



# AFRICAN NATIONAL CONGRESS 55<sup>TH</sup> NATIONAL CONFERENCE RESOLUTIONS

## LEGISLATURE AND GOVERNANCE

### 1. INTRODUCTION

Our approach to governance and transformation is based on the following:

- ANC's approach to state power is informed by the Freedom Charter and the principle that "The People Shall Govern".
- Main goal of state transformation is *"building a developmental state that provides effective basic services and with capabilities to take forward a far-reaching agenda of national economic development, whilst at the same time placing people and their involvement at the centre of this process"*.
- The building of a capable and developmental state at all three spheres of government must be achieved through the following measures:
  - Strengthening political institutions to deliver on their mandate.
  - Ensuring that the state plays an important role in driving the economy and society, particularly through directing the effective deployment of state capital.
  - Building effective integrated planning and service delivery systems.
  - Ensuring ANC works with communities and civil society in achieving these goals.
  - Strengthening and professionalizing the Public Administration, particularly top management and the delivery sectors.
  - Building the educational and skills feeder system to produce developmental skills, technical and professional personnel.

Taking the aforesaid into account, it is the ANC's firm view that year 2023 will be the year to mount election campaigns focusing on fast tracking service delivery. This is important so as to ensure that the ANC campaign is not adversely affected by poor service delivery.

Conference noted that the commission reflected on the discussion and proposals of the National Policy Conference with specific reference to public services, challenges caused by COVID 19, 2021 social unrest and recent floods, service delivery and local government financing, policy and planning, cooperative governance, electoral system, capability of the State, issues of corruption, local government funding model, issues of demarcation, declining support for the ANC in the recent national, provincial and local government elections.

As part of way forward definition, the focus was how best we can turnaround the current situation to improve service delivery and better the lives of South Africans, whilst ensuring that the ANC remains the leader of society and driver of development in pursuit of the NDR. The Commission further emphasised long term planning in the short, medium to long term.

It was further stressed that there is the need to focus on the Macro-Organisation of the State which should not just be about a rearrangement of departments but ought to inculcate the spirit of performance and delivery. It should reflect on resilience and capacity of the state to deliver. The accountability of government should be linked to the capacity and capability of the deployees.

The following table summarises issues raised at the National Policy Conference and in the National Conference and following that are resolutions endorsed by the Commission. It should also be noted that each resolution must have time frames and there must be regular reporting on the implementation of such resolutions..

AREA	COMMISSION INPUTS
<p><b>ANC’s Deployees Including Selection Process</b></p>	<ul style="list-style-type: none"> <li>• Poor political will and leadership, and failure to implement the ANC’s policies and programmes.</li> <li>• Lack of accountability and transparency by ANC deployees.</li> <li>• Troikas often don’t work or are in conflict with each other.</li> <li>• Many municipalities faced with ongoing infighting and factionalism resulting in dysfunctionality of council and administrations.</li> <li>• Arrogance must be curtailed particularly now that office-bearers are interviewed some feel they are “special”.</li> </ul>
<p><b>Improving Accountability and Address Corruption</b></p>	<ul style="list-style-type: none"> <li>• There should be accountability due to lack of oversight and consequence management.</li> <li>• There is also lack of leadership, crime &amp; fraud prevailing.</li> <li>• All deployees must champion all ANC resolutions.</li> <li>• Must vet new members to ensure those with ulterior motives and criminal intent do not capture our structures.</li> <li>• Must have education qualifications as a criterion, with a minimum of a matric certificate.</li> <li>• Must promote non-racialism.</li> <li>• Payments for councillors must come from the fiscus.</li> <li>• PR councillors do not work as hard as Ward councillors who should all be full-time.</li> <li>• Strengthen consequence action against those who err and go against ANC policy and decisions.</li> <li>• Interview of office bearers is good but should focus on track records and not as much on education.</li> <li>• PECs cannot override interviews done by national structures.</li> <li>• Code of ethical government needed.</li> <li>• Councillors should not interfere with CWP and EPWP processes.</li> <li>• Whilst must address all issues, some go against constitution, such as that committees should be chaired by opposition parties.</li> </ul>
<p><b>Addressing Gender and Youth Representation and Mainstreaming</b></p>	<ul style="list-style-type: none"> <li>• The ANC must build future leadership by preparing young people in order to occupy the leadership in the future.</li> <li>• Need youth directorates and set aside resources.</li> <li>• Decline in women’s representation worrying and need to elect more.</li> <li>• Should be replacing all councillors in by elections with ANC women candidates.</li> </ul>

AREA	COMMISSION INPUTS
<p><b>Improving relationship with traditional leadership and councils</b></p>	<ul style="list-style-type: none"> <li>• Need consistency and uniformity in remuneration and benefits.</li> <li>• Issue of representation in councils needs urgent review.</li> <li>• Representation in ward committee should also happen.</li> </ul>
<p><b>Macro configuration of the state</b></p>	<ul style="list-style-type: none"> <li>• Executives are too large and there is a need to rationalise departments.</li> <li>• Need cost-benefit analysis of spheres of government and revisit Powers and Functions.</li> </ul>
<p><b>Reviewing and revising the model of developmental local governance</b></p>	<ul style="list-style-type: none"> <li>• Need to review White Paper on Local Government.</li> <li>• Each province should have metros.</li> <li>• Ineffective ward committees.</li> <li>• May need to regulate coalitions and also prepare policy on how ANC operates in opposition.</li> <li>• Need to have more Executive Committees as that would improve stability compared with Mayoral Executives which enhance weak coalitions particularly in large Category A and B municipalities.</li> <li>• The coalition governments are ill suited to drive development and solve problems facing our people.</li> <li>• Security of deployed officials a major challenge.</li> <li>• Review ward boundary delimitation and other technical changes.</li> </ul>

AREA	COMMISSION INPUTS
<p><b>Cooperative Governance and the District Development Model</b></p>	<ul style="list-style-type: none"> <li>• The establishment of a strong, ethical, and capable state is necessary to grow economy.</li> <li>• The government will be finalising the framework on the professionalisation of the state which include integrity testing, meritocracy etc.</li> <li>• 33 municipalities under administration owing to poor management of political-administration nexus.</li> <li>• The DDM is part of building a capable state, it helps to obviate the duplication of state assets with a specific focus on single budgeting.</li> <li>• SALGA should be represented in provincial legislatures.</li> <li>• Provinces and national departments should be sanctioned if they do not participate in IDP hearings.</li> <li>• S139 not working and wrong people appointed as administrators.</li> <li>• All employees must be conversant with what all spheres are doing.</li> <li>• DDM not working and should be reviewed as One Plans are somewhat weak and not strategic action plans.</li> <li>• DDMs must not promote a hierarchy of spheres.</li> <li>• National departments must have a presence in provinces and DDM spaces.</li> <li>• Roles of COGTA vis a vis SALGA must be resolved.</li> </ul>
<p><b>Strengthening ward committees as part of community participation and engagement</b></p>	<ul style="list-style-type: none"> <li>• A loss of confidence in the ANC as a leader of society to mobilise all forces to ensure effective service delivery.</li> <li>• Failure to respect the values of serving the community, with factional interests.</li> <li>• Declining support for the ANC.</li> <li>• Violent protests and assassinations, fueled by rival factions.</li> <li>• There is poor communication with communities; and</li> <li>• Need annual accountability reviews.</li> </ul>

AREA	COMMISSION INPUTS
<p><b>Addressing financial resources and management</b></p>	<ul style="list-style-type: none"> <li>• Poor municipal financial management, including poor audit outcomes.</li> <li>• Too much regulation and compliance orientation.</li> <li>• All budgets must be spatialised.</li> <li>• Fiscal split problematic, particularly as municipalities undertake 45% of municipal functions.</li> <li>• MPACs need to meet more regularly than 4 times a year.</li> <li>• Must regulate business forums.</li> <li>• Need to separate financial audits from performance audits.</li> </ul>
<p><b>Enhancing Human resources</b></p>	<ul style="list-style-type: none"> <li>• Some efforts are being made towards establishment of the so-called “Single Public Service/Integrated Public Service” through the enactment of the PAMA, however the process to achieve this objective has been rather slow. Consequently, the State is not able to operate in a well- coordinated matter in pursuit of seamless service delivery to the populace.</li> <li>• Need for the professionalisation of public services.</li> <li>• Need for intensive capacitation of administrations and political deployees.</li> <li>• Use abandoned schools as skills centres.</li> <li>• Get active partnerships in professionalisation with professional organizations like ECSA, etc.</li> <li>• CFOs, Head of technical divisions should possess requisite educational qualifications and possess registration with a professional body.</li> <li>• Must regularise roles of Chief Whips in particular.</li> <li>• Need particularly research resources in the office of the bearer offices.</li> <li>• Synchronise and share constituency offices/resources.</li> </ul>

## 2. BROAD RESOLUTIONS

- That a report be developed on outstanding policy proposals from previous conferences, including any proposed amendments, as indicated in the discussion document and this should be for submission to the National Conference.
- That in future clear time frames should be set for the implementation of resolutions;
- That a review of the progress on the Local Government White Paper should be provided and that such should indicate any further modifications that may be needed.
- That the **ANC's Local Government Forum should be re-established at a National and Provincial level** consisting of ANC Presidency (Monitoring and Evaluation) and SGO (particularly Elections and Political Education), Alliance, Cabinet members, MECs and SALGA. This should also ensure PECs and RECs do not micro manage municipalities but ensure that they are monitored and corrective action taken where necessary.
- **Coalition Agreements Formalization:** The introduction of guiding policy in the formation of coalitions which outlines the guiding principles and approach to coalitions. Consider whether there is a need for coalitions to be regulated through legislation to enhance stability in Councils, including the introduction of electoral thresholds? Conference should resolve that the provisions of rule 25 of the amended ANC constitution should be invoked to restore discipline in the Municipal, Provincial and National Caucuses, to expel defiant councillors such as who are working with the opposition, and also to ensure clear accountability frameworks are established.
- **Role of ANC in opposition:** A clear strategy on the role of the ANC in opposition in Legislatures and Municipalities must be formulated, including effectively utilizing oversight and public participation mechanisms to regain confidence of voters.
- Consideration of incentive system for Municipalities that are performing well.
- **Building of a capable and developmental state:** All three spheres of government must ensure that the State plays an important role in driving the economy and society, including through:
  - government focusing on the building of an ethical and capable developmental democratic state; and
  - the effective deployment of the State capital as opposed to private capital.

## 3. SPECIFIC RESOLUTIONS

### 3.1. ANC's revised electoral system

- That the ANC's revised Electoral System was successfully implemented in the November 2021 local elections and must be evaluated and rolled out to all spheres of government.

### Addressing The Electoral Legislation Including Independents To Stand For National/Provincial Legislatures

- The ANC has driven changes to the electoral legislation to address the ANC's 2007 resolution that independent candidates should be allowed to participate in province and national elections. This is with NCOP and should be finalised in the first quarter of 2023.
- A key outstanding issue is whether or not the ANC commits itself to a Standing Committee to deal with electoral reform looking at the constituency model. In principle, this should be rejected by Conference as it cannot be done unless the ANC has developed a policy framework on the macro configuration of the state.
- It is recommended that a technical committee of L and G review this and report to the NEC Lekgotla in January 2023 to inform the Parliamentary process.

### Addressing The Instability Created Where There Is No Majority Party In A Legislature

- The serious instability found in some of the hung/coalition councils is impacting on service delivery and it was resolved that:
  - o MECs introduce changes to Section 12 notices to make such municipalities Executive Committee systems as opposed to their current status as Mayoral Executive systems;
  - o Amendments to the Electoral Act be considered such as introducing thresholds requiring parties to have a base level of support before being awarded seats in legislatures or improving formula for PR seats to only go to those that win the full quota of votes for one seat, etc.

### Improving Accountability

- The focus of all ANC employees must be on Championing the needs of the people; and building the trust and confidence in the ANC led Democratic State.



### Addressing Corruption

ANC must be mobilizing communities and society around issues of corruption and position itself in a leadership role with respect to a culture of exposing corruption and rewarding whistle blowers.

### Addressing State Capture

- The Legislature and Governance noted the findings and recommendations of the Zondo Commission on state capture and corruption; and
- Further noted that there are issues emanating from the report that require the urgent attention of the Legislature & Governance Subcommittee.
- Some of the issues contained therein include, inter alia, direct election of the President, chairing of portfolio committees by the opposition, and amendment to electoral Act etc. The Subcommittee looked into the issues contained therein and developed draft response for further interrogation and comments by the provinces. In depth analysis and implications of the recommendations was undertaken by the Subcommittee prior dissemination of same to the provinces for sign off. The work of the subcommittee was concluded by end of August 2022 as directed by the National Conference. The final report was presented on 22 June 2022 and the President to report back on 20 October 2022.

### Addressing Gender and Youth

- Issues of representation and mainstreaming were dealt with and it was resolved that gender mainstreaming and budgeting must be found in all spheres of government.
- Concern was expressed that the proportion of women councillors and senior administrations is declining and is well below 50%. In the premises, ways must urgently be found to ensure that our male dominated Ward committees include women at least as co-chairs.
- In the case of youth, it was resolved that a dedicated capacity should be established in all spheres, including training and succession planning.

### Legislatures

- Parliament must clarify roles of particularly Speakers and Chief Whips.
- Steps should be taken to improve the lack of research and other resources in legislatures as that inhibits effective governance, including service benefits.

### Macro Configuration of the State

- Role of Parliament was considered and issues around role clarification of particularly Speakers and Chief Whips was raised sharply for further consideration by the Subcommittee.
- The lack of research and other resources was noted as inhibiting effective governance, including service benefits.

### Differentiated Local Government Model

- The Commission resolved that an urgent attention must be given to recognizing the highly differentiated nature of local government so that less capacitated municipalities are not expected to perform as if they are well capacitated. In this regard the classification and grading of municipalities must be given urgent attention.
- Ways must be found to incentivize municipalities doing well and consolidated support given to underperforming municipalities, including through intra-municipal support programmes where good practices are shared across municipalities.

### Demarcation

- The Commission further resolved that urgent steps should be taken to develop strategies to stabilize the changing ward boundaries.
- **Previous resolutions calling for movement towards single tier government, particularly with the increase in Category A municipalities must be enacted** in time for the 2026 municipal elections.
- By the end of 2023, all departments of government must **ensure their functional services delivery boundaries are aligned to municipal boundaries, such as wards, locals/district/Category A.**

### Cooperative Governance and District Development Model

- There is an urgent need for much stronger Integrated Cooperative Governance, particularly on Local Economic Development, and the focus must be firmly on service delivery.
- The District Development Model (DDM) requires all spheres of government to be actively involved in integrated planning, budgeting, implementation and M and E in each of the 52 spaces (Metro's and Districts).
- DDMs must assume all of government and society approach, and must include how Powers and Functions are assigned, devolved and/or decentralised.

- DDM processes must ensure that each of these 52 spaces have an integrated approach to address climate change, including short-, medium- and long-terms strategies to build resilience.

### Traditional Leadership and Councils

- Recognition was made that the Presidency is co-ordinating the process of addressing issues raised around Traditional Leadership, through a Ten-a-side Task Team chaired by the Deputy President.
- **The Commission resolved that there is a need to Formalize agreements of the ten-a-side Task Team** process chaired by the Deputy President in driving particularly the Invest Rural Master Plan and other areas the institution of Traditional Leadership. This should include increasing resources of the state to manage these processes.
- These initiatives could easily urgently deal with representation in councils and also ensuring that in all ward committees which straddle a traditional area, that Traditional Councils provide at least one representative onto the ward committees; and
- A framework to address the non-uniform provision of benefits must be urgently addressed, including the development of a national set of norms and standards on benefit.
- The Commission noted that there should be consideration of the reconfiguration of the department of Traditional Affairs to incorporate areas of Culture and Land Reform to strengthen its capacity.

### On Community Engagement

The Commission resolved that:

- elected ANC deployees from all legislative spheres must actively hold community engagements to build trust. These engagements should be formalized in every ward and quarterly monitoring reports be issued publically by the ANC.
- Ward Committees must focus on community engagements, with door-to-door campaigns, report backs and the like; and
- Follow-ups to all community engagements must be timeously made.

### On Reviewing State Policies

The Commission resolved that:

- There must be clear policy that standardizes the application of Sections 139 of the Constitution (amongst others).
- Teams of administrators must have the requisite

competencies and have no record of poor performance; and

- Teams of administrators should work together and should have clear ToRs and reporting lines.

### On Addressing Apartheid Planning.

The Commission resolved that:

- Specific strategies to improve the implementation of the DDM and in particular reduce apartheid spatial inequalities must be developed.
- Developmental planning such as IDPs, SDFs, SPLUMA should be located in COGTA to ensure there is an integrated approach.
- Joined-up planning ensures at an economic level at least, the productive, distributive, and consumptive spaces are linked properly through effective long-term planning.

### On Improving Human Resources

The Commission resolved that:

- The National School of Government, DCoG, NT, SALGA, and relevant SETAs need to be improved coordination and strengthened to improve competency levels.
- Skills audit should be rolled out (phased and targeted approached) to ensure that placement and skills are aligned.
- Registration of professionals with registration with relevant professional bodies be supported, not only technical roles.
- Ongoing monitoring of councillor skills development programmes be undertaken.
- The political-administrative interface be stabilized and ensure longer tenure for accounting officers, subject to performance and exit clauses, including:
  - o Professionalization of public service.
  - o Municipal Capacity Interventions and stabilizing Local Government.
  - o Institutionalizing Ethics and integrity.
  - o Rolling out E-Government and use of ICT.
- Steps must be taken to increase the human, financial and technical resources available to local government whilst ensuring delivery on financial compliance and developmental outputs.
- All members of legislatures must annually undertake a programme of building an ethical culture of performance as elected representatives of communities.



**On Service Delivery**

The Commission resolved that:

- The establishment of the ANC Local Government Forums must clearly develop clear strategies to improve cross-sphere and cross-sectoral delivery programmes.
- The Presidency Monitoring and Evaluation must provide quarterly reports on the State of Service delivery across all municipalities and consequence action must be taken where municipalities fail to perform; and
- The competency levels of built environment professionals in organs of the state must be improved, with only professionals being appointed to head key posts like technical/engineering, planning and finance.

**On Financial Resources and Management**

The Commission resolved that:

- The Equitable share formula must be modified to address the inequalities in funding across spheres, particularly given that over 45% of all developmental functions are supposed to be delivered by municipalities. In addition, rural municipalities with low tax bases must receive additional support.
- Municipalities must ensure that funded budgets are in place, including to maintain and rehabilitate existing infrastructure.
- The municipal debt relief proposals need to be urgently finalized to assist municipalities in improving their balance sheets; and
- We ensure effective collaboration between civil society and organs of state in delivering on the whole value chain of infrastructure projects, whilst ensuring prescribed maintenance and renewal schedules are implemented.

**On Developmental Local Governance**

The Commission resolved that:

- An evidence-based approach to local development needs must be developed to ensure there are clear intergovernmental plans to address the changing social, economic and environmental realities and reduce the apartheid spatial inequalities.

- All DDMs must have a clear social, economic and environmental strategy in which partnerships are clearly defined to retain and expand local economies, whilst also redressing the apartheid spatial inequalities; and
- All municipalities must ensure effective collaboration between civil society and organs of state in delivering on the whole value chain of infrastructure projects, whilst ensuring prescribed maintenance and renewal schedules are implemented.

**3.18. Environmental Sustainability and Climate change:**

The Commission resolved that:

- DDM processes must ensure that each of these 52 spaces have an integrated approach to address climate change, including short-, medium- and long-terms strategies to build resilience.
- In addition, Disaster Management and Emergency strategies action plans must be coordinated as part of the DDM processes.

**4. WE MUST BE FORWARD LOOKING**

Finally, in everything we must have a long-term perspective:

- The ANC’s reconfiguration of the state going forward needs to be urgently finalised.
- This requires an evidence-based assessment of the role of the state in building developmental local governance.
- Within this, the macro forms of legislatures and governance needs to be articulated.
- Here, the form best suited for the roles played by the State, including at least the following need to be articulated:
  - o Economic, social, environmental and other strategies and transformations.
  - o The need for a provincial sphere.
  - o Distribution of powers and functions; and
  - o The role of legislatures.



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