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Participation in Africa Month

By Muchengeti Hwacha,
Johannesburg Intern

As an organisation that works to protect and promote the rights of refugees, migrants and asylum seekers, ProBono.Org was invited to join a coalition of civil society organisations in planning events to celebrate Africa Day.

Given the recent xenophobic rhetoric from leaders across the political spectrum and the resultant violence it instigated, the coalition decided it was important to unite people around the hashtags '#AfricaForAll' and '#IAmAnAfrican'. The events were intended to engage with various stakeholders to address the causes of afro-phobia in South African society and the lack of government accountability when said phobia leads to violence and death. More importantly the events were intended to provide a space for open and honest dialogue that would breed common understanding among a divergent group of people.

The events included:

Youth Engagement at the University of Pretoria

This engagement with international students at the University of Pretoria was intended to get an understanding of what it is like to be a young foreign national living, working and studying in South Africa. The turnout was overwhelming and the engagements thought provoking. Issues of language barriers, tribalism and stereotyping were highlighted as key concerns among the youth population. ProBono.Org organised, catered for and moderated the event.

Youth Dialogue at the Diepkloof Welfare Centre

This dialogue, held in the heart of Soweto, brought a message of understanding and inclusiveness to the Diepkloof community. The event created a platform for three brilliant speakers from the refugee, migrant and asylum seeker community to share their experiences with Diepkloof residents. The ensuing dialogue brought out strong emotions from both the residents and the speakers. The raw emotions expressed, rather than being divisive, actually allowed for an open and honest interaction which led to a deepened understanding of one another. ProBono.Org assisted in organising and moderating the event.

For media coverage on the Youth Dialogue follow the link below:

<https://sowetourban.co.za/59194/diepkloof-residents-given-insights-immigration/>



Participation in Africa Month (contd.)

Stakeholder Dialogue at the Constitution Hill Precinct

This dialogue provided a platform for professionals who work to protect and promote the rights of refugees, migrants and asylum seekers to speak about their work and highlight the challenges facing this community. The event also allowed for government officials to respond to the criticisms laid against them by the professional group. This high level engagement created an opportunity for interaction and potential collaboration between civil society and government officials working in the space. ProBono.Org assisted in planning and formed part of the panel of civil society speakers. Tshenolo Masha, the head of the Refugee and Immigration department at ProBono.Org, spoke on the legal perspectives of the migrant experience.

Africa Day Festival at the Catholic Archdiocese, Doornfontein

After all the serious discussions mentioned above the coalition decided to create a more celebratory atmosphere with a festival held in the middle of Johannesburg. This event brought together people from 20 different African countries to share food, fashion and music. The programme included live musical performances, a fashion show and various other activities for the whole family. ProBono.Org assisted with financial and logistical support.

The following organisations participated:

The Foundation for Human Rights (FHR), The Consortium for Refugees and Migrants in SA (CoRMSA), Constitution Hill, Amnesty International, Lawyers for Human Rights (LHR), The Centre for the Study of Violence and Reconciliation (CSV), Africa Diaspora Forum (ADF), The Jesuit Refugee Service (JRS), The Refugee Children's Project, The SA Congress of Non-profit Organisations (SACONO), the City of Johannesburg, the Department of Arts and Culture, the Department of Justice and the Action Support Centre (ASC).

Durban's Appreciation Day



Legal practitioners and stakeholders with whom we work gathered at the IIE's Varsity College Durban North on Friday 26 April for our annual Appreciation Day event.

This event is held to give recognition and thanks to legal practitioners who have made an exceptional contribution in rendering pro bono legal services to those who cannot afford them. It is heartwarming to see that despite no formalised rule from the Legal Practice Council making it compulsory to undertake a specified number of pro bono hours as yet, legal practitioners who are committed to a transformed and better society for all have continued to do so. These dedicated practitioners are to be commended and it is to be hoped that they will inspire others to emulate them.

Our keynote speaker was the esteemed Professor Karthy Govender who gave a thought-provoking talk. Amongst other things, he spoke about pushing back against the globalisation of indifference and assisting without getting something in return, which many attendees described as inspiring.

An event like this can never be a success without our kind and generous sponsors, which included IIE's Varsity College Durban North, The Image Factor, Farrell Inc., Isibani Chartered Accountants and Auditors, Durban Property Finance, Virgin Action | Collection, PPS and Cliffe Dekker Hofmeyr, to name a few. **A huge thank you goes out to all of them! ●**



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National Elections

a mediator's perspective

On 8 May 2019 South Africans went to the polls for national and provincial (general) elections for only the sixth time in the democratic Republic's short 25 year history, and only the fifth time that the Independent Electoral Commission (IEC) facilitated the election process. Despite that relatively short history the IEC has managed the monumental task of holding regular elections that have been deemed both free and fair by local, regional and international observers. At this critical time in South Africa's democratic history I am proud to say that I assisted in a successful election process. Upon the recommendation of the national director, I was appointed to form a part of the IEC's Gauteng conflict mediation panel. I was honoured to participate in deepening the roots of this fledgling democracy.

The IEC received a significant amount of criticism following the elections. However, at the risk of being deemed conflicted, I would like to provide some context for the enormous task that the IEC takes on every five years.

The IEC was formed on 17 October 1996 as one of the so called 'Chapter Nine' institutions, established under the Constitution. These institutions are tasked with strengthening constitutional democracy in the Republic. Under section 190 of the Constitution the IEC is specifically tasked with;

- (a) managing the elections of national, provincial and municipal legislative bodies
- (b) ensuring that those elections are free and fair, and
- (c) declaring the results of those elections within a period that must be prescribed by national legislation and that is as short as reasonably possible.

These three tasks look simple enough, but have often been the cause of violent conflict the world over, and more recently with our SADC neighbours; Kenya, Zimbabwe and the DRC. The cautionary tale of property damage and loss of life that played out in these countries illustrates the weight that is on the IEC's shoulders every election cycle. These fears were compounded by various incidents in the lead up to the 2019 general election, including;

- 1) The flare up of xenophobic violence in Durban
- 2) The service delivery protests in Alexandra
- 3) The Western Cape High Court ruling that threatened to postpone the elections
- 4) A Constitutional Court ruling that required the voters role to include addresses
- 5) The threatened strike action by IEC employees

The IEC is constitutionally mandated to handle all the issues above and more. Above and beyond this, the

IEC was required to train, equip and mobilise a labour force of over 200 000 employees and approximately 50 000 volunteers. This staff contingent was to be spread out across 28 700 polling stations across the country. The challenge is made more onerous when one takes into account that this has to be done in co-ordination with the South African Police Service, the South African Defence Force, the National Disaster Management Centre, the various media houses, political parties and over seventeen and a half million voters. There is no private or public institution that has to mobilise that number of people, over such a short space of time.

It is within this context that the IEC had to operate, and if the statements of the various domestic and international observer missions are anything to go by, the institution succeeded. The issues that were highlighted by a number of the smaller parties and noted by the larger ones were important but overwhelmingly immaterial and negligible.

As a conflict mediator I personally witnessed IEC officials, spurred on by a commitment to the South African democratic project, going above and beyond the call of duty to serve this Republic. In what some political leaders declared the most important elections since 1994, I was honored to serve alongside them. ●

Welcome to Cape Town's 2019 interns

Three interns have recently joined the Cape Town office, made possible by the generous support of the HCI Foundation.



Melissa Engelbrecht

Melissa obtained her LLB degree from the University of the Western Cape in 2018. During her tertiary career she was a member of the Constitutional Literacy and Services Initiative (CLASI), which is primarily aimed at educating scholars on their basic human rights. Melissa's goal is to give back to marginalised communities by providing pro bono legal assistance. Her areas of interest are property law and conveyancing.



Yolanda Mnyengeza

Yolanda obtained her LLB degree from the University of the Western Cape in 2017. In 2018 she was employed as a litigation intern by the Equal Education Law Centre based in Khayelitsha. Her role there revolved around assisting and informing parents, learners and schools about the basic right to education. Yolanda wants to work with previously disadvantaged groups in asserting their right to legal representation as well as access to justice.



Siphesihle Mayedwa

Siphesihle was born and bred in Khayelitsha, Cape Town. She obtained an LLB degree from the University of the Western Cape and a Postgraduate Certificate in Practical Legal Training from the University of Cape Town in 2019. She has always been passionate about social justice and is dedicated to adding value to underprivileged and previously disadvantaged communities. Siphesihle specifically chose law as a career path because she believes that it is continuously relevant to any context of life and has the ability to sharpen one's mind. Her special interests are socio-economic rights and commercial law.

We wish them all an interesting and rewarding learning experience with ProBono.Org.●