

INVESTIGATIVE HEARINGS INTO THE CAUSES OF JULY 2021 CIVIL UNREST IN PHOENIX REPORT

REPORT LAUNCH

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DURBAN

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INTRODUCTION

- The CRL Rights Commission noted with concern about the unprecedented unrest that engulfed Phoenix and the surrounding areas with the resultant injuries, destruction of properties and loss of human life.
- For that the CRL Rights Commission expresses its heartfelt condolences to all the affected families.



THE MANDATE OF THE CRL RIGHTS COMMISSION

- The Commission derives its mandate from the Constitution in terms of s.185(1) and the CRL Act 19 of 2002.
- S185(1) of the Constitution and s.4 of the CRL Act list the objects of the Commission as follows:
 - a. to promote respect for the rights of cultural, religious and linguistic communities;
 - b. to promote and develop peace, friendship, humanity, tolerance and national unity among cultural, religious and linguistic communities, on the basis of equality, non-discrimination and free association.
 - c. to foster mutual respect among cultural, religious and linguistic communities.



THE MANDATE OF THE CRL RIGHTS COMMISSION

- d. to promote the right of communities to develop their historically diminished heritage.
- e. to recommend the establishment or recognition of community councils in South Africa.

- Further, s,5(1)(e) of the CRL Act lists one of the power of the Commission to :

Monitor, Investigate and Research any issue concerning the rights of cultural, religious and linguistic communities.

THE RATIONALE FOR THE INVESTIGATIVE HEARINGS

The rationale for the hearings was to give effect to the CRL Rights Commissions' powers of protecting and promoting the rights of cultural, religious and linguistic communities, as they seemed to have been violated.

There by:

1. Investigating the cause of events that led to the unrest;
2. Facilitating the resolution of conflict between the two communities;
3. Identifying programmes and activities that will foster and promote peace, friendship, humanity, tolerance and social cohesion, culminating in the communities living together.

STAKEHOLDERS

The CRL Rights Commission met with the following stakeholders:

- Community Leaders from Phoenix, Inanda, Amawoti, Kwa-Mashu, Verulam, Bambayi and Zwelitsha;
- uNdlunkulu wase Matheni (former Deputy Chairperson of KZN Provincial House of Traditional Leaders);
- uMntwana wakwa Minyamanzi and some Izinduna's;
- Members of the Interfaith Organization;
- Civil Society Organization (SANCO);
- Members of the Peace Committee;

STAKEHOLDERS(cont.)

- Members of the Phoenix Community Policing Forum;
- Youth Structures;
- Women Organizations;
- Some Families of the Deceased;
- Some Victims of the Violent Attacks; and
- Some Members from the Two Communities;



FINDINGS

FINDINGS

1. ADVERSORIAL RELATIONSHIPS BETWEEN MEMBERS OF THE AFRICAN AND INDIAN COMMUNITY

- The mistrust and suspicions of the Africans by Indians, allegedly led to the killings of Africans by Indians, as cited by some community members may have its historical origin in 1949.
- Further it was cited we that the causes of the unrest are criminality, organized groups and inequality.
- This mistrust and suspicion makes it difficult for the Phoenix and surrounding areas communities to co-exist and foster the values of friendship, peace, humanity, tolerance based on equality, non-discrimination and free association.
- As a result, 2021 unrest found a ready fertile ground to spread mistrust and suspicion between the communities.

FINDINGS.....(cont.)

2. RACISM

- CRL Rights Commission found that racism is prevalent in Phoenix and it has a negative impact in the lives of the African people in terms of economy, public service, etc.
- An inherent systematic prejudice exists and it continues to marginalizing the African people. This provides a collective power of one group over the other.
- Racism is allegedly pervasively present in Phoenix and surrounding areas and it has been brought to the attention of the CRL Rights Commission and at how it affects the communities.

FINDINGS.....(cont.)

3.ECONOMIC DOMINANCE OF INDIANS IN ETHEKWINI

- CRL Rights Commission found that economic dominance of Indians in Ethekwini especially when it comes to control, ownership and management of the economy is still prevalent.
- As exemplified by some woman from Emawote who said “we have nothing, our lives are in Phoenix, where they have ATMs, garages, supermarkets, clinics, schools, jobs, hospitals and many other facilities”.
- CRL Rights Commission found that as a result of the lack of access to economic facilities, many cross the bridge daily to go to Phoenix for everything they need.

FINDINGS.....(cont.)

4. SPATIAL PLANNING

- CRL Rights Commission found that the challenge is not about spatial planning because the space is limited but the issue here is about tolerance and the integration of the communities to share the space for a maximum collective benefit.
- CRL Rights Commission also found that there is lack of integration to promote diversity and social cohesion and therefore CRL Rights Commission encourages integrative spatial planning as a norm.

FINDINGS....cont.

5. SCHOOLS

- CRL Rights Commission found that many pupils migrate from Emawote to Phoenix for schooling daily.
- The staffing model in these schools is skewed in favour of members from the Indian community, and thus lacking a proper community representation.
- The school's staffing model, dehumanises African teachers and portrays them as not good for anything else but to only teach isiZulu.
- We found that appointments of teachers were not in consistent with skills possessed by the individuals.

FINDINGS....cont.

6. LANGAUGE BARRIER AT THE PHOENIX POLICE STATION

- CRL Rights Commission was informed of the alleged domination of Indian community in police stations of which most do not speak Isizulu.
- As a result, many people from the African community find it difficult to report majority of incidents to the police, due to the language barrier.
- We found that language barrier is against the spirit of equitable usage of all official languages.



- RECOMMENDATIONS

RECOMMENDATIONS.....cont.

1. KZN Departments of Sports, Arts and Culture

- CRL Rights Commission recommends the strengthening of the social cohesion activities through programmes of cultural activities and sports to foster tolerance.
- We recommend alternative conflict resolution programmes to attend to conflicts before they explode.
- We recommend Inter sports activities like soccer, swimming, netball etc., to be held frequently as a way of encouraging an interaction between the two communities.

RECOMMENDATIONS.....cont.

2. RACISM

- Programs that address racism mindset change which affirms the humanity of others irrespective of race gender and language, must be introduced in schools and communities.
- Anyone who is found to be a racist must be charged and be made to serve his sentence in the prejudicial community, in order to combat racism in all its forms must be every bodies business.

RECOMMENDATIONS

3. Kwa-Zulu Natal Department of Economic Development, Tourism and Environmental Affairs

- CRL Rights Commission recommends that deliberate investments to uplift the lives of African communities in rural and urban communities must be promoted through legislations and ongoing programmes of action, which shall assist the communities to develop economically and improve their socio-economic conditions.
- This, we believe, shall help promote social cohesion, inclusivity and diversity.

RECOMMENDATIONS.....cont.

4. Government

- CRL Rights Commission recommends that government should build a statue in remembrance of people who lost their lives during the 2021 Unrest.

RECOMMENDATIONS.....cont.

5. Department of Education

- KZN Provincial Department of Education must introduce policies which address the fact that the qualified African educators, especially those in formerly Indian only schools, are not just there to teach IsiZulu only, but should equally be interviewed and recommended to teach mainstream subjects and be promoted as heads of other subjects as well.
- Both the National and Provincial Departments of Education should develop programmes which will instil the values of Ubuntu and cultural diversity in all school's country wide..
- This shall help promote friendship, respect and humanity among communities.

RECOMMENDATIONS.....cont.

6. KZN Provincial Police

- CRL Rights Commission recommends that South Africa Police Service should also address the issue of language barrier at their different stations.
- There should be a constant geographical rotation of police personnel from one area to another, as posting police personnel in one area for a long time could make them complacent.

RECOMMENDATIONS.....cont.

7. Cleansing Ceremony

- In the African culture, cleansing is a necessary ritual to appease, acknowledge and recognise those who have gone before.
- Therefore, cleansing and healing is the restoration of the relation between the living and the dead.
- For this reason, we recommend a collective cleansing encompassing multi-cultural and multi-religious communities.
- The CRL shall be the facilitator of this process.



CONCLUSION

I THANK YOU