**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 919**

**DATE OF QUESTION: 18 MARCH 2022**

**DATE OF SUBMISSION: 04 APRIL 2022**

**Mrs Y N Yako (EFF) to ask the Minister of Justice and Correctional Services:**

1. Whether, with reference to the address of the National Director of Public Prosecutions (NDPP) to the Standing Committee on Public Accounts on 15 February 2022, wherein she indicated that the National Prosecuting Authority (NPA) would be open to receiving private funding in order to do its work, the NDPP at any stage discussed the specified matter with him; if not, why not; if so,
2. Whether it is his department’s position to get private donors to fund the NPA; if not, what is the position in this regard; if so, what has he found would be the implications of this on the independence of the NPA?

**NW945E**

**REPLY:**

(1) and (2) Government has an obligation to ensure that state institutions are adequately resourced. To date, National Treasury has met this obligation in respect of the National Prosecuting Authority (NPA). As a result, the question of private donor funding does not arise. In this financial year, R1,2 billion has been allocated to the NPA. In the next financial year, the NPA is expected to advise the Department of Justice and Constitutional Development and National Treasury if a shortfall arises. Having addressed the issue of adequacy of funding, I have been informed of requests by the NPA regarding the acceptance of donor funding, its modalities, measures to ensure accountability and to address perceptions of interference with the independence of the NPA and actual interference with the independence of the NPA. These engagements have been ongoing with the Director-General of the Department as the Accounting Officer and the NPA. In this regard, a governance framework for the acceptance of donor funding is being considered.

In general, all private donor funding is processed through the Reconstruction Development Programme which falls under the administration of the National Treasury. In terms of this programme, domestic and foreign grants are received and dispensed according to strict guidelines, controls and oversight.

Should we have a scenario wherein the budget of NPA can only be supplemented by donor funding, the process mentioned above will apply. Safeguarding the independence of the NPA remains of utmost importance. A proper governance framework will be put in place to ensure that the NPA will be sufficiently insulated.

**END**