



STATE CAPTURE AND BEYOND



UKUPHATHWA BUDEDENGU KUKAMASIPALA



State Capture and Beyond (Ukuqhagwa kombuso nangale): Ukuphathwa budedengu kukaMasipala

uNtulikazi 2025

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Isizinda

Iphrojekthi ye-State Capture and Beyond (i-SCAB) iwukubambisana phakathi kweBrot für die Welt ('Isinkwa somhlaba wonke jikelele' [BfdW]), i-Human Rights Media Trust (Inhlangano yamalungelo abantu ngezokuxhumana [HRMT]), kanye ne-Legal Resources Centre (iLRC) ngokuxhaswa ngemali evela kwi-European Union (EU). Yinhloso ye-SCAB ukubhekana nenkohlakalo eNingizimu Afrika ngokulandela izincomo ezivela kwiKhomishini yophenyo ngokuqhagwa kombuso (phecelezi i-Commission of Inquiry into State Capture noma i-CISC). Ngakho-ke ihlanganisa izinhlangano zomphakathi (ama-CSO) kanye nezinhlangano ezisekelwe emphakathini (ama-CBO). Umphumela ofiselekayo ukudala umhlangano kazwelonke ophambene nenkohlakalo, oqinisa abantu ngamandla okuqonda, okufuna, nokuqinisekisa amalungelo abo. Ukubhekana nenxeba elijulile lenkohlakalo kusiza ngqo ukulivala ukuba likhuhle liphole.

IBrot für die Welt yinhlangano yaseJamani yamasonto amaProthestani eyinkulu kunazo zonke ezimele ngaphandle kukahulumeni ezigxila entuthukweni kanye nasemalungelweni abantu. Isebenza emazweni acishe abe ngama-90, enamava eminyaka evile kwama-60, ihlose ukuqinisa amandla amaqembu ampofu nasemaphethelweni ukuze izimo zawo zempilo zibe ngcono. Le nhlangano inomlando omude wokusebenza ne-EU, yaqondisa amaphrojekthi amaningi kuleli. Kule phrojekthi ye-SCAB, i-BfdW iletha ulwazi oluningi lokuxhumana nokusebenzisana emhlabeni wonke, okusho ukuthi ifanele nqo endimeni yokuyiphatha nokuyiqapha.

I- Human Rights Media Trust (Inhlangano yamalungelo abantu ngezokuxhumana noma i-HRMT), yinhlangano engenzi nzuzo eyasungulwa ngo2004, ibambisana nezinhlelo zobulungiswa bomphakathi eNingizimu Afrika yonkana. I-HRMT igxile kwezokuxhumana, izindlela zokukhiqiza amafilimu ezingenakutapa okubi, kanye nemikhankaso enomthelela emphakathini ukuze kuqiniswe izicelo zobulungiswa, kanyekanye nokukhuthaza isiko lentando yeningi. I-HRMT isakaza ulwazi ngokusetshenziswa ngokungalindelekile kwezokuxhumana kanye nezinye izindaba ukuze kuqiniswe amandla amazwi omphakathi asemaphethelweni.

I-Legal Resources Centre, eyasungulwa ngo-1979, yinhlangano yezomthetho wamalungelo abantu engenzi nzuzo enamahhovisi eGoli, eKapa, eThekwini naseMakhanda. I-LRC ivikela njalo umthethosisekelo kanye nokubusa komthetho kwakuleli, emikhakheni eyahlukahlukene yomthetho: umhlaba, izindlu, impilo, imfundo, ukulingana, kanye namalungelo ezenhlalo nezepolitiki. Ngomlando omude wokuhlinzeka ngezinsizakalo zomthetho, i-LRC inokuqonda okujulile komthetho wamalungelo abantu futhi iye yakha ubudlelwano obuhlala isikhathi eside nezinhlangano zomphakathi.



isiFinyezo

Uhlelo lohulumeni bendawo olukhona, olunomasipala abagcwele phama ezweni, yimpendulo ethi nqo ohlelweni lomasipala olucwasayo lwesikhathi sobandlululo. Ngesikhathi sobandlululo, uhulumeni wadala omasipala ngokomthetho njengoba ngokwezidingo, okwaholela kaningana ekutheni omasipala banikezwe imiphakathi ethandwayo ngokobuhlanga. Lokhu kwavumela omasipala ukuthi baqinise uhlelo lobandlululo lwentuthuko ehlukile ukuze kulawulwe ukusatshalaliswa kwengcebo ngokuphakelwa kwezinsiza.

Isigaba 7 soMthethosisekelo sizinikele ekudaleni uhlaka lokusebenza kahle kukahulumeni wendawo. Sichaza inqubo yokusungula nokwakha omasipala. Lesi sigaba sihlenganisa nezimfanelo zomasipala, kanye namandla nemisebenzi yabo. Uhulumeni wendawo uqashelwa njengomkhakha ohlukile kahulumeni, ngakho-ke unikezwa amandla okuqala ukushaya imithetho. Omasipala banelungelo lokuphatha izindaba zemiphakathi yabo njengoba bebona kufanele, bakhe nemithetho yedolobha edingekayo ukuze kube lula lokhu.

Kunemithetho enkulu emihlanu eqondene nohulumeni wendawo echaza ngokudalwa, ngendima, ngezezimali, ngokubika, kanye nokuphathwa kwalo mkhakha kahulumeni:

- UMthetho 27 ka1998 kahulumeni wendawo wokuhlukaniswa komasipala ucacisa ngenqubo yokukhawuza imingcele namawadi kamasipala.
- UMthetho 117 ka1998 kahulumeni wendawo wezakhiwo zomasipala unikeza ngohlaka lokusungula nokuhlukanisa izinhlobo ezahlukenene zomasipala.
- UMthetho 32 ka2000 kahulumeni wendawo wezinhlelo zomasipala ugxile ekulawulweni kwamandla, kwemisebenzi, kanye nakwezimfanelo zomasipala.
- UMthetho 56 ka-2003 kahulumeni wendawo wokuphathwa kwezimali zomasipala ulawula ukuphathwa kwezimali komasipala ngokusungula imigomo nezindinganiso zezezimali.
- UMthetho 6 ka-2004 kahulumeni wendawo wentela yendawo yokuhlala ulawula amandla omasipala okuphoqa ngentela yezindlu nezemizi.



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Nokuba kunezinhlaka zomthetho ezipheleleyo ngohulumeni basekhaya, ngenxa yezinselelo eziqhubekayo kwandiswa igebe phakathi kwemithetho nokusetshenziswa kwayo. Ekuqaleni kwakunesidingo sangempela sokugcwalisa izikhundla zobuholi komasipala abasha abaqhibukayo, kugcwaliswe ngabathembekile njengabalweli bentando yeningi. Kodwa-ke, ngokuhamba kwesikhathi, ukujutshwa kwabathembekile kuye kwahlela ngokuphakamisa ukwethembeka ngaphezu kokuba namakhono. Lokhu kusho ukuthi izikhundla ezibalulekile zigcwaliswa ngabantu abangenazo iziqu nabangenalo ulwazi lokufezekisa izimfanelo zezikhundla abakuzo.

Imiiphumela yobuholi obubi ihlanganisa inkohlakalo, ukuphathwa budedengu, kanye nokwehluleka komasipala ukuphakela imiphakathi yabo ngezinsiza eziyisisekelo. Omasipala nabo bayalwa nokugcina abasebenzi abanamakhono nabangochwepheshe, njengoba ukuntuleka komdlandla, kwezinzuzo, kanye nokungabi khona kwamathuba okuphakanyiswa kunganikezi ngesikhuthazo esanele. Emazingeni aphezulu kanye nawokuphatha, ukuntuleka kokuzibophezela kwenza lezi zinkinga zibe zimbi.

Omasipala bangubuso bokuphakelwa kwezinsiza, bahlinzeka ngeyokugcina yalezo zinsiza emiphakathini. Amashejuli 4 no-5 oMthethosisekelo achaza ngezinsiza ezidinga ukuphakelwa ngomasipala ngokubambisana nezinhlaka zikahulumeni zikazwelonke nezesifundazwe. Ngokubanzi, lezi zinsiza ziya ngokubili, okuyizinsiza ezibalulekile eziyisisekelo kanye nezinsiza zenhlalo-mnotho:

Izinsiza ezibalulekile eziyisisekelo	Izinsiza zenhlalo-mnotho
Amanzi	Ukuklama nokuthuthukisa
Ukuhlanzeka	Ukungcebeleka nokuvakasha
Okwezamandla	Imfundo
Ukuphathwa kwemfucuza	Izithuthi zomphakathi
Ingqalasizinda yemigwaqo	Amamakethe namadela / nezilaha
Ukuphepha komphakathi	Izilwane
Ezempilo	Izindawo zomphakathi



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Ukuphathwa kabi komasipala kungabashiya besokola ukuqhubeka ukuphila. Kunezinkinga ezinhlanu ezivelele njengemiphumela evamile yobuholi nokuphathwa okubi:

1. Ukwehluleka ukuhlinzeka ngezinsiza ngempumelelo ngenxa yemikhuba emibi yokuhlela, yesabelomali, yokusetshenziswa kwemali, kanye neyokulungisa okungasasebenzi kahle.
2. Ukungasabambi iqhaza kwabantu bomphakathi ngenxa yokungethembeki kwezinhlelo zikahulumeni nanxa yokudikibala okuvela ezikhulwini zikahulumeni.
3. Imikhuba yokuphatha ngokusobala engalawulwa kahle, lapho kunamawebhusayithi nezinsiza zolwazi eziphelelwe yisikhathi futhi eziyinkimbinkimbi, okwenza kube nzima ukuqonda izenzo zokuphatha.
4. Ukungabi nokongamela okwanele kwemikhuba yokuthengwa kwempahla yomphakathi, okukungenisa noma okunganaki ukukhwabanisa kwamathenda kanye nokuxhashazwa kwabantu
5. Ukusetshenziswa kancane kwesabelomali sikamasipala, kushiya amaprojekthi engaphelele futhi engaxhaswanga kahle.

Uma kuvela izinkinga ngokuphathwa komasipala kanye nokuphakelwa kwezinsiza, kubalulekile ukumthwesa uhulumeni icala. Kunezinyathelo ezingalandelwa yinoma ubani ukwenza kube ngcono lokhu kuthweswa kwecala. Ukulandela lezi zinyathelo ngokucophelela kusiza futhi ekwakheni icala lokushintsha isimo.

- Qoqa Ulwazi. Ngokomthetho, kudingeka ukuba omasipala bagcine amawebhusayithi omphakathi lapho beshicilela khona imibiko ejwayelekile echaza ngemisebenzi yabo. Uma ingekho le mibiko, kungenzeka kucelwe imininingwane ngokusebenzisa izicelo ze-PAIA (Umthetho 2 ka-2000 wokukhuthaza ukufinyelela ulwazi).
- Bika ngokuqondile. Isiqalo esihle wukusebenzisa izinhlelo ezihlinzekwa nguhulumeni eziku-inthanethi, amakheli emeyili, kanye nezinombolo zocingo ezikhethekile ukuze kubikwe ngenkinga ngqo kuhulumeni wendawo.
- Phakamisa ukuxhumana kwakho. Uma kungekho mpendulo noma kungekho sinyathelo esivela kubaphathi bakamasipala, phakamisela inkinga ngokuxhumana namakhansela esigceme / ewadi.
- Bamba iqhaza ezinqutsheni zokushaya imithetho. Kudingeka ngokomthetho ukuba omasipala bakhuthaze ukuhlanganyela komphakathi, okuqukethe nokubamba imihlangano evulekele umphakathi



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- Sebenzisa izinkundla zokuxhumana. Ukuthumela kwezinkinga zokuphakelwa kwezinsiza noma zokuphathwa ezinkundleni zokuxhumana kungabe yindlela enamandla yokwandisa ulwazi lomphakathi.
- Hlaba ikhwelo. Ukuhlaba ikhwelo kungaba yingozi, kodwa ngokuvamile kuyindlela eyodwa abanye, njengalabo abanegunya lokuphenya, abangazi ngayo inkinga.
- Butheka. Ukujoyina noma ukuqala inhlangothi kusiza ekuhlenganiseni izinsiza kanye nokuthola ukwesekwa kokugqugqezela ushintsho.
- Bhala Izethulo. Ukubhalela iPhalamende likazwelonke kungaxwayisa uhulumeni ngomasipala abahlulekayo ngemisebenzi yabo.
- Qamba Izicelo. Isicelo, esisayinwe ngabasekeli nesamukelwa yilungu lePhalamende likazwelonke, singaba ithuluzi elinamandla lokubonisa intshisekelo ebanzi yokuthola isixazululo.
- Gqugqezela ngemibiko yezindaba. Ukubhala imibiko yezindaba ukuze ishicilelwe noma ukuxhumana nezintatheli kucelwe ukuthi zibhale ngezihloko ezithile kungavusa ulwazi.
- Bamba iqhaza emibhikishweni. Ngombhikisho weqembu, ovikelwa nguMthethosisekelo, kuboniswa ubumbano kuxwayiseke abantu ngodaba oluthile.
- Qala ukuqulwa kwamacala. Nakuba kubiza kakhulu kudinga ubuchwepheshe kwezomthetho, ukuqulwa kwamacala kungaba ithuluzi elinamandla ekufuneni amalungelo.
- Vota. Kuhulumeni wentando yeningi, ukuvota kungathiwa kuyindlela enempumelelo yokuthwesa uhulumeni icala. Kuhulumeni wendawo, kunezibonelo zemiphakathi eyakha izinhlangano zezepolitiki eziphumelelayo ukuze zilwele amalungelo azo.

Ukusetshenziswa kweyodwa-nje yalezi zindlela kungasiza ukuba uhulumeni ube nokuziphendulela. Yonke indlela inomsebenzi, ngakho-ke kungabe nomehluko ngisho nangesenzo esincane. Izakhamuzi zinelungelo lokuba nohulumeni wendawo osebenzayo nosobala; isenzo esithize sishe ukuthi abantu bakwazi ukulwela la malungelo benze uhulumeni abe nokuziphendulela.



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isiNgeniso

NgoMthethosisekelo ka1996 kwahlelwa kabusha omasipala ukuze basuke esimeni sokunikeza amalungelo kubambalwa baye emkhakheni kahulumeni ohlanganisayo ogxile emalungelweni abo bonke abantu. Umkhakha kahulumeni wendawo, onomasipala kuzo zonke izindawo, unenhloso yokuhlinzeka imiphakathi ngokuphatha nangobuholi obuphumelelayo njengelungelo loMthethosisekelo. Kufanele laba masipala benze ukuba izakhamuzi zithole amalungelo abo ayisisekelo, okuhlanganisa ukutholakala kwezinsiza, kwengqalasizinda, kwezomthetho, kokuhlela kwamadolobha, kwentuthuko, kanye nakwezinsiza zomphakathi. Ngeshwa, ukuphathwa budedengu komasipala kuholele ekuhlinzekweni kwezinsiza okunganele, ingqalasizinda eyonakele, kanye nokwanda kobugebengu. Omasipala abaphethwe kabi benza kube nzima kakhulu emiphakathini ukuthola izidingo ezifana namanzi, ugesi, ezokuthutha, izindlu, ukunakekelwa kwempilo, kanye nokuphepha. Ukuzibophezela kanye nokucaca kubalulekile ekuqinisekiseni ukuthi uhulumeni wendawo uwabeka phambili amalungelo ayisisekelo aphinde ayiphakamise imiphakathi.

Ngaphambi kuka1994, uhulumeni kamasipala wawuyilungelo elalizuzisa amaqembu athile ezinhlanga. Abahlali bamaBhunu abavela eDutch East India Company basungula umasipala wokuqala eTable Bay, eKapa, ngo1652 njengesiteshi sokuhambisa imikhumbi edlulayo. Ngokusungulwa kwamadolobha, nomasipala babesungulwa.¹ Ngo1910, izindawo zamakoloni zahlangana zakha i-Union of South Africa, lapho uhulumeni wendawo wayelawulwa yizifundazwe. Ngemuva kuka1948, uhulumeni wobandlululo wathatha izintambo wadala uhlelo lomasipala olungahlelekile noluhlukanisiwe ngokohlanga, olwakhiwe yisimiso sesifundazwe esasisekelwe emthethweni.² Lolu hlelo lwadala omasipala bamaqembu nezinjongo ezithile, lwalandela lokhu ngokunikeza ngamalungelo athile. Omasipala baba yingxenywe yohlelo lobandlululo, besebenzisa imithetho egxile ohlangeni nengenabulungisa njengoMthetho wezwe labantu bomdabu ka1913, ukuze bashiye abantu abaningi bengenakufinyelela ekuphathweni okusebenzayo.

Ngo-1994, uhulumeni wentando yeningi wagxila ekuguquleni lokhu kungabi nabulungisa ngokusungula uhlelo oluphelele lomasipala lohulumeni basekhaya. UMthethosisekelo wokugcina, owashicilelwa ngo1996, unikezela sonke iSahluko 7 ekudalweni komkhakha ohlukile wohulumeni basekhaya.



Ngokuphambene kakhulu nezinhlelo zomasipala zangaphambilini, laba masipala babezohlanganisa lonke iNingizimu Afrika, begxile ezindaweni ekubeni begxile ohlangeni, ukuze banikeze ngobulungiswa bokuphatha. Babezophinde bahluke ezinhlakeni zikahulumeni zikazwelonke nezesifundazwe, okwenza ohulumeni basekhaya bakwazi ukugxila ekuhlangabezaneni nezidingo ezisheshayo zabantu ababamele.

Inqubo yokwakha kabusha nokwandisela uhulumeni wasekhaya ezweni lonke yaba ngukuzakha nokuzigcwalisa ngokushesha izikhundla eziningi zokuphatha. Lesi sidingo esiphuthumayo sadala izindlela zamaphutha, saphinda savula namathuba enkohlakalo. Amaqembu ezepolitiki akwazi ukugcwalisa lezi zikhundla ngabathembekile okungenzeka ukuthi babefanelekele noma babengafanelekeli umsebenzi. Lokhu kuvame ukubizwa ngokuthi ukujutshelwa kwabathembekile, lapho ukwethembeka kweqembu kwakubhekwa njengokubaluleke kakhulu kunamakhono noma ulwazi oludingekayo, okwenza kube lula ukugcwalisa ngokushesha izikhundla ezingenamuntu.³ UMthethosisekelo ubonakala sengathi uvumela le ngozi ngokuphakamisa ukucaca kanye nokuziphendulela njengezimiso eziyinhloko zokuhlola nokulinganisela. Kodwa-ke, igebe phakathi komthetho kanye nokusetshenziswa okusebenzayo lishiye imiphakathi ihlupheka ngenxa yokuphathwa kabi kanye nenkohlakalo yomasipala. Inkohlakalo iyakhathaza kakhulu njengoba ihilela ukusebenzisa izinsiza zezimali nezinsizakusebenza kude namaphrojekthi abalulekile anenhloso okuhlinzeka ngokulethwa kwezinsiza eziyisisekelo.

IKhomishini yophenyo ngokuqhagwa kombuso (i-CISC) nayo yayikhathazeke ngokuthi kungenzeka kube nenkohlakalo ehlelekile ngaphakathi komasipala. Noma i-CISC yaphenya ngamathenda ambalwa akhohlakele aseGoli kuphela, yayikholelwa ukuthi izenzo zenkohlakalo ezifanayo zingenzeka ngaphakathi komasipala abaningi.⁴ Embikweni ka2024, uMcwaningi-jikelele wakhomba amaphephelezi abalulekile angama-446, okwakuyizenzo ezingalandeli imithetho noma ezokukhwabanisa okuholela ekulahlekelweni okukhulu, komasipala abayi-131.⁵ Laba masipala baphoqekele ukuhlinzeka ngezinsiza eziyisisekelo, ngakho bajwayele ukusebenzisa izinqubo zokuthengwa zomphakathi ukuze bavulele ngamathenda kubahlinzeki bezinsiza. Le nqubo yokuthengwa ingabe sengozini enkulu yemikhuba yenkohlakalo, okuhlanganisa ukukhohlisa ngezidingo zethenda kanye nokwenyuswa kwezindleko zethenda.⁶ I-CISC ifaka isiqephu sonke esiphelele sezincomo ngokuthengwa komphakathi, njengokusungula isikhungo esizimele sokuthengwa kwempahla kanye nokuqanjwa kwendima yesikhulu sokuthengwa kwempahla esingochwepheshe ukuze kube nokucaca okungcono.⁷



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Kanye nokulahlekelwa okuvela enkohlakalweni, ukuphathwa kabi komasipala kushiya abantu abaningi baseNingizimu Afrika behlupheka futhi bekukhungatheka. Kufanele ohulumeni basekhaya bahlinzeke ngengqalasizinda eyisisekelo ukuze bahlangabezane nezidingo zabantu ababamele. Kodwa-ke, lezi zidingo zengqalasizinda zivame ukushiya zingahlangatshezwanga kangangokuthi ziholela embhikishwni womphakathi. Ngesibonelo, ngoMashi, izakhamuzi zaseCofimvaba zabhikisha ngenxa yengqalasizinda yemigwaqo engemihle, zigcizelela isimo esibi semigwaqo nokuthi ibhuloho, elibalulekile ekuweleni umfula ukuze kufike ezikoleni zasemadolobheni nezendawo, laliphansi kakhulu ukuba kuwelwe ngokuphepha.⁸ Ngasekuqaleni kwenyanga efanayo, kwaba nomhlangano womphakathi eNelson Mandela Bay ukuze kuphoqwe umasipala ukuba abhekane nokuntuleka kwezibani zemigwaqo ezisebenzayo.⁹ Umasipala wasEmfuleni waze wabuyisela emnyangweni wezezimali isabelomali esingasetshenzisiwe esingamaRandi ayizigidi ezingama-640 nokuba kwaba nokuchitheka okukhulu kwendle emalokishini awo okwashiya abantu abahlala ngaphakathi naseduze kwendle.¹⁰ Ukuphathwa okubi, ngisho noma kungekho nkohlakalo, kungashiya omasipala bengakwazi ukufeza imisebenzi yabo.

Inkohlakalo eqhubekayo kanye nokuphathwa kabi komasipala kuyimbangela ebalulekile yokwehluleka komasipala ekufezeni izibopho zabo zangomthethosisekelo. Kufanele omasipala baqinisekise ukuthi imiphakathi iyakwazi ukuthola amanzi, ugesi, ukuhlanzeka, imfundo kanye nezempilo. Ngakho-ke kubalulekile ukuthi abantu baseNingizimu Afrika basebenzisane ukuze balwele amalungelo abo bafune omasipala abazibophezele, abacacile, nabaphendulayo. Kufanele kwenzeke kuwo onke amazinga, okuhlanganisa nezinguquko zomthetho nezinqubomgomo ezingeni eliphezulu, kanye nokugqugquzelwa kwemiphakathi ezingeni lasemakhaya. Ngokuqinisekisa ukuthi omasipala banokuziphendulela, iNingizimu Afrika ingaqinisekisa ukuthi uhulumeni wendawo osebenzayo uyilungelo elifinyeleleka kubo bonke.



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UHLAKA LWEMITHETHO



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Umkhakha kaHulumeni wendawo

Umthethosisekelo

UMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika ka1996 (uMthethosisekelo), wasungula umkhakha kahulumeni wendawo ukuze ubhekane nokungalungi kohlelo lobandlululo. Omasipala bobandlululo badalwa ngumthetho, owawugxile ekudingiseni ngokohlanga kwamaqembu ezindaweni ezikhethekile.¹¹ Labo masipala abahlukaniswe ngokohlanga babenezinsizakusebenza nokusekelwa okuhlukile, kanti abanye babengenazo.

UMthethosisekelo ubophezela iNingizimu Afrika emthethweni ohlanganisa wonke umuntu, onokulingana, futhi onentando yeningi. Namuhla, ukusatshalaliswa komasipala kusekelwe yindawo kuphela. UMthethosisekelo wethula omasipala njengomkhakha kahulumeni wendawo ohlukile nozimele ofanele ukubambisana nezinhlobo zikahulumeni kazwelonke nezesifundazwe. UMthethosisekelo ukhuluma ngezici zohulumeni bendawo ezimbili ezibalulekile: ilungelo lokuba nohulumeni wendawo osebenzayo kanye nohlaka lokusungula uhulumeni wendawo ohlukile nophelele onamalungelo awo.

Ilungelo lohulumeni bendawo abasebenzayo

Uhulumeni wendawo ngubuso bohulumeni bomphakathi emkhakheni ophansi kakhulu, ohlinzeka ngezinsiza zokuqala emiphakathini ayisebenzelayo. Futhi ngubuso bakhe abantu abaningi abaqala ukuxhumana nabo ukuze bathole izinsiza ezahlukahlukeni, njengogesi, amanzi, ukuhlanzeka, kanye nokugcinwa kwengqalasizinda. Ngakho-ke, uhulumeni wendawo osebenzayo nophumelelayo udlala indima ebalulekile ekuhlangabezaneni nezidingo eziyisisekelo zemiphakathi yawo. Lokhu kuqashelwa esigabeni 195(1) soMthethosisekelo, esichaza izindinganiso nezimiso eziyisisekelo okufanele zilawule ukuphathwa komphakathi. Lezi zimiso zifaka phakathi ukuzibophezela, ukucaca, ukusetshenziswa kahle kwezinsizakusebenza, ukuphendula ezidingweni zabantu, kanye nokuhlinzekwa kwezinsizakalo okulinganayo nokungenakucheme.

Indima yomasipala ichazwa kabanzi esigabeni 152(1) soMthethosisekelo. Lokhu kufaka phakathi ukuphakelwa kwezinsiza eziqhubekayo, ukukhuthazeka kwentuthuko yezenhlalo nezomnotho, kanye nokugcina indawo ephephile nenempilo.



Imisebenzi ebhalwe kulesi sigaba ihloselwe ukufeza amalungelo aqukethwe oHlwini wamalungelo. Uhulumeni unesibopho sokuhlonipha, ukuvikela, ukukhuthaza nokufeza la malungelo.

Ilungelo lesenzo sokuphatha esinobulungiswa ligcizelela kakhulu umsebenzi kahulumeni wokwenza ngokomthetho, ngokufanele nangokulinganayo lapho efeza imisebenzi yakhe yokuphatha. Izinqumo eziningi ezenziwa umasipala zinamandla okuthinta amalungelo abantu ngakho-ke kumele zibe nobulungiswa futhi zifaneleke.

Sekukonke, uMthethosisekelo unikeza uhlelo olucacile lokusetshenziswa okufanele kwemisebenzi yawo ngokomthethosisekelo kanye namalungelo abantu bendawo.

Uhlaka lukaHulumeni wendawo

Isahluko 7 soMthethosisekelo sisungula umkhakha kahulumeni wendawo, sichaza isakhiwo sawo, ukusebenza kwawo, izinhloso zawo, kanye nemisebenzi yawo. Uhulumeni wendawo wakhiwe ngomasipala abaphethwe yiMikhandlu kaMasipala.¹² Amalungu oMkhandlu kaMasipala akhethwa kusetshenziswa uhlelo lokumelwa okulinganayo kwamalungu anokumelela isiqephu somphakathi. Lokhu kudinga ukuthi umvoti ngamunye angenise amavoti amabili. Ivoti lokuqala lingelekhangsela lewadi elimele ngqo okufuneka yiwadi yalo. Ivoti lesibili lingeleqembu lezepolitiki elimelwe ngokufanele emkhandlwini ngokulingana nesabelo salo samavoti aphelele.¹³ Uma selimisiwe, uMkhandlu kaMasipala uhlala emandleni isikhathi seminyaka emihlanu.

Njengomkhakha kahulumeni oqashelwa ngokomthethosisekelo, uhulumeni wendawo unelungelo lokuphatha izindaba zomphakathi wakhe ngezinga elithile lokuzimela, ngaphansi komthetho kazwelonke nowesifundazwe. Lo mkhawulo ubonisa ukuthi naphezu kwamandla okuqala anikezwe nguMthethosisekelo, la mandla awancishisiwe. Izinhloko zesishayamthetho zikazwelonke nezesifundazwe zinamandla okudala umthetho othinta isimo, izikhungo, amandla, kanye nemisebenzi kahulumeni wendawo. UMthetho wezinhlalo zikamasipala kanye noMthetho wokuphathwa kwezimali zikamasipala ziyizibonelo zalo mthetho. Kudingeka ukuba uhulumeni wendawo avumelanise imitheshwana yakhe nemithetho kazwelonke neyesifundazwe noma ayibeke engcupheni yokuthi isuswe. Kodwa-ke, uMthethosisekelo unikeza uhulumeni wendawo ithuba elithile ngokufuna ohulumeni bezwe kanye nezifundazwe ukuba bangayekethisi bangavimbela ukuba umasipala akwazi ukwenza imisebenzi yakhe.¹⁴



UMthethosisekelo ucacisa ngesakhiwo esijwayelekile somasipala. Kunezinhlabo ezintathu zomasipala: owedolobha elikhulu, owendawo, kanye nowesifunda.¹⁵

- Isigaba A: Laba ngomasipala basemadolobheni amakhulu abanegunya elikhethekile lomasipala kanye nelokuphatha endaweni abayibusayo.

Bazibophezela ngayo yonke imisebenzi kahulumeni basekhaya ngaphakathi kwemingcele yabo futhi abahlanganyeli ngamandla nabanye omasipala. Laba omasipala babusa izindawo zasemadolobheni ezinabantu abaningi njengezinhlodolobha ezinkulu kulo lonke elaseNingizimu Afrika. Njengamanje, kunezindawo eziyisishiyagalombili zasemadolobheni amakhulu: iBuffalo City, iDolobha laseKapa, iDolobha laseGoli, iDolobha laseTshwane, Ekurhuleni, eThekwini, eMangaung, kanye noMasipala waseNelson Mandela Bay.

- Isigaba B: Laba ngomasipala bendawo ababusa izindawo ezingaphandle kwezindawo zamadolobha amakhulu. Laba omasipala banomthwalo oqondile wokuhlinzeka ngezinsiza zansuku zonke, njengamanzi nokuhlanzeka, ezigcemeni zabo ezahlukeneyo. Laba omasipala ngabancane kakhulu, njengoba ngokuvamile benomthwalo wendawo ethile. Omasipala bendawo kanye nomasipala besifunda banegunya elihambisanayo lomasipala kanye nelokuphatha ezindaweni zabo ezikhethiwe.
- Isigaba C: Lesi sigaba sakhiwa ngomasipala besifunda. Banesibopho sokwengamela indawo enkulu evame ukuba nomasipala bendawo abaningi. Njengoba kushiwo ngenhla, babelana ngegunya likamasipala kanye nelokuphatha nomasipala bendawo. Omasipala besifunda baqondisa baphinde baxhumanise ukuhlinzekwa kwezinsiza kuzo zonke izifunda zabo. Okwamanje kunomasipala besifunda abangama-44 abaqondisa imisebenzi yomasipala bendawo.



Imithetho

Ukuze kusebenze uhlaka lomthethosisekelo oluchazwe ngenhla, isishayamthetho sashaya imithetho ehlinzeka ngesiqondiso esiningiliziwe somthethosisekelo kanye nesomsebenzi kahulumeni wendawo. Kunemithetho emihlanu evamile elawula ukuqanjwa, ukwakheka, kanye nokusebenza kwangaphakathi kukahulumeni wendawo.

UMthetho 27 ka1998 wokuhlukaniswa kwemingcele kamasipala kahulumeni wendawo uchaza izindlela nezinqubo zokunquma ngemingcele kamasipala. Lo Mthetho usungula iBhodi lokuhlukaniswa kwemingcele kamasipala ("iBhodi"), elinomsebenzi wokukhawulisa imingcele kamasipala ngokuhambisana nalo mthetho kanye noMthethosisekelo. IBhodi liyindikimba yezomthetho ezimele futhi kumele lingabi nokuchema emisebenzini yalo. Inhloso eyinhloko yanoma yimuphi umngcele kamasipala wukusungula indawo lapho umasipala ungafeza khona izibopho zawo ngokomthethosisekelo. Isibonelo, kumele ibhodi licabangele ukuthi indawo ingasekela yini ukuhlinzekwa kwezinsiza ezifana namanzi, ugesi, izindlu, kanye nendawo ehlanzekile.

UMthetho 117 ka1998 wezakhiwo zikamasipala kahulumeni wendawo uhlinzeka ngohlaka lokusungula omasipala. Lo Mthetho wandisa ngokuseSahlukweni 7 soMthethosisekelo. Lokhu kuhlenganisa nokuchaza kabanzi ngezigaba ezintathu zomasipala njengoba kuvezwe kuMthethosisekelo. Uphinde ugxile ekulawuleni izinhlelo, izakhiwo, kanye nezikhundla zangaphakathi komasipala. Inhloso yalo Mthetho wukuqala isigaba sokugcina sokuguquka, kusukela komasipala bobandlululo abangahlelekile kuya ohlelweni lomasipala bezindawo zonkana oluchazwe kuMthethosisekelo.

UMthetho 32 ka2000 wezinhlalo zikamasipala kahulumeni wendawo ungumthetho oyinhloko wokubeka omasipala ohlelweni lukahulumeni wendawo onokubambisena. Ulawula amandla nemisebenzi yomasipala, uphinde uchaze ngemithwalo yabo. Uhlinzeka ngezimiso, izindlela, kanye nezinqubo eziyinhloko nokufanele omasipala bazilandele lapho behlinzeka ngezinsiza ezibalulekile emiphakathini yendawo. Lo mthetho uhlose ukukhuthaza isiko lokubamba iqhaza labasemphakathini ngezinyathelo ezisobala nezinokuziphendulela, okuhlenganisa izimvo zomphakathi ekuqanjweni kwezinhlalo zentuthuko ezihlanganisiwe (i-IDP).¹⁶



Lokhu kuphinde kube nezidingo zokuxhumana, njengokwamukela umphakathi emihlanganweni, ukushicilela izaziso ezindabeni, ukugcina iwebhusayithi elisemthethweni, kanye nokwenza izincwadi zitholakale emphakathini.

UMthetho 56 ka2003 wokuphathwa kwezimali zikamasipala kahulumeni wendawo ulawula ukuphathwa kwezimali komasipala ngokusungula imigomo nezindinganiso zezezimali. Lokhu kuqukethe ukukhawulisa imisebenzi yabasebenzi bakamasipala abanemisebenzi yezezimali, njengezikhulu zezezimali. Kudingeka ukuba izikhulu zezezimali zibe sobala ekusetshenzisweni kwemali nasekubikweni kwazo, ngaleyo ndlela zisekele ukuzibophezela kanye nokucaca. Ngaphezu kwalokho, lo mthetho usungula izinhloko zokuphathwa kwesabelomali kanye nokubika ngezezimali ngenkathi kuqinisekiswa ukuthi umphakathi uyakwazi ukufinyelela lolu lwazi.

UMthetho 6 ka-2004 wezintela zempahla kamasipala kahulumeni wendawo ulawula amandla omasipala okubeka intela emizini nasezindlini. Izindleko zempahla ziwumthombo wokuqala wemali engenayo komasipala. Lo mthetho uhlose ukudala uhlelo olufanele lwezintela ezinezizathu ezicacile zokukhululwa kanye nezindlela ezinokulingana zokunquma ngamanani. Uphinde ukhuthaze ukucaca, okuvumela abantu ukuthi baphakamise ukuphikisana kwabo nganoma yiziphi izinqumo zikamasipala bakwazi nokungenisa izikhalo.

Nakuba omasipala beyisigaba sikahulumeni esihlukile, kufanele bahambisane nomthetho kazwelonke nowesifundazwe. UMthethosisekelo uvumela ukuthi izigaba zikahulumeni ziyaxhomekeka zihlobene. Lokhu kusho ukuthi kungadingeka zithembele komunye nomunye ukuze zifeze izibopho zazo zomthethosisekelo ngendlela efanele. Isahluko sesi-3 soMthethosisekelo sibiza uhulumeni osebenzisana osebenzisa amandla awo, owenza imisebenzi yawo, osebenzisana lapho kudingeka khona, futhi ongaphazamisi ubuqotho bokusebenza noma bezikhungo zezinye izigaba zikahulumeni. Isigaba sama-41(2) soMthethosisekelo sidinga iPhalamende ukuthi kushaywe uMthetho olawula ubudlelwano phakathi kohulumeni abahlukile, uphinde uhlinzeke ngezindlela zokuxazulula izingxabano phakathi kwabo.



STATE CAPTURE AND BEYOND

Imitheshwana kaMasipala

Ngokwesigaba se-156 (2), umasipala ungashaya imitheshwana kamasipala uyilawule ukuze isebenze kahle. Lokhu kwenza omasipala bakwazi ukuthuthukisa imithetho ehambisana kangcono nezidingo ezithile zemiphakathi abayisebenzelayo. Omasipala bangenza imithetho kamasipala kulezo zindawo zokusebenza abazinikezwe nguMthethosisekelo kuphela. Lokhu kuchazwe eNgxenyeni ka-B yamaShejuli esi-4 nawesi-5, kufake phakathi nezindaba ezifana namalayisense, imigwaqo kamasipala, kanye nemitheshwana yesinyokotho kanye nokupakwa kwezimoto.

Okubalulekile wukuthi omasipala abanalo igunya elikhethekile lomthetho phezu kwalezi zindaba, futhi ngenxa yalokho kumele banamathele emthethweni wesifundazwe nokazwelonke ofanele. Ngale kweShejuli lesi-5, kumele uhulumeni wesizwe kanye nohulumeni bezifundazwe banikeze ngezinye izindaba ezifanele kuhulumeni wendawo obekungaphathwa kangcono khona.

UMthethosisekelo uphinde udinge ukuthi omasipala bakhuthaze ukucaca kanye nokuziphendulela ngokukhuthaza ukuhlanganyela komphakathi enqutsheni yokushaya umthetho. Isigaba se-160 (4) siyakwenqabela ukushaywa kwanoma yimuphi umthetho kamasipala ngaphandle kokuthi ushicilelwe ukuze umphakathi uphawule ngawo. Lokhu kuqinisekisa ukuthi kube nezimvo zabemiphakathi kucatshangelwe ngezinkathazo nezinhlupheko zabo kuzo zonke izindaba ezingabathinta.



STATE CAPTURE AND BEYOND

IGEBE PHAKATHI KWENQUBOMGOMO NOKUPHAKELWA



Igebe phakathi kwenqubomgomo nokuphakelwa

INingizimu Afrika yayidume ngokuba nomthethosisekelo onenqubekela-phambili noguqulayo ngesikhathi sayo.¹⁷ Ingxenye ebaluleke yalokhu kunconywa ngokuguquka kwayo kwakuluHlu lwamalungelo oluntu, olwaluhlanganisa amalungelo ezomnotho, ezenhlalo, namasiko ayesebenza nowayekwazi ukuhlolwa ngokusemthethweni.¹⁸ Lawa kanye namanye amalungelo ayebaluleke ekuqedeni ukungabi nabulungisa kwesikhathi esidlule nasekwakheni umphakathi wentando yeningi osekelwe ekulinganeni nasebulungiseni bezenhlalo. Kodwa-ke, eminyakeni engamashumi amathathu edlule, uhulumeni ubelokhu ehluleka ukusebenzisa la malungelo abe yimpilo okuyiyo kubantu abaningi baseNingizimu Afrika.

Uma kukhulunywa ngokusetshenziswa, umsebenzi kamasipala ukabili. Umasipala unegunya lokuqamba nokusebenzisa imitheshwana yedolobha ezindabeni ezisemandleni awo kuphela. Kudingeka nokuthi usebenzise umthetho kazwelonke nowesifundazwe ezindabeni ezihlanganyelwe noma ezingaphandle kwamandla awo. Nakuba lokhu kubeka umthwalo omkhulu emahlombe kahulumeni wendawo, uMthethosisekelo uqinisekisa ukuthi omasipala bayasekelwa kulokhu.

Ubunzima bokujutshelwa kwabathembekile

Ukuze kusetshenzwe kahle, umasipala udinga izinsizakusebenza zezimali nezabasebenzi ezanele. Izindaba zezimali zilawulwa yi-MFMA. Izindaba zabasebenzi zilawulwa yi-MSA. Ngaphambi kokuqasha noma ubani, kudingeka ukuba umphathi kamasipala aqambe isikhungo sabasebenzi, asigunyaze emkhandlwini kamasipala ofanele. Isikhungo sabasebenzi yincwadi ehlanganisa uhlu lwazo zonke izikhundla ezidingekayo okumele zigcwaliswe. Inhloso yesikhungo sabasebenzi wukukhuthaza ukuzibophezela ngokuqamba nokuxhasa izikhundla ezidingekayo ukuze umasipala usebenze kahle. Lapho uxhaso luvunyelwe, abantu bangaqashwa ukuyogcwalisa lezo zikhundla.



STATE CAPTURE AND BEYOND

Isigaba sama-67 se-MSA sidinga omasipala ukuthi bathuthukise izinhlelo nezinqubo zokuqasha nokuphatha abasebenzi ezifanele. Kumele lezi zinhlelo zisekelwe ezindinganisweni ezifanayo ukuze kuqinisekiswa ukuba khona kokuvumelana, kobulungisa, kanye nokucaca ekuphathweni kwabasebenzi. Kudingeka nokuthi omasipala bathuthukise njalo amakhono abasebenzi babo ukuze bakwazi ukwenza imisebenzi yabo ngendlela enomthelela, ephumelelayo, nenesibopho.

Uma kuqashwa ngezindlela ezifanele, umasipala ubezohloma kahle ngokwenza imisebenzi yakhe ngokomthethosisekelo. Kodwa-ke, akunjalo komasipala abaningi. Eminyakeni edlule, izinqubo zokuqasha ezisekelwe ekufanelekeni ziye zanqotshwa ngukujutshelwa kwabathembekile (phecelezi i-cadre deployment).

Ukujutshelwa kwabathembekile kwakuyithuluzi elibalulekile elisetshenziswa yi-ANC ukuze kudlizeke umbuso wobandlululo kwakhiwe uhulumeni omusha ohambisana nohlelo lwentando yeningi olusha lwezwe. Kwakuhlanganisa ukususwa kwezikhulu zesikhathi sobandlululo ezikhundleni ezibalulekile zikahulumeni, kufakwe amalungu e-ANC afanelekayo. Inhloso eyinhloko yalo mkhuba kwakuwukusungula uhulumeni ozinikele ekusebenziseni uMthethosisekelo omusha nokusekela izindinganiso zawo zentando yeningi, kanye nezindinganiso ze-ANC. Esihlokweni se-Mail & Guardian mayelana nokuthi kungani ukujutshelwa kwabathembekile kwakubalulekile, kwashiwo okulandelayo:

“Ngokufaka izikhulu ze-ANC ezikhundleni zomphakathi ezibalulekile, kwaba nokushisekela ukuhlukahlukana, ukubandakanywa kanye nokumelwa kwamaqembu ayekade enganakwa - abantu abamnyama baseNingizimu Afrika, abesifazane kanye nentsha - ezindimeni zokwenza izinqumo ezifana nezezikhulu eziphezulu, ezobulungiswa kanye nezamabhizinisi kahulumeni.”¹⁹

Kwakubaluleke ukuba nabathembekile ababenayo imikhuba nemigomo efanayo eqondiswa yizinqubomgomo kanye ne-ajenda ye-ANC esanda kukhethwa. Kodwa-ke, ngokuhamba kwesikhathi, isisusa esiyisisekelo sokusebenzisa ukujutshelwa kwabathembekile sabonakala ngokusobala. Kwakungenziwa ngenhloso yokuguqula ukuphathwa kwethu komphakathi noma yokukuvumelanisa noMthethosisekelo omusha owamukelwe. Kunalokho, kwakuyithuluzi i-ANC elilisebenzise ukwandisa amandla ayo kuzo zonke izinhlelo zikahulumeni.



STATE CAPTURE AND BEYOND

Izikhundla ezibalulekile zazigcwele abantu abathembeke eqenjini labo ngaphezu komsebenzi wabo wasemphakathini. Kwakulindeleke ukuthi balandele okushiwo yiqembu ukuze bangabi sengozini yokususwa ezikhundleni zabo noma yokukhishelwa ePhalamende. Lapho abathembekile esethathe lezi zikhundla eziphezulu, babesiza lapho kwebiwa khona izigidigidi zamaRandi eminyangweni kahulumeni nasezikhungweni zikahulumeni, begwema ukuzibophezela.

Ezinye izikhungo ezazihloselwe ukwenza uhulumeni abe nesibopho, njenge-NPA, zazigcwele izikhulu ezabusa ngokunganaki ngenkathi abalawuli bazo beqothula izwe lonke lakuleli. Noma kwatholakala ecaleni lenkantolo likaMlokoti v Amathole District Municipality nomunye²⁰ ukuthi ukuqokwa okusekelwe ekuthembekeni kweqembu ngaphezu kokufaneleka umsebenzi akusemthethweni, kusasebenza eminyakeni engamashumi amathathu ngemuva kokuzalwa kwentando yeningi yethu.²¹

Ngakho-ke akumangazi ukuthi ukujutshelwa kwabathembekile nakho kuyinto ephambene nohulumeni wendawo. Ngokuvamile, abathembekile ababekwe ezikhundleni eziphezulu abanalo ulwazi noma ikhono elidingekayo lokwenza umsebenzi wabo ngendlela efanele. Lokhu kunganakwa kobuchwepheshe bobungcweti kuye kwaba nomthelela omkhulu ekuphathweni budedengu komasipala kanye nokwehluleka ukuhlinzeka nokukufinyeleleka kwezinsiza eziyisisekelo.

Imiphumela yezikhulu ezingafaneleki

Izikhulu ezingafaneleki azinawo amakhono adingekayo okusebenzia imithetho nezinqubomgomo ukuze zibe yimiphumela ebonakalayo. Eqinisweni, kungenzeka kaningana ukuthi abayizikhulu abazi imithetho nezinqubomgomo abanesibopho sokuzisebenzisa. Ngaphandle kolwazi olufanele kanye nesiqondiso esivela kubaphathi babo, kuvame abaphathi abaningi bomphakathi bashiywa bengenasiqondiso. Abazi ukuthi yini okufanele bayenze, bakwenze kanjani, nokuthi yiziphi izindinganiso okudingeka bazihlangabezane nazo.

Lokhu kuntuleka kokucaca kubonakala kakhulu kulabo baphathi abaphambili abasebenzisana ngqo nomphakathi. Lapho laba baphathi bengakwazi ukufeza isicelo esiyisisekelo noma ukusebenzisa inqubomgomo, kusho ukuthi kunokwehluleka okusobala ekugcwaliseni ilungelo lokuba nohulumeni wendawo osebenzayo.



Ukungaqashi ngokwanele kwabasebenzi ezingeni lokuphatha kungenye into ekhathazayo. Kunokuntuleka kwabasebenzi abangochwepheshe, kuphinde kube nezinga lokushintshana kwemisebenzi elikhathazayo, njengoba omasipala belahlekelwa phakathi kwamaphesenti awu-2 nawu-5 abasebenzi babo abanamakhono minyaka yonke.²² Ngaphandle kwabanobuchwepheshe obukhethekile, njengonjiniyela, abezimali, abameli, abahleli bamadolobha, ochwepheshe be-ITC, kanye nochwepheshe bezabantu, kumele omasipala abanenkinga bathembele abeluleki esikhundleni salokho. Kuyabiza ukuqasha kwabeluleki bangaphandle, kudinga ukulandelwa inqubo ende okungathinta ikhono likamasipala lokusabela ngokushesha ezimeni eziphuthumayo.

Enye imbangela yokuntuleka kwabasebenzi abangochwepheshe wukuntuleka kwezikhuthazo, okuhlanganisa amaholo aphansi, izinzuzo ezikhawulekile, ukuntuleka kwamathuba okukhula kanye nokungabikho kokuqeqeshwa ngokwentuthuko. Ngaphandle kwezikhuthazo zokugcina abasebenzi eziphumelelayo, kuvame abantu abanamakhono bafune umsebenzi kwenye indawo.

Inhlanganisela yezinselelo ekhathazayo iyaqhubeka nokwandisa igebe phakathi kwezinqubomgomo ezithembisa ukuthuthukiswa nalokho okwenzekayo kuhulumeni wendawo. Lokhu kushiya ukuphakelwa kwezinsiza njengento ecatsangelwe kude, enengqalasizinda ewohlokayo kanye nokugcinwa okunganele, okuholela ezinhlophekweni ezisabalele. Ukuze kuvalwe igebe kuthuthukiswe ukuphakelwa kwezinsiza, kuzodingeka ukubhekana nalezi zinkinga ngendlela ehlelekile. Ngaphandle kokuzibophezela okuphumelelayo kuzo zonke izinhlaka zikahulumeni, akunakwenzeka ukuthi imikhuba yobuholi izothuthuka.

Abaholi abashukumisekile nabaphumelelayo, abakhethwe ngenxa yokufaneleka, bangaba nethuba elikhulu lokusekela izinguquko ezingathuthukisa uhulumeni wendawo, kusukela ekukhuthazeni nasekugcineni ochwepheshe kuya ekuthuthukiseni imikhuba yokuqeqesha nokuqasha. Abasebenzi bakahulumeni abaqeqeshiwe futhi abanezinsiza bazobe sebehlome kangcono ukuze basebenzise izinqubomgomo badlule kalula lapho kunokuvimbela kokuqhubeka ngenxa yabakwahulumeni. Nokho lokhu kungadinga intando enkulu yezepolitiki kanye nezakhamizi ezisebenza ngokubambisana ukuze zenze uhulumeni aziphendulele njalo. Uma uhulumeni wendawo eqhubeka nokulandela izitayela zamanje, kubukeka sengathi abaseNingizimu Afrika bazoqhubeka nokubona ukuphakelwa kwezinsiza okubi kakhulu kunakuqala, okulimaza abampofu ngokweqile.



Izithiyo zombuso (phecelezi i-red tape)

Uma kukhulunywa ngokusetshenziswa, umsebenzi kamasipala ukabili. Umasipala unegunya lokuqamba nokusebenzisa imitheshwana yedolobha ezindabeni ezisemandleni akhe kuphela. Kudingeka nokuthi asebenzise umthetho kazwelonke nowesifundazwe ezindabeni ezihlanganyelwe noma ezingaphandle kwamandla awo.

Lo mthwalo okabili uvame ukubhekwa njengokweqile, ngabasebenzi bakahulumeni kanye nangumphakathi, ngakho ungaba yi-red tape okuyisithiyo kahlehle. Igama elithi “red tape” livela emkhubeni wokusebenzisa amaribhoni abomvu ukuhlenganisa amadokhumenti kahulumeni abalulekile, kamuva libe yigama elifushane lezithiyo zikhulumeni ezeqile noma eziphazamisayo.²³ Ngeshwa, ngisho nemithetho nemitheshwana kamasipala eyenziwe ngenhloso enhle ingaba yisithiyo uma ingqubuzana neminye imithetho noma inzima kakhulu ukuyichaza. Imithetho enzima ingabangela ukukhungatheka, ukudideka, kanye nokubambezeleka okungadingekile komasipala asebevele bengenabasebenzi abanele futhi abangaphathwanga kahle.

Lezi zithiyo zinegalelo elikhulu enkokhulakweni, njengoba zidala amathuba okuba abantu basebenzise izikhundla zabo zomphakathi ukuze bazuze ngasese.²⁴ Uma abaphathi bomphakathi bengaqondi ngokuphelele ukuthi yimiphi imithetho okufanele bayisebenzise nokuthi bayisebenzise kanjani, kudalwa izinqumo ezinokunganakisisi.

Ngesibonelo, abaphathi bangase bakhokhise izinsiza ngokweqile, bakunciphise ngamabomu ukucutshungulwa kwezinto ukuze bacele ukufumbathiswa, noma basebenzise kabi izinsiza bese okuselayo kwehle ngomlenze. Izindlela zokuzibophezela, ezivame ukungabikho noma ziphazanyiswe yizikhulu eziphezulu, azinikezi umphakathi ngisho ngelinye ikhefu. Ngenxa yalokho, abaphathi banenkululeko yokuphatha ngaphandle kokuhlolwa nokunquma ngokungase kuphazamise ukuphakelwa kwezinsiza.

Inhlanganisela yezinselelo ekhathazayo iyaqhubeka nokwandisa igebe phakathi phakathi komthetho kanye nokusetshenziswa kwawo. Ukubekwa phambili kokuceba komuntu ngamunye ngaphezu komsebenzi womphakathi kusho ukuthi ukuphakelwa kwezinsiza kube yinto ecathangelwe ekudeni kuphela. Amalungelo ayisisekelo, njengokufinyeleleka kwamanzi ahlanzekile, kogesi, kanye nakwendawo ephephile, okuyilokhu okungafinyeleleki kubantu abaningi eminyakeni engamashumi amathathu ngemuva kokuzalwa kwentando yeningi yethu.



STATE CAPTURE AND BEYOND

IZINSIZA ZIKAMASIPALA





Izinsiza zikaMasipala

Omasipala banesibopho sokuphatha nokuphakela izinsiza emiphakathini yabo. Lokhu kuqukethe. Izinsiza ezibalulekile ezidingekayo kwezempilo nezokuphepha:

- Ukutholakala kwamanzi okuphuza ahlanzekile, ahamba ngamapayipi
- Ukuhlanzeka
- Ugesi
- Ukuphathwa kwemfucuza. Ukuqoqwa nokususwa kwemfucuza, izindawo zokulahla imfucuza, kanye nokulahlwa kwemfucuza eqinile.
- Ingqalasizinda yemigwaqo. Ukulungiswa kwemigwaqo, ukukhanya kwezibane zemigwaqo, isinyokotho nokupakwa kwezimoto, kanye nokuphathwa kwamanzi emvula ezindaweni ezakhiwe.
- Ukuphepha komphakathi. Izinsiza zokucima umlilo, imitheshwana yokwakha, ukulawuleka kwezinkinga zomphakathi, kanye nokubiyelwa ngezingcingo zomphakathi.
- Ukunakekelwa kwempilo. Izinsiza zezempilo zikamasipala, ukungcola komoya, kanye nokungcola komsindo.

Izinsiza zezenhlalo nezomnotho:

- Ukuhlela nokuthuthukisa. Ukuhlela kukamasipala, imitheshwana yokwakha, kanye nemisebenzi yomphakathi.
- Ezokungcebeleka nezokuvakasha. Amabhishi, izindawo zokuzijabulisa, izindawo zemidlalo, kanye nezokuvakasha zendawo.
- Imfundo. Izindawo zokunakekela izingane, imitapo yolwazi
- Ezokuthutha zomphakathi. Ezokuthutha zomphakathi zikamasipala, izikhumulo zezindiza zikamasipala, amabhuloho, izikebhe zokuweza, amajeti, impola, kanye nezikhumulo zemikhumbi.
- Izimakethe namadela. Amabhodi amakhulu nezikhangiso ezindaweni zomphakathi, amalayisense okuthengisa ukudla, amalayisense okuthengisa utshwala, izimakethe, ukuhweba emigwaqweni, kanye nezindawo zamadela zikamasipala,
- Izilwane. Ilayisensi yezinja, izikidi, kanye nezindawo zokuhlalwa, zokunakekelwa, kanye nezokungcwatshwa kwezilwane.
- Izindawo zomphakathi. Amapaki kamasipala, izindawo zomphakathi, amathuna, izindawo zokungcwaba, kanye nendawo yokulothisa izidumbu.



STATE CAPTURE AND BEYOND

Lezi zinsiza yizo ezakha uhulumeni wendawo osebenzayo, okubaluleke kakhulu emiphakathini. Yilezi zinsiza kufanele omasipala bakhe ngazo uhlaka oluvumela abantu ukuthi basebenzisane ngochuku oluncane ngenkathi bethola izidingo zabo eziyisisekelo. Ngakho-ke, ukuqonda lezi zinsizakalo yisiqalo esibalulekile sokubona uma uhulumeni wendawo ehluleka emisebenzini yawo.



STATE CAPTURE AND BEYOND

**IMITHELELA YOKUPHATHWA
BUDEDENGU KOMASIPALA**

CITY HALL



Imithelela yokuphathwa budedengu koMasipala

Ukwehluleka ukuhlinzeka ngezinsiza

Uma omasipala bengenalo ulwazi lokuphatha oludingekayo ukuze baqondise izinhlelo zokwakha nokulungisa, kuba nokuwohloka okufanayo ekuphakelweni kwezinsiza. Ngaphandle kokulungiswa okuvamile, imigwaqo iyawohloka, amabhuloho ayawa ngenxa yokubola, izinhlelo zamanzi ziyahluleka, kanye nezinhlelo zokulahla kwendle ziyavuzwa.²⁵ Ukuphathwa okubi kuhlenganisa nokwehluleka komasipala ukukhokhela abahlinzeki bezinsiza eziyisisekelo njengeRand Water kanye ne-Eskom.²⁶ Uma omasipala behluleka ngezinkokhelo zabo, laba bahlinzeki bezinsiza bangavala banciphise okuhlinzekwa yibo, okushiya imiphakathi ingenakutholakala kwezinsiza eziyisisekelo njengamanzi ahlanzekile kanye nogesi.²⁷

UMasipala wendawo wasEmfuleni uyisibonelo esicacile semithelela yokuphathwa kabi. Naphezu kokuthuthuka kwamuva nje, Emfuleni iyaqhubeka nokusokola ngokuphathwa kwezezimali kanye nangokuqoqwa kwezikweletu, isebenza ngezabelomali ezingaxhaswanga lapho izindleko ezilindelwe zidlula imali engenayo ebibikezelwe. Umasipala okwamanje ukweleta i-Eskom amarandi ayizigididi ezi-2.2. Lokhu kuphathwa kabi kwezezimali kubonisa umlando wokuphakelwa kwezinsiza okuhlulekile. Kusukela ngo2021, Emfuleni yayibhekwa njengomunye womasipala abaphethwe kabi kakhulu maqondana nokuhlinzekwa kwezinsiza, ngezinkinga ezifana nezinhlelo zokuthutha indle eziphukile kanye nezindawo zokuhlanza amanzi angcolile ezigcina ngokungcolisa iGwa (umfula weVaal). Ukuphathwa kabi kwezezimali okuqhubekayo kuholele ekubeni kucelwe iKhomishini yamalungelo oluntu laseNingizimu Afrika (iSAHRC) ukuthi kuphenywe umasipala ngokwephula amalungelo omthethosisekelo okutholakala kwamanzi, kokuhlanzeka okuyisisekelo, kanye nokwemvelo enempilo.

Ukuphathwa kabi komasipala kunemithelela emibi kakhulu, njengoba ukuphakelwa kwezinsiza okunganele kwephula amalungelo abantu futhi kubeka impilo yabantu engcupheni. Kodwa-ke, konakaliswa udaba ngumlando wokuphathwa okungasebenzi kahle, njengoba ukuhlehlisa ukonakala kweminyaka yokuphathwa kabi kungaba yinselele enkulu.



Ukuhlola ngokuqapha okuqhubekayo nokusebenzayo, ukuze kuqinisekiswa ukulungiswa kwezinto ngesikhathi esifanele kanye nokuqedwa kwamaphrojekthi amakhulu, kungasiza ukuvimbela izindleko zesikhathi eside ezihlobene nokushintsha ingqalasizinda esibhuthukile. Noma kwangenelela uMnyango wezamanzi nokuhlanzeka ukuyobhekana nezinkinga ezinkulu zasEmfuleni, izindleko eziqagelwe zamanje zokuxazulula inkinga yokulungiswa kwamanzi angcolile zingamarandi ayizigidigidi ayi-7.6 eminyakeni eyisikhombisa. Ngakho-ke, ukuphathwa okusebenzayo kubaluleke kakhulu ngokusekela ukuphakelwa kwezinsiza okusimeme kanye nokunciphisa izindleko ezingenasidingo.

Ukukhungathekiswa kokubamba iqhaza komphakathi

Ngokomthethosisekelo kufanele uhulumeni wendawo akhuthaze ukuhlanganyela komphakathi ezinqutsheni zakhe zokushaya imithetho. Ukuhlanganyela komphakathi kuvumela abantu ukuthi baveze imibono yabo ezindabeni ezibathinta ngqo. Kuphinde kuhlinzeke ngenkundla yokuthi imiphakathi ibuze ngezenzo zabameleli bayo futhi ibabophezele.²⁸ Kodwa-ke, omasipala abangaphathwanga kahle bavame ukuntuleka noma ngisho nokudikibalisa lokhu kuhlanganyela komphakathi. Izikhulu ezikhohlakele zikhawulela ukubandakanyeka komphakathi ezinqutsheni zikamasipala ukuze kugwenywe ukuhlolisiswa ngezinqumo nezenzo zazo ezingekho emthethweni.

kubonisana kungase kukhangiswe kabi noma kungakhangiswa nhlobo. Imihlangano yomphakathi ingahlelelwa ngezikhathi nasezindaweni ezingafanele. Lapho kubanjwa imihlangano yomphakathi, ulwazi olubalulekile lungase lugodlwe, ngaleyo ndlela kuncishiswe ikhono labantu lokuxhumana ngokuphelele nabameleli babo.

Ngakolunye uhlangothi, inkohlakalo eqhubekayo ezingeni likahulumeni wendawo idale ukungathembani okwandayo phakathi kwemiphakathi. Imihlangano yomphakathi ibonakala ingenamsebenzi. Ngenxa yalokho, mancane amathuba okuba ihlanganyele ezinqutsheni zomphakathi njengoba ingase ibonakale ingenamsebenzi. Kunalokho, imiphakathi inamathuba amaningi okuba ihlanganyele emibhikishweni.²⁹



STATE CAPTURE AND BEYOND

Ngokuvamile, kusemibhikishweni kuphela lapho izikhulu zikamasipala ziqala khona ukuhlanguka nabamele umphakathi ukuze kuxazululwe lezi zimo ezibucayi.³⁰ UMasipala wesifunda saseVhembe eLimpopo unomlando omude wemibhikisho ngenxa yokwehluleka kokuphakelwa kwezinsiza, okuvame ukuhambisana nokuntuleka kokuhlanganyela komphakathi.

Ngesibonelo, ngomhla ka3 kaNhlangulana ka2025, izakhamuzi zakuleyo ndawo zamashela emahhovisi kamasipala ngenxa yokuntuleka kwamanzi, zafuna izixazululo zesikhashana.³¹ Ucwaningo olushicilelwe nguMasipala wesifunda saseVhembe luthole ukuxhumana phakathi kokuhlanganyela komphakathi kanye nokuphakelwa kwezinsiza okuphumelelayo, njengoba kudalwa ngakho umuzwa wokuzibandakanya kanye nowokulawula izinqubo zezepolitiki.³² Kodwa-ke, bambalwa abantu abahlanganyela emihlanganweni yomphakathi, bekhomba izithembiso ezingenalutho njengesizathu.

Ukuntuleka kokucaca

Ukucaca kubonakele lapho ulwazi lutholakele kalula nangokukhululeka emphakathini.³³ Ukuntuleka kokucaca kudala amathuba okukhwabanisa nenkohlakalo.³⁴

Ukucaca yindlela yokuphatha kahle kuphinde kube yimfuneko yezomthetho. Isigaba sama-21A soMthetho wabanegunya basekhaya: Umthetho wama-32 ka2000 wezinhlalelo zikamasipala sidinga ukuthi izincwadi zikamasipala zitholakale emahhovisi kamasipala, emitatsheni yezincwadi, kumawebhusayithi, kanye nasezazisweni. Isigaba sama-21B sithi kumele wonke umasipala abe newebhusayithi esemthethweni. Isigaba sama-75 soMthetho wabanegunya basekhaya: Umthetho wama-56 ka2003 wokuphathwa kwezimali zikamasipala sikhomba izincwadi zezezimali okumele zitholakale kumawebhusayithi, kuqukethe izabelomali, imibiko yonyaka, izivumelwano zokusebenza kanye nezezinsiza, kanye nezinkontileka zokuthenga.

Kodwa-ke, kuncishiswe ukucaca ngokunensa ngezikhathi zokushicilela kanye nangezindleko ezivimbelayo zokuthola ulwazi, ikakhulukazi ulwazi lwangokuthenga.³⁵



STATE CAPTURE AND BEYOND

Indlela ephumelelayo yokwandisa ukucaca wukuqinisekisa ukuthi lawa mawebhusayithi kamasipala adingeke ngokomthetho anolwazi olufanele ngesikhathi esifanele. Ngeshwa, lawa mawebhusayithi ayahlukahluka kakhulu ngekhwalithi, kuye ngomasipala. Ucwango lwamawebhusayithi kamasipala luthole ukuthi cishe awekho amawebhusayithi angenamaphutha, kodwa amanye ayenezinkinga eziningi kunezinye.³⁶ Ngesibonelo kunewebhusayithi likaMasipala weNxuba Yethemba, ephawuleke njengentulekayo kakhulu, <https://iym.gov.za/>.

Ulwazi oluningi olukuwebhusayithi, okuhlanganisa izindaba, imibiko, kanye nekhuleni, lwaphelelwa yisikhathi umnyaka odlule noma ngaphezu kwalokhu. Izigaba eziningi okwamanje aziphelele, njengezincwadi zezindaba, imibiko yamanje yephrojekthi, ama-ajenda emihlangano yomasipala, kanye nezinqubomgomo, kunomyalezo obonisa ukuthi lezi zigaba zizotholakala maduze. Lokhu kwenza kube nzima ukuthola noma yiluphi ulwazi oluwusizo.

Ukucaca ngokwabelana ngolwazi ngokukhululekile, kuqethe amawebhusayithi afinyeleleka kalula emphakathini, kubaluleke kakhulu ekuthuthukiseni ukuzibophezela kanye nokwethenjwa. Ukukwazi ukuthola izincwadi kusho ukuthi izakhamuzi zikwazi ukuqapha isimo nokulandelela izenzo zikahulumeni wendawo, ngakho-ke izikhulu zinokuzibophezela ngezenzo zazo. Ukuqapha komphakathi kukhuthaza ngamandla ukuba izikhulu zithembeke zilandele imithetho emisebenzini yazo, njengoba kumele zikwazi ukunikeza izizathu zazo nokuzichaza.

Lokhu kwandisa ukwethenjwa kuhulumeni wendawo, okwenza kube ngcono kakhulu ekuphakeleni izinsiza ezidingwa yimiphakathi. Ukuze kufezwe lezi zinzuzo, kubalulekile ukuba nemithelela ecacile neqinile yokwehluleka ukusekela imikhuba yokungafihli lutho, ikakhulukazi leyo egunyazwe ngumthetho.

Ukuthengwa Komphakathi

Uma omasipala bedinga amakhono angaphandle ukuze bahlinzeke ngensiza, kumele bakhiphe isimemo somphakathi, esivame ukubizwa ngokuthi yithenda. Izinkampani noma osonkontileka abangasiza bangabhida ngethenda ngokungenisa iziphakamiso ezichaza ukuthi bangawuqeda kanjani umsebenzi. Izikhungo zikahulumeni zingasebenzisa izinhlelo zazo zokubhida uma nje zilandela umthetho. Okubalulekile, kumele inqubo yokubhida ngamathenda ihlale inobulungisa, isobala, ibe nokuncintisana, kufanele inikeze umkhokhi wentela okunenani elihle ngemali yakhe.



Kungenxa yalawa mathenda ukuthi omasipala bahlinzeke ngezinsiza emiphakathini abayisebenzelayo. Kodwa-ke, amathenda anokushintshisana kwezizumbulu zemali ezandleni eziningi, ngezinye izikhathi ngokunaka isimo okubuthakathaka. Amathenda angaphathwanga kahle avula indlela evamile yokukhwabanisa nenkohlakalo. Omasipala bangase bakhethe kuqala noma iyiphi inkampani abayifunayo, bamane babambe inqubo yethenda njengomcilikisho nje. Bangase bashintshe izidingo zethenda, bazenze zibe nezincasiselo ezithize kangangokuthi yinkampani abayithandayo kuphela efanelekayo. Bangase bandise ubukhulu bala mathenda, okuvumela inkampani ekhethiwe ukuthi ithole imali eningi yabakhokhibentela kunaleyo edingekayo emsebenzini. Lokhu kuthatha imali kumaprojekthi abalulekile kukhuthaze imikhuba yokwakha nokulungisa engaphansi kwezinga elifanele.

UMasipala wendawo waseMadibeng esifundazweni saseNyakatho-ntshonalanga ubhekane nezinsalelo eziqhubekayo zokukhwabanisa kokuthengwa kwempahla, njengoba kufakazelwa yimiphumela emibi yokuhlola kwezimali. Imibiko yoMcwaningi-jikelele phakathi kuka2015 no2018 iveze ukuthi kwasetshenziswa imali engamarandi ayizigidi ezingama-50 ngendlela engajwayelekile ngenxa yokukhwabanisa kwamathenda kanye nokukhwabanisa kwamathenda e-ICT.³⁷ Izinsolo mayelana nokungahambi kahle kokuthengwa kwempahla kwaholela ekumisweni kwezikhulu eziphezulu kumasipala, okuhlanganisa nomeya, abaphathi abaphezulu, kanye nesikhulu esiphezulu sezezimali.³⁸

Izinsalelo eziphathelele nezinkinga zokuthengwa kwempahla zihambisane nemibhikisho egxile ekuphakelweni kwezinsiza okubi kulowo masipala. Izakhamuzi zaya ehhovisi likamasipala ukuyokhononda ngengqalasizinda embi yemigwaqo, ukuntuleka kwamanzi, kanye nokuphakelwa kukagesi okungahlali njalo.³⁹ Njengoba kuvezwe embikweni weKhomishini kaZondo, uma kungaphathwanga ngokucophelela nangokwethembeka, ukuthengwa kwempahla yomphakathi kuvula amathuba enkohlakalo enkulu.



Ukungasebenzisi imali enele

Ukungasebenzisi imali enele, kunokuba kube yindlela ephumelelayo yokonga imali, kubonisa ukwehluleka ukusebenzisa izinhlelo zokwakha nokugcina ingqalasizinda esebenza. Okukhathazayo kakhulu yizibonelelo ezinemibandela, okuyizimali ezinikezwa nguhulumeni kazwelonke ezinemibandela ethile yokuthi imali izosetshenziswa kanjani. Izibonelelo ezinemibandela ezingasetshenziswanga noma ezisetshenziswanga kabi azikwazi ukuthuthelwa kwezinye izabelomali. Isibonelelo sizodluliselwa esikhathini sezimali esilandelayo, kuye ngokuthi isicelo sikamasipala siphumelele yini, noma sizobuyiselwa kumgcinimafa kazwelonke.⁴⁰

Ngonyaka wezimali ka2023-2024, uhulumeni wendawo usebenzise amaphesenti angama-94 (amarandi ayizigidigidi angama-37.23) ezimali zesibonelelo ezinemibandela ezatholwa (amarandi ayizigidigidi angama-39.61), okushiya amaphrojekthi angaqedwanga angamarandi ayizigidigidi ama-2.38.⁴¹

EMpumalanga, uMasipala wendawo wasEmalahleni ube nenkinga ngezabelomali ezingaxhaswanga kanye nokungasetshenziswa kwemali enele kumaphrojekthi. Isabelomali esingaxhaswanga senzeka lapho ukusetshenziswa kwemali okubhajethiwe kudlula imali engenayo elindelwe, okubonisa ukuntuleka kwemali yamaphrojekthi.

Ngonyaka wezimali ka2021-22, uMasipala wendawo wasEmalahleni usebenzise amaphesenti angama-64.1 kuphela esabelomali sakhe senhlokodolobha, esabelwe amaphrojekthi amakhulu njengamapayipi amanzi nezakhiwo zomphakathi.⁴² Kufanele omasipala abaphethwe kahle basebenzise okungenani amaphesenti angama-95 esabelomali senhlokodolobha ukuze kugcinwe amaphrojekthi esemgonyweni. Uma kuhlenganiswa nokwenyuka okwesabekayo okungamaphesenti ayi-165.8 kwezindleko ezingenazithelo nezichithayo, lokhu kusikisela ukuthi kungenzeka umasipala uphambukise imali kumaphrojekthi enhlokodolobha adingekayo. Kukhona futhi ukuntuleka kokuphakelwa kwezinsiza nokuphathwa okuphumelelayo, okuholele ezinkingeni ezifana nezingoxi zomgwaqo, amanzi angcolile, kanye nezinga eliphezulu labangasebenzi.⁴³



STATE CAPTURE AND BEYOND

Kunokungasetshenziswa kwemali enele kulo lonke lakuleli, kwagqama-ke eNyakatho Kapa naseFree State ngonyaka wezimali ka2023-24.⁴⁴ Ukuze kuxazululwe inselele yokungasebenzisi imali enele, omasipala badinga izikhulu zezimali eziqeqeshwe kahle nezingochwepheshe. Lokhu kungaba yisinyathelo esibalulekile ekuthuthukiseni ukuhlela nokuqapha kwezabelomali ukuze kube nokuqinisekisa ukuthi zihlala zisemzileni ofanele.

Ngaphezu kwalokho, ukuphoqeleta imikhuba yokube sobala, okuhlanganisa nokuthumela amathenda kumawebhusayithi omasipala, kuzosiza ekuhambisaneni nomthetho ngokwamukela ukuqondiswa yizakhamuzi.



STATE CAPTURE AND BEYOND

UKUTHOLAKALA KOLWAZI





UkuTholakala koLwazi

Amawebhusayithi kaHulumeni

Isiqalo esihle ngokuthola ulwazi ngamawebhusayithi kahulumeni. Iwebhusayithi ewusizo kulokhu yi- <https://municipalities.co.za/> . Kule webhusayithi, umuntu angakhetha umasipala akuwo ngokuchofa lapho kuthiwa “Sesha” noma kuthiwa “Imephu”. Ukukhetha umasipala kumqondisa osebenzisayo ekhasini elisha elinesibonakaliso jikelele sikamasipala okhethiwe. Umuntu angakhetha noma yisiphi isihloko angasithanda ukuthola ulwazi olwengeziwe ngaso ngokukhetha ithebhu elifanele. Amathebhu anemininingwane yokuxhumana, izincwadi zezezimali, izikhala zomsebenzi, kanye nezinsiza. Ngesigaba esithi “oxhumana nabo”, kunesixhumanisi sewebhusayithi kamasipala ngamunye.

Imibiko Eshicilelwe

Kuvame iminyango nezinhlangano zikahulumeni zishicilele imibiko enolwazi enikeza izibuyekezo ezibalulekile. UMnyango wezokubusa ngokubambisana nezindaba zomdabu (i-CoGTA) unewebhusayithi ewusizo olukhulu, etholakala ku- <https://nationalstrathub.cogta.gov.za/data-tools/dashboards/>. Leli webhusayithi lisebenza njengesikhungo esiyinhloko seminingo enembile nolwazi oluhlobene, phakathi kwezinye izinto, nentuthuko kamasipala. Kunenhloso yokuthi le mininingo yengeze kahle izinqumo ezingathathwa kuzo zonke izinhloko zikahulumeni, ikhuthaze nokubusa okuphumelelayo. Abomphakathi jikelele bangasebenzisa leli webhusayithi ukulandelela inqubekela-phambili yamaphrojekthi kahulumeni.

Umnyango wezezimali uphinde ushicilele ulwazi lwezezimali mayelana nomasipala kuxhakaxolo (ku-inthanethi). Kunewebhusayithi kazwelonke elinomsebenzi othile, i- <https://vulekamali.gov.za/> , elinikeza ngokutholakala kwezabelomali zikazwelonke. Iwebhusayithi elisiza ngokutholakala kolwazi oluqondene nomasipala yi- <https://municipalmoney.gov.za/> . Leli webhusayithi lihlenganisa nemibiko yomnyango wezezimali.



Izicelo ze-PAIA

UMthetho wesi-2 ka2000 wokukhuthaza ukutholakala kolwazi (i-PAIA) unikeza abantu ilungelo lokuthola ulwazi olugcinwe yizinhlangano zikahulumeni noma ezizimele uma luceliwe. I-PAIA ihloselwe ukuthuthukisa ukucaca kwaseNingizimu Afrika ngokwandisa ilungelo lokutholakala kolwazi ngokomthethosisekelo.⁴⁵ Nakuba kufanele ulwazi oluningi lutholakale emphakathini, oluningi alutholakali noma alukhangiseki. Uma ulwazi lungatholakali mahhala, abantu bangasebenzisa amafomu nezindlela ezijwayelekile, njengoba kuchaziwe ku-PAIA, ukuze balucele.

Uma kusetshenziswa isicelo se-PAIA ukucela ulwazi, isinyathelo sokuqala wukuhlola uhlobo lwesikhungo kanye nohlobo lolwazi ongathanda ukulucela. Ngaphambi kokubhala isicelo, thola incwadi yemiyalelo ye-PAIA efanele, okufanele itholakale kuwebhusayithi lomnyango ofanele. Lezi zincwadi zinikeza imininingwane mayelana nezinqubo kanye nomuntu oxhumana naye ofanele. Ifomu lesi-2 lomlawuli wolwazi liyincwadi yesicelo ejwayelekile, <https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-RegZ.pdf>.

Isicelo se-PAIA singaba nendleko yemali, okufanele ibekwe encwadini ye-PAIA yenhlangano. Ngemva kokuthumela isicelo kuMphathi wezolwazi wenhlangano efanele, kufanele impendulo itholakale zingakapheli izinsuku ezingama-30, kungaba nokwelulwa kwezinsuku ezingama-30 ezengeziwe uma inhlangano ithumela isaziso. Uma inhlangano yenqaba isicelo solwazi noma ingaphenduli zingakapheli izinsuku ezingama-30, kungangeniswa isikhalazo ngesinqumo. Ukuze uthole ulwazi olunembile, kukhona umhlahlandlela weKhomishini yamalungelo abantu yaseNingizimu Afrika (i-SAHRC) otholakala lapha: https://www.gov.za/sites/default/files/gcis_documents/SAHRC-PAIA-guide2014.pdf



STATE CAPTURE AND BEYOND

UKUAMBA UHULUMENI ENESIBOPHO SOKUZIPHENDULELA



Ukubamba uHlumeni enesibopho sokuziphendulela

Izingcingo ezikhethekile

Izingcingo ezikhethekile ziyinsiza ebalulekile nemahhala evumela ukubika kwabantu nganoma yiziphi izinkinga ezihlobene nokuphakelwa kwezinsiza. Kuye ngobukhulu kanye nobuchwepheshe bomasipala, kungaba nezinombolo zocingo eziningana ezinikezelwe ezinhlotsheni ezithile zezinkinga noma ngisho nezindlela zokubika kuxhakaxolo (ku-inthanethi). Kufanele omasipala babe nezindlela zokubika amaphutha, nokuthi amawebhusayithi athile kamasipala ahlinzeke ngemininingwane yokuxhumana edingekayo. Iwebhusayithi elingasiza ekutholeni amanye amawebhusayithi athile kamasipala yi- <https://municipalities.co.za/>. Le nkundla ivumela abayisebenzisayo ukuthi baseshe umasipala noma basebenzise imephu ukuze bamthole, kube nemininingwane ethile mayelana nomasipala, kanye nezindlela zokuxhumana.

Izingcingo ezikhethekile, ama-imeyili, kanye nezaziso ezikuxhakaxolo (ku-inthanethi) zibaluleke ngoba zinikeza izinombolo zamaphatho kanye nemininingwane elandelekayo, okuvumela ukudalwa kwerekhodi lokuxhumana. Ukugcina kwerekhodi lokuxhumana kungasiza ekuboniseni umlando wenkinga lapho kufunwa isinyathelo sokuyixazulula. Kodwa-ke, amathuba okuthi ukubika kuphela kube yisisombululo esisebenzayo kuncike ezintweni eziningana, njengomasipala nendawo lapho kwenzeka khona. Ngokuvamile, ukubika kusebenza kangcono ezindaweni zabadla izambane likapondo kunasezindaweni zabadla imbuya ngothi. Ngeshwa, lokhu kusho ukuthi izindawo ezahlukene zithola amazinga ahlukene okunakwa kanye nokuphakelwa kwezinsiza.

Ukuxhumana Okuqondile

Ukuxhumana ngqo nohlumeni wendawo kungenye indlela ephumelelayo yokudlulisa izinkinga kuhlumeni. Iminyango kaHlumeni wokubambisana nezindaba zomdabu (i-CoGTA) incoma ukuthi kube nokuxhumana namakhansela endawo ngemibuzo noma ngezicelo.⁴⁶



Ukuze kusizakale ngalokhu, i-South African Local Government Association (i-SALGA) inikeza ngemininingwane yokuxhumana ewusizo yamakhansela endawo kuwebhusayithi yabo, <https://www.salga.org.za/Municipalities%20MCD.html> . I-CoGTA incoma ukuthumela imibuzo noma izicelo ezibhaliwe okungenani izinsuku eziyishumi ngaphambi kwemihlangano yomasipala. Kodwa-ke, kungenzeka futhi ukuxhumana namalungu omasipala ngqo ukuze kubuzwe imibuzo noma kungeniswe izicelo. Ngenye yezindlela ezisheshayo zokwazisa uhulumeni kanye nokuthola izibopho zokubhekana nezinkinga.

Imihlangano yohulumeni bendawo

Omasipala bendawo nabo banesibopho esisemthethweni sokubamba imihlangano yomphakathi lapho bebonisana khona nemiphakathi yabo. Isigaba sesi-4(2)(e) soMthetho sama-32 ka2000 wezinhlelo zikamasipala wendawo sithi kudingeka ukuba omasipala babonisane nemiphakathi yabo yendawo mayelana “(i) nezinga, ikhwalithi, ububanzi kanye nomthelela wezinsiza zikamasipala eziphakelwa ngumasipala, kungaba ngokuqondile noma ngomunye umhlinzeki wensiza; kanye (ii) nezinketho ezitholakalayo zokuphakelwa kwezinsiza.” Kunokuqiniswa kakhulu yisigaba se-17(2)(c) soMthetho esidinga “imihlangano yomphakathi kanye nokulalelwa kwezikhalazo ngumasipala kanye nezinye izinhlelo zezepolitiki kanye nabaphathi bezikhundla zezepolitiki zikamasipala, uma kufaneleka.”

Ukuya kule mihlangano kunikeza abomphakathi ngethuba lokuzwakalisa izimvo zabo. Iyingxenye yezindlela okufanele omasipala bazidale ukuze kube lula ukuhlanganyela komphakathi. Abanye omasipala bangafaka imininingwane mayelana nemihlangano yomphakathi kumawebhusayithi abo. Uma umasipala wakho engenayo iwebhusayithi lesimanje, kungadingeka ukuthi kushayelwe ucingo noma kuvakashelwe umasipala wakho ukuze kubuzwe ngemihlangano yomphakathi ezayo.



STATE CAPTURE AND BEYOND

Izinkundla zokuxhumana

Amawebhusayithi ezinkundla zokuxhumana, okuhlanganisa i-Facebook, i-X (eyayikade iyi-Twitter), i-Instagram, kanye nezinye, asiza ekufinyeleleni izilaleli eziningi futhi, kwezinye izimo, ekuxhumaneni neminyango kahulumeni kanye nezikhungo zikahulumeni. Iminyango eminingi inama-akhawunti asebenzayo ezinkundla zokuxhumana, ahlinzeka ngolwazi oluwusizo futhi, ngezinye izikhathi, aphenhula imibuzo evela emphakathini. Isibonelo ikhasi le-X leDolobha laseTshwane. Kuphendulwa kakhulu khona ngemibuzo ephathelene nokuphakelwa kwezinsiza. Lokhu kufaka phakathi izinkinga zamanzi, ukunqanyulwa kukagesi, kanye namapayipi avuzayo.

Ngakolunye uhlangothi, izinkundla zokuxhumana zingase zingafaneleki ukubikela abantu ngenkohlakalo. Kungaba yingozi ukubika izehlakalo zenkohlakalo, ikakhulukazi lezo eziphathelene nemali, ezinkundleni zokuxhumana, njengoba kunzima ukuhlala ungaziwa ngegama. Ngaphezu kwalokho, kusenezivikelo ezimbalwa kakhulu zababiki ngenkohlakalo emthethweni waseNingizimu Afrika. Ngakho-ke, ngokuvamile kungcono ukubika inkohlakalo ngokuphepha kokungaziwa ngegama.

Ukushaya ikhwelo ukubikela ngenkohlakalo

Ukushaya ikhwelo kuphathelene nokubikela ngenkohlakalo kumuntu onegunya lokuphenya futhi ongalandela izinyathelo ezibhekene nabantu abakhohlakele. Ukubikela abantu ngenkohlakalo kubaluleke kakhulu ekubhekaneni nenkohlakalo, njengoba cishe kungenzeki ukuyibhekana ngaphandle kolwazi noma ubufakazi bokuthi ikhona. Kodwa-ke, kuyingozi enkulu ukubikela abantu ngenkohlakalo, njengoba kungaholela empindiselweni yokusongela umuntu qobo lwakhe kanye nokuphepha kwasemsebenzini kwalo obike ngenkohlakalo. INingizimu Afrika inikeza isivikelo esingokomthetho kubabiki ngenkohlakalo ngaphansi koMthetho wama-26 ka2000 wokudalulwa okuvikelekile (i-PDA). Kodwa-ke, ububanzi be-PDA bukhawuleke kakhulu.



Buvikela kuphela abasebenzi ababika ngenkohlakalo kumqashi wabo, ngokuvimbela impindiselelo yasendaweni yokusebenza. Nakuba kuyisiqalo esihle sobudlelwano bomqashi nabasebenzi, lo Mthetho unamaphutha amakhulu angashiya ngaphandle abanye ababiki ngenkohlakalo abangekho esigabeni sabasebenzi kwesivikelo abasidingayo nesifanele.⁴⁷ La maphutha axoxwa kabanzi kuvidiyo ye-SCAB, ethi “Indlela yokubikela abantu ngenkohlakalo,” etholakala futhi esigabeni samafilimu sewebhusayithi ye-SCAB ku-<https://beyondstatecapture.org.za/films/>.

Esinye sezinyathelo zokuphepha ezibaluleke kakhulu zokubikela ngenkohlakalo wukuhlala ungaziwa ngegama. Ukungaziwa ngegama kungagcinwa ngokudala ikheli elisha le-imeyili ngaphandle kweminingwane yobuqobo, kanye nokusebenzisa i-Virtual Private Network (VPN).⁴⁸ Zimbalwa izingcingo ezikhethekile zikahulumeni ezinikezwa njengeziphephile nezingadaluli igama, futhi lezi zibhalwe kuwebhusayithi kahulumeni ku-<https://www.gov.za/anti-corruption/hotlines>. Kungenzeka futhi ukubika ngenkohlakalo kubezindaba, kodwa lokhu kusho ukuthi isihloko sibe sesidlangalaleni futhi kungase kuveze umuntu obikayo ukuba alondonywe ngumphakathi. Ngakho-ke, ngokuvamile ukuya ezindabeni akusona isiqalo esingcono.

Enye indlela yokubika ngenkohlakalo wukuya ezinhlanganweni zomphakathi ezigxile enkohlakalweni. Lezi zinhlangano zivame ukuba nezinqubo zokugcina ababiki benkohlakalo bengaziwa futhi zibavikele empindiselelweni. Lezi zinhlangano ziqukethe:

- Inkundla yababiki benkohlakalo ye-Corruption Watch
- Indlu yababiki benkohlakalo
- Inhlangano ephikisana nokusetshenziswa kabi kwentela (i-OUTA)
- Isikhungo esivulekile sokweluleka ngentando yeningi Inkundla yokuvikela ababiki benkohlakalo e-Afrika (PPLAAF)
- Ihhovisi lokuvikelwa kofakazi



Izethulo ezibhalelwe uHulumeni

Indlela elula, futhi evame ukungasebenzi kahle, yokuzwakalisa umbono yizethulo ezibhalelwe uhulumeni. Ukuthumela incwadi noma izethulo ezibhaliwe kumongameli, ephalamende, emkhandlwini wezifundazwe, noma kuhulumeni wendawo kungaletha ukunaka ezindabeni ezifanele. UMthethosisekelo waseNingizimu Afrika uhlinzeka ngokubandakanyeka komphakathi ekushayeni kwemithetho, ukuqapha isimo kanye nezinye izinqubo zePhalamende.

Ngohlelo lwentando yeningi lwaseNingizimu Afrika akudingwa nje kuphela ukuba izakhamuzi zikhethe abameleli bazo ngokukhululeka, kodwa kunesidingo sokubavumela ukuba babe nezimvo ezindabeni ezibathintayo.⁴⁹ Isigaba se-17(2)(a) soMthetho wezinhlalo zikamasipala wohulumeni bendawo sithi kumele uhulumeni wendawo amukele, acubungule, futhi acabangele izikhalazo eziphakanyiswe ngabomphakathi wendawo.

Izicelo

Isicelo yincwadi esibhaliwe esisemthethweni seqembu labantu abacela onegunya ukuba abhekane nodaba oluthile. Izicelo ziyindlela yamaqembu amakhulu, engabizi kakhulu, yokuveza imibono yawo. Isigaba se-17 soMthethosisekelo sinikeza wonke umuntu ilungelo lokwethula izicelo kuzo zonke izinhlobo zikahulumeni.

Izigaba zama-56(d) kanye nezama-69(d) zoMthethosisekelo, ezifundwa kanye neMithetho yoMkhandlu kazwelonke wezifundazwe kanye nePhalamende likazwelonke, zivumela ukuba lezi zicelo zamukelwe yiPhalamende likazwelonke kanye nanguMkhandlu kazwelonke wezifundazwe. Isigaba se-115(d) soMthethosisekelo sinika izishayamthetho zezifundazwe amandla okwamukela izicelo. Isigaba se-17(2)(a) soMthetho kahulumeni wendawo sivumela siphinde sidinge ukuthi ohulumeni bendawo bamukele, bacubungule, futhi bacabangele izicelo.

Ngaphambi kokuqamba isicelo, kubaluleke ukuba nomgomo noma inhloso ecacile. Uma kubhalwa isicelo, kumele umuntu alandele izidingo ezifanele kuye ngokuthi isicelo sibhekiswe kuluphi uhlaka lukahulumeni.



STATE CAPTURE AND BEYOND

Ezinye zezidingo zifaka phakathi ukuchaza injongo yesicelo, ukwengeza imininingwane yokuxhumana enembile, nokushiya isikhala esanele sokusayina. Isinyathelo esilandelayo wukuqoqa amasignesha ngokuthola abantu abanentshisekelo efanayo mayelana nomgomo wesicelo. Isicelo singabelwa emibuthanweni emikhulu, ezindaweni ezidumile zemihlangano, ezinkundleni zokuxhumana, kwabezindaba, noma ngisho ngendlu ngayinye ukuze kucelwe ukuthi abantu bajoyine isicelo.

Enye indlela ethandwayo wukuba nesicelo esikuxhakaxolo (esiku-inthanethi) kumawebhusayithi adumile njenge- <https://www.change.org/t/south-africa-en-gb>. Isinyathelo sokugcina wukwethula isicelo kanye nesidingo. Indlela yokuthumela incike ekutheni isicelo sibhekiswe kuluphi uhlaka lukahulumeni.

- Izicelo zikazwelonke eziya ephalamende zingeniswa ngamalungu ePhalamende (ama-MP), okusho ukuthi zidinga ukwesekwa yilungu lePhalamende, futhi kufanele zilandele inqubo yephalamende, njengoba kuchaziwe ku- <https://www.parliament.gov.za/petitions>
- Izicelo zoMkhandlu kazwelonke wezifundazwe (i-NCOP) azidingi ukwesekwa yiLungu lePhalamende noma ilungu le-NCOP.
- Izicelo zesishayamthetho sesifundazwe zinezindlela ezihlukene kuye ngesifundazwe, ezilawulwa yimithetho yesifundazwe ehlukile. Ikheli le-URL, <https://provincialgovernment.co.za/units/type/3/legislatures>, linikeza izixhumanisi kumawebhusayithi ezishayamthetho zesifundazwe eziyisishiyagalolunye.
- Izicelo ezingeni likahulumeni wendawo zincike komasipala, kodwa ngoMthetho wezinhlalo zikamasipala kufanele omasipala babe nezinqubo zezicelo. Amawebhusayithi kahulumeni wendawo kufanele ahlinzeke ngolwazi olwengeziwe mayelana nezicelo noma afake imininingwane yokuxhumana yemibuzo. Iwebhusayithi eliwusizo lokuthola amawebhusayithi kahulumeni wendawo yi- <https://municipalities.co.za/>.



STATE CAPTURE AND BEYOND

Ukujoyina noma ukusungula izinhlangano

Uma ukuba wedwa akusizi ukubekwa indlebe, kungenzeka kujoyinwa noma kusungulwa inhlangano yokuqinisa ukumelelwa. Izinhlangano zivumela ukuthi amaqembu abantu abambisane amele izintshisekelo zabomphakathi wabo. Kunezinhlangano eziningi, okuhlanganisa izinhlangano zomphakathi ezingezona ezikahulumeni ezisemthethweni kanye nezinhlangano zomphakathi ezivamile. Lezi zinhlangano zibonise impumelelo ekuhleleni isenzo somphakathi ngemibhikisho, ngezicelo, ngezindaba ezibhaliwe, ngezicelo ezithunyelwe kuhulumeni, ngisho nangamacala.

Umbhikisho

Imibhikisho, njengemibuthano, amamashi, neziteleka, ingaba izindlela eziphoqayo zokuxoxa ngezinkinga nezidingo. Isigaba se-17 soMthethosisekelo sivikela ilungelo lokuhlangana, lokubhikisha, lokuvimbela, kanye nokufaka isicelo sobulungiswa bezikhalazo, konke kwenziwa ngokuthula.

UMthetho wama-205 ka1993 wokulawulwa kwemihlangano ulawula izenzo zokubhikisha futhi usebenza kuphela emibuthanweni ezezidlangalaleni ezinabantu abayi-15 noma abangaphezulu.⁵⁰ Imibhikisho ayidingi mvume. Kodwa-ke, okudingekayo wukuthi umholi wombhikisho anikeze ngesaziso okungenani izinsuku eziyisikhombisa (7) ngaphambi kombhikisho esikhulwini esiphethe, ongumuntu oqokwe enegunya lendawo, uma kunombhikisho wabantu abangaphezu kwabayi-15.⁵¹ Umholi ngumuntu ohlela umbhikisho. Umholi anganikeza isaziso esingaphansi kwezinsuku eziyisikhombisa ngesikhathi esisheshayo uma enganikeza incazelo ezwakalayo. Imibhikisho ngaphandle kwesaziso ayikho emthethweni futhi, ngenxa yalokho, ngeke ivikeleke. Kuvamile ukuba omasipala banezifanekiso zesaziso ezitholakala emahhovisi abo kamasipala noma kuxhakaxolo (ku-inthanethi).



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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okuqondile okhethweni lukahulumeni wendawo. Kukhona nezibonelo eziningi zamaqembu amancane endawo athola izihlalo kohulumeni bendawo. Ngisho noma la maqembu engatholi amavoti amaningi, ukuba nezihlalo etafuleni kubanika indlela eqondile kakhulu yokuphakamisa ukukhathazeka kwendawo. IKhomishini yokhetho ezimele (i-IEC) linomhlahlandlela we-inthanethi wokuthi ungaphikisana kanjani nokhetho lukamasipala <https://www.elections.org.za/pw/Parties-And-Candidates/How-To-Contest-Municipal-Elections> .



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IZINCOMO, ISIPHETHO NEZINKOMBA



Izincomo

Ukuthuthukisa uhulumeni wendawo kuwumsebenzi onzima odinga ukuzinikela, amandla ezepolitiki, kanye nokuqapha kwabomphakathi. Ezinye zezincomo ezichazwe ku-National Development Plan, i-Joburg Crisis Alliance, kanye neminye imibhalo yenqubomgomo zibhalwe ngezansi.

Ukuqoka nokugcina ubuholi obunekhono

- Uhulumeni kufanele aqoke abaholi ngezinqubo ezisobala ezibeka ikhono ngaphezu kokuzibandakanya kwezepolitiki.
- Ukuhlolwa kwempilo njalo kufanele kwenziwe yizikhulu eziphezulu zikamasipala.
- Kufanele kube nokuhlolwa kokusebenza kwabaholi okuvamile nokusobala

Ukuthuthukisa ukuba nokucaca

- Kufanele omasipala babe namawebhusayithi asebenzayo avuselelwa njalo.
- Kufanele amawebhusayithi kamasipala abe namakhasi okuthenga ahlinzeka ngemininingwane yethenda, amanani ezinkontileka ezinikeziwe, izivumelwano zokuphakelwa kwezinsiza, kanye nemibhalo yamathenda.
- Kufanele omasipala bashicilele imibiko nezincwadi ngesikhathi.
- Kufanele kube lula ukubika izinkinga ngedijithali nangokungaziwa ngegama.
- Kufanele lonke ulwazi lufinyeleleke kalula ngedijithali futhi mahhala.
- Kufanele amawebhusayithi asesheke futhi ahlelwe ukuze kuqinisekiseke ukuthi ulwazi luyatholakala.

Ukukhuthaza ukuzibandakanya komphakathi

- Kufanele omasipala bamemezele imihlangano yomphakathi kusenesikhathi besebenzisa izindlela eziningi zokuxhumana.
- Kufanele izakhamuzi zikwazi ukufinyelela emihlanganweni yomasipala, izinqubo zokwenza izinqumo, kanye nemibhalo ebalulekile kamasipala.
- Kufanele imihlangano yenzeke ngezikhathi nasezindaweni ezilungele amalungu amaningi omphakathi.
- Kufanele omasipala bacabangele imibhalo yokuphakelwa kwezinsiza eyadalwa ngokubambisana nemiphakathi enamazinga okuphakelwa kwezinsiza kanye nezinyathelo zokuba nokuziphendulela kukahulumeni.



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- Kufanele izikhulu zikamasipala ziqinisekise ukuthi ukwamukela ukubamba iqhaza komphakathi ezinhlelweni zentuthuko ezizimele kwenziwa ngamabomu futhi kunenjongo.
- Kufanele omasipala banikeze ngolwazi olucacile mayelana nokuthi izakhamuzi zingaya kuphi nokuthi zingakhuluma nobani uma zinganelisekile.

Omasipala abasebenza ngobungcweti

- Kudingeka ochwepheshe abaqeqeshiwe ezikhundleni ezibalulekile ezihlela ulwazi olukhethekile
- Sungula izinhlelo zokuqasha abaphothule emisebenzini yomphakathi ukuze kudonswe abasebenzi.
- Sebenzisa ukuqeqeshwa kanye nemifundaze exhunywe nochwepheshe abanolwazi ukuze uqeqeshe abaqeqeshwayo.
- Faka izinhlelo zokuqeqesha nezindlela zokuhlola zokuthuthukisa amakhono abasebenzi bakamasipala ngenkathi unikeza indlela yokuthuthuka.
- Nikeza ngezindlela ezicacile zokuthuthuka kochwepheshe ukuze kusizwe ekukhuphukeni nokugcinwa kwabasebenzi.
- Hlola ukuthi amaholo nezinzuzo zabasebenzi ziyahambisana namanani emakethe

Ukuqinisa ukuziphendulela kanye nemithelela

- Qinisa indima yokwengamela yePhalamende kanye nezishayamthetho zezifundazwe.
- Gxila ezindinganisweni zokusebenza ezifanayo ezivumela imiphumela ehambisanayo neqondakalayo.
- Faka izinhlelo zokuhlola zazo zonke izigaba zabasebenzi komasipala ezifaka izimpendulo zezakhamuzi.
- Qinisekisa ukusetshenziswa kokutholakele ku-Special Investigating Unit (SIU), uMvikeli womphakathi, kanye neKhomishini kaKhampepe ukuze kuqedwe inkohlakalo.
- Buyisela esikhundleni Izinsiza zokuphenya nokuphenya zeqembu (i-GFIS)



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Ngaphansi kombuso wobandlululo, omasipala badalwa ukuze bakhonze iqembu elilodwa kuphela lobuhlanga. Lokhu kwakusho ukuthi yizindawo ezinomasipala kuphela ezazizothola ukufinyelela njalo ezinsizeni ezibalulekile, njengogesi, amanzi, kanye nokuhlanzeka. Lapho iNingizimu Afrika iba umbuso wentando yeningi, uMthethosisekelo wamisa omasipala abasabalele kulo lonke izwe waqinisekisa ukuthi wonke umuntu, kungakhathaliseki ukuthi ungowaluphi uhlanga, wayezothola izinsiza zikamasipala.

Omasipala ndawonye bakha umkhakha kahulumeni wendawo, njengoba kumiswe yiSahluko sesi-7 soMthethosisekelo. Lesi sahluko sichaza isimo, amandla, kanye nemisebenzi kahulumeni wendawo. Uhulumeni wendawo, njengomkhakha ohlukile, unamandla okubusa izindaba zawo ngokuqamba imitheshwana yedolobha, uma nje le mithetho ingangqubuzani nomthetho kazwelonke noma wesifundazwe.

Uhulumeni wendawo unesibopho esikhulu sokuletha izinsiza ezibalulekile, okuhlanganisa amanzi, ugesi, kanye nokuhlanzeka. Unesibopho sokuthuthukisa nokugcina ingqalasizinda edingekayo ukuze kulethwe lezi zinsiza. Kodwa-ke, eminyakeni engamashumi amathathu edlule, omasipala abaningi behlulekile ukuhlangabezana nezidingo zemiphakathi abayikhonzayo. Imali okufanele iye emiphakathini ethuthukayo, esikhundleni salokho, iye yangena emaphaketheni ezikhulu ezonakele. Kuhulumeni wendawo, inkohlakalo ayibonakali kuphela ezikhundleni eziphezulu kodwa nangaphakathi kohulumeni womphakathi.

Abaphathi abaningi umphakathi oxhumana nabo nsuku zonke nabo bahlanganyela ekukhuthazeni ukukhwabanisa nenkohlakalo. Ngakho-ke, inkohlakalo isingene shi emkhakheni kahulumeni wendawo kanye nohulumeni womphakathi kangangokuthi kuzothatha umzamo omkhulu ukulungisa lokhu.

Imithelela yokuphathwa kabi komasipala ibonakala yonke indawo. Kungakhathaliseki ukuthi isibani semoto esiphukile, ukunqanyulwa kwamanzi nogesi, noma ipayipi elivuzayo, akulula ukuyikhohlwa le mithetho. Kusobala embikweni we-CISC ukuthi izinyathelo zokuzibophezela ngokomthethosisekelo kanye nomthetho azizange ziphumelele ekuvimbeleni noma ekujeziseni inkohlakalo. Ngakho-ke kubaluleke ukuthi abantu baseNingizimu Afrika babambe indima ebalulekile ekwenzeni uhulumeni abe nesibopho. Ngokuvota okhethweni, ngokubhikisha, kanye nangokufaka izicelo, izakhamuzi zingenza amazwi azo azwakale futhi zenze izikhulu zazo ezikhethele ziphendule.



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