



FRONTLINE AFRICA **— ADVISORY —**

Weekly Political and Economic Review 04 December 2020



1. Policy/Legislative Updates

1.1 Electoral Amendment Bill

- On the 02nd of December, the Portfolio Committee on Home Affairs approved the Electoral Laws Amendment Bill and will recommend to the National Assembly to adopt it;
- The Bill seeks to amend three pieces of legislation, namely, the Electoral Act, 1996 (Act No. 51 of 1996) (“Electoral Commission Act”), the Electoral Act, 1998 (Act No. 73 of 1998) (“Electoral Act”) and the (Local Government: Municipal Electoral Act”), in preparation for the forthcoming general local government elections in 2021;
- Subsequent to an extensive public participation process where the Committee received 12 305 submissions from the public, as well as a summary thereof via the Dear South Africa website, and another 28 submissions from other stakeholders, various concerns were raised;
- As a result of the public comments, the Committee resolved to remove clauses 14 and 21 of the Bill, where it stated that the Electoral Commission of South Africa (IEC) may prescribe a different voting method;
- The Committee agreed that voting method is a policy matter that cannot be left to the IEC alone to decide, even though the IEC had mentioned that the intention was to only allow for testing of such alternatives.

1.2 Upgrading of Land and Tenure Rights Amendment Bill (ULTRA)



- On the 1st of December, the Agriculture, Land Reform and Rural Development Bill (ULTRA) was passed by the National Assembly and sent to the National Council of Provinces for concurrence;
- The Bill intends to amend the upgrading of Land Tenure Rights Act of 1991, to provide for the application for the conversion of land tenure rights into ownership;
- The amendment to the bill seeks to provide for the notice of informing interested persons of an application to convert land tenure rights into ownership and to provide an opportunity for interested persons to object the conversion of land tenure rights and ownership;
- The amendment also intends to provide for the institution of inquiries to assist in the determination of land tenure rights and provide for the application to the court by an aggrieved person for appropriate relief;
- The President of the Cape Chambers of Commerce Industry, Janine Myburgh said that the proposed amendment to the Ultra is a clear attempt to bamboozle the homeless out of their ability to own property. If passed, it will inevitably trigger a Constitutional Court challenge;
- The African National Congress (ANC) spokesperson for Agriculture Pat Marran in response to Janine Myburgh, stated that the national government's resolve to accelerate land reform must be supported.
- She added that the Cape Chambers of Commerce Industry must support government efforts, by pushing for better working conditions of farm workers and pushing for the transformation of the agricultural economy in the Western Cape.

1.3 Expropriation Bill

- On the 01st of December, the Portfolio Committee on Public Works and Infrastructure invited stakeholders and interested persons to submit written submission on the Expropriation Bill;



- The Bill seeks to repeal the existing Expropriation Act 63 of 1975;
- The Bill provides a common framework in line with the constitution to guide the processes and procedures for expropriation of property by organs of state;
- It seeks to provide for instances where expropriation will nil-compensation may be just and equitable;
- The DA stands opposed the Bill, denouncing, among other things, the definition of ‘property’ in the Bill as not being limited to land only;
- The EFF also rejected the Bill, but for different reasons. The party made it clear that it wants ‘expropriation without compensation’;
- The deadline for the submissions is the 10th of February 2021.

1.4 Employment Equity Amendment Bill

- On the 01st of December, the Portfolio on Employment and Labour invited interested individuals and stakeholders to submit written comments on the Employment Equity Amendment Bill;
- The Bill seeks to amend the Employment Equity Act, 1998, to provide for the Minister to identify sectoral numerical targets in order to ensure the equitable representation of suitably qualified people from designated groups and to provide for matters connected therewith;
- The deadline for the submissions to the Bill, is the 19th of February 2021;

1.5 Compensation for Occupational injuries and Diseases Amendment Bill (COIDA)

- On the 01st of December, the Portfolio Committee on Employment and Labour invited interested individuals and stakeholders to submit written comments on the Compensation for Occupational Injuries and Diseases Amendment Bill;



- The Bill seeks to amend the Compensation for Occupational Injuries and Diseases Act, 1993, to provide for matters pertaining to the board and its members;
- It seeks to provide for the Commissioner to perform certain functions that were previously performed by the Director-General;
- The Bill seeks to provide for matters pertaining to the rehabilitation, re-integration and return to work of occupationally injured and diseased employees;
- It seeks to regulate the use of health-care services and to provide for the Commissioner to review pension claims or awards and provide for administrative penalties;
- It also seeks to regulate compliance, enforcement and to provide for matters connected therewith;
- The deadline for the submissions is the 19th of February 2021;

1.6 Municipal Structures Amendment Bill

- On the 02nd of December, the National Council of Provinces (NCOP) passed the Municipal Structures Amendment Bill;
- The Bill seeks to amend the local government Municipal structures Act 1998;
- It also seeks to regulate transitional measures when existing municipalities are disestablished and new municipalities established;
- The Bill provides for the establishment of a Municipal Public Accounts Committee;
- The Bill seeks to amongst others to prevent councillors who were removed from office for breaching the Code of Conduct from becoming councillors for a period of two years;
- The Bill requires the municipal manager to inform the MEC for local government in the province in addition to the Electoral Commission of ward vacancies
- The Member of the Executive Council (MEC) for local government can then call and set the date for by-elections;



- The Bill also amends the timeframe for the municipal manager to inform the chief electoral officer of vacancies and allows for the MEC to inform the chief electoral officer of vacancies if the municipal manager fails to do so.

1.7 Customary Initiation Bill

- On the 02nd of December, the National Council of Provinces (NCOP) passed the Customary Initiation Bill;
- The Bill seeks to provide for the effective regulation of customary initiation practises;
- It seeks to provide for the establishment of a National Initiation Oversight Committee and Provincial Initiation Coordinating Committee and their functions;
- The Bill provides for the responsibilities, roles and functions of the various role-players involved in initiation practises as such or in the governance aspects thereof and to provide for the effective regulation of initiation schools.

1.8 The Recognition of Customary Marriages Amendment Bill

- On the 02nd of December, the National Council of Provinces (NCOP) passed the Recognition of Customary Marriages Amendment Bill;
- The Bill aims to amend the Recognition of Customary Marriages Act, 1998 (the RCMA) by further regulating the proprietary consequences of customary marriages entered into before the commencement of the RCMA in order to bring the provisions of the Act in line with the judgements of the Constitutional Court which the court found to be constitutionally invalid because they discriminate unfairly against women in customary marriages;
- The effect of this amendment is that all customary marriages whether entered into after or before the commencement of the RCMA will be marriages in community of property and of profit and loss unless the spouses decide to exclude that by means of an ante-nuptial contract.



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1.9 Traditional Courts Bill

- On the 02nd of December, the National Council of Provinces (NCOP), passed the Traditional Courts Bill;
- The Bill seeks to provide a uniform legislative framework for the structure and functioning of traditional courts, in line with constitutional imperatives and values;
- The Bill deals with cultural matters, indigenous law and traditional leadership which are all functional areas of concurrent national and provincial legislative competence listed in Part A of schedule 4 to the Constitution.

1.10 Western Cape threatens legal action if Ramaphosa signs Division of Revenue Amendment Bill

- On the 27th of November, Western Cape Premier Winde and MEC of Finance David Maynier submitted a section 79 petition to Ramaphosa on Friday "to bring to his attention material concerns over the constitutionality of certain aspects of the 2020 Division of Revenue Second Amendment (DoRA 2) Bill";
- Last week, the National Council of Provinces approved the Division of Revenue Second Amendment Bill, which details the distribution of revenue raised nationally among the national, provincial and local spheres of government;
- The Western Cape Province says the Revenue Amendment Bill will infringe on its ability to comply with its obligations and will affect the legality of revenue allocations;
- The Western Cape government stated that "The result now is that the DoRA 2 Bill, if brought into law by the president's assent, will infringe on the ability of the provinces to comply with their current contractual and legal obligations to all their employees, and will impact on provincial revenue allocations in an unlawful and unconstitutional manner;
- The Good Party and the African National Congress (ANC) repelled the advances from the Democratic Alliances (DA) in the Western Cape to oppose the Second Division of



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Revenue Amendment Bill, with the Good party dismissing the approach by the DA as 'Kindergartens politics';

- The ANC provincial spokesperson on Finance, Nomi Nkondlo, said: 'The desperation of the DA to portray the Western Cape as being targeted by the national government knows no bounds.'



Image: Robbie Tshabalala

2. Parliament Debates Retrenchments at the SABC

- The blame game and political point scoring over the job crisis at the SABC continued in the National Assembly on Tuesday, On the 01st of December. Members of Parliament in the National Assembly debated the temporarily suspended retrenchments at the South African Broadcasting Corporation (SABC);
- The debate was sponsored by the Inkatha Freedom Party Member of Parliament Zandile Majozi.
- In the debate, the Democratic Alliance's (DA) Phumzile Van Damme claimed the African National Congress (ANC) was not genuine about saving jobs at the SABC board;
- Van Damme argued that the ANC kept quiet when other media companies retrenched hundreds of workers as their profits plummeted during the national lockdown;
- In response, Minister of Communications and Digital Technologies, Ms Stella Ndabeni-Abrahams stated that 'The SABC was also embroiled in state capture, all of us here should take the blame because it happened under our watch';



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- A large proportion of the problems are market related that require us to remodel the SABC as public broadcaster in a multichannel and digital environment and rebuild the public broadcaster we want' said Ndabeni-Abrahams;
- Vuyani Pambo of the Economic Freedom Fighters (EFF) said broadcasting policies and regulations needed to be reviewed to force television provider multichoice, to pay the SABC for carrying its channels on its bouquets, which it now does for free.



Image: News Johannesburg: Gauteng Premier David Makhura

3. Gauteng premier David Makhura announces Nomathemba Mokgethi as new MEC of Health

- On the 2nd of December, Gauteng Premier David Makhura announced a reshuffle of his cabinet;
- The reshuffle was prompted by the resolution by the African National Congress (ANC) in Gauteng for Makhura to fill the position of Health MEC, left vacant following the dismissal of Bandile Masuku in October;
- He announced that Nomathemba Mokgethi who was in Social Development as the new Member of the Executive Council (MEC) for Health;
- Mokgethi's Social Development position will be assumed by Morakane Mosupyoe, who is moving from Economic Development;
- The new Economic Development MEC is former Johannesburg mayor Parks Tau, who was serving as the Deputy Minister of Cooperative Governance and Traditional Affairs;



- According to Makhura this reshuffle is intended to strengthen the government's response towards Covid-19 as well as the socio-economic challenges affecting South Africans;
- The ANC Youth league (ANCYL) in Gauteng stated that it is against this reshuffle which replaces Masuku with Mokgethi.

AFRICA WATCH

1. Ethiopia

1.1. Ethiopia Prime Minister says Tigray operation over after army seizes Mekelle



- On the 28th of November, Ethiopia's Prime Minister Abiy Ahmed announced that the military operations in the Tigrayan region were now over and that the army is in full control of the Mekelle region;
- In a statement he shared on twitter, the Prime Minister expressed his satisfaction that the operations were now 'completed and ceased';
- The Prime Minister further expressed that focus will now be directed towards repairing the country and fixing the damages that have been caused due to the conflict as well as bringing back those who have fled and that priority will also be on returning things to how they were for the people of the Tigrayan region;
- Shortly after Abiy issued out the statement, Tigrayan leader Debretsion Gebremichael stated that the Tigrayan forces would keep fighting the government;
- According to the Reuters news agency, Gebremichael stated that the fight continues as this was about the Tigrayan's fight for their right to self-determination;
- A Tigray People's Liberation Front (TPLF) official told Al Jazeera that the fall of Mekelle does not mean it's the end of the fight;
- He further stated that the Tigrayan forces still own much of rural Tigray and that there will be no military solution only a political one.



1.2. UN, Ethiopia sign deal for aid access to embattled Tigray

- On the 2nd of December 2020, the United Nations (UN) and Ethiopia reached a deal to allow aid on the Tigrayan region;
- This will permit the provision of food, medicine, and other forms of aid to the region;
- According to the UN spokesperson Saviano Abreu an assessment mission will begin later on the same date;
- There has been rising hunger due to the conflict between the Tigrayan forces and the Ethiopian government;
- For weeks, the UN has been declined access to the regions to provide necessities for the people amid the reports that supplies were running out;
- In these weeks where Tigrayan borders were blocked, hunger was growing immensely, and hospitals ran out of basic supplies such as gloves and body bags;
- The UN has reported that due to the lack of humanitarian access the needs within these regions have now exploded;
- The UN stated that civilians have been affected extremely, food has run out for nearly 100 000 Eritrean refugees whose camp is close to the Tigrayan border;
- Due to damages in infrastructure some people in the regions are drinking unsafe water placing themselves at the risk of contracting diseases;
- According to the International Committee for the Red Cross (ICRC) the largest Hospital in the Mekelle region had to suspend other operations to focus on the large number of wounded people;
- The ICRC further stated that the few organisations which have managed to gain access in the Tigrayan region have come across abandoned communities and camps of displaced people;
- Abreu stated that the UN is working towards providing assistance to everyone that needs it, all parties involved in the conflict will be consulted to ensure that aid is made available to all regions and is strictly based on needs and principles of humanity, neutrality and impartiality.



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