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## KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT - SECOND SESSION - 2008

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### REPORT OF THE ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES ON THE STUDY VISIT TO THE REPUBLIC OF SOUTH AFRICA

17<sup>TH</sup> TO 21<sup>ST</sup> NOVEMBER, 2008

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CLERK'S CHAMBERS  
PARLIAMENT BUILDINGS  
NAIROBI

FEBRUARY, 2009

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## **ABBREVIATIONS**

<b>ANC</b>	-	<b>African National Congress</b>
<b>ARP</b>	-	<b>Alexandra Renewal Project</b>
<b>FIFA</b>	-	<b>Federation of International Football Association</b>
<b>JMPD</b>	-	<b>Johannesburg Metropolitan Police Department</b>
<b>MOEs</b>	-	<b>Municipal Owned Entities</b>
<b>NA</b>	-	<b>National Assembly</b>
<b>NCOP</b>	-	<b>National Council of Provinces</b>
<b>NMF</b>	-	<b>Nelson Mandela Foundation</b>
<b>NMPD</b>	-	<b>Nairobi Metropolitan Police Department</b>
<b>PC</b>	-	<b>Portfolio Committee</b>
<b>RI</b>	-	<b>Robben Island</b>
<b>RSA</b>	-	<b>Republic of South Africa</b>

## **PREFACE**

**Mr. Speaker, Sir,**

The Parliamentary Departmental Committee on Administration, National Security and Local Authorities was constituted at the commencement of the tenth Parliament pursuant to the provisions of Standing Order No. 151 and has executed its mandate in accordance with the provisions of the said Standing Order 151 (1) 4, which mandates the Committee to;

- a) 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) study the programmes and policy objectives of the ministries and departments and their effectiveness for implementation;*
- c) study and review all legislation after first reading subject to the exemptions under Standing Order 101 (A) 4;*
- d) study, assess and analyze the relative success of the ministries and departments as measured by the results obtained as compared with its stated objectives;*
- e) investigate and inquire into all matters relating to the assigned ministries and departments as they deem necessary and as may be referred to them by the House or a Minister; and,*
- f) make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.*

**Mr. Speaker, Sir,**

The Committee oversees the following Ministries:

- i) Ministry of State for Provincial Administration and Internal Security
- ii) Ministry of State for Public Administration
- iii) Ministry of the Nairobi Metropolitan Development

- iv) Ministry of Home Affairs
- v) Ministry of State for Special Programmes
- vi) Ministry of State for Immigration Services and Registration of Persons
- vii) Ministry of State for National Heritage and Culture
- viii) Ministry of State for Youth Affairs and Sports
- ix) Ministry of Local Government.

The following are the Members of the Committee:

The Hon. Fred Kapondi Chesebe, MP (Chairman)

The Hon. John Ngata Kariuki, MP

The Hon. Raphael Letimalo, MP

The Hon. Peter Kiilu, MP

The Hon. Lewis Nguyai, MP

The Hon. Mohammed Hussein Ali, MP

The Hon. Cyprian Omollo, MP

The Hon. Joseph Kiuna, MP

The Hon. Pollyins Ochieng', MP

The Hon. Mwalimu Mwahima, MP

The Hon. Clement Kungu Waibara, MP

**Mr. Speaker, Sir,**

Six Members of the Committee visited the Republic of South Africa between 17<sup>th</sup> and 21<sup>st</sup> November, 2008, on a study tour of the Parliament of South Africa. The Committee Members during the visit comprised of the following Members:

The Hon. Fred Kapondi Chesebe, MP – Leader of the Delegation

The Hon. John Ngata Kariuki, MP

The Hon. Peter Kiilu, MP

The Hon. Pollyins Ochieng, MP

The Hon. Joseph Kiuna, MP

The Hon. Raphael Letimalo, MP; and,

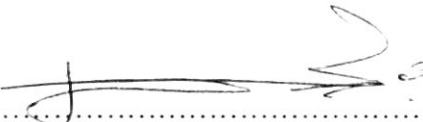
Mr. Daniel Mutunga, Committee Secretary.

**Mr. Speaker, Sir,**

The Committee wishes to extend its gratitude to you for granting the Members the opportunity to visit the Republic of South Africa to undertake this important study. The Members also wish to sincerely thank the Clerk of the National Assembly for providing the necessary financial and logistical support. The Committee takes this early opportunity to appreciate the work of the officers of the Parliament of South Africa for ensuring that the various meetings with the respective Portfolio Committees were on schedule and proceeded smoothly.

**Mr. Speaker, Sir,**

On behalf of the Committee, and pursuant to Standing Order 162 (2), I beg to lay on the table of the House the Report of the Committee on its visit to the Republic of South Africa from 17<sup>th</sup> to 21<sup>st</sup> November, 2008.

Signed..........Date.....19/02/09.....

**Hon. Fred Kapondi Chesebe, MP**

**Chairman, Departmental Committee on Administration, National  
Security and Local Authorities**

## **1.0 EXECUTIVE SUMMARY**

### **1.1 Objectives of the visit**

The visit was necessitated by the committee's intention to study and acquaint itself with the workings of the counterpart committees in the Parliament of the Republic of South Africa. The Committee desired to meet in particular, the Portfolio Committees on Provincial and Local Government, Safety and Security, Correctional Services as well as Arts and Culture. It was anticipated that a meeting with the Members of these important Committees would enable the Administration, National Security and Local Authorities Committee to carry out its mandate adequately and also make proposals to the House on areas requiring reforms, borne out of the outcome of the study tour.

The Committee also planned to meet the municipal and council leaders in Cape Town and Johannesburg cities to exchange ideas about the running and management of Local Authorities in South Africa. The Committee would thereafter make an extensive tour of Johannesburg city in a bid to understand how the general management and operations of the Metropolitan is carried out.

The Committee further planned to visit the historical sites and national museums to have an understanding on how the Republic of South Africa manages and preserves this heritage. It was hoped that after visiting these national sites and museums, the Committee would come up with recommendations that would help in improving the preservation processes and management of the national heritage sites in the country.

The Mandela Foundation was also in the list of areas to be visited by the Committee. The importance of this visit was to learn how the institution strove to bring about justice and peace in the country, bearing in mind that Kenya had suffered a serious democratic setback following the botched up 2007 general elections. The art of reconciliation and national healing would

be of great help to Kenya towards restoration of peace and justice to the affected communities.

The committee made a successful visit to the Republic of South Africa between 17<sup>th</sup> and 21<sup>st</sup> November, 2008.

## **1.2 Areas visited**

During the visit, the Committee undertook a guided tour of the *Republic of South Africa Parliament* on 18<sup>th</sup> November, 2008. The Members heard that the Republic of South Africa Parliament is Bicameral, consisting of two Houses, the **National Assembly (NA)** and the **National Council of Provinces (NCOP)**. The delegation had the opportunity to tour both Houses where they were able to make comparative applications to the operations of the National Assembly of the Republic of Kenya.

The Committee Members met the *Portfolio Committee on Provincial and Local Government*. Common areas of interest such as development initiatives by the Local Government and disaster and emergency response and management were discussed. The Members had a very fruitful discussion and exchange of ideas and views affecting their respective countries in matters related to Provincial and Local Authorities. Thereafter, a luncheon was hosted in their honour by the Committee Chair, the Hon. L. Tsenoli.

In the afternoon of Tuesday 18<sup>th</sup> November, 2008, the Committee attended a session of a sitting of the National Assembly of the Republic of South Africa. The Members had the opportunity to observe the proceedings of the House which involved the swearing in of new Members of Parliament who were replacing other Members who had either resigned or could not take up the appointments for one reason or the other. Thereafter, the Chairperson of Committees Hon. Andries Carl Nel acknowledged the presence of the Kenya delegation which was warmly acclaimed by the RSA Parliament.

On Wednesday 19<sup>th</sup> November, 2008, the Committee Members met the *Portfolio Committee on Safety and Security*. The Members held a very useful

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meeting in which matters of safety and security were discussed at length. The Chairperson and Members of the Committee made elaborate contributions on the Committee's mandate and operations.

The Committee thereafter held a session with the *Chairperson of House Committees, Hon. Andries Carl Nel*. *Hon. Nel* gave an in-depth analysis of the Committees' operations. The interaction was an important one in that the Committee Members were able to engage the Chairperson on major issues concerning the committee system in the Republic of South Africa's Parliament.

The Members further met the *Portfolio Committee on Arts and Culture* where matters of culture and heritage were discussed. The Committee Chairperson, Hon. (Mrs.) Tovhowani Josephine Tshivhase, expounded on the functions and mandate of the Committee which the Kenya delegation took note of and wished to include in their proposals to the National Assembly of Kenya.

On Thursday 20<sup>th</sup> November, 2008, the Committee visited the legendary *Robben Island*. The objective of this visit was to study how the Republic of South Africa has managed to turn the once infamous Prison Island into a famous National Museum and a world class tourist destination. The visit to the Island was quite beneficial to the Members given the rich heritage in Kenya such as the Kapenguria and Hola concentration camps/prisons whose heritage and historical significance remains unexploited.

The Committee was in Johannesburg on Friday November 21<sup>st</sup>, 2008 where the Members met with officials from the Mayor's parlour, the officials of the Arts and Culture Directorate as well as representatives of the Johannesburg Metropolitan Police Department (JMPD). Useful information was given regarding the running of the Johannesburg City.

The Committee wound up its visit at the Nelson Mandela Foundation where Members learnt that the institution was committed to promoting peace and

reconciliation through *memory* and *dialogue* programmes. The Foundation was also involved in the preservation of artifacts, documents and other materials intended to leave a legacy and provide a historical background about the struggles for independence by Nelson Mandela.

## **2.0 THE VISIT**

### **2.1 Guided tour of the Parliament of the Republic of South Africa**

The Committee Members made an extensive tour of the Republic of South Africa Parliament. During the guided tour of the Parliament, the Committee heard that:

- The Republic of South Africa is composed of the **National Assembly (NA)**, and the **National Council of Provinces (NCOP)** which essentially operates in a bicameral manner.
- Prior to the demolition of the Apartheid structures in 1994, the Parliament was tricameral and operated along racial lines.
- During the Apartheid era, the three houses came together for joint discussions but did not pass laws. The white Parliament passed the laws that obviously favoured the white community.
- The current Parliament has about four hundred Members of Parliament and the elections are held after every five years.
- There are over fifteen (15) political parties.
- Proceedings in the House are conducted through eleven (11) official languages, nine of these being African languages, while the remaining two are Afrikaans and English respectively.
- The National Assembly appoints the President, makes legislation, oversees the executive and provides a platform for Members of Parliament to publicly debate issues.
- The **Speaker** heads the National Assembly.

- The National Council of Provinces is also involved in the process of making laws and provides a forum for debate on matters affecting the provinces.
- The National Council of Provinces is headed by a **Chairperson** who is also the head and spokesperson for that House.
- Members nominated by the political parties are not directly accountable to the electorate but the party that nominated them and they could be replaced if the party so deemed.
- The President has no veto powers in regard to rejecting a piece of legislation. The veto powers are vested in the Constitutional court only.
- The dismantling of the Apartheid era in 1994 ushered in a new democratic era in South Africa and brought about a unique scenario of political dispensation desired to heal the divisions of the past and establish a society based on democracy, justice, social cohesion and fundamental human rights.

## **2.2 Meeting with the Portfolio Committee on Provincial and Local Government**

The delegation met the Portfolio Committee on Provincial and Local Government headed by the Chairperson, Hon. L. Tsenoli, soon after concluding the tour of Parliament. During this meeting, the Members heard that:

- The Committee system was established after Parliament was reconstituted to reflect a racial balance after independence in 1994 and the adoption of the constitution setting up a democratic Parliament for all races.
- The contents of the constitution were largely drawn from the experiences undergone during the civil struggles in the country.

- Parliamentary Committees are extensions of the House and their business is as crucial as business of the House in as far as making of laws is concerned.
- The PC on Provincial and Local Government, like the other Committees, must provide an enabling environment for democracy to prevail and help in making a responsible government that is accountable to the people.
- The Committee also provides an opportunity for local communities to have a say in matters of the Local Government.
- The activities of the PC on Provincial and Local Government are based on the development agenda by the Government to the local people which is basically to find solutions to their problems.
- Certain programmes have been introduced in time to tackle a wide spectrum of people's concerns. Such programmes include the Consolidated Municipal Transformation agenda.
- The Committee looks at the affairs of 9 provinces of Gauteng, Limpopo, Mpumalanga, Free State, Kwa-Nzulu Natal, Eastern Cape, North West, Northern Cape and Western Cape that were borne out of the Demarcation Act that created the process for the establishment and governance of the municipalities and the numerous local authorities.
- The Local Government Transition Act (1993) provides guidelines for the management and operations of the councils, municipalities and the Metropolitans.
- The Act deals with disaster management and provides that Parliament must receive reports of disasters in the country and evaluate how effective they have been dealt with. The Local Government is responsible for disaster preparedness, response and management.
- Several Acts of Parliament have been enacted to make the running of the Municipalities and the Metropolis more effective and efficient. These Acts are intended to enhance the running of the municipalities

through public participation and to provide an integrated approach to the budget.

- The Municipal Structures Act and the Municipal Systems Act provide for administrative and operational directions for the municipalities and also gives guidelines on issues of inter-government relations and corporate governance. The Acts were created through information collected out of informal meetings from all the provinces. The Acts also provide for conventions for municipalities and the Presidential Coordinating Council.
- The Municipal Finance Management Act deals with matters of prudent financial management by the municipalities and councils. It was enacted to enhance proper management of public funds and encourage public participation in the budget making process.
- Through the integrated government municipal programmes, the government formalizes meetings with the people. It prioritizes plans for the municipalities and involves all stakeholders in the planning.
- The budget process must reflect consultations from all the quarters and stakeholders.
- Disaster and emergency control, response and management have been made difficult by lack of resources for mitigation. This creates a situation where the departments dealing with disaster management are hampered in their service delivery efforts.
- Operation centres both for Provincial and National disaster response units are usually set up to deal with catastrophes.
- These centres provide food, shelter, medicine, etc for the affected people or communities.
- The South Africa Police Service and other armed forces are called upon to deal with disasters when the need arises.
- The Housing department deals with matters of floods.
- 80% of the Municipal Councils' revenue is generated by the municipalities and not allocated by the central government.

- Budget allocation is distributed equitably according to the size and poverty levels of the municipalities.
- Resources are generated from such ventures as housing schemes, collection of levies, etc.
- The government hopes to phase out informal settlements by 2015 by ensuring that housing units that are being build for these inhabitants are completed in readiness for occupation.
- Vast areas of the country are dry hence the poverty leads to rural-urban migration in search of jobs which in turn results in development of the informal settlements.
- Legislation is initiated through Ministries and National departments and presented to Parliament as bills. The bills are then referred to the committees by the House Speaker at certain stages.
- The committees then look at the views, make amendments and recommends to Parliament for changes to be effected.
- Chapter 24 of the constitution recognizes local leaders and their roles and participation in national issues.
- All stakeholders who have an interest in the pieces of legislation are invited to give their views.
- The Auditor General is the figure of transparency and looks at all the expenditure of the Local Government.
- The municipalities take responsibility for their spending and sometimes accountability becomes a challenge.

### **2.3 Attendance of the National Assembly sitting**

The Committee Members had the opportunity to attend to a sitting of the National Assembly.

- The delegation observed how House Business was being conducted under the stewardship of the House Speaker Hon. (Ms.) Gwen Mahlangu-Nkabinde.
- The delegation witnessed the affirmation of oath for new Members of Parliament which was conducted by the House Speaker. The new

Members were a replacement by their parties in instances where the old members had either resigned or could not take up their seats for one reason or the other.

- The delegation also witnessed the grieving of a nation through the very many tributes by Members of Parliament and messages of condolences to the family, friends and relatives of the late Miriam Makeba, the Republic of South Africa's music icon and peace ambassador. The family Members were themselves seated in the gallery.
- The mood in the house was somber as the nation mourned the loss of a loved one.
- The delegation's presence was acknowledged by the House Chairperson of Committees, Hon. Andries Carl Nel.

#### **2.4 Meeting with the Portfolio Committee on Safety and Security**

The delegation met the Portfolio Committee on Safety and Security on November 19<sup>th</sup>, 2008. During the meeting, the delegation heard that;

- The Committee was mandated to oversee Ministries and Departments in charge of Safety and Security matters in the country.
- One of these Departments was the Police Service.
- The Committee encouraged public participation on ways of improving delivery of services by Government Departments and agencies.
- The Committee had powers to summon anyone such as the Police Commissioner to appear before it.
- Notices are not necessarily issued to Departments that the committee wishes to inspect. The impromptu visits are necessary to gauge the performance of the government departments at all times.
- The appointment of a Police Commissioner is done in the same manner as that of the Director General of a Government Department.
- The appointment of the Police Commissioner involves the Office of the President, the Ministry concerned and Parliament.

- Parliament can recommend the removal of a Police Commissioner who is deemed not to be delivering.
- One of the challenges in the appointment of a Police Commissioner is political interference.
- In appointing the Police Commissioner, professional qualifications are put into consideration.
- Parliament has the last word in the direction of the work of the Police Commissioner and that the authority to hire or fire a Police Commissioner is vested with Parliament.
- Any person can lodge a complaint against the Police Commissioner and investigations would be launched.
- A Police secretariat is established to deal with complains from the public. However, the entity has not been working well as it should. Civilians are engaged in reviewing the performance of the entity.
- Recruitment of police officers is open and is based on merit and qualifications. It is conducted in the provinces.
- The training of the newly recruited police officers takes six months at the station for them to gain practical experience and also learn ways of interacting with the communities.
- The trainees are referred to as constables in the first two years.
- The Police Force was changed to Police Service to remove the perception that the police used force while discharging their duties.
- The military is deployed to work with the police on very exceptional occasions. The military may also be called upon to assist the police during national disasters such as floods.
- Community policing is widely practiced where the public assists the police in matters of their security.
- Information from the public is treated as confidential and acted upon accordingly.
- The military could be called upon to provide doctors, give medical services, and also engage in construction of roads, bridges etc.



- In 1896, gold was discovered in the area where Johannesburg stands today and the scramble for the wealth completely changed the face of the region.
- Johannesburg is a city of migrants and that a deliberate effort by the government was undertaken to plant trees to conserve the environment.
- Heritage preservation in the city involves languages, monuments, theatres and casinos, libraries, archives, arts, culture, music, etc.

### **2.8.2 Presentation by Mr. Mathokoza Kgasware, Director, Corporate Services, Johannesburg Metropolitan Police Department**

During his presentation, the Director pointed out that;

- The Republic of South Africa has established a fully fledged South Africa Police Service.
- Under the Police Service is the Johannesburg Metropolitan Police Department (JMPD). The JMPD ensures safety and security in the larger city of Johannesburg.
- The JMPD is headed by a Chief of Police, Director, Deputy Director, Chief Superintendent, Superintendent, Inspector, Sergeant and Officers in that order.
- The Metro police deal with traffic laws, municipal and city by-laws and enforcement of all other crime related laws.
- The JMPD answers to the Local Government.
- The JMPD does not investigate, prosecute or imprison suspected persons. All arrests are handed over to the Police Service.
- The JMPD was launched in March 31<sup>st</sup>, 2001.
- Over 40,000 Metropolis Police are expected to be on duty by 2010 for security reasons during the Football World Cup.

### **2.9 Visit to the Nelson Mandela Foundation**

The aim of the visit to the Nelson Mandela Foundation was to establish the methodology used by the Mandela initiative to create a formidable

organization to engage in preservation and propagation of the Mandela heritage and ideals. During a tour of the facility the committee heard that;

- The Foundation was established in 1999.
- The foundation deals with social issues affecting the people of South Africa in particular and the rest of the world in general.
- The work of the Foundation was based on the principles of justice and dialogue as pillars for promoting peace.
- It serves as a memory for justice. This programme was set up in 2004. The core function of this programme is geared towards the preservation of artifacts, documents, speeches and all records pertaining to the struggle for justice in South Africa by Nelson Mandela and other comrades.
- The foundation promotes the essence of engaging in dialogue towards preservation of peace. The memory of dialogue has six pillars which act as guidelines.
- The pillars are education, HIV/Aids, gender, xenophobia, hope and information.
- The foundation contributes to the making of a just society by promoting the vision and work of Nelson Mandela and convening dialogue around critical social issues.
- The Foundation envisions a spirit of reconciliation and social justice.
- The memory programme documents the life and times of Nelson Mandela. The memory programme locates documents and ensures the preservation of these scattered pieces of Mandela's work. It also collects and puts together all the works of Mandela into an archive. The programme organizes for outreach programmes including travelling, exhibitions, books, comedies and internship. It also facilitates research by individuals and institutions.
- The dialogue programme encourages people to enter into dialogue in order to address the challenges of everyday life. The programme aims to utilize the history, experiences, values, vision and leadership of

Nelson Mandela with the aim of promoting a non-partisan platform on important social issues. This helps in contributing towards policy decision-making.

- The Foundation aims at bringing about meaningful conversation desired to offer tangible solutions to issues at stake. Based on the history and experiences of the transition era in South Africa, the programme aims at facilitating greater understanding and awareness of the challenges facing South Africa and Africa in general and how to overcome these difficulties.

### **3.0 Visit to the Constitutional Hill (Court)**

The Committee Members made a visit to the Constitutional Court at the Constitution Hill. During the visit, the Committee was informed that:

- The Constitutional Hill is situated in the Braamfontein area of Johannesburg and is the seat of the Constitutional Court.
- The Constitutional Court building is itself a heritage site. The building has a unique African architecture and people friendly atmosphere and whose legacy ought to be “building new hope in the ashes of a painful past.”
- The Constitutional Court is South Africa’s highest Court on constitutional matters.
- The Constitutional Court Building is on the site of a 100-year-old former prison complex. It is South Africa’s newest landmark and a unique architectural symbol of South Africa’s democracy.
- The Court symbolizes the injustices of South Africa’s past while observing the process by which freedom was won.
- The old Fort Prison complex, commonly known as *number four*, held political prisoners and criminals awaiting trial and jail sentences.
- The prison once held prisoners such as Mahtma Gandhi, Nelson Mandela, Albert Luthuli, Robert Sobukwe and many others, including the Youth who had participate in the Soweto uprising.

- Today, the elegant Constitutional Court presides over this once reviled place and stands as a proud monument to South Africa's hard-earned freedom.
- Some of the highlights of the Constitutional Hill include;
  - a) Number Four – the notorious, dark and dirty cell which held black male prisoners.
  - b) Mandela cell – the cell where Mandela was held during his years of struggle.
  - c) The Women's jail – the jail that held female political prisoners.
  - d) We the People – former prisoners, including Nelson Mandela, have pasted messages on the wall of the building giving messages of hope.
  - e) Objects from the past – a collection of images from the past dot the corridors of the building.
- The Court has eleven judges who dispense justice to all cases without racial, religious or cultural prejudices. The judges stand guard over the Constitution and protect everyone's human rights.

#### **4.0 Observations**

At the end of the visit and after the numerous meetings that the committee had, the Members made the following observations;

1. The Police work very closely with the communities. There exists an understanding that the people need the Police for security and the Police needs to deal with the citizens humanely. Community policing has become very effective due to this mutual working relationship.
2. Efforts by the Government to conserve and manage the national heritage sites and monuments as well as a conscious campaign to promote South Africa's heritage had paid off in that tourism had blossomed hence contributing to economic growth.

3. The mood of forgiveness and reconciliation was rife in South Africa and many races of different tribal, cultural, racial, and religious beliefs and inclinations were able to co-exist harmoniously.
4. Local Authorities had a fair amount of independence from the Central Government. This autonomy made them run their affairs without undue interference and control from the Government hence the effectiveness with which they ran their business was evident.
5. Also, the fact that the Mayor of Johannesburg Metropolis had executive powers made the running of the affairs of the municipalities the sole business of the Local Government hence the efficiency and the success of the operations of the municipalities.
6. Appointments to senior public positions such as that of the Police Commissioner were advertised. They were based on merit and qualifications. Selection was subject to verification by Parliament and that Parliament had powers to rescind such appointments. This ensured that there was no political interference for holders of such offices.
7. The efficiency and determination with which the Johannesburg Metropolis was being run and managed had elevated the city into a world class status. It is little wonder then that South Africa was considered to have the capacity to host the 2010 FIFA World Cup.
8. There was a conscious effort by the Government to fight crime which was rampant in the major cities such as Johannesburg. The work of JMPD was evident as the streets of Johannesburg felt relatively safe and secure.
9. The Government was determined to build decent houses for its citizens and provide basic amenities such as water and electricity. Many housing units were evident along the highways. The Alexandra Renewal Project (ARP) has built thousands of decent living quarters in place of the existing informal settlements within the Alexandra suburb.

10. The Johannesburg Metropolis had launched several campaigns so as to improve and beautify the image of the city. This included planting trees, garbage and solid waste collection and management, etc. The glamour has attracted international activities such as hosting several summits.
11. The general good condition of the infrastructure is clearly evident. The road network is world class. The transport system is superb, with metro buses and commuter trains (Gautrain) plying the Johannesburg Metropolitan with efficiency.
12. The City of Johannesburg has made significant strides in developing a number of programmes that will better equip it to deal with unforeseen disasters. These include disaster management, community disaster mitigation information, emergency improvement response and improvement of compliance to by laws programmes.

## 5.0 Recommendations

After the visit, the Committee recommends the following:

1. **The Kenya Police Force should be completely overhauled and a law be enacted to introduce far reaching reforms geared to establishing an independent Police Service desired to guarantee complete autonomy while handling matters of the public. The Police Service should be answerable to an established Police Service Authority that draws its powers from the constitution.**
2. **The established Police Service should be completely delinked from the Office of the President. Parliament should be involved in the appointment of the Police Commissioner and be at liberty to reject any appointment that is deemed to be political. The post of the Police Commissioner should be advertised and appointment be based on merit and qualifications. In addition, the relevant House Committee should oversee the process of appointment of the Commissioner of Police and propose the appropriate name to the House for adoption and onward transmission to the President for appointment.**
3. **There is need to urgently review and amend Chapter 265 of the Local Authorities Act to bring the much required changes in the Local Authorities. The enormous executive powers vested on the Local Government Minister to oversee the activities of the Local Authorities should be reduced so that the Local Authorities attain some degree of autonomy.**
4. **The proposed law to create the Nairobi Metropolitan Area should be hastened so as to reduce the numerous problems that bedevil the city now. The establishment of the Nairobi Metropolitan Police Department (NMPD) is necessary in order to deal with the**

escalating crime rates and also improve response to disasters and emergencies within the Metropolitan.

5. **The Government should make a conscious effort on matters related to disaster and emergency response mechanisms. The law should be amended to overhaul the Nairobi Fire Department which has been performing dismally in the past. Its operations and services should be transferred to another Government agency if this means improving the service delivery.**
6. **The Government needs to make a deliberate effort in the preservation and management of the national heritage sites and museums. This heritage should be managed, packaged and marketed vigorously so as to attract the much required capital from the tourism sector.**
7. **The Government needs to embrace a spatial form of urban development and management for any future construction of structures in the city. Urban restructuring is required to create a more sustainable, efficient city aimed at turning around the many problems that beset the town.**
8. **The housing programme which happens to have stalled should be revived in order for the Government to continue providing decent housing units for the populations living in informal settlements. The units must be provided with basic amenities and should be affordable.**
9. **The Government has an obligation to create a reliable infrastructure. The road network in the city of Nairobi needs to be improved and strict adherence to city by laws be enforced which should be based on sound governance and prudent financial management by the City Council.**



10. **Land use and urban management within the city must be streamlined. Urban management should focus on bad buildings, law enforcement, service breakdowns, public spaces, public infrastructure and regeneration of all vital initiatives to improve the City.**
  
11. **Political leaders should take up the responsibility of upholding and preaching peace, promote national healing and reconciliation by enacting sound legislation and being at the forefront in advancing and articulating issues desired to cement national cohesion.**

Concluding remark: *The City of Johannesburg listens to its citizens.*

- There are sub-committees formed to deal with matters related to the Metropolis such as the 2010 football cup.
- The Metropolis, like any other department in the Local Government, experiences administrative problems.
- The Mayor has delegated powers which he shares with his cabinet of ten members.
- The City manager is responsible for all administrative issues in the city. He is entrusted with the Municipal Owned Entities (MOE's) or the property of the Municipality.
- The city of Johannesburg employs 13,000 persons to do Municipal work.
- The payment for councilors depends on the size of the municipality or council which range from the rich to the very poor, and also the economic base. The Minister determines increments.
- Budgets are also based on the size of the council from the biggest municipality to the tiniest locality.
- The city has a population of **3.7** million people. It is divided into National, Provincial and Local Government's Administrative units.

### **2.8.1 Presentation by Steven Sack, Director, Arts, Culture and Heritage Services**

The Director informed the committee that;

- The Department was involved in community development and employs more than 2000 employees.
- The Department handles issues related to arts, culture and heritage and their contribution towards human development.
- The Department has no significant amounts of revenue but it depends on money generated from the city.
- Johannesburg city is 123 years old and boasts of heritage spanning over 100 years.

- The stone quarry stands out as a deep horizontal hole that explains how black labour was used to extract stones for the construction of the various structures on the Island.
- The limestone quarry was used to extract lime for construction purposes. Prisoners spent whole days mining limestone under the scorching sun, one prominent prisoner being Nelson Mandela.
- The light house on the central part of the Island has withstood the years although it is constantly managed and preserved for it to endure the unfavourable weather.
- The armuory in the northern part of the Island was used as storage for the Military weaponry for the Protection of Cape of Storms.
- Robert Sobukwe house which served as his prison during his years of incarceration at the RI stands out as yet another reminder of the years of struggle.
- The committee visited the prison blocks including “cell number five” which housed Mandela for the years he served at the RI. The cell contained the bed Mandela slept on, some beddings and an ablution bucket that served as his toilet.
- The Island’s heritage was well preserved with all the buildings and structures being managed in a way that would keep them standing for many years to come.

## **2.8 Meeting with the Johannesburg Metropolitan officers and officials from the Mayor’s office**

The committee held a meeting with the Mayor’s officials and officers of the Johannesburg Metropolitan Police Department (JMPD) where they heard that;

- There were 217 elected councillors in the Johannesburg Metropolis. Out of these, 107 councillors were from the ruling party.
- The Mayor of Johannesburg city, Councillor Amos Masondo has executive powers and he is assisted by a ten member committee to discharge his mayoral duties.

- It was also used as a Military and Defence/protection of Cape Town during the Second World War (1939 – 1945).
- The Island was declared a national museum in 1996 and heritage site in 1999 and it acquired a world heritage status.
- The Island entails to preserve bird life, natural vegetation and wildlife, geology, culture and archives.
- RI Museum is governed by a council appointed by the Minister of Arts and Culture. This appointment lasts 3 years.
- The council ensures preservation of all material collections. It
  - a) also raises funds for the institution.
  - b) manages and controls money collected and ensures proper utilization of these funds.
  - c) keeps a proper record of the property of the institution.
  - d) submits to the Director General any required returns.
  - e) ensures proper books of accounts keeping.
- The council appoints its CEO in consultation with the Minister of Arts and Culture. It also determines the hours of visit by the public, regulates the periods of visit as may be dictated by weather conditions as well as setting the fees to be paid by the public.
- All guided tours are conducted by former prisoners of RI.
- The Island housed some of the South Africa's well known political prisoners such as Nelson Mandela, Robert Sobukwe, Walter Sisulu and Albert Luthuli.
- Standing on the Island up to date are monuments and structures depicting the history of oppression on the Island and in South Africa.
- The Lepers graveyard is quite prominent. The Good Shepherd Church, the hospital and the school for the medical personnel and other public servants are all testimonies of the past life in the Island.

day on 16<sup>th</sup> December, Heritage day on 24<sup>th</sup> September, Women's day on 9<sup>th</sup> August and Youth day on 16<sup>th</sup> June.

- Cultural values are entrenched and protected in the constitution. The constitution proclaims that cultural values be respected and protected.
- The Chairperson called on the Committee to engage in future interactions. The continent ought to come together to form the United States of Africa, stretching from Cape Town in the South to Cairo in the North.

## **2.7 Visit to the Robben Island**

The Committee undertook a guided tour of the Robben Island where they learnt that;

- The Island was originally a harbor that was named after a sailor called John Murray in 1906, hence the name Murray Bay Harbour.
- *Robben* is a Dutch word meaning "sea".
- The arrival of political prisoners changed the face of the RI.
- Initially, the Island was used for jailed/convicted prisoners and the sick. One such prisoner was the Prince of Juba (1722 – 1756). The Leprosy Repression Act of 1891 allowed for lepers to be confined at the RI to prevent spread of the disease.
- A leper's grave yard on the island is a clear testimony of the many lepers who died there. About 1,500 were buried in the grave yard.
- Lepers were used to provide cheap labour. The church of Good Shepherd standing on the Island was built through labour from the lepers.
- Between 17<sup>th</sup> and 20<sup>th</sup> centuries, RI served as a place of isolation, banishment and imprisonment. Rebel princes from Indonesia, defiant chiefs from Eastern Cape and convicts from the Cape were all brought here in shackles.
- Later, the Island was used to exile prisoners during the Apartheid era between 1960's and 1991.

- Records by the whites gave important information such as who was who in the society, explained individual work or showed social responsibility or status.
- Methods were sought on how to remove this imbalance. One of ways was to create the archives depository units.
- Museums were dedicated to developing languages for South Africa so as to help place the country on the world map.
- The Government was hoping to increase the number of museums to cater for the ever increasing demand for the country's heritage and reflect the country's diverse cultures.
- This was also desired to promote literature in the museums apart from preserving the national heritage.
- The national heritage has been promoted through symbolic emblems such as the coat of arms and the national flag. The coat of arms depicts, among other symbols;
  - The rising sun (a new life/dawn)
  - Secretary bird (vigilance, protection, pride of modern SA)
  - Protea (flower depicting life and beauty of SA)
  - Shield, spear and club (promotion of peace/black power)
  - Khoisan inscription (diverse people united as one)
  - Wheat (richness of soil/staple food).
  - Elephant tusks (wisdom of SA people)
- Photographs, portraits and pictures of the political struggle are strategically displayed in prominent places in Parliament as a constant reminder of the struggles and a means of keeping the history alive.
- The national regalia and trade fairs are also used to promote culture.
- National holidays are also set aside as important days for the country to reflect over the past and focus on the future. Some of these national days include the Freedom day on 27<sup>th</sup> April, Reconciliation

- Statutory bodies were constituted and they became pillars for funding and managing monuments as well as looking at the languages.
- One of the most successful attempts in conservation and heritage has been achieved through the establishment of museums.
- The monuments serve as the basis for historical memories, preservation and exhibition of national relics as well as enhancing national dialogue.
- The African voice was missing in this history and information was also missing or distorted.
- A lot of correctional work was required hence staff, resources, requisition of material for reconstruction work was prioritized.
- Prior to 1994, there was lackluster participation by the African people in affairs of the African culture and heritage because this was controlled by the whites.
- After 1994, the interest by Africans in the affairs of national heritage and black consciousness increased.
- A legacy preservation framework was established which came up with the Nelson Mandela and Chief Albert Luthuli Museums which were all depicting Apartheid era horrors.
- In line with the national policy, the Robben Island was declared a national museum in 1996.
- Many of the monuments in South Africa were built by colonialists using black labour. The symbolism of some of the tangible monuments is so significant that they are used at every opportunity to remind the people of the injustices and inequities meted out against the Africans during the Apartheid era.
- National heritage is geared to promoting and enhancing national identity and social cohesion.
- Historical records and documents are preserved in national archives.
- Prior to independence, records of the black communities only showed details such as birth, death, marriage and imprisonment.

- The chairperson encouraged the delegation to maintain contact with the Parliament of South Africa through Parliament itself and also through bilateral relations.

## **2.6 Meeting with the Portfolio Committee on Arts and Culture**

During a meeting with the PC on Arts and Culture, the delegation heard that:

- The committee came into being soon after the reconstitution of Parliament in 1994 to look at policy papers on arts, culture and heritage, among other work.
- Prior to independence the heritage particularly of the black people had been suppressed.
- Afrikaaner heritage was promoted at the expense of the African culture.
- The years of Apartheid had seen suppression of the African culture and heritage. For instance, street names were in Afrikaans and English languages but not in the African languages.
- The National policy position taken after independence was not to destroy the structures or what had been put in place by the former Apartheid system. This policy ensures that the racial legacy is left intact as part of the history of the independence struggle in South Africa. The monuments and structures are left intact or preserved as a reminder to the racial segregation and serve as lessons to the future generations.
- Mechanisms are being put in place to look for funds and give voice to the promotion of the African heritage. The priority is to address the issue of the African languages in national development. In this regard, nine African languages were recognized as official languages alongside Afrikaans and English which makes a total of eleven official languages used in the Parliament of South Africa.
- Prior to 1994, the country was only dealing with the preservation of monuments build by the Apartheid government.



- Demonstrations are allowed as a means of enhancing democratic rights such as freedom of expression, movement, association, etc.
- The police are trained to assist the communities but not to antagonize them.

## **2.5 Courtesy call to the Chairperson of Committees, Mr. Andries C. Nel**

The committee had a session with the Chairperson of Committees, Mr. Andries Carl Nel. During this meeting, the Committee heard that:

- Mr. Nel was the Chairperson of Committees and also Deputy Chief Whip of the African National Congress (ANC).
- There are 15 Portfolio Committees and a total of 34 house committees.
- Sometimes two or more committees could come together as joint committees to tackle a matter of mutual interest.
- Portfolio Committees were specialized in their operations in that they deal with specific areas such as finance, security, education, agriculture, mining, etc.
- Community service cuts across all committees. For instance, matters of police arrests are under the Safety and Security committee while prosecution by the courts of those arrested would be under the Justice Committee.
- Committees are in general, proportionally representative of the parties in Parliament.
- The Committees provide avenues for public participation and involvement which is achieved by inviting members of the public to participate in committee meetings unless otherwise decided.
- All Committees are chaired by persons from the party with majority Members of Parliament except the Public Accounts Committee which is chaired by a Member from the official opposition party.
- There are two whips one of whom is from the majority ruling party and the other from the majority opposition party. Other whips are referred to as senior whips.