



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Third Session

Wednesday 13<sup>th</sup> November, 2019

The House met at 2.30 p.m.

*[Hon. Speaker (Ms. Beatrice Elachi) in the Chair]*

*(The National Anthem of South Africa was played)*

*(The National Anthem of Kenya was played)*

PRAYERS

#### COMMUNICATION FROM THE CHAIR

**Hon. Speaker:** Hon. Members, I have the following communication and directions to give; -

ADDRESS OF THE ASSEMBLY BY A VISITING DIGNITARY.

Hon. Members, this is a further communication on the anticipated address by the Speaker of Gauteng Provincial Legislature, South Africa, Hon. Ntombi L.H Mekgwe pursuant to the Provision of Standing Order No. 26 on Address by the Senator or visiting dignitary.

Hon. Members, the Gauteng Provincial Legislature is the legislature of the South African province of Gauteng. It is a unicameral body of 73 members elected every five years. The current legislature, the sixth, was elected on 8 May 2019 and has an African National Congress majority of 37 members.

The legislature is housed in Johannesburg City Hall in central Johannesburg and today we are privilege to have the Gauteng Provincial Legislature's Speaker, Hon. Ntombi Mekgwe here with us today.

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## ABOUT OUR GUEST

Hon. Members, Hon. Ntombi Mekgwe started her political activism during her teen years, participating in the Congress of South African Students (COSAS) while in high school, and subsequently extended her activism to the South Africa Youth Congress (SAYCO) and later Africa National Congress (ANC) Youth League.

Hon. Ntombi Mekgwe remains a dedicated and active member of both the ANC, and the Women's League where she served as Regional Secretary. She has served as a chairperson of the Regional Executive Committee in Ekurhuleni. In May 2010, she was elected as Provincial Treasurer of ANC in Gauteng.

At the dawn of democracy, she was elected as Mayor of the Nigel Transitional Local Council serving from 1995 to 2000. When the Ekurhuleni Metropolitan Municipality was established, she was elected as a ward councilor as well as the Speaker of the Ekurhuleni Metropolitan Municipality Council from 2001-2006.

She was subsequently re-appointed as the Speaker of the Ekurhuleni Metropolitan Municipality Council in 2006 a position she held until July 2008. She then served as an Executive Mayor of Ekurhuleni Metropolitan Municipality, until the time she was appointed Gauteng Member of the Executive Council - MEC for Health and Social Development in November 2010 and MEC for Local Government and Housing in 2012.

Her excellent work in the public sector saw her being elected as the Speaker of the Gauteng Provincial Legislature, a position she held from 2014 to date.

Hon. Ntombi Mekgwe holds various tertiary qualifications which include a certificate in Municipal Development Programme, a Diploma in Local Government, a Diploma in Human Resource Management, a Diploma in Adult Basic Education and a Diploma in Public Management. She has obtained a graduate certificates Degree in Leadership and Governance from the University of the Witwatersrand, Johannesburg, and a Project Management Degree from the University of Cape Town. She is currently studying towards a Bachelor Degree in Public Administration.

Her sterling performance has earned her an award for being the Best Woman Councillor in Local Government in Gauteng in 2007. She has been involved in several major projects and campaigns, such as the renaming of the O.R Tambo International Airport.

Hon. Ntombi Mekgwe is also serving in the following Organisations of Committees:

- i) Trustee of Mpho Modi Trust and Ntombi Mekgwe Foundation Board;
- ii) President of the Commonwealth Parliamentary Association (CPA) Gauteng Branch;
- iii) Chairperson of the Gauteng Speakers Forum;
- iv) Member of the Commonwealth Women Parliamentarians;
- v) Executive Member of the Gauteng Provincial Legislature Multi-Party Women's Caucus;

Now therefore, Hon. Members, it is my privilege and honor, to invite the Hon. Ntombi L.H Mekgwe,

Speaker of Gauteng Provincial Legislature, South Africa to address this Honorable Assembly of the Nairobi City County. Welcome Madam Speaker.

**ADDRESS BY VISITING DIGNITARY**

ADDRESS BY SPEAKER HON. LN MEKGWE TO THE. NAIROBI COUNTY ASSEMBLY

**Hon. Ntombi Mekgwe:** Thank you very much.

Honourable Speaker, Beatrice Elachi  
Hon Deputy Speaker, John Kamangu  
Leader of Majority  
Leader of Minority  
Honourable Members  
Distinguished Guests

Hon. Speaker allow me in terms of house Standing Order 26 to address this august house. It is singularly a great honour and privilege to be afforded an opportunity to address this august House – the Nairobi City County Assembly.

On behalf of the delegation from Gauteng Provincial Legislature that I have a great honour to lead. I would like to express our greatest appreciation to Hon Speaker Beatrice Elachi, Members of the Speaker's Panel for accepting our request to visit your House for a benchmarking exercise.

The fact that our visit coincides with the hosting of International Conference on Population Development held in your City and County demonstrates your ability and capability to multitask.

We take this opportunity to express our sincerest appreciation for the warm welcome, hospitality and generosity that has been extended to us by the people of your beautiful country, which has made us feel at home.

Special words of appreciation to you Madam Speaker, Acting Clerk, Ms Monicah Muthami and her staff we had an opportunity to interact with as part of our efforts to improve the effectiveness of our Legislature.

We gather here today as the children of our Founding Fathers Mzee Jomo Kenyatta and Nelson Mandela, bound together by the umbilical cord of Pan Africanism seeking to strengthen our relations and our institutions to improve the quality of life of all our people.

Gauteng Provincial Legislature is one of the 9 Provincial Legislatures which is established in terms of Section 104 of the Constitution of the Republic of South Africa.

Unlike Kenya with two spheres of government, South Africa has three spheres of government, i.e. National, Provincial and Local. These spheres are interdependent, interrelated and interconnected.

In each of the spheres of government, except the local sphere of government, there is an explicit Executive and Legislative arms of State, characterised by separation of powers. At local government level, the Executives and Legislative authority reside in the Legislature, and the Executive functions are delegated to Local Executives.

The constitutional arrangements referred to above are a product of a negotiated settlement and compromises reached – which led to the democratic breakthrough in 1994. The governing party, African National Congress' (ANC) original policy position of a strong national and local spheres had to accommodate the demands of parties which wanted a federal Republic. This has led to South Africa being a unitary State

with federal features, which at times become more pronounced in other provinces than the unitary State positions.

In terms of the latest statistics, Gauteng is home to about 15.1 millions of South Africa's 55.78 million people (about 25,8%), with a land mass of 18,178 km<sup>2</sup> - making Gauteng the most densely populated Province with 737.1/km<sup>2</sup>. This makes Gauteng the 26<sup>th</sup> largest area globally.

Gauteng is the economic and cultural hub, and the most cosmopolitan of all Provinces in South Africa, and contributes about 35% of South Africa's Gross Domestic Product (GDP), and Gauteng's economy is ranked the 7<sup>th</sup> largest in the Continent.

Honourable Speaker and Members, I have painted this picture to give you a sense of the context within which the Gauteng Provincial Legislature operates.

The Legislature currently has 73 Members representing 6 political parties, i.e. African National Congress (ANC) with 37 Members constituting a majority party, Democratic Alliance (DA) with 20 Members constituting the largest opposition party, Economic Freedom Fighters (EFF) with 11 Members, Freedom Front Plus (FF+) with 3 Members and African Christian Democratic Party (ACDP) and Inkatha Freedom Party (IFP) with one Member each.

As a body representing the interest of the people, the vision of GPL is "Fostering public pride and confidence in democracy and enhancing service delivery to the people of Gauteng", and our motto is "Your View, Our Vision".

Hon Speaker and Hon Members,

Our Vision seeks to address a huge trust deficit that exists in society in general, especially amongst the youth, about the quality of democracies we have in our different countries. There is generally negative perception and skepticism about the role of elected public representatives and appointed officials and government institutions.

As elected public representatives, we have a duty to reverse this skepticism and foster pride and confidence amongst our people about democracy. This view is reiterated in the words of Hon Speaker Elachi when she addressed the House yesterday, and said "Hon. Members, you will agree with me that sovereign representation of the people heavily relies on. Public trust and so does the Assemblies and Parliaments".

Hon Members – our integrity and credibility must be beyond reproach. We must represent the interest of the people in the best way we can so that we can continuously earn their trust and confidence in the work we do. We must also double our efforts to continuously engage with the people so that they are always informed, and in turn they can become our eyes and ears in strengthening representation and oversight work.

The people must remain central to the work we do.

We must translate their confidence into tangible results that result in an improved quality of life of our citizens and residents. We must be true to the words of Thomas Sankara, when he said, "Our revolution is not a public-speaking tournament. Our revolution is not a battle of fine phrases. Our revolution is not simply for spouting slogans that are no more than signals used by manipulators trying to use them as catchwords, as code words, as a foil for their own display.

Our revolution is, and should continue to be, the collective effort of revolutionaries to transform reality, to improve the concrete situation of the masses of our country".

The Legislature has 4 Presiding Officers, i.e. Speaker, Deputy Speaker Chairperson and Deputy Chairperson of Committees. We also have the Legislature Services Board (LSB) established – we are in the process of reviewing the Legislation that established our Board to align it to Financial Management of Parliament and Provincial Legislatures Act (FMPPLA).

GPL is an active participant in the South African Legislative Sector (SALS) – a national forum that brings together Speakers, Deputy Speakers, Chairperson and Deputy Chairperson of National Council of Provincial Legislatures (NCOP) and Secretaries of Legislatures.

In an effort to strengthen Legislatures as autonomous organs of State and improve inter-legislature relations, leadership of Parliament of the Republic of South Africa, i.e. National Assembly and National Council of Provinces (NCOP) together with Speakers and Deputy Speakers of Provincial Legislatures and all Secretaries to Legislatures have established South Africa Legislative Sector (SALS) to set norms and standards and share legislative and administrative experiences. SALS is composed of Speakers' Forum and Secretaries Association of South African Legislatures (SALSA), and supported by Legislature Support Services (LSS).

The Sector is in the process initiating a national legislation to formalize inter-legislature relations,

1. Reaffirm the legislative sector as an arm of State distinct from the Executive and the judiciary;
2. Regulate, promote and facilitate inter-legislature relations;
3. Provide for the governance of the legislative sector;
4. Facilitate co-operation amongst the legislatures and Municipal Councils;
5. To provide for the establishment of the Institute for South African Legislatures;
6. Provide for mechanisms and procedures to facilitate the settlement of inter-legislature disputes;
7. Endorse the service in each legislature;
8. Provide for the standardization of the organization and administration of these services and to provide for matters incidental thereto.

The envisaged Institute aims to, inter-alia:

1. Develop and providee quality learning, training and development programmes to members and employees in the Legislative Sector;
2. Conduct quality research and generate information in respect of core business in order to assist members of Legislatures in the execution of their duties;
3. Providee technical assistance to Committees in Legislatures relating to the core business; and
4. Establish, co-ordinate and host the alumni association of former members of Parliament and the provincial legislatures

#### OVERSIGHT, SCRUTINY AND ACCOUNTABILITY

Honourable Members,

Oversight can be viewed in terms of what legislatures and their members do. This involves reviewing, monitoring and supervising the executive and the programmes, activities and policy implementation of other organs of state.

According to Sector Oversight Model (SOM), oversight is defined as “proactive interaction initiated by a Legislature with the executive and administrative organs ...that encourages compliance with the constitutional obligation on the Executive and administration to ensure delivery on agreed-to objectives for the achievement of government priorities”.

Accountability refers to institutionalized practices of giving an account of how assigned responsibilities are carried out. Accountability simply means that those in power must be held accountable for their acts, omissions and decisions, including those affecting expenditures or policies.

The function of oversight within the South African Legislative Sector context entails:

1. To detect and prevent abuse, arbitrary behavior, or illegal and unconstitutional conduct on the part of the government and public agencies;
2. Hold the government to account in respect of how taxpayers' money is used;
3. Ensure that policies announced by the government and authorized by Parliament are implemented; and
4. Improve the transparency of government operations, thereby enhancing public trust in government which, in itself, is a prerequisite for effective policy delivery.

Another initiative led by GPL is the Committees Oversight and Accountability Framework (COVAC). COVAC is a framework consisting of templates and formats to practically guide Oversight and Accountability by the Committees.

The focus areas of COVAC include, strategic compliance, technical compliance and quality, budget oversight, public involvement/ participation, resolution management, performance verification and implications on law making and policy (oversight on implementation of laws).

One of the major challenges that we are grappling with, is how do Legislatures as representatives of the people, hold Executives accountable for international, continental and local commitments, such as the Sustainable Development Goals (SDGs), Africa Agenda 2063 and in South Africa's case, the Regional Southern Africa Development (SADC) Master Plan and National Development Plan (NDP).

As the people's representatives or deputies, how confident are we that our national development plans will lead to the desired outcomes? Do we scrutinise the linkage between the local, regional, continental and international commitments? Can our Legislatures/ assemblies vouch or verify the achievements that the Executive claims?

I am asking these questions, Hon Members, just to restate the fact that the Legislatures/ Assemblies have a keen interest in ensuring that the plans of government succeed so that the people's standard of living can be improved.

In conclusion, Madam Speaker and Honourable Members, I wish to reiterate the aspirations that our Continent is aspiring towards. These aspirations are contained in the Africa Agenda 2063 – the Africa We Want. These are the seven aspirations:

#### OUR ASPIRATIONS FOR THE AFRICA WE WANT

1. A prosperous Africa based on inclusive growth and sustainable development

2. An integrated continent, politically united based on the ideals of Pan Africanism and the vision of Africa's Renaissance
3. An Africa of good governance, democracy, respect for human rights, justice and the rule of law
4. A peaceful and secure Africa
5. An Africa with a strong cultural identity, common heritage, values and ethics
6. An Africa, whose development is people-driven, relying on the potential of African people, especially its women and youth, and caring for children
7. Africa as a strong, united, resilient and influential global player and partner

While I raise this issues also reiterate on what one member spoke about yesterday: the xenophobic attacks that happened, although he did not say xenophobia. The issues that happened in South Africa go back in atrocity. I was personally confronted with those issues when attending the CPA regional conference in Zanzibar when these things started in Johannesburg.

We want to state clearly that we are Africans. We are brothers and sisters. There is no way we can wish each other away. The Africa agenda 2063 does not only account to one country and not to others. Let me give you a brief background of what happened.

Our executive- because we are confronted with issues of crime especially in Guateng but in all provinces- as we are confronted with that issue our assembly asked the relevant question to the member of the executive responsible for safety and security.

That member had together with the entire executive develop or design a programme to go out and ensure that they work with police to ensure they root out those criminal elements happening.

Unfortunately, it is my strongest belief somebody can argue differently to say the violence that happened was orchestrated because of us trying to undermine or even expose the criminal elements happening.

As we were moving around we discovered they were young children, especially young women that were housed or trafficked from all over the world including particularly Africa because our young girls, because of their nature – unemployed, poverty- when you come to them and say 'I am going to get you employment' they will come with you only to find that there is no employment. They are sold as sex objects, they are made to sell drugs and you will know the drugs are illegal.

Unfortunately, it happened that when that raid was happening most of those people arrested were illegal people, irrespective of whether they come from Africa or anywhere else in the world including some South Africans arrested in those raids.

What happened was fake news moving around to say South Africans were attacking other African brothers and sisters. There was no such thing. Those arrested were people illegally doing illegal things in our country.

I am sure you will agree with me – I know even the President of Kenya was talking about illegal people coming to Kenya doing illegal things and he said clearly that he will not allow, as Kenyans, for other people – whether Kenyans or who come from all over- to do that.

In South Africa we were also saying the same thing that we were not going to allow any illegal... Let us come together because when you are in the country you must behave in that particular fashion.

In the words of Frantz Fanon, “Each generation must, out of relative obscurity, discover its mission, fulfil it or betray it”.

Our forefathers and foremothers have fulfilled their mission of “freedom in our lifetimes”, and bequeathed us independence, freedom and democratic breakthrough. The mission of our generation is freedoms reflected in the Aspirations of the Africa we Want.

Honourable Member, we must fulfil our mission – we cannot betray our Continent and her people. This is Africa’s time. Africa must rise. Thank you very much honorable members, thank you Madam Speaker.

*(Applause)*

### ADJOURNMENT

**Hon. Speaker:** Hon Members, let us arise and adjourn the house. The house stands adjourned to tomorrow 14<sup>th</sup> November 2019 at 2.30 p.m.

**The House rose at 5.05 p.m.**