



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

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NATIONAL COUNCIL OF PROVINCES



PROVINCIAL WEEK CONCEPT FRAMEWORK

29 March – 1 April 2022

THEME: Assessing state capacity to respond to the needs of communities

CONTENTS

	Page
1. BACKGROUND	3
2. OBJECTIVES OF THE 2022 PROVINCIAL WEEK	5
3. PROPOSED PROVINCIAL FOCUS AREAS	5
4. PROPOSED THEME	6
5. PROPOSED DATE	6
6. STRUCTURE AND PHASES OF THE 2022 PROVINCIAL WEEK	7
7. PROPOSED PARTICIPANTS	8
8. CONCLUSION	8

1. BACKGROUND

In terms of section 42(4) of the Constitution the National Council of Provinces represents provinces to ensure that *provincial interests are taken into consideration in the national sphere of government*.¹ It does this by amongst others, providing a *national forum* for public consideration of issues affecting provinces. This implies that the National Council must be preoccupied by matters that concern provincial interests in the national spheres of government. This is what defines the National Council of Provinces.

While section 41(1)(h)(ii) of the Constitution of the Republic of South Africa requires the spheres of government and all organs of state within each sphere to cooperate with one another in mutual trust and good faith by assisting and supporting one another, Schedule 4 of the Constitution arrogates to the national and provincial spheres of government functional areas of concurrent legislative competence. Among these areas of concurrent legislative competence are environment, basic education, health services and housing.

The areas of concurrent legislative competence referred to above are those areas in which both the national and provincial spheres have the authority to make laws. By extension, both the National Council of Provinces and the provincial legislatures would have the authority to oversee executive action in these areas. The National Council of Provinces would have to play that role in the national sphere of government, while the provincial legislatures do so at the provincial level. For example, while the provincial legislatures would oversee the implementation of policy or legislation at provincial level, the National Council of Provinces would be required to ensure that provincial interests are taken into consideration in the development of policy in the national sphere of government. It is the implementation of this policy in the national sphere of government that the National Council of Provinces is required to oversee. This is what distinguishes the National Council of Provinces from the provincial legislatures.

¹ The Constitution of the Republic of South Africa, 1996.

It is not only the development and implementation of policy in the national sphere that the National Council of Provinces has to ensure that the interests of provinces are taken into consideration. It must also do so on matters that provinces do not have competence to legislate on like energy, defence, higher education, mineral resources, water, police, sanitation, etc.

In addition to normal oversight functions, the National Council of Provinces had, and continues to have, a series of Ministerial Briefings. These are focused on matters affecting provinces in the national sphere of government. Covid-19 pandemic exposed fundamental weaknesses in the economy and deep-seated poverty and inequalities. It tested the capacity for resilience in addressing long-standing socio-economic challenges. The pandemic has highlighted the urgency to address deep-seated and structural shortcomings in state machinery to move with greater urgency to address socio-economic challenges. It has also exacerbated the rate of unemployment and crime.

At the heart of the revival of the economy lies infrastructure development. Economic development depends on reliable and sustainable resources like water, electricity, roads, transport

In its recent workshop on Co-operative Governance and Intergovernmental Relations various speakers reasserted the importance of the NCOP in playing a unique role in the promotion of the principles of cooperative government and fostering effective intergovernmental relations between the various spheres of government distinct from the National Assembly and provincial legislatures.

It is within this context that the National Council of Provinces must perform its functions and exercise its constitutional powers to oversee executive action.

2. OBJECTIVES OF THE 2022 PROVINCIAL WEEK

The 2022 Provincial Week is a high-impact oversight driven approach to the challenges of state capacity in the provinces. It is intended to afford Permanent Delegates to the NCOP an opportunity to return to their provinces to assess delivery of services to citizens. The Provincial Week has previously focused on matters that both the provincial legislatures and Municipal Councils have authority to oversee. It is proposed that the Provincial Week 2022 must focus on high-impact oversight areas that will allow each Provincial Delegations to concentrate on matters that affect the province in the national sphere of government.

3. PROPOSED PROVINCIAL FOCUS AREAS

- (a) **Eastern Cape:** availability of land for farming and industrialization of hemp and cannabis/provision of adequate school infrastructure in rural areas and townships, including visiting township, rural and mud schools.
- (b) **Free State:** provision of water and sanitation infrastructure/visiting water and sanitation projects, as well as water reticulation sites and special economic zone.
- (c) **Gauteng:** provision of integrated housing infrastructure, including measures to address the housing backlog and create integrated and sustainable human settlements.
- (d) **KwaZulu-Natal:** capacity to fight against crime, including the state of police stations in township and rural areas and their resourcing.
- (e) **Limpopo:** capacity to address structural constraints facing small-scale farmers and SMMEs, especially in the agricultural sector to assist them to deal with biophysical factors such land ownership, market access and affordable support to

deal with other price of inputs such as fertilizer, herbicides, irrigation, product transport, and other natural constraint such as global warming.

- (f) **Mpumalanga:** provision of safe and reliable scholar transport in rural areas, including mechanisms to control overloading, roadworthy vehicles, discrepancies on the number of learners and route distances, late transportation of learners, as well as fiscal wastages and corrupt practices in the provision of scholar transport.
- (g) **Northern Cape:** provision of safe drinking water and assist communities that are affected by drought, including visiting water provision projects, dams, water reticulation sites and provincial storage weirs, and as well as crime and drivers for crime.
- (h) **North West:** investment in mining/renewable energy/state capacity to build, upgrade and maintain roads, including visiting road infrastructure projects.
- (i) **Western Cape:** provision of housing infrastructure, including measures to address the housing backlog and create integrated and sustainable human settlements.

4. PROPOSED THEME

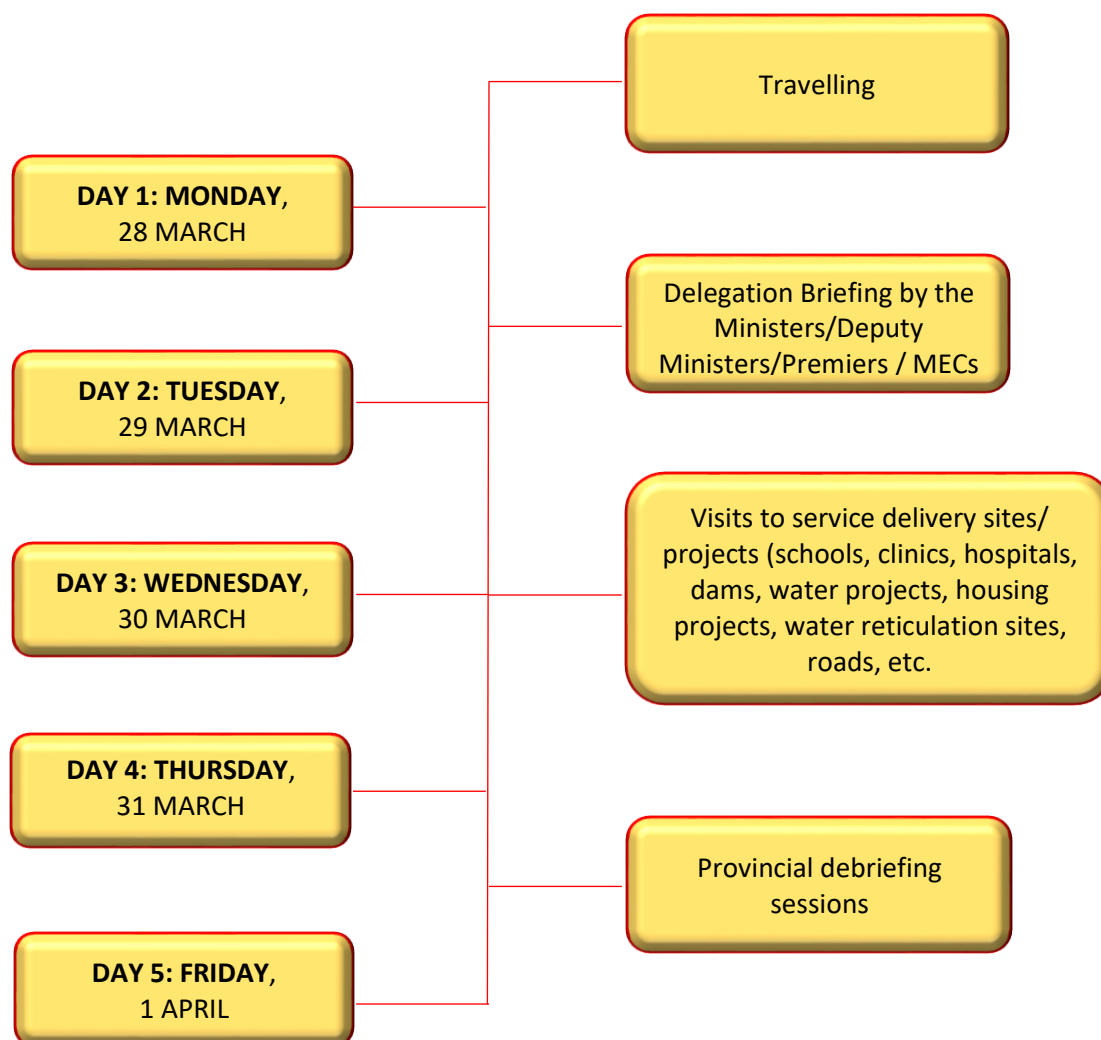
The proposed theme of the Provincial Week is: ***Assessing state capacity to respond to the needs of communities.***

5. DATE

In terms of the Programme, the Provincial Week 2022 is scheduled for 29 March – 1 April 2022.

6. STRUCTURE AND PHASES OF THE 2022 PROVINCIAL WEEK

The following structure and phases of the Provincial Week are proposed:



7. PROPOSED PARTICIPANTS

It is proposed that only the following participants be invited:

- Department of Water and Sanitation
- Department of Human Settlements
- Department of Transport
- Department of Agriculture
- Department of Trade and Competition
- Department of Police
- Department of Small Business Development
- MECs / Provincial Ministers
- Members of provincial legislatures
- The South African Local Government Association
- Mayors and Speakers of Councils
- Municipal Managers
- Affected district and local municipalities

8. CONCLUSION

This document has demonstrated that state capacity serves as a lever of statecraft for delivering services to communities and acting decisively in addressing their challenges. The NCOP has unique role to play in fostering cooperation between the various spheres of government to deliver services to communities and meeting their needs.