

# in session



PARLIAMENT  
OF THE REPUBLIC OF SOUTH AFRICA

May 2023





**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA

**Editor**

Brent Simons

**Production editor**

Mava Lukani

**Design and layout**

Vishaal Lalla

**Copy editor**

Jane Henshall

**Writers**

Abel Mputing, Sakhile Mokoena,  
Malatswa Molepo and  
Modise Kabedi

**Photography**

Zwelethemba Kostile

**Distribution & subscriptions**

Jacqueline Zils

**Publisher**

Parliament of the Republic of  
South Africa

**Copyright**

INSESSION is published by the Information and Content Development Unit of the Parliamentary Communication Services of the Parliament of the Republic of South Africa. All material published is copyrighted and cannot be reproduced without the written permission of the publisher.

**EDITORIAL ENQUIRIES**

**Telephone** 021 403 8738

**Fax** 021 403 8096

**E-mail**

insession@parliament.gov.za

**Subscriptions**

jzils@parliament.gov.za

**Post**

PO Box 15, Cape Town, 8000

**OUR IDEALS**

**Vision**

An activist and responsive people's Parliament that improves the quality of life of South Africans and ensures enduring equality in our society.

**Strategic Objectives**

- Strengthening oversight and accountability;
- enhancing public involvement;
- deepening engagement in international fora;
- strengthening cooperative government;
- strengthening legislative capacity.

**BOOK A TOUR**

To tour Parliament

**Telephone** 021 403 2266

**Fax** 021 403 3817

**E-mail** tours@parliament.gov.za

# Parliament's crucial role in democracy and development



**DEMOCRACY IN ACTION: Speaker Mapisa-Nqakula tables Parliament's budget vote in the National Assembly.**

*The Speaker of the National Assembly Ms Nosiviwe Mapisa-Nqakula believes Parliament has played a critical role in supporting democracy and development in South Africa since 1994, writes Sakhile Mokoena.*

Speaking during the tabling and debate of the institution's Budget Vote, the Speaker said Parliament has been a voice for all South Africans and has worked tirelessly to ensure that our people's rights and freedoms are protected.

"Through its legislative and oversight functions, Parliament has helped to create a legal framework that has enabled us to build a democratic and free society. We have passed laws that have protected the rights of our citizens, especially the vulnerable groups, enshrining the right to vote, universal access to education, healthcare and the right to a fair administration and justice.

However, while progress has been made, there are still significant gaps in the capacity of the state to deliver services effectively. Corruption and mismanagement continue to be major obstacles to progress. To counter this, Parliament continues to strengthen measures ensuring greater accountability and oversight over the executive, she said.

Ms Mapisa-Nqakula said Parliament has endorsed the findings of the Judicial Commission of Inquiry into State Capture (Zondo Commission) which reflected on the oversight work done by committees and the Houses (NA and NCOP). "We endorsed these findings and Parliament is committed to ensure the implementation of these recommendations including those recommendations referred to portfolio and select committees," the Speaker said.

She also commented on the conflict between Russia and Ukraine and said it continues to pose a threat to global peace building efforts. As part of the Interparliamentary Parliamentary Union (IPU), the South African Parliament together with Namibia are among the members of the IPU task force set up in 2022 to engage with both the parliaments of Russia and Ukraine.

The Deputy Chief Whip of the majority party, Ms Doris Dlakude said the recent passing of the Eighteenth Constitution Amendment Bill to recognise sign language as an official language of the republic is a transformative development that represents advancing equity and justice.

Ms Siviwe Gwarube, the Chief Whip of the official opposition, accused the ANC of developing an unhealthy obsession with the notion of majority rule and said that it has broken Parliament for narrow political gain

and self-preservation at a great cost to the country. "You will often find the ruling party arrogantly and guiltlessly voting against anything, regardless of how important it is, because they simply have the numbers," she said.

She also raised concerns about the delays by Parliament in processing the Zondo commission report, as well as proposals for the establishment of a committee to oversee the Presidency.

Also taking part in the debate of Parliament's budget vote, Ms Helngiwe Mkhaliphi of the Economic Freedom Fighters called on the institution to establish a legislation drafting unit to assist members of developing and introducing bills. "The institution does not have the capacity to draft legislation. A majority, if not all, legislation passed by this Parliament since 1996 was introduced by the executive and ours has just been to rubberstamp. We need to establish a drafting unit," she said.

She also argued her party's long held position on the relocation of Parliament to Tshwane, saying the fire incident presented an opportunity for Parliament to consider moving. "The refusal to move Parliament to Tshwane is senseless and irrational. We should have used the opportunity given to us by the fire, instead of wasting billions on restoration of colonial and apartheid heritage that does not play a transformative role in the lives of the people," said Ms Mkhaliphi. 🇿🇦



**BUDGET VOTE:**  
Chairperson Masondo tables  
the NCOP's budget allocations  
for 2023/24.



# NCOP Chairperson highlights transformation targets for 2023/24 financial year

*Speaking about the work done to achieve its mandate, the Chairperson of the National Council of Provinces (NCOP), Mr Amos Masondo, said that the NCOP has passed finance legislation aimed at appropriating finance to government departments and the allocation of revenues to the three spheres of government.*

The NCOP also continued to conduct oversight over the executive through asking questions, ministerial briefings, following-up on executive undertakings and House resolutions. This helped the NCOP achieve its goal of increasing government's responsiveness and accountability, as per the policy priorities for the sixth Parliament.

The transformational targets set for 2023/24 include:

1. High-level change management plan to ensure transformation of the institution.
2. Implementation of the plan for the restoration of parliamentary buildings.
3. Professionalising the parliamentary service to ensure service excellence.
4. Developing and implementing a new broadcasting strategy for the seventh Parliament.
5. Implementation of the recommendations of the Judicial Commission of Inquiry into State Capture.
6. Data modelling and scenario tools to improve the quality of oversight.

7. Implementation of an impact assessment framework.
8. Development and implementation of an effective petitions framework.
9. Reviewing Parliament's capability to implement its international priorities aligned to the national agenda.

The 2023/24 budget for Parliament (Vote 2) is set against the backdrop of declining state budgets more generally. The present downward trend is forecast to continue during the medium-term. Slower economic growth is now expected, putting more pressure on Parliament to manage its budget. In recent years, Parliament implemented cost containment measures and efficiency initiatives, which have reduced operational costs.

Although there is currently a budget shortfall, the under-expenditure resulted in unspent funds to be used to address the shortfall for the 2023/24 budget. However, without taking steps to correct the allocation or reduce expenditure, a significant budget shortfall could occur in years to come.

In addition to the reduced budget, the composition of Vote 2 carries structural

challenges. Whereas the overall budget appears to be significant for 2023/24, the amount available for discretionary allocation is small. The Accounting Officer has limited control over certain allocations in the budget. These include direct charge for Members' remuneration, salary adjustments decided by the sector bargaining process, and facilities for Members. This has to be addressed.

The total budget for Parliament amounts to R4.3 billion. The total allocation received from the National Treasury amounts to R3.8 billion. The shortfall of R456 million will be funded

by retained earnings, donor funding and revenue of Parliament. This shortfall is largely driven by the cost of employment.

Speaking during the debate on the budget vote, the Chief Whip of the NCOP, Mr Seiso Mohai, said the true test of democracy is the extent to which Parliament can ensure government remains answerable to the people. "At the core of this existential threat to the credibility of Parliaments across the globe is, among others: the persistence of the global economic meltdown and failure of parliaments to pave the way forward for democratic institutions to address the deteriorating levels of poverty, unemployment, and inequality."

This threat is manifested by the persistence of voter apathy and political and civic disengagement, a renewed upsurge of populism and the proliferation of violent grassroots protests. "This makes a compelling case," Mr Mohai said, "for this budget policy debate on Parliament to make preliminary reflections on the assessment of the effectiveness of the oversight role of the NCOP as the voice of provinces and the local government in pushing back the frontiers of poverty, unemployment and inequality."

Mr Mohai reminded the delegates to the NCOP that in 2019 the NCOP adopted the concept of ministerial briefing sessions as strategic oversight mechanisms to periodic review and monitoring of the implementation of policies, plans, programmes and projects. Through these ministerial briefings, the NCOP has been able to advance its mandate of representing the interests of provinces and provide leadership in implementing measures to address various challenges. 🇿🇦







**STRONGER TOGETHER: MPs call for peace and security on the African continent so that its countries and their people may flourish.**

# National Assembly Debates AU's 60th Birthday

markets, but those who succeed are those with competitive institutions and policies. Sadly, he claimed, Africa lacks most of these economic criteria.

*‘There is much to be proud of as we celebrate the AU’s sixtieth birthday’*

*Dr Naledi Pandor*

*As the Organisation of African Unity marked its sixtieth anniversary this year, the National Assembly (NA) reflected on the organisation’s achievements by debating its role in supporting the emancipation of Africa’s people and advancing economic integration on the continent, writes Abel Mputing.*

Setting the tone for the debate, Ms Moleboheng Modise of the ANC in the NA, provided some context for the organisation’s broad goal of promoting African interests and agenda on a world stage, goals that are enshrined in the AU’s Agenda 2063. The ratification of free trade among African states is aimed at accomplishing this imperative. A continent-wide policy trajectory to accelerate economic integration, growth and free trade among African states through industrialisation is necessary, she said.

In essence, she noted, the policy aims to change Africa’s role of being exporters of raw materials and importers of finished products. It seeks to make Africa a hub for manufacturing raw products and setting up a value chain that will benefit African people. “This could be successful if we establish and adhere to stipulated regulations that will govern the movement of both goods and people,” she said.

Beyond that, a stable and peaceful environment is required. Africa will achieve the benefits of free trade zones, “if it moves from a logic of war to that of peace”, she said. “Africa needs to silence the guns if it were to be prosperous and reach its full potential.”

Mr Thembekile Majola of the Democratic Alliance in the NA said the AU Agenda 2063 is the blueprint for Africa’s emancipation and economic development. However, it has not yielded the desired results. “AU’s industrialisation, trade, investment and economic integration policies have

failed because AU has failed to engage with the legislative institutions such as Pan-African Parliament that are responsible for nation states’ budget allocations and oversight,” he said.

Ms Natasha Ntlangweni of the Economic Freedom Fighters said despite the AU’s policies that agitate for economic integration and free trade amongst African states, African countries continue to trade most if not entirely with their former colonisers. “The United Nations’ Trade Report shows that there was two per cent of trade among African countries between 2015-2017, 47 per cent with America, 69 per cent with Asia and 67 per cent with Europe. This affirms the claim that economic integration and free trade among African countries is still a pipe dream, she said.

Mr Mkhuleko Hlengwa of the Inkatha Freedom Party said Africa is still dealing with food insecurity and rising unemployment. Meanwhile, instead of playing a pivotal role in realising the AU’s Agenda 2063, South Africa’s potential is hampered by corruption, while its support of Russia has a negative impact on its standing in global affairs. These political choices hamper South Africa’s role in achieving the AU’s policy imperatives.

This was a view shared by Mr Frederik Mulder of the Freedom Front Plus, who claimed that the fragmented nature of African markets inhibits efficiencies and constrains economic growth. Many countries are vying for few

The Minister of International Relations and Cooperation, Dr Naledi Pandor, said there is much to be proud of as we celebrate the AU’s sixtieth birthday. One of positive sign is the growing consensus around a road map towards Africa’s economic integration. “The executive and Parliament must contribute actively to the realisation of free trade zones on the continent through necessary regulatory frameworks, as well as infrastructure logistics that would make free trade zones a reality.”

But also, Dr Pandor emphasised that without peace and stability, such an ideal will not come to fruition. Conflict remains one of the impediments of sustainable growth in Africa, she went on to say. South Africa can be proud of the role we played in brokering a peace deal in the Central Republic of Congo in 2019 and in 2018 between Ethiopia and Eritrea.

Turning to current hostilities in Sudan, she was of the view that the conflict there is a lesson. We should not be content with merely signing peace agreements but need to strive also for sustainability. She blamed the interference of foreign forces in African affairs, which have often led to conflicts in African states. Nonetheless, Dr Pandor went on: “We should build on the sense of hope prevalent on the continent today, that our youth continent will rise above the myriad of its challenges and attain its true renaissance.” 🌟



**QUESTIONS ASKED:** The leader of the official opposition, Mr John Steenhuisen, asked President Ramaphosa about South Africa's relationship with Russia during the Question and Answer session.



## President Ramaphosa answers questions from National Assembly MPs

*President Cyril Ramaphosa appeared in the National Assembly (NA) recently to answer written questions from MPs. InSession here focuses on questions about Eskom and South Africa's intelligence services. The first question on the management of South Africa's electricity, which had many follow up questions, was asked by Mr Khaya Magaxa, the Chairperson of the Portfolio Committee on Public Enterprises.*

**President Cyril Ramaphosa:** As I indicated in my reply to the State of the Nation Address debate on 16 February, the Minister of Electricity will be responsible for overseeing all aspects of the electricity crisis that we are going through. The Minister of Electricity is responsible for driving the various actions being co-ordinated by the National Energy Crisis Committee to end load shedding as a matter of urgency. Matters of energy policy remain the responsibility of the Minister of Mineral Resources and Energy.

As for the issue of parliamentary oversight of energy policy matters, Parliament is required in terms of the Constitution and also its own rules to develop mechanisms to ensure

that all executive organs of state in the national sphere of government are accountable to it and to maintain oversight of the national executive authority. It is up to Parliament to decide how to exercise its oversight role with respect to matters within the jurisdiction of the Minister of Electricity.

The Minister is overseeing the full and speedy implementation of the Energy Action Plan to ensure that the severity and frequency of load shedding is reduced in the immediate term and brought to an end within the shortest possible time.

Following his appointment, Minister Ramokgopa conducted a diagnostic assessment of Eskom's installed generation capacity, resulting in the identification of a set of critical interventions to maximise the energy availability factor of the generation fleet. The Ministry engaged a wide spectrum of stakeholders, including industry, various businesses, labour, original equipment manufacturers and the diplomatic community that have all pledged their support for strategic interventions to reduce the intensity and frequency of load shedding.

The preoccupation of the Minister is to improve the performance of the existing Eskom base load fleet, maximise the performance and output of peaking stations and reduce demand through an aggressive demand side management programme. This work is being undertaken alongside measures that

are being put in place to sustainably and urgently increase the construction of new generation capacity, which is currently underway.

The reforms that we have already implemented have resulted in a significant increase in investment in new generation projects, with many more in the pipeline, and a number of others that are soon going to be put on acquisition and in the end will also be implemented.

A great deal of work is being done in this regard, much as we are going through a challenging period with continued load shedding. I do believe that the end should soon be in sight as all these efforts bear fruit, and fruit they will bear because we now have a very focused type of attention on precisely what needs to be done, cutting across what the management and the board at Eskom is doing, and what the Minister and all the other relevant co-operating Ministers of Mineral Resources and Energy as well as Public Enterprises are doing. So, all hands are on deck in as far as dealing with our electricity challenge is concerned.

**Mr Magaxa:** Hon President, the follow-up question is as follows. While the Minister of Electricity was appointed with the view that he would expedite the government's response to load shedding and energy security under the National State of Disaster on electricity, which the government ultimately revoked following the legal

action against its rationality, is the Minister of Electricity still empowered to fast-track the government's Energy Action Plan in the absence of the National State of Disaster on electricity, and what is the Minister of Electricity's new approach to solving the electricity crisis following the government's withdrawal of the National State of Disaster, given that load shedding is likely to reach stage 7 and stage 8 this winter season?

**President:** The Minister of Electricity has his work cut out and the finalisation, which is due to be announced very shortly of actually all the mandate matters that he has to attend to, set out precisely what he is meant to do.

The issue of the National State of Disaster was going to be an added tool to enhance the implementation of the address that needs to be given with regard to ending load shedding. When that was withdrawn, it did not mean that the Minister does not have the tools and the capability to be able to do his work. What we have been in the process of doing is to look at the tasks that relate to generation in the Electricity Regulation Act. Those tasks that need to be executed by the Minister of Electricity vary or include matters of generation. They also include the identification of the type of energy source that we need and thereafter, co-operating with the Minister of Mineral Resources and Energy for the procurement process. Once it has been procured, the Minister of Electricity will then ensure that it is implemented, and deal with matters such as the financial close and also ensure that once there is financial close and it is implemented, the grid or transmission is ready.

In this regard, we will also be working very closely with other institutions such as the National Energy Regulator of SA, Nersa. Indeed, in all this he will also be co-operating very closely with the Minister of Public



Enterprises. So, if there ever was to be intergovernmental co-operation where we get rid of all the silos, this whole task of dealing with electricity in our country is going to be a great example because that is precisely what has started to happen now. The co-operation between the Minister of Electricity, the Minister of Mineral Resources and Energy, and the Minister of Public Enterprises is precisely what we want to see in government, where all the silos are broken down and the Ministers work in a very co-operative spirit. That is exactly what is underway now.

So, the Disaster Management Act process was going to be an aid, an enabler, but that having been forgone, other various instruments of a legislative nature are in place to enhance the work of the Minister of Electricity.



**Dr Johannes Boshoff:** Hon President, if I read the question correctly, it actually consisted of two elements. How will you convince the public that the location of the Minister of Electricity in your own Presidency is not an attempt to shift oversight on energy policy away from Parliament. Then something about timeframes. You said that Parliament should actually devise its own mechanisms for oversight, but just last week your own governing party voted down an attempt to provide exactly such a mechanism. So, I would like to know what is the actual plan that would then be acceptable and in addition to that, I would like to know the following. You appointed the Minister of Electricity and you must have had a good idea about what he should do, and yet even today you have told this House ...

**President:** I said in my original response that it is really up to Parliament how they would like the

accounting process to happen in relation to the Minister of Electricity. We have said very clearly that the executive is accountable to Parliament and it therefore behoves on this Parliament to work out those mechanisms. These mechanisms would also include accountability of the Minister of Electricity.

Locating the Ministry in the Presidency does not by any means diminish the issue of accountability. Minister Ramokgopa is by no means the only Minister whose work is lodged in the Presidency. We have three Ministers, who are accountable to Parliament, whose work is lodged in the Presidency and therefore, putting the Ministry in the Presidency and particularly the Minister to be driving the process of the Energy Action Plan from the Presidency through the crisis committee that was created, is meant to enhance precisely what work needs to be done.

Broadly, with regard to the mechanism, as I have said and I repeat, that needs to be discussed by Parliament, including the matter of the accountability of the Presidency. It is my information that this matter is now under discussion in Parliament and I encourage that. That discussion should ensue and Parliament should make its own decisions in this regard.



**Mr Wayne Thring:** Mr President, the power crisis is devastating households and businesses, eroding the nation's economic growth prospects, disrupting power supply chains and stoking inflation. Public anger is understandably growing around the government's inability to deal with the crisis. Electricity Minister Ramokgopa has warned that South Africans could face a cold winter that may include



**PROBING FOR ANSWERS:** Mr Khaya Magaxa grills the President on what the government is doing to address South Africa's energy crisis.

stage 8 power cuts. This is unprecedented, with stage 6 load shedding having eight hours or so of cuts, with stage 8 up to 12 hours and stages 9 and 10 too ghastly to contemplate.

**President:** I completely deny that we have completely failed in our attempts to deal with this crisis. We continue to take a number of measures and actions on a continuous basis. When I stood here and I announced the Energy Action Plan, it was welcomed by all and sundry as being a very rational plan that would address our energy crisis. We didn't then foresee that our energy availability factor would decline further than where it was at the time. We didn't then foresee that three units of Kusile would just collapse. We didn't foresee that a number of other power stations — Kriel and all that — would also collapse. From an engineering point of view, that is something that had not been foreseen. However, the measures that we have been putting in place, as I said in our Energy Action Plan, was to embark on new generation. New generation of a variety of sources is underway right now.

One of the things I also said in 2019 standing here in this Parliament was that we needed emergency power and we needed emergency power of some 3 000 megawatts. That process got underway. It has been stopped by interventions that are completely out of government's hands. It has been stopped by either various nongovernmental organisations that have taken the process to court and environmental issues have been raised. That is what has put the brakes on what I would call immediate emergency power that could've been brought to bear.

I still say today that what South Africa needs right now is emergency energy that we can bring in. Other countries have done so. I have been to a few

countries on our continent. They have done so. They have brought in ships that are able to generate energy and immediately solved their energy challenges and problems. I do believe that that is the way to go right now ... to add those megawatts that we don't have, while we wait for the construction of the other renewable energy sources, as well as the revamping or the repair of our base load coal-fired power stations that are being worked on after years of no maintenance.

Part of our plan is also to work on demand management. Part of our plan is to also work on rooftop solar installations. Now those are interventions that are going to help to reduce the pressure on the grid and add more energy sources to our overall electricity landscape.

So, those initiatives, which have been validated by many, are underway. We are repairing our power stations. We are maintaining them, and when you maintain a power station you have to take it out of the grid and sometimes it goes on for much longer than you wanted. We are dealing with big machinery here and we are dealing with suppliers that are big original equipment manufacturers that manufacture for the whole world. They don't wait in line just for South Africa. So, when we have a generator that has broken down, we wait in line.

However, the initiatives that we are taking is to add other sources of energy, which we are doing. Soon there will be a further round of procurement that is going to add more megawatts. So, all that is ongoing and as this reaches fruition, we aim to bring load shedding under control and to an end. That is precisely what these three Ministers are doing. The Minister of Public Enterprises is dealing with the restructuring of Eskom so that we have a transmission company, so that that transmission company is



then able to put in investments in the transmissions lines so that they can absorb new energy generation.

The Minister of Electricity focuses on generation and the Minister of Mineral Resources and Energy focuses on the policy, procurement process and all that. That is the architecture that we have put in place. We are not sleeping on the job and we are hoping that all these efforts will lead to the solution that the people of South Africa want to see.

### Questions on the allegations of corruption at Eskom

**President:** I have not been presented with any evidence of members of the Cabinet or other senior government officials alleged to be involved in corruption at Eskom. Anyone who does have such evidence should provide that information to the relevant authorities so that a thorough investigation of all credible allegations can be conducted.

There are institutions whose job it is to investigate these matters as they have the legal mandate, personnel and capacity to investigate all these matters. Significant progress has been by law enforcement agencies, Eskom and other relevant government departments have also made progress in addressing crime and corruption at the entity. Various measures have been taken by the Department of Public Enterprises and reported to Parliament regarding the implementation of the recommendations of the State Capture Commission.

Coal supply agreements and construction contracts with a value of approximately R11 billion have been cancelled by Eskom. Eskom also initiated litigation that resulted in coal supply agreements to an approximate value of R3,7 billion being declared invalid. Further losses of approximately R10 billion to Eskom were prevented by setting aside other coal supply agreements and constructors contracts. Eskom is pursuing claims with a value of approximately R4,8 billion against suppliers and former directors of Eskom. The utility has recovered approximately R2 billion unlawfully paid by Eskom to service providers.

The Special Investigating Unit has referred 5 464 matters to Eskom for disciplinary proceedings against employees for their alleged failure to submit financial declarations,

declare or get approval for doing work outside of Eskom. There are pending criminal cases or referrals to the National Prosecuting Authority by law enforcement in at least 125 instances and a further 65 referrals to the Asset Forfeiture Unit relating to Eskom. At least 25 former senior executives at Eskom have been included in a database of individuals dismissed for their involvement in state capture and corruption at Eskom. All this demonstrates that the government is proactively investigating and taking action against crime and corruption at Eskom.

The law enforcement agencies themselves will, in addition, continue to investigate any credible information that is provided to it because that is their job and that is their speciality and they have the capacity to do so, and as I have often said here, let us allow those institutions to do their work and do it without fear, favour or prejudice.



**Mr Ahmed Shaik Emam:** Mr de Ruyter has made a whole lot of allegations, but to date, despite numerous requests almost from the entire world, no evidence has unfolded thus far, including where he advised us that he informed Minister Gordhan and I know you to some extent did respond earlier. Did Mr de Ruyter ever draw your attention, Mr President, to any acts of corruption in Eskom or did Minister Gordhan draw your attention to the statement that De Ruyter made that he informed Mr Gordhan that there are high levels of corruption and senior politicians are involved? I'm asking that so that the public can get a clearer picture of whether there's any truth in what we are hearing or not.

**President:** We have always spoken very publicly and broadly about acts of corruption that have been ongoing in Eskom. Apart from what has been in the public domain, what



was unearthed through the State Capture Commission just added to the stories and the narrative. So that whole process of the aura of, if one can call it aura, or the narrative of corruption, has been known from whole contracts to a whole range but never was information ever put about the personalities that are involved. And hence I say the process of identification of all that is a matter that should be fully put before the law enforcement agencies. It should be properly investigated so that those who are involved should then be identified and dealt with. The Zondo Commission dealt with and identified a number of names but also felt that further investigation needs to take place, and in this case, where there are identities of people, we say bring them forward. Let those be investigated and let's have a measure of finality over this.

On a question about the allegations relating to weapons of war loaded onto a Russian ship in a Cape Town harbour by **Mr John Steenhuisen**, the President replied: We are all aware of the news that we all became aware of, of Lady R, and that whole matter, hon Steenhuisen, is being looked into

Whilst the process continues, I want you to allow that process to continue to reach its fruition. I know that you are so keen and you are so interested in knowing exactly what happened. The matter is being looked into and, in time, we will be able to speak about it. Yes, within time, we will talk about it. So, hon Speaker, as you correctly said, this matter is best left where it is, and the answer is that the matter is being looked into. Thank you very much.

**Mr Mkhuleko Hlengwa said:** Mr President, at the heart of this is the collapse of the intelligence operations in the country. We have seen this before and every time a new episode

arises is the clearest indication that there is a problem. We have seen the collapse of an intelligence around Phala Phala, the 2021 riots, the Thabo Bester matter, the Bushiri matter, the syndicate operating within Eskom, the cash-in transit heists, the cross border crimes and the political killings. The list is endless.



State security resides in the Presidency. So, this is squarely on your table. The question then becomes, do you have confidence in the current arrangement, capacity and capability of the intelligence stature, and law enforcement agency to deal with crimes, and if so, on what basis, and if not, what reforms are you prepared to put on the table as a matter of urgency to ensure that you are able to push back on the frontiers of crime?

**President:** The answer is yes. I do have confidence, and the processes that we are involving, which emanated from the Report of the Mufamadi High Level Panel and the other investigations that we have had, are pointing us in the right direction, and we are in the process of rebuilding, informing, repositioning our intelligence services. 🙏



Chairperson of the National Council of Provinces, Mr Amos Masondo.



## NCOP Chairperson Leads Delegation to PAP session

*The Chairperson of the National Council of Provinces, Mr Amos Masondo, led a multiparty delegation of Parliament to the second Ordinary Session of the Pan-African Parliament (PAP), which took place in Midrand from 15 May to 2 June 2023.*

This second session of the PAP's sixth Parliament was held under the African Union (AU) theme for 2023: "Accelerating the implementation of the African Continental Free Trade Area (AfCFTA)." The PAP, as the AU parliamentary forum with a mandate to facilitate the implementation of its policies, objectives and programmes, used the session to discuss and find strategies for African parliaments to fast-track the implementation of the AfCFTA.

Several reports from PAP's permanent committees were considered during the session. These include Digital Rights with the Internet Governance Forum; Report on the proposal to develop a Model Law on Climate Change; Report on the Place of Traditional Medicine in African Health Systems; Report on First Partners' engagement on Conceptual Framework of the Draught Model Law on Gender Parity; and the Report on the Draught

Model Law on Cooperatives. The peace and security situation on the continent will also feature on the agenda of the plenary.

The summit seeks to bring together various key stakeholders who will be responsible for facilitating broad support for pro-poor, just, equitable, locally led and science-based decisions in nationally determined contributions to the development of an implementable, overall climate action plan. The high-level climate engagement will also identify a common African agenda in the Global Stock Take process and in the countdown to COP28 and the role parliamentarians can play.

Also scheduled during the session was a workshop for the national implementation of the AfricaEducatesHer campaign: legislation to ensure learning opportunities post-COVID for girls; a celebration of Africa Day; and a meeting with representatives from the European Parliament.

Chairperson Masondo led the group to the PAP, which comprised the Chief Whip of the Majority Party in the National Assembly, Ms Penny Majodina and Dr Mathole Motshekga from the African National Congress, Mr Julius Malema leader of the Economic Freedom Fighters, and Mr Thembeke Majola from the Democratic Alliance. 🌟

INTERNATIONAL RELATIONS: Speaker Mapisa-Nqakula brings a gift to members of the Azerbaijani Parliament.



## Speaker Mapisa-Nqakula addresses Special Session in Azerbaijan

*The Speaker of the National Assembly, Ms Nosiviwe Mapisa-Nqakula, represented Parliament recently at a celebration in Azerbaijan to recognise the legacy of the founding father of a free Azerbaijan, His Excellency Heydar Aliyev.*

Ms Mapisa-Nqakula said: "We believe that the specific foresight of Heydar Aliyev in consolidating the oil and gas resource strategies as part of Azerbaijan's economic transformation can now benefit us a great deal as we face the biggest power crisis and a threat to our economy, in history."

Although it must be acknowledged that Azerbaijan has already established partnerships with several African countries, including South Africa, to promote energy cooperation and technology transfer, the Speaker said, South Africa believes that extraordinary urgency is required to develop new infrastructure.

"We are calling for both governments to leverage the current cooperation initiatives to implement an urgent rescue plan with specific targets to enhance South Africa's generation capacity in the short to medium term. We believe that Azerbaijan's efforts to support African nations in providing energy resources, supporting sustainable energy development, and promoting energy cooperation will improve access to affordable and reliable energy in the continent and in South Africa specifically. Our own cooperation efforts as the parliaments of the two countries can help to place this matter on the agenda for our two countries.

"In the same vein, allow me to also express our gratitude to you and your country for the work that you have done towards the establishment of the Parliamentary Network of the Non-Aligned Movement (NAM). Your country has played an important role both during the time when you hosted the NAM Heads of States Summit in 2019, when the decision to establish the network was made, and now in your role as the first Chairperson of our network.

"We thank you once more for your invite and your hospitality to these important events in your country. On behalf of all South Africans, we also celebrate with you and your people, the declaration of this year 2023, as the year of Heydar Aliyev. Accordingly, we commemorate with you this, the 100th anniversary of his birth." 🌟



# Mineral and Petroleum Resources may soon be legislated separately, thanks to the UPRD Bill

**PUBLIC HEARINGS:** South Africans turned out in their numbers to give their views on a proposed new Bill to legislate mineral and energy resources.



*The South African legislative regime governing the country's mineral and petroleum resources may soon be split, if the Portfolio Committee on Mineral Resources and Energy and the National Assembly, agrees with the Upstream Petroleum Resources Development (UPRD) Bill [B13-2021], as proposed by the Department of Mineral Resources and Energy, writes Justice Molafo.*

Mineral and petroleum resources are currently legislated in the Mineral and Petroleum Resources Development Act (Act No 28 of 2002), commonly known as the MPRDA. However, in 2022, the Minister of Mineral Resources and Energy through the office of the Speaker of the National Assembly, Ms Nosiviwe Marisa-Nqakula, tabled the UPRD Bill in Parliament, which seeks to separate petroleum provision from mineral provision.

The Speaker then referred the Bill to the National Assembly committee responsible for the mineral resources and energy portfolio for consideration and further processing. In its first attempt to process the UPRD Bill, the Portfolio Committee on Mineral Resources and Energy invited the department to come and make a presentation on the Bill in order to understand it better and interrogate it.

The committee then moved into the second stage of the legislative process, which included inviting written submissions on the Bill from interested parties. The third stage included conducting countrywide public hearings in line with Section 59 (1) (a) of the Constitution of the Republic of South Africa, which requires the National Assembly to facilitate public involvement in the legislative and other processes of the NA and its committees.

In the space of three months, from February to May 2023, the committee led by its Chairperson Mr Sahlulele Luzipo has crisscrossed the country to conduct public hearings in all nine provinces. Members of the public in 26 districts and four metropolitan municipalities were given the opportunity to comment on the Bill.

The districts were West Coast, Overberg and Garden Route districts in Western Cape; OR Tambo, Amathole and Sarah Baartman in Eastern Cape; Ugu and UMgungundlovu in KwaZulu-Natal; Vhembe, Mopani, Waterberg and Capricorn districts in Limpopo; Frances Baart, John Taolo Gaetsewe and Namakwa districts in Northern Cape; Thabo Mofutsanyana and Xhariep districts in Free State; Ehlanzeni, Nkangala and Gert Sibande districts in Mpumalanga; Ngaka Modiri Molema, Dr Kenneth Kaunda and Bojanala Platinum districts in North West; as well as Sedibeng and West Rand districts in Gauteng. The metros included Nelson Mandela Bay,

eThekweni, Mangaung and Tshwane metropolitan municipalities.

Those who made oral submissions during public hearings made various proposals, including an amendment of clause 31 to increase the 10 per cent interest participation by black-owned

petroleum resources is aimed at providing two independent pieces of legislation to address matters pertinent to each industry and to bring about stability and security to investors, especially in the upstream petroleum sector. The UPRD Bill enhances state participation in



companies, the inclusion of a clause addressing, women, youth and people living with disabilities empowerment, as well as a clause addressing climate change and environmental protection.

Clause 31 in the original form of the Bill makes a provision for 10 per cent interest participation by black people in petroleum rights on commercial terms. The clause defines "black persons" for the purposes of 10 per cent participation to mean a company that is 51 per cent owned by black people. However, many members of the public expressed a view that 10 is not enough and should increase to between 40 and 50 per cent.

The separation of minerals from

the upstream petroleum industry and economic transformation of the industry. It includes provisions that promote petroleum resource development in a sustainable and equitable manner for the benefit of all South Africans.

Mr Luzipo said that the committee values all inputs from members of the public. He further said that the committee has set aside three months in its programme to consider all submissions and deliberate on the actual contents of the Bill. At the time of going to print the committee was not in a position to express its position on the Bill, because, according to Mr Luzipo, it must first consider all inputs and deliberate on the Bill. 🇿🇦



*The Committee for Section 194 Enquiry into Public Protector (PP) Adv Busisiwe Mkhwebane's fitness to hold office was unable to hold any of its planned hearings in May, due to the Public Protector's shortage of funds to pay for her legal defence. Once that issue was sorted, the committee was again delayed because she had not found new legal representation in time to proceed with the hearings, writes Rajaa Azzakani.*

The committee has been hamstrung by Adv Mkhwebane's lack of funds to pay her legal fees since 31 March 2023 when the Office of the Public Protector said that it could only afford to pay the ever-escalating legal fees until the end of the financial year due to financial constraints.

Adv Mkhwebane is yet to finish her testimony before the committee, which she was busy with until the end of March. However, committee meetings have taken place in the interim were evidence leaders Adv Nazreen Bawa and Adv Ncumisa Mayosi have guided the committee through the evidence presented thus far by Adv Mkhwebane on some of the charges she is faces.

When the committee was scheduled to meet on 8 May 2023 to resume its hearings, the committee unanimously agreed to adjourn its enquiry. Adv Mkhwebane appeared before the committee requesting the committee to postpone the meeting because she does not have legal representation.

Members of the committee said it would be unfair to continue with the hearings if Adv Mkhwebane lacked legal representation. The committee has now heard that the Public Protector's Office has since made available a further R4 million to conclude the process.

Committee Chairperson Mr Qubudile Dyantyi then said the committee will resume on 15 May 2023, which would give time for Adv Mkhwebane to sort out any issues relating to her legal representation. However, Mr Dyantyi later gave Adv Mkhwebane a further two days until 17 May 2023 in order to address her situation. On that day, the committee was once again



Committee Chairperson Qubudile Dyantyi



Public Protector Adv Busisiwe Mkhwebane

## Public Protector's lack of a lawyer to represent her delays committee in May



forced to postpone its hearings as Adv Mkhwebane had still not secured legal representation.

Adv Mkhwebane has appeared before the committee without legal representation several times since the beginning of April, with the Public Protector's Office and the Public Protector disagreeing on what approach to adopt to ensure she had legal team representation. However, prior to this being resolved, the committee received correspondence from the PP's attorneys on record in the enquiry, Seanego Attorneys, indicating that, for professional reasons, they no longer act on Adv Mkhwebane's behalf. As Seanego lacked a waiver from the Public Protector, they were also unable to

disclose the reasons for their decision.

The committee's legal advisor Ms Fatima Ebrahim, informed the committee that the Office of the Public Protector was also requested to investigate obtaining assistance from the Office of the State Attorney, as correspondence received from RMT Attorneys, who act on behalf of Adv Mkhwebane in related litigation, had indicated that she had no objection to being represented by the State Attorney.

However, Adv Mkhwebane then said that this is not the case and she has not agreed to use the State Attorney. Ms Ebrahim alerted the committee to a letter from RMT Attorneys clearly stating that she had no objection to such representation. Adv Mkhwebane clarified saying she has her own firm of attorneys she would prefer. She also indicated that Adv Dali Mpofu is still willing to continue with the hearings and remains her counsel of choice.

The committee heard further that the Solicitor-General had informed the Office of the Public Protector that they cannot act on Adv Mkhwebane's behalf because of a conflict of interest. The Solicitor-General also raised important considerations in respect of cost containment, noting that

legal representation is not an open-checkbook exercise. The Solicitor-General said consideration should be given as to how to reduce the PP's legal team and negotiating fees.

During discussions among committee Members in the last meeting, it was clear that there are mixed views on the matter. Some members said that Adv Mkhwebane should be given an opportunity to find the legal assistance she wants and, when that team is ready, then the committee should meet again to continue with the process. The other views were that the committee has done all it can to accommodate Adv Mkhwebane and that this is another delaying tactic on her part.

In summarising those proceedings, Mr Dyantyi reiterated that the committee is not dealing with legal funding challenges, as money is now available for this. He said the only issue now is Adv Mkhwebane's legal support. This will happen in "back room" discussions, he said, and the committee will resume once that is in place.

The committee was established on 16 March 2021 to conduct a constitutional inquiry into the PP's fitness to hold office. Since then, the start of the proceeding and several other times since its commenced in July last year with the hearings, the committee had to postpone its meetings and deadline extended due to court challenges. Adv Mkhwebane's term as PP ends in October 2023. 🌟



## Eskom should take opportunity to interrogate issues raised by former CEO

*The Standing Committee on Public Accounts (SCOPA) has encouraged Eskom to take the opportunity presented to interrogate the issues raised by the former Eskom Group Chief Executive Officer, Mr André de Ruyter, reports Faith Ndenze.*

The committee met recently with the current Eskom Board, Mr Mpho Makwana, and the former Chairperson of the previous Eskom Board, Prof Malegapuru Makgoba, to discuss the allegations levelled by Mr de Ruyter of corruption, theft, maladministration, sabotage and lack of consequences, the existence of cartels and various financial irregularities.

The Chairperson of the committee, Mr Mkhuleko Hlengwa, said whilst Mr de Ruyter's conduct in participating in a public interview may be questionable, the opportunity to interrogate the substantive issues he raised that go to the heart of the problems at Eskom should not be missed. "Eskom can't divorce itself from the investigations that are taking place. You have a direct interest in those things."

Mr Hlengwa asked Mr Makwana whether Eskom has seen a copy of the intelligence report commissioned by Mr de Ruyter from a private company. Mr Makwana said: "Chair, I have said emphatically before in replying to the first round of questions that we have never had sight of that report."

Mr Hlengwa said the cost of the intelligence report indicates its scope. "You can't have an elusive report to the tune of R50 million. It tells you its scope. We will have to come back to this," he added. 🗨️

## Hawks Do Not Know Identity of Senior Politician Implicated by Former Eskom CEO, SCOPA Hears



INFORMATION AND INVESTIGATION: SCOPA met with law enforcement agencies to discuss the allegations of corruption at Eskom.



SCOPA Chairperson Mkhuleko Hlengwa

*The Standing Committee on Public Accounts (SCOPA) heard from the Head of the Directorate for Priority Crime Investigations (the Hawks), Lieutenant-General Godfrey Lebeya, that they are unaware of the identity of the senior politician referred to by Eskom's former Group Chief Executive Officer, Mr André de Ruyter, in his submission to the committee, writes Faith Ndenze.*

SCOPA met with law enforcement agencies recently to discuss the allegations made by Mr de Ruyter. The meeting included the South African Police Service (SAPS), the Hawks and the Special Investigating Unit (SIU). The meeting was arranged so that SCOPA could be further informed about

the allegations of corruption, theft, maladministration, sabotage, the lack of consequences, the existence of cartels and various financial irregularities at Eskom.

Lt-Gen Lebeya informed SCOPA that currently three known investigations are linked to Mr de Ruyter. One is a case of alleged poisoning, in which Mr de Ruyter is a complainant. The second case concerns allegations of failure to lodge a section 34 report in terms of the Prevention and Combatting of Corrupt Activities Act, Act 12 of 2004, in which Mr de Ruyter is cited as a suspect by Mr Mmusi Maimane. The third case submitted on 25 April 2023 by a firm of attorneys on behalf of Mr de Ruyter concerns the same matter.

SCOPA also asked the National Commissioner of SAPS, Lt-Gen Fannie Masemola, what has been done so far about the allegations made by Mr de Ruyter. Lt-Gen Masemola replied by saying that he has set up a team,

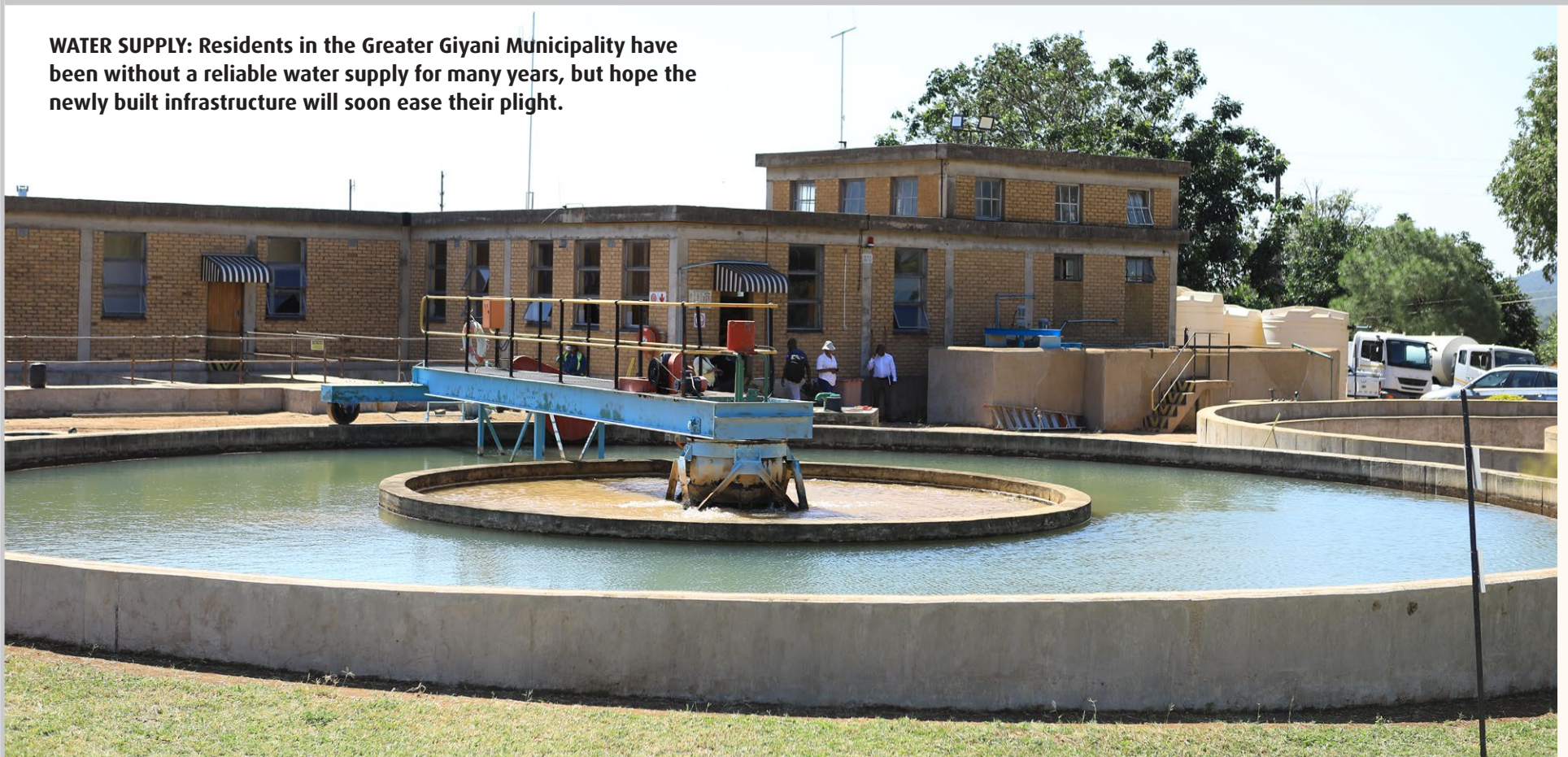
which is based at Eskom headquarters in Megawatt Park, to assist the Hawks in its investigation.

SCOPA Chairperson Mr Mkhuleko Hlengwa referred Lt-Gen Masemola to Mr de Ruyter's submission where he outlines the steps he took to report his allegations of corruption to law enforcement agencies. Mr de Ruyter stated: "These steps include a meeting held on Saturday, 4 June 2022, at Megawatt Park with senior police officials, including the National Police Commissioner, General Fannie Masemola, and representatives of the State Security Agency (SSA), where I requested the assistance of both SAPS and SSA to investigate corruption at Eskom, and to assist Eskom in combating crime. Following this meeting, a police brigadier (whose identity I leave to SAPS to disclose for reasons of security) was designated by General Masemola to be the liaison with the intelligence operation. This officer has had full access to all of the intelligence gathered and has stated to me that he has kept his line command informed."

Mr Hlengwa asked Lt-Gen Masemola if he has taken any action in relation to this statement. Lt Gen Masemola replied, saying: "We did not leave it lying, Honourable Chairperson. The establishment of the team was exactly to deal with everything that is happening at Eskom." SAPS found that the allegations were already under investigation by the Hawks and the SIU. "All we needed was to keep us abreast in terms of how far these cases are going," he said. 🗨️



**WATER SUPPLY:** Residents in the Greater Giyani Municipality have been without a reliable water supply for many years, but hope the newly built infrastructure will soon ease their plight.



## Giyani bulk water infrastructure complete, but villagers still without water

*'We have to pay R3.50 for a 21-litre bucket of water from boreholes and this is money we don't have.'*

*Sibongile Mabasa,  
resident of Homu 14A Giyani*

*Despite the R4.5 billion already spent on the Giyani Bulk Water Infrastructure project, the taps remain dry and residents still have to buy their water from water tankers. The Portfolio Committee on Water and Sanitation visited the area to assess the progress on the project, which started in August 2014 but has seen countless delays. Malatswa Molepo reports.*

For Ms Sibongile Mabasa, from Homu 14 A, the lack of water continues to

frustrate residents and she has lost hope of ever getting water in her yard. "We have seen the contractor on site installing reticulation pipes in our village, but at the speed they are going we are uncertain if they are doing quality work. But we remain struggling with access to water. We have to pay R3.50 for a 21L bucket of water from households with boreholes and this is the money we don't have," Ms Mabasa told the committee during the site visit to her village to assess progress on the project.

According to Statistics South Africa, of the 48 065 potentially economically active people in the Greater Giyani Municipality, 47 per cent are unemployed. This means they have

little to spend on water, despite the constitutional guarantee of access to clean water.

The Department of Water and Sanitation informed the committee that its work to develop bulk infrastructure, including the 40-kilometre pipeline delivering water from Nandoni Dam to the Nsami Water Treatment Works has been completed. However, the taps are still dry because municipalities have delayed reticulation into homes, a point criticised by the committee. "This points to misalignment of planning, as municipalities should have taken into consideration the envisioned March 2023 completion date and made plans to reticulate the bulk water," said Mr Robert Mashego, the Chairperson of the committee.

It is unacceptable that municipalities are causing this delay for the 55 affected villages and the committee called on them to urgently address their skill shortage and processes to complete their part of the work. Meanwhile, the committee welcomed the announcement that reticulation for 24 villages has started with a 12-month lead time. June 2023 is the anticipated completion date in these villages.

The committee called for mechanisms to be put in place to ensure that access to water is assured and was concerned to hear that residents in the Mopani

District lack water tankering services, which exacerbates an already dire situation. The committee was informed that the municipality has only three water tankers to serve 93 villages and urged those involved to find solutions to remedy the situation.

The committee also said that communities must be kept informed about progress, completion dates and delays. "The committee has called for the department to ensure sufficient collaboration with communities and traditional leaders and to constantly keep communities abreast with progress and associated risks to the project," Mr Mashego emphasised.

Communities have also been urged to play their role in safeguarding the infrastructure, as it is meant to directly assist them. "It is completely unacceptable that 68 of the 154 boreholes have been vandalised, which points to elements of criminality. The community must work with the South African Police Service to ensure that perpetrators are arrested and prosecuted," Mr Mashego concluded.

Ten years after the project began all that Ms Mabasa and the residents of the 55 villages can do is hope that the day will come when they have water running through their taps. But for now, that hope remains deferred. 🙏





## The NA Approves South African Sign Language as the 12th Official Language

*The National Assembly (NA) recently approved the Report of the Portfolio Committee on Justice and Constitutional Development on the Constitution Eighteenth Amendment Bill [Br – 2023] to amend section 6 of the Constitution of the Republic of South Africa, 1996. The amendment is to include South African Sign Language (SASL) as an official language to promote the rights of persons who are deaf and hard of hearing.*

Until now, the South African Constitution provided for 11 official languages: Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu. The adoption of this constitutional amendment recently will bring to 12 the number of official languages in South Africa, once the President signs the bill into law.

Primarily, the amendment seeks to advance the cultural acceptance of SASL, the deaf culture; ensure the realisation of the rights of persons who are deaf and hard of hearing to equal protection and benefit of the law and human dignity; and to promote inclusive and substantive equality and prevent or eliminate unfair discrimination on the ground of disability, as guaranteed by section 9 of the Constitution.

The bill was introduced and referred to the committee on 12 January 2023 and the Department of Justice and Constitutional Development later briefed the committee on its contents on 27 January 2023. In response to a call for public comment,

the committee received 58 written submissions from individuals and organisations. Most of the submissions supported the bill.

The committee noted the opposing views expressed by a few commentators but believes that the recognition of SASL as a twelfth official language is an important step towards the realisation of the rights of persons who are deaf and hard of hearing. The committee acknowledged that SASL is not a universal language as different countries have their own sign language while regions have dialects. However, it believes that in South Africa, the promotion and development of SASL will recognise, promote and advance the various dialects.

In terms of section 74(4) of the Constitution, a bill that amends the Constitution may not include provisions other than constitutional amendments and matters connected with the amendments. The committee noted that the use of South African Sign Language is mentioned in legislation such as the Use of Official Languages Act 12 of 2012, the South African Schools Act 84 of 1996, and the Pan South African Language Board Act 59 of 1995.

Adoption of the bill could impact on these references to sign language in this legislation. The departments administering those, and related legislation should take note of this amendment recognising SASL as an official language in terms of section 6 of the Constitution and consider whether the adoption of the bill may require the amendment of legislation to clarify the status of SASL as expressed in the Constitution. The amendment was adopted without opposition in the NA. 🇿🇦

## Committee on Auditor-General welcomes report on local government audit outcomes

*The Office of the Auditor-General presented the local government audit outcomes of the 2021/22 financial year to the Standing Committee on Auditor-General, revealing a mixed bag of outcomes that included some improvements but also stagnation and regression, writes Abel Mputing.*

According to the Auditor-General, Ms Tsakani Maluleke, financial management in municipalities deteriorated in the main. Out of the 257 municipalities, 38 received a clean audit, 104 submitted credible financial statements, 78 received a qualified audit, six received adverse findings, 15 received disclaimers and 16 have outstanding audit outcomes due to late submission of their financial statements.

These poor results reflect the lack of the type of attention needed to turn the tide. Ms Maluleke also emphasised that the Office's reports include analyses, recommendations and insights that could be used as a resource to improve municipalities' financial management systems and internal controls, but local government does not make use of the information.

The Auditor-General urged premiers, provincial governments, municipal public account committees, accounting officers and chief financial officers of respective municipalities need to play an active role to institutionalise key control instruments consistently over time. If this does not happen, service delivery and infrastructure will continue to decline and a trust deficit between citizens and government will grow ever wider. "Poor implementation of the delivery mandate of local government is related to financial management and planning." At worst, this absence often leads to an unfunded budget and unauthorised expenditure.

Ms Maluleke also spoke about the skills deficit at local government level, which contributes to poor financial management and hence unsatisfactory audit outcomes. Regrettably, the lack

of skills has led 220 municipalities to commission consultants to fulfill their financial management responsibilities and this cost over R1.6 billion in this financial year, an increase from R1.3 billion last year. This practice of commissioning consultants continues even though the nature of the work is not complex, but rather involves rudimentary line functions for which the municipalities are charged millions of rands.

Ms Maluleke also flagged the problem of salaries that consume entire budgets, crowding out service delivery in many municipalities.

She also warned that good financial audit outcomes do not often translate into good performance outcomes, and it is a deception to conflate the two. "The fact that a municipality has a clean audit does not mean it has also achieved its performance targets. Often, that is not the case." She is also of the view that "there's a need to move away from our obsession only with financial outcomes to the detriment of performance outcomes." An ideal situation is to marry the two and see how they complement each other in bringing about critical service delivery. She cited the current cholera outbreak in Hammanskraal as indicative of the lack of proper monitoring and assessment of municipalities' performance outcomes. Meanwhile, the Auditor-General has reported material irregularities to relevant law enforcement agencies for investigation.

Members of the committee criticised the R30 billion in irregular expenditures incurred by local government in this financial year but praised the Auditor-General for the clarity of her report. The Chairperson of the Standing Committee on the Office of Auditor-General, Mr Sakhumzi Somyo, declared: "Your report has gone deeper on issues affecting local government financial and performance management. Our legacy is to plough its outcomes and drive collaborations with Treasury and the Department of Cooperative Governance and Traditional Affairs to create a synergy that will improve the local government audit outcomes and ensure there is value for money in this sphere of governance. 🇿🇦



# NCOP Chairperson calls on PAP to ensure all African states sign trade agreement



NCOP Chairperson Masondo led the South African parliamentary delegation to PAP.

*The leader of Parliament's delegation to the Pan-African Parliament (PAP), Mr Amos Masondo, has called on the PAP to ensure that the remaining 11 countries that have not ratified the African Continental Free Trade Area (AfCFTA) Agreement do so speedily, writes Modise Kabedi.*

Mr Masondo, the Chairperson of the National Council of Provinces (NCOP), was speaking on the second day of the PAP workshop held in Midrand last week on the African Union theme for 2023: "Accelerating the African Continental Free Trade Area (AfCFTA): The Strategic Significance of the Pan-African Parliament."

Out of the 55 AU member states, 54 states have signed the AfCFTA, but only 44 member states have ratified it. In the Southern African Development Community (SADC) region, only 11 of the 14 member states have signed and ratified the AfCFTA.

Mr Masondo said the PAP can – through its mobilisation campaigns – play a critical role in mobilising the remaining 11 African states to sign and ratify the AfCFTA. "The Pan-African Parliament is of strategic significance

in ensuring the acceleration of the African Continental Free Trade Area. It should be the overriding objective of the Pan-African Parliament to ensure that all 55 African Union (AU) member states sign and ratify the AfCFTA," he said.

"We will work hard to convince the remaining three member states to

*'We must hold heads of state accountable in ensuring that they change the lives of our people in the continent for the better.'*

complete the ratification process. I am happy to mention that my country, South Africa is one of the eleven countries in our region that have signed and ratified the AfCFTA and we are putting measures in place to ensure its full implementation for the maximum benefit of our citizens."

The AfCFTA is one of the significant flagship projects of the AU Agenda 2063. Agenda 2063 is Africa's development framework that aims to significantly accelerate growth of intra-Africa trade and use trade more effectively as an engine of growth and

sustainable development by doubling intra-Africa trade, strengthening Africa's common voice and policy space in global trade negotiations.

The AU Agenda 2063 not only considers Africa's continental growth aspirations, but acknowledges that for the whole continent to develop, the agenda's premise must be adopted at regional and country level.

Mr Masondo said the AfCFTA is "a game changer" that is in line with the PAP slogan of "One Africa One Voice". As part of moves to boost intra-Africa trade through the

AfCFTA, the continent has embarked on the gradual elimination of tariffs on 90 per cent of goods and the reduction of barriers to trade in services aimed at increasing Africa's income by US\$450 billion by 2035.

"It is in line with the aspirations of our forefathers that Africa must be self-reliant and self-sustained. The Pan African Parliament as a continental Parliament, should, through its accountability mechanisms ensure that all its member parliaments account on the progress made in the implementation of the AfCFTA

by their governments. This can be done by demanding reports from member parliament delegations during plenaries," said Chairperson Masondo.

By eliminating barriers to trade in Africa, it is projected that the AfCFTA will lift 30 million people from extreme poverty and another 68 million people from moderate poverty.

The Chief Whip of the majority party in the National Assembly and the Chairperson of the PAP Southern Caucus, Ms Pemmy Majodina, said: "The AfCFTA will enable us (the SADC region) to speak with one voice and if we are united, we will defeat hunger, poverty and joblessness. We want a united Africa; we want a peaceful Africa."

Ms Majodina noted, however, that the continent has not yet achieved a peace, "as we see wars across our continent, and that is an impediment towards economic growth in the continent and our regions".

"As the Southern Caucus we will ensure that there is inclusivity in the implementation and benefits of the AfCFTA agreements in the SADC region. We will play an active and direct role to ensure that women, who make up the majority of people who operate in the small business sector, especially as cross border traders, are protected and benefit to develop their businesses further," said Ms Majodina. She added that the PAP, as the legislative organ of the AU, must hold governments accountable.

"We must hold heads of state accountable in ensuring that they change the lives of our people in the continent for the better. African parliaments are the legitimate representatives of the people of this continent. As parliamentarians, we are best placed to articulate the will and interests of the people of this continent as their elected representatives. We have a critical role to play in the negotiations, implementation and monitoring processes of the AfCFTA and climate change regulatory frameworks in our respective countries," she said. 🌍



# Partnership With German Cooperative Expected to Boost Growth

*The South African community-based small business cooperatives sector is expected to benefit from a recently signed memorandum of understanding between the Department of Small Business Development and the German Cooperative Raiffeisen Confederation (DGRV), writes Sakhile Mokoena.*

The department briefed the Portfolio Committee on Business Development recently about the MOU, which

aims to facilitate job creation through supporting and capacitating communities, officials and groups for development of viable and sustainable cooperatives. In a prepared presentation to the committee, Mr Vukile Nkabinde, the department's Director for Cooperatives Business Support, said the aim of the MOU is "to ensure responsive local government that is effective, efficient and economically able to promote local economic development".

This will be achieved through coordinated facilitation and delivery of capacity building, technical and institutional support to municipalities working with co-operatives, government development agencies

and sector departments. It is expected to empower all role players to actively contribute to inclusive local economic development and sustainable communities.

The two parties also agreed to formalise their relationship and their respective responsibilities regarding the support of municipalities. The agreement will also further the development of co-operatives through capacity building, technical and institutional support measures. There will also be collaborations with other partners to support the existing co-operatives that have scope for growth and growing local economies through capacity building, technical and institutional support.

The committee welcomed the initiative and hoped it would help revive many cooperatives that have been struggling

to survive, especially those that receive government funding. "Some of them are no longer operational or not operating to full capacity. They are dying because of lack of assistance from the government. The department must come up with plans to capacitate these cooperatives, especially in townships and rural areas," said committee member Ms Babalwa Mathulelwa.

However, the department said an assessment of cooperatives supported by government found that 80 per cent of them are still operating, though not on full capacity. "A lot of them are not doing their annual returns and this creates an impression that they are not operating," said Mr Nkabinde.

In welcoming the department's presentation and the partnership with DGRV, the Chairperson of the committee, Ms Violet Siwela, said: "This is promising. Our intention is to see the cooperatives surviving and lifting our people out of poverty and hunger." 🙏

# Servant of the people passes

*The Presiding Officers of Parliament, the Speaker of the National Assembly, Ms Nosiviwe Mapisa-Ngqakula, and the Chairperson of the National Council of Provinces, Mr Amos Masondo, expressed shock and profound sadness on the passing of the permanent delegate to the NCOP Mr Thembinkosi Apleni.*

They said Mr Apleni was a real servant of the people who ensured that he was driven by the objectives of the constituency he represented in the NCOP and the broad mandate of the NCOP and Parliament at large.

Before joining Parliament, he served as a councillor in the Buffalo City Municipality in the Eastern Cape. Mr Apleni served on various parliamentary committees, including:

- Select Committee on Education and Technology, Sports, Arts

and Culture

- Select Committee on Health and Social Services
- Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure
- Select Committee on Trade and Industry, Economic Development, Small Business Development, Tourism, Employment and Labour

He was described by the chairpersons of all the parliamentary committees he served on as a dedicated Member of Parliament who was always driven by his passion for the people he represented, especially the youth, and his deep commitment to the values of democracy, equality and justice for all.

The Presiding Officers said he will be remembered for his passion for the youth, his quest to curb youth unemployment and to improve the conditions of the indigent in South Africa.

They expressed their deepest and heartfelt condolences to his family, the province of the Eastern Cape and the Economic Freedom Fighters for their loss. "May his soul rest in peace." 🙏



Mr Thembinkosi Apleni.