

in session



ENOUGH IS ENOUGH

Parliament to amend laws to curb Gender-Based Violence.

Committee considers new legislation to help end gender-based violence



South Africa's plans to address the problem of gender-based violence (GBV) received a boost with the arrival of three pieces of legislation in the National Assembly (NA) recently, writes Rajaa Azzakani.

The three are the Sexual Offences and Related Matters Amendment Bill, the Criminal and Related Matters Amendment Bill and the Domestic Violence Amendment Bill. The NA has referred the Bills to the Portfolio Committee on Justice and Correctional Services for consideration and further processing.

The committee heard that the Bills originate from the President's commitment to fighting gender-based-violence and femicide (GBVF), which has reached endemic proportions in South Africa.

Outlining the process, the Acting Committee Chairperson Mr Qubudile Dyantyi assured the committee that the Bills will be published for public comment, which will be followed by public hearings. "We urged the department to build the relevant capacity in anticipation of the implementation of the legislation," said Mr Dyantyi.

The Sexual Offences and Related Matters Amendment Bill introduces, among other things, a new offence of sexual intimidation to protect persons from threats of

imminent sexual harm. It further aims to extend the ambit of the offence of incest so as to provide additional protection to children, as well as extending the reporting duty of persons who suspect that sexual offences have been or are being committed against children.

As for the National Register for Sex Offenders (NRSO), the committee heard that the proposed amendments in the Bill aim to expand the scope of the NRSO to include the particulars of all sex offenders against children and persons who are mentally disabled. It also aims to expand its ambit to include other vulnerable persons, namely, female persons between the ages of 18 and 25; persons with physical, intellectual or mental disabilities; and persons 60 years of age or older who, for example, receive community-based care and support services, as well as increase the periods for which a sex offender's particulars must remain on the NRSO before they can be removed.

The Domestic Violence Amendment Bill seeks

to optimise collaboration between departments in order to streamline the provision of services within existing mandates. It also makes provision for a secure online application for a protection order.

The committee heard that the Criminal and Related Matters Amendment Bill makes provision for evidence through intermediaries as it is seen as an effective procedure to protect witnesses or complainants against victimisation during court proceedings. It also provides for the use of audio-visual links, which ensures the availability of witnesses, both inside or outside the country, in court proceedings.

The Bill further seeks to include evidence in the form of demonstrations, gestures or any other form of non-verbal expression in respect of a witness who suffers from a condition which inhibits the ability of that witness to give his or her evidence orally. In relation to bail in GBV matters, the proposed

amendments aim to address several shortcomings in the Act, especially in relation to the release on bail by the South African Police Service or a public prosecutor before the person's first appearance before a court. 🇷🇵




Thaba Chweu municipality strangling small businesses



Businesses that trade with and render services to the Thaba Chweu Local Municipality are being strangled by the inability of the municipality to pay for services rendered. The Select Committee on Cooperative Governance and Traditional Affairs, Water and Sanitation was informed during its oversight visit to the municipality recently that cash flow remains a huge

all contractual obligations and pay all money owing, including intergovernmental claims, within the prescribed or agreed period. Furthermore, the National Treasury's Regulation 8.2.3 provides that "unless determined otherwise in a contract or other agreement, all payments due to creditors must be settled within 30 days from receipt of an invoice".



IT IS COMPLETELY UNACCEPTABLE THAT IT TAKES THE MUNICIPALITY AN AVERAGE OF 797 DAYS TO PAY ITS CREDITORS.

- Mr China Dodovu

challenge that impacts on progress in improving the fortunes of the municipality, **writes Malatswa Molepo.**

"It is completely unacceptable that it takes the municipality an average of 797 days to pay its creditors. This trend will kill the ability of small businesses to operate, leading to some of them closing down, and an increase in the unemployment rate in the municipality," said Mr China Dodovu, the Chairperson of the committee.

The delayed payment of creditors is a direct breach of Section 38(1)(f) of the Public Finance Management Act (PFMA), which requires accounting officers to settle

The committee also raised serious concerns regarding the municipality's escalating debt to Eskom. The debt is currently R807 million and rising. The municipality informed the committee that payments towards this debt make little difference, due to the "high" interest rates levied by Eskom on this debt. The consequence of this debt is the intermittent disruption of electricity to the area, which impacts negatively on everyone.

The state of roads into the town was also raised as a serious concern by the committee. "The state of the R36, with potholes big enough to be mini-dams, will impact the municipality's ability to

attract investment into the town, which will lead to increased job opportunities," Mr Dodovu said.

The committee also called for the Mpumalanga Provincial Government to assist the municipality with infrastructure development, especially social infrastructure. The committee concluded that the R43.8 million Municipal Infrastructure Grant is not adequate to make a meaningful dent in the municipality's infrastructure challenges.

Despite these challenges, the committee welcomes the announcement and assurances that there has been

a stabilisation of both political and administrative leadership that will hopefully drive the initiative to improve the fortunes of the municipality. The committee has urged the provincial executive, together with the South African Local Government Association, to institutionalise support to the municipality, as obliged by section 154 of the Constitution.

The committee will expect periodic reports on the work being done to improve the functioning of the municipality. 🇷🇸

Select Committee urges municipality to cooperate with Private Sector Development Opportunity

"In recent years, the government has witnessed the fast deterioration of some of its most important assets required to improve the quality of life of the people."

A proposed public/private partnership initiative worth R10 billion between the Govan Mbeki Local Municipality and the International Diverse Innovative Solutions is being delayed by stalling on

the part of the municipality.

This is delaying development initiatives with the potential to create jobs and infrastructure in the municipality, **writes Malatswa Molepo.**



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The Select Committee on Cooperative Governance and Traditional Affairs, Water and Sanitation and Human Settlements was informed that the municipality has been slow to support the initiative, despite the limited risk to the municipality and support from the National Treasury. The committee was visiting the municipality to assess socio-economic development in the municipality.

The administrative delays fly in the face of repeated calls from President Mr Cyril Ramaphosa for the private sector to join with government to develop social infrastructure. In his February 2020 State of the Nation Address, President

Ramaphosa called for an increase in investment in social infrastructure, saying: "In recent years, the government has witnessed the fast deterioration of some of its most important assets required to improve the quality of life of the people.

There has been a huge neglect as well in this regard and a rapid deterioration of municipal infrastructure. Multilateral development banks, development finance institutions, and the private sector all have a critical role in the financing and implementation of this investment in coming years."

According to the South African Local Government Association,

the unemployment rate in the Govan Mbeki Municipality is currently at 25.5%, with women unemployment standing at 30.5%, and youth unemployment at 52.9%.

The committee questioned the delays in moving ahead with an initiative that was first proposed in 2014 in light of the positive benefits, both in terms of development and employment opportunities for the people of the area. "There should be an excitement about an initiative worth R10 billion, but there seems to be stumbling blocks to this development. We remain of the view that if all legislative processes are adhered to, then the initiative should be welcomed and implemented,"

said Mr China Dodovu, the Chairperson of the Select Committee on Cooperative Governance and Traditional Affairs, Water and Sanitation and Human Settlements.

The committee has recommended that the municipality and the private

partners should urgently meet, with the assistance of the provincial government, to find ways to leverage the opportunities presented by this public/private partnership, especially in relation to the development of social infrastructure. 🇷🇷



Committees - Beitbridge border fence is not fit for purpose

A joint oversight visit by the Portfolio Committee on Public Works and Infrastructure, the Portfolio Committee on Home Affairs, and the Standing Committee on Public Accounts (Scopa) has found that the recently constructed Beitbridge border fence between Zimbabwe and South Africa is tantamount to fruitless expenditure, as the fence is not fit for purpose, writes Malatswa Molepo.

The committees visited the border to assess the quality of the construction of the fence. From afar, the shiny fence is impressive, but a closer look reveals the true extent of the substandard work. Someone using their bare hands would be able to pass easily through the fence.

What left the committees even more baffled was that a fence constructed in 1983 was in much better condition than its recent companion. The committees were unanimous that the fact that the 37-year-old secondary fence decommissioned in 1994, was in a better condition than the five-month-old fence demonstrated the substandard quality of the fence.

"The most practical and cost-effective measure would have been to refurbish the decommissioned fence," said

Mr Mkhuleko Hlengwa, the Chairperson of Scopa.

The fence, which was procured as part of the intervention to fight the spread of Covid-19 has been cut in over 100 places since its construction and is not a deterrent against illegal crossing of the border. The committees also criticised the fact that the fence was not constructed to specifications, which exacerbated the problems with it.

Following the visit, the committees called for effective consequence management against those implicated in wrongdoing in the project. "Regarding the 14 implicated officials, the committees were of the firm view that due process must be followed, which will hopefully culminate in effective consequence management," said Ms Nolitha Ntobongwana, the

Chairperson of the Portfolio Committee on Public Works and Infrastructure.

An issue of concern for the committees remained the prescriptive directive written by the Minister of Public Works. They are awaiting a comprehensive report by the department on the nature, circumstances and motivation of the directive.

The committees have also called for the Special Investigating Unit to initiate a process to recover lost resources. This followed information that for the scale and scope of the project, the state could have paid approximately R17 million less than they did. The committees have individually and jointly committed themselves to increase their focus on the project, to ensure that

effective consequence management occurs and that the state recovers its losses. 🇷🇷



Women in Limpopo make resounding call for real equality

“Women in the rural parts of Limpopo are calling for customs and cultures to be subjected to the equality clause of the Constitution. They also called for the restructuring of traditional institutions in accordance with the principles of equality;”

The Women’s Charter review process, led by the Deputy Chairperson of the National Council of Provinces (NCOP), Ms Sylvia Lucas, and the Deputy Speaker of the National Assembly (NA), Mr Lechesa Tsenoli, continued in Limpopo with a high-level session to reflect on the findings of the public consultations that have been held in the province’s five district municipalities, **writes Sakhile Mokoena.**

During the Women’s Parliament of 2019, Parliament resolved to convene a review of the Women’s Charter across all districts in the country in order to assess progress made in implementing the provisions of the 1994 Women’s Charter for Effective Equality.

Giving an overview of the deliberations on the Charter, Ms Lucas said women in Limpopo made a resounding call for substantive equality and for leadership to tackle all forms of discrimination against women. “They have also demanded the right to work, equal pay for equal work, and for the recognition of the disproportional burdens of care which are placed on women as a result of the gender division of labour,” she said.

She continued: “Women in the rural parts of Limpopo are calling for customs and cultures to be subjected to the equality clause of the Constitution. They also called for the restructuring of traditional institutions in accordance with the principles of equality,” the NCOP Deputy Chairperson said.

The women also demanded that women’s rights be effectively advanced in order

to enable them to participate in traditional institutions of decision-making, with equal representation in traditional courts.

She also referred to the Commission on Gender Equality’s report on the state of shelters in South Africa. The report highlighted deep-rooted systemic challenges, including inadequate funding of institutions providing services to institutions rendering services to survivors of abuse, which needs to be addressed at the highest levels.

The report also found that violence against women cases are predominantly unreported in the rural areas, “particularly due to fear of recrimination by communities, most families have demonstrated disinclination to report gender-related violence matters and opted to resolve them as a family”, said Ms Lucas.

During the public consultations on the Women’s Charter review, the Financial and Fiscal Commission reported weak translation of gender equality commitments into fiscal commitments, and that municipal integrated development plans (IDP) show very little evidence of the manner in which the IDP planning process and budget office have budgeted for gender mainstreaming.

Ms Lucas added: “There was a strong sense amongst participants that the idea of gender equality is thus increasingly reduced to a vague set of good intentions which are rarely translated into meaningful policy and ideological programmes.”

She also emphasised the importance of transparency and openness about where the leadership has done well and where failed.

“We need to confront that we have not done well and reject excuses and face up to the reasons for failed policies, failed implementation and failed accountability. In order for us to develop sound strategies, we need to be clear about successes, but significantly too we need to identify areas of focus that require intervention and improvement. It is only through such honest process of learning from each other that we can map out a way forward to become a beacon of hope for gender equality,” Ms Lucas said.

The Speaker of the Limpopo Provincial Legislature, Ms Rosemay Molapo, said the provincial review sessions

offered opportunities and platforms to raise concerns and possible solutions on issues concerning women and children. “Our role as the legislature is to ensure that the resolutions in the charter are fully implemented in all spheres of government, and by doing so we will be affirming the principles of women empowerment and gender equality and further recognising the prevention and reduction of gender based violence as a catalyst for attaining and environment that is conducive for peace and security,” said the provincial Speaker.

Mr Mbuyiselo Botha, a Commissioner at the Commission on Gender Equality, advocated for increased resources for the Thuthuzela care centres for abused women and children, as well as the training of police officers on gender so that

women do not face secondary victimisation. He also called for adequate funding for all the plans adopted to fight gender discrimination and that gender equality and sexual harassment policies to be translated to all languages.

In an effort to address the shortage of shelters for victims of abuse in the province, the MEC for Social Development Ms Nkakareng Rakgoale told the session that talks are underway with the Department of Public Works to look at underutilised government buildings and converting them into shelters. 🇿🇦



Local Government Week is a platform for all spheres of government to discuss and resolve municipal challenges



Mr Parks Tau

“We have to renew the emphasis on leadership, oversight and consequence management framework to strengthen accountability.”

According to the Deputy Minister of Cooperative Governance and Traditional Affairs, Mr Parks Tau, Local Government Week created a platform in which all spheres of government could get to grips with the financial mismanagement facing municipalities and to find durable resolutions that would enable them to implement the Auditor-General’s audit outcomes, **reports Abel Mputing.**

Mr Tau commended the deliberations that occurred throughout the week as stimulating, inspirational and sobering, but which also recognised the urgency of the need to resolve the matters at hand. However, he noted that many of the problems in municipalities are of long standing. They include mismanagement, poor oversight over supply chain management and inefficient planning that is not based on

viable expenditure calculations.

The latter has forced many municipalities to rely on the services of consultants “to assist them in executing water and sanitation and other critical service delivery mandate.” In his view, this failure means that municipalities are not fulfilling their constitutional mandate.

How do we save municipalities from the brink of total collapse, he asked. “This week we have gained an insight that the multifaceted problems municipalities are faced with, which need multifaceted solutions and actions of all role players in the three spheres of governance.”

One solution proposed is the establishment of budget councils that could “assist in addressing municipalities’ failure to implement financial controls and respond to audit outcomes, by reinforcing the

need for asset and revenue management and adherence to principles of supply chain management.”

This does not take away the need to strengthen oversight over municipalities’ activities, he said. “We have to renew the emphasis on leadership, oversight and consequence management framework to strengthen accountability.”

Other solutions involve a review of equitable share and conditional grants, and the need to implement zero budget model.

The President of South African Local Government Association (Salga), Ms Thembi Nkadimeng, underlined the need to review the political governance of municipalities. “There should be a new arrangement regarding the deployment of councillors if we really want to improve the functioning of municipalities.”

Municipalities face growing challenges and some of the revenue sources they previously relied on are no longer viable. “Water and electricity are no

longer viable revenue sources for municipalities because there is widespread poverty and unemployment, and people no longer pay for these services.” As a result, many municipalities have extreme cash flow problems, she said.

She also added her voice on the call to review the fiscal architecture of municipalities, including equitable share and conditional grants, because “previous arrangements are no longer viable and municipalities are now faced with mounting service delivery challenges”. 🇷🇵



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“WE HAVE TO RENEW THE EMPHASIS ON LEADERSHIP, OVERSIGHT AND CONSEQUENCE MANAGEMENT FRAMEWORK TO STRENGTHEN ACCOUNTABILITY.”

▀ MR PARKS TAU



Ms Thembi Nkadimeng, President of SALGA



Mr Thamsanqa Dodovu



‘Position municipalities as catalysts for economic development’

Section 139 of the Constitution could not save many municipalities from further collapse, the “results of which continue to have a negative impact on people’s lives and livelihoods of many cities”.

Participating in the Local Government Week debate, the Chairperson of the Select Committee on Cooperative Governance and Traditional Affairs (CoGTA), Mr Thamsanqa Dodovu, said many lessons have been learnt and their knowledge of local government has been sharpened, **writes Abel Mputing.**

He said: “Based on that, we can conclude that we need the District Development Model to accelerate service delivery and to bring about intergovernmental planning and cooperative governance.” According to him, this model will build the capacity to think and to secure the future, hope and prosperity of municipalities. In addition to that, he pointed out, while we recognise now the lack of ability of municipalities to collect revenues, the way they spend their resources is a cause for concern.

He cited the case of 40 municipalities that invested money in the now defunct VBS Mutual Bank as a case in point. “We are serious about accountability. Such gross financial negligence

requires action from related municipalities to ensure that we don’t impede accountability.”

Ms Carin Visser said the NCOP has failed to implement its accountability mechanisms in many of the municipalities that have been affected by maladministration, and she said as such, the NCOP has not intervened in many of these cases in the best interest of the residents.

Furthermore, she said the Auditor-General confirmed the systemic collapse of municipalities caused by the collapse in governance and these municipalities’ inability to execute their executive mandate.

In her view, so deep is the rot that even the invocation of section 139 of the Constitution could not save many municipalities from further collapse, the “results of which continue to have a negative impact on people’s lives and livelihoods of many cities”.

To reverse the current sorry state of municipalities in the Eastern Cape Province,

its Member of the Executive Committee on Finance, Mr Mlungisi Mvoko, said they have established a partnership with Rhodes University to ensure that municipalities have the requisite skills to dispense their executive mandate. “This is meant to instil the culture of accountability to ensure that the already scarce resources are dispensed more efficiently and effectively.”

To him, the other major challenge in this space is the urgent need to change the political landscape of municipalities “to position municipalities as catalysts for economic development than a space for political contestation, something which has led to lack of service delivery”.

To say our municipalities are in utter disarray is a misrepresentation of the facts on the ground, said Ms Mmabatho Mause. This sphere has collapsed. “It has failed to provide people with water, sanitation, roads, houses. It is non-existent. It has collapsed.”

According to her, the way

in which the Division of Revenue Bill allocated funds for municipalities is based on false assumptions, and is a source of much of the incompetence in municipalities. “As a result of this Bill’s inefficiencies, municipalities have descended into disillusionment and violent protests. There’s a need to rethink the formulas for equitable share and conditional grants,” she said.

The challenges facing municipalities are deep-seated, said Dr Qhamkile Madlopha of the KwaZulu-Natal Legislature. To address them, she said: “We need a collective effort between the provincial and national government to support the municipalities to perform

their responsibilities. To train and capacitate them with necessary skills to manage their finances more effectively, to strengthen their internal audits and to manage their revenue streams in a more efficient manner.

“This intergovernmental support must not only exist on paper, it must be turned into practice if we were to turn the tide of many municipalities,” she said. In addition to that, she said: “The Auditor-General should play its role in the accountability chain of the intergovernmental sphere, it must not only identify deficiencies, but must also enforce its recommendations.” 🗳️



District Development Model aims to integrate planning and budgeting

Dr Dlamini-Zuma emphasised the need to strengthen the local sphere of government, saying the “failure of local government is a failure of government, we are one government”.



The Minister of Cooperative Governance and Traditional Affairs (CoGTA), Dr Nkosazana Dlamini-Zuma, has defended the District Development Model from criticism, saying the model was not a replacement of any old schemes, but a move in trying to solve problems that exist in local government, **writes Sakhile Mokoena.**

Speaking during the NCOP's (National Council of Provinces') debate on the Local Government Week, she said the District Development Model seeks to coordinate and integrate planning and budgeting and mobilise the capacity and resources of government for improved service delivery and local economic development in the municipalities.

“Not only do the three spheres of government work in silos, but the different departments at national level are also working in silos, and through the District Development Model, we want to break those silos and work in a coordinated and integrated way,” she explained.

She also commended the NCOP for organising the Local Government Week, saying it was very educational and

empowering. “The Local Government Week was fruitful, we talked about challenges and also solutions, we do have common understanding of the challenges at hand and what needs to be done,” said the Minister.

She emphasised the need to strengthen the local sphere of government, saying the “failure of local government is a failure of government, we are one government”.

“The local sphere is where people experience government, sometimes communities don't even understand which mandate is national or local – every problem will be taken to the councillor – that's why we have to do everything to strengthen the local level,” said the Minister.

She said in the end people must get services, there must also be local economic development so that communities can have sustainable development and create their own wealth where they live, and address the triple challenges of poverty, unemployment and inequality. Other participants in the debate described the Local Government Week as the “most comprehensive and

frank assessment of the state of municipalities”.

North West's Acting MEC for CoGTA and Human Settlements, Ms Boitumelo Moiloa, said South Africa was not short of legislation to govern municipalities, and suggested that the country must deal with administrative, structural and political challenges in local government.

“For us to ensure that municipalities are capable and financially sound, we need to deal with administrative, structural, and political challenges and instil the spirit of active citizenry,” she said.

Her Mpumalanga counterpart, Mr Mandla Msibi, suggested that the country must go back to basics to the White Paper on local government that was adopted in 1998, which he said spoke about a “responsive, efficient, effective and developmental local government system”.

“To have an ethical state, we must ensure that we are responsive to the needs of our society in terms of turnaround time. When community members raise challenges, our councillors must not take time to respond.

“In terms of financial viability, we are going to ensure that supply chain processes of municipalities are adhered to, and ensure that consequence management is applied,” he said.

Mr Msibi also added that in order to have sound financial management and good governance, municipalities need to have moral leaders both politically and in administration. 🇿🇦



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Dr Nkosazana Dlamini-Zuma

District Development Model will bring coordination in districts and metropolitan municipalities, MEC Makamu

“Pre-Covid-19, 72% of municipalities in the province were in good financial health, and initiatives were put in place by the provincial Treasury to assist all other municipalities, now many of our municipalities will face financial difficulties as a result of Covid-19,”

The Limpopo’s Provincial Government’s MEC for Cooperative Governance and Traditional Affairs who participated in the Local Government Week debate, Mr Basikopo Makamu voiced his support for the District Development Model, **reports Sakhile Mokoena.**



He said the District Development Model would ensure proper coordination in districts and metropolitan municipalities. He expressed his hope that the model will help address challenges raised in the municipal audit outcomes which he said painted an “unfavourable picture on how resources allocated to municipalities are being managed in ways that are contrary to the prescripts and recognised accounting disciplines”.

He told the NCOP delegates that the envisaged legislation on the implementation of section 139 interventions will go a long way in ensuring clarity and certainty in the application of the interventions.

“With legislation in place there would no longer be diverse application of section 139 among provinces and within the same province – resulting in confusion and inconsistency,” said Mr Makamu.

Mr Derrick America, the Chairperson of the Standing Committee on Local Government and Local Government Oversight in the

Western Provincial Legislature, said the Covid-19 pandemic has put many municipalities in the province under financial difficulty compared to the period before the outbreak of the virus.

“Pre-Covid-19, 72% of municipalities in the province were in good financial health, and initiatives were put in place by the provincial Treasury to assist all other municipalities, now many of our municipalities will face financial difficulties as a result of Covid-19,” said Mr America.

NCOP permanent delegate, Mr Mlindi Nhanha, said about the District Development Model: “Most South Africans have heard these grand plans before, namely, Back to Basics, various recovery plans and now the District Development Model and it will be ditched when a new Minister comes in, and a new plan will be hatched.

Mr Zolani Mkiva, another permanent delegate to the NCOP, described the Local

Government Week as one of the deep introspections and evaluations of the local sphere of government. “We have taken the mirror and stared into our challenges of local government in the face, and we are inspired by a number of proposals informed by the balance of evidence and facts, “All too often, and especially in this debate, opposition parties sink into narrow and petty arguments, failing to see that local government requires a long view with policies that have the vision that includes the lives of our people on the one hand, whilst on the other hand, address the challenges that this week has confronted,” Mr Mkiva said. 🇷🇷

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“WITH LEGISLATION IN PLACE THERE WOULD NO LONGER BE DIVERSE APPLICATION OF SECTION 139 AMONG PROVINCES AND WITHIN THE SAME PROVINCE – RESULTING IN CONFUSION AND INCONSISTENCY,”

— MR BASIKOPO MAKAMU



NCOP reflects on South Africa's constitutional democracy

The National Council of Provinces' (NCOP's) debate on International Democracy Day themed: "Reaffirming the values and principles of our constitutional democracy", provided its members with an opportunity to reflect on the durability and relevance of the precepts of the South African Constitution in relation to the past history and the challenges that the country is currently facing, writes Abel Mputing.

Mr Mohammed Dangor, who represents Gauteng in the NCOP, said: "The Constitution was promulgated not in the furtherance of racism but to promote the economic well-being of all South Africans, to heal the divisions of the past, and to bring about social justice and fundamental rights for all before the law."

He said the Constitution seeks to promote human dignity and to do away with racial servitude as enshrined in the Bill of Rights. He cited the land question as a case in point. In his view, if addressed properly, it can assist in redressing past inequalities.

Although the matter is contested, Mr Dangor is nonetheless confident that the current leadership has all the requisite wisdom to deal with this matter amicably. "In quiet waters, everyone can steer the ship, but in high tide we need captainship that would assist in overcoming turbulence.

We currently have a leadership that can be entrusted with

this role to deliver on one of our country's constitutional mandates," he said.

The Minister of Justice and Correctional Services, Mr Ronald Lamola, who also participated in the debate, started off by paying tribute to the late Adv George Bizos for his sterling contribution to the inception of our Constitution. Adv Bizos' tireless work sought to ensure that all South Africans are equal before the law and that the Constitution becomes an instrument to bridge the gap between the rich and poor.

Mr Lamola defended the amendment of section 25 of the Constitution and its related laws as an endeavour to reduce land hunger and to ensure the majority of South Africans have equal access to land and its natural resources. He also praised South Africa for being a beacon of human rights culture in Africa and the world. "Under the stewardship of our President, we continue to play a critical role of brokering peace in Africa. And

of seeking peaceful resolutions to war-torn countries," he said.

He pointed out that "as we are about to celebrate 25 years since we adopted our Constitution, we need to reflect on what went wrong and what has been our achievement, and what we need to do more to deal with issues of inequality".

Mr Lamola is convinced that South Africa's Constitution has stood the test of time, but is yet to be tested on how it will deal with the upsurge in corruption. "If there is any threat to our Constitution, it's corruption. We will succeed in uprooting corruption if we have ethical leadership. And if the institutions that support our Constitution function independently of any political influence," he said. 🇷🇵



Mr Mohammed Dangor



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"AS WE ARE ABOUT TO CELEBRATE 25 YEARS SINCE WE ADOPTED OUR CONSTITUTION, WE NEED TO REFLECT ON WHAT WENT WRONG AND WHAT HAS BEEN OUR ACHIEVEMENT, AND WHAT WE NEED TO DO MORE TO DEAL WITH ISSUES OF INEQUALITY".

— MR RONALD LAMOLA

We must do more to uproot patriarchy, says Deputy Chair

“If we were to address this, we need to uproot patriarchy more proactively. We have passed laws to improve the status of women, but there remains a need to uproot systemic patriarchy to protect the rights of women.”



Ms Sylvia Lucas, Deputy Chairperson of the National Council of Provinces (NCOP)

Participating in the debate on International Democracy Day on the theme: “Reaffirming the values and principles of our constitutional democracy”, the Deputy Chairperson of the National Council of Provinces (NCOP) Ms Sylvia Lucas said it is a well-known fact that South Africa is one of the most unequal societies in the world and it is South African women who are disproportionately affected by that inequality, **writes Abel Mputing.**

“If we were to address this, we need to uproot patriarchy more proactively. We have passed laws to improve the status of women, but there remains a need to uproot systemic patriarchy to protect the rights of women.” She believes that the current review of the Women Charter seeks to ensure that the discussions cover a developmental strategy of gender monitoring and budgeting.

Also taking part in the debate, the Provincial Whip of the Western Cape delegation of the permanent delegates to the NCOP Ms Cathlene Labuschagne said the continued interference by the

ruling party in the running of institutions supporting democracy poses a danger to the efficiency of the South African Constitution.

In addition, “the Auditor-General reports of unauthorised and wasteful expenditure at local government and the corruption in the state-owned entities pose a threat to the clause of the Constitution that seeks to bring about economic redress.” In her view, the country can’t continue to have a political system that is not accountable to the ethical principles of the Constitution. Ms Mmabatho Makause, who represents the Gauteng Province in the NCOP, said: “We need to ask ourselves a difficult question: what does constitutional democracy mean to an ordinary black person who is pushed to the margins of the economy, who plays a subservient role to that of white people who control the economy?”

Ms Makause added that to the marginalised people, the notion of a constitutional democracy is a foreign concept. To her, South Africa is a textbook case of a country

in crisis of the political enrichment by those in power. Each passing year, people become more disillusioned, evidenced by the recent low voter turnout. “In the last election, only 49% of eligible voters went to vote. The low voter turnout is a threat to our constitutional democracy,” she said.

Mr Armand Cloete, who represents the Free State Province in the NCOP, said democracy comes with its own set of responsibilities, and if political leaders do not act in a manner that is responsible, our freedom will be in danger. “If our leaders keep on looting, South Africa will soon be a failed state. If we fail to create opportunities for economic growth, we would soon be a failed state.”

The Chief Whip of the NCOP Mr Seiso Mohai said the debate affords the delegates to the NCOP an opportunity to reflect critically on the future we seek to build. “But we must state that our Constitution did not come out of a boardroom declaration, drafted by those who wanted to create a better future for all. It came about because of the sacrifices of

the lives of many.”

Mr Mohai said the debate also gives an opportunity to amplify the relevance of the NCOP in relation to our constitutional democracy. “As stated in our Constitution, this august House is the cutting-edge of cooperative governance. As such, it serves to elevate provincial issues to our country’s national agenda.”

There is still a long way to redefine its role further, he continued, to ward off the negative responses that position it negatively as a House that has no value or irrelevance because it is simply a duplication of the National Assembly. “As such, we need to reposition it in the minds of the people and enhance its capacity, and rigorously place it in the national policy discourse as an apex institution at the heart of the three spheres of government, so that it becomes more assertive about its constitutional mandate, and determines its scope and focus without overstressing its capabilities,” emphasised Mr Mohai. 🗣️



PARLIAMENT
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“IF OUR LEADERS KEEP ON LOOTING, SOUTH AFRICA WILL SOON BE A FAILED STATE. IF WE FAIL TO CREATE OPPORTUNITIES FOR ECONOMIC GROWTH, WE WOULD SOON BE A FAILED STATE.”

— MR ARMAND CLOETE

‘Embedded in our heritage are mechanisms to advance our liberation’

The National Council of Provinces (NCOP) hosted a Heritage Day lecture on “Reviving and improving the quality of life through heritage”, writes Abel Mputing:



Mr Elleck Nchabeleng

Speaking at the beginning of the event before the lecture, the Chairperson of the Select Committee on Education and Technology, Sports, Arts and Culture, Mr Elleck Nchabeleng, said: “Our arts and culture are the central thread of who we are and how we perceive ourselves to be in relation to other nations of the world.”

Mr Nchabeleng said South African arts and culture contribute to how South Africans live their lives and how their identities are formed. “Embedded in our heritage are mechanisms to advance our liberation, if not our shared norms and values systems, that are critical for our renaissance in engaging us in a dialogue to forge a future anchored in unity, solidarity and diversity.”

Also making remarks before the lecture, the Chairperson of the NCOP, Mr Amos Masondo, said: “This is the celebration of the bearers of our indigenous knowledge systems found in our communities. The living human treasures are our living heritage, which is the foundation of all communities and an essential source of

identity and continuity.”

He continued: “Over and above our indigenous knowledge systems, aspects of living heritage include cultural traditions, oral history, performance, rituals, popular memory, skills and techniques, the holistic approach to nature, society and social relationships.”

He reminded the delegates to the NCOP that the national Heritage Day celebrated on 24 September, recognises and celebrates the cultural wealth of the South African nation. “It is one of the national days that we observe as part of the national commemorative programme of government. It is an important day on which South Africans remember the cultural heritage of the many cultures that make us who we are. It is one of the strategic levers through which we seek to foster social cohesion and nation-building.”

Mr Masondo said the dawn of democracy in South Africa was the beginning of the huge task of putting the South African heritage resources into proper perspective and

“to promote our diversity”. As such, he said the democratic government invested a lot in the promotion of the South African heritage.

“Our heritage helps us to define our cultural identity. It lies at the heart of our spiritual well-being and has the power to build our nation. It has the potential to affirm our diverse cultures and, in so doing, shape our national character. It is thus important that our communities remain as sites for educating ourselves and deepening our understanding of our heritage resources, their conservation, preservation and promotion,” emphasised Mr Masondo.

He said the South African democracy has put heritage into its proper perspective and government has invested in its promotion through various legislative instruments, such as the National Heritage Resource Council, which acts as a custodian of the legacy of collective cultures. 🇿🇦

National Council of Provinces hosts Heritage Day lecture

Ms Lutshaba’s research interests include rural development, commerce and industry; the nature of work in the creative economy; cultural policy; cultural leadership and development, development theory, and development history.



Ms Unathi Lutshaba

Delivering the lecture, the Executive Director of the South African Cultural Observatory, Ms Unathi Lutshaba, described the challenge of mapping, understanding and valuing the contribution South African creative industries make to our gross domestic product (GDP) and employment, **writes Abel Mputing.**

She gave an insightful perspective on this subject, which is often overlooked. In her view, their research has proven that creative industries influence our quality of life. In addition, the more we are artistic, the more we innovate.

Regarding the sector's contribution to GDP, she said their research has found that it contributes 1.1% to GDP and this contribution grew by 2.4% per year compared to the 1.1% overall economic growth of our economy. Compared to the workforce

of other sectors, she said workers in creative industries are more educated and have tertiary qualifications.

The sector is also central to international trade, as it currently exports well over US\$446 million in commodities. This not only reduces South Africa's cultural trade deficit, it also contributes 0.7% to South Africa's total export of commodities, mostly in the United States. Design and creative services contributed 50% towards export commodities, followed by the books sector at 14% and audio visual and film sector at 11% respectively.

She said the entity is now mapping the future of museums to ascertain their demand and supply, and how that can influence policy to promote local and international tourism. "Related to this initiative is a campaign to repatriate South African artefacts from foreign

museums. A report has been produced to this effect," she said.


In addition, the cultural observatory has been involved research into the establishment of the South African film industry, with a special focus of promoting indigenous films that would contribute to social cohesion and nation-building.

According to her profile, Miss Lutshaba was appointed to the role of executive director of the South African Cultural Observatory after two years as its research manager. She plays a central role in the overall project management of the Department of Arts and Culture's national research arm.

Miss Lutshaba has an MA in Development Studies from the Nelson Mandela University, and is currently working towards her PhD, also from the Nelson Mandela University, where she is focusing on

traditional values and the current economic systems in Dikidikana. Previously she lectured in the Economics and Sociology Departments, respectively, at Nelson Mandela University. She is an Erasmus Mundus Scholarship recipient and alumni.

Ms Lutshaba's research

interests include rural development, commerce and industry, the nature of work in the creative economy, cultural policy, cultural leadership and development, development theory, and development history. She has contributed broadly to research and commentary in these areas. 



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MS LUTSHABA'S RESEARCH INTERESTS INCLUDE RURAL DEVELOPMENT, COMMERCE AND INDUSTRY, THE NATURE OF WORK IN THE CREATIVE ECONOMY, CULTURAL POLICY, CULTURAL LEADERSHIP AND DEVELOPMENT, DEVELOPMENT THEORY, AND DEVELOPMENT HISTORY.

CPA marks Africa Day with focus on Covid-19 and gender-based violence

To celebrate Africa Day, the Eastern Cape Legislature hosted a Commonwealth Parliamentary Association (CPA) Eastern Cape sub-region webinar on "Tackling the concept of people's democracy and human rights in the context of Covid-19 and the gender-based violence (GBV) pandemics".



Mr Amos Masondo, NCOP Chairperson

According to a concept document for the event, Africa Day is "an opportunity for South Africans, including asylum seekers, to reconnect and recommit themselves in the fight against the scourge of gender-based violence in the context of Covid-19." The document goes on to say that in response to Covid-19 the African Union has called on all its member states to work with the World Health Organisation coordinate their efforts to fight the disease, limit transmission and minimise harm.

The webinar also speaks to the aspirations of the African Union Agenda 2063, which

calls for good governance, democracy, respect for human rights, justice and the rule of law in Africa. Agenda 2063 also calls for Africa's development to be people-driven, relying on the potential of African people, especially its women and youth, and caring for children.

After extensive deliberations, the webinar resolved that the CPA should devise ways and means to entrench a human rights culture in Africa and to curb GBV through legislation that would give special attention to girl child education, curb early marriages, and prevent sexual abuse and forced surrogacy.

The conference also resolved that research into the social aspects of GBV is needed to devise psycho-social interventions that go beyond the justice system processes. There was also a call for a partnership between the public and private sector to address the poverty, unemployment and inequality. These three challenges have been shown to have a direct effect on GBV and other socio-economic ills and have been amplified by Covid-19. The resolution concluded by condemning the misuse of the state apparatus for corruption and despotism.

In his closing remarks, the

Chairperson of the National Council of Provinces (NCOP), Mr Amos Masondo, noted that South Africa's Constitution locates a just society "in the Bill of Rights, which is the cornerstone of our democratic values of equality and freedom". The Constitution further calls for parliaments to be "the centres that anchor the advancement of parliamentary democracy, to play an active role as midwives that mediate political conflicts and negatively effects of human insecurity on the continent".

Turning to the Covid-19 pandemic, Mr Masondo noted that the disease has brought immense suffering and reversed African governments' developmental efforts, these same governments "must take advantage of the opportunities that it presented to them, to bring about changes that are informed by the people we serve".

He went on to say: "This pandemic has inadvertently repositioned African parliaments to respond to the challenges of the day by reprioritising the recovery of their nation states and the fight against gender-based violence that cast a long shadow of despair on our communities."

Mr Masondo also pointed out that the lessons learnt from these challenges have "assisted us to see opportunities where there could easily be despair. One such opportunity is the "innovative capacity of parliaments to step in and integrate ICT in their communication platforms to improve their efficiency to deepen democracy and better the lives of millions of African people through technology. 🌐

Legislative sector must embrace digital technology to address gender inequalities and improve oversight



Mr Lechesa Tsenoli, Deputy Speaker NA

Parliament hosted a virtual Sector Parliaments Planning Session predicated on the theme: "Towards an Oversight Framework for Sector Parliaments". This is aimed at coming up with coordinated baselines and to share experiences on how best the legislative sector can incept a well-coordinated oversight framework on sector parliaments, that is implementable and research-based, writes Abel Mputing:

Speaking on the need to institutionalise and strengthen the sector's oversight accountability mechanisms on sector parliaments, the Deputy Speaker of the National Assembly (NA), Mr Lechesa Tsenoli, emphasised that the legislative sector needs to work together to identify synergies to enhance the monitoring and implementation of domestic and other regional, continental and global development plans as part of its broader oversight mandate.

He said these may be attained by infusing sector parliaments' resolutions into legislative instruments of oversight, such as questions and motions, to enable

the legislatures to hold the executive accountable. Part of which, he stated, is to ensure that the sector parliaments' resolutions become part of the planning and strategic framework of the legislatures, but also to ensure that they are monitored, evaluated and implemented so that they may see the light of the day.

Furthermore, he added, there is a need for capacity building in this regard in the legislative sector that will assist in promulgating evidence-based policy making that emanates from the resolutions of sector parliaments. "We need to acquire or harness requisite skills to enhance our capacity in this regard," he said.

"The need for the establishment of an LGBTQI

sector parliament has become a critical factor that needs urgent attention," he insisted. This is tied to the need to review the Women Charter's inputs and focus areas because there is an emerging thinking that more should be done to ensure that there is a gender-sensitive budgeting process across the three spheres of governance.

Statistician-General on poverty mapping

In his contribution to poverty mapping, the Statistician-General, Mr Risenga Maluleke, gave a broad overview of the multi-dimensional poverty index. In Stats SA's observation, poor households, many of which earn R4 600 a year, tend to have more people than non-poor

households, which earn five times more. And this tends to be skewed as well when it comes to not only their income, but their access to health and economic activities.

According to the Stats SA study, the Western Cape province has seen a decrease in the intensity of poverty compared to other provinces, but the Eastern Cape and KwaZulu-Natal provinces have a high prevalence of people living in poverty.

Stats SA commended the contribution of government grants in alleviating the plight of the livelihood of many households that are vulnerable to hunger and poverty.

South Africa is ranked as one of the most unequal countries in the world – Dr Ayodele Odusola

Speaking on accelerated development in South Africa, Dr Ayodele Odusola, the Resident Representative for the United Nations Development Programme (UNDP) in South Africa, delineated the main drivers of inequality in South Africa and what makes it rank as one of the most unequal countries in the world.

In his view, although there are inequalities in South Africa based on race, there are also inequalities between racial groupings. And for him, there must also be a policy that will give strategic attention to this growing trend. But generally, he blamed the structural impediments of apartheid for some racially based inequalities which “deserve a policy focus that will address them in a dramatic way”. He cited education as one of the mechanisms that can assist in dealing with this dilemma. But as our education stands now, “its output is not linked to the labour market, and that also needs to be addressed”.

Most of all, he flagged land reform as one instrument that has the potential to bring about much-needed structural changes in the economy. “A win-win land reform programme that can entrust land in the lands of small-scale farmers and that can bring about inclusive economic reforms, can drive productivity and unleash the value chain of South African agri-business which is estimated at R70 billion.”

In reference to the UNDP’s interest in youth development in South Africa, he said they have, through their youth entrepreneurship programme, cultivated “a cohort of young entrepreneurs and the skills they imparted in them have given them access to finance

because they are now deemed bankable by the banks.” In his view, the role parliament can play in reducing inequality, is to ensure that legislation is aimed at achieving equity.

Legislative sector to embrace digital technology for oversight

Ms Nomonde Madubula, a representative of the Financial and Fiscal Commission (FFC), looked broadly at the lack of coherent oversight capacity from legislatures to monitor budget allocations, and lack of capacity and coordination at various government levels, and the effects thereof on service delivery and gender budgeting. “There is a need to strengthen the research capacity of legislatures to be in position to track budget allocations. And to embrace digital technology for oversight. And to enable legislatures to effectively monitor the annual performance programmes of departments meant to reduce poverty, unemployment and inequality.

“Most of all, to be in a position to “address gender inequalities through fiscal policy by ensuring that all government departments’ budgets and annual performances are gender-sensitive or include gender budgeting,” she said.


Speaking under the same topic, the Chief Whip of the National Council of Provinces (NCOP), Mr Seiso Mohai, said: “There is a greater urgency that, as Parliament, we must establish a sectoral parliaments oversight model to ensure a coherent oversight of sectoral issues.”

He said this will require deep thoughts and imaginations from the stakeholders of the legislative sector “because it related to our research and policy analysis capacity to bring about defined strategic goals and outcomes”. According to him, the need for sectoral parliaments oversight model calls for a change in parliamentary programming. That will position the

legislative sector “in its wider strategic and political context as a vehicle for accelerated service delivery, development and socio-economic transformation”.

This may include, he suggested, the reviewing of whether the sectoral parliaments’ issues cannot be assigned to relevant portfolio or select committees and beef up the research support of such committees.

This as a means to mainstream the aspirations of the youth, women, people living with disabilities, and the LGBTQI community as critical sectors of our society that are marginalised. He said this constitutes the greater urgency of our times.



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THE NEED FOR THE ESTABLISHMENT OF AN LGBTQI SECTOR PARLIAMENT HAS BECOME A CRITICAL FACTOR THAT NEEDS URGENT ATTENTION

Deputy Speaker of the National Assembly (NA), Mr Lechesa Tsenoli

