994 elections, there was adoption of South African Interim Constitution of 1993 that came with democratic principles in our country. The final Constitution/South African Constitution Act 108 of 1996 described South Africa as democratic state founded on the values, inter alia, of human dignity and the achievement of equality.
- 4.4 As the strategic and tactics of the African National Congress (ANC) indicates that we seek to create a non-racial, non sexist, democratic and prosperous society. The contextual interpretation the society also includes judicial system in South Africa, that also determines society which majority of South African Lives.
- 4.5 African National Congress Youth League through the policies of the African National Congress, has identified three main challenges of transforming the administration of the judicial system as being the following:
- ❑ The creation of an effective and efficient judicial system which is responsive to South Africans
 - ❑ The creation of judiciary which operates within a system of separation of powers with appropriate checks and balances
 - ❑ The creation of legitimate judiciary which system which is gender, youth and race sensitive and responsive aspirations of South African.
- 4.6 Most of the people in South Africa that are affected by the judicial system in South Africa are the young people referred to as juveniles. Juvenile crime and delinquency are serious problem in South Africa and majorities are previous deprived young people.
- 4.7 Based on the research the finding is that apparent increase in juvenile criminality in situations of economic recession, especially in marginal sectors of urban centres. Destitution, poor living conditions, inadequate education, malnutrition, illiteracy, unemployment and lack of leisure-time activities are factors that marginalize young people, making them vulnerable to exploitation as well as to involvement in criminal and other deviant behavior.
- 4.8 In order for ANC to achieve the objectives of judiciary transformation in South Africa through participation of the young people The ANCYL proposes action to:
1. Provide rural areas with adequate socio-economic opportunities and services to discourage young people from migrating to urban areas.
 2. Ensure that youth from poor urban settings have available educational, employment and leisure programmes, particularly during long school holidays.
 3. Initiate programmes aimed at promoting tolerance and better understanding among youth, with a view to eradicating contemporary forms of racism, racial discrimination and xenophobia, and fostering the development of social organizations, particularly through youth associations and community involvement.
 4. Undertake information campaigns, educational and training programmes aimed at sensitizing youth to the personally and socially detrimental effects of violence in the family, community and society, and teaching them how to communicate without violence.
 5. Make rehabilitation programmes and services available to young people who have a criminal history.
- 4.9 In conclusion this draft document focuses on the transformation judiciary, particular to the decisions of judiciary in relations to the interests of young people. The task Youth League is to consolidate these goals. The judiciary plays important role in the society, unless it is transformed to be accessible and to function according to the will and aspiration of the majority that are entrenched in the constitution of South Africa.
-

4.10 As the constitution indicated in the Bill of Rights that every South African has a right to have legal representation of his/her choice, either represented by the state through legal aid board. Majority of South Africans are unable to have the legal representation of their own choice, and such leaves them with no option but represented by the Legal Aid Board of South Africa.

4.11 The Legal Aid Board mostly does not have enough staff capacity, also because of the limitation of the type of cases they take, the target of the cases they have to close and the method of calculation they use for taking a case, all this of the Legal Aid board affect the interest of the young people when the judiciary when taking the decisions of passing of the judgments in court.

5. Floor-crossing

5.1 Since the floor-crossing legislative came into effect into in 2002, there have been two floor crossing windows in the National and Provincial and in the municipal councils. The practical implementation therefore gives us the opportunity to evaluate whether it is achieving the objectives envisaged when the laws were approved. The previous system, in which floor crossing was prohibited, had two great advantages for South Africa's democracy.

1. The first of these was that it accurately translated the percentage of the vote a party received from the electorate at the ballot box into its share of seats in parliament.
2. The second was that its anti-defection clause prevented the ruling party from poaching MPs from smaller parties and thereby gaining majorities it could not necessarily achieve electorally.

5.2 As the Constitutional Court noted in 1996, if floor crossing "were permitted it could enable the governing party to obtain a special majority which it might not otherwise be able to muster and which is not a reflection of the views of the electorate".

5.3 The greatest challenges of this system though, were that it strengthened the power of the party organization over its public representatives. In theory an MP would lose his or her seat if expelled from the party (although this is quite hard to do in practice). More importantly, the fact that the party

leadership determined the order of the list at election time created a powerful incentive for parliamentary representatives to adhere to the party line.

5.4 Since the floor the floor-crossing legislation came into effect in 2002 a number of difficulties and unforeseen consequences with the implementation of the legislation have emerged. South Africa uses proportional representation based on the will of the majority.

5.5 The legislation does not reflect the true democratic vote of the party that might be getting more seats as a result of the floor crossing, and in long run might have impact in the political growth of the movement this might lead to a movement having ghost branches or inconsistency of statistics of people who voted for the organisation.

5.6 In conclusion, the people are the primary voting for party but not for the people. Therefore allowing the individual public representatives to cross the floor undermines the will of the electorate. Further it undermines the stability of our legislatures in our young democracy.

6. One Public Service

6.1 Public Service is a term usually meant to services provided by the government to its citizens, either directly through public sector or by financing private provision of the services. In South African context it sometimes have had merits because of the past racial laws that affected our public sector.

6.2 The year 1994-marked water-shed in the history of South Africa. It ushered in not only a new democratic order, but paved the way for revolutionary change in South Africa for in the Public Service. The reformed public service sector had, of necessity, to focus on the legislative as well as administrative reform, and without transforming public service it difficult to transform the country.

6.3 South African Constitution Act 108 of 1996 sets out the following basic values and principles governing public administration. It states that Public Administration must be governed by the democratic values and principles enshrined in the constitution, including services must be provided

impartially, equally and without bias and it must be broadly representative of the South African people, with employment and personnel management based on ability and fairness.

6.4 The Youth League has identified the following priority arrears for the implementation of one public services in South Africa:

1. Rationalization and restructuring to ensure one unified, integrated public service
2. Representative and affirmative action
3. Human resource development
4. The improving of professional services ethos.

6.5 One Public Services will only be fully achieved through Batho Pele principles; this principle is about building public service in South Africa in all three spheres of the government. The Batho Pele initiative is premised on the fact that a transformed one Public Service will be judged the degree of its deliverables.

7. Ethics & Integrity

7.1 ANCYL has firmly taken a stand on ethics and integrity of all South Africans, particularly for the young people. It has proclaimed that liquor must not be sold on Sunday because it contribute to moral regeneration in our Country.

7.2 Activities have taken place throughout our country are an indication of the seriousness with which our people regard the need to entrench positive values among our communities. The manner in which majority of our South Africans fought against the apartheid, an immoral system of governance, over many decades, is powerful indicator of their commitment to high moral values as well as the high regard to the human dignity and all other human rights.

8. Cooling-off Period

8.1 The ANCYL reiterates the resourcing and empowering of former state representatives that were politically deployed in the service sector; by providing a sustainable program that would integrate them back into the mainstream of employment, or even providing salary packages that would sustain them beyond their service in the public sector.

9. Defending the Democratic State

9.1 Based on the youth league perspective on state, the ANCYL views the state as an organ of opportunity to make real our historic goals, that are enshrined in the freedom charter, it is in this view to have a state that is closer to the people, where all young South Africans should feel represented from all walks of life, their human dignity being advocated for, a state where young people can feel represented in all sectors of socio-political environment

9.2 The problems of young people, as well as their vision and aspirations, are an essential element of the challenges facing today's societies and future generations. Throughout the country, young people live at different stages of development and in different socio-economic situations, aspire to live full lives in their country. The draft Document would help in this process, such as ensuring education, access to employment opportunities, adequate food and nutrition, a physical and social environment that promotes good health and protection from disease, enjoyment of human rights and fundamental freedoms, participation in decision-making processes, and access to cultural, recreational and sports activities.

9.3 The capacity of each society to progress is based, among other elements, on its capacity to incorporate the contribution and responsibility of youth in the building and designing of its future. In addition to their intellectual contribution and ability to mobilize support, young people bring unique perspectives that need to be taken into account. Youth League is the important youth movement for helping young people to develop the skills necessary for effective youth participation in society.

9.4 In order for ANC to achieve the objectives of Youth representatives in all spheres of government in South Africa, the ANCYL proposes action to:

1. Develop and strengthen opportunities for youth to learn their rights and responsibilities.
2. Promote the social, political, developmental and environmental participation of young people, and remove obstacles that affect their full contribution to society.
3. Encourage youth associations and their activities through financial, educational

-
- and technical support.
 4. Foster national, regional and international cooperation and exchange between youth organizations.
 5. Strengthen the involvement of young people in national forums.

10. Women's Ministry

10.1 The ANC strategy and tactics document states that, the creation of a united, non racial, non sexist and democratic society. This essence means the liberation of Africans in particular and blacks in general from political and economic bondage. It means uplifting the quality of life of all South Africans, especially poor, the majority of whom are African and female.

10.2 The proposal of the ANCYL on this issue in particular is to explore the possibility of gender ministry, that will focus on all gender issues. The autonomy of gender ministry might in some way open a door for women issues being outsourced to a ministry that is basically for women issues and interim open a Pandora's box.

10.3 In conclusion, the gender ministry will speed up the gender imbalances that was deliberately created by the injustices of the past and the patriarch society we are from. It will further address the issues of women in South Africa accurately for them to occupy their rightful sit with the privileges of all South Africans.

11. Merger of Youth Development structures

11.1 The ANCYL welcomes the resolution of the ANC in Limpopo for the formation of the National Youth Agency. Due to time constraints we are aware of how crucial it is to submit the final draft to the National Assembly