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Report of the Second TAC National Congress 1 – 3 August 2003 Coastlands Conference Centre Durban

1. Introduction

Over 600 South Africans die of HIV/AIDS everyday. The theme poster for TAC's 2nd National Congress reflected the effect this has on TAC members at a personal level. It lists over 100 names of TAC volunteers and family members who have died since the beginning of our civil disobedience campaign in March 2003. It is against this background that the Congress deliberated over its main themes: (1) strengthening TAC branches to ensure better delivery in the public health care system, (2) improving the conditions of service of health care workers (3) the need ensure treatment literacy education is effectively rolled out across the country and (4) the regrettable need to pursue civil disobedience and litigation if the SA government continues to fail to rollout a treatment and prevention plan.

The Congress took place at the Coastlands Conference Centre in Durban from 1 to 3 August, 2003. The conference delegates were unanimous in their view that there is a need to increase the pressure on government to rollout a treatment and prevention. There was agreement that the labour sector of NEDLAC should declare a section 77 dispute. However, there was serious debate on what other forms this pressure should take. A majority of conference delegates supported a return to civil disobedience and litigation and the conference ultimately resolved this.

Organisational business was also successfully completed at the Congress. TAC's 2001–2003 financial statements were adopted and a new TAC National Executive Committee (NEC) was elected. The election for secretariat positions was overseen by the Independent Electoral Commission.

2. The Call For a Treatment and Prevention Plan

All speakers at the Congress highlighted the urgent need for government to implement a treatment and prevention plan including antiretroviral therapy. At the opening ceremony, COSATU Second Vice–President, Joyce Pekane, started the Congress with this call. She urged TAC not to lift the suspension on civil disobedience and to maintain unity in the struggle against HIV denial. Thabo Cele and Johanna Nkala, both people living openly with HIV/AIDS, described the death and suffering they have encountered in their work for TAC and called for the suspension of civil disobedience to be lifted. Reverend Molefe Tsele, head of the South African Council of Churches, called for unity in the struggle for treatment. He also

urged TAC not to lift the suspension on civil disobedience.

Reverend Tsele led the Congress in a short memorial service to remember our comrades who have died of HIV/AIDS.

In the organisational report back plenary, TAC chairperson, Zackie Achmat, started by calling the TAC coordinator from each province to the podium to recall the names of a few TAC members from each province who had died.

In his speech, Achmat said that South Africa has the best government it has ever had, but that because of irrational HIV denialism it has failed to deal with the HIV/AIDS epidemic. He told how he did not want to return to civil disobedience, but saw no alternative in the face of government's continued intransigence. Civil disobedience was necessary to ensure government meets its obligations to those who are dying unnecessarily of HIV/AIDS. He called on faith based organisations to support Archbishop Ndungane's criticisms of government's failures. TAC secretary, Mark Heywood, echoed Achmat's call, but also pointed out that TAC has to put pressure on business, which failed to meet its moral duties under Apartheid, and without pressure, will fail to meet its moral duties during the HIV epidemic. He urged those who prevaricated over support for TAC's civil disobedience campaign to adopt other forms of protest and not to stand in the way of the struggle for a treatment and prevention plan. Civil disobedience was a matter of principled protest, and in no way challenged our government's legitimacy.

Isaac Sibiya of Mpumalanga, as well as other TAC members, treated the Congress to passionate poetry recitals, calling for treatment and criticising government's failure to treat.

At the closing ceremony, ANC MP and head of the Parliamentary Portfolio Committee on Finance, Barbara Hogan, unequivocally declared her support for a treatment and prevention plan. She told the Congress that many in the ANC support TAC's demands. She said that she would not judge TAC for returning to civil disobedience, but urged that it be dignified. Sister Mpumi Mantangana, who works in the MSF antiretroviral programme in Khayelitsha, told how antiretroviral therapy saved the lives of her patients and urged government to make these life-saving medicines available to all. She told how a treatment and prevention plan could help relieve the burden on nurses in the public sector. Pumzile Nyhwagi and Sibongile Mthunzi described their experiences living with HIV/AIDS. Pumzile described how antiretroviral medicines that he receives from the MSF programme in Khayelitsha had saved his life. Sibongile described the terrible conditions that people with HIV face in the Eastern Cape public health sector. She called on support groups to work towards improving the health care system and government to supply antiretrovirals. Chez Milani, head of FEDUSA, also then reiterated the call for antiretroviral therapy and called for unity in the struggle for a treatment and prevention plan. He requested TAC to rename the civil disobedience campaign so that labour could support TAC's protest actions. Stephen Lewis, the special envoy on HIV/AIDS to UN Secretary General, Kofi Annan, extended his support to TAC's calls for access to treatment. In his call for treatment, he recalled human rights struggles of the past few decades, including the civil rights movement led by Martin Luther King in the 1960s and the struggle against Apartheid. He said that TAC's campaign was in the tradition of these struggles. Zackie Achmat, as re-elected TAC chairperson, then ended the conference with a call for us to work together for a treatment plan and to conduct a dignified, peaceful, civil disobedience campaign.

The issue of civil disobedience resulted in intense debate at the Congress. While a majority of delegates supported the call to return to civil disobedience, the COSATU and FEDUSA delegations noted their concerns and urged that civil disobedience be renamed so that they could participate in it.

3. Organisational Reports

Outgoing secretary of TAC, Mark Heywood presented a report on the TAC NEC's administrative functioning over the last two years. Dawn Wilson, TAC's financial manager, presented a financial report for the last four years as well as an audit for the last financial year. The report was adopted by the Congress (Proposed: Zodwa Ndhlovu, Seconded: Rita Baintjies).

4. Composition of Congress

The Congress invited 450 delegates, of which approximately 380 attended. A further approximately 250 observers, including media, participated. There were observers from UNAIDS, the AIDS and Human Rights Alliance of Southern Africa (ARASA), Bread for the World, Atlantic Philanthropies, South African Development Fund, Action Southern Africa, Kaizer Foundation, MSF and ACTSA.

Prior to the TAC national Congress, provincial congresses took place in six Provinces. These congresses elected delegates to the national congress, discussed resolutions and made nominations for the TAC secretariat. The approximate composition of the delegates was as follows:

TAC Western Cape, Gauteng and Kwazulu–Natal: 70 each

TAC Limpopo and Mpumalanga: 25 each

Labour sector: 25

Health–Care Workers sector: 25

Faith Based Organisations sector: 12 (approximately 30 invited)

Children's Sector: 15

Youth and PWA representatives were included in the TAC provincial delegations.

5. Commissions and Resolutions

The Congress divided into seven commissions which discussed the following issues:

- TAC Constitution
- Building Treatment Literacy
- Building TAC districts and strengthening municipal HIV services
- Campaign for a Treatment Plan (Civil Disobedience, elections, etc)
- Health Care Workers Campaign
- Involving the Youth in TAC's Programmes
- Needs of Children

Following extensive deliberations both in commissions and in plenary on many proposals, the following resolutions were adopted by Congress:

Recognising that:

- Thousands of people continue to die of HIV/AIDS because they have no access to treatment, and prevention programmes are insufficient
- There is an urgent need to improve South Africa's health–care system which has the

following critical problems:

- Shortages of health care workers
- Under-trained staff
- Shortages of medicines and equipment
- Enormous inequities especially between the private and public sectors, but also between rural and urban areas

Believing that:

In all its work and campaigns, the TAC must take into account:

- Gender sensitivity
- Special needs and vulnerabilities, such as women, prisoners and adolescents, children and men who have sex with men
- Always promote the involvement of people with HIV at every level of the organisation
- The need for greater equity between urban and rural communities, as well as provinces
- The need to constantly evaluate and monitor our work
- Partnerships with existing organisations and structures, particularly at clinic and hospital level
- Promotion of responsible male involvement in response to the epidemic
- The need to promote the reduction of sexual violence
- The need for ongoing training on HIV treatment-related issues both within and outside of TAC
- Greater accessibility of materials, including in languages other than English

This Congress resolves to take the following actions:

(All resolutions were passed without objection.)

TAC Constitution

- The NEC is mandated to set up a constitutional amendments sub-committee, to include one representative from each of the six provinces in which TAC is active.
- This committee will be directed in its work by the NEC. It will consider and finalise amendments to the Constitution and will report back to the NEC within three months.
- In its work, the Committee will consider the proposals made at the six TAC provincial congresses and the two National Congress commissions dealing with the issue.
- A special meeting will be established to adopt the Constitutional amendments.

Treatment literacy

- The content of treatment literacy training should extend beyond HIV-specific treatment issues, such as dealing with knowledge of the care system, issues of governance and advocacy
- Health care workers, especially nurses and counselors should be recipients of and participants in treatment education
- Together with provincial organisers, provincial treatment literacy co-ordinators must develop and run provincial leadership schools for TAC activists
- Preparing communities for antiretroviral therapy must be a part of treatment education programmes

- TAC must play a role in lobbying for and building capacity in other organisations to do treatment education

Building TAC districts and strengthening municipal HIV services

- TAC should align itself with the district health system, by starting to establish district offices
- District working committees should focus on women's health issues, education, clinic campaigns and the youth
- District offices should focus on monitoring and strengthening the health care system at district level
- District work must be based on active community and TAC branch participation

Campaign for a treatment plan

- The suspension of civil disobedience is lifted
- There must be broad mobilisation and consultation, with the aim of maintaining the broadest possible unity amongst allies. The focus must be on mobilising health care worker participation.
- There should be a National Day of Action in August (not part of civil disobedience)
- There should be national consultation with all key sectors, including all labour federations
- All labour federations to be requested to call a dispute at NEDLAC
- COSATU will be requested to give TAC space at its National Congress to brief delegates on the treatment plan campaign
- The campaign must be peaceful and dignified
- There must be civil disobedience workshops
- Litigation for a treatment plan must start immediately
- Branches must start discussions on TAC's position on the 2004 elections. The new NEC is mandated to reach an organisational position on this issue

Health care workers' and clinics campaign

- Health care workers must be trained in all aspects of HIV/AIDS at the expense of the state and during paid time
- We must continue to campaign for increased investment in the public health care system
- Understaffing is a critical issue in the public health sector and we must campaign for it to cease.
- End-of-life care must be prioritised.
- Declare and mobilise for a day for people with HIV to have CD4 counts
- Educate health care workers on accessing treatment through their membership of medical schemes
- TAC volunteers must work under the supervision of health care workers
- The campaign must make use of clinic committees and hospital boards. We must develop formal working relationships with health establishments
- Where public health facilities have capacity to provide access to antiretroviral treatment, they should be encouraged to do so

- We must educate health care workers on key aspects of a treatment plan
- We must ensure that health care workers who are TAC members can use the Clinics survey and intervene at health care facilities
- We must campaign for HIV counsellors to be posted at police stations and prisons.
- Community health workers should receive greater recognition and should be trained and formally employed

Youth

- June is youth month and should be a time of intense campaigning for youth related HIV issues
 - In this regard, the TAC youth sector must integrate its activities into all TAC's programmes
- We need to strengthen the condoms at schools campaign ensuring distribution and education at schools throughout the country
- Conduct extensive training for teachers on HIV, including treatment
- Monitor establishment of adolescent–friendly clinics
- In line with national policy, we must assist in the formation of support groups at schools
- Empower young women and incorporate anti–sexism in literature and workshops
- The TAC definition of youth is still to be determined

Children

- Treatment for children must be given an urgent priority
- Campaign for national prevention and treatment plan must integrate needs of children, ensuring all children with HIV have access to treatment
- Promote access to paediatric antiretrovirals, with focus on particularly high prices of paediatric formulations, authorisations for use of unregistered generics, and voluntary and/or compulsory licenses.
- Call for 100% coverage of MTCTP programme
- MCC to be held to account for its decision on nevirapine.
- Ensure no gap in MTCTP programme. If nevirapine is not used, use AZT or other ARVs in combination
- Set up support groups for pregnant women accessing MTCTP who test positive for HIV.
- Treatment literacy must include children's issues. This should include both treatments for children and the impact of adult treatment on children. Parents must receive treatment education.
- Need for focus on adolescent health needs in relation to HIV
- Support campaigns for 100% birth registration, important for accessing social grants
- Review and assist in strengthening primary health care policy and practice
- Advocate for fast–track registration of generic ARVs
- Support Competition Commission complaint on excessive pricing, intervening in an appropriate way if and when the matter is referred to the Competition Tribunal

Faith-based organisations

- We must conduct consultative meetings with religious leaders at provincial level
- TAC must designate a person to build relationships with the faith-based sector, working closely with the faith-based sector representative on the NEC

6. NEC Elections

A new TAC NEC was elected.

Secretariat

The Independent Electoral Commission (IEC) oversaw the secretariat elections. Eligible voters were delegates on a predetermined voters roll. All delegates had an opportunity to scrutinise the voters' roll and ensure that errors on it were corrected before the elections began. The IEC declared that the elections were free and fair. The conduct of the election was overseen by international observers.

The chairperson and treasurer positions were not contested. Zackie Achmat was nominated chairperson of TAC and Mark Heywood was nominated treasurer. Their nominations were confirmed.

The results of the secret ballot vote for the position of **deputy-chairperson** were as follows:

- Siphon Mthathi: 135 votes
- Nkosi Mthethwa: 110 votes
- Isaac Skosana: 65 votes
- Spoilt votes: 14
- Total votes cast: 324

Therefore Siphon Mthathi was elected deputy-chairperson of TAC.

The results of the secret ballot vote for the position of national **secretary** were as follows:

- Mandla Majola: 187 votes
- Pholokgolo Ramothwala: 89 votes
- Isaac Skosana: 31 votes
- Spoilt votes: 17
- Total votes cast: 324

Therefore Mandla Majola was elected secretary.

The Kwazulu-Natal delegates put forward a motion that a deputy-secretary position should be established and they nominated Ncumisa Nongogo to this position. A decision on this motion will be left to the discretion of the NEC.

NEC Sector Representatives

Each sector nominated its own representatives to sit on the NEC. These nominations were

confirmed.

- Health Sector (two reps): Edna Bokaba and Lydia Cairncross
- Labour (two reps): Joyce Pekane (second person to be nominated in due course)
- Faith based organisations: Gary Thompson
- Children's sector: Buyi Mdhlovu
- Youth: Arthur Jokweni

Provincial Sector Representatives

- Mpumalanga: Gosiamo Choabi
- KZN: Gugu Mpngose
- EC: Sindiswa Godwana
- WC, Limpopo and Gauteng will elect their representatives at their next PEC meetings.

New TAC NEC Representatives Confirmed at the Congress

Zackie Achmat, Chairperson

Sipho Mthathi, Deputy–Chairperson

Mandla Majola, Secretary

Mark Heywood, Treasurer

Edna Bokaba, Health Care Workers Representative

Lydia Cairncross, Health Care Workers Representative

Joyce Pekane, Labour Representative

Gary Thompson, Faith Based Organisations Representative

Buyi Mdhlovu, Children's Sector Representative

Arthur Jokweni, Youth Sector Representative

Gosiamo Choabi, TAC Mpumalanga Province Representative

Gugu Mpngose, TAC Kwazulu–Natal Province Representative

Sindiswa Godwana, TAC Eastern Cape Province Representative

7. Documentation

Documentation handed to delegates at the TAC National Congress is available upon request from the TAC National Office or on the TAC website, <http://www.tac.org.za>

8. Acknowledgements

Thank you to Shayne Brookstein for organising the conference, as well as the over a dozen volunteers who assisted her. Thank you to Bread for the World, South African Development Fund and Atlantic Philanthropies for funding the Congress.

[ENDS]