

FINAL

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TOURISM BUSINESS COUNCIL OF SOUTH AFRICA'S (TBCSA) COMMENTS ON THE REGULATION OF GATHERINGS AMENDMENT BILL

1. Introduction

The Tourism Business Council of South Africa (TBCSA) is an umbrella organization, which represents the unified voice of businesses in the Travel and Tourism (T&T) sector. TBCSA is a nonprofit, private organization working to unite and influence the diverse Travel and Tourism private sector behind one core mission to contribute to a competitive, responsible and inclusive Travel and Tourism (and South African) economy. Our mandate is to serve the needs to our members who broadly constitute 20% of the sector's leading business enterprises and whose output represents 80% of the sector's overall economic contribution.

The tourism industry contributes significantly to the GDP of this country. According to the World Travel and Tourism Council (WTTC), the industry directly contributed R 136.1 bn or 2.9% total GDP in 2017. The total contribution of Travel and Tourism to GDP was R412.5bn or 8.9% of GDP in 2017. The Travel and Tourism industry also contributed 9.5% of total employment or 1 530 500 total jobs or in 2017. This includes jobs indirectly supported by the industry. Visitor exports generated R126.7bn, which is 9.2% of total exports in 2017. According to the Statistics South Africa's Tourism Satellite Account, tourism outperformed the agriculture industry as one of the key industries contributing to the GDP. The contribution of the tourism industry to the economy will be made easier if some of the challenges that the industry faces could be dealt with. Some of these challenges centre around the frequent protests that do take place in the country, which sometimes tend to disrupt tourism activities.

We understand that the bill is currently being reviewed to prohibit all demonstrations or gatherings in the vicinity of a building in which a school or institution of learning and care is situated, on every week day (Saturdays, Sundays and public holidays are included in the

prohibition). The TBCSA in principle agrees with the prohibition that is being mooted. In addition, TBCSA is of the view that gatherings and demonstrations should also be regulated and prohibited near the tourism establishments so that they do not pose any kind of reputational and infrastructural damage which might lead to reduction in tourist arrivals, as these two aspects are the backbone to the structure of tourism industry.

2. General comments

Considering the importance of tourism industry to the economy of this country, it will be ideal for government, when amending this bill, to also consider the tourism establishments and ensure that the bill provides for them as well. We are making this proposal based on the realisation that protests do have a negative impact on the movement of tourists in the country, especially where roads have been blocked or if they are known to be violent. Protests can also damage the reputation of the country as a preferred destination because of safety concerns from tourists, thus leading to tourists preferring to visit other countries that compete with South Africa on tourism.

We are now living in the era of globalization where, at the click of a button, any image is shared all over the world. The protests which constantly take place in our country ultimately get broadcast through different media platforms, and form part of issues that create a bad image for this country. The bill should therefore be amended in such a way that it protects the tourism industry from the bulk of these protests as peace and stability are essential elements for tourism growth. It is well known that tourists only want to travel to destinations that are considered as safe.

Furthermore, it is not only the tourism industry that is affected by these incidents. Due to protests, the reputation of South Africa as an investment destination gets tarnished, a phenomenon which will discourage investors from investing in any industry in South Africa. Investors are not always keen to invest in countries that are characterized by protests or anything that can have negative implications for their investments, such as frequent labour disputes as well as damage to property and infrastructure. Recently, South Africa had not performed well when compared to other countries in terms of safety and security. It had consistently scored low on personal safety and

security. According to the World Economic Forum Travel and Tourism Competitiveness Report, in 2017, South Africa was ranked at 120 out of 136 economies. Therefore, issues of safety need to be taken into account when amending.

Government's mission is to attract as many investors as possible. However, with protests taking place almost every day and across the country, this may make this mission difficult to accomplish. The problem usually encountered with international tourists and investors when these protests take place is that they may not differentiate between cities where the actual protests are taking place, as they would rely on the information distributed in their respective areas. They may therefore conclude that south Africa is characterized by protests and start choosing other countries as alternative destinations.

These protests also have an impact on domestic tourism. The South African residents who are willing to travel within their own country are sometimes limited by the constant service delivery protests, where roads to key tourist attractions are blocked and people's travel plans get disrupted. All these lead to decrease in geographical spread and choice of attractions within the country.

The duration of protests has a huge negative impact on businesses including the tourism businesses. When the roads are blocked and people do not show up at work for a few days, that disrupts their work and mostly importantly, affect the level of productivity within organizations. Most studies indicate that the impact could vary considerably depending on the extent of the protest activity and also the duration, ranging from simply depriving the economy of labor to more serious impacts on economic infrastructure.

The potential for damage and significant impact to critical infrastructure is a legitimate threat that must be addressed through the amendment of this legislation. In addition to critical infrastructure and national key points, this legislation should consider outlawing trespassing on sites that are near hotel and tourist attractions. Trespassing on these sites due to protests should attract heavy fines.

3. Specific comments

3.1. Section 3 (3) should include the kind of activities that people planning gatherings plan to be involved in. This would allow for tendency of protesters to destroy property to be dealt with at the outset, through meetings as discussed in section 3 (4) (a) and (b).

3.2. In terms of section 6 (6) (a) we feel that securing the place through the presence of law enforcement agencies is better than closing a place altogether as the duration of the protest may not be known. If the place is a school, closing it may have implications for education.

4. Conclusion

TBCSA acknowledges the importance of the right to assembly, demonstration, picket and petition, as stipulated in section 17 of the Constitution of the Republic of South Africa. However, such rights should be subjected to some limitations. This right should be limited as it conflicts with the need to safeguard people and infrastructure. In addition, the right may have a detrimental effect on the economy of the country, as frequent demonstrations affect labour productivity and portray the image of South Africa as not a destination to invest in.

Yours Sincerely

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