



STATE CAPTURE AND BEYOND



ULAWULO OLUNGAFANELEKANGA LUKAMASIPALA



State Capture and Beyond (Ukubanjwa koRhulumente nokungaphaya): Ulawulo olungafanelekanga lukaMasipala

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Imvelaphi

Iprojekthi ye-State Capture and Beyond (i-SCAB) yintsebenziswano phakathi kweBrot für die Welt ('Isonka seHlabathi' [BfdW]), iHuman Rights Media Trust (HRMT)], kunye neLegal Resources Centre (LRC) ngenkxaso-mali evela kwi-European Union (EU). I-SCAB ijonge ukujongana norhwaphilizo eMzantsi Afrika ngokuhambelana neengcebiso zeKhomishini yoPhando malunga nokuBanjwa koRhulumente (ebizwa ngokuba i-Commission of Inquiry into State Capture okanye i-CISC). Ke ngoko ibandakanya imibutho yoluntu (ii-CSO) kunye nemibutho yoluntu (ii-CBO). Isiphumo esinqwenelekayo kukudala intshukumo yesizwe yokulwa norhwaphilizo, enika abantu amandla okuqonda, ukufuna kunye nokulwela amalungelo abo. Ukujongana nenxeba elinzulu lorhwaphilizo kunceda ngokuthe ngqo ukuliphilisa.

I-Brot für die Welt yintlangano enkulu engekho phantsi korhulumente eJamani yeecawa zamaProtestanti egxile kuphuhliso namalungelo oluntu. Isebenza kumazwe aphantse abe ngama-90 kwaye inamava angaphezu kweminyaka engama-60, ijolise ekuqiniseni amandla amaqela ahlwempuzekileyo nalawo angathathi ntweni ukuphucula iimeko zawo zokuphila. Le ntlangano inembali ende yokusebenza ne-EU, ikhokela iprojekthi ezininzi kweli lizwe. Kule projekthi ye-SCAB, i-BfdW izisa amava amaninzi kunxibelelwano lwamazwe ngamazwe kunye nentsebenziswano, oko kuthetha ukuba ifanelekile indima yokulawula nokubeka esweni.

I-Human Rights Media Trust (HRMT), umbutho ongenzi nzuzo owasekwa ngo-2004, usebenzisana namanyathelo obulungisa bentlalo kulo lonke elaseMzantsi Afrika. I-HRMT igxile kwimidiya, ukwenza iifilimu ezingenabundlobongela, kunye namaphulo empembelelo yoluntu ukuqinisa iimfuno zobulungisa, ngelixa ikhuthaza inkcubeko yentando yesininzi. I-HRMT isasaza ulwazi malunga nokusetyenziswa okungalindelekanga kweendaba kunye neminye imiba ukuxhobisa amazwi angathathi cala.

IZiko leMithombo yezoMthetho (i-LRC), elasekwa ngo-1979, liqumrhu elingelona elenza nzuzo lamalungelo oluntu elineeofisi eRhawutini, eKapa, eDurban naseMakhanda. I-LRC ihlala ikhusela uMgaqo-siseko kunye nolawulo lomthetho kweli lizwe, kwiindawo ezahlukeneyo zomthetho: umhlaba, izindlu, impilo, imfuno, ukulingana, kunye namalungelo ezentlalo nezopolitiko. Ngembali ende yokubonelela ngeenkonzo zomthetho, i-LRC inokuqonda okunzulu komthetho wamalungelo oluntu kwaye yakhe ubudlelwane obude nemibutho yoluntu.



isiShwankathelo

Inkqubo yangoku yoorhulumente basekhaya, apho oomasipala basasazeke kulo lonke ilizwe, yindlela ethe ngqo yokusabela kwinkqubo yoomasipala eyayicalucalula ngexesha localucalulo. Ngexesha localucalulo, urhulumente wadala oomasipala ngokwemithetho esekelwe kwiimfuno, nto leyo eyayidla ngokubangela ukuba oomasipala banikwe uluntu olucalucalulwa ngokobuhlanga. Oku kwavumela oomasipala ukuba baqinise inkqubo yocalucalulo yophuhliso olwahlukileyo ukulawula ukusasazwa kobutyebi ngokubonelela ngeenkono.

Icandelo lesi-7 loMgaqo-siseko lizinikele ekudaleni isakhelo sokusebenza kakuhle koorhulumente basekhaya. Lichaza inkqubo yokusekwa nokwakhiwa koomasipala. Eli candelo likwabandakanya imisebenzi yoomasipala, kunye namandla abo kunye nemisebenzi yabo. Urhulumente wasekhaya uqatshelwa njengesebe elihlukileyo likarhulumente, kwaye ke ngoko unikwe igunya lokuqalisa umthetho. Oomasipala banelungelo lokulawula imicimbi yoluntu lwabo njengoko bebona kufanelekile, nokwenza imithetho eyimfuneko yokwenza oku kube lula.

Kukho imithetho emihlanu ephambili enxulumene norhulumente wasekhaya echaza ukudalwa, indima, imali, ingxelo, kunye nolawulo lwale candelo likarhulumente:

- UMthetho wooRhulumente baseKhaya 27 ka-1998 malunga nokuCandwa kweMida yooMasipala uchaza inkqubo yokubeka umda kwimida yoomasipala kunye neewadi.
- UMthetho wooRhulumente baseKhaya 117 ka-1998 kwiZakhiwo zooMasipala ubonelela ngesakhelo sokuseka nokwahlulahlula iintlobo ezahlukeneyo zoomasipala.
- UMthetho wooRhulumente baseKhaya 32 ka-2000 kwiiNkqubo zooMasipala ugxile kulawulo lwamagunya, imisebenzi, kunye noxanduva loomasipala.
- UMthetho wooRhulumente baseKhaya 56 ka-2003 malunga noLawulo lweeMali zooMasipala ulawula ulawulo lwezemali loomasipala ngokuseka imigaqo-nkqubo yezemali kunye nemigangatho.
- UMthetho weRhafu yePropati kaRhulumente weNgingqi 6 ka-2004 ulawula amandla oomasipala okunyanzelisa irhafu yepropathi.



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Nangona kukho izikhokelo zomthetho ezibanzi zoorhulumente basekhaya, imingeni eqhubekayo iye yandisa umsantsa phakathi kwemithetho kunye nokusetyenziswa kwayo. Ekuqaleni, bekukho imfuneko yokwenene yokuzalisa izikhundla zobunkokeli koomasipala abasandula ukuqalisa kunye nabantu abathembekileyo njengabalweli bentando yesininzi. Nangona kunjalo, ngokuhamba kwexesha, ukuqeshwa kwabantu abathembekileyo kuye kwanda kwabandakanya ukukhuthaza ukuthembeka ngaphezu kobuchule. Oku kuthetha ukuba izikhundla eziphambili zizaliswa ngabantu abangenazo iziqinisekiso namava okuzalisekisa iimfuno zezikhundla abanazo.

Iziphumo zobunkokeli obungalunganga ziquka urhwaphilizo, ulawulo olungafanelekanga, kunye nokungaphumeleli koomasipala ukubonelela uluntu lwabo ngeenkonzo ezisisiseko.

Oomasipala bakwanengxaki yokugcina abasebenzi abanezakhono nabachwephesha, njengoko ukungabikho kwenkuthazo, izibonelelo, kunye namathuba okunyuselwa emsebenzini akuboneleli ngenkuthazo eyaneleyo. Kumanqanaba aphezulu nabaphathi, ukungabikho kokuzinikela kuyandisa ezi ngxaki.

Oomasipala bajongene nokunikezelwa kweenkonzo, bebonelela ngokunikezelwa kwezo nkonzo kuluntu. Ilishedyuli 4 kunye no-5 zoMgaqo-siseko zichaza iinkonzo ekufuneka zinikezelwe ngoomasipala ngentsebenziswano namaqumrhu karhulumente kazwelonke nawephondo. Ngokubanzi, ezi nkonzo zahlulwe zibe ziindidi ezimbini, ezizezi: iinkonzo ezisisiseko ezibalulekileyo kunye neenkonzo zentlalo noqoqosho:

Iinkonzo ezisisiseko ezibalulekileyo	Izixhobo zentlalo noqoqosho
Amanzi	Ucwangciso nophuhliso
Ucoceko	Ukuzonwabisa kunye nokhenketho
Amandla	Imfundo
Ulawulo lwenkunkuma	Izithuthi zikawonke wonke
Iziseko zophuhliso zendlela	Iimarike kunye neendlu zokuxhela
Ukhuseleko lasekuhlaleni	Izilwanyana
Impilo	Iindawo zikawonke-wonke



Ulawulo olubi loomasipala lunokubashiya besokola ukuze baphile. Kukho iingxaki ezintlanu ezibonakala njengeziphumo eziqhelekileyo zobunkokeli nolawulo olubi:

1. Ukungaphumeleli ukubonelela ngeenkonzo ngokufanelekileyo ngenxa yokucwangcisa okubi, uhlahlo lwabiwo-mali, ukuchitha imali, kunye neendlela zokulungisa ezingasasebenziyo.
2. Ukunqongophala kokubandakanyeka koluntu ngenxa yokungathembi iinkqubo zikarhulumente kunye nokudimazeka ngamagosa karhulumente.
3. Iindlela zolawulo ezilawulwa kakubi ngokucacileyo, ezineewebhusayithi ezindala nezintsonkothileyo kunye nezixhobo zolwazi, nto leyo eyenza kube nzima ukuqonda izenzo zolawulo.
4. Ukungajongwa ngokwaneleyo kweendlela zokuthengwa kwempahla karhulumente, nto leyo ekhokelela okanye ingawunanzi ubuqhetseba beethenda kunye nokuxhatshazwa kwabantu.
5. Ukusetyenziswa gwenxa kohlahlo lwabiwo-mali lukamasipala, nto leyo eshiya iiprojekthi zingagqitywanga kwaye zingaxhaswanga kakuhle ngemali.

Xa kuvela iingxaki ngolawulo lukamasipala kunye nokunikezelwa kweenkonzo, kubalulekile ukuba urhulumente aphenidule. Kukho amanyathelo anokuthathwa ngumntu wonke ukuphucula olu xanduva. Ukulandela la manyathelo ngononophelo kukwanceda ekwakheni imeko yotshintsho.

- Qokelela Ulwazi. Oomasipala banyanzelekile ngokomthetho ukuba bagcine iiwebhusayithi zikawonke-wonke apho bapapasha khona iingxelo rhoqo ezichaza imisebenzi yabo. Ukuba ezi ngxelo azifumaneki, ulwazi lungacelwa ngezicelo ze-PAIA (uMthetho wokuKhuthazwa koFikelelo kuLwazi 2 ka-2000).
- Xela ngokuthe ngqo. Indawo elungileyo yokuqala kukusebenzisa iinkqubo ezikwi-intanethi ezibonelelwa ngurhulumente, iidilesi ze-imeyile, kunye neenombolo zefowuni ezikhethekileyo ukuze uxele ingxaki ngqo kurhulumente wengingqi.
- Phakamisa iinkxalabo zakho. Ukuba akukho mpendulo okanye akukho manyathelo avela kumagunya kamasipala, phakamisa le ngxaki ngokuqhagamshelana nooceba bewadi/bewadi.
- Bamba inxaxheba kwinkqubo yowiso-mthetho. Oomasipala banyanzelekile ngokomthetho ukuba bakhuthaze ukuthatha inxaxheba koluntu, okuquka ukubamba iintlanganisano ezivulelekileyo kuluntu.



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- Sebenzisa amajelo eendaba ezentlalo. Ukuthumela imiba yokunikezelwa kweenkonzo okanye yolawulo kwimidiya yoluntu kunokuba yindlela enamandla yokwandisa ulwazi kuluntu.
- Vuthelani umnxeba. Ukuvuthela umnxeba ukuze nibike urhwaphilizo kunokuba yingozi, kodwa kudla ngokuba yindlela abanye, njengabo banegunya lophando, abangayaziyo ingxaki.
- Zilungiselele. Ukujoyina okanye ukuqala umbutho kunceda ekuhlanganiseni izixhobo kunye nokufumana inkxaso yokukhuthaza utshintsho.
- Bhala iingxelo. Ukubhalela iNdlu yoWiso-mthetho yeSizwe kunokwazisa urhulumente ngoomasipala abangaphumeleliyo kwimisebenzi yabo.
- Yenza izicelo. Isicelo, esisayinwe ngabaxhasi size sivunywe lilungu lepalamente yesizwe, sinokuba sisixhobo esinamandla sokubonisa umdla omkhulu ekufumaneni isisombululo.
- Khuthaza ngeengxelo zeendaba. Ukubhala iingxelo zeendaba ukuze zipapashwe okanye ukuqhagamshelana neentatheli ukuze ubhale ngezihloko ezithile kunokudala ulwazi.
- Thatha inxaxheba kwimibhikisho. Uqhankqalazo lweqela, olukhuselwe nguMgaqo-siseko, lubonakalisa ubunye kunye nesilumkiso ebantwini malunga nombala othile.
- Qala iinkqubo zomthetho. Nangona zibiza kakhulu kwaye zifuna ubuchule kwezomthetho, iinkqubo zomthetho zinokuba sisixhobo esinamandla sokubanga amalungelo.
- Vota. Kurhulumente wentando yesininzi, ukuvota kunokuthiwa yindlela esebenzayo yokubamba urhulumente uxanduva. Kurhulumente wengingqi, kukho imizekelo yoluntu oluseka imibutho yezopolitiko ephumelelayo ukulwela amalungelo abo.

Ukusebenzisa enye yezi ndlela kunokunceda urhulumente aphenhule. Zonke iindlela zinendima, ngoko ke nesenzo esincinci singenza umahluko. Abemi banelungelo lorhulumente wasekhaya osebenzayo nongafihlisiyo; isenzo esithile sithetha ukuba abantu bayakwazi ukulwela la malungelo kwaye baphendule urhulumente.



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Ingeniso

UMgaqo-siseko ka-1996 wahlela kwakhona oomasipala ukuze basuke kwinkqubo yokunika amalungelo abambalwa baye kwinkqubo karhulumente obandakanya bonke abantu egxile kumalungelo abo bonke abantu. Icandelo likarhulumente wasekhaya, eliquka oomasipala kuzo zonke iindawo, lijolise ekuboneleleni uluntu ngolawulo olusebenzayo kunye nobunkokeli njengelungelo lomgaqo-siseko. Aba masipala kufuneka baqinisekise ukuba abemi bayonwabela amalungelo abo asisiseko, kuquka ukufikelela kwiinkonzo, iziseko zophuhliso, ubulungisa, ucwangciso lwedolophu, uphuhliso, kunye neenkonzo zikawonke-wonke.

Ngelishwa, ukuphathwa gwenxa koomasipala kukhokelele ekunikezelweni kweenkonzo okunganelanga, ukonakala kweziseko zophuhliso, kunye nokwanda kolwaphulo-mthetho. Oomasipala abalawulwa kakubi benza kube nzima ngakumbi kuluntu ukufikelela kwiimfuno ezisisiseko ezifana namanzi, umbane, ezothutho, izindlu, ukhathalelo lwempilo, kunye nokhuseleko. Uxanduva kunye nokungafihlisi kubalulekile ukuqinisekisa ukuba urhulumente wasekhaya ubeka phambili amalungelo asisiseko kwaye uphakamisa uluntu.

Ngaphambi kowe-1994, urhulumente kamasipala yayililungelo elalinceda amaqela athile eentlanga. Abahlali bamaBhulu abavela kwiDutch East India Company baseka umasipala wokuqala eTable Bay, eKapa, ngo-1652 njengendawo yokuthutha iinqanawa ezidlulayo. Ngokusekwa kweedolophu, oomasipala nabo basekwa.¹

Ngowe-1910, amakoloni adibana ukwenza iManyano yaseMzantsi Afrika, apho urhulumente wengingqi wawulawulwa ngamaphondo. Emva kowe-1948, urhulumente wobandlululo wathabatha ulawulo waza wadala inkqubo kamasipala engacwangciswa nenyahlulwe ngokobuhlanga, eyakhiwe ngumgaqo-siseko wephondo osekelwe kumthetho.² Le nkqubo yadala oomasipala ngamaqela athile kunye neenjongo, yaza yalandela oku ngokunika amalungelo athile. Oomasipala baba yinxalenye yenkqubo yobandlululo, besebenzisa imithetho ecalucalula ngokobuhlanga nengalunganga efana noMthetho woMhlaba woMthonyama ka-1913, ukushiya abantu abaninzi bengenalokufikelela kulawulo olusebenzayo.

Ngo-1994, urhulumente wentando yesininzi wagxila ekutshintsheni oku kungabikho sikweni ngokuseka inkqubo ephuleleyo yoomasipala yolawulo lwengingqi. UMgaqo-siseko wokugqibela, owapapashwa ngo-1996, wanikela lonke iSahluko 7 ekudalweni kwecandelo elahlukileyo loorhulumente bengingqi.



Ngokungafaniyo neenkqubo zangaphambili zoomasipala, aba masipala babeza kugubungela lonke uMzantsi Afrika, begxile kwiindawo kunokuba bagxile kubuhlanga, ukuze banike ubulungisa bolawulo. Babeza kwahluka kumasebe karhulumente kazwelonke nawephondo, nto leyo evumela oorhulumente bengingqi ukuba bagxile ekuhlangabezaneni neemfuno zabantu ababameleyo.

Inkqubo yokwakha kwakhona nokwandisa urhulumente wengingqi kulo lonke ilizwe yayibandakanya ukudalwa ngokukhawuleza nokuzaliswa kwezikhundla ezininzi zolawulo. Le mfuneko ingxamisekileyo yadala amathuba, yaza yavula namathuba enkohlakalo. Amaqela ezopolitiko akwazile ukuzalisa ezi zikhundla ngabantu abathembekileyo abasenokuba babefanelekele okanye bengenalo ilungelo lomsebenzi. Oku kudla ngokubizwa ngokuba "kukuthandana kwabantu abathembekileyo," apho ukuthembeka kweqela kwakujongwa njengokubaluleke ngaphezu kwezakhono okanye ulwazi olufunekayo, okwenza kube lula ukuzalisa ngokukhawuleza izikhundla ezingenanto.³

UMgaqo-siseko ubonakala uvumela le ngozi ngokubeka ukucaca kunye nokuphendula njengemigaqo ephambili yokujonga nokulinganisela. Nangona kunjalo, umsantsa phakathi komthetho kunye nokusetyenziswa kwawo ngempumelelo ushiye uluntu luhlupheka kukuphathwa gwenxa kunye norhwaphilizo ngoomasipala. Urhwaphilizo luxhalabisa kakhulu njengoko lubandakanya ukuphambukiswa kwezibonelelo zemali kunye nezabasebenzi kude neeprojekthi ezibalulekileyo ezijolise ekuboneleleni ngokunikezelwa kweenkonzo ezisisiseko.

IKhomishini yoPhando ngoRhwaphilizo lweLizwe (i-CISC) nayo yayixhalabile malunga nokuba kunokwenzeka urhwaphilizo olucwangcisiweyo koomasipala. Nangona i-CISC iphanda kuphela iithenda ezimbalwa ezirhwaphilizo eGoli, yayikholelwa ukuba izenzo ezifanayo zorhwaphilizo zinokwenzeka koomasipala abaninzi.⁴ Kwingxelo yayo ka-2024, uMphicothi-zincwadi Jikelele uchonge ukungalungi okubalulekileyo okungu-446, okwakungalungi okanye ubuqhetseba obubangela ilahleko enkulu, koomasipala abayi-131.⁵

Aba masipala banyanzelekile ukuba banikezele ngeenkonzo ezisisiseko, ngoko ke bahlala besebenzisa iinkqubo zokuthenga zikarhulumente ukuvula iithenda nababoneleli beenkonzo. Le nkqubo yokuthenga inokuba sesichengeni kakhulu kwizenzo zorhwaphilizo, kubandakanya ukuphathwa kakubi kweemfuno zethenda kunye neendleko zethenda ezinyuswe kakhulu.⁶



I-CISC ibandakanya iseti epheleleyo yeengcebiso malunga nokuthengwa kukarhulumente, njengokuseka i-arhente yokuthenga ezimeleyo kunye nokudalwa kwegosa lokuthenga eliqeqeshiweyo ukuqinisekisa ukucaca okukhulu.⁷

Kunye nelahleko ebangelwa bubuqhophololo, ulawulo olubi lukamasipala lushiya abantu abaninzi baseMzantsi Afrika bebandezelekile kwaye bedanile. Oorhulumente basekuhlaleni kufuneka banike iziseko ezisisiseko ukuhlangabezana neemfuno zabantu ababameleyo. Nangona kunjalo, ezi mfuno zeziseko zihlala zingafezekiswanga, nto leyo ekhokelela kwimibhikisho kawonkewonke. Umzekelo, ngoMatshi, abemi baseCofimvaba babhikisha ngenxa yeziseko ezingalunganga zeendlela, begxininisa ukuba iindlela bezikwimeko embi kwaye ibhulorho, ebalulekileyo ekuweleni umlambo ukuya kwizikolo zasezidolophini nezasemaphandleni, yayisezantsi kakhulu ukuba ingawela ngokukhuselekileyo.⁸

Ngaphambili kwinyanga enye, intlanganiso kawonkewonke yabanjwa eNelson Mandela Bay ukunyanzela umasipala ukuba ajongane nokungabikho kwezibane zesitalato ezisebenzayo.⁹ UMasipala wasEmfuleni wade wabuyisela kwiSebe lezeMali uhlahlo-lwabiwo mali olungasetyenziswanga lwe-R640 yezigidi nangona kuchitheke kakhulu amanzi amdaka kwiilokishi zawo okwashiya abantu abahlala ngaphakathi nangaphandle kwamanzi amdaka.¹⁰ Ulawulo olubi, nokuba akukho nkohlakalo, lunokushiya oomasipala bengakwazi ukwenza imisebenzi yabo.

Urhwaphilizo oluqhubekayo kunye nolawulo olungafanelekanga koomasipala zezona zinto ziphambili ezibangela ukuba oomasipala bangafezekisi iimbopheleleko zabo zomgaqo-siseko. Oomasipala kufuneka baqinisekise ukuba uluntu lufumana amanzi, umbane, ucoceko, imfundo kunye nempilo. Kungoko ke kubalulekile ukuba abantu baseMzantsi Afrika basebenzisane ukulwela amalungelo abo kwaye bafune oomasipala abanoxanduva, abacacileyo nabanoxanduva. Oku kufuneka kwenzeke kuwo onke amanqanaba, kuquka utshintsho lwemithetho kunye nomgaqo-nkqubo kwinqanaba lengingqi, kunye nokukhuthaza uluntu kwinqanaba lengingqi. Ngokuqinisekisa ukuba oomasipala banoxanduva, uMzantsi Afrika unokuqinisekisa ukuba urhulumente wengingqi osebenzayo lilungelo elifikelelekayo kubo bonke.



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ISAKHELO SEZOMTHETHO



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Icandelo looRhulumente basekuhlaleni

Umgaqo-siseko

UMgaqo-siseko weRiphabliki yoMzantsi Afrika ka-1996 (Umgaqo-siseko), waseka icandelo loorhulumente basekhaya ukuze lijongane nokungabikho kobulungisa kwenkqubo yocalucalulo. Oomasipala bocalucalulo badalwa ngumthetho, owawugxile ekwahlulweni ngokobuhlanga kwamaqela kwiindawo ezithile.¹¹ Abo masipala babehlulwe ngokobuhlanga babenezixhobo nenkxaso eyahlukileyo, ngelixa abanye babengenazo.

UMgaqo-siseko ubophelela uMzantsi Afrika kumthetho obandakanya wonke umntu, olinganayo, nowentando yesininzi. Namhlanje, ukwabiwa koomasipala kusekelwe kuphela kwindawo. UMgaqo-siseko umisela oomasipala njengendawo eyahlukileyo nezimeleyo yoorhulumente basekhaya enelungelo lokusebenzisana nezakhiwo zorhulumente wesizwe nowephondo. UMgaqo-siseko ujongana nemiba emibini ebalulekileyo yoorhulumente basekhaya: ilungelo loorhulumente basekhaya abasebenzayo kunye nesakhelo sokusekwa koorhulumente basekhaya abahlukileyo nabapheleleyo abanamalungelo abo.

Ilungelo lokuba noorhulumente basekhaya abasebenzayo

Urhulumente wengingqi bubuso borhulumente wengingqi kwinqanaba elisezantsi, obonelela ngeenkonziso ezisisiseko kuluntu alukhonzo. Kwakhona bubuso abantu abaninzi abaqala ukunxibelelana nabo ukuze bafumane iinkonziso ezahlukeneyo, ezinje ngombane, amanzi, ucoceko, kunye nokugcinwa kweziseko zophuhliso. Ke ngoko, urhulumente wengingqi osebenzayo nosebenzayo udlala indima ebalulekileyo ekufezekiseni iimfuno ezisisiseko zoluntu lwabo. Oku kuyaqatshelwa kwicandelo 195(1) loMgaqo-siseko, elichaza ixabiso elisisiseko kunye nemigaqo ekufuneka ilawule ulawulo lukarhulumente. Le migaqo ibandakanya uxanduva, ukungafihlisi, ukusetyenziswa ngokufanelekileyo kwezixhobo, ukuphendula kwiimfuno zabantu, kunye nokunikezelwa kweenkonzo ngokulinganayo nangokungakhethi cala.



Indima yoomasipala ichazwe ngokubanzi kwicandelo 152(1) loMgaqo-siseko. Oku kuquka ukubonelela ngeenkonzelo ezizinzileyo, ukukhuthaza uphuhliso lwentlalo noqoqosho, kunye nokugcinwa kwendalo ekhuselekileyo nesempilweni. Imisebenzi edweliswe kweli candelo yenzelwe ukuphumeza amalungelo aqulethwe kuMqulu wamaLungelo. Urhulumente unoxanduva lokuhlonipha, ukukhusela, ukukhuthaza nokuzalisekisa la malungelo.

Ilungelo lokufumana isenzo solawulo esifanelekileyo ligxininisa kakhulu kumsebenzi karhulumente wokwenza ngokusemthethweni, ngokusesikweni nangokulinganayo xa esenza imisebenzi yakhe yolawulo. Izigqibo ezininzi ezenziwa ngumasipala zinokuba nefuthe kumalungelo abantu kwaye ke ngoko kufuneka zibe ngokusesikweni nangokulinganayo.

Ngokubanzi, uMgaqo-siseko ubonelela ngesakhelo esicacileyo sokusetyenziswa ngokufanelekileyo kwemisebenzi yawo yomgaqo-siseko kunye namalungelo abantu basekuhlaleni.

Ulwakhiwo looRhulumente beNgqingqi

Isahluko 7 soMgaqo-siseko simisela icandelo loorhulumente basekhaya, sichaza ulwakhiwo lwalo, ukusebenza, iinjongo kunye nemisebenzi yalo. Urhulumente wasekhaya wenziwe ngoomasipala abalawulwa ngamaBhunga kaMasipala.¹² Amalungu eBhunga likaMasipala anyulwa kusetyenziswa inkqubo yokumelwa ngokulinganayo kwamalungu amele icandelo loluntu. Oku kufuna ukuba umvoti ngamnye aphose iivoti ezimbini. Ivoti yokuqala yeyoceba wewadi omele ngokuthe ngqo iimfuno zewadi yakhe. Ivoti yesibini yeyombutho wezopolitiko omelwe kwibhunga ngokomlinganiselo wesabelo sawo seevoti zizonke.¹³ Nje ukuba atyunjwe, iBhunga likaMasipala lihlala eofisini ixesha leminyaka emihlanu.

Njengesebe likarhulumente elamkelweyo ngumgaqo-siseko, urhulumente wengingqi unelungelo lokulawula imicimbi yoluntu lwawo ngomlinganiselo othile wokuzimela, phantsi komthetho wesizwe nowephondo. Lo mda ubonisa ukuba nangona amandla okuqala anikwe nguMgaqo-siseko, la magunya awathintelwanga. Izindlu zowiso-mthetho zesizwe nezephondo zinamandla okwenza imithetho echaphazela imeko, amaziko, amandla, kunye nemisebenzi karhulumente wengingqi. UMthetho weeNkqubo zikaMasipala kunye noMthetho woLawulo lwezeMali zikaMasipala zingumzekelo waloo mthetho.



STATE CAPTURE AND BEYOND

Urhulumente wengingqi kufuneka ukuba avisisanise imithetho yakhe nomthetho wesizwe nowephondo okanye umngcipheko wokucinywa. Nangona kunjalo, uMgaqo-siseko unika urhulumente wengingqi inkululeko ethile ngokufuna oorhulumente besizwe nabamaphondo ukuba bangaphazamisi okanye bathintele oomasipala ekwenzeni imisebenzi yabo.¹⁴

UMgaqo-siseko ucacisa ulwakhiwo ngokubanzi loomasipala. Kukho iintlobo ezintathu zoomasipala: oomasipala abakhulu, abomasipala basekuhlaleni, nabomasipala.¹⁵

- Uddidi A: Aba ngoomasipala bezixeko ezinkulu abanegunya elikhethekileyo loomasipala kunye nolawulo kwindawo abayilawulayo.

Banoxanduva lwazo zonke imisebenzi yoorhulumente basekhaya ngaphakathi kwemida yabo kwaye ababelani ngamandla nabanye oomasipala. Aba masipala balawula iindawo zasezidolophini ezinabantu abaninzi njengeendawo ezinkulu zezixeko kulo lonke elaseMzantsi Afrika. Okwangoku, kukho iindawo ezisibhozo zezixeko: iBuffalo City, iSixeko saseKapa, iSixeko saseGoli, iSixeko saseTshwane, i-Ekurhuleni, i-Durban, i-Mangaung, kunye noMasipala waseNelson Mandela Bay.

- Uddidi B: Aba ngoomasipala basekuhlaleni abalawula iindawo ezingaphandle kwemimandla yedolophu. Aba masipala banoxanduva oluthe ngqo lokubonelela ngeenkondo zemihla ngemihla, ezinje ngamanzi kunye nococeko, kwiwadi zabo. Aba masipala ngabona bancinci, njengoko behlala benoxanduva lwendawo ethile. Oomasipala basekuhlaleni kunye noomasipala besithili banamandla ahambelanayo oomasipala kunye nolawulo kwiindawo zabo ezimiselweyo.
- Uddidi C: Olu didi lwenziwe ngoomasipala bezithili. Banoxanduva lokujonga indawo enkulu edla ngokwahlulwahlulwa ibe ngoomasipala abaninzi bendawo. Njengoko kukhankanyiwe ngasentla, babelana ngegunya loomasipala kunye nolawulo noomasipala bendawo. Oomasipala bezithili baququzelela kwaye baququzelela ukunikezelwa kweenkonzo kuzo zonke izithili zabo. Okwangoku kukho oomasipala bezithili abangama-44 abajonga imisebenzi yoomasipala bendawo.



Imithetho

Ukuze kuphunyezwe isakhelo somgaqo-siseko esichazwe apha ngasentla, indlu yowiso-mthetho imisele imithetho enika isikhokelo esineenkukacha malunga nomgaqo-siseko kunye nokusebenza koorhulumente basekhaya. Kukho imithetho emihlanu ngokubanzi elawula ukwakhiwa, ulwakhiwo, kunye nokusebenza kwangaphakathi koorhulumente basekhaya.

UMthetho woMda woMasipala woRhulumente baseKhaya 27 ka-1998 uchaza iindlela kunye neenkqubo zokumisela imida kamasipala. Lo Mthetho umisela iBhodi yoKwahlula imida kamasipala ("iBhodi"), enoxanduva lokwahlukanisa imida kamasipala ngokuhambelana nalo Mthetho kunye noMgaqo-siseko. IBhodi liqumrhu elizimeleyo elisemthethweni kwaye kufuneka lingakhethi cala emsebenzini walo. Injongo ephambili yalo naliphi na umda kamasipala kukumisela indawo apho umasipala anokuthi azalisekise khona iimbopheleleko zakhe zomgaqo-siseko. Umzekelo, ibhodi kufuneka iqwalasele ukuba loo ndawo ingaxhasa na ukunikezelwa kweenkonzo ezinje ngamanzi, umbane, izindlu, kunye nococeko.

UMthetho 117 weZakhiwo zooMasipala boRhulumente beNgingqi ka-1998 ubonelela ngesakhelo sokusekwa koomasipala. Lo Mthetho uyandisa kwiSahluko sesi-7 soMgaqo-siseko. Oku kuquka inkcazo eneenkukacha zeendidi ezintathu zoomasipala njengoko kuchaziwe kuMgaqo-siseko. Ukwagxila ekulawuleni iinkqubo, izakhiwo, kunye nezikhundla ngaphakathi koomasipala. Injongo yoMthetho kukuqalisa isigaba sokugqibela sotshintsho ukusuka koomasipala abangacwangciswa ngokomthetho ukuya kwinkqubo kamasipala ebanzi njengoko kuchaziwe kuMgaqo-siseko.

UMthetho 32 ka-2000 weeNkqubo zooMasipala boRhulumente beNgingqi ngumthetho ophambili wokubeka oomasipala kwinkqubo yoorhulumente basekhaya ngendlela ebandakanyayo. Ulawula amandla nemisebenzi yoomasipala, kwaye uchaza imisebenzi yabo. Ubonelela ngemigaqo, iindlela, kunye neenkqubo ezibalulekileyo ekufuneka oomasipala bazilandele ekunikezeleni iinkonzo ezibalulekileyo kuluntu lwasekuhlaleni. Lo Mthetho ujonge ukukhuthaza inkcubeko yokubandakanyeka koluntu ngamanyathelo acacileyo nanoxanduva, kubandakanya igalelo loluntu ekuqulunqweni kwezicwangciso zophuhliso ezidibeneyo (ii-IDP).¹⁶ Oku kuquka neemfuno zonxibelelwano, ezinjengokwamkela uluntu kwiintlanganiso, ukupapasha izaziso kumaphephandaba, ukugcina iwebhusayithi esemthethweni, kunye nokwenza amaxwebhu afumaneka kuluntu



UMthetho woLawulo lwezeMali zooRhulumente baseKhaya 56 ka-2003 ulawula ulawulo lwemali loomasipala ngokumisela imigaqo nemigangatho yezemali. Oku kuquka ukunciphisa imisebenzi yabasebenzi bakamasipala abaneembopheleleko zezemali, njengamagosa ezezimali. Amagosa ezezimali kufuneka abe sobala ekusebenziseni imali kunye neengxelo zabo, ngaloo ndlela exhasa uxanduva kunye nokungafihlisi. Ukongeza, lo Mthetho umisela izikhokelo zolawulo lohlahlo-lwabiwo mali kunye neengxelo zemali ngelixa uqinisekisa ukuba uluntu lunokufikelela kolu lwazi.

UMthetho weRhafu yePropati kaRhulumente weNgingqi 6 ka-2004 ulawula amandla oomasipala okuhlawulisa irhafu kwimizi nakwiipropati. Irhafu yepropathi yeyona mthombo uphambili wengeniso koomasipala. Lo Mthetho ujonge ukudala inkqubo yerhafu efanelekileyo enezizathu ezicacileyo zokuxolelwa kunye neendlela ezifanelekileyo zokumisela iirhafu. Ukwakhuthaza ukungafihlisi, uvumela abantu ukuba baphakamise izikhalazo kuzo naziphi na izigqibo zoomasipala kunye nokufaka izikhalazo.

Nangona oomasipala beyicandelo elihlukileyo likarhulumente, kufuneka bathobele umthetho wesizwe nowephondo. UMgaqo-siseko uyaqaphela ukuba icandelo likarhulumente lixhomekeke kwelinye. Oku kuthetha ukuba banokufuna ukuthembela omnye komnye ukuze baphumeze ngokufanelekileyo uxanduva lwabo lomgaqo-siseko. Isahluko sesi-3 soMgaqo-siseko sifuna urhulumente osebenzisanayo osebenzisa amandla akhe, owenza imisebenzi yakhe, osebenzisana apho kuyimfuneko, kwaye ongaphazamisi ukuthembeka kwemisebenzi okanye amaziko amanye amacandelo karhulumente. Icandelo 41(2) loMgaqo-siseko lifuna iPalamente ukuba imisele uMthetho olawula ubudlelwane phakathi kwamacandelo ahlukeneyo karhulumente, kwaye ibonelele ngokusombulula iingxabano phakathi kwawo.



STATE CAPTURE AND BEYOND

Imithetho kaMasipala

Ngokwecandelo 156(2), umasipala unokwenza imithetho kamasipala aze ayilawule ukuze isebenze kakuhle. Oku kwenza oomasipala bakwazi ukuphuhlisa imithetho ehlangabezana ngcono neemfuno ezithile zoluntu abalukhonzayo. Oomasipala banokwenza imithetho kamasipala kuphela kwiindawo abaphantsi kolawulo lwabo abanikwe zona nguMgaqo-siseko. Le ichazwe kwiCandelo B leShedyuli lesi-4 kunye nelesi-5, kwaye ibandakanya imiba efana neelayisenisi, iindlela zikamasipala, kunye nemithetho kamasipala kunye nokupaka.

Kubalulekile ukuqaphela ukuba oomasipala abanalo igunya elilodwa lomthetho kule micimbi, kwaye ke ngoko kufuneka banamathela kumthetho wephondo nowesizwe ofanelekileyo. Ngaphaya kweShedyuli 5, oorhulumente besizwe nabamaphondo kufuneka badlulisele eminye imiba efanelekileyo kurhulumente wasekuhlaleni onokulawulwa ngcono apho.

UMgaqo-siseko ukwafuna ukuba oomasipala bakhuthaze ukungafihlisi kunye noxanduva ngokukhuthaza ukubandakanyeka koluntu kwinkqubo yokwenza umthetho. Icandelo 160 (4) liyakwalela ukwenziwa komthetho kamasipala ngaphandle kokuba upapashwe ukuze uluntu luphawule. Oku kuqinisekisa ukuba izimvo zoluntu ziyathathelwa ingqalelo kwaye iinkxalabo kunye nezikhalazo zabo ziyathathelwa ingqalelo kuyo yonke imiba enokubachaphazela.



STATE CAPTURE AND BEYOND

UMSANTSA PHAKATHI KOMGAQO-NKQUBO KUNYE NOKUNIKEZELWA KWEENKONZO



Umsantsa phakathi koMgaqo-nkqubo kunye nokunikezelwa kweenkonzo

UMzantsi Afrika wawaziwa ngokuba nomgaqo-siseko oqhubekekayo noguqulayo ngexesha lawo.¹⁷ Inxalenye ebalulekileyo yale ndumiso yotshintsho lwawo yayiyi Bill of Rights, eyayiquka amalungelo ezoqoqosho, ezentlalo, nawenkubeko awayenokunyanzelwa kwaye enokunyanzelwa ngokusemthethweni.¹⁸ La malungelo kunye namanye ayebalulekile ekupheliseni ukungabikho kokusesikweni kwangaphambili nokwakha uluntu olunentando yesininzi olusekelwe kukulingana nobulungisa bentlalo. Nangona kunjalo, kwiminyaka engamashumi amathathu edlulileyo, urhulumente uye wasilela rhoqo ukuguqula la malungelo abe bubomi obunentsingiselo kubantu abaninzi baseMzantsi Afrika.

Xa kufikwa ekuphunyezweni, indima kamasipala iphindwe kabini. Umasipala unegunya lokwenza nokusebenzisa imithetho yesixeko kuphela kwimiba ekwigunya lakhe. Kwakhona kufuneka asebenzise imithetho yesizwe neyephondo kwimiba ekwabelwana ngayo okanye engaphandle kolawulo lwakhe. Nangona oku kubeka umthwalo omkhulu kurhulumente wengingqi, uMgaqo-siseko uqinisekisa ukuba oomasipala bayaxhaswa koku.

Ubunzima bokuthunyelwa kwabathembekileyo

Ukuze usebenze ngokufanelekileyo, umasipala udinga izibonelelo zemali nezabasebenzi ezaneleyo. Imicimbi yemali ilawulwa yi-MFMA. Imicimbi yabasebenzi ilawulwa yi-MSA. Ngaphambi kokuba kuqeshwe nabani na, umphathi kamasipala kufuneka abhale isicwangciso sabasebenzi, esivunywa libhunga likamasipala elifanelekileyo. Isicwangciso sabasebenzi luxwebhu oludwelisa zonke izithuba ezifunekayo ekufuneka zizaliswe.

Injongo yesicwangciso sabasebenzi kukukhuthaza ukuzinikela ngokubhala nokuxhasa izikhundla ezifunekayo ukuze umasipala asebenze ngokufanelekileyo. Xa inkxaso-mali ivunyiwe, abantu banokuqeshwa ukuze bazalise ezo zikhundla.



STATE CAPTURE AND BEYOND

Icandelo 67 le-MSA lifuna oomasipala ukuba baphuhlise iinkqubo ezifanelekileyo kunye neenkqubo zokuqesha nokulawula abasebenzi. Ezi nkqubo kufuneka zisekelwe kwimigangatho efanayo ukuqinisekisa ukuhambelana, ubulungisa, kunye nokungafihlisi kulawulo lwabasebenzi. Oomasipala kufuneka baphuhlise rhoqo izakhono zabasebenzi babo ukuze bakwazi ukwenza imisebenzi yabo ngendlela efanelekileyo, efanelekileyo, nenoxanduva.

Ukuba ukuqesha kwenziwa ngendlela eyiyo, umasipala uya kuba nakho ukuphumeza imisebenzi yakhe ngokomgaqo-siseko. Nangona kunjalo, oku akunjalo koomasipala abaninzi. Kwiminyaka edlulileyo, iinkqubo zokuqesha ezisekelwe kwizakhono ziye zagqunywa kukuthunyelwa kwabathembekileyo (i-cadre deployment).

Ukuthunyelwa kwabathembekileyo kwayisisixhobo esiphambili esasetyenziswa yi-ANC ukuphelisa urhulumente wocalucalulo nokwakha urhulumente omtsha ohambelana nenkqubo entsha yentando yesininzi yelizwe. Oku kwakubandakanya ukususwa kwamagosa exesha localucalulo kwizikhundla eziphambili zikarhulumente, endaweni yawo ngamalungu e-ANC afanelekileyo. Injongo ephambili yalo msebenzi yayikukuseka urhulumente ozimisele ukuphumeza uMgaqo-siseko omtsha nokugcina amaxabiso awo entando yesininzi, kunye nexabiso le-ANC.

Kwinqaku elikwiMail & Guardian malunga nokuba kutheni ukuthunyelwa kwamaqela ezopolitiko kubalulekile, oku kulandelayo kuchazwe:

“Ngokubeka amagosa e-ANC kwizikhundla ezibalulekileyo zikawonke-wonke, bekukho ukukhuthazwa kokwahlukahlukana, ukubandakanywa kunye nokumelwa kwamaqela angakhathalelwanga ngaphambili - abantu abamnyama baseMzantsi Afrika, abafazi kunye nolutsha - kwimisebenzi yokwenza izigqibo efana namagosa aphezulu, iinkundla kunye nemicimbi yoluntu.”¹⁹

Kwakubalulekile ukuba nabantu abathembekileyo ababenemilinganiselo efanayo nemigaqo eyayikhokela imigaqo-nkqubo kunye ne-ajenda ye-ANC esandula ukunyulwa. Nangona kunjalo, ngokuhamba kwexesha, isizathu esisisiseko sokusebenzisa abantu abathembekileyo sacaca.



STATE CAPTURE AND BEYOND

IAkuzange kwenziwe ngenjongo yokutshintsha ulawulo lwethu lukarhulumente okanye ukuluvumelanisa noMgaqo-siseko osandula ukwamkelwa. Kunoko, yayisixhobo esasisetyenziswa yi-ANC ukwandisa amandla ayo kuzo zonke iinkalo zikarhulumente. Izikhundla eziphambili zazizaliswa ngabantu ababethembekile kumaqela abo ukongeza kwinkonzo yabo yoluntu. Kwakulindelwe ukuba balandele imiyalelo yeqela ukuze bangabi sesichengeni sokususwa kwizikhundla zabo okanye bagxothwe ePalamente. Nje ukuba abantu abathembekileyo bathathe ezi zikhundla ziphezulu, banceda ekubiweni kweebhiliyoni zeerandi kumasebe karhulumente nakumaziko, bephepha uxanduva

Amanye amaziko ayejoliswe ekuqinisekiseni ukuba urhulumente unoxanduva, njenge-NPA, ayezaliswe ngamagosa alawula ngokungakhathali ngelixa abalawuli bawo betshabalalisa lonke ilizwe. Nangona kwafunyaniswa kwityala lenkundla likaMlokoti v Amathole District Municipality kunye nomnye²⁰ ukuba ukuqeshwa okusekelwe ekuthembekeni kwamaqela ngaphezu kokufaneleka kwalo msebenzi kwakungekho mthethweni, kusasebenza kwiminyaka engamashumi amathathu emva kokuzalwa kwentando yesininzi yethu.²¹

Akumangalisi ke ngoko ukuba ukuthunyelwa kwabathembekileyo kukwayinto embi kurhulumente wengingqi. Rhoqo, abathembekileyo ababekwe kwizikhundla eziphezulu abanalo ulwazi okanye izakhono ezifunekayo zokwenza imisebenzi yabo ngokufanelekileyo. Oku kungahoywa kobuchule bobuchwephesha kube negalelo elikhulu ekuphathweni gwenxa koomasipala kunye nokusilela kokubonelela nokufikelela kwiinkonzo ezisisiseko.

Iziphumo zamagosa angakwaziyo ukusebenza

Amagosa angakwaziyo ukwenza izinto awanazo izakhono ezifunekayo zokuphumeza imithetho nemigaqo-nkqubo ukuze afumane iziphumo ezibonakalayo. Enyanisweni, kudla ngokuba njalo ukuba amagosa ngokwawo awazi imithetho nemigaqo-nkqubo anoxanduva lokuyisebenzisa. Ngaphandle kolwazi olufanelekileyo kunye nesikhokelo esivela kubaphathi bawo, amagosa amaninzi karhulumente ahlala eshiywa engenalwalathiso. Awazi ukuba kufuneka enze ntoni, ayenze njani, kwaye yeyiphi imigangatho ekufuneka ayihlangabezane nayo.



STATE CAPTURE AND BEYOND

UOku kungacaci kakuhle kubonakala kakhulu kumagosa angaphambili asebenzisana ngokuthe ngqo noluntu. Xa la magosa engakwazi ukuphumeza isicelo esisisiseko okanye ukusebenzisa umgaqo-nkqubo, kuthetha ukuba kukho ukusilela okucacileyo ekuzalisekiseni ilungelo lorhulumente wengingqi osebenzayo. Ukungabikho kwabasebenzi abaneleyo kwinqanaba lolawulo yenye ingxaki. Kukho ukunqongophala kwabasebenzi abanezakhono, kwaye kukwakho nezinga elixhalabisayo lokujika kwabasebenzi, apho oomasipala belahlekelwa phakathi kwe-2 kunye ne-5 ekhulwini yabasebenzi babo abanezakhono minyaka le.²²

Ukongeza kwiingcali ezizodwa, ezinje ngeenjini, abagcini-zincwadi, amagqwetha, abacwangcisi basezidolophini, iingcali ze-ICT, kunye neengcali zezabasebenzi, oomasipala abasokolayo kufuneka bathembele kubacebisi endaweni yoko. Ukuqesha abacebisi bangaphandle kuyabiza, kufuna inkqubo ende, kwaye kunokuchaphazela amandla kamasipala okusabela ngokukhawuleza kwiimeko ezingxamisekileyo.

Esinye isizathu sokunqongophala kwabasebenzi abanezakhono kukungabikho kwezikhuthazo, kubandakanya imivuzo ephantsi, izibonelelo ezilinganiselweyo, ukungabikho kwamathuba okukhula, kunye nokungabikho kooqeqesho lophuhliso. Ngaphandle kwezikhuthazo ezisebenzayo zokugcina abasebenzi, abantu abanezakhono bahlala befuna umsebenzi kwenye indawo.

Indibaniselwano ekhathazayo yemingeni iyaqhubeka nokwandisa umsantsa phakathi kwemigaqo-nkqubo ethembisa ukuphuculwa kunye noko kwenzekayo kurhulumente wasekhaya. Oku kushiya ukunikezelwa kweenkonzo njengephupha elikude, kunye neziseko zophuhliso eziwohlokileyo kunye nokugcinwa okunganelanga, okukhokelela kubuhlwempu obubanzi. Ukuvala umsantsa nokuphucula ukunikezelwa kweenkonzo, kuya kufuneka kujongwane nale micimbi ngendlela ecwangcisiweyo. Ngaphandle kokuzibophelela okusebenzayo kuwo onke amanqanaba karhulumente, iindlela zobunkokeli azinakwenzeka ukuba ziphucuke. Iinkokeli ezinomdla nezisebenzayo, ezikhethwe ngenxa yemisebenzi yazo, zinamathuba amaninzi okuxhasa utshintsho olunokuphucula urhulumente wasekhaya, ukusuka ekukhuthazeni nasekugcineni iingcali ukuya ekuphuculeni iindlela zooqeqesho kunye nokuqesha.



STATE CAPTURE AND BEYOND

Inkonzo karhulumente eqeqeshwe kwaye inezixhobo iya kuxhotyiswa ngcono ukuphumeza imigaqo-nkqubo ngokulula kunokuba ithintelwe ngamagosa karhulumente. Nangona kunjalo, oku kuya kufuna intando enkulu yezopolitiko kunye nabemi abasebenza kunye ukuze babambe urhulumente ukuba aphenndule rhoqo. Ukuba urhulumente wasekhaya uyaqhubeka nokulandela iindlela ezikhoyo, kubonakala ngathi abantu baseMzantsi Afrika baya kuqhubeka nokubona ukunikezelwa kweenkonzo okubi kunangaphambili, okwenzakalisa amahlwempu ngendlela engalinganiyo.

Imiqobo karhulumente (ekwaziwa ngokuba yi-red tape)

Xa kufikwa ekuphunyezweni, indima kamasipala iphindwe kabini. Umasipala unegunya lokuseka nokusebenzisa imithetho yesixeko kuphela kwimiba ekwigunya lakhe. Kwakhona kufuneka asebenzise imithetho yesizwe neyephondo kwimiba ekwabelwana ngayo okanye engaphandle kolawulo lwakhe.

Lo mthwalo uphindwe kabini udla ngokubonwa njengogqithisileyo, ngamagosa karhulumente kunye noluntu, kwaye ke ngoko unokuba ngumqobo wokwenene we-red tape. Igama elithi "red tape" livela kwisenzo sokusebenzisa iiribhoni ezibomvu ukubopha amaxwebhu abalulekileyo karhulumente, kwaye kamva laba ligama elifutshane lemiqobo kwintetho egqithisileyo okanye ephazamisayo.²³

Ngelishwa, nemithetho nemigaqo kamasipala eneenjongo ezintle inokuba yimiqobo ukuba iyangqubana neminye imithetho okanye kunzima kakhulu ukuyitolika. Imithetho enzima inokubangela ukukhungatheka, ukudideka, kunye nokulibaziseka okungeyomfuneko koomasipala abasele bengenabasebenzi baneleyo kwaye belawulwa kakubi.

Le miqobo inegalelo elikhulu kurhwaphilizo, njengoko idala amathuba okuba abantu basebenzise izikhundla zabo zikarhulumente ukuze bazuze ngasese.²⁴ Xa amagosa karhulumente engaqondi ngokupheleleyo ukuba yeyiphi imithetho afanele ayisebenzise nendlela yokuyisebenzisa, kwenziwa izigqibo ezingakhathaliyo.



STATE CAPTURE AND BEYOND

Umzekelo, abaphathi banokuhlawulisa ngaphezulu kweendleko zeenkonz, bancephise ngabom ukucutshungulwa kwezixhobo ukuze bacele izinyobo, okanye basebenzise gwenxa izixhobo baze bachithe ezinye. Iindlela zokuphendula, ezihlala zingekho okanye zithintelwe ngamagosa aphezulu, aziniki uluntu ithuba lokuphumla. Ngenxa yoko, abaphathi banenkululeko yokulawula ngaphandle kokuhlolwa nokuqonda okunokuphazamisa ukunikezelwa kweenkonzo.

Indibaniselwano ekhathazayo yemingeni iyaqhubeka nokwandisa umsantsa phakathi komthetho kunye nezenzo. Ukubekwa phambili kobutyebi bomntu ngamnye ngaphezu kwenkonzo karhulumente kuthetha ukuba ukunikezelwa kweenkonzo kuye kwaba liphupha elikude. Amalungelo asisiseko, njengokufikelela kumanzi acocekileyo, umbane, kunye nendawo ekhuselekileyo yokuhlala, asengaphaya kwamandla amaninzi, emva kweminyaka engamashumi amathathu yokuzalwa kwentando yesininzi yethu.



STATE CAPTURE
AND BEYOND

IINKONZO ZIKAMASIPALA





STATE CAPTURE AND BEYOND

Iinkonzo zikaMasipala

Oomasipala banoxanduva lokulawula nokubonelela ngeenkonzo kuluntu lwabo. Oku kuquka, izixhobo ezibalulekileyo ezifunekayo kwimpilo nokhuseleko:

- Ukufikelela kumanzi okusela acocekileyo, ahamba ngemibhobhoUkuhlanzeka
- Umbane
- Ulawulo lwenkunkuma. Ukuqokelelwa nokususwa kwenkunkuma, iindawo zokulahla inkunkuma, kunye nokulahlwa kwenkunkuma eqinileyo.
- Iziseko zophuhliso zendlela. Ukulungiswa kwendlela, izibane zesitalato, imibhobho yamanzi kunye neendawo zokupaka, kunye nolawulo lwamanzi emvula kwiindawo ezakhiweyo.
- Ukhuseleko loluntu. Iinkonzo zokucima umlilo, imithetho yokwakha, ulawulo lweengxaki zoluntu, kunye ncingo loluntu.
- Ukhathalelo lwempilo. Iinkonzo zempilo zikamasipala, ungcoliseko lomoya, kunye nengxolo.

Izixhobo zentlalo nezozoqoqosho:

- Ucwangciso nophuhliso. Ucwangciso lukamasipala, imigaqo yokwakha, kunye nemisebenzi yoluntu.
- Ukuzonwabisa kunye nokhenketho. Iilwandle, iindawo zokuzonwabisa, iindawo zemidlalo, kunye nokhenketho lwasekuhlaleni.
- Imfundo. Iindawo zokunyamekela abantwana, amathala eencwadi
- Uthutho lukawonke-wonke. Uthutho lukawonke-wonke lukamasipala, izikhululo zeenqwelo-moya zikamasipala, iibhulorho, iinqanawa zokuthutha abantu, iijethi, amaphiya, kunye needokhi.
- Iimarike kunye neendawo zokuxhela. Iibhodi zentengiso kunye neentengiso kwiindawo zikawonke-wonke, iilayisenisi zokuthengisa ukutya, iilayisenisi zokuthengisa utywala, iimarike, urhwebo lwesitalato, kunye neendawo zokuxhela zikamasipala,
- Izilwanyana. Ilayisenisi yezinja, iindlwana, kunye neendawo zokuhlala, ukunyamekela, kunye nokungcwaba izilwanyana.
- Iindawo zikawonke-wonke. Iipaki zikamasipala, iindawo zikawonke-wonke, amangcwaba, iindawo zokungcwaba, kunye neendawo zokutshisela izidumbu.



STATE CAPTURE AND BEYOND

Ezi nkonz o zezona zenza urhulumente wengingqi osebenzayo, nto leyo ebaluleke kakhulu kuluntu. Kungale nkonz o apho oomasipala kufuneka bakhe khona isakhelo esivumela abantu ukuba basebenzisane ngaphandle kokungqubana okukhulu ngelixa besahlangabezana neemfuno zabo ezisisiseko. Ke ngoko, ukuqonda ezi nkonz o yindawo ebalulekileyo yokuqala ukuchonga xa urhulumente wengingqi esilela kwimisebenzi yakhe.



STATE CAPTURE AND BEYOND

IZIPHUMO ZOLAWULO OLUNGAFANELEKANGA LOOMASIPALA

CITY HALL



STATE CAPTURE AND BEYOND

Iziphumo zolawulo olungafanelekanga loomasipala

Ukungaphumeleli ukubonelela ngeenkonz

Xa oomasipala bengenazo iingcali zolawulo ezifunekayo ukuze bajonge iinkqubo zokwakha nezokulungisa, kukho ukuwohloka okufanayo ekunikezelweni kweenkonzo. Ngaphandle kokugcinwa rhoqo, iindlela ziyawohloka, iibhulorho ziyawa ngenxa yokubola, iinkqubo zamanzi ziyasilela, kwaye iinkqubo zokungcola ziyavuzwa.²⁵ Ulawulo olubi lubandakanya ukusilela koomasipala ekuhlawuleni ababoneleli beenkonzo ezisisiseko ezifana neRand Water kunye ne-Eskom.²⁶ Ukuba oomasipala abahlawuliswayo, aba baboneleli beenkonzo banokuvala baze banciphise iinkonzo zabo, beshiya uluntu lungenazo iinkonzo ezisisiseko ezifana namanzi acocekileyo kunye nombane.²⁷

UMasipala wasEmfuleni ngumzekelo ocacileyo wemiphumo yokuphathwa gwenxa. Nangona kukho uphuculo lwakutshanje, i-Emfuleni iyaqhubeka nokujongana nolawulo lwezemali kunye nokuqokelelwa kwamatyala, isebenza kwiibhajethi ezingaxhaswanga ngemali apho iindleko ezilindelekileyo zidlula ingeniso eqikelelweyo. Umasipala okwangoku utyala i-Eskom i-R2.2 yeebhiliyoni zeerandi.

Olu lawulo gwenxa lwezemali lubonisa imbali yokunikezelwa kweenkonzo okungaphumeleli. Ukusukela ngo-2021, i-Emfuleni yayithathwa njengenye yezona masipala zilawulwa kakubi ngokubhekiselele ekunikezelweni kweenkonzo, ngemiba efana neenkqubo zokungcola kwamanzi amdaka kunye neendawo zokunyanga amanzi amdaka ezigcina zingcolisa umlambo weVaal. Ulawulo gwenxa lwezemali oluqhubekayo lukhokelele kwisicelo seKhomishini yamaLungelo oLuntu yaseMzantsi Afrika (SAHRC) sokuba iphande umasipala ngokwaphula amalungelo omgaqo-siseko amanzi, ucoceko olusisiseko, kunye nokusingqongileyo okunempilo.

Ulawulo olungafanelekanga lukamasipala lunemiphumo emibi kakhulu, njengoko ukunikezelwa kweenkonzo okunganelanga kuphula amalungelo oluntu kwaye kubeka impilo yabantu emngciphekweni. Nangona kunjalo, le ngxaki iyanda ngenxa yembali yolawulo olubi, njengoko ukubuyisa umonakalo obangelwe kukuphathwa gwenxa kweminyaka kunokuba ngumceli mngeni omkhulu.



Ukubeka esweni okuqhubekayo nokusebenzayo, ukuqinisekisa ukulungiswa ngexesha kunye nokugqitywa kweeprojekthi ezinkulu, kunokunceda ukuthintela iindleko zexesha elide ezinxulumene nokutshintsha iziseko zophuhliso eziwohlokileyo. Nangona iSebe lezaManzi noCoceko lingenelele ukujongana neengxaki ezinkulu Emfuleni, iindleko eziqikelelweyo zangoku zokusombulula ingxaki yokucocwa kwamanzi amdaka yi-R7.6 yeebhiliyoni kwiminyaka esixhenxe. Ulawulo olusebenzayo ke ngoko lubalulekile ekuxhaseni ukunikezelwa kweenkonzo okuzinzileyo kunye nokunciphisa iindleko ezingeyomfuneko.

Ukukhathazekiswa kokuthatha inxaxheba koluntu

Oorhulumente basekhaya banyanzelekile ngokomgaqo-siseko ukuba bakhuthaze ukubandakanyeka koluntu kwiinkqubo zabo zomthetho. Ukubandakanyeka koluntu kuvumela abantu ukuba baveze izimvo zabo kwimiba ebachaphazela ngokuthe ngqo. Ikwabonelela ngeqonga loluntu lokubuza izenzo zabameli babo kwaye babenze baphendule.²⁸

angona kunjalo, oomasipala abalawulwa kakubi badla ngokungabi nanxaxheba okanye bade bangayikhuthazi le nxaxheba yoluntu. Amagosa angcolileyo anciphisa ukubandakanyeka koluntu kwiinkqubo zoomasipala ukuze aphephe ukujongwa kwezigqibo nezenzo zabo ezingekho mthethweni. Iingxoxo zinokupapashwa kakubi okanye zingapapashwa kwaphela. Iintlanganiso zikawonke-wonke zinokucwangciswa ngamaxesha nakwiindawo ezingafanelekanga. Xa kubanjwa iintlanganiso zikawonke-wonke, ulwazi olubalulekileyo lunokufihlwa, ngaloo ndlela kunciphisa amandla abantu okunxibelelana ngokupheleleyo nabameli babo.

Kwelinye icala, urhwaphilizo oluqhubekayo kwinqanaba loorhulumente basekhaya ludale ukungathembani okwandayo phakathi koluntu. Iintlanganiso zoluntu zibonwa njengezingasebenziyo. Ngenxa yoko, azinakwenzeka kangako ukuba zithathe inxaxheba kwizigqibo zikawonke-wonke njengoko zinokubonwa njengezingasebenziyo. Endaweni yoko, uluntu lunamathuba amaninzi okuba luthathe inxaxheba kwimibhikisho.²⁹

Kudla ngokuba ngexesha lemibhikisho kuphela apho amagosa kamasipala aqala ukudibana nabameli boluntu ukujongana nale micimbi ibalulekileyo.³⁰ UMasipala weSithili saseVhembe eLimpopo unembali ende yemibhikisho malunga nokusilela kokunikezelwa kweenkonzo, okuhlala kukhatshwa kukungabikho kokubandakanyeka koluntu.



STATE CAPTURE AND BEYOND

Umzekelo, ngomhla wesi-3 kuJuni 2025, abemi balo mmandla bamashele kwiiofisi zikamasipala ngenxa yokunqongophala kwamanzi, befuna izisombululo zexeshana.³¹ Uphononongo olupapashwe nguMasipala weSithili saseVhembe lufumene unxibelelwano phakathi kokuthatha inxaxheba koluntu kunye nokunikezelwa kweenkonzo okusebenzayo, njengoko kudala umbono wokuba ngabanini kunye nolawulo lweenkqubo zezopolitiko.³² Nangona kunjalo, bambalwa abantu abaya kwiintlanganiselo zoluntu, bekhankanya izithembiso ezingenanto njengesizathu.

Ukungacaci kakuhle

Ukungafihlisi kufunyanwa xa ulwazi lufumaneka lula kwaye lukhululekile kuluntu.³³ Ukungabikho kokungafihlisi kudala amathuba obuqhetseba kunye norhwaphilizo.³⁴

Ukungafihlisi nto kukwayimfuneko esemthethweni. Icandelo 21A loMthetho weeGunya zaseKhaya: uMthetho 32 ka-2000 kwiiNkqubo zoMasipala lifuna ukuba amaxwebhu kamasipala afumaneke kwiiofisi zikamasipala, kwiilayibrari, kwiwebhusayithi, nakwizaziso. Icandelo 21B lithi wonke umasipala kufuneka abe newebhusayithi esemthethweni. Icandelo 75 loMthetho weeGunya zaseKhaya: uMthetho 56 ka-2003 woLawulo lwezeMali zoMasipala ucacisa amaxwebhu ezemali ekufuneka afumaneke kwiwebhusayithi, kubandakanya uhlahlo-lwabiwo mali, iingxelo zonyaka, izivumelwano zokusebenza kunye neenkonzo, kunye neekhonthrakthi zokuthenga. Nangona kunjalo, ukungafihlisi kunqunyelwe lixesha lokupapasha elicothayo kunye neendleko ezingavumelekanga zokufumana ulwazi, ingakumbi ulwazi lokuthenga.³⁵

Indlela esebenzayo yokwandisa ukucaca kukuqinisekisa ukuba ezi webhusayithi zikamasipala, ezifunwa ngumthetho, ziqulethe ulwazi olufanelekileyo ngexesha elifanelekileyo. Ngelishwa, ezi webhusayithi zahluka kakhulu kumgangatho, kuxhomekeke kumasipala. Uphando lwewebhusayithi zikamasipala lufumanise ukuba phantse akukho webhusayithi zingenazimpazamo, kodwa ezinye zineengxaki ezininzi kunezinye.³⁶ Umzekelo, iwebhusayithi kaMasipala waseNxuba Yethemba, eyaphawulwa njengengenazo kakhulu, yi- <https://iym.gov.za/>.



STATE CAPTURE AND BEYOND

IUninzi lolwazi olukwiwebhusayithi, kuquka iindaba, iingxelo, kunye neekhalenda, beluphelelwe lixesha kunyaka okanye ngaphezulu odlulileyo. Amacandelo amaninzi okwangoku akaphelelanga, njengeencwadana zeendaba, iingxelo zeprojekthi zangoku, ii-ajenda zeentlanganiselo zikamasipala, kunye nemigaqo-nkqubo, kunye nomyalezo obonisa ukuba la macandelo aya kufumaneka kungekudala. Oku kwenza kube nzima ukufumana naluphi na ulwazi oluluncedo. Ukungafihlisi ngokwabelana ngolwazi ngokuvulelekileyo, kuquka neewebhusayithi ezifikeleleka kuluntu, kubalulekile ekwakheni uxanduva kunye nokuthembana. Ukufikelela kumaxwebhu kuthetha ukuba abemi banokubeka esweni kwaye balandelele izenzo zorhulumente wasekhaya, kwaye ke ngoko amagosa anoxanduva ngezenzo zawo.

Ukubeka esweni uluntu kukhuthaza kakhulu amagosa ukuba athembeke kwaye alandele imithetho emsebenzini wawo, njengoko kufuneka akwazi ukubonelela ngezizathu nokuchaza izenzo zawo. Oku kwandisa ukuthembana kurhulumente wasekhaya, nto leyo eyenza ukuba akwazi ukubonelela ngeenkonzo ezifunwa luluntu. Ukuze kufezekiswe ezi zibonelelo, kubalulekile ukuba nemiphumo ecacileyo neqinileyo yokungaphumeleli ukuthobela iindlela zokungafihlisi, ingakumbi ezo zigunyaziswe ngumthetho.

Ukuthengwa kweenkonzo zikaRhulumente

Xa oomasipala befuna ulwazi oluvela ngaphandle ukuze banikezele ngenkonzo, kufuneka bakhuphe isimemo sikawonke-wonke, esidla ngokubizwa ngokuba yithenda. Iinkampani okanye abakhi abanokunceda banokubhida ithenda ngokungenisa izindululo ezichaza indlela abanokuyigqiba ngayo umsebenzi. Iiarhente zikarhulumente zingasebenzisa iinkqubo zazo zokubhida lo gama nje zithobela umthetho. Okubalulekileyo kukuba, inkqubo yokubhida kufuneka ihlale inobulungisa, icacile, ikhuphisana, kwaye kufuneka inike umhlawuli werhafu ixabiso elifanelekileyo lemali yakhe.



Kungezi thenda apho oomasipala banikezela ngeenkonzo kuluntu abalukhonzo. Nangona kunjalo, iithenda ziquka ukutshintshiselana ngemali eninzi ezandleni ezininzi, ngamanye amaxesha ngaphandle kokuqwalasela imeko. Iithenda ezilawulwa kakubi zibonelela ngendlela eqhelekileyo yobuqhetseba kunye norhwaphilizo. Oomasipala banokukhetha kwangaphambili nayiphi na inkampani abayifunayo, beyiphatha nje inkqubo yethenda njengento eqhelekileyo. Banokutshintsha iimfuno zethenda, bazenze zicace kangangokuba yinkampani abayithandayo kuphela efanelekile. Banokwandisa ubungakanani bezi thenda, bevumela inkampani ekhethiweyo ukuba ifumane imali engaphezulu yabahlawuli berhafu kunokuba kuyimfuneko kumsebenzi. Oku kuguqula imali kwiiprojekthi ezibalulekileyo kwaye kukhuthaza iindlela zokwakha nokulungisa ezingaphantsi komgangatho.

UMasipala waseMadibeng kwiPhondo laseMntla Ntshona ujongene nemingeni eqhubekayo yokuqhatha ukuthengwa kwempahla, njengoko kubonisiwe ziziphumo zophicotho-zincwadi ezingezizo ezilungileyo. Iingxelo zoMphicothi-zincwadi Jikelele phakathi kowama-2015 nowama-2018 zityhile ukuba i-R50 yezigidi isetyenziswe ngokungekho mthethweni ngenxa yokuqhatha ukuthengwa kwempahla kunye nokuqhatha ukuthengwa kwempahla kwi-ICT.³⁷

Izityholo zokungahambelani nokuthengwa kwempahla zikhokelele ekumisweni kwamagosa aphezulu kumasipala, kuquka usodolophu, abaphathi abaphezulu, kunye negosa eliyintloko lezemali.³⁸ Iminingeni enxulumene nemiba yokuthengwa kwempahla yayihamba nemibhikisho egxile ekunikezelweni kweenkonzo kakubi kumasipala. Abemi baye kwiofisi kumasipala beyokukhalaza ngeziseko zophuhliso zendlela ezingalunganga, ukunqongophala kwamanzi, kunye nokunikezelwa kombane okungaguqukiyo.³⁹ Njengoko kubonisiwe kwingxelo yeKhomishini kaZondo, ukuba ayiphathwanga ngononophelo nangendlela efanelekileyo, ukuthengwa kwempahla kuluntu kuvula ithuba lokuqhatha okukhulu.

Ukungachithi mali eyaneleyo

Ukusebenzisa imali engaphantsi, endaweni yokuba yindlela esebenzayo yokonga imali, kubonisa ukusilela ekuphonyezweni kweenkqubo zokwakha nokugcina iziseko zophuhliso. Okuxhalabisayo kakhulu zizibonelelo ezinemiqathango, ezibonelelwa ngurhulumente wesizwe ezinemiqathango ethile yendlela eza kusetyenziswa ngayo imali.



STATE CAPTURE AND BEYOND

Izibonelelo ezinemiqathango ezingasetyenziswa okanye ezingasetyenziswa kakuhle azinakudluliselwa kwezinye iibhajethi. Isibonelelo siya kudluliselwa kwixesha elizayo lezemali, kuxhomekeke ekubeni isicelo sikamasipala siphumelele na, okanye siya kubuyiselwa kwisebe lezemali lesizwe.⁴⁰ Kunyaka-mali ka-2023-2024, urhulumente wengingqi uchithe i-94% (R37.23 yeebhiliyoni) yemali yesibonelelo esinemiqathango efunyenweyo (R39.61 yeebhiliyoni), nto leyo eshiya i-R2.38 yeebhiliyoni kwiiprosjekthi ezingagqitywanga.⁴¹

EMpumalanga, uMasipala waseKhaya wasEmalahleni ubenengxaki yohlahlo-lwabiwo mali olungaxhaswanga kakuhle kunye nokusetyenziswa kwemali engaphantsi kwesabelo-mali kwiiprosjekthi. Uhlahlo-lwabiwo mali olungaxhaswanga kakuhle lwenzeka xa ukusetyenziswa kwemali okulinganiselweyo kudlula ingeniso elindelekileyo, nto leyo ebonisa ukunqongophala kwemali kwiiprosjekthi. Kunyaka-mali ka-2021-22, uMasipala waseKhaya wase-Emalahleni uchithe i-64.1 yeepesenti kuphela yohlahlo-lwabiwo mali lwakhe olukhulu, oluyabelwe iiprosjekthi ezinkulu ezifana neepayipi zamanzi kunye nezakhiwo zikawonke-wonke.⁴²

Oomasipala abaqhutywa kakuhle kufuneka bachithe ubuncinane i-95 yeepesenti yohlahlo-lwabiwo mali lwabo olukhulu ukugcina iiprosjekthi zisemgceeni. Xa zidityaniswe nokunyuka okukhulu kwe-165.8 yeepesenti kwinkcitho echitha imali nengenamveliso, oku kuthetha ukuba umasipala usenokuba uchitha imali kwiiprosjekthi ezinkulu ezifunekayo. Kukwakho nokungabikho kokunikezelwa kweenkonzo kunye nolawulo olusebenzayo, okukhokelele kwiingxaki ezifana nokuxinana kwezithuthi, amanzi angcolileyo, kunye nokungabikho kwemisebenzi ephezulu.⁴³

Kukho ukusetyenziswa kwemali engaphelelanga kulo lonke ilizwe, apho uMntla Koloni kunye neFree State zichaphazeleka kakhulu kunyaka-mali ka-2023-24.⁴⁴ Ukujongana nomceli mngeni wokusetyenziswa kwemali engaphelelanga, oomasipala bafuna amagosa ezezimali aqeqeshwe kakuhle kwaye angoochwephesha. Oku kuya kuba linyathelo elibalulekileyo ekuphuculeni ucwangciso lohlahlo-lwabiwo mali kunye nokubeka iliso ukuqinisekisa ukuba bahlala besendleleni.

Ukongeza, ukunyanzelisa iindlela zokungafihlisi, kubandakanya nokuthumela iithenda kwiwebhusayithi zoomasipala, kuya kunceda ukuqinisekisa ukuthotyelwa komthetho ngokwamkela izimvo zabemi.



STATE CAPTURE AND BEYOND

UKUFIKELELA KULWAZI





Ukufikelela kulwazi

Iwebhusayithi zikarhulumente

Indawo elungileyo yokuqala kukufikelela kwiwebhusayithi zikarhulumente. Iwebhusayithi eluncedo koku yi- <https://municipalities.co.za/> . Kule webhusayithi, umntu unokukhetha umasipala akuwo ngokucofa ku-"Khangela" okanye ku-"Imephu". Ukukhetha umasipala kuqondisa umsebenzisi kwiphepha elitsha elinombono jikelele womasipala okhethiweyo. Umntu unokukhetha nasiphi na isihloko angathanda ukusifunda ngakumbi ngokukhetha ithebhu efanelekileyo. Ezi thebhu ziqulethe iinkcukacha zoqhagamshelwano, amaxwebhu ezemali, amathuba emisebenzi, kunye nezixhobo. Kwicandelo "loqhagamshelwano", kukho ikhonkco kwiwebhusayithi yomasipala ngamnye.

Iingxelo Ezipapashiweyo

Amasebe karhulumente kunye neearhente zihlala zipapasha iingxelo ezinolwazi ezibonelela ngohlaziyo olubalulekileyo. ISebe loLawulo lweNtsebenziswano kunye neMicimbi yeMveli (iCoGTA) linewebhusayithi eluncedo kakhulu, enokufumaneka apha <https://nationalstrathub.cogta.gov.za/data-tools/dashboards/> . Le webhusayithi isebenza njengesikhungo esiphambili sedatha echanekileyo kunye nolwazi olunxulumene, phakathi kwezinye izinto, nophuhliso loomasipala. Injongo kukuba le datha inike ulwazi olungcono kwizigqibo ezinokwenziwa kuwo onke amacandelo karhulumente, kunye nokukhuthaza ulawulo olusebenzayo. Uluntu ngokubanzi lungayisebenzisa le webhusayithi ukulandelela inkqubela phambili yeprojekthi zikarhulumente.

ISebe lezeMali likwapapasha ulwazi lwezemali malunga noomasipala kwi-intanethi. Kukho iwebhusayithi yesizwe ezinikeleyo, <https://vulekamali.gov.za/> , ebonelela ngokufikelela kuhlalo-lwabiwo mali lwesizwe. Iwebhusayithi eququzelela ukufikelela kulwazi malunga noomasipala yi- <https://municipalmoney.gov.za/> . Le webhusayithi ikwabandakanya neengxelo ezivela kwiSebe lezeMali.



Izicelo ze-PAIA

UMthetho wesi-2 woKhuthazo lokuFikelela kuLwazi, ka-2000 (i-PAIA) unika abantu ilungelo lokufikelela kulwazi olugcinwe ziinkampani zikarhulumente okanye zabucala xa belucelile. I-PAIA yenzelwe ukuphucula ukucaca eMzantsi Afrika ngokwandisa ilungelo lokufikelela kulwazi ngokomgaqo-siseko.⁴⁵ Nangona ulwazi oluninzi lufanele lufumaneki kuluntu, uninzi lwalo alufumaneki okanye alubhengezwa ngokukhululekileyo. Ukuba ulwazi alufumaneki ngokukhululekileyo, abantu banokusebenzisa iifom kunye neenkqubo ezisemgangathweni, njengoko zichazwe kwi-PAIA, ukuze balucele.

Xa usebenzisa isicelo se-PAIA ukucela ulwazi, inyathelo lokuqala kukuvavanya uhlobo lweziko kunye nohlobo lolwazi ongathanda ukulucela. Ngaphambi kokuba ubhale isicelo, fumana incwadi yemiyalelo ye-PAIA efanelekileyo, ekufuneka ifumaneki kwiwebhusayithi yesebe elifanelekileyo. Ezi ncwadi zibonelela ngeenkukacha ngeenkqubo kunye nomntu ofanelekileyo onokuqhagamshelana naye. IFomu 2 yoLawulo loLwazi yifomu yesicelo eqhelekileyo, <https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-RegZ.pdf>.

Isicelo se-PAIA sinokubangela umrhumo, ekufuneka uchazwe kwileta ye-PAIA yombutho. Emva kokuthumela isicelo kwiGosa loLwazi lombutho ofanelekileyo, impendulo kufuneka ifunyanwe zingadlulanga iintsuku ezingama-30, kunye nolwandiso lweentsuku ezingama-30 ukuba umbutho uthumela isaziso. Ukuba umbutho uyala isicelo solwazi okanye awuphenduli zingadlulanga iintsuku ezingama-30, ungabhenela kwisigqibo. Ukuze ufumane ulwazi oluthe kratya, isikhokelo esivela kwiKhomishini yamaLungelo oLuntu yaseMzantsi Afrika (SAHRC) siyafumaneka apha: https://www.gov.za/sites/default/files/gcis_documents/SAHRC-PAIA-guide2014.pdf



STATE CAPTURE AND BEYOND

UKUQINISEKISA UKUBA URHULUMENTE UNOXANDUVA



STATE CAPTURE AND BEYOND

Ukuqinisekisa ukuba uRhulumente unoxanduva

Iifowuni ezikhethekileyo

Iifowuni ezikhawulezileyo zinkonzo ebalulekileyo neyasimahla evumela abantu ukuba baxele naziphi na iingxaki ezinxulumene nokunikezelwa kweenkonzo. Ngokuxhomekeke kubukhulu kunye netekhnoloji kamasipala, kunokubakho iifowuni ezikhawulezileyo ezahlukeneyo zeengxaki ezithile okanye neendlela zokunika ingxelo kwi-intanethi. Oomasipala kufuneka babe neendlela zokunika ingxelo ngeempazamo, kwaye iwebhusayithi ezithile zikamasipala kufuneka zibonelele ngeenkukacha zoqhagamshelwano ezifunekayo. Iwebhusayithi enokunceda ekufumaneni iwebhusayithi ezithile zikamasipala yi- <https://municipalities.co.za/>. Eli qonga livumela abasebenzisi ukuba bakhangele umasipala okanye basebenzise imephu ukuze bawufumane, enolwazi oluthile malunga nomasipala, kunye neenkukacha zoqhagamshelwano.

Iifowuni ezikhethekileyo, ii-imeyile, kunye nezaziso ezikwi-intanethi zibalulekile kuba zibonelela ngeenombolo zonxibelelwano kunye nolwazi olunokulandelelwa, okuvumela ukwenziwa kwerekhodi yonxibelelwano. Ukugcina irekhodi yonxibelelwano kunokunceda ukubonisa imbali yengxaki xa kufuneka inyathelo lokuyisombulula. Nangona kunjalo, amathuba okuba ingxelo yodwa ibe sisisombululo esisebenzayo axhomekeke kwizinto ezininzi, ezifana nomasipala kunye nendawo apho yenzeka khona. Ngokubanzi, ingxelo isebenza ngcono kwiindawo ezihlwempuzekileyo kunakwiindawo ezihlwempuzekileyo. Ngelishwa, oku kuthetha ukuba iindawo ezahlukeneyo zifumana amanqanaba ahlukeneyo engqwalaselo kunye nokunikezelwa kweenkonzo.

Unxibelelwano oluthe ngqo

Ukunxibelelana ngokuthe ngqo norhulumente wengingqi yenye indlela esebenzayo yokuphakamisa imiba norhulumente. Amasebe kaRhulumente weNtsebenziswano kunye neMicimbi yeMveli (CoGTA) acebisa ukuba uqhagamshelane nooceba bengingqi xa unemibuzo okanye izicelo.⁴⁶



Ukunceda koku, iSouth African Local Government Association (SALGA) inika iinkcukacha zozhagamshelwano eziluncedo zooceba bengingqi kwiwebhusayithi yabo, <https://www.salga.org.za/Municipalities%20MCD.html> . I-CoGTA icebisa ukuba kungeniswe imibuzo ebhaliweyo okanye izicelo ubuncinane iintsuku ezilishumi ngaphambi kweentlanganiso zomasipala. Nangona kunjalo, kunokwenzeka ukuba uqhagamshelane namalungu kamasipala ngokuthe ngqo ukuze ubuze imibuzo okanye uthumele izicelo. Le yenye yezona ndlela zikhawulezayo zokwazisa urhulumente kunye nokufumana izibophelelo zokujongana nemiba.

Iintlanganiso zikarhulumente wasekhaya

Oomasipala basekuhlaleni nabo banoxanduva olusemthethweni lokubamba iintlanganiso zikawonke-wonke apho babonisana khona noluntu lwabo. Icandelo 4(2)(e) loMthetho weNkqubo zomMasipala basekuhlaleni 32 ka-2000 lifuna oomasipala ukuba babonisane noluntu lwabo lwasekuhlaleni malunga “(i) nobungakanani, umgangatho, ububanzi kunye nempembelelo yeenkonzo zikamasipala ezibonelelwa ngumasipala, nokuba ngokuthe ngqo okanye ngomnye umboneleli weenkonzo; kunye (ii) neendlela ezikhoyo zokubonelela ngeenkonzo.” Oku kuqiniswa ngakumbi licandelo 17(2)(c) loMthetho elifuna “iintlanganiso zikawonke-wonke kunye neengxoxo zikamasipala kunye namanye amaqela ezopolitiko kunye nabantu abaqeshwe kwezopolitiko zikamasipala, apho kufanelekileyo.”

Ukuya kwezi ntlanganiso kunika uluntu ithuba lokuveza izimvo zalo. Yinxalenye yeendlela oomasipala abafanele bazidale ukuze kube lula ukuthatha inxaxheba koluntu. Abanye oomasipala banokuthumela ulwazi malunga neentlanganiso zikawonke-wonke kwiwebhusayithi zabo. Ukuba umasipala wakho akanayo iwebhusayithi yanamhlanje, kusenokufuneka utsalele umnxeba okanye utyelele umasipala wakho ukuze ubuze ngeentlanganiso zikawonke-wonke ezizayo.



STATE CAPTURE AND BEYOND

Ukuxela urhwaphilizo

Ukuxela urhwaphilizo kubandakanya ukuxela urhwaphilizo kumntu onegunya lokuphanda kwaye onokuthatha amanyathelo nxamnye nabantu abakhohlakeleyo. Ukuxela urhwaphilizo kubalulekile ekulweni norhwaphilizo, njengoko phantse kungenakwenzeka ukululungisa ngaphandle kolwazi okanye ubungqina bokuba lukhona. Nangona kunjalo, ukuxela urhwaphilizo kuyingozi kakhulu, njengoko kunokukhokelela ekuziphindezeleni nasekusongeleni umntu oxela urhwaphilizo kunye nokhuseleko lomsebenzi wakhe. UMzantsi Afrika ubonelela ngokhuseleko olusemthethweni kwabo baxela urhwaphilizo phantsi koMthetho wokuXela okuKhuselweyo, 26 ka-2000 (PDA).

Nangona kunjalo, umda we-PDA ulinganiselwe kakhulu. Ukhusele kuphela abasebenzi abaxela urhwaphilizo kubaqeshi babo, ngokuthintela impindezelo emsebenzini. Nangona isiqalo esihle sobudlelwane phakathi komqeshi nomqeshwa, lo Mthetho uneziphene ezinzulu ezinokususa abanye abaxela urhwaphilizo abangeyonxalenye yabasebenzi kukhuseleko abaludingayo nabalufaneleyo.⁴⁷ Ezi ziphene zixoxwa ngokweenkcukacha kwividiyo ye-SCAB, ethi “Indlela yokuXela uRhawaphilizo,” ekwafumaneka kwicandelo leefilimu kwiwebhusayithi ye-SCAB ku- <https://beyondstatecapture.org.za/films/> .

Enye yezona ndlela zibalulekileyo zokukhusele urhwaphilizo kukuhlala ungaziwa. Ukungaziwa kungagcinwa ngokwenza idilesi entsha ye-imeyile ngaphandle kweenkcukacha zokwenyani, nangokusebenzisa i-Virtual Private Network (VPN).⁴⁸ Kukho iinombolo ezimbalwa zefowuni zikarhulumente ezikhethekileyo ezibonelelwa njengezikhuselekileyo nezingaziwayo, kwaye ezi zidweliswe kwiwebhusayithi karhulumente ku- <https://www.gov.za/anti-corruption/hotlines> .

Kunokwenzeka kwakhona ukuxela urhwaphilizo kumajelo eendaba, kodwa oku kuthetha ukuba umxholo ungowoluntu kwaye unokuveza intatheli ukuba ingamkeleki kuluntu. Ke ngoko, ukuya kwiindaba kudla ngokuba yindawo engcono yokuqala.



Enye indlela yokuxela urhwaphilizo kukuthetha nemibutho yoluntu egxile kurhwaphilizo. Le mibutho idla ngokuba neenkqubo zokugcina abantu abatyholayo bengaziwa kwaye babakhusele ekuziphindezeleni. Le mibutho ibandakanya:

- Iqonga lokutyhola abantu abathetha ngenkohlakalo
- Indlu yabaxeli borhwaphilizo
- Umbutho ochasene nokusetyenziswa kakubi kwerhafu (i-OUTA)
- Iziko leengcebiso lentando yesininzi elivulekileyo
- Iqonga lokukhusela abantu abaxela urhwaphilizo eAfrika (PPLAAF)
- IOfisi yoKhuselo lwamangqina

Izicelo ezithunyelwa kuRhulumente

Eyona ndlela ilula, nedla ngokungaphumeleliyo, yokuveza uluvo kukusebenzisa iintetho ezibhaliweyo kurhulumente. Ukuthumela ileta okanye iintetho ezibhaliweyo kumongameli, epalamente, kumabhunga ephondo, okanye kurhulumente wengingqi kunokuzisa ingqalelo kwimiba efanelekileyo. UMgaqo-siseko waseMzantsi Afrika ubonelela ngenxaxheba yoluntu ekwenziweni kwemithetho, esweni imeko kunye nezinye iinkqubo zePalamente. Kwinkqubo yentando yesininzi yaseMzantsi Afrika, akufuneki nje kuphela ukuba abemi bakhethe ngokukhululekileyo abameli babo, kodwa nokuba bakwazi ukuba nelizwi kwimiba ebachaphazelayo.⁴⁹ Icandelo 17(2)(a) loMthetho woRhulumente weNgingqi lithi urhulumente wengingqi kufuneka amkele, aqwalasele, kwaye aqwalasele izikhalazo eziphakanyiswe luluntu lwengingqi.

Izicelo

Isicelo luxwebhu olubhaliweyo olusemthethweni oluvela kwiqela labantu abacela igunya ukuba lithethe ngomba othile. Izicelo yindlela engabizi kakhulu yokuba amaqela amakhulu aveze izimvo zawo. Icandelo le-17 loMgaqo-siseko linika wonke umntu ilungelo lokungenisa izicelo kuzo zonke iziko zikarhulumente. Amacandelo 56(d) kunye ne-69(d) yoMgaqo-siseko, afundwa kunye neMithetho yeBhunga leSizwe lamaPhondo kunye nePalamente yeSizwe, avumela ukuba izicelo ezinjalo zifunyanwe yiPalamente yeSizwe kunye neBhunga leSizwe lamaPhondo. Icandelo le-115(d) loMgaqo-siseko linika amandla izindlu zowiso-mthetho zamaphondo ukuba zithole izicelo. Icandelo le-17(2)(a) loMthetho woRhulumente weNgingqi livumela kwaye lifuna oorhulumente bengingqi ukuba bafumane, baqwalasele, kwaye baqwalasele izicelo.



STATE CAPTURE AND BEYOND

Ngaphambi kokuba ubhale isicelo, kubalulekile ukuba ube nenjongo okanye injongo ecacileyo. Xa ubhala isicelo, umntu kufuneka alandele iimfuno ezifanelekileyo kuxhomekeke ekubeni isicelo sibhekiswe kweyiphi iarhente karhulumente. Ezinye zezidingo ziquka ukuchaza injongo yesicelo, ukongeza ulwazi oluchanekileyo loqhagamshelwano, kunye nokushiya indawo eyaneleyo yokutyikitya.

Inyathelo elilandelayo kukuqokelela iisiginitsha ngokufumana abantu abanomdla ofanayo kwisizathu sesicelo. Isicelo singasazwa kwiindawo ezinkulu, kwiindawo zokuhlangana ezidumileyo, kwimidiya yoluntu, kwimidiya, okanye nakwiminyango ngeminyango ukucela abantu ukuba bajoyine isicelo. Enye indlela ethandwayo kukuba nesicelo esikwi-intanethi kwiwebhusayithi ezidumileyo ezifana ne- <https://www.change.org/t/south-africa-en-gb>.

Inyathelo lokugqibela kukubonisa isicelo kunye nesidingo. Indlela yokungenisa ixhomekeke ekubeni isicelo sibhekiswe kweyiphi iarhente karhulumente.

- Izicelo zesizwe eziya epalamente zithunyelwa ngamalungu ePalamente (ii-MP), oko kuthetha ukuba zifuna inkxaso yelungu lePalamente, kwaye kufuneka zilandele inkqubo yepalamente, njengoko kuchaziwe ku- <https://www.parliament.gov.za/petitions>.
- Izicelo eziya kwiBhunga leSizwe lamaPhondo (i-NCOP) azidingi nkxaso yeLungu lePalamente okanye ilungu le-NCOP.
- Izicelo zepalamente yephondo zineenkqubo ezahlukeneyo ngokuxhomekeke kwiphondo, ezilawulwa yimithetho yephondo eyahlukeneyo. I-URL, <https://provincialgovernment.co.za/units/type/3/legislatures>, inika amakhonkco kwiwebhusayithi zepalamente zephondo ezilithoba.



STATE CAPTURE AND BEYOND

- Izicelo kwinqanaba loorhulumente basekhaya zixhomekeke koomasipala, kodwa ngokoMthetho weeNkqubo zooMasipala, oomasipala kufuneka babe neenkqubo zokufaka izicelo. Iiwebhusayithi zoorhulumente basekhaya kufuneka zinike ulwazi olongezelelweyo malunga nezicelo okanye zibandakanye iinkcukacha zonxibelelwano zemibuzo. Iwebhusayithi eluncedo yokufumana iiwebhusayithi zoorhulumente basekhaya yi- <https://municipalities.co.za/> .

Ukujoyina okanye ukuseka imibutho

Xa ukuba wedwa akwanelanga ukuze umameleke ngelizwi, kunokwenzeka ukuba ujoyine okanye wenze umbutho ukuze uqinise ukumelwa. Imibutho ivumela amaqela abantu ukuba ahlangane ukuze amele iimfuno zoluntu lwabo. Kukho imibutho emininzi, kuquka imibutho engekho phantsi korhulumente kunye nemibutho yoluntu engekho phantsi korhulumente. Le mibutho ibonakalise impumelelo ekuququzeleleni isenzo soluntu ngemibhikisho, izicelo, iingxelo ezibhaliweyo, izicelo eziya kurhulumente, kwanamatyala.

Uqhankqalazo

Imibhikisho, efana neendibano, iimatshi, kunye nogwayimbo, inokuba ziindlela ezinomtsalane zokuxoxa ngemiba neemfuno. Icandelo le-17 loMgaqo-siseko likhusela ilungelo lokuhlangana, ukubhikisha, ukubhikisha, kunye nokufuna ukulungiswa, konke ngoxolo.

UMthetho woLawulo lweNdibano 205 ka-1993 ulawula ukuqhutywa kwemiboniso kwaye usebenza kuphela kwiindibano zikawonke-wonke zabantu abali-15 nangaphezulu.⁵⁰ Imiboniso ayifuni mvume. Nangona kunjalo, kufuneka ukuba inkokeli yomboniso inike ubuncinane isaziso seentsuku ezisixhenxe (7) ngaphambi komboniso kwigosa eliphetheyo, elingumntu oqeshwe ligunya lendawo, ukuba kukho umboniso wabantu abangaphezu kwe-15.⁵¹ Inkokeli ngumntu oququzelela umboniso. Inkokeli inokunika isaziso seentsuku ezingaphantsi kwesixhenxe ngexesha elifanelekileyo ukuba inokunika ingcaciso efanelekileyo. Imiboniso ngaphandle kwesaziso ayisemthethweni kwaye, ngenxa yoko, ayinakukhuselwa. Oomasipala badla ngokuba neetemplate zezaziso ezifumaneka kwiiofisi zabo zikamasipala okanye kwi-intanethi.



Ityala

Xa zonke ezinye iindlela zingaphumeleli, okanye kukho ukwaphulwa okukhulu kwamalungelo omgaqo-siseko, ityala linokuba yindlela efanelekileyo yokuqinisekisa uxanduva lukarhulumente. Nangona kunjalo, kukho iingxaki ezininzi ngalo. Ityala lidla ngokubiza kakhulu kwaye licotha. Inxalenye enkulu yeendleko ifunyanwa ekuqeshweni nasekugcinweni kwamagqwetha. Iinkundla kulo lonke elaseMzantsi Afrika nazo zigcwele amatyala, nto leyo ethetha ukuba kungathatha iminyaka ukuba amatyala angangxamisekanga aviwe phambi kwejaji okanye umantyi.

Ngenxa yesi sizathu, iinkundla zicebisa ukuba zonke ezinye iindlela zokusombulula iingxabano zisetyenziswe kuqala, njengolamlo, ngaphambi kokuba zisebenzise ityala. Iinkundla zinokwala ukwamkela ityala ukuba abafaki-zicelo abazamanga ukusombulula loo mbandela ngezinye iindlela.

Ukuvota

Ukuvota mhlawumbi yeyona ndlela isebenzayo yokuzisa utshintsho kwintando yesininzi. Intando yesininzi ineziphene zayo, kodwa amandla ayo amakhulu kukuba ivumela utshintsho olunoxolo kwivoti nganye. Ukuba abemi belizwe abavumelani nendlela urhulumente aqhuba ngayo ilizwe, banokusebenzisa ivoti yabo ukutshintsha urhulumente. Nangona kunokubonakala ngathi ivoti enye yenza umahluko omncinci, ongabalulekanga, ukungakhathali kwabavoti, apho abemi bengavoti kuba bekholelwa ukuba ivoti yabo ayinamsebenzi, yenye yezona ngozi zinkulu kwintando yesininzi.

Kurhulumente wengingqi, ukuvota kunokuba yimpumelelo enkulu. Nangona kungathatha amashumi okanye amakhulu amawaka eevoti ukuze iqela liphumelele isihlalo kwiPalamente kazwelonke, enezihlalo ezingama-400 kuphela, kungathatha amawaka ambalwa ukutshintsha ukuba leliphi iqela eliphumelela iwadi karhulumente wengingqi. Iwadi nganye imisela ikhansela ukuba lihlale kwibhunga elilawulayo lomasipala wengingqi. Oku kuthetha ukuba kulula ukufumana umelo oluthe ngqo kunyulo lomasipala wengingqi.



STATE CAPTURE AND BEYOND

Ukuqulwa kwamacala

Uma kwehluleka konke okunye, noma kwephulwa ngokukhulu amalungelo oMthethosisekelo, ukuqulwa kwecala kungaba yindlela efanele yokuthola ukuziphendulela kukahulumeni.

Kodwa-ke, kunezinkinga eziningana kukho. Ukuqulwa kwecala kuvame ukubiza futhi kuhamba kancane. Ingxenye enkulu yezindleko ibangelwa ukuqokwa nokugcinwa kwabameli. Izinkantolo kulo lonke elaseNingizimu Afrika nazo zigcwele amacala, okusho ukuthi kungathatha iminyaka ukuthi amacala angaphuthumi alalelwe phambi kwejaji noma imantshi.

Ngenxa yalokhu, izinkantolo zincoma ukuzama zonke ezinye izindlela zokuxazulula ingxabano kuqala, njengokulamula, ngaphambi kokuphendukela ekuqulweni kwecala. Izinkantolo zingase zenqabe nokwamukela icala uma abafakisicelo bengazamanga ukuxazulula udaba besebenzisa ezinye izindlela.

Ukuvota

Ukuvota kungenzeka kuyindlela ephumelela kakhulu yokuletha ushintsho ezweni lentando yeningi. Intando yeningi inamaphutha, kodwa amandla ayo amakhulu ukuthi ivumela izinguquko ezinokuthula ngevoti ngalinye. Uma izakhamuzi zezwe zingavumelani nendlela uhulumeni aholo ngayo izwe, zingasebenzisa ivoti lazo ukushintsha uhulumeni. Nakuba kungase kuzwakale sengathi ivoti elilodwa libala izinguquko ezincane, ezincane. Ukunganaki kwabavoti, lapho izakhamuzi zingavoti ngoba zikholelwa ukuthi ivoti lazo alinamsebenzi, kungenye yezingozi ezinkulu kwintando yeningi.

Kuhulumeni wendawo, ukuvota kungaba nempumelelo enkulu. Nakuba kungathatha amashumi noma amakhulu ezinkulungwane zamavoti ukuze iqembu lithole isihlalo ePhalamende likazwelonke, elinezihlalo ezingama-400 kuphela, kungathatha izinkulungwane ezimbalwa nje ukushintsha ukuthi yiliphi iqembu eliwina iwadi likahulumeni wendawo. Iwadi ngalinye liqoka ikhansela ukuthi lihlale emkhandlwini ophetheyo kamasipala wendawo. Lokhu kusho ukuthi kulula ukuthola ukumelwa



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Kukwakho nemizekelo emininzi yamaqela amancinci engingqi aphumelela izihlalo koorhulumente bengingqi. Nokuba la maqela awaphumeleli inani elikhulu lamavoti, ukuba nesihlalo etafileni kubanika indlela ethe ngqo yokuphakamisa iinkxalabo zengingqi. IKhomishini yoNyulo eZimeleyo (IEC) inesikhokelo se-intanethi sendlela yokukhuphisana kunyulo lomasipala <https://www.elections.org.za/pw/Partys-And-Candidates/How-To-Contest-Municipal-Elections> .



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IINGCEBISO, ISIPHELO KUNYE NEEREFERENSI



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Iingcebiso

Ukuphuhlisa urhulumente wengingqi ngumsebenzi onzima ofuna ukuzinikela, intando yezopolitiko, kunye nokuqapha koluntu. Ezinye zeengcebiso ezichazwe kwiSicwangciso soPhuhliso seSizwe, iJoburg Crisis Alliance, kunye nezinye iimpepha zomgaqo-nkqubo zidweliswe ngezantsi.

Ukuqesha nokugcina ubunkokeli obufanelekileyo

- Urhulumente kufuneka aqeshe iinkokeli ngokusebenzisa iinkqubo ezicacileyo ezibeka phambili ubuchule ngaphezu kokuzibandakanya kwezopolitiko.
- Ukuhlolwa kwempilo rhoqo kufuneka kwenziwe ngamagosa aphezulu kamasipala.
- Kufuneka kubekho uvavanyo oluqhubekayo nolucacileyo lwendlela iinkokeli ezisebenza ngayo.

Ukuphucula ukucaca

- Oomasipala kufuneka babe neewebhusayithi ezisebenzayo ezihlaziywa rhoqo.
- Iiwebhusayithi zikamasipala kufuneka zibe namaphepha okuthenga anika iinkcukacha zethenda, amaxabiso eekhontrakthi anikiweyo, izivumelwano zokubonelela ngeenkongo, kunye namaxwebhu ethenda.
- Oomasipala kufuneka bapapashe iingxelo kunye neempapasho ngexesha.
- Kufanele kube lula ukubika imiba ngedijithali nangokungaziwa.
- Lonke ulwazi kufuneka lufikeleleke lula ngedijithali kwaye simahla.
- Iiwebhusayithi mazijongwe kwaye zihlelwe ukuqinisekisa ukuba ulwazi luyafikeleleka.

Ukukhuthaza ukubandakanyeka koluntu

- Oomasipala kufuneka babhengeze iintlanganiso zikawonke-wonke kwangethuba besebenzisa iindlela ezininzi zonxibelelwano.
- Abemi kufuneka babe nokufikelela kwiintlanganiso zikamasipala, kwiinkqubo zokwenza izigqibo, kunye namaxwebhu abalulekileyo kamasipala.
- Iintlanganiso mazibekho ngamaxesha nakwiindawo ezilungele uninzi lwamalungu oluntu.



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- Oomasipala kufuneka baqwalasele amaxwebhu okunikezelwa kweenkonzo adalwe ngentsebenziswano noluntu olunemigangatho yokunikezelwa kweenkonzo kunye neendlela zokulinganisa uxanduva lukarhulumente.
- Amagosa kamasipala kufuneka aqinisekise ukuba ukwamkela ukubandakanyeka koluntu kwiiprojekthi zophuhliso lwabucala kuyinto ecwangcisiweyo nenentsingiselo.
- Oomasipala bafanele banike ulwazi olucacileyo malunga nokuba abemi banokuya phi kwaye ngubani abanokuthetha naye ukuba abanelisekanga.

Oomasipala abasebenza ngobuchule

- Iingcali eziqeqeshiweyo ziyafuneka kwizikhundla ezibalulekileyo ezibandakanya ulwazi olukhethekileyo
- Seka iinkqubo zokuqesha abafundi abaphumelele izidanga kwiinkonzo zikarhulumente ukuze kutsalwe abasebenzi.
- •Sebenzisa uqeqesho kunye neenkxaso-mali ezidityaniswe neengcali ezinamava ukuqeqesha abaqeqeshwayo.
- Sebenzisa iinkqubo zoqeqesho kunye neendlela zovavanyo ukuphuhlisa izakhono zabasebenzi bakamasipala ngelixa bebonelela ngendlela yokuqhubela phambili.
- Nika iindlela ezicacileyo zophuhliso lobuchwephesha ukunceda ekukhuleni nasekugcinweni kwabasebenzi
- • Qinisekisa ukuba imivuzo kunye neenzuzo zabasebenzi ziyahambelana namaxabiso emarike

Ukomeleza uxanduva kunye nempembelelo

- Qinisa indima yokongamela yePalamente kunye nezindlu zowiso-mthetho zamaphondo.
- Gxila kwimigangatho yokusebenza efanayo evumela iziphumo ezihambelanayo neziqondakalayo.
- Phumeza iinkqubo zovavanyo kuzo zonke iinqanaba zabasebenzi bakamasipala ezibandakanya ingxelo yabemi.
- Qinisekisa ukuba kusetyenziswa iziphumo ezivela kwiCandelo eliKhethekileyo loPhando (i-SIU), uMkhuseli woLuntu, kunye neKhomishini kaKhampepe ukuphelisa urhwaphilizo.
- Faka iiNkonzo zoFundo lweeNgcali kunye noPhando endaweni yazo (i-GFIS)



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Phantsi kocalucalulo, oomasipala babedalelwe ukukhonza iqela elinye lohlanga kuphela. Oku kuthetha ukuba ziindawo ezinoomasipala kuphela ezaziza kufumana iinkonzo ezibalulekileyo rhoqo, ezinje ngombane, amanzi, kunye nococeko. Xa uMzantsi Afrika waba yintando yesininzi, uMgaqo-siseko waseka oomasipala ukuba basasazeke kulo lonke ilizwe kwaye baqinisekisa ukuba wonke umntu, nokuba ungowaluphi na uhlanga, uza kufumana iinkonzo zikamasipala.

Oomasipala xa bebonke benza ummandla woorhulumente basekuhlaleni, njengoko kumiselwe yiSahluko 7 soMgaqo-siseko. Esi sahluko sichaza uhlobo, amandla, kunye nemisebenzi yoorhulumente basekuhlaleni. Urhulumente wasekuhlaleni, njengommandla owahlukileyo, unamandla okulawula imicimbi yawo ngokwenza imithetho kamasipala, ukuba le mithetho ayingqubani nomthetho wesizwe okanye wephondo.

Urhulumente wengingqi unoxanduva olukhulu lokubonelela ngeenkonzo ezibalulekileyo, kuquka amanzi, umbane, kunye nococeko. Unoxanduva lokuphuhlisa nokugcina iziseko ezifunekayo ukuze kunikezelwe ezi nkonzo. Nangona kunjalo, kwiminyaka engamashumi amathathu edlulileyo, oomasipala abaninzi baye basilela ukuhlangabezana neemfuno zoluntu abalukhonzayo. Imali ebifanele ukuba iye kwiindawo ezisaphuhlayo iye yangena ezipokothweni zamagosa aqolileyo. Kurhulumente wengingqi, urhwaphilizo alubonakali nje kuphela phezulu kodwa lukwabonakala nakurhulumente wengingqi.

Amagosa amaninzi asebenzisana nawo uluntu imihla ngemihla nawo athatha inxaxheba ekukhuthazeni ubuqhetseba kunye norhwaphilizo. Ngenxa yoko, urhwaphilizo luye lwangena kakhulu kumacandelo karhulumente wengingqi nowengingqi kangangokuba kuya kufuneka umgudu omkhulu ukululungisa.

Iziphumo zolawulo olungafanelekanga lukamasipala zibonakala kuyo yonke indawo. Nokuba sisibane semoto esiphukileyo, ukucinywa kwamanzi nombane, okanye umbhobho ovuzayo, ezi ziphumo akulula ukuzilibala. Kucacile kwingxelo ye-CISC ukuba amanyathelo oxanduva ngokomgaqo-siseko nasemthethweni awazange asebenze ekuthinteleni okanye ekujeziseni urhwaphilizo. Ngoko ke kubalulekile ukuba abantu baseMzantsi Afrika badlale indima ebalulekileyo ekubambeni urhulumente enoxanduva. Ngokuvota kunyulo, ukubhikisha, kunye nokufaka izicelo, abemi banokwenza amazwi abo aviwe kwaye babambe amagosa abo anyuliweyo exanduva.



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