

Recognise dignity, value

Rights to work among the most precious of individual liberties

THE ashes of patriotism are still in the air, uniting our spirit in stunning disbelief on the world stage. The disparaging remarks of critics, home grown and abroad, seemed diluted. Undoubtedly though, the formation of the men from the “Swiss club” remains intact.

The remarkable transformation has seen swift justice in South Africa during the World Cup, with the police having to resort to a “rainbow kick” to haul in those who tarnish our reputation. The commissioner wasted no time; he acted as a world class referee when cried foul and apologised to overseas victims, reassuring them and wishing them a pleasant stay.

While the provincial rental housing tribunals, some noted for its tardiness, ignore refugees and foreign nationals; criminal courts operating in shifts have specialist interpreters for each of the ten foreign languages to ensure justice to victims from abroad.

Secure and privacy-guaranteed, portable toilets and expensively constructed permanent ones are available to soccer fans, while the fiasco of Cape Town’s toilet debacle remains humiliatingly unresolved.

As for the World Cup, it had begun the day Blatter and company decided on South Africa as the host country. We did not disappoint!

In elation and with national pride we opened our gates to all Africans and to the whole world last week.

Electrifying

It seemed as if the oceans and rivers had merged to swell the humanity in our hearts.

Even the Deputy Judge President Willem van der Merwe of the Pretoria High Court showed his true colours, his support for Bafana Bafana, in open court. It must have been electrifying!

Ubuntu resonated from the courtrooms, shantytowns and elite suburbs to engulf the globe. It now needs to touch the lives of South Africans in desperate situations.

“The value of human dignity in our constitution is not only concerned with an individual’s sense of self-worth, but constitutes an affirmation of the worth of human beings in our society.

“It includes the intrinsic worth of human beings shared by all people as well as the individual reputation of each person built upon his or her own individual achievements.

“The value of human dignity in our constitution therefore values both the personal sense of self-worth, as well as the public’s estimation of the

worth or value of an individual.” O'Regan J (in *Khumalo & others v Holomisa* 2002 (5) SA 401 (CC)).

The late Jajbhay J (in *City of Johannesburg v Rand Properties (Pty) Ltd and Others* 2006 (6) BLCR 728 (W).) amplifies the notion of *ubuntu*: “In South Africa the culture of *ubuntu* is the capacity to express compassion, justice, reciprocity, dignity, harmony and humanity in the interests of building, maintaining and strengthening the community.

“*Ubuntu* speaks to our inter-connectedness, our common humanity and the responsibility to each that flows from our connection.

“This, in turn, must be interpreted to mean that in the establishment of our constitutional values, we must not allow urbanisation and the accumulation of wealth and material possessions to rob us of our warmth, hospitality and genuine interests in each other as human beings.

“*Ubuntu* is a culture which places some emphasis on the commonality and on the interdependence of the members of the community.

“It recognises a person’s status as a human being, entitled to unconditional respect, dignity, value and acceptance from the members of the community, that such a person may be part of.

“In South Africa, *ubuntu* must become a notion with particular resonance in the building of our constitutional democracy.

“The absence of adequate housing for the Respondents and any subsequent eviction, will drive them in a vicious circle, to the

deprivation of their employment, their livelihood, and therefore their right to life.

Relocated

“The right to work is one of the most precious liberties that an individual possesses.

“An individual has as much right to work as the individual has to live, to be free and to own property. To work means to eat and consequently to live.

“This constitutes an encompassing view of humanity. The Applicant’s suggestion that the Respondents be relocated to an informal settlement flies in the face of the concept that a “person is a person through persons” (*Ubuntu*). Recent experience has shown that this alternative is fundamentally skewed. Occupiers of shacks in these informal settlements have not only lost their possessions through floods and fire but also their lives.”

As the World Cup come to an end, it will leave a “corridor of uncertainty” and eventually the poor become the spectators on the sidelines.

Would it be too much to imagine the whole nation out in the streets in unison to mark the beginning of the end to the abuse of women and children, patriarchalism, poverty, unemployment, crime and homelessness?

Imagine the passionate commitment and fanatical zeal to meet the standards and deadline to fulfilling the promise of a better life for all?

When the day arrives, and this is witnessed by cheering politicians and multinationals, put behind bars the criminals and the corrupt officials.

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