

**IN THE EASTERN CAPE HIGH COURT, BHISHO
(REPUBLIC OF SOUTH AFRICA)**

CASE NO. 81/2012

In the application of:

THE SOCIAL JUSTICE COALITION

First Applicant for joinder

and

**THE ANGLICAN ARCHBISHOP
OF CAPE TOWN, REV, DR THABO MAKGOBA**

Second Applicant for joinder

In the matter between:

EQUAL EDUCATION

First Applicant

**INFRASTRUCTURE CRISIS COMMITTEE OF
MWEZENI SENIOR SECONDARY SCHOOL**

Second Applicant

**INFRASTRUCTURE CRISIS COMMITTEE OF
MKANZINI SENIOR PRIMARY SCHOOL**

Third Applicant

and

MINISTER OF BASIC EDUCATION

First Respondent

MEC FOR EDUCATION: EASTERN CAPE

Second Respondent

GOVERNMENT OF THE EASTERN CAPE PROVINCE

Third Respondent

GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

Fourth Respondent

MEC FOR EDUCATION: FREE STATE

Fifth Respondent

MEC FOR EDUCATION: GAUTENG

Sixth Respondent

MEC FOR EDUCATION: KWAZULU-NATAL

Seventh Respondent

MEC FOR EDUCATION: LIMPOPO

Eighth Respondent

MEC FOR EDUCATION: MPUMALANGA

Ninth Respondent

MEC FOR EDUCATION: NORTHERN CAPE

Tenth Respondent

MEC FOR EDUCATION: NORTH WEST

Eleventh Respondent

MEC FOR EDUCATION: WESTERN CAPE

Twelfth Respondent

MINISTER OF FINANCE

Thirteenth Respondent

AFFIDAVIT

I, the undersigned,

MOST REVEREND DR THABO CECIL MAKGOBA

do hereby make oath and state that:

1. The facts deposed to herein are within my personal knowledge save where the context indicates to the contrary and are, to the best of my belief, true and correct.
2. Where I refer to information conveyed to me by others, I verily believe such information to be true.
3. Where I make submissions of law I do so on the advice of the Applicants' legal representatives.
4. I have read the affidavit of Abongile Nyumbeka in the joint application by the Social Justice Coalition ("the SJC") and myself to be joined as applicants,

alternatively admitted as *amici curiae* in the application brought by Equal Education against the Minister of Basic Education under the above case number (“the main application”).

5. I confirm that the contents thereof in so far as they relate to me are true and correct. This affidavit serves to further amplify my interest in the main application.

6. I have a particular interest in addressing the conditions of poor sanitation in which many South Africans are forced to live and attend school. Growing up in Alexandra township in the 1960’s meant that a lack of proper sanitation formed part of my daily childhood reality. My family, friends, neighbours and I all knew the bucket system very well - it was that or the nearest bush or behind buildings. And while it was part of my daily experience, in my heart I knew that it was not good enough.

7. When I completed my matriculation and went on to do my tertiary education, I experienced having daily access to proper sanitation facilities for the first time. This deepened my conviction that the unjust, unhealthy and inhumane sanitation conditions experienced by so many of our people, especially children, have to be addressed. I have witnessed first-hand how these conditions operate as confidence destroyers for children.

8. Thus after coming to Cape Town I was greatly encouraged to come into contact with the SJC and their 'sanitation campaign' on behalf of the people of Khayelitsha. Through the Western Cape Religious Leaders' Forum, facilitated by the SJC, I began to advocate with them for decent sanitation for the residents of Khayelitsha.
9. It is undeniable that inadequate sanitation and the improper (or no) maintenance of toilets play havoc with people's lives – in terms of safety, health and the self image and self esteem of people living in such conditions.
10. These problems of poor sanitation replicate themselves in most Eastern Cape rural schools. They impact on the confidence of learners and teachers. They diminish any hope they have of ever overcoming squalor and poverty and thus erode their dignity, privacy and freedom.
11. The girl child is even more disadvantaged. I have come across accounts of girl learners missing school during menstruation – in such cases they suffer the consequence of a loss of teaching time. This is a quandary for young girls who go to school in search of education, safety, health and dignity but are then made to endure the impact of psychological issues arising from poor sanitation.
12. Norms and standards enforceable by law that require proper sanitation in the school setting will address this quandary which, if not addressed, will undermine the social cohesion we are seeking as a country.

13. In light of what is set out in this affidavit and those which accompany it, I ask for an order as sought in the Notice of Motion.



MOST REVEREND DR THABO CECIL MAKGOBA

I certify that:

1. The deponent acknowledged to me that:
 - 1.1 He knows and understands the contents of this declaration;
 - 1.2 He has no objection to taking the prescribed oath;
 - 1.3 He considers the prescribed oath to be binding on his conscience.
2. The deponent thereafter uttered the words: "I swear that the contents of this declaration are true, so help me God".
3. The deponent signed this declaration in my presence at the address set out hereunder on this 13th day of **SEPTEMBER 2012**.

 R/K0052

COMMISSIONER OF OATHS
Revd. A.J. KANNEMEYER
The Provincial Executive Officer
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