

REPUBLIC OF KENYA

KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT – THIRD SESSION

**THE DEPARTMENTAL COMMITTEE
ON
LOCAL AUTHORITIES**

REPORT ON THE STUDY TOUR TO SOUTH AFRICA

10TH JAN – 16TH JAN 2010

PARLIAMENT BUILDINGS
NAIROBI

4/3/01

JANUARY, 2010

PREFACE

Mr. Speaker Sir,

The Departmental Committee on Local Authorities is established under Standing Order No.198 (1); its mandate pursuant to Standing Order 198(3) is:-

- a) to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- b) to study the programme and policy objectives of the Ministries (and Local Authorities) and departments and the effectiveness for implementation;
- c) to study and review all legislation referred to it;
- d) to study, assess and analyze the relative success of Ministries and departments as measured by the results obtained as compared with its stated objective;
- e) to investigate and inquire into all matter relating to all assigned Ministries and Departments as they may deem necessary, and as may be referred to them by the House or a Minister and;
- f) to make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

The Committee comprises of the following Members:

1. **Hon. Ahmed Shakeel Shabbir, M.P** -----Chairman
2. **Hon. Mwalimu Mwashima, M.P.**
3. **Hon. Joshua Kutuny, M.P.**
4. **Hon. Stanley Githunguri, M.P.**

5. **Hon. Gideon Konchella, M.P.**

6. **Hon. Fahim Twaha, M.P.**
7. **Hon. Mohammed H. Gabow, M.P.**
8. **Hon. David Ngugi, M.P.**
9. **Hon. Maitha Gideon Mungaro, M.P.**

Mr. Speaker Sir,

The visit was undertaken by:-

- i) **Hon. Ahmed Shakeel Shabbir MP, Leader of Delegation,**
- ii) **Hon. David Ngugi , MP**
- iii) **Hon. Fahim Twaha , MP**

Mrs. Nancy Mukunya, a Principal Clerk/Deputy Director was the Delegation Secretary.

Mr. Speaker Sir,

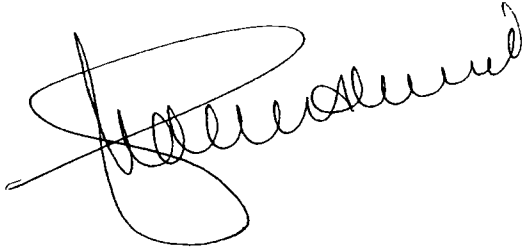
The Committee on Local Authorities is relatively new having been constituted on 17th July 2009. Its main function is to deal with policy matters of and related to local authorities. In order to learn the best practices and to interact with Committees from other jurisdictions dealing with similar matters the Committee decided to visit the Republic of South Africa. It also decided to meet mayors of a few Cities in South Africa to get information about the issues in these cities and how they are dealt with.

Mr. Speaker Sir,

The Committee is grateful to you and the Liaison Committee for the opportunity to undertake the visit and to the office of the Clerk for providing the requisite technical support.

Mr. Speaker Sir,

On behalf of the Committee, it is now my pleasant duty to lay on the Table of the House the report of the Committee on the visit, pursuant to provisions of Standing Order 181(3).

A handwritten signature in black ink, appearing to read 'Shakeel Shabbir', written in a cursive style.

Hon. SHAKEEL SHABBIR, MP
Chairman, Select Committee on Local Authorities

MEETING WITH THE MAYOR OF JOHANNESBURG AND HIS OFFICIALS

The first meeting the Members had was with the Mayor of Johannesburg. It was held on Monday the 11th January 2010.

The meeting was attended by:

Mr. Amos MasondoHis Worship the Mayor
Mr. Mavela DlaminiCity Manager (Town Clerk)
Mr. Strike Ralegoma Political Adviser
Mr. Harvey Phalatse Director Innovation & Knowledge
Manager

The Mayor introduced the three officials who had attended the meeting and informed the Members that they were of great assistance to him in running the City. He thereafter invited Hon. Shakeel Shabbir to introduce his team. After these preliminaries the Mayor made general remarks touching on A.N.C Political Party and then took the Members through the workings of the City. He highlighted the following:

1. That A.N.C. is celebrating 98 years of political activities and it is still committed to its objectives of ensuring that the Country will be democratic in all ways, that ethnic and tribal discrimination is brought to an end, that education is promoted and jobs are created and that gender equality is achieved.
2. That the 1994 Interim Constitution and the current one recognize the Local Government.
3. That there are 217 Councillors in Johannesburg who elect the Mayor.
4. That after elections the Mayor constitutes the mayor committee which assists him to run the city but since the Mayor is the executive officer he is responsible and answerable for all decisions made.
5. He further explained that at the moment his office is charged with the preparations for the Fifa World cup and he is ensuring that roads are being widened, the Rapid bus transport has been inaugurated, that 200,000 trees have been planted, soccer fields

and a quality theater has been created and are almost complete.

6. That the money needed to carry out these activities is generated by the Council through sale of water and electricity and other levies but the bulk of it has been given by the National Government.

After this there were discussions clearing all the issues that were raised by the Members and then the meeting ended.

LESSON

The Committee learnt the functions of the Executive Mayor and how Johannesburg City Council is run under the new Legislation implemented in South Africa three years ago.

VISIT TO ALEXANDRIA TOWNSHIP

The Members also made a visit to Alexandria and noted that this was a successful slum upgrading project. The visit was organized by officials from the Myor of Johannesburg Office and what had been discussed in the earlier meeting with the mayor was observed practically.

MEETING WITH THE MEMBERS OF LOCAL GOVERNMENT AND HOUSING COMMITTEE OF THE GAUTENG PROVINCIAL LEGISLATURE IN JOHANNESBURG

On 12th January 2010 at 10.00 a.m., the Members had the second meeting with Members from the above Committee. The Members present were:

Hon.E.V.Magerman,MP -----Chairman
Hon. S.Khumalo,MP
Hon. N.Nkomo-Ralehoko,MP
Hon. R.S.Letwaba,MP
Hon. B.L.Abraham,MP
Hon. K.P.Sithole,MP

Hon. C. Motau,MP
Hon. C.N. Ndaba,MP

STAFF

Mr. Edward Sckulene -----Clerk
M/s Jacky Mokete -----Acting Clerk
M/s Nthabiseng Motokeng -----Secretary/Administrator
Mr. Moleti Masile -----Researcher
Mr.Thoko Kepadisa -----Researcher

Mr. Juma Bahati from the Kenya Embassy in Pretoria also attended the meeting which took place in Johannesburg.

After introductions, the Chairman informed the Members that the above Committee has eleven (11) Members and it is supported by the staff that was present in the meeting. He thereafter went on to explain how the Committee works. These are the highlights:

1. That the Committee meets as often as it has business to transact.
2. That the Committee deals with all the issues that relate to the Local Government and mostly the thorny issues of Housing.
3. That since the apartheid era many South Africans have remained without decent shelter and the Committee is charged with the responsibility to ensure that the Government is doing its best to upgrade the living quarters of the poor.
4. That there is an aggressive effort to upgrade the slums in Alexandria and in Soweto.
5. That the government builds houses and then gives them to the poor without asking for any payment.
6. That in an effort to ensure that these poor people get a source of income an adjacent room is build which can be rent out to foreigners from the slums who do not qualify for Government houses.
7. That if a person is given a house and he sells it, he is not entitled to get another house.
8. That to discourage sale of given houses no transfer can be effected before the expiry of ten years.

LESSON

The Members had an insight of the role and workings of the oversight Committee. This Committee oversees the operations of Johannesburg and Gauteng provinces.

MEETING WITH JOHN WESSON OF RUSTERNBURG CONSERVANCY

John Wesson is the Chairman of the Association of Conservancies of South Africa. The meeting with him took place on 13th January 2010, first at the local community office and then while driving through the conservancy area.

Mr. Wesson explained that he is the chairman of the conservancy group which is made up of the people owning land in that area. Their aim is to conserve the environment and to improve it and to use the animals and any other attraction in the area to attract tourists.

The money that is generated from tourism is then shared by the group. Where they are no tourists the locals contribute money for conservation.

Through conservation, endangered species are protected and enabled to multiply.

After going through the conservation area, the Members were then shown a slide highlighting the animals present in the area and what is being done to conserve them.

LESSON

The Members learnt that there is a partnership between the Local people, the Government and the private farmers. The challenges and the successes of Conservancies were also noted. It was also clear that Mr. Wesson has a wealth of experience and knowledge which Members can tap into when dealing with the issues of Mara Conservancy.

MEETING WITH SPEAKER OF THE CITY OF TSHWANE

This meeting took place on 14th January 2010 in the offices of the Speaker. After the usual introductions, the Speaker explained that 13 municipalities were amalgamated to form the city of Tshwane. He then made the following observations:

- That there are 76 wards in the City and each is represented by a Councillor
- That the City's top officers are the Executive Mayor, the Speaker and the Chief whip.
- That the Chief whip ensures that Councillors attend meetings and that the Ward Committee assists the Councillor to run the ward. This ensures that the City is able to deal with issues affecting the people at the grassroots.
- That the Speaker is responsible for Legislation and he controls debate.
- That through the portfolio Committees, the Speaker plays an oversight role.
- That the office of the Speaker also accepts petitions from the general public. The petitioners are then called for a meeting in which all affected departments make presentations. If the petitioners are happy with our recommendations the matter is then referred to the full Council. After the full Council approves the recommendations, then action is taken.
- That there is a secretariat that helps in taking minutes and compiling reports.
- That the Council is currently conducting outreach programmes to educate people that they can petition on any issue that they are unhappy about.

LESSON

The Members observed that the position of Speaker does not exist in our City set ups but it is a powerful seat in South Africa. The Members also learnt that the Speaker's office accepts petitions from the general public and he actually encourages people to file their complaints so that the City services can be improved.

MEETING OF THE EXECUTIVE DEPUTY MAYOR OF CAPE TOWN

This meeting took place on 15th January 2010 in Cape Town at the Civic Centre at 11.00 am. It was attended by:

Mr. Alderman Ian Neilson-----Executive Deputy Mayor

Mr. Luzuko Mdunyelwa -----Director, External Relations

The Deputy Mayor introduced himself and the Director and thereafter Hon. Shakeel introduced his team. The Deputy Mayor then gave the Mayor's apologies as she was unable to attend the meeting due to an urgent matter that had come up. He expressed his happiness at meeting the Members and stated that this kind of interaction was beneficial to both sides and should be encouraged. Thereafter he gave a brief history of the first settlers who came to Cape Town. The following is what was noted from the meeting:

- ❖ That in Cape Town, the general majority live in formal houses but there are about 150 informal dwellings. That the City is making efforts to provide proper housing for its residents.
- ❖ That the City is proud of the fact that 99% of its population has access to clean water.
- ❖ That sanitation in the formal sector is good but there are problems in the informal houses.
- ❖ That Local Authorities have been given autonomy but corruption has hindered development.
- ❖ That in an effort to curb corruption, the Government has made it difficult for Councils to allocate land to investors. This in turn has made the City to lose chances of having business ventures started.
- ❖ That the greatest challenge facing Cape Town is lack of land and expansion is very expensive due to the sea and the Table Mountains.

The Chairman thereafter thanked the Mayor for the insights he had availed the Committee and after a brief discussion the meeting was declared closed.

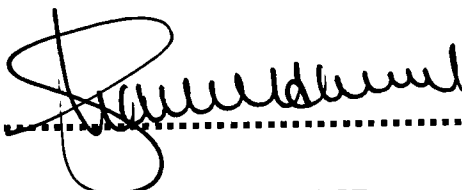
LESSON

The Members noted that the problem of slums is not confined in Kenya but Cape Town has made a lot of effort to provide its residents with proper houses. The Members could use the information gained and help the process of slum upgrading in Kenya. They further observed that corruption is not unique to Kenya but even in Cape Town it curtails economic growth.

Mr. Speaker Sir,

The Report of the Committee was adopted in a committee sitting held on *25th February* 2010.

Mr. Speaker Sir, it is now my pleasant duty and privilege, on behalf of the Departmental Committee on Local Authorities, to present and commend this report to the House.

Signed.....

Hon. SHAKEEL SHABBIR, MP
Chairman, Select Committee on Local Authorities

Date.....*26/2/10*

**MINUTES OF THE NINETEENTH SITTING OF THE
DEPARTMENTAL COMMITTEE ON LOCAL AUTHORITIES HELD
ON 25TH FEBRUARY 2010, IN THE DINING ROOM 7TH FLOOR
CONTINENTAL BUILDING AT 10.00 A.M.**

PRESENT

1. Hon. Ahmed Shakeel Shabbir, MP.....Chairman
2. Hon. Joshua Kutuny, MP
3. Hon. David Ngugi, MP
4. Hon. Mohammed H. Gabow, MP
5. Hon. Gideon Konchella,MP

ABSENT

1. Hon. Mwalimu Mwahima,
2. Hon. Fahim Twaha, MP
3. Hon. Maitha Gideon Mungaro, MP

IN ATTENDANCE

1. Mrs. Nancy Mukunya
2. Mr. George Otieno

KENYA NATIONAL ASSEMBLY

Deputy Director
Third Clerk Ass.

MIN. NO. 79/2010: ADOPTION OF THE AGENDA

The Chairman called the meeting to order at half past ten o'clock and the agenda was adopted without amendments. The Chairman thanked the Members for their attendance and appreciated the fact that they would now be in a position to go through and adopt the report on the procurement of cemetery land by Nairobi City Council. The Committee would also consider and adopt the report of the trip by three Members of the Committee to South Africa.

MIN. NO.80/2010: CONFIRMATION OF MINUTES

The Minutes of the meeting held on 16th February 2010 were proposed by Hon. Joshua Kutuny and seconded by Hon. David Ngugi.

MIN. NO. 81/2010: REPORT ON PROCUREMENT OF CEMETERY LAND BY NAIROBI CITY COUNCIL

The Committee was taken through the report by the Chairman and corrections were made where necessary. Thereafter debate ensued and at the end, all the Members agreed that the report is prepared in line with the evidence received. There was also consensus that the recommendations are drawn as per the evidence and as agreed by the Members.

The Committee noted that the Chairman seemed biased and exhibited partiality in respect of the involvement of the Deputy Prime Minister and Minister for Local government. Consequently, the Committee agreed that the report will be tabled on Wednesday the 3rd of March 2010 by the Vice-chairman.

MIN. NO. 82/2009: REPORT ON THE TRIP TO SOUTH AFRICA

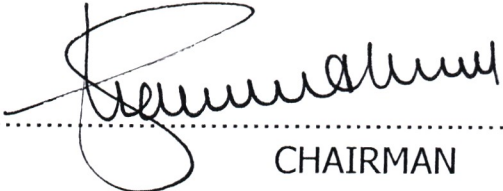
The Committee went through the report and agreed that it is a true record of what transpired during the trip. The Members who had not travelled were impressed by what was covered during the trip.

They particularly noted that John Wesson, the Chairman of Conservancies in South Africa would be helpful in dealing with the Mara Conservancy matters. It was therefore

resolved that he will be invited to the Country by the Committee at the appropriate time.
In the end, the report was adopted by the Committee and the Vice-Chairman was requested to table the same in Parliament.

MIN. NO 83/2010: ADJOURNMENT

There being no other listed business, the meeting was adjourned at 12.30 p.m. until further notice.

Signed..........
CHAIRMAN

Date.....2/3/10.....