



Commission for Gender Equality
A society free from gender oppression and inequality

LOCAL GOVERNMENT: GENERAL LAWS AMENDMENT BILL, 2024

Commission for Gender Equality Comments

June 2024

For queries, contact:

Adv. Nthabiseng Sepanya-Mogale

Chairperson of the Commission for Gender Equality

Email: Thabo@cge.org.za

Tel: 011 403 7182



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1. Introduction

The Commission for Gender Equality ('CGE') wishes to express its gratitude for the opportunity to make written submissions on the publication of the Local Government Draft Amendment Bill.

The CGE, as an independent statutory body created in terms of Chapter 9 of the Constitution of the Republic of South Africa, 1996 ('the Constitution'), is mandated to promote and protect gender equality in government, civil society, and the private sector.

The Commission for Gender Equality Act 39 of 1996, ('the CGE Act'), gives the Commission the power to:

- Monitor and evaluate policies and practices of organs of State at any level.
- Monitor and evaluate statutory bodies and functionaries.
- Monitor public bodies and authorities and private businesses, enterprises, and institutions to promote gender equality.
- Make any recommendations that the CGE deems necessary.

The CGE welcomes the opportunity to make inputs into the Bill and shall reiterate the proposed sections of the Bill and respond thereto.



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2. Background

The signing of the new Constitution of the Republic of South Africa, 1996, intended to shape local government as the epicenter of the government delivery system and at the heart of poverty eradication initiatives.¹ The subsequent local government democratic elections that followed the inception heralded a new era for the local sphere of government informed by the imperatives of fast-tracking service delivery to local communities, enhancement of financial performance of municipalities, the strengthening of human resource capacity and broad consolidation of institutional capacity for municipalities. However, this has unfortunately not been the desired effect, as corruption, political instability, appointment of unskilled or unqualified appointees, and mismanagement have been some of the factors underscoring the continued poor performance of municipalities across the country.²

It is against the above background that the CGE makes its submission on the Local Government: General Laws Amendment Bill, 2024.

¹ Mogale, 2003:227.

² <https://www.corruptionwatch.org.za/why-effective-local-government-is-important-beyond-2021/>



3. **The CGE's Submission on aspects of the Bill**

3.1 Governance

The importance of a renewed governance within the local government is imperative. It is common cause that poor governance at the local government level in South Africa is a major impediment to effective service delivery and socioeconomic development. Therefore, the focus on good governance is essential for providing public goods and services to citizens. Local government is supposed to be the primary interface for delivering basic services like water, electricity, and sanitation. However, widespread mismanagement, lack of accountability, corruption, and politicization of bureaucratic processes have crippled the functioning of many municipalities. Moreover, political infighting, unstable coalitions, conflation of administrative roles, and appointment of unqualified officials have contributed greatly to this dysfunctional governance. Consequently, over half of municipalities are financially distressed with huge service delivery backlogs, leading to frequent violent protests by citizens.

The CGE thus submits that establishing a clear prioritization of efficient local governance needs to exist. Resolving governance failures will require long-term reforms to depoliticize municipal bureaucracies, ensure meritocratic hiring of competent officials, and enforce better oversight and consequences for mismanagement.

To establish clear prioritization of efficient local governance, the following actions are necessary:



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- Set clear goals and objectives for local governance, focusing on transparency, accountability, and citizen participation.
- Establish a robust monitoring and evaluation system to track progress and identify areas for improvement.
- Provide adequate resources and capacity building for local governments to enhance their capabilities.
- Foster collaboration and coordination among local governments, civil society, and other stakeholders.
- Encourage citizen engagement and participation in local decision-making processes.

To resolve governance failure through long-term reforms, the following actions are necessary:

- Depoliticize municipal bureaucracies by introducing merit-based hiring and promotion practices.
- Introduce transparency and accountability measures, such as open data portals and citizen feedback mechanisms.
- Foster a culture of good governance through training and capacity building for local officials.
- Encourage collaboration with civil society and the private sector to leverage expertise and resources.
- Establish clear consequences for mismanagement and corruption, including legal action and accountability measures.
- Support decentralization and devolution of powers to local governments, enabling them to take ownership of their development.



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3.2 *To provide for the responsibility of national and provincial organs of state to provide inputs into a municipality's integrated development plan; to provide that the additional needs of women and youth are considered in the consultation and development of the integrated development plan.*

In respect of the above, the CGE submits that in order for the Local Government to make inroads in respect of service delivery, its integrated developmental plan needs to take cognisance of vulnerable groups such as women, children, persons with disabilities (PWDs) and members of the LGBTQIA+ community.

It is particularly important that aspects of gender balance are included in municipal services. Evidence has shown that this would have a significant impact on effectiveness as it leads to:

3.2.1. Increased Efficiency: Studies have shown that a greater representation of women in local councils can lead to more efficient service delivery, as measured by reduced spending and improved welfare service efficiency.³

3.2.2. Better Service Provision: Gender-balanced municipal governance ensures that services are designed and implemented in a way that is responsive to the needs of both men and women. This includes

³ <https://www.tandfonline.com/doi/full/10.1080/1331677X.2022.2081232> see also, https://www.researchgate.net/publication/363091029_Women%27s_management_in_local_government_The_effects_of_substantive_representation_on_welfare_service_efficiency.



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addressing specific gender-related concerns, such as women's access to water and sanitation facilities.⁴

3.2.3. Empowerment and Participation: Gender balance promotes the empowerment of women, which is essential for their participation in decision-making processes and for addressing gender-based violence and other gender-related issues.⁵

3.2.4. Monitoring and Evaluation: Gender balance in service delivery allows for better monitoring and evaluation of the impact of services on different groups. This helps to identify areas where improvements are needed and ensures that services are being delivered in a way that is equitable and effective.⁶

3.2.5. Addressing Vulnerability: Gender balance helps to address the vulnerabilities of specific groups, such as women and children, who are often disproportionately affected by service delivery failures. This includes ensuring that emergency services can reach them in a timely manner and that they have access to basic services like water and sanitation.⁷

⁴https://www.westerncape.gov.za/text/2004/3/final_draft_of_local_government_gender_strategy.pdf <https://www.eisa.org/storage/2023/05/2012-journal-of-african-elections-v11n2-rights-based-approach-local-government-development-service-delivery-putting-women-back-centre-attention-eisa.pdf>

⁵ <https://www.eisa.org/storage/2023/05/2012-journal-of-african-elections-v11n2-rights-based-approach-local-government-development-service-delivery-putting-women-back-centre-attention-eisa.pdf>

⁶<https://www.citiesalliance.org/newsroom/news/cities-alliance-news/top-5-ways-cities-benefit-gender-equality>

⁷ <https://www.statssa.gov.za/?p=14178>



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3.2.6. Mainstreaming Gender: Gender balance in municipal services ensures that gender considerations are integrated into all aspects of service delivery, including policy development, budgeting, and project implementation. This helps to ensure that services are designed and delivered in a way that is responsive to the needs of both men and women.⁸

Overall, gender balance in municipal services is crucial for ensuring that services are designed and delivered in a way that is responsive to the needs of all members of the community, particularly women and vulnerable groups.

Considering the above, the CGE further submits that gender balance in municipal services can benefit various services. These include:

3.2.3.1. Water and Sanitation Services: Gender balance ensures that services are designed and implemented in a way that is responsive to the needs of both men and women. This includes addressing specific gender-related concerns, such as women's access to water and sanitation facilities, which are often disproportionately affected by service delivery failures.⁹

3.2.3.2. Transportation Services: By considering the different needs of men and women, transportation systems can be designed to better serve the community. For example, bus routes can be adjusted to

⁸ <https://www.eisa.org/storage/2023/05/2012-journal-of-african-elections-v11n2-rights-based-approach-local-government-development-service-delivery-putting-women-back-centre-attention-eisa.pdf>

⁹ <https://www.statssa.gov.za/?p=14178>



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better connect women to markets, water stands, and other essential services, improving their daily lives.

3..2.3.3. Health Services: Gender balance in healthcare services ensures that women's health needs are adequately addressed. This includes providing services that cater to women's specific health concerns, such as maternal healthcare and reproductive health services.¹⁰

3.2.3.4. Education Services: Gender balance in education services promotes equal access to education for both men and women. This includes ensuring that schools have gender-sensitive facilities and that curricula address gender-related issues.¹¹

3.2.3.5. Emergency Services: Gender balance in emergency services ensures that women are better represented in decision-making positions, leading to more effective and responsive emergency services that address the specific needs of women and children.¹²

3.2.3.6. Community Development Services: Gender balance in community development services ensures that women are empowered to participate in decision-making processes, leading

¹⁰ <https://www.citiesalliance.org/newsroom/news/cities-alliance-news/top-5-ways-cities-benefit-gender-equality>

¹¹ <https://www.citiesalliance.org/newsroom/news/cities-alliance-news/top-5-ways-cities-benefit-gender-equality>

¹² <https://www.eisa.org/storage/2023/05/2012-journal-of-african-elections-v11n2-rights-based-approach-local-government-development-service-delivery-putting-women-back-centre-attention-eisa.pdf>



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to more inclusive and sustainable community development initiatives.¹³

- 3.2.3.7. Social Services: Gender balance in social services ensures that women are better represented in decision-making positions, leading to more effective and responsive social services that address the specific needs of women and children.¹⁴

These services benefit significantly from gender balance as it ensures that the needs of both men and women are considered, leading to more inclusive and effective service delivery.

3.3 Amendment of section 29 of Act 32 of 2000

The Bill proposes amending section 29 of the Local Government: Municipal Systems Act 32 of 2000, so as to read as follows:

'(b) through appropriate mechanisms, processes and procedures established in terms of Chapter 4, allow for—

- (i) the local community, with specific regard to the additional needs of women and youth, to be consulted on its developmental needs and priorities;

¹³ <https://www.citiesalliance.org/newsroom/news/cities-alliance-news/top-5-ways-cities-benefit-gender-equality> see also, <https://www.eisa.org/storage/2023/05/2012-journal-of-african-elections-v11n2-rights-based-approach-local-government-development-service-delivery-putting-women-back-centre-attention-eisa.pdf>

¹⁴https://www.westerncape.gov.za/text/2004/3/final_draft_of_local_government_gender_strategy.pdf



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- (ii) the local community, with specific regard to the additional needs of women and youth, to participate in the drafting of the integrated development plan; and
- (iii) organs of state, including traditional authorities, and other relevant role players [to be identified and consulted on] within the municipality, to participate in the drafting of the integrated development plan;".

The CGE further submits that Paragraphs (i) and (ii) should include other previously disadvantaged groups such as persons with disabilities and LGBTQIA+ persons, among the categories of persons to be consulted and to participate in the drafting of the integrated development plans. This will ensure inclusivity and equal participation of all community members.

4. Conclusion

In conclusion, the proposed amendments to the Local Government: General Laws Amendment Bill, 2024 are a crucial step towards addressing the long-standing governance and service delivery challenges faced by municipalities in South Africa. The CGE's submission highlights key areas that need to be prioritized to revitalize local governance.

Firstly, emphasizing good governance principles such as accountability, transparency, and professionalization of the civil service is vital. Depoliticizing municipal bureaucracies, enforcing meritocratic hiring practices, and



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implementing strong oversight mechanisms can help address the rampant mismanagement, corruption, and political interference that have plagued local governments.

Secondly, integrating gender mainstreaming into municipal planning and service delivery is imperative. Ensuring gender balance and considering the specific needs of women, youth, and other vulnerable groups in the development of Integrated Development Plans can lead to more inclusive, efficient, and responsive service provision. This includes addressing gender-related concerns in critical areas such as water and sanitation, healthcare, education, transportation, and emergency services.

By addressing these key issues, the proposed amendments have the potential to reinvigorate local governance structures, enhance service delivery, and promote gender equality and social inclusivity at the community level. However, successful implementation will require sustained political will, capacity building, and a commitment to upholding the principles of good governance enshrined in the Constitution.

Ultimately, revitalizing local governance is crucial for realizing the vision of municipalities as the epicenter of service delivery and poverty alleviation in South Africa. Failures and inconsistencies of Local Government are observed most intensely by vulnerable communities, hence monitoring, and evaluation of local government structures is essential.

END



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