

in session



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*Women's Month
Edition*



Women's Parliament shouldn't be ritual talk shop, says Speaker

The women of South Africa convened at Parliament and virtually to observe women's month and celebrate the year of Charlotte Manny Maxeke: advancing gender equality, through inclusive economic growth and the precepts of a capable developmental state. In her opening address, the Speaker of the National Assembly (NA), Ms Nosiviwe Mapisa-Nqakula, pointed out that the event took place just after the launch of the Review of the Women's Charter, which seeks to advance the mainstreaming of gender equity in all spheres of our society. *Abel Mputing reports* from the event.



A frank interrogation of tangible progress since the inception of the charter in 1994 is necessary, the Speaker believes, as it is a living document whose progress should be constantly monitored. "Women's Parliament shouldn't become a ritual talk shop. But should assess if there was any follow-up on issues discussed previously.

"Embraced in this vein, it would be a progressive platform to receive feedbacks on the implementation of previous commitments by the three tiers of government, to also identify failures, skewed progress and whether was there any implementation of tangible targets." She cautioned that the success of the provisions of the Women's Charter would depend on the collective effort of all political parties in Parliament and should not be sacrificed at the altar of party-political partisanship and bickering.

Growing rates of gender-based violence (GBV) are a concern, she went on, but the plight of men should also be given the attention if we were to find lasting solutions. The Speaker also noted the devastation wrought by the Covid-19 pandemic on women's economic situation. "During lockdown we have seen the reversal of women empowerment. And it poses a dangerous scenario in relation to the gender targets and objectives of the National Development Plan."



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Also speaking at the conference, the Minister in the Presidency for Women, Youth and People with Disabilities, Ms Maite Nkoana-Mashabane, said: “We are supposed to be celebrating the women’s month and commemorating the August resolve of our forebears in championing the women’s cause, but we have instead witnessed a rise in GBVF [gender-based violence and femicide], which serves as a tragic reminder of a pandemic that continue to rob women their basic human rights.”

She then gave an extensive report of her department’s initiatives in upholding the government’s commit to the national strategic plan (NSP) on GBVF. She reported that, as of 9 August 2021, her department has released a year-one report on its response to the commitments outlined in the plan and that departments have been helped in integrating the plan into their annual targets.

Covid is a global crisis, but nonetheless it has brought its own set of opportunities, Ms Nkoana-Mashabane said. One example is that during the pandemic, government has seen an acceleration of the institutionalisation of the NSP’s GBVF instruments in many departments, who have allocated well over R20 billion in the past financial year towards the implementing them.

Moreover, the establishment of Inter-Ministerial Committee on GBVF has facilitated an intergovernmental collaboration, which was not the case in the past.

Her department has also forged ties with the Department of Planning, Monitoring and Evaluation to support it in refining its NSP targets, indicators and interventions. She further reported that her department has managed to operationalise and localise the NSP targets in municipalities and provincial governments to ensure that they are part of their Integrated Development Plans and they play a responsible role in realising them. As a measure to strengthen the NSP, the Department of Justice and Correctional Services has audited GBVF services in 30 hot spots across the country, Ms Nkoana-Mashabane reported. She commended parliamentary committees for using the Parliamentary Oversight Framework to promote accountability on the NSP. The proposed National Council of GBVF will also play an oversight role over the government’s implementation of NSP targets.

It is significant, she pointed out, that the costing of NSP has been finalised, which will improve its capacity and effectiveness. According to her department’s projections, “it’s hoped that by 2030 we would have, as a country, dealt with the root causes of GBVF once and for all”. For this to happen, however, women’s economic empowerment will have to be accelerated. She is optimistic that the 40% set aside in government’s procurement policy for women and women-owned businesses “would bring women economic justice, will assist them to reach their full economic potential and will go a long way in eradicating this pandemic”.

“Our lasting victory against GBVF,” she concluded, “lies in turning our commitments into actions.” 



Women call for disruption of patriarchy at 2021 Women's Parliament

The Deputy Chairperson of the National Council of Provinces (NCOP), Ms Sylvia Lucas, called on delegates at the 2021 Women's Parliament to "disrupt" patriarchy, which is sustained by inequality, landlessness and femicide, *writes Sibongile Maputi*



Chairing the second session of the parliament, National Assembly (NA) member Ms Liezel van der Merwe said women no longer wanted empty promises and statements of intent. "What we want is progress and action; we are taking stock of whether we've made progress since the last Women's Parliament ... The fight for women's empowerment is not over. Provinces must report back on progress they have made to advance gender equality."

Another delegate, Ms Tlale Nathane, said disruption of patriarchy will start with action and connecting women from all walks of life. "We need to move beyond awareness around gender-based-violence (GBV). Everyone is aware; we need to move towards action and implement programmes."


"Women are real targets of abuse and inequality which is also supported by other women," said delegate Ms Kgaretja Lekalakala. "We need to be seen protecting women every day, not only in August month. We must take a stand and let our voices heard." Abusers and perpetrators are delivered and nurtured by women, she pointed out.

Ms Mary Florence Rose Louw said inequality and oppression are a direct consequence of cultural practices, especially those that put men on a pedestal. "It's time we do away with practices that portray males as superior. Men need women and they should recognise women as equals at home, in the workplace and at church."

Women recognised that for their struggle to succeed they needed to put aside racial and political differences and commit to leading as a collective, as their needs are the same. Delegates called for the ratification of the ILO Convention 190 on Violence and Sexual Harassment, the finalisation of Hate Crimes Legislation and decriminalising of sex work.

The Eastern Cape MEC for the Department of Sports, Recreation, Arts and Culture Ms Fezeka Nkomonye informed the sitting that in the Eastern Cape 40% of senior management at government departments are women. "Women empowerment could be a game changer. Women are given business by government. The task of changing the economic landscape of the country to be truly representative of women is now," she said.

Ms Nkomonye pointed out that legislation does not seem to deter crimes against women, if crime statistics are anything to go by. "Men should change the narrative, so that we could feel safe. The hashtags and prayers seem to be ceremonial and are not helping ... Our approach in the province is premised on the seven priorities of government of the sixth term. Gender equality and women emancipation find expression in all of the seven priority areas."

She also called for women to become landowners. "We want to see a sizeable agricultural land allocated to women. They will only break away from gender-based violence if they have financial means." 



The Free State's MEC for Social Development, Ms Mamiki Qabathe, said the Free State government has appointed 12 500 women as education and general assistants; 30 of these are people living with disabilities and 92 social workers have been appointed. Over the past 6 years, Free State has spent R4.2 billion on women-owned companies through procurement. In addition, 25 companies have been empowered through a contractor-development programme. Total expenditure for the year is R59 million and 686 job were created. The Free State government envisages 1 095 women benefitting from 44 projects and 66 programmes, budgeted at R200 million.

Gauteng's MEC for Community Safety, Ms Faith Mazibuko, said more women were active in the economy through entrepreneurship. "Women have been advanced in Gauteng when looking at other provinces and other countries that we benchmark ourselves on. Allocation of work programmes target women and girls. Even in government, a number of them are deliberately deployed in senior management positions," she said.

The premier's office's policy unit conducts sporadic assessment of the effectiveness of the policies in terms of gender. There is gender-budgeting and women are deployed in senior positions. Arts and Culture are doing great work and achieve above 50% gender representation. Opportunities for women are created through the public employment programmes. The government trains women entrepreneurs in construction and business management, assists women to gain access to export and provides supplier development opportunities.

Ms Mazibuko told the Women's Parliament that challenges still persist, but through the efforts of the Office of the Premier and the Treasury the budget is woman-friendly and there is capacity for gender-mainstreaming.

Ms Masco Manopole, who represented Northern Cape Province, said that through government policies, legislation and through the Premier's office, the Northern Cape has a series of webinars advocating for women's participation in the economy.

The province has trained activists to achieve this in all municipalities. About 118 volunteers have been identified to render advocacy awareness services

and some 16 women-owned businesses will receive training on ICT skills at an N Level in Galeshewe.

Support, recovery and growth in the tourism, cultural and social relief sectors will be prioritised for funding. The province supported various women-led initiatives and 10 cooperatives that benefit 52 women had been tasked with developing masks.

"The newly stabilised and functional provincial inter-departmental task team chaired by the Premier [Dr Zamani Saul] made serious progress to date and has developed a gender-based violence and femicide action plan. The plan is aligned to the national strategic plan on gender-based violence. The premier is committed to ensure that the plan is reflected in the district development model and the local municipalities."



The Speaker of the Western Cape Legislature, Ms Beverley Schafer, said change needs to come from within. "We as parliamentarians and legislatures cannot pay lip service to gender equality when we cannot ascertain how our own programmes are measured," she said.

Ms Schafer said gender-disaggregated reporting on government programme indicators is necessary for successful gender responsive budgets. The WC is looking to be the first gender-sensitised parliament. "Without this step we cannot have the gender-based budgets that are crucial to ensuring a more equal society."


The South African Local Government Association representative, Ms Flora Boltman, said local government is at the core of attending to the needs of communities. "Women in this space have an opportunity to coordinate and influence the desired change in the nation and its implementation," she said.

Empowering women in local government is priority to ensure they influence the implementation of the law.

Member of the National Assembly (NA), Ms Marie Sukers, highlighted the violence perpetrated on women on farms. "In the Boland area, women are forcibly removed with the help of the police and municipalities. They are assaulted on farms, and dumped in pig's farm," she said.

Women's Parliament could not talk about goals, she said, when it fails to speak about the fact that women and children are being made homeless, especially on farms. She also noted the lack of information on how women-owned informal business are affected, and the inequality arising from lack of access to digital platforms.

Member Ms Nazley Sharif called on Women's Parliament consider which interventions it could introduce to reduce the huge gap between men and women. Ms Nkomonye called on the NA to speed up the passing of the Sexual Offences and Related Matters Bill and the Domestic Violence Bill.

Concluding session two, the Deputy Chairperson of the National Council of Provinces, Ms Sylvia Lucas, said: "For too long, we allowed men to reign over us." 





WOMEN'S PARLIAMENT HIGHLIGHTS GBVF

Gender-based violence and femicide (GBVF) remain a nightmare for the government and South Africans from all walks of life, especially women, girl children and members of the LGBTQIA+ community. This became clear in speeches by Members of Parliament (MPs) from different political parties during the hybrid sitting of the Women's Parliament at the end of August, reports *Justice Molafo*.



A day-long hybrid session was constituted by MPs from both houses of Parliament, which are National Assembly and National Council of Provinces (NCOP), as well as government; members of provincial legislatures, the South African Local Government Association (Salga) and civil society organisations. It was divided into three sessions, with different presiding

officers. The first session was presided by the Deputy Chairperson of the NCOP, Ms Sylvia Lucas, in which the Minister in the Presidency for Women, Children and Person with Disability, Ms Maite Nkoana-Mashabane, as well as Minister of Employment and Labour, Mr Thulas Nxesi, presented progress reports from the resolutions of the 2019 Women's Parliament.

Session two was presided by Ms Liezel van der Merwe who is a member of the Multi-Party Women's Caucus, and it focussed on progress reports from provinces. The third and last session of the day was presided by the Chairperson of Multi-Party Women's Caucus, Ms Nkhensani Bilankulu, in which MPs from different political parties delivered speeches. At this point, one would have to be forgiven to think that the theme for the 2021 Women's Parliament was about GBVF.

However, the theme was: "The year of Charlotte Manny Maxeke. Advancing gender equality through inclusive economic growth

and the precepts of a capable developmental state." Most speeches were centred around GBVF. Ms Nazley Sharif of the Democratic Alliance said that there is slow pace in implementing the National Strategic Plan (NSP) on GBVF, and that everyday government continues to fail women of South Africa by not coming up with legislation that will protect them. The NSP highlights strategic interventions that need to be followed to dismantle GBVF, and it was developed subsequent to the 2018 presidential summit on GBVF. 



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Ms Sharif went further to say that although the NSP is a comprehensive document that gives government a blueprint of intervention that needs to happen, the Minister in the Presidency for Women, Children and Persons with Disability still needs to accelerate the process of tabling a Bill that will ensure that the structure that is responsible for the implementation of the plan is governed by a statutory framework.

This point was echoed by Ms Mabatho Mokause of the Economic Freedom Fighters in saying that the spike in GBVF cases continues unabated, due to lack of targeted legislation. "Today, not much has changed, as existing legislation fails to protect women and instead have proved ineffective in the phase of current statistics," said Ms Mokause. The end of oppressive legislated system of apartheid and violence in 1994 has not translated to freedom of women from gender and economic oppression.

Ms Zandile Majazi of the Inkatha Freedom Party came across as direct on the issue of GBVF statistics, in which she said that 10 006 women were raped in South Africa between April and June 2021 alone. Ms Majazi further said women deserve to have a constitutional right to state protection, calling for the process of tabling a Bill that will give effect

to the National Council on GBVF as envisaged in the NSP to be expedited.

A gender activist and deputy chairperson of the Youth Communist League in the Western Cape, Ms Naledi Maponopono, delivered her speech on behalf of the African National Congress, in which she pleaded with women to reimagine new strategies to combat the total onslaught against them brought about by the current economic climate which breeds patriarchy and toxic masculinity.

She said: "In order to defeat patriarchy, we ought to fully understand it so as to employ the proper strategy to dismantle it in its totality." Ms Maponopono said that although South Africa prides itself of having great legislation, the lived reality of queer people on the ground remains a nightmare. She said that equality is not just about women only, but also queer rights.

The 2021 Women's Parliament was the second sitting in the 6th term of Parliament. The first one took place in 2019, in which a resolution was taken to convene this sectoral parliament bi-annually. According to the Chief Whip of the majority party in Parliament, Ms Pemmy Majodina, the decision to hold sectoral parliaments bi-annually was taken in order to allow time to implement



resolutions. Other sectoral parliaments are Workers' Parliament, Children's Parliament, Men's Parliament and Youth Parliament.

This year's Women's Parliament received progress reports from Ministers Nkoana-Mashabane and Mr Nxesi as well as provincial governments on the resolutions taken in 2019. One such resolution was the need to review the Women's Charter, 25 year later after it was last reviewed in 1994. The resolution was implemented successfully and the reviewed charter was launched on 20 August 2021.

Ms Majodina said

that government has designated 32 regional courts around South Africa to deal specifically with sexual assault offences, in line with the 2019 Women's Parliament resolution. She then made an appeal to MPs to conduct oversight in all police stations to check availability of rape kits, as per the 2019 resolution. "As 14 political parties represented in this Parliament, it is our duty to check whether sexual assault kits are available in police stations and we should not wait until there is another victim," said Ms Majodina. The next Women's Parliament will be convened in August 2023.



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Two nominations for the position of Speaker emerged. Ms Mapisa-Nqakula was suggested from by the Chief Whip of the African National Congress (ANC), Ms Pammy Majodina, while Dr Annelie Lotriet was suggested by the Chief Whip of the Democratic Alliance, Ms Natasha Mazzone.

This necessitated a secret ballot, as stipulated in item 6 (A) of Schedule 3 of the Constitution. After voting, Ms Nosiviwe Mapisa-Nqakula emerged victorious with 199 votes out of 298 votes.

In her acceptance remarks, Ms Mapisa-Nqakula stated that an open voting process had once again demonstrated the open and vibrant nature of our democratic order. "It's this open and democratic process upon which our parliamentary democracy was founded," she said.

She vowed that she would ensure that Parliament's mandate would not be comprised for narrow party political ends. "I will ensure that Parliament remains the last line of defence of our democracy ... I make it my responsibility to ensure that Parliament exercises robust accountability and oversight over the executive."

She pointed out that Covid-19 has determined how Parliament must operate going forward.

Ms Nosiviwe Mapisa-Nqakula – Speaker of the National Assembly

At a recent sitting, the National Assembly (NA) elected a new Speaker, Ms Nosiviwe Mapisa-Nqakula, *writes Abel Mputing*. Previous Speaker Ms Thandi Modise recently became the Minister of Defence and Military Veterans in a Cabinet reshuffle.



Ms Nosiviwe Mapisa-Nqakula

"It's important to find new ways of carrying our mandate under these new and challenging circumstances," she emphasised.

Ms Mapisa-Nqakula reiterated her pledge: "I will do all in my power to protect the mandate and integrity of this House." She concluded: "I will use my tenure to forge greater cooperation among all political parties present in this House and, as its leader, I am committed fully to the provisions and the tenets of the precepts of its founding document which is our Constitution."

The role of the Speaker

The Speaker of the National Assembly (NA) is elected to and removed from

office according to Section 52 of the Constitution. According to this section:

- The NA must elect the Speaker from its members during the first House sitting

- The House may remove the Speaker by resolution
- The House must fill the position when it becomes vacant during term
- Chief Justice must preside over the election of the Speaker.

The mandate of the Speaker

The Speaker's mandate is twofold. It is constitutional and institutional. This mandate is furthermore dual at the NA and Parliamentary level. In both situations, it involves interacting with the following sectors of the global community:

- International
- Continental
- Regional
- National

Constitutional mandate

Section 90 (1)(d) of the Constitution provides that in the event of the unavailability of the President, the Speaker of the NA must act as the President until the NA designates one of its other members.

Section 90 generally provides for the appointment of the Acting President, but sub-section (d) is the only one that goes on to say “until the NA designates one of its other members”.

The section can be interpreted to mean that the Speaker is the only one who must act when the post of the President is vacant. Further, the use of the phrase “its other members” means that the person occupying the position of the Speaker cannot be designated as the President. It therefore makes sense that the Constitution dictates that this person is somebody who has no interest in this position.

The Speaker is the leader of the NA. The NA has authority to legislate on behalf of the state including amending the Constitution, enter into bilateral agreements, treaties and signing international human rights instruments. As a leader of the House, the Speaker has to ensure that these processes are in accordance with the Constitution. The Speaker has to ensure that the members of the public participate in legislation-making. The Speaker also must ensure that the House oversees and monitors the performance of the executive arm for effective implementation of legislation already passed by

the House. The Speaker provides leadership to the NA. The NA has constitutional standing to:

- call upon its members to vote on any bill irrespective of where they from in the country
- elect the President from the National Assembly. The President then appoints the Deputy President and Cabinet members.
- remove the President from office
- be consulted by the President before appointing Judicial Officers.


Institutional Mandate

As the leader of the House, the Speaker has the responsibility to:

- Provide political leadership and strategic direction to the House
- Exercise impartiality at all times in pursuance of these duties.
- The impartiality of the Speaker is the bedrock of Parliament’s integrity. The Speaker therefore has the responsibility of:
 - Being the custodian of this integrity
 - Preserving parliamentary integrity
 - Ensuring the decorum of the members of the House.
 - Serving as the executive authority for the House
 - Ensuring the smooth running of the House business and its committees.
 - Ensuring the development and management of the House programme
 - Impartially presiding over house meetings and maintaining order; and chairs the strategic parliamentary committee
 - Together with the NCOP Chairperson, jointly presiding over joint sittings of Parliament.

Channel 408 presenters talked to the Deputy Speaker of the NA, Mr Lechesa Tsenoli just before the sitting of the NA for the election of the new Speaker, on the role of

the Speaker of the NA. He said the Speaker is part of a team of the Presiding Officers (POs) of the NA and that team includes the Speaker who is the Head, Deputy Speaker and the four House Chairpersons.

He said the mandate of the NA is in the Constitution of the Republic of South Africa. He said Parliament as a whole is also responsible, and must work towards the fulfilment of the National Development Plan (NDP). Asked on the attributes of the Speaker, he said the Speaker must, at all times, act impartially, encourage debate in the House and allow questions to be asked to the executive and to be adequately and properly answered. 



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Members of Parliament Assume New Responsibilities

President Cyril Ramaphosa recently announced changes in the national executive precipitated, he said, by the tragic passing of Minister Jackson Mthembu and Deputy Minister Bavelile Hlongwane and the appointment of former Deputy Minister Parks Tau as an MEC in Gauteng, among other things. Further vacancies arose in Cabinet following the resignations of Ministers Zweli Mkhize and Tito Mboweni, *writes Mava Lukani.*



President Ramaphosa announced that the former Speaker of the National Assembly (NA), Ms Thandi Modise, would now become Minister of Defence and Military Veterans, while the Chairperson of the Portfolio Committee on Social Development, Mr Mondli Gungubele is now the Minister in the Presidency.


Both Ms Modise and Mr Gungubele are not new in government. Ms Modise was the Premier of the North West in the third administration, and Mr Gungubele was the Deputy Minister of Finance in the fifth administration.

Mr Ramaphosa made other announcements of Members of Parliament who are now Deputy Ministers. The Chairperson of the Portfolio Committee on Higher Education, Science and Technology, Mr Philly Mapulane, is now Deputy Minister of Communications and Digital Technology, while the Chairperson of the Portfolio Committee on Health, Dr Sibongiseni Dhlomo, is now the Deputy Minister of Health. The Whip of the Portfolio Committee on Labour and Employment, Dr Nobuhle Nkabane, is now Deputy Minister of Minerals and Energy, while Dr Chana Pilane-Majake is the new Deputy Minister of Public Service and Administration. Parliament congratulates these Members and wishes them well in their new responsibilities.

Section 83 of the Constitution outlines how the President should select the Deputy President, Ministers and Deputy Ministers. The Constitution stipulates that the President must select these office bearers from among the members of the NA. He may select no more than two Ministers and two Deputy Ministers from outside the NA. Minister Mboweni was

not a Member of the NA when he was selected as the Minister of Finance in 2019 and nor was Mr Enock Godongwana when he was selected.

Only a Member of the NA can be selected as the country's President, who must then resign his membership. Other office bearers can remain members of the NA, even if they have been selected as Ministers or Deputy Ministers. Hence they are allowed to return as MPs when their term of executive office ends. Ministers and Deputy Ministers appointed outside the NA are accountable to Parliament for the exercise of their powers and the performance of their functions.

The Deputy Speaker of the NA, Mr Lechesa Tsenoli, acted as NA Speaker until the House elected, Ms Nosiviwe Mapisa-Nqakula, as new Speaker on 19 August. Committee members will elect acting chairpersons to fill vacancies in committees, until new chairpersons are elected. 



Basic Education Committee condemns destruction of school property

The Portfolio Committee on Basic Education received briefings recently on the vandalism to school property in Gauteng and KwaZulu-Natal (KZN) during violent community protests, reports *Rajaa Azzakani*.



Committee Chairperson Ms Bongiwe Mbinqo-Gigaba said: “It is shocking that the cost of damages and vandalism to schools is estimated at over R141 million. This is money that was not budgeted for; money that government does not have and money that could have been spent on other much-needed projects.


“As public representatives we need to have serious discussions in our constituencies that members of the public cannot be targeting much-needed infrastructure, especially schools, when they vent their frustrations for whatever reason. We cannot be comfortable with the current situation. Schools always end up being soft targets during protests and it is the poorest of the poor learners that suffer.”

The committee recently received updates from the national Department of Basic Education (DBE), the KwaZulu-Natal Education Department and the Gauteng Education Department on the damages during the unrest in July, as well as the readiness to reopen schools for the third term.

The DBE told the meeting that protests and looting affected 137 schools and offices in KwaZulu-Natal, with one school in Pinetown burnt to the ground. Four schools in Gauteng were affected, but fortunately no major structural damage was inflicted. According to the department, it is still in the process of repairing more than 1 700 schools damaged during the Covid-19 lockdowns of 2020.

The committee heard that the latest damage included damage to electric wiring, doors, roofs, ceilings, ablution facilities and sanitary fittings. Looting also occurred and property stolen property included electrical equipment such as laptops, computers, projectors, LTSM screeners, sound systems and routers, as well as furniture lights and garden equipment. Kitchen resources such as stoves, fridges, microwaves, eating utensils, food and Covid-19 essentials, like sanitisers, soap, and masks, were also stolen.

The committee was concerned to hear that food and equipment used to feed learners as part of the National School Nutrient Programme was looted. “The programme serves to cater for the most vulnerable learners in our schools. For many of them, this is the only meal they receive. How can responsible communities take the food out of the mouths of the very vulnerable young ones that we are trying to make a difference to?”

The DBE assured the committee that many of the items have either been replaced or are in the process of being replaced. The committee has resolved to undertake an urgent oversight visit to both provinces in order to establish first-hand the damages to school property. 



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The meeting discussed matters arising from a previous engagement held in March 2021 on initiation fatalities that occurred in December. In that meeting, a decision was taken that an invitation must be extended to the Eastern Cape Provincial Initiation Task Team, the National Prosecuting Authority (NPA), the South African Police Service (SAPS) and the Provincial Department of Health to take part in today's engagement, as they are among the critical stakeholders in the male cultural initiation value chain. Furthermore, interventions into the initiation crisis are multi-sectoral in nature.

According to the current disaster management regulations, male customary initiation is prohibited. This is part of government's precautionary measures to limit the spread of Covid-19. When this prohibition was in full force, there were zero initiation-related fatalities in the country, including in hotspot provinces such as the Eastern Cape.

The committee noted

that this changed when some traditional structures, mostly from the Eastern Cape, persuaded government to lift the ban, as some traditional communities were intent on resuming the practice, even at the risk of contravening the regulations.

During the committee's previous engagement on this, the Minister of Cogta indicated that the National Command Council was open to accommodating the Eastern Cape, provided that those calling for the lifting of the ban were also prepared to take responsibility and be held accountable should initiates suffer harm.

The committee is saddened that when the Eastern Cape was allowed to proceed with the December 2020 initiation season, 14 initiates lost their lives, four suffered amputations and 39 were hospitalised. The committee was informed that these deaths were not Covid-19-related. However, the presentation by the province indicated that at least one death was confirmed as a Covid-19-related complication.


Cogta Committee calls for consequences for deaths of 14 initiates

The Portfolio Committee on Cooperative Governance and Traditional Affairs (Cogta) held a follow-up engagement recently with the Eastern Cape Provincial Department of Cooperative Governance, Human Settlements and Traditional Affairs on the December 2020 male initiation season, *reports Sureshinee Govender.*



The committee requested a comprehensive report on the 14 fatalities, including the support provided to the bereaved families and actions taken to effect consequence management. The committee noted from an NPA report that in most cases the families of the deceased declined to prosecute, without giving any reasons. A report from Nkosi Mavuso, the Acting Chairperson of the Eastern Cape House of Traditional Leaders, drives home the point that the 14 initiation fatalities are not simply statistics, but are real people who died needlessly.

The Chairperson of the committee, Ms Faith Muthambi, said: "These are real people whose lives have ended prematurely for no sensible reason." In most cases, the boys were circumcised by illegal traditional doctors with poor or no treatment facilities in the bush.

Ms Muthambi said the District Development Model must be activated to make resources available. The committee resolved to invite the Department of Arts and Culture to present at its next meeting. 

Cogta Committee concerned about delays to process the Intervention Bill

The Portfolio Committee on Cooperative Governance and Traditional Affairs (Cogta) is disappointed by the delay to table and process the Intergovernmental, Monitoring, Support and Intervention Bill. The bill was highlighted by the Department of Cooperative Governance as a remedy to many challenges experienced when section 139 of the Constitution is invoked, *reports Malatswa Molepo.*



The Bill is urgent, especially in light of the Cabinet decision to intervene in 64 dysfunctional municipalities, with possible dissolutions of some municipalities. "There have been successive promises about the tabling of this Bill since the formation of this committee. We are now mid-term and there has been no tangible movement on the Bill, which has been sold as a solution to many challenges that impede successful implementation of interventions," said Ms Faith Muthambi, the Chairperson of the committee.

The committee noted a Cabinet decision to intervene at 64 dysfunctional municipalities across the country but emphasised that there is a need to do things differently because the experience of intervention has not always been positive. Of major importance is the availability of dedicated technical support that will be essential in providing the necessary know-how to stabilise the municipalities.

Furthermore, there must be a detailed plan on how initial interventions are sustained within those municipalities.

On possible dissolution of municipalities, the committee called for a clear and detailed plan on a process following the dissolution, especially in light of the Moseneke report on the delay of local government elections. The committee is of the view that dissolution without a clear plan will lead to an undesirable accountability vacuum.

The committee remains of the view that section 139 interventions should be the option of last resort, and that early warning systems, together with rapid response teams, must be in place to intervene in municipalities earlier. "While the constitutional prescripts of interventions are necessary, early warning systems and rapid response teams will ensure that we arrest the challenges of governance, service delivery lapses and functionality of municipalities," emphasised Ms Muthambi.


Regarding interventions in North West, the committee urged the speedy finalisation of specific municipal support and intervention packages. It also called for an agreement on the appropriate mode of intervention in relation to the hierarchy of constitutional and legislative intervention measures.

Regarding the dissolution of municipalities, the committee called for a thorough assessment and consideration of the decision, especially in relation to local municipalities within the Ngaka Modiri Molela District Municipality. This is because the dissolution of three of the five local municipality in the district affects the standing of the district municipality. Also, the committee has cautioned against selective dissolution, as this might add to the negative perception of unfairness



against the constitutional prescript of intervention.

The committee continues to support the implementation of section 154 of the Constitution, which must provide adequate support and accentuates collaborative effort in government.

The committee notes the progress in conducting training for traditional councils on the introduction of the Traditional and Khoi-San Leadership Act 3 of 2019 and the changes made to section 81 of the Structures Act, as well as the new roles and participation in municipal councils by traditional leaders. Despite this, the committee has called for the strengthening of these training initiatives to ensure that the institution of traditional leadership performs its duties as envisioned in the Act. 



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Extent of looting and destruction of business in Kwa-Zulu Natal and Gauteng shocks committees

The Portfolio Committee on Small Business Development, the Portfolio Committee on Trade, Industry and Competition, and the Select Committee on Trade and Industry, Economic Development, Small Business Development, Tourism, Employment and Labour expressed shock at damages to business properties, as well as the loss of stock and equipment as a result of the recent looting in KwaZulu-Natal (KZN) and Gauteng, *writes Justice Molafo.*

The committees conducted a fact-finding visit in KZN and Gauteng from 3 to 6 August 2021. During the first part of the visit, they visited some of the affected businesses in KZN, including informal traders and small, medium and micro-enterprises in eThekweni Metropolitan Municipality, as well as the uMhlatuze and KwaDukuza local municipalities, which fall under the King Cetshwayo and iLembe district municipalities.

The second leg was conducted in Gauteng and in Ekurhuleni Metropolitan Municipality and the City of Johannesburg. This leg focused on small enterprises and informal traders. In both legs of the visits, the committees heard from various businesses that had lost stock, equipment and had their properties vandalised. The owners of these businesses experienced a significant loss of income and they had to lay off employees.


The committees regretted the loss of investment in property and stock due to the burning and vandalism of business properties and infrastructure, and the impact of this on access to food, medicines,

and healthcare. In their view, the destruction of business properties and looting were pure acts of criminality. The law must now take its full course in order to bring perpetrators to book.

The committees reiterated the need for the various government departments and entities to work together to assist affected businesses to rebuild. They advised the affected municipalities to fast-track the process of issuing business permits to the informal traders so they can benefit from the business recovery programme of the Department of Small Business Development and the Department of Trade, Industry and Competition, along with the Development Finance Institutions.

The Department of Small Business Development's business recovery programme is administered by department's entities, namely the Small Enterprise Development Agency (Seda), as well as Small Enterprise Finance Agency (Sefa). The committees advised Seda and Sefa that, while strict requirements are necessary for accountability in emergency cases such as these,

there needs to be some flexibility to allow businesses to access funding without undue delay.

Lastly, the committees tasked the visited municipalities to share comprehensive reports about the damages with estimated costs of repair, impact on jobs, and impact on the municipalities. This information will form part of the committees' report, which will also detail final observations and recommendations. 





Covid-19 Pandemic Poses Constitutional Dilemma for Local Government Elections



South Africa's democratic practice of holding regular free and fair elections is facing unprecedented challenges due to the Covid-19 pandemic. This might force the country to postpone the local government elections, scheduled for October, *writes Sakhile Mokoena.*

The Electoral Commission of South Africa (IEC) recently briefed the Portfolio Committee on Home Affairs on the report from the Moseneke Inquiry on Free and Fair Local Government Elections during Covid-19, which recommended that the elections be postponed until February next year.

The inquiry concluded that "it is not reasonably possible or likely that the local government elections scheduled for the month of October 2021 will be held in a free and fair manner, as required by the peremptory provisions of the Constitution and related legislation". The inquiry further reported that the Covid-19-related restrictions on the ability of political parties and independent candidates to campaign limits their right to contest elections and to campaign. It also limits freedom of expression and diminishes the freeness and fairness of the election. Similarly, it diminishes the rights of the electorate to vote or to vote on an informed basis.

However, postponing the elections will not be possible without amending the Constitution, which clearly commands that "a term of a

municipal council may be no more than five years and, when its term expires, an election must be held within 90 days of the date of expiry of the term".


The Moseneke enquiry has recommended two possibilities in order to action the postponement of the local government elections. One is an amendment of the constitution, which will require a 75% support in the National Assembly and a support of at least six provinces in the National Council of Provinces.

Another possible recommendation is for the IEC to approach a court of competent jurisdiction to make a decision. "The hurdles to be met in this case is that compelling and exceptional circumstances warrant the extension and critically the extension is to a finite date," the inquiry reported. "We believe this is a short-term challenge and should not easily lead to the amendment of the Constitution, and also given the timeframes it would be impractical to embark on a process to amend the constitution," said the Chairperson of the IEC Mr Glen Mashinini. The Electoral Commission decided

to go with the second suggestion and will soon launch an application with the Constitutional Court for judicial guidance on the practicality of postponing the local government elections without violating South African laws.

In his report to the IEC, former Deputy Chief Justice Dikgang Moseneke recommends that the elections be deferred to a date not later than the end of February next year, with the expectation that South Africa will have vaccinated the required population numbers in order to acquire herd immunity.

The Chief Electoral Officer Mr Sy Mamabolo said: "February presents the safest and earliest opportunity to have the elections, based on epidemiological projections."

The portfolio committee commended the IEC for initiating the enquiry. "The committee notes the report and will monitor the process the IEC is going to take with the Constitutional Court, and, post that, we will invite the IEC for further engagements," said Acting Chairperson of the committee, Mr Mosa Chabane. 

The Portfolio Committee on Home Affairs is satisfied with intervention measures implemented by the Department of Home Affairs following the violence and looting in KwaZulu-Natal and Gauteng, *writes Malatswa Molepo*. The committee conducted oversight visits in the two provinces, where it assessed the impact of the violence on service delivery and government interventions.

“We are comfortable with the measures put in place by the department, especially the decision to move the registration-of-death service to the Chris Hani Baragwanath Hospital. The intervention ensures that services are rendered, although not at the Bara Mall office,” said Mr Mosa Chabane, the leader of the delegation.

The committee reemphasised its condemnation of the violence and looting, which led to the loss and damage of critical assets. The department reported that at the Bara Mall office, two computers, fingerprint and barcode scanners, routers and electrical wiring were destroyed.


While the committee acknowledged that the Bara Mall office was a small office intended to only render limited service, it remains concerned that the residents decided to vandalise and destroy infrastructure that serves them. “We can’t comprehend how such a decision was arrived at, given that the very same community will be inconvenienced by the unavailability of those services,” Mr Chabane emphasised.

Regarding the reopening of the Bara Mall office, which has ample space and infrastructure to enable social distancing, the committee is concerned to hear that the community around the mall is impeding its refurbishment, particularly the Home Affairs office. The committee welcomed the department’s intention to make funding available for the office refurbishment to ensure it reopens and renders services to the people.

In Mamelodi, the committee welcomed the assurance that vandalism was minimal and that services

Restoring services after violent protests satisfies Home Affairs committee



are being rendered as expected. “The provision of quality services to our people is our central preoccupation and we are satisfied with the assurances given by the department of services being delivered to the people,” Mr Chabane concluded. 



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA



Standing Committee on Appropriations calls on Land Bank to Regain its Former Glory

The Land Bank appeared before the Standing Committee on Appropriations to present its financial situation, which has been in dire straits for successive financial years. Giving a broad overview of the meeting, the Chairperson of the Standing Committee, Mr S'fiso Buthelezi, stated that the committee has appropriated R3 billion and subsequently R7 billion to the bank, because of the bank's importance for food security, economic development and transformation. *Abel Mputing reports on the meeting.*

The committee needs to understand the bank's financial situation to see if it is still in a position to achieve its objectives. "Given your mandate, there is naturally an overwhelming interest in the bank to carry out its mandate," Mr Buthelezi explained.

The Chief Executive Officer of the Land Bank, Mr Ayanda Kanana, said the bank is mired in default, rising impairments, liabilities and losses in its loan book. These problems have led to major liquidity challenges and the need to restructure its loan book and operational strategy going forward.

At the heart of the bank's survival is the restructuring process, including restructuring the loan book and improved internal audit control. The bank's liquidity challenges, the defaults of its borrowers, as well as the bank's own subsequent defaults to

its lenders have put it in a precarious position and its credit profile has been downgraded as a result.

Mr Kanana said it is critical to solve this to ensure that "we support more than the 28% of farmers that we currently support in the agricultural sector. This is not a desirable situation given our developmental and transformation mandates".

The Land Bank's financial officer, Ms Khensani Mukhari, said the Land Bank's R1.3 billion net loss has created uncertainty about its ability to continue as a going concern. The bank wants to exit its current default status and negative interest margins.

Ms Mukhari said that in 2019 9.6% of the bank's loans were nonperforming. This grew to 16.8% in 2020 and 27.8% in 2021. It also saw a decline of assets to R42 billion and

impairment ratio of 7.3% in 2019, and 10.9% in 2021.

The bank's lenders are concerned about the mismatch of the tenure of the loan book and liabilities. Loans are due for repayment in five years, but the maturity of borrowing is expected before five years. The National Treasury has since intervened and offered the bank R3 billion to stabilise its financial situation. In 2020, Treasury set aside R7 billion to recapitalise the bank to ensure that it serves its developmental and transformation mandate in the sector.

The bank also received a disclaimer audit report, which highlighted a lapse in internal controls on audit and risk management as critical contributors to its ailing financial status. The committee said there is a lack of sound governance culture at the bank and asked how it responded

to the Auditor-General. Mr Kanana replied that they have "recalibrated our internal controls" and they hope for a better outcome in the future.

Committee Chairperson Mr Buthelezi asked National Treasury how long it would take the bank to recover. The Head of asset management and liability at Treasury, Mr Tshepiso Moahloli, said this would happen when it is in a position to pay what is due to its lenders.

Mr Buthelezi also wanted to know if National Treasury is playing a robust oversight role over the bank. The Chairperson of the Land Bank, Mr Mabotha Moloto, said: "National Treasury oversight over us is robust. They have put certain conditions that we have to fulfil for its financial guarantees, and is part of our restructuring committee to ensure that we cure our default situation."

Mr Kanana said the bank finds it difficult to provide loans and is thus not able to prioritise its development and transformation mandate as much as it did in the past. This mandate has long been the bank's priority. In recent years, this priority grew from 4% to 22% to date and it is envisaged that it will grow up to 55% of the loan book going forward.

Mr Buthelezi emphasised the importance of this mandate for South Africa to thrive. He also noted that the committee would continue to engage with the Department of Cooperative

Governance and Traditional Affairs and urged National Treasury to have a special focus on the Land Bank. "If not, we would not have food security and the country will go hungry. We don't want that to happen. Even a thought of it is undesirable. Let us ensure that the bank succeeds in all its endeavours. There is so much that is at stake in it."



Necsa and Cef to appear before committee on Mineral Resources and Energy to present annual performance plans

The Portfolio Committee on Mineral Resources and Energy heard legal opinions from Parliamentary Legal Services on whether it is legally bound to request the South African Nuclear Energy Corporation (Necsa) and the Central Energy Fund (CEF) to appear before it to account on their annual performance and strategic plans, *reports Abel Mputing*.

The two entities did not present their performance and strategic plans for the current financial year on the grounds that schedule 2 entities are not obliged to table these plans in Parliament.

The committee also wanted legal opinion on whether it can still intervene and conduct oversight over procurement on the Risk Mitigation Independent Power Producer Procurement Programme (RMIPPPP). This is related to the allegations of corruption shrouding the awarding of a contract to the Turkish-led Karpowership Consortium, which is now the subject of litigation filed by the energy consortium DNG Power Holdings.

The RMIPPPP was released to the market in August 2020. The aim of the programme is to alleviate short-term electricity supply constraints and to reduce the extensive utilisation of diesel-based peaking electrical generators in the medium-to-long-term.

In giving an overview of what led to the committee to solicit a legal opinion on Necsa and CEF, the Chairperson of the committee, Mr Sahlulele Luzipo, said the entities did not appear before the committee during the year under review. This was based on the fact that they are schedule 2 entities and therefore they submit to the Minister of Mineral Resources and Energy for approval.

The committee understands that as schedule 2 entities, Necsa and CEF are not legally compelled to table annual performance and strategic plans in Parliament. It also notes Parliament Legal Services' contention that they do not receive funding through the Appropriations Bill. However, all entities are subject to the committee's oversight ambit and when public entities experience liquidity challenges, they rely on a Special Appropriations Bill for relief.





Mr Luzipo said that according to the National Assembly Rules, committees have a legislative right to call any entity or person to appear before them if that entity or person has information deemed necessary in the performance of the committee's oversight duties. He added: "This implies that at any given moment, if a committee needs any kind of information in the furtherance of its legislative responsibility, a committee is entitled to it."

The committee has resolved to communicate this to the Department of Mineral Resources and Energy and to invite the two entities to appear before it to present their annual performance and strategic plans for the 2021/22 financial year.

The committee also considered the issue of the multibillion-rand RMIPPPP tender process, which has been dogged by allegations of corruption and departmental manipulation of procurement procedures. The committee heard that it has a jurisdiction to conduct oversight over the tender process, despite the fact that it is now the subject of litigation.

According to Parliament's Legal Services, the committee still has a legislative mandate to exercise its oversight on the matter, despite it being subject to legal proceedings. Mr Luzipo therefore suggested that an inquiry should be set up to investigate the allegations of corruption and manipulation of the tender.

Mr Luzipo said a committee inquiry process should commence and the Minister of Mineral Resources

and Energy will be called upon in the first instance to give an overall account on the purpose of the RMIPPPP. The minister will also be given an opportunity to reply to the allegations of undue influence and possible manipulation in the awarding of the tender. The minister will also have an opportunity to provide clarity on the action taken against anyone who compromised the tender process.

Based on the Minister's responses, the committee will make a determination on the way forward, including possibly of inviting DNG Power Holdings and those individuals implicated in corruption. Should the committee decide to conduct a formal inquiry into the RMIPPPP, the Speaker of the National Assembly will be approached.

The committee is saddened by the passing of committee Member Mr Mthokozisi Nxumalo, and sends its heartfelt condolences to his family and friends. It will send a delegation to the family as a gesture of support at this difficult time. The committee also noted the violence and destruction of property and infrastructure in KwaZulu-Natal and Gauteng recently. It is considering holding an emergency meeting to discuss, among other things, an oversight visit to both provinces to assess the impact of the violence and its implications for the mineral resources and energy sector.



PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA



Parliament pays tribute to Mr Montsitsi

Parliament's Presiding Officers expressed a deep sense of loss on the untimely passing of former Member of Parliament Mr Dan Montsitsi. Mr Montsitsi served on 16 parliamentary committees in the second, third and fourth parliaments, and left an indelible trail of dedication and excellence for others to follow.

The Presiding Officers, led by the National Council of Provinces (NCOP) Chairperson Mr Amos Masondo and the then Acting National Assembly Speaker, Mr Lechesa Tsenoli, said South Africa is poorer for his passing.


Members of Parliament and parliamentary officials he worked closely with, described Mr Montsitsi as a down-to-earth servant leader, who left everyone he interacted with a better person. Broer Dan, as he was affectionately known across Parliament, spared no effort in ensuring that the quality of committee and other parliamentary work met the highest possible standards and had the largest possible support from stakeholders.

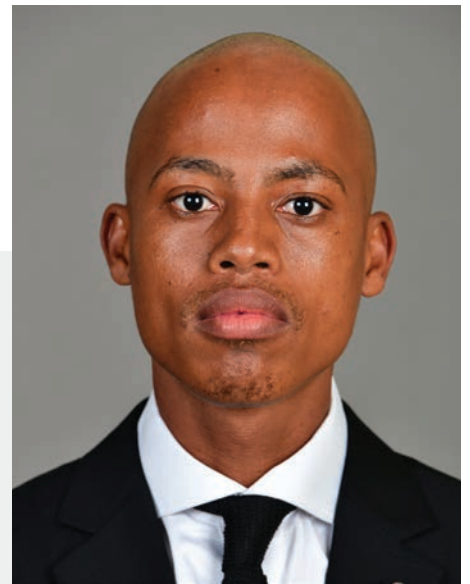
The committees he served on include the NCOP Select Committee on Finance and Appropriation,

where his profound understanding of the value of intergovernmental relations found full expression, bringing on board municipalities, the South African Local Government Association, national government departments, the Financial and Fiscal Commission, the Development Bank of Southern Africa and provincial legislatures.

His legacy is visible in numerous pieces of legislation, particularly the Division of Revenue, Appropriation and Finance Bills, Section 100 interventions in Limpopo, and the General Intelligence Amendment


Bill.

His principled and humble leadership style inspired many, while his role in the anti-apartheid struggle, including the Soweto uprisings, for which he was incarcerated on Robben Island, helped accelerate the attainment of freedom. 



an indelible contribution to the work of the committee.

His contribution was felt particularly when the committee conducted oversight visits and public hearings in various provinces across the country. He was always active and contributed significantly to the work of the committee. His passing is a huge loss to the committee, Parliament and to South Africa as a whole.

"The committee will miss his big heart, his kindness and boundless love for people. He was full of life and had a great future ahead of him," said Ms Ntobongwana. 

Parliament bids farewell to Mr Nxumalo

Parliament's Presiding Officers, the then Speaker of the National Assembly (NA) Ms Thandi Modise and the Chairperson of the National Council of Provinces (NCOP) Mr Amos Masondo, expressed their shock and sadness at the sudden passing of Inkatha Freedom Party (IFP) Member of Parliament Mr Mthokozisi Nxumalo.

Mr Nxumalo first joined Parliament after the 2019 general elections. He was a dedicated and passionate young South African who served his people with passion, integrity and diligence. He stood for truth and prioritised youth empowerment. He served on the portfolio committees of Public Works and Infrastructure, and of Higher Education, Science and Technology. Previously, he served on the Portfolio Committee for Mineral Resources and Energy.

"His active and immense

contribution, as well as his fresh and unique take on issues before Parliament, enhanced the oversight and participatory programme of the national legislature. We shudder to imagine the impact his untimely passing will have on the committees he participated in, as well as the work of the House in general. It is sad to lose a Member; but it is even more devastating to lose a young public representative with such a promising future," said both Presiding Officers.

The Chairperson of the Portfolio Committee on Public Works and Infrastructure, Ms Noliitha Ntobongwana, said Mr Nxumalo was a bright young member of the committee, who was always enthusiastic when interacting on the issues affecting public works and infrastructure. He was a rising star who was passionate about issues affecting South Africa and who made