Izwi lakho. Umphakathi wakho. Amandla akho.

UCHUNGECHUNGE LWEZINCWAJANA ZOLWAZI ZOHULUMENI BASEKHAYA

Isibophokubika kanye Nokuqapha Komasipala

ACCOUNTABILITY AND OVERSIGHT IN MUNICIPALITIES

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Le ncwajana ihlinzeka ngolwazi mayelana nohulumeni basekhaya eNingizimu Afrika.

Omasipala babaluleke kakhulu futhi bahlinzeka ngezinsizakalo ezenza ukuthi sikwazi ukuphila impilo enesithunzi futhi sihlale singumqemane.

Wonke amakhansela, izikhulu zikamasipala kanye namalungu amakomidi ezigceme banomthwalo emahlombe abo wokuqinisekisa ukuthi **kunesibopho sokubika, ukuqapha** kanye **nokuqinisekisa** kumasipala wabo. Sinelungelo lokwazi ukuthi umasipala usebenza kahle yini kanye nokuthi uyakwazi yini ukuhlinzeka ngezinsizakalo.

Uma uphikisana nesinyathelo esithile sikahulumeni wasekhaya noma uphikisana nokwenqaba kwakhe ukuthatha isinyathelo esithile, kunemibuzo emibili okumele uyibuze:

1. Yimuphi umthetho onikeza uhulumeni igunya lokwenza okuthile?
2. Ingabe uhulumeni uwulandelile (uwuthobelile) yini umthetho?

UMthethosisekelo waseNingizimu Afrika ungumthetho ophakeme kunayo yonke eminye ezweni, futhi noma yimuphi umthetho ongawulandeli uMthethosisekelo uyize leze. Uhulumeni wonkana, kubandakanya nohulumeni basekhaya, konke abakwenzayo kumele kuhambisane noMthethosisekelo kanye nemithetho ephasiswe nguhulumeni.

Yini isibophokubika, ukuqapha kanye nokuqinisekisa?

Isibophokubika sisho ukuthi labo abaqhoqhobele izikhundla kuhulumeni kumele bazimisele ukunikeza izizathu ngalokho abaqoke ukukwenza kanye nezinyathelo abazithathile, futhi kumele bazimisele ukubhekana nemiphumela yalokho abakwenzile.

Ukuqapha yinqubo yokuqapha ukusebenza nokubhekisisa okunye okwenziwayo ukuze kuqinisekiswe ukuthi lokhu kuyahlangabezana nezinjongo okuhloswe ukufinyelela kuzona kanye namazinga-silinganiso abekiwe. Isibophokubika sincike kakhulu ekuqapheni ngenhloso yokuqinisekisa ukuthi labo abathweswe umsebenzi bayaphendula ngezinqumo nezenzo zabo.

Ukuqinisekisa yinqubo yokuhlinzeka ngethemba nesiqinisekiso sokuthi ulwazi noma ukusebenza kwenziwa ngendlela ethembakele futhi eyamukelekile. Ngokuvamile lokhu kwenziwa ngokusebenzisa izindlela ezinjengocwaningomabhuku kanye nokuhlolisiswa kweminye imisebenzi eyenziwayo. Ukuqinisekisa kuhlose ukunikeza isiqinisekio sokuthi omasipala basebenza ngendlela esobala futhi efanelekile.

Ukuqapha kusebenzisa ukuqinisekisa njengesisekelo esibumba umsebenzi wokuqapha nokuhlola umsebenzi owenziwayo, kanti ukuqinisekisa kona kweseka isibophokubika ngokuthi kunikeze ubufakazi bokuthi izenzo nezinyathelo okubikwe ngazo noma imiphumela kuthembakele.

Ukuze kuqinisekiswe ukuthi uhulumeni wasekhaya nabaholi bawo bayaphendula ngemisebenzi nezenzo zabo, ukuthathwa kwezinqumo nezinyathelo kumele:

- **Kwenziwe ngendlela esobala:** Kumele wazi ukuthi izinqumo zithathwe kanjani, ngubani, kuphi, nini futhi kungani zithathiwe.
- **Kubandakanye:** Izinqubo zokuthathwa kwezinqumo kumele ziyibandakanye imiphakathi kanye nama-CSO.
- **Kuthobele ingalo yomthetho:** Ukuthathelwa izinyathelo ngenxa yezinqumo ezingaphusile noma ngenxa yokusetshenziswa kabi kwamandla kuhulumeni kungenzeka ngempumelelo kuphela lapho imithetho isebenza kumuntu wonke.

Indlela esisebenza ngayo isibophokubika kanye nokuqapha ngaphakathi komasipala

Ngaphakathi komasipala, kunezikhungo eziningana okumele zidlale indima yokuqapha nokuqinisekisa ukuphendula. Zibandakanya lezi ezilandelayo:

- **Uphiko Locwaningomabhuku Lwangaphakathi** kumele luhlinzeke ngomsebenzi ozimele futhi ongachemile wokucubungula nokuhlolisisa imisebenzi kamasipala ephathelene nezimali nokuqhutshwa komsebenzi wansuku zonke ukuqinisekisa ukusebenza ngempumelelo nangobunyoninco futhi kuqinisekiswe nokuthotshelwa kwemithetho nemithethonqubo. Lolu phiko lulekelela ekuhlonzeni ubungozi, lwenze izincomo lapho kumele kuphuculwe khona umsebenzi, futhi lubhekisise ukuthi ngempela ziyathathwa yini izinyathelo zokulungisa lokho okungenziwanga ngendlela efanele.
- **Ikomidi Locwaningomabhuku** liyisigungu sokweluleka esizimele esengamele izinqubo zikamasipala zokubika maqondana nezimali, izindlela zokulawula zangaphakathi, izinkambiso zokuphathwa/singathwa kobungozi kanye nokuphathwa kokusebenza.
- **Ikomidi Likamasipala** Elengamele Ukusetshenziswa Kwezimali Zomphakathi, elibizwa phecelezi nge-Municipal Public Accounts Committee (i-MPAC) libaluleke kakhulu kumasipala futhi liyaqinisekisa ukuthi izimali zomphakathi zisetshenziswa ngendlela efanele. Liyaqinisekisa ukuthi izikhulu zikamasipala kanye namakhansela bayabika futhi baphendule ngendlela abaphatha ngayo izimali, nokuhlinzekwa kwezinsizakalo. Imisebenzi engumongo yaleli komidi ibandakanya ukuhlaziya imibiko yokucwaningwa kwamabhuku kanye neyezimali, ukulandelela ekuqalisweni kwezincomo zikaMcwaningimabhuku Jikelele, ukufakela izibuko izigameko zokusetshenziswa kwezimali ngendlela engagunyaziwe nokumoshwa kwemali, kanye nokwethula emkhandlwini imibiko yokuqapha.

Amakomidi Esigaba sama-79 noma Amakomidi Angenakuguquka (Standing Committees) ahlinzeka ngomsebenzi wokuqapha ukuqaliswa kwezinqumo zomkhandlu noma wokuphenya izindaba ezithile. Asebenza ngaphansi komkhandlu futhi abika kuwona.

Amakomidi Esigaba sama-80 noma Amakomidi Aqaphe Iminyango (Portfolio Committees) eluleka iziphathimandla futhi aqaphe imikhakha ethile ngaphakathi kumasipala, njengomkhakha wezengqalasizinda kanye nowezinsizakalo zomphakathi.

Uhlelo locwaningomabhuku lwangaphakathi kanye ne-MPAC kubaluleke kakhulu, kepha kuvamise ukuthi komasipala kube nemizamo yokuthena lokhu amandla. Imiphakathi, izinhlangano zomphakathi kanye namakomidi ezigceme kumele bahlale njalo beziqaphe ngeso lokhozi lezi zinhlaka kanye nomsebenzi wazo ukuqinisekisa ukuphendula ngendlela efanele komasipala!

>> Bheka isigaba 4.5 somhlahlandlela we-COMPACT ukuze uthole ulwazi olwengeziwe ngamakomidi aqaphe iminyango.

Ukuqapha kanye nesibophokubika sikahulumeni kazwelonke nohulumeni bezifundazwe

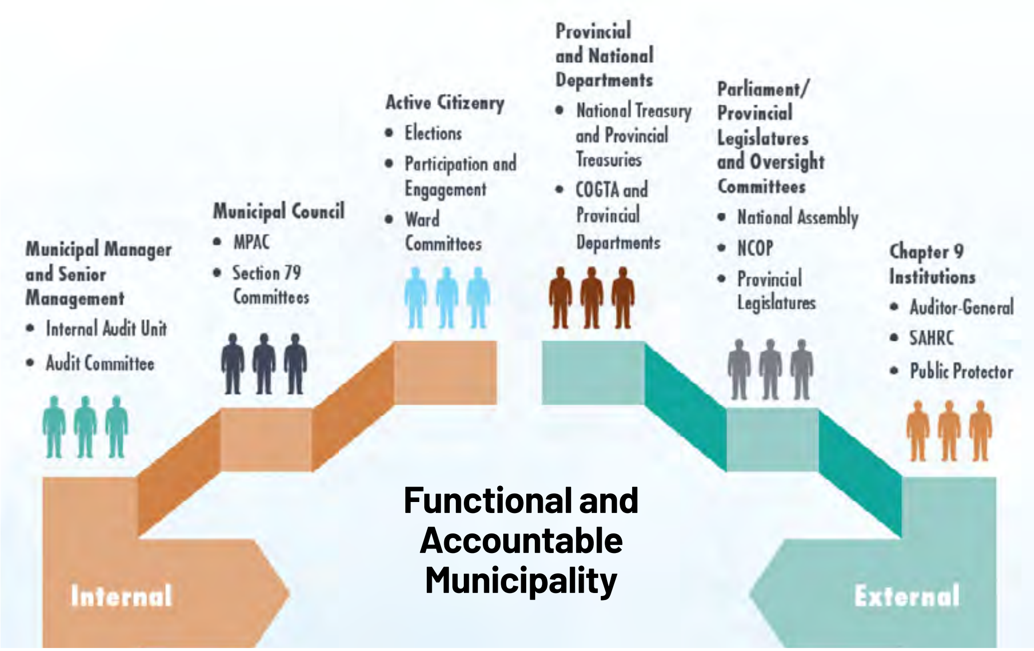
Iminyango yezifundazwe nekazwelonke kanye nezishayamthetho yizikhungo ezidlala indima ebalulekile ekuphuculeni ukuqapha kanye nesibophokubika sohulumeni basekhaya. **Ngaphezu kwezinhlaka zangaphakathi ezikhona komasipala, lezi zikhungo zangaphandle zinamandla okuqapha kanye nokuphenya ohulumeni basekhaya, futhi ziqinisekise ukuthi bayaphendula ngemisebenzi yabo**. Ikakhulukazi ezimweni lapho omasipala bengasukumeli phezulu, lezi zikhungo zinganxuswa ukuba zilekelele, futhi imibiko yazo ingaba yimithombo ebalulekile yolwazi kanye nemigudu yokukhuthaza ukuthi kusukunyelwe izidingo zabantu futhi kuboniswane nabo.

IMINYANGO YEZIFUNDAZWE

- **Iminyango ka-COGTA Yezifundazwe (ibika ko-MEC bezifundazwe):** Iqapha futhi yeseke omasipala, ngalokho-ke kuqinisekiswe ukuthi bayahlangabezana nezibopho zomthetho. O-MEC bangaphenya ngezenzo zokungaphathi kahle, ukukhwabanisa noma inkohlakalo, baqaphe izinqubo zoHlelo Lwentuthuko Oludidiyelwe (IDP), futhi bathumele ezishayamthetho zezifundazwe imibiko yaminyaka yonke yokusebenza, lapho behlonza khona omasipala abangasebenzi kahle futhi benze iziphakamiso zezinyathelo okumele zithathwe ukulungisa isimo esingesihle esikhona.
- **Iminyango Kamgcinimafa Yezifundazwe (ibika ko-MEC bezifundazwe):** Iqapha ukusebenza komasipala ngakwezezimali, ihlinzeke ngosizo lokwenziwa kwemisebenzi edinga ulwazi olunzulu nobunyoninco (isib., ukulungiswa kwesabelomali, ukuthobela i-MFMA), futhi isebenzisane noMgcinimafa Kazwelonke ezinhlelweni zokungenelela, ibikele iminyango yezifundazwe ye-COGTA lapho kunezigameko zokungenziwa kwezinto ngendlela efanele ukuze kubhekwe ukuthi kungebe kuhle yini ukuthi kusetshenziswe izinhlelo zokungenelela zeSahluko se-139.

IMINYANGO KAZWELONKE

- **Umnyango Kazwelonke we-COGTA (ubika kuNgqongqoshe we-COGTA):** Uqapha futhi uhlole ukuphathwa komasipala, okuyinto edinga ukuthi kukhishwe imibiko yokusebenza futhi kuqaliswe izinhlaka-mthetho zenqubomgomo kazwelonke. UNgqongqoshe we-COGTA ubika minyaka yonke ePhalamende nako-MEC bezifundazwe ngokusebenza kohulumeni basekhaya, nangezinyathelo okuhloswe ngaso ukubhekana nokukhathazeka okuzwakaliswe nguMcwaningimabhuku Jikelele. Umnyango uhola futhi ulawule izinhlelo zokungenelela ezifundazweni, uhlole amandla okusebenza omasipala kanye nokuhlinzekwa kwezinsizakalo, futhi uhlinzeke nangezeluleko mayelana nosizo nokwesekwa okuvela kuzwelonke noma mayelana nezinguquko zomthetho.
- **Umgcinimafa Kazwelonke (ubika kuNgqongqoshe Wezezimali):** Ulawula ukuqapha nokuhlolwa kokusetshenziswa kwezimali komasipala, athole izitatimende zanyanga zonke zesabelomali kanye neZitatimende Zaminyaka Yonke Zezimali. Uphoqelela ukuthotshelwa kwemigomo ebekiwe yokusetshenziswa kwezimali, angenelele lapho kunezinkinga eziphathelene nezimali, futhi agcine Isizindalwazi Sabahlinzeki Bempahla Nezinsizakalo Abanqatshelwe Ukusebenzisana Nombuso kanye neRejista Lezinkampani Ezihlulekile Ukuhlangabezana Nezibopho Zazo Eziphathelene Namathenda noma Ezitholwe Necala Lenkohlakalo Ephathelene Namathenda.



IZISHAYAMTHETHO

- **Izishayamthetho Zezifundazwe (ziqukethe ama-MPL[1]):** Zibuyekeza imibiko ye-COGTA yesifundazwe, zibambe izigcawu zokulalelwa komphakathi, zenze uphenyo, futhi zigunyaze noma zenqabe izinhlelo zokungenelela zesigaba se-139 okuhloswe ngazo ukuxazulula izinkinga eziphathelene nokuhlinzekwa kwezinsizakalo kanye nokuphatha komasipala.
- **UMkhandlu Kazwelonke Wezifundazwe (i-NCOP):** Umele izimfuno-sidingo zezifundazwe, ubuyekeza imithetho yohulumeni basekhaya, uqapha futhi uhlole ukusebenza komasipala ngokusebenzisa imibiko yo-MEC, uvakashela ezikhungweni zikahulumeni ngenhloso yokuyohlola ukusebenza futhi uqhuba uphinde ulawule izinkulumompendulwano. Ugunyaza noma wenqabe izinhlelo zokungenelela zesigaba se-139 okuhloswe ngazo ukuxazulula izinkinga eziphathelene nokuhlinzekwa kwezinsizakalo kanye nokuphatha komasipala. Ikomidi Lomkhandlu Kazwelonke Wezifundazwe Elengamele Ezokubusa Ngokubambisana Nezindaba Zendabuko ligxile emsebenzini wokuqapha nokuhlola kukazwelonke okuqondene nohulumeni bezifundazwe kanye nohulumeni basekhaya.
- **ISigungu Sikazwelonke (siqukethe ama-MP[2]):** Siphasisa imithetho yohulumeni basekhaya futhi siqaphe umsebenzi womnyango kazwelonke we-COGTA kanye nokaMgcinimafa. Ikomidi Lesigungu Sikazwelonke Elengamele Ezokubusa Ngokubambisana Nezindaba Zendabuko lihlola futhi liqaphe ukusebenza komasipala, izinqubomgomo zabo kanye nezabelomali zabo, futhi ngalokho-ke kuqinisekiswe ukuthi izimali zombuso ziphathwa ngobunyoninco futhi izinsizakalo zihlinzekwa ngendlela efanele.

1 MPL = iLungu Lesishayamthetho Sesifundazwe

2 MP= iLungu Lephalamende

Izikhungo zeSahluko sesi-9

Izikhungo zeSahluko sesi-9 yizikhungo ezibalulekile futhi ezenza nomsebenzi wokuqinisekisa ukuthi omasipala baphendula ngezindlela ezahlukene ngomsebenzi wabo. Njengoba zasungulwa ngokweSahluko sesi-9 soMthethosisekelo, lezi zikhungo ezizimele zethweswe umsebenzi wokweseka intando yethu yeningi esekelwe phezu komthethosisekelo futhi azikho ngaphansi kwanoma yimuphi umnyango kahulumeni, iqembu lezepolitiki noma amanye amaqembu anentshisekelo ethile. Izikhungo zeSahluko sesi-9 okuyizona ezihlobene kakhulu nomsebenzi wokuqapha kohulumeni basekhaya zichazwe kabanzi lapha ngezansi.

UMCWANINGIMABHUKU JIKELELE (AG)

Inhloso ka-AG wukuhlola ngokuzimela ukuthi uhulumeni uyisebenzisa ngaphansi kwemithetho ebekiwe yini imali yakhe. U-AG kudingeka ukuba ahlolisise ukusetshenziswa kwemali futhi ahlole nokusebenza kwawo wonke amahhovisi kahulumeni, kubandakanya nomasipala. Umbiko ka-AG uphenya ukuthi ingabe:

- Umasipala uwulandelile yini umthetho ngenkathi elawula izimali zakhe kanye nezinhlelo. Lokhu kubizwa **ngokuthobela umthetho**.
- Izitatimende zezimali zikamasipala zisibonisa njengoba sinjalo yini isimo sezimali sikamasipala kanye nendlela umasipala asebenzisa ngayo imali yakhe. Lokhu kubizwa **ngobuqotho ekubikeni ngokusetshenziswa kwezimali**.

UMVIKELI WOMPHAKATHI (PP)

Ihhovisi Lomvikeli Womphakathi liphenya izikhalazo mayelana neminyango noma mayelana nezikhulu zikahulumeni, kubandakanya nomasipala. Lokhu kubandakanya ukungaphathwa komsebenzi ngendlela efanele, ukuziphatha ngendlela engalungile kwezikhulu zikahulumeni noma abantu abenza imisebenzi kahulumeni, ukusetshenziswa kabi kwamandla, inkohlakalo, ukusetshenziswa kabi kwezinsizakusebenza zombuso, kanye nokuzicebisa kwezikhulu zikahulumeni ngokungemthetho noma ngendlela engalungile.

Noma yiliphi ilungu lomphakathi livumelekile ukufaka isikhalazo kuMvikeli Womphakathi. Kodwa-ke, ngaphambi kokwenza kanjalo, kungaba kuhle ukuthi uqale ngokufaka isikhalazo sakho ehhovisi likasomlomo kanye/noma lika-MEC wohulumeni basekhaya noma ekhanseleni leqembu lezepolitiki.

IKHOMISHANA YAMALUNGELO ESINTU YASENINGIZIMU AFRIKA (SAHRC)

Uma umasipala ehluleka ukuhlinzeka ngezidingongqangi, kungathunyelwa isikhalazo ngohlelo-xhumano lwe-inthanethi noma sithunyelwe kwelinye lamahhovisi ezifundazwe e-SAHRC. I-SAHRC ingenza lokhu:

- Ingahlinzeka ngeseluleko sezomthetho.
- Ingaziphenya izikhalazo.
- Ingasebenzisa izinkantolo, kubandakanya neziNkantolo Zokulingana, ukuze lowo ongagculisekile athole ukusizakala.

IKHOMISHANA YOKHETHO EZIMELE YASENINGIZIMU AFRIKA (IEC)

I-IEC yisikhungo esilawula ukhetho kuwo woke amazinga ohulumeni, kubandakanya nohulumeni basekhaya.

Yini ongayenza uma umasipala engaphethwe neze kahle?

1. **Khuluma nezinhlaka zikamasipala.** Njalo, isinyathelo sokuqala kuye kube ukuthola umuntu othile kumasipala ozokulalela. Kodwa ngelishwa-ke, kunokwenzeka ukuthi umasipala uphethwe kabi kangangokuthi kungabi khona noyedwa kulaba bantu ozokupha izimpendulo noma akwazi ukukusiza.
2. **Zama ukuphoqelela ukuthi isifundazwe siwuphenye umasipala futhi sithathe izinyathelo maqondana nalokho okutholakale ophenyweni.** O-MEC bohulumeni basekhaya banamandla okuphenya omasipala ngokuhluleka kwabo ukuhlinzeka ngezinsizakalo, ukusebenzisa imali ngobudlabha, inkohlakalo, noma okunye ukuziphatha okungenabo ubuqotho noma ukwenza okuthile okuphambene nokulunga.
3. **Zwakalisa ukukhathazeka kwakho esishayamthetho sikazwelonke kanye nesishayamthetho sezifundazwe ngaphandle kovalo nokwesaba.** Kokubili isishayamthetho sikazwelonke kanye nesishayamthetho sesifundazwe kuthola imibiko evela kungqongqoshe kazwelonke kanye no-MEC mayelana nesimo sohulumeni basekhaya kanye nomasipala abathile. O-MEC bohulumeni basekhaya kumele babike minyaka yonke esishayamthetho sabo mayelana nesimo somasipala bonke esifundazweni futhi babaveze obala omasipala abangasebenzi neze kahle.
4. **Hlela umbuthano onokuthula.** Ngokuhlela imashi enokuthula, imiphakathi izokwazi ukuveza obala izinkinga ezinjengokungahlinzekwa kahle kwezinsizakalo noma inkohlakalo, okuzokwenza ukuthi wonke amehlo athi njo kulezo zinkinga.
5. **Sebenzisa abemithombo yezindaba.** Ukuxhumana nemithombo yezindaba enjengamaphephandaba, iziteshi zezindaba, izintatheli noma ukusebenzisa izinkundla zokuxhumana kungadonsa amehlo kuwabeke kulezo zindaba ezishaywe indiva, okuzolekelela ekusheshiseni ukuthathwa kwezinyathelo kanye nokuthola izixazululo.
6. **Thatha udaba uluyise enkantolo.** Izinkantolo zinezindlela zokuqinisekisa ukuthi abaholi bomasipala bayaphendula ngokungahlinzekwa kwezinsizakalo ngendlela efanele kanye nokuhluleka kwabo ukuphatha kahle. Lokhu-ke kuyinto yokugcina ongayenza emuva kokuthi isihlulekile yonke eminye imizamo.

Isahluko 2 somhlahlandlela i-COMPACT's *Working Towards Collaborative Local Government* sihlinzeka ngolwazi oluthe xaxa mayelana nokuqapha kanye nesibophokubika.

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