



## Government

The Constitution of the Republic of South Africa was approved by the Constitutional Court on 4 December 1996 and took effect on 4 February 1997.

The Constitution is the supreme law of the land. No other law or government action can supersede the provisions of the Constitution. South Africa's Constitution is one of the most progressive in the world, and has been acclaimed internationally.

The Preamble to the Constitution states that its aims are to:

- heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights
- improve the quality of life of all citizens and free the potential of each person
- lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is protected equally by law
- build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.

Fundamental rights, contained in Chapter Two of the Constitution, seek to protect the rights and freedoms of individuals. The Constitutional Court guards these rights and determines whether actions by the State are in accordance with constitutional provisions.

Government is constituted as national, provincial and local spheres, which are distinctive, interdependent and interrelated. The powers of the lawmakers (legislative authorities), governments (executive authorities) and courts (judicial authorities) are separate from one another.

## **Parliament**

Parliament is the legislative authority of South Africa and has the power to make laws for the country in accordance with the Constitution.

Since the establishment of Parliament in 1994, a number of steps have been taken to make it more accessible, more accountable, and to motivate and facilitate public participation in the legislative process. Parliament, which is situated in Cape Town, consists of the National Assembly and the National Council of Provinces (NCOP). Parliamentary sittings are open to the public.

The National Assembly has no fewer than 350 and no more than 400 members elected through a system of proportional representation. The National Assembly is elected to represent the people and to ensure democratic governance as required by the Constitution. It does this by electing the President, by providing a national forum for public consideration of issues, by passing legislation, and by scrutinising and overseeing executive action.

In the 1999 national election, the African National Congress gained 266 seats in the National Assembly, the Democratic Party 38, the Inkatha Freedom Party 34, the New National Party 28, the United Democratic Movement 14, and the African Christian Democratic Party six. Other parties obtained 14 seats between them.

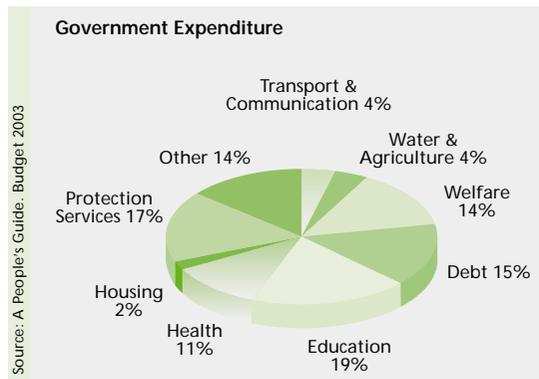
The NCOP consists of 54 permanent members and 36 special delegates, and aims to represent provincial

interests in the national sphere of government. Each province has 10 representatives. The NCOP gets a mandate from the provinces before it can make certain decisions.

Bills passed by the National Assembly must be referred to the NCOP for consideration. A Bill affecting the provinces may be introduced in the NCOP.

#### Ministers of Parliament (as at 30 April 2003)

Agriculture and Land Affairs	Ms AT Didiza
Arts, Culture, Science and Technology	Dr BS Ngubane
Communications	Dr I Matsepe-Casaburri
Correctional Services	Mr BM Skosana
Defence	Mr MGP Lekota
Education	Prof AK Asmal
Environmental Affairs and Tourism	Mr MV Moosa
Finance	Mr TA Manuel
Foreign Affairs	Dr NC Dlamini-Zuma
Health	Dr ME Tshabalala-Msimang
Home Affairs	Dr MG Buthelezi
Housing	Ms BS Mabandla
Intelligence	Dr LN Sisulu
Justice and Constitutional Development	Mr PM Maduna
Labour	Mr MMS Mdladlana
Minerals and Energy	Ms P Mlambo-Ngcuka
Provincial and Local Government	Mr FS Mufamadi
Public Enterprises	Mr JT Radebe
Public Service and Administration	Ms GJ Fraser-Moleketi
Public Works	Ms SN Sigcau
Safety and Security	Mr C Nqakula
Social Development	Dr ZST Skweyiya
Sport and Recreation	Mr BMN Balfour
The Presidency	Dr EG Pahad
Trade and Industry	Mr A Erwin
Transport	Mr AM Omar (Mr JT Radebe acting)
Water Affairs and Forestry	Mr R Kasrils



## The Presidency

The President is the Head of State and leads the Cabinet. He or she is elected by the National Assembly from among its members, and leads the country in the interest of national unity, in accordance with the Constitution and the law. The President of South Africa is Mr Thabo Mbeki.

## Deputy President

The President appoints the Deputy President from among the members of the National Assembly. The Deputy President must assist the President in executing government functions. South Africa's Deputy President is Mr Jacob Zuma.

## The Cabinet

Cabinet consists of the President, as head of Cabinet, the Deputy President and Ministers. The President appoints the Deputy President and Ministers, assigns their powers and functions, and may dismiss them. The President may select any number of Ministers from among the members of the National Assembly, and may select no more than two Ministers from outside the Assembly.

The President may also appoint Deputy Ministers from among the members of the National Assembly.

According to Chapter 12 of the Constitution, the institution, status and role of traditional leadership, according to customary law, are recognised, subject to the Constitution. A national House of Traditional Leaders was established in 1997 to advise government. Each provincial House of Traditional Leaders nominated three members to the national House.

### **The provinces**

Each of the nine provinces has its own legislature consisting of 30 to 80 members. The Executive Council of a province consists of a Premier and a number of members.

Provinces have legislative and executive power over casinos and horseracing, cultural affairs, education at all levels, excluding universities and technikons, the environment and conservation, health services, housing, language policy, public media and transport, regional police services, regional planning and development, tourism, urban and rural development, licensing, traditional authorities, road traffic regulation and welfare.

### **Local government**

The recognition of local government in the Constitution has given municipalities a new dynamic role as instruments of delivery.

The largest increases in national government's 2002 Budget were in transfers to the local sphere, rising by 18,3% a year from 2001/02 to 2004/05. Total allocations rose from R6,6 billion in 2001/02 to R8,6 billion in 2002/03, and will increase to R10,2 billion in 2003/04, and R10,9 billion in 2004/05.

Allocations for local government infrastructure transfers rose from R2,2 billion in 2001 to R3,3 billion in 2002 and to R3,9 billion in 2003/04 and a projected R4 billion in 2004/05. This represents an annual increase



of 21,3% in infrastructure funding between 2001/02 and 2004/05. Government's commitment to assisting municipalities with poverty relief, primarily through the provision of free basic services to poor households, is made clear by substantial increases in the equitable share grant, from R2,6 billion in 2001 to R3,9 billion in 2002, with a further increase to R5 billion in 2003 and R5,5 billion in 2004/05.

The Constitution provides for three categories of municipalities; Category A (metropolitan), Category B (local) or Category C (district areas or municipalities).

Metropolitan councils have a single metropolitan budget, common property rating and service tariffs systems, and a single employer body. South Africa has six metropolitan municipalities, namely Tshwane (Pretoria), Johannesburg, Ekurhuleni (East Rand), Ethekwini (Durban), Cape Town and Nelson Mandela (Port Elizabeth), 231 local municipalities and 47 district municipalities.

Metropolitan councils may decentralise powers and functions. However, all original municipal, legislative and executive powers are vested in the metro council. In metropolitan areas there is a choice of two types of executive systems: the mayoral executive system where legislative and executive authority is vested in the mayor, and the collective executive committee where these powers are vested in the executive committee.

Legislation provides for local councils to report on their performance, and for residents to compare this performance with others. Municipalities may corporatise services, establish utilities for service delivery, or enter into partnerships with other service-providers. Councils may stop supplying services in cases of non-payment.

National government has a number of action-oriented programmes to support local government. These include the Consolidated Municipal Infrastructure Programme (CMIP) which aims to provide basic levels of support to uplift people's quality of life in cases where municipalities are unable to execute projects because of limited revenue.

Since the inception of the CMIP, a total of 1 482 projects to the value of R4,3 billion have been completed. By June 2002, approximately three million households that previously had no access to a basic level of service were benefiting from the different project categories provided by the CMIP, such as water, sanitation, roads, stormwater drainage, solid waste removal, and community lighting and facilities.

Over 450 000 additional households will receive access to services through the improvement of infrastructure supported by R2,2 billion in the CMIP. An additional 14 million will be allocated to infrastructure projects that are delivered through municipal service partnerships countrywide. The Local Economic Development (LED) Fund will be allocated R117 million and it is expected that 3 000 temporary permanent jobs will be created.

The Municipal Infrastructure Investment Unit (MIIU) was set up in 1998 to encourage private-sector investment in municipal services and to establish a market for such investments.

The Unit has undertaken 15 pilot projects and has assisted many municipalities in preparing and finalising appropriate municipal service partnership agreements. In four years, the total contract value of all MIIU projects was over R6,7 billion.

The Department of Provincial and Local Government will allocate an amount of R135 million towards improving the quality of municipal leadership and technical capacity. In the 2003/4 financial year, the Department will establish an anti-corruption unit that will guide municipalities in dealing decisively with corruption.

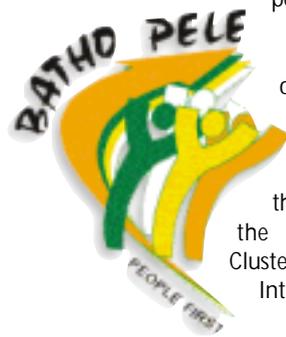
## **The Public Service**

Midway into the second term of democratic governance in South Africa, the Public Service has been consolidating the policy and regulatory achievements of the first term, strengthening the management echelon and intensifying the modernisation of the Public Service.

Spearheading the quest for a modern public service is the *Batho Pele* (People First) initiative, which aims to enhance the quality and accessibility of government services by improving efficiency and accountability to the recipients of public goods and services.

At the end of 2001, the Public Service employed 1 031 594 people, a decrease of 1,1% or 10 798 compared to the previous year. The overall profile of the Public Service is very close to achieving perfect representivity status, edging its way to matching the population profile in terms of both race and gender.

Fifty-two percent of employees at the end of December 2001 were women and 48% men. Eighty-five percent of public servants were black, compared with the national profile of 90% black. Some 61,4% of public servants were attached to the Social Services sector (health, social development and education), followed by 16,5% in the Criminal Justice Cluster, 14,7% in the Governance and Administration Cluster and 7,4% in the Defence and Intelligence Cluster.



A key initiative in terms of *Batho Pele* is to modernise government. The Department has established the Centre for Public Service Innovation to encourage service-delivery innovation in the Public Service. The work of the Centre focuses on using innovative means to achieve outcomes in sustainable service-delivery partnerships, influencing the work culture within government and developing an environment supportive of innovation. The role of the Centre is primarily to function as an enabler, facilitator and champion of innovative ideas.

New service-delivery mechanisms are also being implemented, such as the Multi-purpose Community Centres (MPCCs) and one-stop shops. The MPCCs bring government closer to the people by providing information on accessing government services as well as

offering some services themselves. By February 2003, 31 MPCCs had been launched. By the end of 2003 there will be 60, one in each district.

A major project for the Governance and Administration Cluster is the e-government gateway. This project will set up an Internet portal that will enable 24-hour access to government services. The services of government will be listed according to the 'life events' of the service users rather than reflecting the complexity of the machinery of government. The gateway will allow access to services through the portal itself or through a number of intermediaries. The intermediaries include mobile services and MPCCs.

A new management framework has been introduced to ensure improved service delivery by strengthening management capacity and competence to drive the transformation process. Public-service managers are now subject to performance assessments, while the Public Service Commission (PSC) operates as an independent monitor and arbiter of the activities, ethos and conduct of the Public Service.

A Public Service Anti-corruption Strategy has been developed and approved by Cabinet for implementation over a three-year period. Processes are being put in place to assess departments' capabilities to deal with corruption, to gauge its extent and to build further institutional capacity to fight corruption. Departmental anti-corruption units are audited by a special investigations unit of the PSC which also investigates problem areas in terms of service delivery and defective administration.

## **Home Affairs**

The Department of Home Affairs has a network of offices in all the provinces. Where the establishment of fixed offices is not warranted, mobile offices or units service such areas on a regular prearranged basis.

While mostly associated with civic services, such as population registration, and the issuing of identity

documents and passports, Home Affairs' responsibilities and activities are diverse.

They include immigration selection, refugee affairs, the Film and Publication Board and even the Government Printing Works, which supplies stationery to various government departments, provincial governments and municipalities, fingerprint ink to the South African Police Service (SAPS), and postage stamps to the Democratic Republic of Congo and the Kingdom of Lesotho.

The Population Register is being rewritten, and an associated Document Management System will be developed and rolled out gradually. This will consist of a large database, an online document storage system, and a query interface for the retrieval and viewing of electronically-stored documentation.

The System will reduce processing time for each transaction, while enhancing information integrity. The rewriting of the Population Register is closely aligned with the implementation of the Home Affairs National Identification System (HANIS), approved by Cabinet in January 1996. HANIS will significantly improve the accuracy and accessibility of personal identification. It will automate the manual fingerprint identification system, replace the identity document with an identity card, and integrate these systems with the Population Register.

HANIS is being established by the MarPless consortium at a cost of just over R1 billion over five years. The creation of online services and the implementation of HANIS will help a variety of departments to accurately identify the beneficiaries of the services they offer.

### **Migration**

In 2001, South Africa repatriated 156 123 illegal immigrants to at least 92 countries. Mozambique and Zimbabwe are by far the largest sources of illegal immigrants. South Africa is believed to harbour between 2,5 million and 4,1 million illegal immigrants.

In 1995, a stricter immigration policy came into effect, although this does not inconvenience *bona fide*

visitors. The Department of Home Affairs is working closely with the South African Revenue Service and the SAPS to ensure effective border control over the medium term. A computerised visa system has been instituted to curb the forgery of South African visas and is being expanded to all South African missions abroad.

Temporary residence permits reflecting the purpose and duration of the visit are issued at ports of entry.

It is government's policy to allow immigration on a selective basis. The Department is responsible for processing applications for immigration permits, admitting suitable persons such as skilled workers in occupations in which there is a shortage in South Africa. The Department particularly encourages applications by industrialists and other entrepreneurs who wish to relocate their existing concerns or establish new concerns in South Africa.