



Province of the
EASTERN CAPE
COOPERATIVE GOVERNANCE
& TRADITIONAL AFFAIRS

COGTA *Newsletter*

3RD ISSUE OCTOBER - DECEMBER 2022

RESEARCH PARTNERSHIP TO STRENGTHEN LOCAL ECONOMIC DEVELOPMENT IN THE PROVINCE



From Left to Right: Mr Andile Fani Head of Department Cogta, Dr Nthabi Toale-Mjimba, Deputy Vice Chancellor Professor Sakhela Buhlungu and Cogta MEC Mr Zolile Williams

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Editor: Ms Thando Sonjica

Welcome to the December issue of our 3rd Quarterly newsletter. In this issue we bring you a variety of articles which reflect on programmes and projects that the department had undertaken during in the period under review.

One such important project is the collaboration between the University of Fort Hare (UFH) and our Department to conduct research on the role of Local Economic Development (LED) Agencies as drivers of economic development in the Province. The three-year agreement was signed between UFH's Vice-Chancellor Professor Sakhela Buhlungu and CoGTA Head of Department (HOD) Mr Andile Fani in East London recently.

This initiative is aimed at addressing the capacity and skills constraints which limit the existence of a conducive environment for LED development. Read more about the collaboration on page 3.

Another important event was the handing over by MEC for Cogta a project of the Augmentation of Alexandria Bulk Water Supply in Alexandria in the Ndlambe Local Municipality. The project worth over R30 million from the Municipal Infrastructure Grant (MIG) funding will also contribute to the municipal revenue through water meter readings and tracking. Details are on page 5.

Cogta also continues to restore the dignity and stature of traditional leaders through the Installation of Nkosi Tshatshu of Amantinde on page 6.

We introduce the Legal Corner, as our standing feature which is penned by none other than Mr Siphiso Maqungo, our Director for Legal Services. Expect more eye opening content from the corner with a view to raise awareness on a number of fronts and topical issues, to empower you the reader and employees in general.

We urge you to take time and read about the other stories featured in this December issue and enjoy. The picture collage at the back, is meant to also showcase the good work we continue to do to support municipalities.

As this is the last newsletter for the year, Cogta News Team would like to wish you and your families a joyous festive season filled with love, peace and a prosperous New Year.

We hope each and every one will come back next year invigorated and ready to serve our communities better. As we travel to our various destinations, let us ensure we observe the rules of the road and Arrive Alive. Safety is everyone's responsibility, be part of it.

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This is a quarterly newsletter published by the Directorate: Corporate Communications of the Department of Cooperative Governance and Traditional Affairs.

RESEARCH PARTNERSHIP TO STRENGTHEN LOCAL ECONOMIC DEVELOPMENT IN THE PROVINCE

By: Siphokazi Nonyukela



Professor Buhlungu and Mr Fani

A shared vision to strengthen the economy of the Eastern Cape (EC) has culminated in a collaboration between the University of Fort Hare (UFH) and the Provincial Department of Cooperative Governance and Traditional Affairs (CoGTA) to conduct research on the role of Local Economic Development (LED) agencies as drivers of economic development in the Province.

The agreement was signed between UFH's Vice-Chancellor Professor Sakhela Buhlungu and CoGTA Head of Department (HOD) Mr Andile Fani in East London recently. In attendance was also the MEC for COGTA Zolile Williams, representative from the various Development Agencies in the Province, senior academics from UFH and government officials.

This initiative is aimed at addressing the capacity and skills constraints which limit municipalities to deliver on services and provide a conducive environment for LED effectively and efficiently.

Furthermore, the objectives of the partnership are to implement a strategic direction of the efficacy of LEDA within the EC Province. Also the partnership will strengthen relations between CoGTA and UFH to implement research and policy interventions on local economic development issues.

According to the agreement, the partners will work together for the next 36 months (three years) to conduct research and facilitate public engagements on matters around LED. The studies will seek to explore the agencies' efficacy and create a body of knowledge to inform policy decisions.

Speaking at the ceremony Prof Buhlungu said research and teaching are their areas of specialisation.

"We do teaching on campus and research both on and off campus. We feel, therefore, that we are here to play a role that is naturally the role that we should play in society. We see ourselves as a player in the Province in terms of issues of skills development. We welcome this opportunity to work with the department and the people in the development agencies and the municipalities," said Prof Buhlungu.

He added that the interest of the university in the partnership was two-fold. "Firstly, we are citizens in three towns, namely East London with 6,500 students, Bhisho with 800 students and Alice our main campus with over 9,000 students.

"Therefore, services that municipalities provide to communities, they also provide to us, hence failure in service delivery also affects us. Secondly, we consider ourselves as major contributors to the growth of the local economy with regards to payment for rates and taxes by our more than 2,000 staff members across all campuses," said Prof Buhlungu.

Prof emphasised that research findings can never be predicted and that research findings can actually be uncomfortable.

"We are a research institution that has national and international networks, collaborations and partnerships. The research done by UFH is likely to be the research that is speaking to national and international bodies of knowledge."

MEC Williams said UFH was a great institution and that the department would be better placed to analyse the efficacy of development agencies based on the findings of the research findings. "I am excited about the partnership," said MEC Williams.

HoD Fani said they will accept the research findings irrespective.

"The critical issue is the implementation of the research findings. There are so many questions that we keep asking ourselves, as to whether we are going in the right direction or not. All of us should commit that when the outcomes are there, we must be the champions thereof", said Mr Fani.

HoD appealed to municipalities with development agencies to collaborate and support the researchers and his department will always be available to provide support.

WARD COMMITTEES MUST BE DEPOLITICISED, SAYS MEC WILLIAMS

By Mamnkeli Ngam

The MEC for Cogta, Zolile Williams has made a clarification call for the composition of Ward Committees (WC) to be “depoliticised.” The Eastern Cape Province has 712 Wards the majority of which have been established with a few still pending due to a variety of reasons.

“These structures are not branches of a political organisation in government hence all community based organisations must find presence therein. This should be done to safeguard them to become real organs of people’s power to deepen democracy thus make them functional and effective to serve our communities better. A WC is a government entity and must be seen as such by members of the public,” said MEC Williams.

Officially opening the two-day official launch of WC in Gqeberha today, MEC Williams said in the process of setting up WC consideration should be given to “progressive individuals rather than on political alignment.”

MEC Williams said previously Cogta assumed that the municipalities were equal to the task of the establishment and functionality of WC. However, the challenges and incidents that have happened during this era arose “factual realities” faced by our communities during the management of the processes.

He said it is WC would be entrenched to promote public participation as a central ingredient of monitoring service delivery to build the Eastern Cape through cooperative governance.

“Our convergence constitutes an attempt to close the social distance that still exist between government and our people due to dysfunctional WC. The offices of

Municipal Speakers must play an oversight role on the work of WC to avoid the collapse of the system. There is also a great need to manage the working relations between WC, Ward Councillors and Traditional Councils because our constituency falls within the jurisdiction of Traditional Leaders,” said MEC Williams.

He added that WC are expected to become information disseminators of government programmes to mitigate the distortion of government information which at times leads to community protests and the burning down of government property due to negative perceptions.

Need to clean and beautify our towns thus contributing to a clean environment and a better life for all we talk about.

He added that the chaotic state of local municipalities must be changed to attract the much needed investment to address unemployment and bring back public confidence.

“Our communities are disillusioned due to bad service delivery and lack of response service delivery issues they have raised. Equally important is the need to improve interaction between WC, Ward Councillors and Community Development Workers (CDWs) to alleviate lack of trust and suspicions that exist. We must be transparent and accountable to demystify any suspicions about our government.”

The MEC encouraged WC to play a meaningful role by identifying suitable and qualified incibi (traditional surgeon) and amakhankatha (traditional nurses) during the traditional initiation season to prevent the deaths and injuries of abakhwetha.



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LEGAL CORNER



In 2000, parliament passed Act 26 of 2000 (the Protected Disclosures Act [PDA]) which is intended to protect employees who disclose information about improprieties by their employers or other employees, writes Mr Sipiwo Maqungo, Cogta's Director for Legal Services.

The legal principles on PDA enunciated in *Tshishonga v Minister of Justice & Constitutional Development & another* [2007] 4 BLLR 327 (LC) (“the Tshishonga case”)

The Act stipulates that there should be reasonable steps to investigate the matter. The employer should be given a chance to explain or correct the situation. Genuine engagement on the issues raised minimises the risks for both parties.

The PDA envisages a four-staged process which begins as follows;

- An analysis of the information to determine whether it is a disclosure or not.
- If it is, the next question is whether it is protected.
- determine whether the employee was subjected to any occupational detriment, and
- what remedy should be awarded for such treatment.

It is not an enquiry into wrongdoing but about whether the employee deserves protection. Structured in this way, the inclination to shift the emphasis from the conduct and credibility of the wrongdoer to that of the whistle-blower is real.

In the Tshishonga case, the Labour Court, with regard to the purpose of the Protected Disclosures, emphasised that whistleblowing is:

- An internationally recognised practice to deter abuse.
- A safe alternative to silence and that if employers did not turn a deaf ear or blame the messenger instead of heeding the message, many catastrophes could have been averted.
- Whistleblowing not only encouraged, it is now a legal and ethical duty.
- Employees have a responsibility to disclose criminal and other irregular conduct in the workplace. Public servants have an obligation to report fraud, corruption, nepotism, maladministration and other offences.
- Employers are obliged to have a policy and procedures for whistleblowing.

To manage the conflict between the duty to disclose and the duty of confidence, employers must make available effective internal procedures for reporting wrongdoing. They should also ensure that its policy on the management of confidential information is clear and consistently applied.

ALEXANDRIA COMMUNITIES BENEFIT FROM THE R30 MILLION PROJECT

By Siphokazi Nonyukela

The Municipal Infrastructure Services Directorate under the Eastern Cape Cooperative Governance and Traditional Affairs (CoGTA) in partnership with Ndlambe Local Municipality (NLM) recently handed over a project of the Augmentation of Alexandria Bulk Water Supply in Alexandria.

The allocation of the project was over R30 million from the Municipal Infrastructure Grant (MIG) funding.

Mr Derick Nakile from New Grounds Projects said this is a relief project on the drought disaster due to shortages of water supply in the whole area of Ndlambe not only Alexandria.

“The Cape Pedrone and Fishkraal Coastal resources and the Pullen Farm boreholes are the main water suppliers for the Alexandria Community. These resources produce a combined 1.7ml of water per day. However, the community has a maximum demand of 2.3ml of water per day, with a possible increase during the holiday season,” he said.

Mr Nakile said for the past three years, the community had been under water restrictions, with water supply being shut down in the evening.

“The municipality has constructed a 1ml per day Brackish Water Osmosis (BWRO) Plant which is intended to augment additional water for the community”, explained Mr Nakile.

Speaking at the hand over event CoGTA MEC Zolile Williams said the project will help the Ndlambe community and also contribute to the municipal revenue through water meter readings and tracking.

“The community will be having access to water without disruptions and serve each household equally with satisfaction. I congratulate the department and the municipality for delivering a quality water project. I am certain that the community will receive quality water,” said MEC Williams.



Attendees of the launch including MEC Williams, officials from Cogta and Ndlambe municipality

A TEAM OF SPECIALIST ON THE CARDS TO TURN AROUND FINANCIALLY DISTRESSED MUNICIPALITIES

By Vuyani Sibene

MEC of the department of Cooperative Governance and Traditional Affairs (Cogta) Zolile Williams announced that he intends to establish a team of “specialists” to turn around financially distressed municipalities.

“These will be financial experts and economists from our department, Provincial Treasury and the South African Local Government Association (Salga),” said MEC Williams.

This was a meet and greet session with members of the Salga Provincial Executive Committee (PEC), last month.

He said some municipalities are financially distressed because they struggle with revenue collection. “This indicates a need for their equitable share allocation to be changed,” said MEC Williams.

He had requested the meeting with the SALGA PEC because of the important role that they play as a constitutionally recognised representative of municipalities in the country.

“It is my belief that the government cannot turn the tide in terms of challenges facing local government without SALGA being part and parcel of that process. The posture of politicising the relationship between SALGA and government as some sort of an alliance at government level has not assisted the local sphere which is why in my view every simple challenge is resolved through legislation and circulars,” said MEC Williams.

He raised the issue of structural challenges in law in that every time a municipality appoints a Senior Manager, automatically the Municipal Council must apply for a waiver of the remuneration of that manager.

“This process delays the appointment process and further puts the sphere at the risk of management instability and loss of Municipal Infrastructure Grant (MIG) funds due

to the requirements which are not legislated but circularised to take away funds if a municipality does not have a Chief Financial Officer (CFO) or a Municipal Manager,” said MEC Williams.

He added that SALGA was still engaging and sending deputations to resolve the matter but nobody listens.

“Soon we will see SALGA leadership with blue faces and no results. I am not promoting a bumpy relationship with SALGA, is doing what the constitution thought they should do, and I am leaving this point here for your consideration,” said MEC Williams. The MEC said it was critical to establish an open relationship with SALGA and be prepared to work together to change the face of our municipalities in the Province.

“I expect the SALGA leadership to engage me in case I do not present the kind of policies that we stand for in building the character of local government since democratisation. I hope that SALGA leadership will be available to engage in this endeavour so that the Eastern Cape reclaims its position where services are delivered to the communities. I hope this journey will be driven by a frank relationship and we must not shy away from telling each other when we are not doing well,” said MEC Williams.

Councillor Mesuli Nqondwana who is Provincial Executive Councillor (PEC) of SALGA concurred with the MEC for Cogta on the need to find “lasting solutions” to the financial challenges of municipalities by working together.

“It is paramount that authority imposes a recovery plan for a municipality in financial crisis,” said Councillor Nqondwana.

He said monthly monitoring meetings between Salga, Cogta and PT should be held to assess developments in municipalities where there has been a Section 139 intervention.

MAJAVU CALLS FOR THE “BENEFICIATION OF COMMUNITIES” DURING PROJECTS

By Siphokazi Nonyukela

The Department of Cooperative Governance and Traditional Affairs (Cogta) through the Municipal Infrastructure Services (MIS) Directorate last this quarter held Districtwide Institutional and Social Development Frameworks (ISDF) Workshops. The workshops were attended by Executive Mayors, Mayors, Portfolio Heads and officials in Infrastructure and Project Management in District and Local Municipalities.

Outlining the objectives of the workshops, the Director of MIS in Cogta, Mr Tshitsho Majavu said it was meant to revive and enhance the ISDF in municipalities.

“The ISD as a concept has been institutionalised since 1999 by the Department of Water and Sanitation (DWS) and has since evolved into various programmes especially in grant implementation. Therefore, it is a concept that is quite well known in the development sector with respect to the impact on infrastructure development. There is a need to revive and strengthen the ISDFs in the Province,” said Mr Majavu.

He added that the need to strengthen community participation and beneficiation of infrastructure provisioning, is great.

“It is quite critical that we ensure that funds injected through infrastructure provisioning, a substantial amount of the slice is directed to the beneficiation of our communities. This should be done to expedite economic transformation and change the complexion of our destitute communities,” said Mr Majavu.

He said it was important to “inculcate a culture” that ensures that communities do participate in the decision making of projects from conceptualisation, implementation and to the handing over of the project.

In all those phases there is a need for the ISD officer to be present and take the lead from project identification, IDP processes, its implementation and handover, said Mr Majavu.

“Our purpose is to talk the language of our political leadership which is people driven development and full participation of communities in projects operating in their space,” said Mr Majavu.

Officiating the workshop in Amathole District Municipality, its Portfolio Head for Local Economic Development (LED Councillor Xhantlomzi Mngxaso, said the Integrated Development Plan (IDP) involves society, government and technocrats.

“We are here to try and enhance the participatory processes of that cycle which is important towards service delivery. We want to ensure that service delivery becomes a reality and of value. Thus the ISD officers create a platform to work under one roof as politicians, communities and officials,” said Councillor Mngxaso.

The session also workshoped guidelines that were developed for smooth implementation of projects which were more focused on the MIG grants from national treasury.

“We want the ISDFs to cut across all the seven grants and that everyone makes an input in the review of the guidelines. The grants that are injected in the municipal space are an interventionist approach so that our people benefit from them,” concluded Mr Majavu.

“No chance takers must be allowed to take part in ulwaluko other than trained practitioners,” said MEC Williams.



Mr Majavu



Councillor Mngxaso

CELEBRATIONS ON THE INSTALLATION OF NKOSI TSHATSHU OF AMANTINDE

By Vuyani Sibene

As part of the build up to the Heritage Day, the department of Cooperative Governance and Traditional Affairs (Cogta) in partnership with Buffalo City Metro (BCM) municipality, as well as department of Sports, Recreation, Arts and Culture celebrated the installation of Nkosi Lindile Tshatshu. The event took place at AmaNtinde Great Place, KwaTshatshu Village, eQonce. Honoured guests included King Vululwandle Sandile of Amarharhabe Kingdom.

Councillor Mawetu Marata of BCM said Heritage Month was an opportunity to “preserve and remember the history of South Africa's struggle for freedom and democracy.”

“We must all commit to work together to eradicate the divisions and injustices of the past and foster unity and promote a conscious sense of being proudly South African,” said Councillor Marata.

Representing the MEC for Cogta, the Chairperson of the Cogta Portfolio Committee, Member of the Provincial Legislature (MPL) Mr Thabo Matiwane said the challenges facing the department are enormous and need to be attended to.

“To begin with, the new Traditional and Khoi-San Land Act (TKLA) is unfunded but legislated. This is a big problem as it has serious budgetary implications both at strategic and operational levels” said Mr Matiwane.

He also cited many vacancies in the House of Traditional and Khoi-San Leaders (HoTKL) as some of the challenges.

MPL Matiwane said the HoTKL used to be allocated R11 million but now only receives R4 million and that was a problem.

“The current budget is unable to fund the programmes such as the Gender Based Violence and Femicide (GBVF) for the HoTKL because it was reduced by 20%, something that crippled the effectiveness and efficiency of the House. The frustration of Traditional Leaders has grown to a tipping point and hand over the House keys to the MEC,” said Mr Matiwane.

He said government had promised to allocate R74 million to the Local Houses but only allocated R7 million.

“This is a slap in the face and we need to tackle these challenges together. I would like to say to Nkosi Tshatshu, work with the department and partner with other stakeholders to change the lives of AmaNtinde for the better,” said Mr Matiwane.

Replying on behalf of Nkosi Tshatshu, Nkosana Peter Babela of AmaNtinde Traditional Council. said, “this history is rich, unique and diverse indigenous knowledge that have endured for generations.”



King Sandile enrobing Nkosi Tshatshu

PRESIDENT'S TASK TEAM TO STRENGTHEN RURAL SERVICE DELIVERY

By Vuyani Sibene

Deputy President (DP) David Mabuza this quarter visited the Eastern Cape Province to engage with Traditional and Khoi-San Leaders at the Provincial House of Traditional Leaders in Bhisho. He was joined by the Premier of the Eastern Cape Province, Oscar Mabuyane, Deputy Ministers of Cogta Obed Bapela, Rural Development and Land Reform, Mcebisi Skwatsha together with MEC for Cogta Zolile Williams.

The meeting was also attended by, amongst others, representatives of the National and Provincial Houses of Traditional and Khoi-San Leaders, traditional leaders, Municipal Mayors and senior officials of the department of Cogta.

The Deputy President visited the Province in his capacity as Chairperson of the Inter-Ministerial Task Team (IMTT) established by President Cyril Ramaphosa to attend to issues of Traditional and Khoi-San leadership.

Welcoming the DP and guests, Premier Mabuyane said members of his Executive Council (Exco) were regulars to the House "to account because they know they were the subjects of Kingdoms."

"Every year after we deliver the State of the Province Address (SOPA) and Departmental Policy Speeches, we come here to table our annual developmental plans. We share with them that development requires land and as owners of land, traditional leaders must make land available thus enabling to take place," said Premier Mabuyane.

He said investors are interested to come to the most impoverished parts of the Province, then land becomes an issue.

"As we speak, multi-billion-rand clean energy projects are in the Western side of the Province and investors cite land issues as a hindrance to investing in the OT Tambo and Alfred Nzo. I am certain you are aware DP of the Xholobeni Mining issues and the recent challenges regarding Shell Exploration (in the Wild Coast). Our concern is that all developmental projects aimed to uplift poor black communities are stalled by other environmental groups or communities. But we are working with our traditional leaders to resolve these issues," he said.

The Premier said Traditional and Khoi San leaders have genuine issues that need the attention of national government. Provincially, they resolve issues within their powers.

"This engagement should offer all of us an opportunity to deal with other remaining matters that need decision making powers of national government," said Premier Mabuyane.

Cogta MEC Williams said the finalisation of legislation to allow Khoi-San leaders to be members of the Provincial House was at a "progressive stage."



L-R EC Premier Mabuyane and Deputy President Mabuza

"The process has unfolded for the Khoi-San leaders in the Province to be the members of the Provincial House," said MEC Williams

Nkosikazi Nomandla Mhlauli, chair of the National House of Traditional and Khoisan leaders, spoke about "social ills" facing the Province and traditional leaders must take the lead in resolving them.

"Our people are starving and women are being abused. As traditional leaders we need to come up with solutions these matters in our rural communities. We also need to speak up and stand up," said Nkskz Mhlauli.

In his remarks DP Mabuza said he had traversed the length and the breath of the country engaging with traditional and Khoi-San leaders since established IMTT. He said the Task Team was committed to develop "effective and efficient traditional and Khoi San leadership institutions" to address the challenges facing citizens, especially in rural areas.

"Through these engagements, the Task Team seeks to strengthen service delivery to rural communities including the preservation of cultural heritage and its wealth in our country. Furthermore, your leadership is essential to the development of our country as a cohesive, unified and prosperous society that is democratic, non-racial and non-sexist in nature," said DP Mabuza.

Closing the engagement Nkosi Gwazinamba Matanzima, who is the Deputy Chairperson of the ECHTKL thanked everyone for their attendance.

"We know very well that it was a short notice, but what is important to us is the passion and enthusiasm (by the DP) to listen to our challenges," said Nkosi Matanzima.

NKOSI MAVUSO ELECTED DEPUTY CHAIRPERSON OF THE NATIONAL HOUSE

By Mamnkeli Ngam

Nkosi Langa Zwelidumile Mavuso has been voted unopposed as the Deputy Chairperson of the National House of Traditional and Khoi San Leaders (NHTKL).

Nkosi Mavuso who also served as the Deputy Provincial Chairperson of the Congress of Traditional Leaders (Contralesa) in the Eastern Cape during the past term was elected in the presence of the Minister of Cooperative Governance and Traditional Affairs (Cogta) Nkosazana Dlamini-Zuma and the President of Contralesa Nyalane Pilane.

Nkosi Mavuso is the Head of Amabhele Aselenge Traditional Council eDikeni and is the third Eastern Cape leader to assume the position in the National House, with the late Nkosi Justice Mabandla who was the Chief of AmaBhele Tribe in Alice, followed by Nkosikazi Nosandi Nomandla Mhlauli.

He was elected to the Eastern Cape House of Traditional and Kho San Leaders (ECHTKL) in 1997 and has been within the traditional leadership institution for 25 years.

MEC for Cogta, Zolile Williams congratulated and wished him a successful term of office.

"I know him to be equal to the task of addressing issues affecting traditional and rural communities in our Province," said MEC Williams.



Nkosi Mavuso

THIRD QUARTER LOCAL GOVERNMENT COMMUNICATORS FORUM



Mr Luthando Nqumkana - Emalahleni LM



*Back: Ms Sisa Soga Msiya - Amathole DM
Front: Mr Khanya Kalashe - Umzimvubu LM*



Mr Sithembiso Soyaya - Nelson Mandela Metro



Ms Bulelwa Capa - Ingquza Hill LM



Ms Siphokazi Nonyukela - Cogta



Ms Zimkhitha Macingwana - O.R. Tambo DM



Mr Luncedo Walaza - Matatiele LM



Ms Tanya van Zyl - Senqu LM



Ms Sandiswa Pholo - Salga