

**MINISTRY FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTIONS FOR WRITTEN REPLY**

**QUESTION NUMBER****:** **2021/710**

**QUESTION:**

**Mr K J Mileham (DA) to ask the Minister of Cooperative Governance and Traditional Affairs:**

**(1)** What is the position of her department regarding the appeal by the Makana Local Municipality and the Provincial Executive of the Eastern Cape to appeal the judgment of the Grahamstown High Court to dissolve the Council;

(2) whether she has been informed of the numerous service delivery issues affecting the residents of the Makana Local Municipality, including landfill management, water availability, road repairs and sewerage leaks, which have not been resolved and for which numerous court cases have found against the municipality, resulting in several criminal cases being opened against the mayor and the municipal manager; if not, what is the position in this regard; if so,

(3) what action will she take to ensure that the residents of Makana receive the services they are entitled to;

(4) whether she will consider invoking section 139(7) of the Constitution, read with sections 139(1)(c) and 139(5)), given the failure of the Provincial Executive to adequately deal with their obligations in this regard; if not, why not; if so, what are the relevant details? NW829E

**REPLY:**

1. **What is the position of her department regarding the appeal by the Makana Local Municipality and the Provincial Executive of the Eastern Cape to appeal the judgment of the Grahamstown High Court to dissolve the Council;**

I cannot comment on the matter regarding the appeal by the Municipality and Provincial Executive because it is in the courts at the moment to deal with concerns about the interpretation and application of vitally important provisions of the Constitution.

1. **whether she has been informed of the numerous service delivery issues affecting the residents of the Makana Local Municipality, including landfill management, water availability, road repairs and sewerage leaks, which have not been resolved and for which numerous court cases have found against the municipality, resulting in several criminal cases being opened against the mayor and the municipal manager; if not, what is the position in this regard; if so,**

I am aware of the service delivery challenges facing the municipality. The Department is providing support to the Municipality to deal with some of the challenges while building capacity for the municipality. These challenges are also compounded by the drought conditions and dilapidated infrastructure that has been prevalent for over five years to date.

The challenges were escalating at a very high pace, which led to the Municipal Manager (MM), Mr M Mene to convene various special council meetings to address service delivery matters since 2019. These meetings were attended by several stakeholders representing the residents of the Makana Municipality and representatives of government departments. In these meetings it was resolved that the Water Crisis Disaster Management Plan should be compiled outlining interventions to mitigate the water crisis in the area. A Water Crisis Joint Operations Committee (WCJOC) was established to develop and implement the Disaster Management Plan.

The WCJOC is mandated to invite stakeholders at an ad hoc basis to assist with the implementation of the Disaster Management Plans. The WCJOC described above is a decision making and planning entity whose primary goal is to limit and contain the impact of the current disaster situation to the community. The Committee still meets every week in the Makhanda Municipality to assess and get update on the responses to the water crisis and provision of basic infrastructure.

**WATER AVAILABILITY:**

The Makana Local Municipality is one the heavily affect municipalities by drought conditions. As a result, Makhanda community relies only on the water supply from mostly Glen Melville Dam that is on the Fish River Catchment. This water is treated in the James Kleynhans Water Treatment Works (JKWTW), treating 10Ml/d. The other source is rather unreliable due to the low dam Levels (about 25%) and can only treat about 5Ml/d relative to its full capacity of 7.5Ml/d. The normal daily demand for Makhanda is 18Ml/d and that puts a burden as the demand is higher than supply. As a result, they are currently implementing water restrictions between 20h00 to 05h00 every day. To ensure reliable water supply, the following infrastructure projects are currently being implemented:

1. Supply and Installation of 2 Pumpset for JKWTW to enable pumping redundancy so to avoid unnecessary water supply disturbance,
2. Replacement of Asbestos pipelines with PVC pipe Phase 1 and Phase 2 to help with reduction of pipe leakages,
3. Water Conservation and Water Demand Management Phase 2 and 3, this is to assist with early pipe leak detection and reduction of water losses,
4. Installation and replacement of old Zonal Water Meters to help with monitoring of water usage.

MISA is providing technical support relating to civil work on infrastructure and the electrical engineer is normally on site at the James Kleynhans Water Treatment Works. The support is also given to municipality on MIG projects planning, implementation and monitoring processes and to ensure the development of response plan to service delivery challenges.

**The National Department of Cooperative Governance allocated MIG funding** to deal with all the persistence service delivery challenges including water and sanitation challenges.

**SEWER:**

1. Upgrade of Mayfield Gravity Sewer is underway to enable smooth transportation of sewerage to the treatment works therefore unlocking bottlenecks on the sanitation conveyance system, especially after the completion of the upgrade of Makana Sewer Pump Stations.
2. Makana Bulk Sewer Treatment Works is being upgraded to unlocking bottlenecks on the sanitation upgrade that enable smooth transportation of sewerage to the conveyance system, especially after the completion of the Upgrade of Makana Sewer Pump Stations.

**ROADS:**

1. Upgrade of Ncame Street: This will focus on the main taxi route and therefore improving the state of the roads, and
2. Resurfacing of Somerset, High, New and Hill Street to reduce and improve roads infrastructure

**MISA has provided funding for the rehabilitation and maintenance of roads**. This includes Grahamstown CBD road, Somerset, Hill and New Road.

**(3) What action will she take to ensure that the residents of Makana receive the services they are entitled to:**

The above processes taken by the Municipality will ensure that reliable and quality services are rendered to the residents. Also with the completion of the above mentioned projects, Makana will have more sustainable and reliable provision of services putting more emphasis on operations and maintenance as a result of the aged infrastructure.

**(4) Whether she will consider invoking section 139(7) of the Constitution, read with sections 139(1)(c) and 139(5), given the failure of the Provincial Executive to adequately deal with their obligations in this regard; if not, why not; if so, what are the relevant details? NW829E**

The invocation of section 139(1), (4) and (5) of the Constitution are a prerogative of the provincial executives. On the other hand, section 139(7) of the Constitution of the Republic of South Africa, 1996 follows from lack of or inadequate invocation of a mandatory section 139(4) or (5) of the Constitution. Section 139(7) of the Constitution of the Republic of South Africa, 1996 provides that if a provincial executive cannot or does not adequately exercise the powers or perform the functions referred to it in subsection 139(4) and (5) of the Constitution, the national executive must intervene in the stead of relevant provincial executive.

The interventions invoked in terms of the two subsections (4) and (5) of section 139 of the Constitution are mandatory financial interventions, and the provincial executives must invoke these subsections if the municipalities satisfy the criteria outlined in those two subsections. The only time when the national executive may intervene in these scenarios are when:

(i) the provincial executive cannot, or

(ii) the provincial executive does not, or

(iii) the provincial executive does not adequately exercise the powers or perform the functions referred to in subsection (4) or (5) of section 139 of the Constitution, then the national executive must intervene in the stead of the provincial executive.

A regulatory framework on interventions will provide further detailed obligatory criteria on the invocation of section 139(7) of the Constitution by the national executive.