**Report of the Portfolio Committee on International Relations and Cooperation on conducting a fact-finding oversight visit on the status of the pilot project for the acquisition of office accommodation for the South African Permanent Mission to the United Nations and the Consulate-General, in New York, United States of America, dated 4 March 2020**

The Portfolio Committee on International Relations and Cooperation (hereinafter referred to as the Committee), having conducted a fact-finding oversight visit on the status of the pilot project for the acquisition of office accommodation for the South African Permanent Mission to the United Nations (UN) and the Consulate-General; and on the implementation of South Africa’s international relations policy in New York, United States of America, from 7- 14 December 2019, reports as follows:

1. **Introduction**

When in Pretoria for the Orientation visit in August 2019, the Portfolio Committee found that the South African Permanent Mission to the UN in New York, is rented on a monthly rental fee which is exorbitantly above the norm. Furthermore, it was found that the Department has embarked upon a procurement of offices for its Permanent Mission and Consulate-General for which it has already incurred an irregular expenditure of R118 million. It was recognised that this was likely to end up becoming a fruitless and wasteful if the Department fails to recover the money it has already paid. It was against this background that the Committee resolved to urgently undertake a fact-finding visit to assess the situation first-hand in order to determine the course of action in a form of recommendation to the Minister of International Relations and Cooperation on whether the project should be revived or not.

In the 2017/18 financial year, the Auditor General in his report identified a contravention with Treasury regulations 16A6.3(a), in that some of the contracts were awarded to bidders based on evaluation/adjudication criteria that differed from those stipulated in the original invitation for bidding. This non-compliance was identified in the procurement processes for the design, construction, operation, maintenance and finance of office and residential accommodation for the South African Diplomatic Missions in Manhattan, New York City.

* 1. **Compelling mandates**
     1. **Mandate of the Department of International Relations and Cooperation**

The mandate of the Department of International Relations and Cooperation (the Department) has expanded due to global demands and the country’s role within that space. The Department operates in a dynamic environment that encapsulates varying legislative and monetary regimes, which in turn, impact on its foreign policy operations. South Africa maintains[[1]](#footnote-1) diplomatic relations with countries and organisations through 126 missions in 108 countries abroad, and through the accreditation of more than 160 countries and organisations resident in South Africa.

The South African diplomatic and consular missions abroad are charged with implementing South Africa’s foreign policy to enhance its international profile, and serve as strategic mechanisms for the achievement of national interest. As widely argued by foreign policy analysts, a successful foreign policy can only be measured by how well domestic priorities are met through the country’s bilateral and multilateral involvement and engagement.

The Department is responsible for developing and maintaining bilateral political and economic partnerships in the various regions of the world. This is usually pursued through structured bilateral mechanisms such as bi-national commissions (BNCs), joint national commissions (JNCs) or joint commissions (JTs). These bilateral mechanisms remain important vehicles for cooperation and promoting South Africa’s national priorities as reflected in policy documents such as the National Development Plan (NDP). Through bilateral relations, the priority needs of Africa and the South are also pursued, and most importantly, these relations exist for the promotion of South Africa’s trade, investment and tourism potential.

* + 1. **Mandate of the Portfolio Committee on International Relations and Cooperation**

In terms of sections 55 and 92 of the 1996 Constitution of the Republic of South Africa, the Portfolio Committee on International Relations and Cooperation (the Committee) is mandated to oversee and ensure accountability in the formulation and conduct of the South Africa’s international relations policy (also called foreign policy). Consequently, the Committee conducts oversight on the Department, and holds it accountable for its activities and those of the South Africa’s missions abroad. These would include issues on policies, legislation, financial spending patterns, administrative issues, impact of its participation in multilateral forums and any other matter relating to the Department’s operations and functions.

* + 1. **Foreign Policy framework**

Chapter 7 of the National Development Plan (NDP) envisioned South Africa as a globally competitive economy and an influential, leading member of the international community. In pursuing South Africa’s Foreign Policy, the Department is informed by South Africa’s current global stature where the country is a respected, active and responsible global player.

In 2019, South Africa maintained diplomatic relations with countries and organisations through 126 missions in 108 countries abroad, and through the accreditation of more than 160 countries and organizations resident in South Africa[[2]](#footnote-2). Thus South Africa hosts the second largest number of foreign representation in the world. As a consequence of this mandate, the Department has embassies in many parts of the world and it has to maintain its presence including with suitable accommodation for office use and for residence of staff members.

* 1. **Delegation**
     1. **Members of Parliament**
* Honourable T Mahambehlala (ANC) Chairperson and Leader of delegation
* Honourable TS Mpanza (ANC)
* Honourable X Nqola (ANC)
* Honourable M Chetty (DA)
* Honourable TP Msane (EFF)
  + 1. **Parliamentary Official**

Ms L Mosala, Content Adviser

* + 1. **Representatives of the South African Offices at the United Nations, New York, United States of America**

1. South African Permanent Mission to the United Nations in New York led by Deputy Permanent Representative, Ambassador Xolisa Mabhongo, in the absence of the Permanent Representative, Ambassador Jerry Matjila.
2. Consulate-General of South Africa in New York led by Acting Consul General, Mr Gavin du Preez
   1. **Structure of the report**

This report serves to outline the engagements of the delegation of the Committee (herein after simply referred to as, the Committee delegation) to New York, United Nations of America. The draft report will cover the introduction which gives the background for the fact-finding oversight visit and the Committee delegation that undertook the fact-finding oversight visit. It would also depict the constitutional mandates of the Committee and the Department which influenced the undertaking of the fact-finding oversight visit; the conducting of the inspection in loco to the project area, thematic issues discussed with the Permanent Mission and the Consulate General; the issues relating to the status of the current accommodation facilities for the two South African Missions; inspection in loco on the identified office space locations; findings by the Committee delegation and proposed recommendations to the National Assembly.

1. **Objectives and key questions for the fact-finding oversight visit**
2. Determine whether the proposed model for property acquisition being piloted in New York will assist the Department to realise value in preparation for the future custodianship of relevant state-owned property abroad when the Foreign Service Bill becomes law.
3. Assess and ensure accountability in the conduct of international relations by the Department at the United Nations. Also measure the Department’s performance on the implementation of South Africa’s Foreign Policy, with regard to its ability to respond and adapt to global trends that are influencing the international system and therefore impacting on the country’s national interest.
4. Observe, and assess the impact of the Department’s performance in the United Nations Security Council; and how it discharges its diplomacy to leverage South Africa’s national interest and the African Agenda.
5. Conduct oversight on the activities of the South African Permanent Mission and of the Consulate-General in New York. This would include looking into: inspection of working space, chancery and official residence; welfare of staff, general running of the two missions, note both the achievements and challenges facing the two missions, and how operational issues which contribute to the Audit findings of the Auditor-General are being addressed.

**Key questions in the fact-finding visit**

1. Establish whether the two Missions are aware of the mandate of the Portfolio Committee on International Relations and Cooperation.
2. Establish whether the two Missions are aware of the Foreign Service Bill 2015 as adopted by the National Assembly in November 2019, and what it entails with regard to the accountability structure of the Missions; and the new role of custodianship of state-owned properties abroad.
3. Establish the role of the current Ambassador, who was the Director-General of the Department in 2016/17 financial year, in the processes for the acquisition of land in Manhattan, New York as planned.
4. Establish the role played by the two Missions in the processes towards acquiring land in Manhattan, New York, as planned.
5. Conduct an inspection in loco of the New York pilot project area, to establish whether there is a vacant land parcel for which R118 million has already been paid, for the purposes of building a suitable and sustainable office and residential accommodation for the South African Diplomatic Missions in Manhattan, New York City, as planned.
6. Establish the identity and credentials of the identified development partner for the design, construction, operation, maintenance and finance of suitable and sustainable office and residential accommodation for the South African Diplomatic Missions in Manhattan, New York City.
7. Assess the state of the current office accommodation for the two Missions in New York, and establish its suitability for the South African Diplomatic Missions at the United Nations in New York.
8. Establish steps already taken to address the issue of finding an alternative office accommodation, since the rental is reported as exorbitant at the current office space.
9. Establish the accessibility of the embassy by South Africans, including foreign nationals who seek consular assistance from the embassy.
10. Enquire on the welfare of staff in general, including whether the Department responds to their queries timely; assess the security for the Chancery and Official Residence.
11. Engage on issues relating to the Locally Recruited Personnel (LRPs) and how many they are; how they are vetted.
12. Follow up on issues of the Asset Register; inspect the storage room for furniture not in use.
13. Establish whether the premises of the Chancery and the Official Residence were on lease terms or state-owned.
14. Establish who is responsible for the upkeep/overall maintenance of the premises.
15. Get more information on the transport for the missions, how many cars they have.
16. Establish whether there is timely monthly reconciliation of financial statements.
17. Observe when walking in, whether the missions portray a warm South African welcome.
18. Establish how many South Africans are in distress in their area; and the type of distress.
19. Find out whether South Africans voluntarily register or report their presence in New York.
20. Observe whether the official signage visible.
21. Process feedback on issues of staff complement – whether they are adequate for the kind of work at the UN; establish whether there are Attachés from other departments in the Consulate.
22. Establish the volume of work on visas in the Consulate and volume of work by permanent mission in the UN; and
23. Assess how the foreign exchange fluctuations are affecting the operations of the Missions.
24. **Meeting with the South African Permanent Mission to the United Nations in New York**

The Committee delegation was met by the Deputy Permanent Representative of South Africa to the United Nations, Ambassador Xolisa Mabhongo, who at the time had been on post for only two years. The Chairperson of the Portfolio Committee on International Relations and Cooperation, Honourable Tandi Mahambehlala, introduced the Parliamentary delegation and elaborated on the reasons why New York was chosen for the kind of oversight. She then explained that the Committee delegation was on a multi-pronged approach oversight visit to New York.

The Chairperson reminded the two Missions of the mandate of the Portfolio Committee on International Relations and Cooperation**.** She recalled that the Committee’s mandate emanates from sections 55 and 92 of the Constitution of the Republic of South Africa 1996. In that regard, the Committee is mandated to oversee and ensure accountability of the Department in the formulation, conduct and coordination of South Africa’s foreign policy.

She further made a comparison that other departments in South Africa, have offices at the provincial and local levels, and this is where these other departments would conduct oversight. She pointed out that since the Department has a unique mandate, its service delivery is implemented and measured beyond the borders of South Africa. This is carried out through the activities of South African women and men in 126 Missions spread across 108 countries abroad. The Chairperson noted that the missions are the provinces and municipalities of the Department, and they are the engines that leverage diplomacy to deliver on South Africa’s national interest.

As a result of this setup, the Committee has to conduct oversight abroad in the missions too, to ensure that there is service delivery for the people of South Africa. The Committee ensures that the missions activities abroad are addressing the triple challenges of poverty alleviation, inequality and unemployment, and are in full compliance and in pursuit of the tenets of South Africa’s Foreign Policy.

The Chairperson also highlighted the fact that the Foreign Service Bill has been processed through the National Assembly in November 2019. Once assented to by the President, it will be binding on all transferred officials from various sister departments in South Africa. She further elaborated on the primary objective of the Bill, being to ensure that the Head of Mission takes full charge and accountability of the activities and personnel of the Mission. It is expected that a ‘one pen policy approach’ will be adopted, where all personnel report to him/her about their daily activities, while still informing their respective parent departments.

The other important component of the Bill which the Chairperson talked to, was that the Department would assume custodianship of the state-owned properties in use by missions abroad. The new responsibility would include acquiring, leasing renovating, maintaining and disposing of such properties. Once the Bill has been assented to, the Committee would also ensure that it is adhered to and fully implemented.

The Chairperson referred the meeting to the primary objective of the fact-finding oversight visit. She said it resulted from the findings of the 2017/18 Annual Report of the Auditor General of South Africa, concerning irregular processes around a property acquisition pilot project in New York. The oversight on the matter would include an inspection in loco of the project area. The inspection would be to establish whether there is a vacant land parcel for which R118 million has already been paid. The money was paid for the purposes of acquiring land for building a suitable and sustainable office and residential accommodation for the South African Diplomatic Missions in Manhattan, New York City.

The inspection would further enable the Committee to fully understand the situation around the pilot project, per the findings of the Auditor General. By so doing the Committee would be in a better position to ascertain whether there is indeed land on which to build, for which R118 million has already been paid as deposit; and whether the pilot project should continue; and in what form. The Committee would then recommend an appropriate action to the National Assembly, which would in turn require the Minister of International Relations and Cooperation (the Minister) to consider its recommendations as contained in the report.

It was further mentioned that other capital projects of the Department to acquire properties abroad were on hold. Their completion relied on the successful completion of the pilot Public Private Partnership (PPP) project in New York.

Ms Mahambehlala further pointed out that the Committee’s oversight role extends to ensuring that supply chain management prescripts (SCM) are adhered to. Missions were also expected to adhere to SCM requirements with regard to the tender processes for the acquisition, maintenance and disposal of the state-owned properties abroad. It was said that the Committee would not hesitate that those found in the wrong, face the might of the law.

The fact that South Africa is a non-permanent member of the UN Security Council, was a regarded a huge responsibility, which the Committee was very proud of. The Chairperson pointed out that the Permanent Mission should highlight its achievements and challenges since assuming the prestigious seat in January 2019. The Committee would also welcome an opportunity to observe South Africa’s participation in a UN Security Council meeting during its short stay in New York.

The Chairperson further pointed out that part of the oversight included general discussions with the Head of Mission and another meeting with both the transferred and locally recruited personnel. Oversight meetings cover a wide area of issues, including all matters work-related, the welfare of personnel, and there would also be a walkabout inspection for compliance and fit for purpose of the two offices and the Official Residence. The Chairperson concluded her remarks by announcing that those who needed privacy for discussing their personal matters that they would like to bring to the attention of the Chairperson, should indicate as such.

* 1. **A synopsis of the New York pilot project**

The Lease Agreement for office accommodation for the Permanent Mission of the Republic of South Africa (New York Mission) expired in April 2014. The rental price for the rented space was also becoming exorbitantly high. As a result of this, the Department decided to seek an alternative accommodation from which to operate from in New York. The lease agreement for the Chancery contains a ‘hold-over clause’, allowing the Mission to remain in occupation of the property on a month to month basis, albeit with a 100% increase in rental. As a result, the Mission is still renting the space, with a monthly rental of USD263 462.42, which includes operating expenditure and real estate tax.

Another challenge is that the building itself, where the Permanent Mission has rented floors, is operating as a hospital. It is therefore unsuitable and unfit for the purpose of running affairs of the Mission from such an establishment.

In 2015, the Portfolio Committee had a concern relating to leases and rentals of properties abroad increasingly becoming cost-drivers for the Department. The Portfolio Committee was of the view that the Department should acquire as opposed to renting properties for use by South Africa’s Missions abroad. As a result, the Portfolio Committee recommended that the Department undertake a comparative study, to come up with an acquisition model which would best suit the accommodation needs of the Department abroad. In response to this recommendation, the Department’s new property management strategy was approved in August 2017, to provide a mixed model of rental and ownership, in order to reduce the cost of rentals for office and residential accommodation abroad.

After a detailed diagnostic report on whether to lease or buy, the Department preferred to follow the Private Public Partnership (PPP) route to secure suitable accommodation for the Chanceries and transferred officials abroad. It was further decided that since the Missions in New York were under pressure to find alternative accommodation, New York would thus be used as a pilot project to test the viability of a PPP model for acquiring properties abroad. In line with the approved strategy, similar acquisitions and development projects would be planned and undertaken in Luanda, Angola; Juba, Republic of South Sudan; Geneva, Switzerland; New Delhi, India; Beijing, China; Riyadh, Kingdom of Saudi Arabia; and Kigali, Rwanda.

However, the Auditor-General of South Africa (AGSA) in his annual report for 2017/18 financial year, found irregularities in the execution of the PPP in New York. The Department had not complied with applicable supply chain management (SCM) prescripts in its processes towards acquiring property under the PPP model. Some of the contracts were awarded to bidders based on evaluation/adjudication criteria that differed from those stipulated in the original invitation for bidding. More so, the company which was awarded the tender, was found not to have participated in the bidding process. This led to the Department incurring irregular expenditure to the amount of R118 million. The irregular expenditure was incurred on design, construction, operation, maintenance and finance of office and residential accommodation for the South African Diplomatic Missions in Manhattan, New York City.

The irregular expenditure has lingered on into the 2018/19 Annual Report of the AG. The recommendations thereon, are that the matter be investigated and those responsible be brought to book. The report also recommends that it be established whether there is identified land or space or building already in New York. This is because the Department has already paid R118 million for a deposit and administrative sundries at the design level of the accommodation procurement stage.

The Committee wished to be in a position to recommend to the Minister whether there is indeed land on which to build, for which R118 million has already been paid as deposit; whether the pilot project should continue; and in what form. This was due to the fact that other capital projects of the Department to acquire properties abroad are on hold. Their completion relies on the successful completion of the pilot PPP project in New York.

The Committee further resolved to also ensure that consequence management is undertaken on those responsible for the irregular expenditure. This way, the Committee would also save the Department from incurring further fruitless and wasteful expenditure over and above the irregular expenditure around this project. If this amount was not recovered, the Department would have incurred fruitless and wasteful expenditure on a project that never was. The AG has stressed the importance of the Committee doing its own investigation and findings on the matter, to ensure that monies irregularly spent are recovered.

The Committee has finalised the processes of the Foreign Service Bill 2015, as the National Assembly passed the Bill on 19 November 2019. The Bill affords the Minister of International Relations the custodianship of properties abroad. Therefore, the Portfolio Committee would want to ensure that the Department would be ready to manage the state-owned property portfolio abroad, without future bottlenecks of a supply chain management nature. The Committee would be able to do this assessment once it has investigated the issues on the ground in New York.

It was a concern of the Committee that the seemingly corrupt processes on SCM processes surrounding procurement in New York, pose a serious reputational risk to the image of the Republic of South Africa.

It was pointed out that South Africa has earned a good reputation internationally. It is a respected member of the international community. It is currently serving in the UN Security Council for the 3rd time, as a result of respect and trust that the world has on South Africa. It was felt important to restore the trust internationally. It was regarded befitting that the Parliament of South Africa is seen to be having zero tolerance to corruption, through the Portfolio Committee taking an oversight stand to deal head-on with suspected corruption wherever it occurs.

* 1. **Responses by the Permanent Mission**

The Deputy Permanent Representative, expressed happiness for the oversight visit by the Portfolio Committee. He further gave an overview of the political and multilateral activities as carried out by the Permanent Mission to the United Nations. He further elaborated on the different roles played by the two Missions, in that the Permanent Mission is responsible for the political work at the United Nations, while the Consulate-General is responsible for providing consular services to South Africans resident in New York and nearby counties.

Ambassador Mabhongo gave a detailed background presentation on the work covered by South Africa since commencing its third term as a non-permanent member in the UN Security Council. It was reported that the Mission has dedicated its participation to the theme - ‘Continuing the legacy: Working for a just and Peaceful World’, in honour of the former President Mandela’s dedication to universal peace and peaceful resolution of conflicts. It was further highlighted that South Africa was endorsed by the African Union to be in the UN Security Council. It was successfully elected in 2018, by the General Assembly, with 183 votes.

It was also reiterated that being in the UN Security Council was in line with South Africa’s Foreign Policy which is deeply committed to multilateralism and a rules-based international order. It was pointed out that South Africa remained fully focused in pursuit of an equitable and just system of global governance. It was emphasised that South Africa believed that the United Nations remains the most important vehicle for the advancement of the global development agenda and to address underdevelopment and the eradication of poverty. Furthermore, South Africa still holds the belief that the resolution of international conflicts should be peaceful and in accordance with the centrality of the UN Charter and the principles of international law.

It was highlighted that South Africa chaired the UN Security Council deliberations for the month of October, 2019. South Africa’s presidency prioritised Africa, as African issues constituted more that 60% of the UN Security Council agenda. The issues of Women, Peace and Security, the AU-UN cooperation on conflict prevention and peacekeeping operations also featured high on the agenda. The UN Security Council adopted Resolution 2493: Women Peace and Security. It was said to reaffirm the Security Council’s commitment to the continuing and full implementation of resolution 1325 (2000). The resolution addressed the disproportionate and unique impact of armed conflict on women. The resolution also recognises the under-valued contributions women make to conflict prevention, peace-keeping, conflict resolution, and peace-building. South Africa would have an opportunity to chair the Council again in December 2020. President Ramaphosa also delivered a statement of the Security Council on Youth, Peace and Security during the same month.

Some of the signature events that happened during the month of October 2019 included the annual debate on Women, Peace and Security; the 13th Joint Annual consultations of the UN Security Council – African Union Peace and Security and the Security Council Mission to South Sudan, co-led by South Africa and the United States of America and the Youth, Peace and Security event mobilising the youth towards Silencing the Guns in 2020. Some of the mandatory UN Security Council activities included open debate on the conflict between Israel and Palestine; briefing on political and security developments in the conflict hotspots in Africa including the Democratic Republic of Congo (DRC), Darfur and Western Sahara.

The tenure in the Council would also coincide with the South African chairship of the African Union in 2020. It was expected that President Cyril Ramaphosa would be dealing with issues on the African Union flagship project on peace and security - ‘Silencing of the Guns by 2020’ as an AU initiative and aspiration. It was believed that being in the two positions (in the UN Security Council and the African Union) at the same time could work better for South Africa in furtherance of the African Agenda.

The Permanent Mission further reported that among the notable highlights of South Africa’s work in the UN Security Council were its ability to consolidate a Common African voice in the UN Security Council. Previously, the other African countries would articulate a different viewpoint in the Council, however, currently all the three African countries (A3) in the Council collaborate, consult closely and speak with one voice. The A3 link up with the work done in the African Union Peace and Security Council (AUPSC), in terms of decisions taken on peace-keeping missions (where and how). Then the A3 would endeavour to influence the discussions in the UN Security Council to be sympathetic to the AUPSC line of thought. Another major achievement was recorded as the tabling by South Africa of a Voluntary Report on Sustainable Development Goals (SDGs) to the United Nations.

Some of the reported challenges in the UNSC were that three Permanent members (P3), were having significant control over Security Council mandates and resolutions. Furthermore, the P3 tend to have undue influence over former colonies with regard to matters on the agenda of the Security Council. The ‘veto power’ was often used as a political tool to impose these countries’ national interest on matters before the Security Council. The other members of the Council were often subjected to undue bilateral influence or pressure by the P5 of the Security Council. The other dynamic was reported to be the infrequent membership of the Elected 10 Members (E10). Cohesion in the Council is dependent on the composition of the E10 members, half of which change every year. The other compounding problem reported by the Permanent Mission was on the budget reductions in financing peace-keeping missions. This was reported to be caused by other countries not paying their dues on time.

* 1. **Discussions on the presentation by the Permanent Mission**

The Committee delegation raised the following points for further discussion:

It was noted with dismay that the Permanent Representative, Ambassador Jerry Matjila, was not present and no official apology was tendered by him in writing in the usual manner. The delegation felt this was a concern because in their view Ambassador Matjila was aware of the oversight visit. This was regarded as disrespectful on his part, and found to be regrettable and highly unacceptable. The Committee felt particularly undermined because the Committee members had opted to undertake the fact-finding visit despite the fact that Parliament was about to rise.

The response tendered was that the Permanent Representative was on a prior planned annual leave. The Committee demanded that the Director-General furnish the delegation with a report explaining the whereabouts and circumstances around the said leave of absence by the Permanent Representative, and why there was no official apology. Furthermore, the Committee delegation resolved that Ambassador Matjila should be summoned to Parliament to furnish the Committee with the much needed answers on his role on the matter regarding the New York pilot project. The Committee delegation resolved to find out from the Minister how the trip of the Permanent Representative would be funded, as Members had made an effort to come to the Mission, and he was not there.

The other issue of concern was the fact that on arrival, the delegation was taken to Benjamin Hotel, whereas Lexington Hotel was earlier communicated to Members as a place approved by Parliament for the accommodation of the delegation. The delegation had to wait for almost 10 hours to be accommodated at yet another hotel. The Director Administration took about two hours to get to town to assist Members with alternative accommodation.

The Deputy Representative apologised on behalf of the Mission for the treatment Members experienced with hotel accommodation, and undertook that the matter would be further looked into, and it would not happen again. The delay in reaching the Members was explained as caused by the fact that the Officer concerned stayed outside Manhattan, and relied on public transport (train) to get to the city centre. Being a weekend, and in the evening, the trains were delayed and an apology was made for the inconvenience caused the delegation.

Discussions then continued directed to the presentation on the activities of South Africa in the UN Security Council. Members sought more information on the type of sanctions that the UN Security Council was monitoring, the type that South Africa was interested in. More information was sought on the processes in place to ensure that Africa’s interest was put forward in line with South Africa’s foreign policy. The Mission was further asked to elaborate on their assessment of support for solidarity courses like the self-determination for the people of Western Sahara. More information was sought on how close the programs of the African Union were towards realising the aspiration of silencing the guns by 2020. Clarity was sought on whether mechanisms were in place to ensure a consensus by different departments on South Africa’s positions taken at the UN level. It was further asked how the activities in the UN Security Council affecting the youth and women benefitted these categories in South Africa. The Members recommended that the Mission consider celebrating other South African struggle icons like the late Mama Winnie Mandela and Oliver Reginald Tambo.

* 1. **Responses by the Mission**

It was agreed that indeed other countries used undue influence to leverage their own country’s national interest on matters of a multilateral nature. The Mission was only interested in monitoring of the UN Security Council imposed sanctions, which often involved travel bans. However, experience has shown that once such sanctions have been imposed on individuals, it’s very difficult to remove them. It was pointed out that Africa was at the center of South Africa’s foreign policy, and that narrative has been put into practice in championing the issues affecting Africa in the UN Security Council. With regard to support for Western Sahara in the echelons of the United Nations, the Mission was of the opinion that such support was dwindling.

Africa was said to be focussed on silencing the guns, this was regarded a noble aspiration by the continent which might not be achieved in 2020, but at least Africa was working towards realising the aspiration. It was further explained that it was for the same reason that South Africa has fought for and succeeded to have in place an enhanced AU-UNSC cooperation in dealing with conflicts in Africa, to ensure African solutions to African problems. However, it was observed that it might not be in the interest of some of the five Permanent Members (P5) to stop the war, as they have economic interests in the conflict areas, they were seen as the highest benefactors for arms trade and have interest in the natural resources in some of the conflict areas. The Chairperson thanked the Mission and Members for a fruitful and forward-looking engagement.

1. **Meeting with the Locally Recruited Personnel (LRPs)**

The Locally Recruited Personnel met with the delegation and raised the following challenges in their work:

The Asset management office would send a list to the Department of items/assets which could be disposed of. However, the Department took long to respond and guide the Mission on a disposal list. The two Missions confirmed having updated, reliable and complete asset registers.

With regard to applications for passports, Home Affairs takes about six months to a year to respond to an application for a passport. In the meantime, the traveller would be unable to travel, and the Consulate was often regarded as incompetent because of the delay caused by Home Affairs.

The Mission had no transferred Home Affairs Attaché, and therefore visa applications and passports related matters are dealt with by the Locally Recruited Personnel.

It was reported that there were only two Administrative Secretaries, who assist and support all the transferred officials with day to day administrative work.

There was a general complaint that the LRPs were not clear of their job descriptions, which could guide on what is expected of them.

ICT systems of the Mission were regarded obsolete and not assisting to enhance performance. The matter was reported to the Department, to no avail.

The Economic Section has four marketing officers dealing with trade promotion in the 50 US states. However, much as they believed they had enough manpower, they are not able to cover all areas as they are restricted to do work only in accredited areas. Their proposal was that perhaps some of the transferred officials could also do some trade promotion activities. The Mission had no transferred Trade Attaché.

The LRPs were of the opinion that communication on policies and roles of personnel was not done regularly from the offices to the LRPs. A new post of a researcher has been established, however it was reported that it had not been clear when and where such research support would be needed.

A concern was raised that often delegations from South Africa (inclusive of those from provinces and municipalities) just arrive at the Mission without coordination by the Department of their travel. This practice has caused delays in preparing for accreditation at the United Nations for these delegations.

It was further felt that there was no human resource policy for LRPs in the Consulate. This was reported to have resulted in the LRPs with grievances not knowing who to report to. The LRPs felt like there was not enough appreciation of their work by the transferred officials of the Mission.

It was a concern that LRPs Forums exist but have not been active, and these would be forums to discuss the concerns raised above. One administrative staff was heavily pregnant and had then not yet received approval of her maternity leave.

* 1. **Discussions by the Committee delegation**

The Members expressed their appreciation for the issues raised by the LRPs, and noted them for their consideration. The delegation sought clarity as to whom the LRPs reported on ordinary human resources issues; especially if the concern is that grievances and misconduct handling mechanisms were lacking.

The response was that, from the Consulate side, there was an LRPs Forum where human resources issues and grievances are addressed. The Forum was reported to be meeting regularly. The Mission was also reported to have an LRPs Forum where human resources and grievances were to be addressed. However, it had not met for almost two years.

1. **Discussions with the Deputy Permanent Representative and Transferred Officials**

On the issue of uncoordinated international visits by different spheres of government, the Members explained that the issue of the uncoordinated international visits of a foreign policy nature, would soon be addressed by the coming into force of the Foreign Service Bill. The Bill vested overall responsibility and coordination of these visits with the Department.

The Committee delegation sought to know who had the overall responsibility of the issues relating to LRPs both in the Consulate and in the Permanent Mission. It was further asked whether monthly reconciliations were carried out accordingly, and whether the asset register was complete and reliable for the two offices. The Members further asked whether the two missions were within easy access by ordinary South Africans who need assistance. A concern was raised with regard to the fact that the Administration Director stayed outside Manhattan, and took long on public transport to arrive and help when needed.

The Members highlighted that the reports of the Auditor-General point to discrepancies with regard to asset registers in many missions. It was gratifying to note that New York had its house in order in this regard. However, it had been noted that the Department took long to respond to requests for approval of disposal lists. Clarity was sought on steps taken to address the challenge.

Clarity was sought on the steps taken to motivate on the need to have the relevant transferred Attaches for Trade Promotion, and Home Affairs. The two functions were regarded key to the proper functioning of the Mission. More information was sought on the decision not to allocate the finances, ICT, research functions and asset registry as the responsibility of the transferred officials.

It was asked what steps were taken to address the concern that applications for passports through the Mission took more than six months to year for an applicant to receive assistance from Pretoria.

Members sought more information on the steps taken by the Mission to secure alternative accommodation for both offices. This was of great concern to the Committee delegation taking into consideration the fact that the current lease agreement expired on 30 April 2014, with a 100% increase in rental (penalty) payable should the mission remain in the property (so called ‘hold-over clause’). The rental price for the rented space was becoming exorbitantly high and the mission has been in the situation for the past five years since the lease expired.

The Committee delegation highlighted some of the issues raised by the LRPs. It was pointed out that the LRPs were of the view that the working environment could be improved and their work more appreciated. The issue of LRPs Forums was raised and the two missions urged to regularly engage with LRPs on human resources issues. The Members sought clarity on whether the LRPs were fully vetted before they are employed, just as other countries do. More information was sought on the decision not to allocate the finances, ICT, research functions and asset registry as the responsibility of the transferred officials.

* 1. **Responses by the two Missions**

The Permanent Mission and the Consulate appreciated the opportunity to meet again with the Committee delegation, and be afforded a window to clarify some of the issues raised by the Committee delegation and the LRPs.

It was pointed out the Ambassador is the accounting officer for the mission, while the Corporate Services Manager (CSM) (Director Administration) held the overall responsibility over the issues of LRPs on the Mission’s side. There was another arrangement in the Consulate. However, there has been no clarity on the role of CSM from the Department for some time, and the role needed a review.

The matter of having relevant Attachés has been raised several times with the headquarters. It was not clear whether there were any further discussions with the relevant sister departments of Trade and Home Affairs on the matter.

It was said that the issue of having more officers dealing with trade promotion as proposed by the Economic section would better be addressed with a presence of more attachés in different areas of the United States (US). The arrangement in the US was such that each mission is responsible for certain allocated hubs for trade promotion. As a result, the designated officers couldn’t overlap into other areas which are designated for the other missions, much as they have the budget. The transferred officials were designated to fully focus on either of the six committees of the United Nations, in order to represent the Republic well.

It was confirmed that asset verification for the two missions was performed twice every year. In terms of finances, weekly reconciliations are done to keep up to date with records. The offices of the mission were said to be easily accessible to ordinary South Africans.

With regard to matters raised by the LRPs, there were job descriptions for all, as they sign contracts which detail the kind of activities such a person would be responsible for; and performance agreements are completed every year set against the job descriptions.

The application for maternity leave of the administrative staff concerned was reported to have been signed and she was to be informed and released.

The vetting of LRPs requires them to produce a police clearance only. This could be a matter that the Committee could recommend that the Minister improve on in the regulations.

1. **Alternative temporary office accommodation**

The Mission reported that indeed since the expiry of the lease agreement in 2014, the lease crossed over to the hold-over status with increased monthly rental of USD263 462.42. It further reported that the Mission had initially made a submission of three office spaces for possible relocation in October 2018. The Mission had ranked the office spaces as follows:

* Option 1: 605 Third Avenue
* Option 2: 733 Third Avenue
* Option 3: 885 Second Avenue

It was said that based on the analysis of the Infrastructure Committee, 885 2nd Avenue was recommended as it was found to be the most economical option of the three. In April 2019, the Director General approved the 885 2nd Avenue option and the decision was communicated to the mission and the Branch Global Governance (the Branch). On 23 May 2019, the Branch wrote to the DG requesting that he reviews the decision as the Branch was not happy with the decision.

On 24 May 2019, the DG reported to have convened a meeting of the Property Management Unit and the Branch. He advised the team that he received a submission from the Branch which had contradicting information compared to the information that was on the submission by the Infrastructure Committee via the Chief Directorate Property Management. He advised the team that he was rescinding his initial approval as he felt that the adjudication process appeared to have been highly flawed; and the facts on the submission were disputed by the Branch. The DG then requested that both units (Chief Directorate Property Management and the Branch) should meet and agree on the facts and draft a combined submission with an appropriate recommendation. The outcome of the combined team was that 885 2nd Avenue was the most economical option.

Another submission on the matter was made in August 2019 signed by the Deputy Director General: Branch Global Governance and the Chief Financial Officer (CFO) for approval by the DG. The comments of the CFO were that he did not recommend any of the options. He reasoned that “the proposed relocation was not viable due to higher fit-out cost of approximately R123 million, which is not budgeted for. Thus, the intentions to fund the relocation from the capital budget is not consistent with section 43 (4) of PFMA”. The DG then remarked on the submission that “a proper assessment should be undertaken, including the cost versus benefit as well as availability of funds for the relocation”.

During his visit to New York in October 2019, the Director-General (DG), inspected the two identified office spaces (885 and 605), he was surprised that the facts that formed the basis for the recommendations were not compatible with the physical verification of the options under discussion. He directed that the procurement process should rather be restarted based on consistent and appropriate criteria.

During the oversight visit, the Committee also undertook an inspection in loco on the two identified office spaces (885 and 605). The main reason for the inspection was to understand why the Mission had not relocated since 2014 when the lease expired; and why there was an impasse with the Mission motivating for one and not the other. The Members were further concerned with the cost of rentals at the current rented space.

On inspection of the two, the Members found out that the two were not even comparable to begin with. The 605 was regarded move-in ready and with ample space and looked fit for purpose; whereas 885 was considered simply an unfinished shell structure which looked like an abandoned warehouse or parking space. The floor size for 885 was regarded very tight and even smaller than where the two offices were currently accommodated. Alternatively, 605 was found to have more floor space, airy, already partitioned and more convincing as a suitable temporary office space. It explained why the cost fit was so high.

The Committee delegation resolved that the Chairperson speak to the DG and establish what informed the decision of the Infrastructure Committee to recommend 885 Second Avenue. The Committee delegation further resolved that since the intended meeting with the Ambassador would not take place in his absence, then the delegation would meet with the DG on arrival to discuss the matter further, in order to establish how the matter was arrived at.

On meeting with the DG at OR Tambo, the delegation asked for a full explanation on how a decision on 885 Second Avenue was arrived at; and why the matter of relocation has taken almost five years. The Committee delegation was assured that the Infrastructure Committee had based its decision purely on cost. However, a more comprehensive assessment of the cost versus benefit as well as availability of funds for the relocation would be undertaken. The DG also confirmed to the Committee delegation that he had since rescinded his earlier decision on 885 Second Avenue. The process was as such put on hold to allow for PFMA requirements to take place and all necessary supply chain prescripts to be followed, with the aim of ensuring that the relocation to any suitable place would take place without delay.

1. **Oversight inspection in-loco of the pilot project area**

The Committee delegation emphasised the objective of the fact-finding oversight visit on the pilot project. It also reiterated the responsibility of Parliament to protect and respect the work of the Chapter 9 institutions which are known to be credible, hence the need for the Committee delegation to see first-hand what the concerns raised in the findings of the Auditor-General related to.

Before the inspection, the two missions were asked to explain their respective roles in the processes towards the acquisition of land for the pilot project in New York. Both missions informed the Committee delegation that they were never involved in any of the processes, the whole project was headquarters driven. It was said that the Chief Financial Officer and the Chief Director-Property Management would jet in and hold meetings with real estate agents away from the office, and leave without informing the two missions of their discussions on the matter.

At one time, the Corporate Services Manager received a text message (sms) from the two officials, requesting him to attend a meeting with real estate agents. The Ambassador had not received the invitation; hence the official did not attend the said meeting. The other time the CSM was again invited, but arrived late as the meeting was already closed.

There were other two areas identified on 34th and 43rd streets, where the Mission was requested to issue a diplomatic note (Note Verbale) for clearance to acquire property. The two attempts did not succeed as the Mission was not granted air-rights to build a tall building. However, even with these two areas, the Mission had not seen the places identified by the agents working with the two mentioned officials from the headquarters.

The Committee delegation could not understand how the Department could have allowed the total disregard and disrespect of authority of the Mission to continue for as long as it did. It was a matter of great concern to the Members that committing funds to acquire office space and residence could happen outside the involvement of the Mission on the ground. It was mind-boggling to members how the Mission could be left out of negotiations on the office space that they would occupy, for which they could at least be given an opportunity to put specifics of what would be fit for purpose. Members felt that the Mission was undermined by the two officials from the headquarters. The Committee delegation further asked a pertinent question, being, ‘who was the Director-General then?’.

The Committee delegation asked to be led on an inspection to the project area. On arrival, the Committee delegation was shown a dilapidated building, shorter than other nearby buildings. It became clear to the Committee delegation that they did not find the vacant land that the Department had already paid R118 million to secure for building a suitable and sustainable office accommodation. It was further agreed that what Members saw, confirmed what the report of the Auditor-General had pointed out in terms of discrepancies and inconsistencies in the procurement processes on the New York pilot project**.** The Department was made to believe it was buying vacant land, but what exists is an unsuitable building, and R118 million has already been paid for the deposit of the purchase of a site/vacant land. The Members noted that the current Permanent Representative was the Director-General of the Department when the procurement for the pilot project was approved.

1. **Observing South Africa in the United Nations Security Council**

In her opening remarks, the Chairperson and Leader of the Committee delegation had highlighted that the other area of oversight, would be observing South Africa participating in the UN Security Council. The visit to the UNSC would assist to assess how the Department discharges its diplomacy to leverage South Africa’s national interest and the African Agenda.

The Committee delegation attended an open session of the UN Security Council, and the agenda item was on the ‘Briefing on the International Residual Mechanism for Criminal Tribunals (ICTR)’. The ICTR was established in 2010 to carry out the remaining essential functions of the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the former Yugoslavia (ICTY).

The briefing by both the President and Prosecutor of the Mechanism made mention of, among others, the eight remaining fugitives indicted by the ICTR. The arrest and prosecution of those individuals was pointed out as a top priority of the Mechanism and a primary focus of the Office of the Prosecutor. The Mechanism was said to be prepared to conduct a trial in the event that a fugitive is apprehended, but in order to do so it would require the continued cooperation and assistance of Member States, as called for by the Council on several occasions.

In that regard, it was indicated that the Mechanism trusted that South Africa, as one of the current members of the Council, would decide to honour its Chapter VII of the UN Charter obligations, as well as the values that unite the Council, by securing the arrest of the fugitive that was located on its territory in 2018, almost 18 months ago. South Africa was said to have assisted in the past by arresting and transferring ICTR fugitives on two occasions, in 1999 and again in 2004. The Mechanism strongly regretted the current lack of progress on the part of South Africa, particularly since, it was reported that in July 2019 (see S/PV.8576), South Africa made a statement in the Security Council to the effect that it believed that States have an international obligation to cooperate with the Mechanism and the Prosecutor.

In response, Ambassador Mabhongo delivered a statement on behalf of South Africa, and honourably acknowledged the delay on the part of South Africa on delivering on the request for assistance to arrest and surrender a fugitive reported to be within the borders of South Africa. Ambassador Mabhongo emphasised the fact that the delay did not and should not be construed as refutation of South Africa’s international obligations. On the contrary, South Africa remained firmly committed to combatting impunity and implementing the request for assistance. With regard to progress on the matter, Ambassador Mabhongo informed the UN Security Council that following active engagements on a national level, the international arrest warrant had been endorsed in accordance with South Africa’s domestic law, thus paving the way to give effect to the request for assistance.

The Committee delegation was happy with South Africa’s performance in the Council and appreciated the hard work put forward and professionalism by the Mission to keep the South African flag flying high in that august body.

1. **Committee delegation de-briefing session on the overall fact-finding visit**

The de-briefing session was held with the Deputy Permanent Representative, Ambassador Mabhongo, and some of the senior transferred personnel. The Chairperson of the Committee, Ms Mahambehlala, thanked the Mission for their availability which made the fact-finding oversight visit a success. She expressed appreciation for the openness and frank manner with which the meetings with officials were conducted. She further thanked the Members in the Committee delegation for their robust engagements during the visit, which she said resulted in some of the bottlenecks being addressed or in the process. She went further to mention the relocation issue and some matters affecting the welfare of LRPs which the Committee delegation directly intervened on.

The Committee delegation also appreciated the professional manner in which the Mission was discharging its political work on behalf of South Africa in the UN Security Council, and indeed in the other six committees of the United Nations. The Mission was further advised to create a conducive environment at the work place, for all to feel appreciated. The Members reiterated that it was important that the human capital was taken care of. The Chairperson concluded by informing the two Missions that the Committee would create its report, deliberate and draw its own conclusions, which Parliament would recommend to the Minister as a course of action emanating from the visit.

In response, the Deputy Permanent Representative expressed appreciation on behalf of the two offices, in that the fact-finding oversight visit was an eye-opener. They had learned a lot deal from the engagements with Members, and would also take into consideration the issue of thinking of South Africa first in their service delivery. They would also factor in the issue of celebrating all the struggle icons as advised by Members and ensure that issues affecting women remain active on the agenda of the United Nations. He went further to appreciate the feedback the Mission got on issues raised by LRPs and pointed out that their happiness was vital for the smooth running of the Mission especially in order to minimise the risk to the image of the Mission and the country.

The delegation left New York on Friday, 13 December 2019.

1. **Findings**

During the deliberations on the inspection in loco and the High Commission specific issues, the Joint Oversight delegation made the following observations and findings:

10.1 It was the first time in 100 days within the 6th Parliament that an international relations inclined oversight, beyond the borders of South Africa, took place, amid the challenges brought about by the current Parliamentary Oversight Model.

10.2 It was also a first, that Parliament undertakes a verification oversight visit abroad informed by the findings of the report of the Auditor-General of South Africa. The oversight visit was taken in the same context of conducting oversight on issues of service delivery located beyond the borders of South Africa.

10.3 It was again a first time in 20 plus years, that Parliament is seized with the contentious issue of non-compliance with supply chain management in the operations of a Mission abroad.

10.4 Ambassador Jerry Matjila, Permanent Representative of South Africa to the UN, was absent at the meetings of the Committee delegation without an official apology, though he was aware that the Committee delegation was coming over on oversight to New York.

10.5 There were still questions left unanswered due to the absence of the Permanent Representative. In order to get responses, the Committee delegation resolved that he would have to present himself before the Committee in Cape Town. The Minister would be asked to determine how his trip would be financed as he absented himself without an official apology, though he was aware the Committee was travelling to New York to meet with him. The Permanent Representative was the accounting officer when the procurement for the New York pilot project was approved in 2016/17.

10.6 When asked telephonically, the Director-General of the Department pointed out that he was not aware of the whereabouts of the Permanent Representative. He was then asked to submit a report on the whereabouts of the Permanent Representative while the Committee delegation was still in New York.

10.7 The accommodation logistics were not well coordinated on arrival of the Committee delegation in New York. The Committee delegation was accommodated in a different hotel from the one initially approved by Parliament, and presenting a potential security risk for Members. This led to the Committee delegation spending almost 10 hours waiting for alternative and suitable accommodation.

10.8 There was no vacant land on inspection of the New York pilot project. What exists is an unsuitable old and dilapidated building, and R118 million has already been paid for buying the purported site/vacant land parcel.

10.9 The amount of R118 million was noted to have been paid on the basis of a misrepresentation to the Department that the real estate agent has bought land to build a suitable and sustainable office building.

10.10 The supply chain management challenges associated with the New York pilot project are a source of diplomatic embarrassment and posed both representational and reputational risk to the image of the country.

10.11 There was a strong likelihood of wrong-doing on the pilot project. In order to implement consequence management in this regard, there would be a need for an investigation to determine the root causes of all the non-compliance areas around the pilot project.

10.12 The Chief Financial Officer and the Chief Director Property Management would jet into New York to engage in private discussions with real estate agents on the purchase of the land for the pilot project, without involving either of the two missions in the processes. The officials from headquarters clearly undermined the delegated authority of the Permanent Mission responsible for processes affecting the operations of the mission in New York.

10.13 The current office space for the two missions in New York was not suitable for an office of that nature. It was not fit for purpose as the building is operating as a hospital.

10.14 It was noted that it was almost six years (2014) since the lease expired at the current office accommodation for the two missions in New York. The office had still not relocated to a suitable office space. The processes towards relocating to another temporary accommodation have been painstakingly slow.

10.15 The inspection in loco of identified office spaces at 885 Second Avenue and 605 Third Avenue revealed that the two were not even comparable. The 605 was move-in ready and 885 was a sham and an unfinished shell structure.

10.16 It was not clear how the Department’s Infrastructure Committee recommended 885 as suitable for relocation of the two Missions in New York.

10.17 It was noted that the same property management real estate agent/company was engaged for both the pilot project and for the identified office space. This is despite its properties failing to meet the necessary specifications.

10.18 South Africa’s overall performance in the UN Security Council was found commendable. Progressive resolutions have been adopted with South Africa’s able diplomatic persuasion at play, in pursuit of national interest. It was further notable that among the highlights of South Africa’s work in the UN Security Council, was its ability to consolidate a Common African voice in the UN Security Council.

10.19 Disappointment was expressed in the UN Security Council for the slow pace by South Africa in assisting the ICTR with the arrest of a fugitive within the borders of South Africa. South Africa responded as in the process of assisting the ICTR in compliance with its international obligations with regard to issuing a warrant of arrest for the wanted fugitive.

10.20 There was no transferred Home Affairs nor Trade attachés in the Consulate General. The Department of Home Affairs was reported to have serious delays in processing applications for passports by South Africans living abroad, especially under jurisdiction of the New York mission, with their turnaround time very long and unpredictable.

10.21 The human resource’s issues affecting LRPs needed urgent attention by the office of the Permanent Representative. It would be important to ensure a conducive working environment for all personnel of the two Missions.

10.22 It was not clear why the personnel dealing with administration of the Mission lived outside Manhattan, instead of in the city, to be able to urgently attend to pressing measures that needed his/her attention.

10.23 The Committee delegation made some decisive interventions on LRP matters and on the issue of relocation, and these long standing matters are in the process of being resolved.

10.24 It would have been preferable that the portfolios of finance, ICT, asset register, research rested with transferred staff.

10.25 The role of the Corporate Services Manager (CSM) was not clear, there were many responsibilities that were expected to be under this position (finances, admin, assets).

10.26 The Department was reported not responding on time to requests from the Mission, in particular in terms of authorising disposal lists resulting in items lying unattended and not disposed of.

10.27 The two Missions were asked to also celebrate and popularise other struggle icons such as Mama Winnie Mandela and OR Tambo.

10.28 Often delegations from South Africa (inclusive of those from provinces and municipalities) just arrive at the Mission without coordination by the Department of their travels.

10.29 The Committee noted that LRPs are only required to produce a police clearance for vetting purposes, and no extensive vetting processes were undertaken.

10.30 The Committee delegation were hopeful that the fact-finding oversight visit would produce good results.

1. **Conclusions**

It was the very first time that an international relations inclined fact-finding oversight, related to the findings of the Auditor-General of South Africa, beyond the borders of South Africa, took place. It was also significant for the Committee to have achieved this goal within the hundred days of its commencement of work in the 6th Parliament.

The overall experience of the Committee in the oversight reaffirmed the need for the Parliamentary Oversight Model to allow for more opportunities for the Committee to do random oversight in the South African Missions abroad. It was also clear that the mandate of the Committee was not fully appreciated and understood by some South African Missions abroad. It was also evident that the Committee needs to attend to most of the areas of concern raised by the Auditor-General in other Missions, as these issues are the ones that render the Department the negative audit findings.

The absence without an official apology of the Permanent Representative at his station during the oversight visit was regarded disrespectful to the Committee delegation. Since there are pertinent questions that the Committee needs him to answer, the Committee will still need him to appear before it in Parliament, Cape Town. The Committee delegation had made the effort to meet him in New York, but he was not there, creating a scenario that would have cost implications.

The inspection in loco undertaken were necessary in that they confirmed the findings of the Auditor-General, and alerted Members to the scale of the problem with regard to supply chain management. This was regarded necessary and timely before the Foreign Service Bill passes custodianship of state-owned properties abroad to the Department. The Committee needed to ensure that supply chain non-compliance issues are addressed.

The root causes of the non-compliance with rules and legislative requirements for the pilot project in New York would have to be investigated. Those implicated in wrong doing must be subjected to consequence management.

It was also intriguing that the real estate agents involved in the failed New York project seemed to be also involved in the procurement of the temporary office space that the Mission is working on.

The relocation process for the two missions has been static and painstakingly slow. This is despite the cost of renting at the current offices being way too high, and the building being a hospital.

The work of the Mission within the UN Security Council is commendable and the office needs to be supported especially during the tenure as a non-permanent member of the UN Security Council for maximum impact.

The hotel accommodation logistics were not well coordinated and the Committee delegation had to look for alternative hotel space themselves. It was also found that where it was reported rooms were not available, they were in fact available. The Committee delegation had to wait for hours for the Director of Administration to arrive in Manhattan to sort out alternative accommodation.

The Committee delegation was able to assist with some of the bottlenecks that affected the operations of the Missions.

1. **Recommendations**

Having undertaken the fact-finding oversight visit to New York, the Committee recommends that the Minister of International Relations and Cooperation should consider the following and report on progress within three months of adoption of this report by the National Assembly:

12.1 Investigate and report the circumstances on the absence of the Permanent Representative of South Africa to the United Nations, Ambassador Jerry Matjila during the fact-finding oversight visit in New York by the Committee delegation of the Portfolio Committee. Consider implementing consequence management against the Permanent Representative, should it be found that he has neglected his duties.

12.2 Facilitate that Ambassador Jerry Matjila, Permanent Representative; present himself before the Committee as soon as the Committee communicates the desired time for such a meeting.

12.3 Investigate internal control deficiencies which led to lack of oversight by the Department to ensure compliance with laws and regulations on the procurement processes for the New York pilot project.

12.4 Explain why in previous briefings the Department has created an impression that it was in the process of purchasing a site (land) in New York while in actual fact it has been found that it was purchasing an existing building.

12.5 Furnish the Committee with the names of all officials who were involved in all the stages of the procurement of the New York project. Explain whether the investigation conducted by the Department has determined if those officials should not be held liable for the irregular expenditure incurred in the project.

12.6 Investigate and report on the causes of the five-year delay (since 2014) for the securing of a new suitable location of the two missions in New York.

12.7 Fast-track the procurement processes for the relocation of the two missions in New York to a more suitable location.

12.8 Consider the need to have Attachés at the Consulate General in New York on civic work and trade, and consult with Departments of Home Affairs and of Trade and Industry on the matter.

12.9 Develop proper procedures for evaluating office accommodation in consultation with the Department of Public Works.

12.10 Ensure regular updates on the work of the Department in the United Nations Security Council and the African Union.

12.11 Consider having a transferred official responsible for administration located within Manhattan, or close to the office premises to timely attend to emergencies which need the office’s intervention.

12.12 Consider an upgrade for ICT connectivity between headquarters and the New York mission.

12.13 In view of the findings in the Auditor-General’s report of 2017/18 on irregularities in the procurement of office accommodation in New York, and the implications of the Permanent Representative in his role as both the accounting officer during the initiation of the New York pilot project, and as the current Head of Mission to the UN in New York, the Minister should consider requesting the President to recall the Permanent Representative to protect the integrity of the country and the efforts towards economic diplomacy.

To the National Assembly:

12.14 Consider reviewing the Parliamentary Oversight Model to take into consideration the responsibility to conduct oversight beyond the borders of South Africa, especially at the South African Missions abroad where the Foreign Policy of the country is implemented. It has become clear that the mandate of the Committee is not fully appreciated and understood by some in the South African Missions abroad. It was also evident from this oversight that the Committee needs to attend to most of the areas of concern raised by the Auditor-General in other Missions. These issues are the ones that render the Department the negative audit findings.

12.15 Speaker of Parliament should consider having the administration in Parliament negotiate a better travel agency fee to guard against high travel fees which often end up with long hours on flights.

12.16 Speaker of Parliament should consider doing all that is possible for the speedy assent to the Foreign Service Bill 2015, in order for the Department to address some of the findings in this report and its entire operations.

**Report to be considered.**

1. Department of International Relations and Cooperation Strategic Plan 2015-2020 [↑](#footnote-ref-1)
2. Annual Performance Plan 2019/20, Department of International Relations and Cooperation [↑](#footnote-ref-2)