

**NATIONAL COUNCIL OF PROVINCES  
CO-ORDINATION, CO-OPERATION,  
AND CONSULTATION WORKSHOP**

**28 - 29 August 2023**



**Improved programme synchronisation to enhance Public  
Participation, Oversight and Accountability**

Presenter: Ressida Begg: Division Manager: Core Business Support at Parliament

# Content

## 1. Constitutional imperatives for three spheres of government

## 2. Three sphere planning, budgeting and reporting

### ➤ NA and NCOP Planning

### ➤ Improved Programme synchronization across spheres

## 3. CCC: Lawmaking

- Current practice of Committees - outcomes
- What works?
- What does not work?
- What should we continue doing?
- What can we improve on?

## 4. CCC: Oversight

- Current practice of Committees - outcomes
- What works?
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# Content

## 5. CCC: Public Involvement

- Current practice of Committees- outcomes
- What works?
- What does not work?
- What should we continue doing?
- What can we improve on?

## 6. Proposed models of coordination, cooperation and consultation

## 7. Designing a Cooperation Framework

## 8. Quo vadis?

# 1. Constitutional imperatives for three spheres of government

## 40. Government of the Republic

1. In the Republic, government is constituted as national, provincial and local spheres of government which are **distinctive, interdependent and interrelated**.
2. All spheres of government must observe and adhere to the principles in this Chapter and must conduct their activities within the parameters that the Chapter provides.

## 41. Principles of co-operative government and intergovernmental relations

1. All spheres of government and all organs of state within each sphere must
  - a. preserve the peace, national unity and the indivisibility of the Republic;
  - b. secure the well-being of the people of the Republic;**
  - c. provide effective, transparent, accountable and coherent government for the Republic as a whole;**
  - d. be loyal to the Constitution, the Republic and its people;
  - e. respect the constitutional status, institutions, powers and functions of government in the other spheres;**
  - f. not assume any power or function except those conferred on them in terms of the Constitution;
  - g. exercise their powers and perform their functions in a manner that **does not encroach on the geographical, functional or institutional integrity of government in another sphere;** and

# Constitutional imperatives for three spheres of government cont.

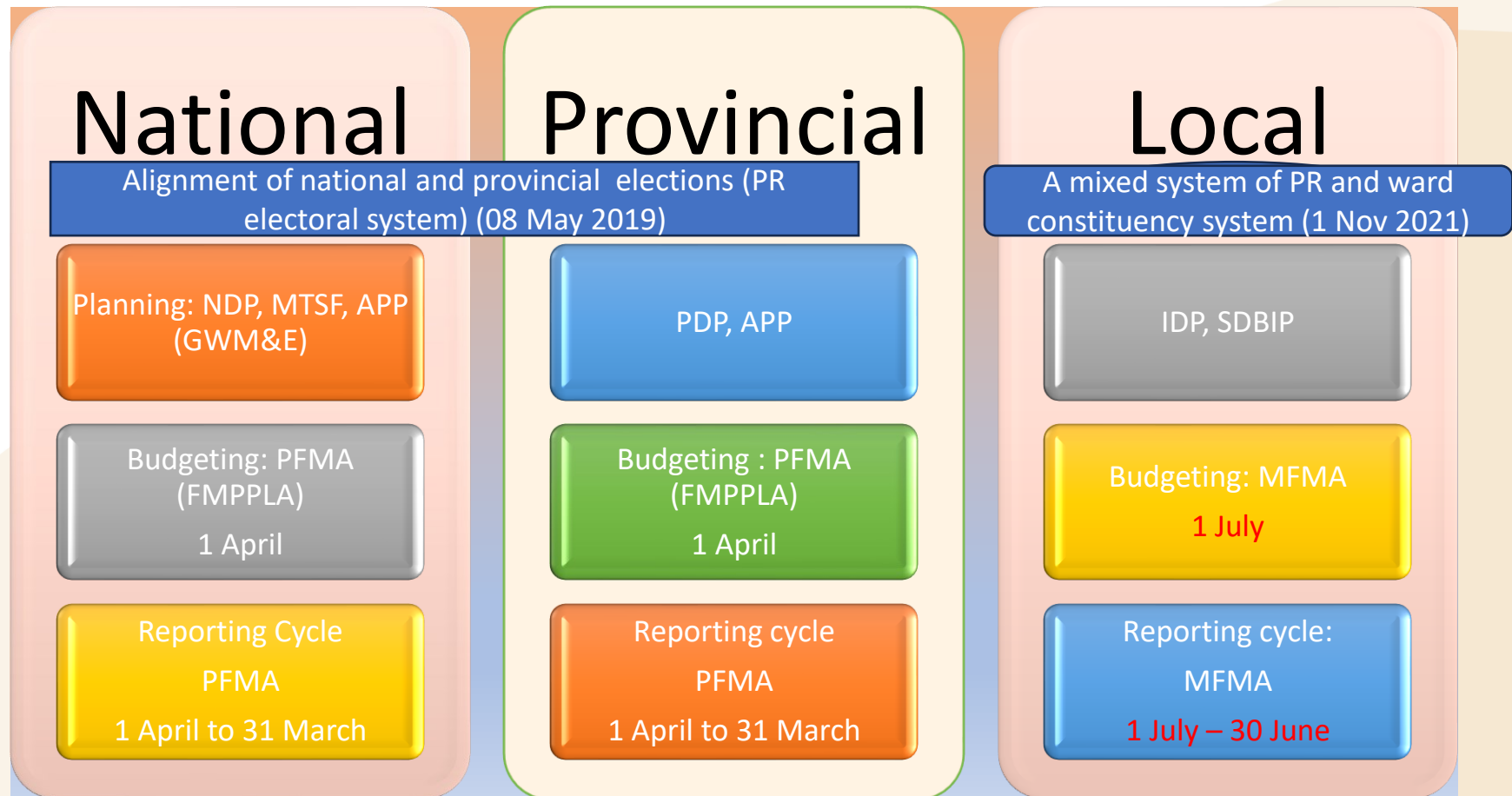
- h. co-operate with one another in mutual trust and good faith by
- i. fostering friendly relations;
  - ii. assisting and supporting one another;
  - iii. informing one another of, and consulting one another on, matters of common interest;
  - iv. co-ordinating their actions and legislation with one another;
  - v. adhering to agreed procedures; and
  - vi. avoiding legal proceedings against one another.

<https://www.youtube.com/watch?v=Bt1pl4SYPc4>

National Planning Commission

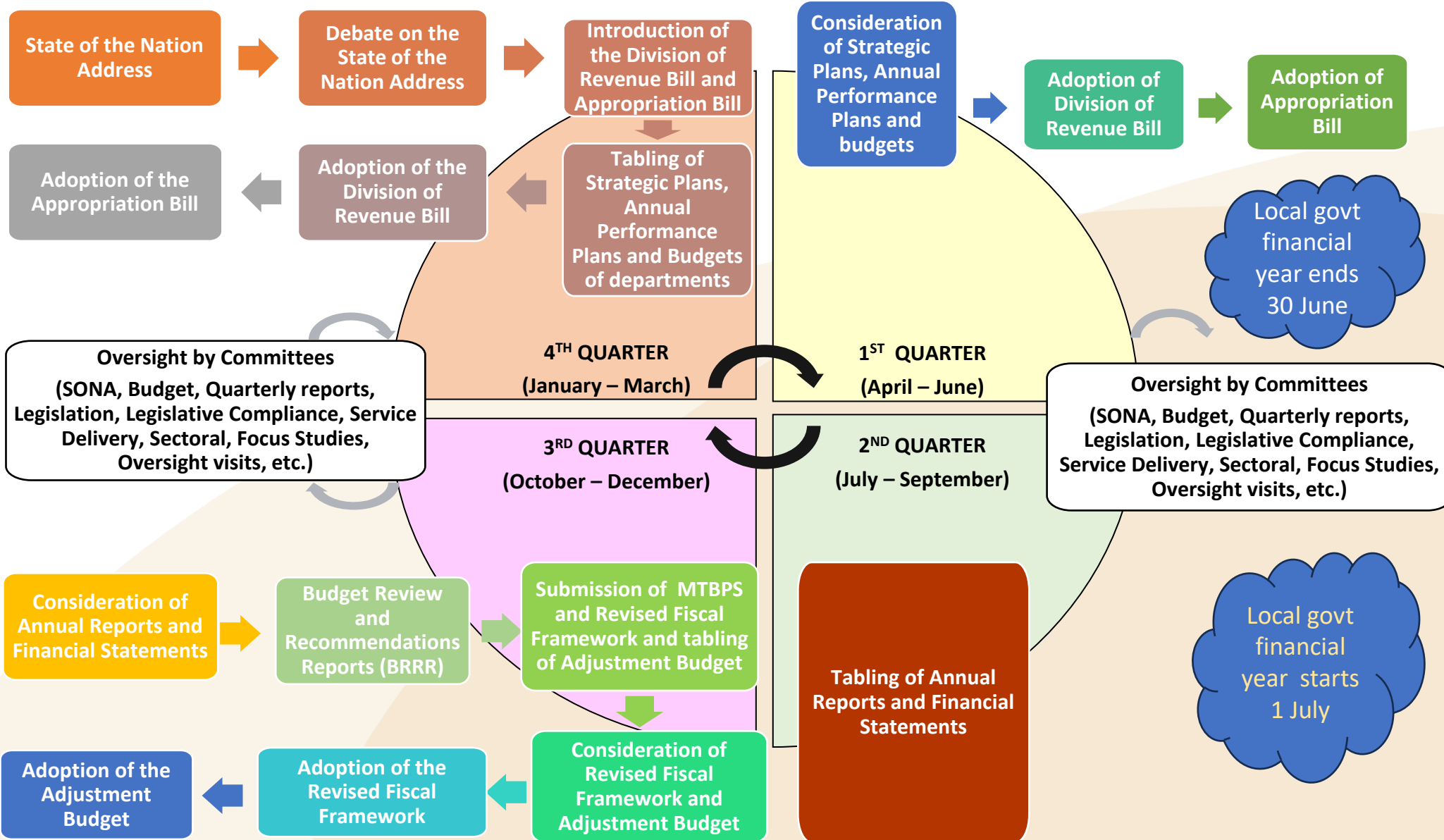
<https://www.youtube.com/watch?v=Bt1pl4SYPc4>  
National Planning Commission

# 2. Three sphere planning, budgeting and reporting

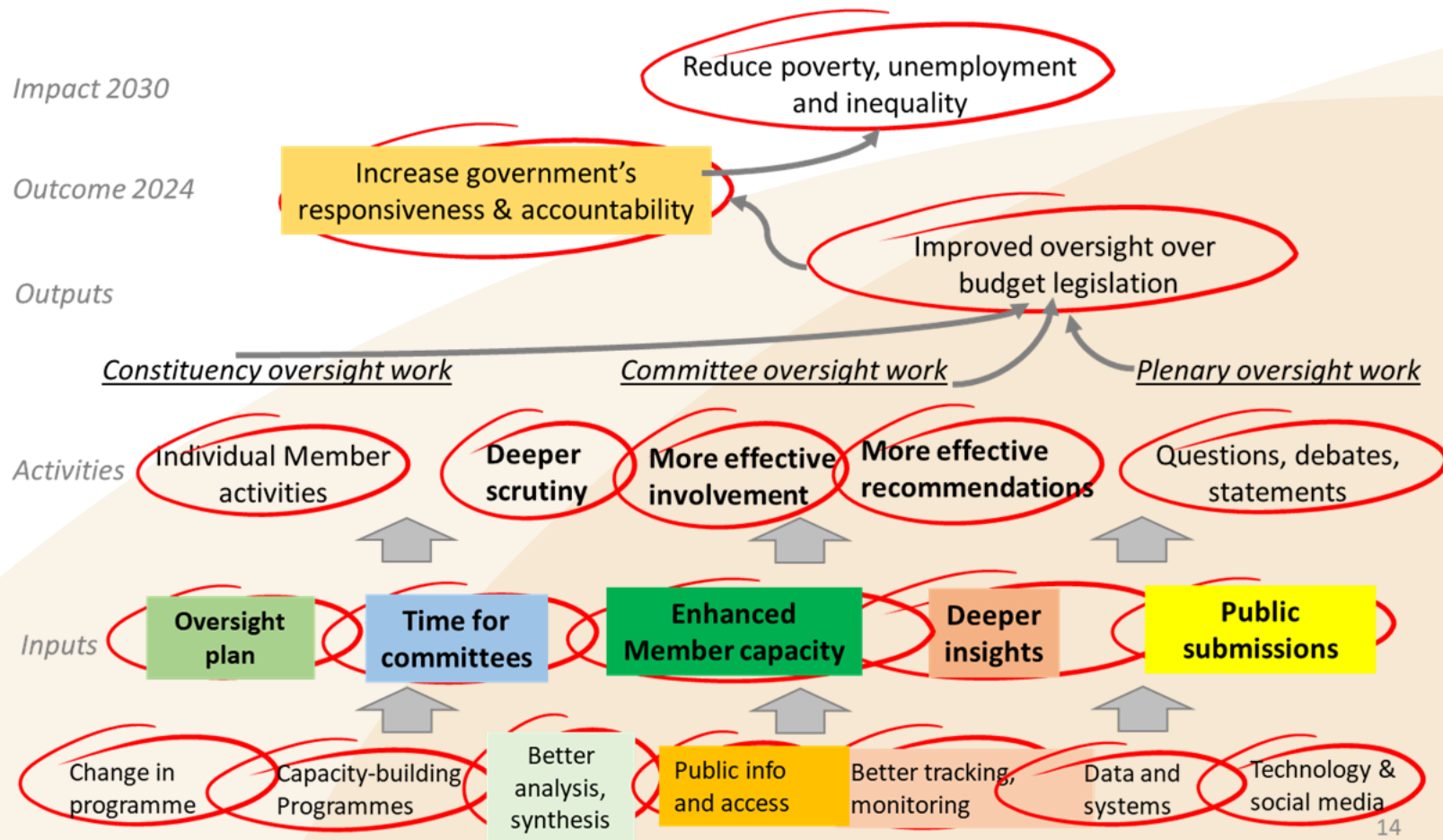




# OVERSIGHT & ACCOUNTABILITY CYCLE



# 6<sup>th</sup> Parliament Strategy Map: Planning budgeting and reporting



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# Parliament planning: NA and NCOP

- S42(2) “The National Assembly and the National Council of Provinces participate in the legislative process in the manner set out in the Constitution.”
- S42(3) “The National Assembly is elected to represent the people and to ensure government by the people under the Constitution. It does this by choosing the President, by providing a national forum for public consideration of issues, by passing legislation and by scrutinizing and overseeing executive action.” (presenter’s emphasis)
- S42(4) “The National Council of Provinces represents the provinces to ensure that provincial interest are taken into account in the national sphere of government. It does this mainly by participating in the national legislative process and by providing a national forum for public consideration of issues affecting the provinces.” (presenter’s emphasis)

# CCC: Lawmaking

- S43 Legislative authority of the Republic

“In the Republic, the legislative authority-

- (a) of the national sphere of government is vested in **Parliament**, as set out in section 44;
- (b) of the provincial sphere of government is vested in the **provincial legislatures**, as set out in section 104; and
- (c) of the local sphere of government is vested in the **Municipal Councils**, as set out in section 156.”

# CCC: Lawmaking

- **S 45 Joint rules and orders and joint committees**

“The National Assembly and the National Council of Provinces must establish a joint rules committee to make rules and orders concerning the joint business of the Assembly and Council, including rules and orders

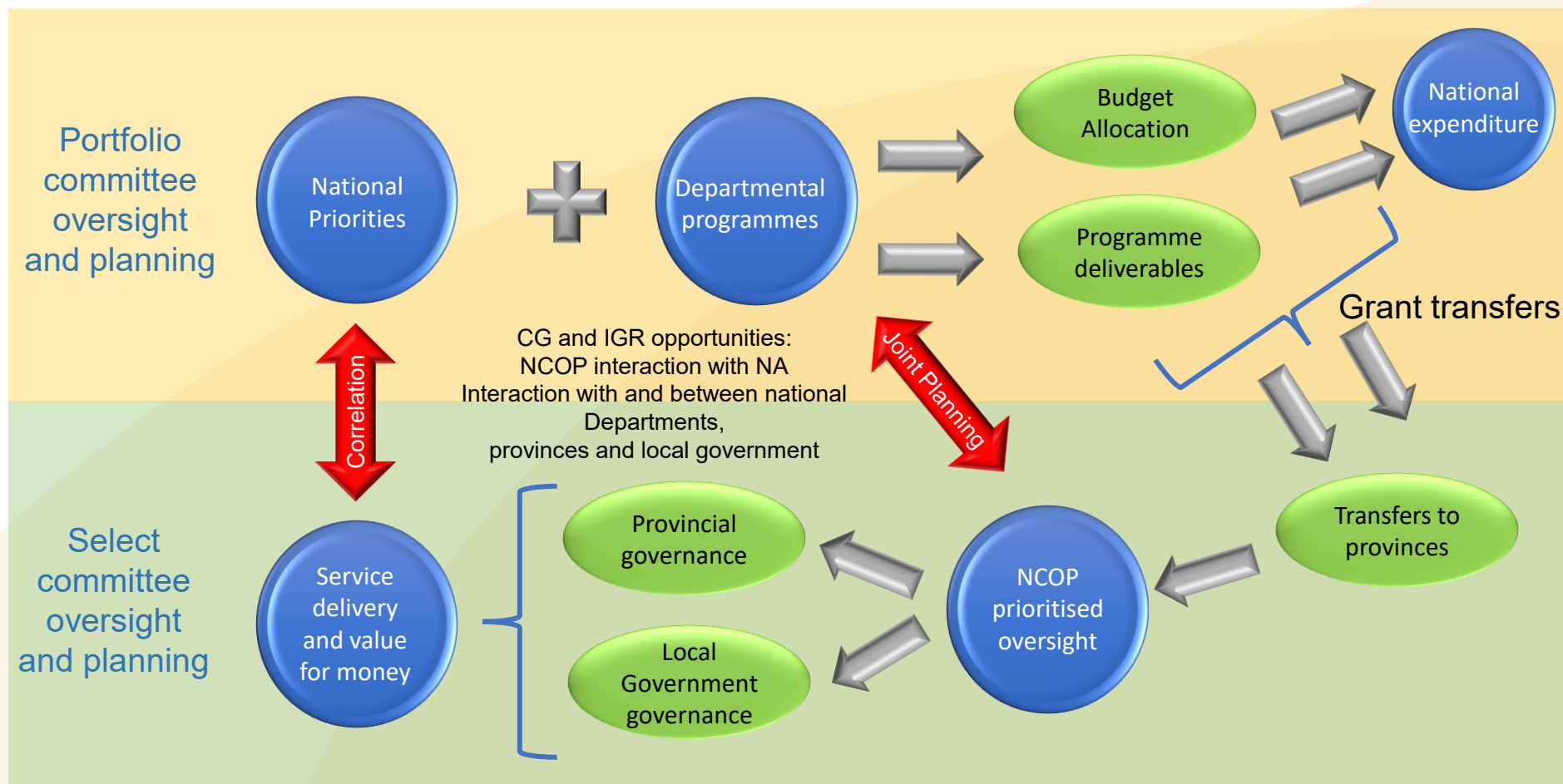
- (a) to **determine procedures to facilitate the legislative process, including setting a time limit for completing any step in the process;**
- (b) to establish joint committees composed of representatives from both the Assembly and the Council to consider and report on Bills envisaged in sections 74 and 75 that are referred to such a committee;
- (c) to establish a joint committee to review the Constitution at least annually; and
- (d) to regulate the business of ..”

# 4. CCC: Oversight

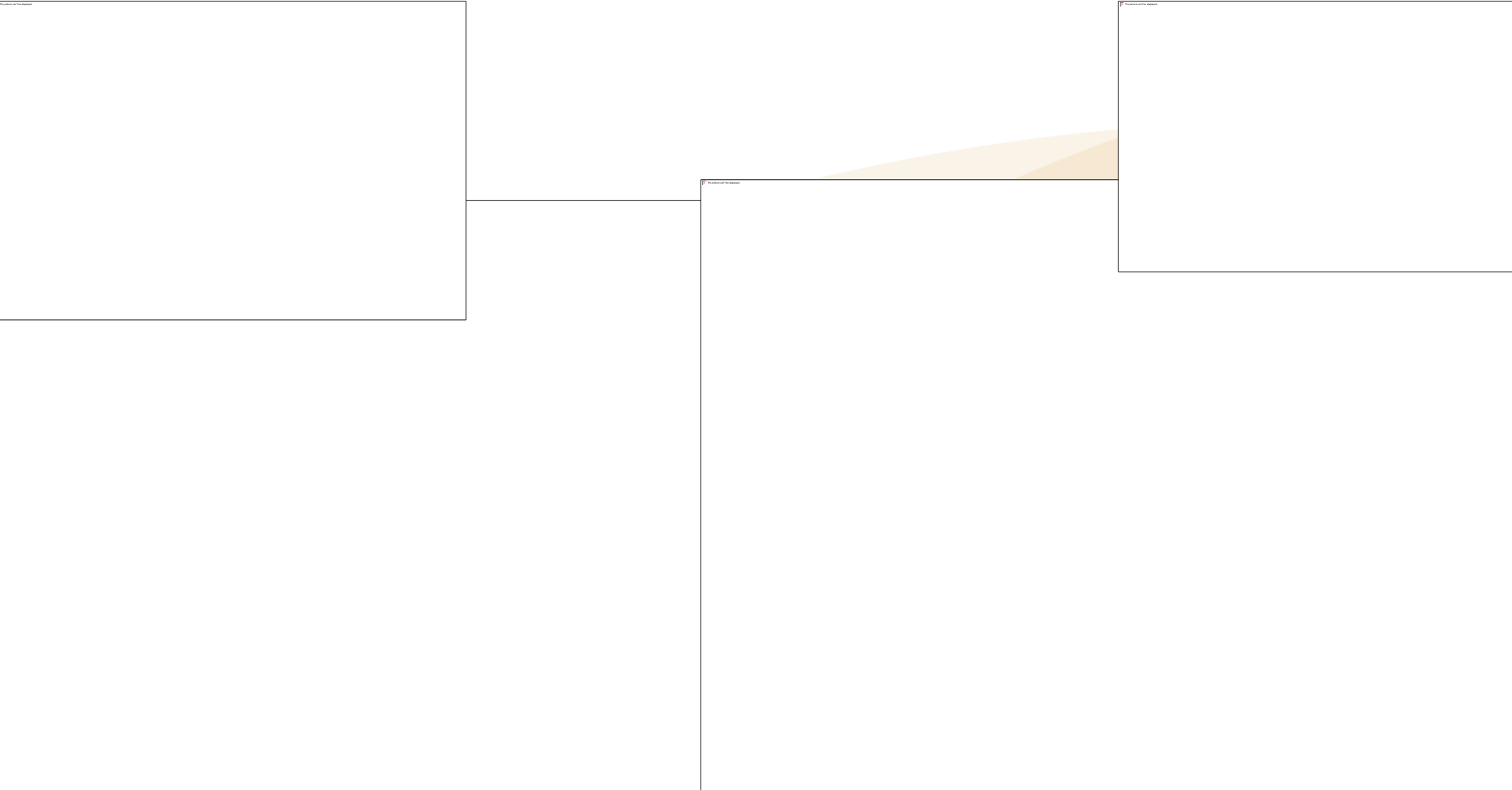
- Oversight stampede
- Programmatic approach to oversight:
- NCOP Provincial Week,
- NCOP TPTTP, TPBTTP,
- NCOP Local Government week

# Parliament: NA and NCOP Planning, Budgeting and Reporting

(The draft CG and IGR model Integrating NA and NCOP planning, budgeting and reporting without duplication)

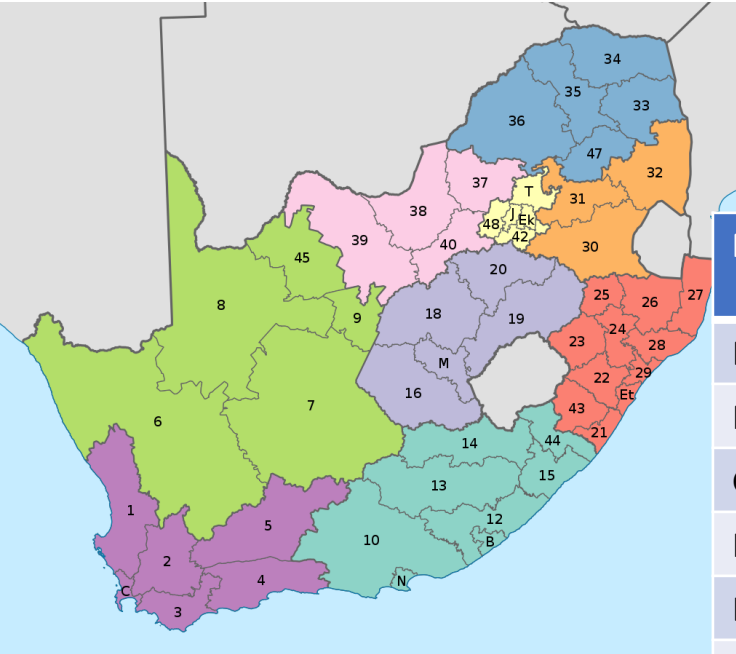


# Parliament and Provincial Legislatures: Constituency Offices





# Districts, Wards, Constituencies



PROVINCE	WARDS 2021
EASTERN CAPE	710
FREE STATE	319
GAUTENG	529
KWAZULU-NATAL	901
LIMPOPO	568
MPUMALANGA	400
NORTHERN CAPE	232
NORTH-WEST	403
WESTERN CAPE	406
	<b>4468</b>
IEC 2021 Municipal Elections Report, 15	

# Chinese Model: Village-based oversight

NSG: Building Professional and Meritocratic Bureaucracies : A Challenge for SA and the Global South  
Building: Prof Zhang Weiwei of Fudan University

<https://protect-za.mimecast.com/s/CGcACGZxOoIBqV28FKGju1?domain=drive.google.com>

# 7. Designing a Cooperation Framework

- Legislative framework applicable to each sphere
- Cooperative government and intergovernmental legislation
- Planning cycle to encourage proactive oversight
- Programme quarterly planning and review sessions across the three spheres
- Clear identification of roles and responsibilities in constitutional framework (areas of legislative competence)
- Sector coordination of core mandates
- Share information and data sets – central repository
- Separate and joint reporting
- Separate and joint accountability

# CCC: Quo Vadis?

At 1605 GMT, the rand traded at 18.7900 against the dollar, about 0.9% stronger than its previous close.

Europe = 38  
North & South America = 13  
Africa = 12  
Asia = 18  
Total of 81/195  
41%



2024 Coalitions?

Niger coup

Russia/Ukraine WW3?

North South Political Landscape

Climate Change

South Africa: Triple challenge

# Quo vadis? Clem Sunter flags – scenarios pushing our present into the future

<https://www.news24.com/news24/opinions/columnists/clemsunter/clem-sunter-the-world-and-sa-latest-flags-scenarios-and-probabilities-to-look-out-for-20230710>

- **The religious flag:** 3 Major religions (Christianity, Islam and Judaism) competing, 911, current unrest in Israel and the potential for Iran to develop nuclear weapons
- **The leadership flag:** aging world leadership (Joe Biden 80, Xi Jinping 70, Vladimir Putin 70)
- **The red flag:** Russia-Ukraine conflict, China – Taiwan, North Korea – nuclear weapons
- **The grey flag:** Ageing population in Japan, Europe, UK and China vs younger population in US, India (and Africa)
- **The green flag:** Climate change, serious weather patterns
- **The anti-establishment flag:** increasing polarization in society due to social media and the growing divide between rich and poor
- **The porous border flag :** illegal immigration to rich countries

