

STRENGTHENING OVERSIGHT AND ACCOUNTABILITY IN THE LOCAL SPHERE OF GOVERNMENT

Salutations

Facilitator, thanks for your time, greetings to the National Chairperson and the Deputy chairperson of the NCOP, the Chief Whip of the NCOP, Members of NCOP, Deputy Minister, MECs President of Salga and all NEC members, Panellist that were invited to make inputs, Troikas of Municipalities, all Local Government Practitioners and Secretaries to the NCOP.

It is an honour for me to be part of this important gathering, 2022 Local Government week. I support the view of Minister NDZ, that every day is a local government day, when we wake up in the morning especially some of us who are from Mpumalanga, the place of the rising sun, we work hard to improve the lives of our people.

I am not here because I enjoy meetings, people who enjoy meetings should not be in charge of anything – Thomas Sowell.

Right from the beginning I want to assure participants of this important gathering that I have never in my life been given a wrong Instruction, if they will be such instruction one day be rest assured, I will not implement it, I account to my conscious. As the MEC of Cogta and my other responsibilities I will never give wrong instructions. We are the architectures of the constitution and various legislations as such we have to respect the laws that are governing this country.

We do not regard our deployment as deployment to centre of authority, but centre of service.

OVERSIGHT AND ACCOUNTABILITY

Right from the begging we should acknowledge that, political parties and public representations are supposed to provide oversight, the voters also expected to provide oversight as well as the media. That's why they have special liberties and special protection. We should do more to ensure accountability of politicians to citizens. They must also account for their good story to tell, if not, why not?

Accountability is not only what we do, but also what we do not do, for which we are accountable.

Holding people accountable is love, when I am holding you accountable, I am saying, “you are capable of a bigger game”.

My input is divided into two aspects, first is an oversight and accountability in municipalities which has been successfully implemented by few municipalities in the country, Ekurhuleni Metro and City of Johannesburg based on their governance model, and secondly by oversight by other spheres of government.

We have been battling for quite sometimes with the separation of powers between the Executive (Mayoral Committee) and Legislature (Municipal Council).

Local government is significant because it is the sector of government which is closer to its citizens. According to the department of Cooperative Governance and Traditional Affairs, inadequate accountability and poor governance were the primary challenges in respect of service delivery in Gauteng. There was also an Overview report on the state of local government in south Africa (2009) pointed out that lack of effective oversight causes instability and dysfunctionality in municipalities. This report, as well as annual provincial assessments, exposed critical causal reasons for distress in municipal governance.

In response to these challenges, the municipal council of Ekurhuleni and City of Johannesburg approved a governance model which is based on the separation of powers in 2011.

The governance model seeks to promote effective oversight and accountability through the allocation of powers and functions among the legislative and the Executive Authority in these two municipalities. Application of the separation of powers particularly the section 79 committees resulted in greater benefit for oversight and accountability in both Ekurhuleni Metro and City of Johannesburg; Mayoral Committee had to comply with a more transparent process of decision making.

There was a study which was conducted by **Gerrit van der Waldt** - Research Professor in the North West University about lack of accountability in municipalities. His study concentrated on senior officials and politicians in 8 Local Municipalities and four District municipalities in Gauteng, Northwest, Free State, Eastern Cape and Northern Cape Provinces.

Core challenges that have been identified by his study

C1: **Councillor capacity:** (87,5%) of the respondents identified skills and capacity challenges on the side of those responsible for oversight to be the most significant issue.

C2: **Political will:** (83,3%) of the respondents cited the lack of political will to act against non-compliance with tender specifications for projects or against non-performance of politically-connected officials.

C3: **Terms of reference:** 72,9% of the respondents cited lack of clear roles and of clarity on the responsibility of various political oversight structures.

C4: **Oversight horizons:** (62,5%) of the participants indicated that the short planning horizon of councillors often hampers the implementation of longer-term projects.

C5: **Budgeting processes:** (48%) of the participants indicated that projects prioritised by the Executive Mayor are often not subjected to the same level of scrutiny as other municipal projects.

C6: **Outsourcing:** (42%) of the respondents indicated that there is often over-reliance on external service providers. Through the outsourcing municipalities impedes accountability and political oversight to service providers

C7: **Continuity:** (32,6%) of the participants indicated that, the high staff turnover of councillors and other political positions such as the Mayor and the Speaker, seriously jeopardise a longer-term oversight perspective.

C8: **Municipal entities:** (12,5%) of the participants raised concerns that projects in municipal entities are subjected to stringent oversight processes as the projects are run by the administration. We have to deal with these challenges and other challenges if we want to improve accountability in municipalities.

MPAC ESTABLISHMENT

As the province we accepted the findings and recommendations of Hellen Suzman Foundation that all committees of council must be constituted in a manner that fairly represent the parties in the council.

The guidance of National Treasury and SALGA that Municipalities should not appoint executive councillors or Municipal office bearer to avoid conflict of interest. We expect municipalities to implement the guidance from SALGA.

What we are observing in certain municipalities is contrary, in certain areas members including chairperson of MPAC have been dismissed. Municipal councils rely heavily on audit committees and MPACs for reliable and credible information, insight and advice.

We have trained all our MPACs in the province and they must have a budget to conduct research, they have to recruit researchers and establishment of MPACs is mandatory in the province.

Intervention in Municipalities

There have been several interventions in the province by invoking various pieces of legislation, our interventions are not personalised, as the province we do not conduct fishing expedition. The aim of the intervention is always to upheave the performance of municipalities and to bring political stability.

The role of the intervention is to support municipalities to deliver basic services, to strengthen their capacity to manage their own affairs, exercise their powers and performance of their functions.

Section 154/155 of the constitution and 105 of the Municipal Systems Act,

On the request of the following municipalities, Msukaligwa, Lekwa and Nkomazi, the department seconded Officials. The request was based on the delay in appointing municipal managers, our intervention always in the province is for the period not exceeding three months or until the post of the municipal manager is filled. We only second officials that they do not have interest to be Municipal managers of those municipalities.

Section 139(1) of the municipal finance management act

There are five municipalities that were in financial distress, the province intervened in terms of 139 (1) (a), Emalahleni, Govan Mbeki, Msukaligwa, Thaba Chweu and Lekwa. Technical Teams was dispatched to all these municipalities to assist them to

develop financial recovery plans. The plans were developed and adopted by all these five municipalities, because of the poor implementation of the financial recovery plans: their debtor book continue to increase, they are still unable to meet their financial obligations.

As the province we have also developed our own intervention in municipalities which are not doing well in terms of audit outcomes. We have established a team which comprises of Cogta, Treasury and SALGA and three Districts, to monitor the implementation of the audit improvement support plan. In that plan the roles for each of the stakeholders are clearly defined.

Section 106 Municipal Systems Act

We have instituted various section 106 investigations, in the main they are triggered by complains from communities and upon inquires to municipalities there are no proper responses or no response at all, LEKWA, DIPALISENG, EMALAHLENI, NKOMAZI, DR PIXLEY and DR JS MOROKA

We are in the process to institute section 106 in Mkhondo and Bushbuckridge, we have finalised the terms of reference for the two municipalities.

Our observation is that our municipalities lack appetite to implement the recommendations of findings and recommendations of the investigations.

Section 139 of the constitution of South Africa

DR JS Moroka

The municipality was placed under section 139(1) b. We are happy that there is now political stability and officials are now concentrating in service delivery, section 54 and 56 managers have been appointed. We have lifted the intervention and allow the municipality to function.

Lekwa

Lekwa was identified as one of the dysfunctional municipalities, there are various interventions, section 139 of the constitution, section 139 (1) of MFMA, we have instituted investigation in terms of section 106 (1) b of municipal systems act.

The National Treasury took over the running of the municipality, after a year and half the Treasury is now ready to hand over the municipality back to the province. In spite of all these interventions, Eskom account increased to R 1.5 billion, water account increased to R 1 billion, MIG spending was at 30 % by the end of June 2022.

Maybe there is a new definition of a dysfunctional municipality. According to us the municipality is worse than before the intervention.

What is the actual problem? Are we able to identify the root cause of dysfunctional municipalities?

Conclusion

I don't have an answer; I just hear people complaining about problems in Local Government. Even people who know nothing about local government, they make noise without providing solutions.

My best advice to you Local Government Practitioners, "when ignorant folks want to advertise their ignorance, you don't really have to do anything, you just let them talk"- Barack Obama.

When things get tough, we don't give up, we get up.

Ngi ya bonga