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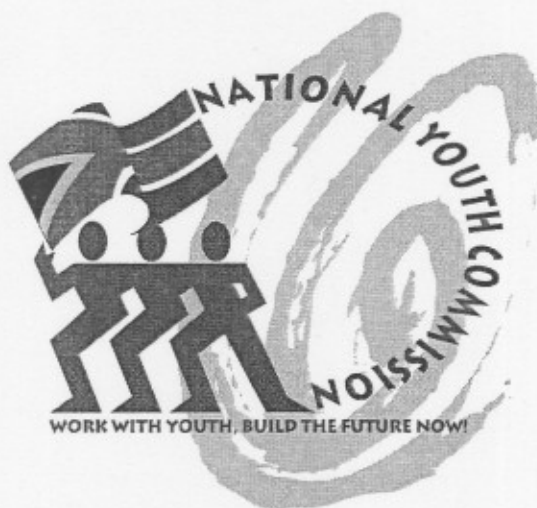
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NATIONAL YOUTH COMMISSION
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SUBMISSION TO THE PARLIAMENT OF THE REPUBLIC OF
SOUTH AFRICA

AD-HOC COMMITTEE ON THE NYDA BILL

NATIONAL YOUTH DEVELOPMENT AGENCY BILL
[B - 2008]
10 NOVEMBER 2008



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1. INTRODUCTION

This paper serves as a submission of the National Youth Commission into the proposed National Youth Development Agency Bill of 2008. The National Youth Commission is a statutory body established through the Act of Parliament, Act 19, of 1996 and later amended in 2000. The mandate of the National Youth Commission is among others to develop an Integrated National Youth Policy, develop a plan for the implementation of the integrated youth policy, co-ordinate, direct and monitor the implementation of such a policy.

Through its work over the years, the NYC has (and continues) to interact with a number of stakeholders and proposed several mechanisms that could be adopted to advance the plight of the youth. In its work, the NYC adopted a principle of mainstreaming as a mechanism to ensure that the youth development is prioritised across the spheres of government and government machinery/ departments. In line with this principle, the NYC has since lobbied and advocated, with limited but considerable success, for the establishment of youth directorates within government departments, establishment of provincial youth development institutions and local youth units at local government level.

The NYC having been part of the deliberations, including the 2006 convention that culminated into the decision to establish the National Youth Development Agency, welcomes the proposed bill; albeit that the bill in its current form needs to be refined and reworked to ensure that the envisaged institution is distinctively unique in form and in its contribution to youth development.

It is our responsibility as an institution whose mandate hinges on youth development to provide guidance and advice in the process leading to the establishment of the agency. Thus, it would be of paramount importance that, as we work towards the Agency, we water-tight some of the gaps identified in the current institutional arrangement. We should therefore, ensure that the mandate and objects of the NYDA is concise and measurable, its functions are clearly articulated and its processes are succinctly outlined. In contributing to the proposed bill, the NYC would therefore wish to make recommendations aimed at ensuring that the envisaged NYDA averts some of the predicaments that the NYC has experienced over the time of its existence.

However, as we welcome the establishment of the NYDA, we need to acknowledge that the NYDA or any institution for that matter, cannot be considered an absolute panacea to the challenges of youth development. The challenges we confront as the youth require a concerted and collective effort of both government and private sector led interventions in order for us to overcome them.

2. OUR CONCEPTUALISATION OF YOUTH DEVELOPMENT

Youth Development – as theory and practice, has evolved over time and has significantly informed the approach and definition for youth development used in the country. Literature on youth development points to the youth as a significant resource for any country's development. Their development should on one hand, earn them sustainable livelihood while beneficial to the countries' development on the other.

The draft National Youth Policy 2008-2013 defines youth development as:

"an intentional comprehensive approach that provides space, opportunities and support for young people to maximise their individual and collective creative energies for personal development as well as development of the broader society of which they are an integral part."

This definition highlights the multi-dimensional conceptualisation of youth development essential in creating the necessary space and support for young people to be able to reach their full potential. South Africa has adopted this definition of youth development with greater emphasis on the historical context and the implications thereof within which young people of South Africa have had to develop and find their own voice and space in the country's discourse.

3. LESSONS DRAWN FROM OUR RESEARCH ON INSTITUTIONAL MECHANISMS AND EXPERIENCES IN YOUTH DEVELOPMENT

Through the establishment of the National Youth Commission, South Africa adopted a mainstreamed and integrated approach to youth development in the country. This has implied that all facets of South African society, all government departments in all three spheres of government are responsible for the planning and implementation for the youth as outlined in such a policy.

As indicated in the introduction of this submission, the main mandate of the National Youth Commission entails the formulation of a Youth Policy that guides the country's approach to youth development. Despite having an institution with the NYC's mandate, South Africa has never had and still needs to have a fully fledged National Youth Policy. The National Youth Policy by its nature commits all stakeholders, government in particular to deliver services pertinent to youth development. The National Youth Policy 2000 was developed but never had cabinet endorsement and adoption. Instead a National Youth Development Policy Framework (2002 – 2007 NYDPF) was adopted and used as a guiding policy instrument of the country's approach to youth development. One of the major shortcomings of having a framework instead of a fully fledged policy have been the absence of specific statements of intent of what it is that would have to be implemented and measured against specific indicators to determine the impact the NYDPF had on youth development. The lack of an adopted National Youth Policy has never been the inability of the NYC to develop a policy within the prescribed time frames, a challenge has been the inability of the NYC to adopt policy for the country and ensure enforcement of the implementation of such a policy.

Mainstreaming and Implementation Tools

To ensure effective implementation of the NYP 2000 and NYDPF 2002 – 2007, the National Youth Commission lobbied for the establishment of youth focal points in all spheres of government. Through a variety of studies conducted in the work of the organisation, it has become evident that the establishment of such focal points within government has been progressing at a snails pace. This has led to several challenges with the co-ordination of youth development programmes within government.

Through extensive lobbying and advocacy, the youth sector under the auspices of the National Youth Commission has lobbied for the establishment of youth directorates/focal points to assist with mainstreaming and co-ordinating the implementation of the youth policy in all three spheres of implementation within government. In December 2006, Cabinet made a pronouncement calling for the establishment of youth focal points in all national government departments. The Cabinet pronouncement indicated that youth focal points should be established in such a manner that director-generals become directly accountable for them. Similar calls were made at provincial and local government level.

As part of our monitoring and evaluation function, we have noticed the slow implementation of the establishment of these youth units, especially in national government departments. In a study conducted by the National Youth Commission in 2008 on the establishment these units, only six departments had established them. A variety of reasons have been advanced by those that have not established these units, ranging from lack of financial resources to many merely stating that they do not necessarily see the need for establishing such units. This has created significant challenges for the NYC in executing its co-ordinating function as departments do not have dedicated personnel that would attend the Inter-Departmental Committee on youth affairs and ensure the mainstreaming of youth development within the programmes and policies of the respective departments. Similar trends have also been identified at provincial and local government level. A 2006 study commissioned by the National Youth Commission in partnership with the Flemish government indicated that only 20% of municipalities in the country had established local youth units that would be responsible for mainstreaming and co-ordinating youth development programmes within their respective municipalities. It is hoped that through this legislation, Parliament can look at legislative mechanisms or tools that would enforce upon the executive to implement and institutionalise youth development in all spheres of government.

Youth Policies world over however are characterised by partnerships not only within government but also with relevant social partners such as the private sector, community based and non-governmental organisations.

Duplication and Fragmentation

In the national youth policy review process, it was identified that several government programmes targeted at young people had been rolled out in an unfragmented manner which at times had led to duplication of programmes targeted at the same beneficiaries. A case in point would be the Youth Information service available both at the NYC and UYF; however such duplication has occurred within government as well. The new model of youth development has to be located within an integrated national youth policy that will outline specific areas of intervention with appropriately apportioned responsibility and time frames for implementation.

Monitoring and Evaluation

As is the case with the national youth policy, South Africa has never established a fully fledged monitoring and evaluation system that could be used to track delivery of service as well as assess the impact programmes targeted at the youth are having on their intended beneficiaries. Location of such a system is crucial as it is through a well resourced M&E system that we can objective inputs on the rate and impact of programmes as well as inform the approach adopted in successive

youth policies of the country. What is the challenge we are trying to address through the bill? What is its intent?

4. GENERIC OBSERVATIONS AND RECOMMENDATIONS ON THE AGENCY

- 4.1. The dilemmas posed by among others, the location of the NYC in the presidency, the elusive mandate, the enforceability of some of the functions of the institution and the recourse for the institution, effectiveness of the institution cannot be overly stated.

The Agency should be an implementation based institution, whose core mandate should be to roll-out programmes and projects aimed to advance youth development. The agency can neither develop nor coordinate policy and the strategy. These functions should be the role of the President/Executive in accordance with section 84/85 of the Constitution of the Republic. In this context its function can only be limited to conducting research that can be used to inform the executive on the policy directives on youth development.

The dilemma we face in the current structure is that while the NYC has been at the forefront of coordinating the development of the policy, ensuring that the policy is adopted has proven to be difficult as the NYC had no power to enforce the adoption of the policy by cabinet. It would be self-defeating for the Agency if it would be expected to coordinate and develop policy when it has no power to enforce its adoption. It is for these reasons that we propose that policy formulation is identified as a responsibility of the Executive.

The location of the NYDA in the Presidency needs revisiting. Based on the experiences of the NYC having been located in the Presidency, without any recourse mechanism if and when the NYC and the Presidency shared divergent views on issues affecting youth development, the NYC would like to **propose the establishment of a Portfolio committee in Parliament** to, among others, oversee and monitor the work of the agency, and have the powers to hold the executive to account on issues of youth development. (Please details of this proposal later in the submission).

- 4.2. The implications of the passing of this bill on provincial structures of Youth Development cannot be underestimated. The fact that the Bill proposes the establishment of the Provincial boards without it making reference to the repealing of Provincial Youth Commissions could bring confusion and competition of mandate between the two. Similarly, implied co-existence of Provincial Youth Commissions and the Provincial boards of the National Youth Development Agency pose even a greater challenge with regards to the transitional process. NYC proposes that the repealing of the NYC Act is done concurrently with the provincial structures. **Thus consideration should be made for the Bill to be passed as a Section 76 Bill.**

- 4.3. Our position is that, as we work towards the establishment of the NYDA, this cannot however, be done in isolation from the National Youth Policy. The work of any Agency or institution working in the area of youth development should be located within the framework and guidelines of the Youth Policy. Thus, **the enactment of the NYDA should be done concurrently with the adoption of a National Youth Policy by Cabinet.** It is also our

considered position that a National Youth Policy should foreground the work of the NYDA and should therefore be flagged as a reference document from which the agency is to draw its work. We note however, that the NYDA Bill in its current form, seeks to, leverage the Integrated Youth Development Strategy at the expense of a National Youth Policy as if the two are mutually exclusive. It is our view that in order to arrive at an Integrated Youth Development Strategy, there ought to be a policy that provides the framework and basis from which such strategy is to be drawn.

- 4.4. Clarity on the **Corporate Form** of the institution need to be sought. It would be important that the Bill addresses itself to this issue as this would bring clarity on the management structure, procedures and processes to govern the new institution.

5. SPECIFIC RECOMMENDATIONS ON THE BILL

5.1. Section 1: Definitions

Reference to the IYDS and or a National Youth Policy should be clarified with the legal status of such documents. Our view is that these documents should, firstly be recognised as government documents.

The following definitions should be included in the Bill:

- National Youth Commission Act
- National Youth Policy
- Youth Development
- Provincial Boards
- Local coordinators

5.2. Section 3: Objects of the Agency

In order to address the issue relating to the elusive mandate of the institution, a daunting challenge that confronted the NYC through out its existence, we propose that the objects of the Agency should be reconfigured and should be located within the following key strategic objectives:

- I. **Conduct Research** on the status of the youth to inform the country's approach to youth development. This includes conducting research to inform Policy and should be inline with the principles of mainstreaming youth development in all facets of South African society.
- II. **Design and implement programmes** aimed at civic engagement and participation of the youth
- III. **Monitoring and Evaluation** of overall implementation of the National Youth Policy / Strategy with powers to subpoena. We note however, that the powers to subpoena might not be realised by an institution of a calibre of an agency. We should recognise that this function might come from a chapter 9 institution or a portfolio committee in parliament.

- IV. **Facilitate economic participation and empowerment of the youth.** This should encompass but not limited to entrepreneurial development, youth employment programmes etc.
- V. **Dissemination of information** on youth development programmes in the country.
- VI. **Coordination** role of the Agency

Section specific recommendations

Section 3, (a) and (b) should be taken off from the objects of the agency - the enforceability of the co-ordination function can be an arduous task.

Section 3 (c) and (d) this should be taken off as the agency should focus on implementation of programmes; there is also no difference whatsoever between what is implied in this section and the integrated youth development strategy.

Section 3 (e). **Initiate**- this leaves the agency vulnerable in the sense that programmes on youth development can end up relegated to it with no government department taking responsibility. It creates an impression that the Agency will have to initiate programmes separate from those articulated in the National Youth policy and the strategy of the country for youth development – function of the Agency should be operating within the confines of the

Section 3 (g) should be placed in the preamble of the Bill rather than in the object of the Act

Section 3. (h) and (i) this relate to advocacy and lobbying function which is implied in the mainstreaming function under research. These should be moved to the functions of Agency in breaking down what would need to be done to ensure the mainstreaming of youth development by all organs of state.

Section 4: Principles of Youth Development

We propose that the principles of youth development should be aligned with those that have been proposed in the draft National Youth Policy. The following principles are proposed:

- **Accessibility** - young women and men of diverse backgrounds must access resources and services crucial to their total development.
- **Responsiveness** – all youth development service providers should respond to the needs and concerns of young people and be guided by the intention to act in their best interests thus maximising their human potential.
- **Holistic** - Youth development initiatives must encompass all aspects of a young person's life and respond to their physical, psychological, social, economic and spiritual needs within the socio-political environment thus ensuring that they gain the necessary knowledge, skills, and experience required to ensure smooth transition into adult life.
- **Integration** – the need for different key role players such as government, civil society, private and business sectors to coordinate their efforts to ensure greater impact in developing young people.

- Diversity - youth development interventions must recognise and acknowledge the diverse backgrounds from which young people come from and celebrate the roles played by different agents of socialization, tradition, culture and spirituality in the development of young women and men.
- Section 4. (b). The bill should stress non-discrimination of people with disability and should therefore consider this principles:
- **Non-discriminatory** - all youth development initiatives should not discriminate against young people on the basis of age, gender, race, sexual orientation, disability or any other form of discrimination as enshrined in the Constitution of the country. This principle acknowledges the impact of socialisation and promotes respect for the human rights.
- Sustainable development - young people's assets, potential, capacity and capability must be maximised so that they can respond effectively and efficiently to life's challenges without compromising the ability of future generations to meet their own needs.
- Transparency - institutions and organisations involved in youth development should operate in a transparent and accountable manner.
- Participation and inclusion – service providers must design policies, strategies and programmes for and with young people by sharing information, creating opportunities and involving them in decision making as active participants in their own development. Young people should own the outcomes of the development process and should view human rights as a fundamental basis for human development.
- Social cohesion - youth development interventions should promote inclusion of young people as significant part of societal structures by involving them in democratic and nation-building activities.
- Social protection - different youth development interventions should seek to promote the wellbeing of young people by putting in place measures that seek to protect and address the needs of youth and reducing their vulnerability.
- Youth Service – young people should be involved in meaningful activities which benefit communities whilst developing their sense of patriotism and their abilities through learning and service.
- Redress - it is essential to recognise the different ways in which young people have been affected by the injustices of the past and address these injustices through equitable policies, programmes and resource allocation.

Section 5: Functions of the President

Section 5 (1) - The President in consultation with the NYDA is responsible for development and gazetting of the national Youth Policy and the Integrated Youth Development Strategy rather than relegating the responsibility to Agency. The Agency has no enforceability mechanisms for departments to implement strategy developed by Presidency as outlined in Chapter 5 of the Constitution Sections 84 and 85.

Retain **section 5 (2)** but change the "initiatives" to policy and strategy.

6. FUNCTIONS OF THE PARLIAMENT

Having noted the challenges relating to location of the institution, its recourse and oversight as per the experiences of the NYC, we propose that a Parliamentary Portfolio committee is established to oversee and monitor the work of the Agency. This committee should have the powers to subpoena not only the Agency, but also the Executive in terms of their responsibilities in relation to policy formulation and implementation.

Section 6: Functions of the Agency

The functions of the Agency should be aligned with the Objects. Instead of providing the list of Units, the Bill should list the functions of the Agency inline with the proposed objects. The current list of Units might be restrictive to the Agency should it wish to introduce new areas or even to de-prioritise some of them.

The broad areas and functions of the Agency should be the following:

- Research
- Design and Implement Programmes
- Economic Participation
- Dissemination of information
- Civic engagement to foster social cohesion
- Funding
- Capacity Building

Section 6.1. (d) Should be taken out if consideration is made regarding the repealing of the Provincial Youth Commissions.

Section 6.4. (a) the report should not necessarily be annual, as this may not be necessary and doable. The research and the report to be conducted in this area should be done within reasonable time to measure the trends and changes in the status of the youth.

Section 7: Integrated Youth Development Strategy

Section 7 (1) the National Youth Policy should take precedence over the strategy
This section should be relocated into the earlier sections where reference to the policy is made

Section 8: Control and Management of the Affairs of the Agency

Section 8 and 9 should be taken out. It is hereby proposed that instead of presenting what is currently contained in these sections, only an outline of the corporate form that the institution is adopting is proposing section can only outline that the Board would be constituted in terms of the corporate form that this institution is adopting.

Section 20: Provincial Boards

In Section 20 (1) Bill speaks to provincial boards without talking about the dissolution of provincial youth commission acts. In line with the points we have raised earlier regarding this issue, the NYC proposes that provincial boards be constituted only after consultations with provinces have taken place and this be done concurrently with the repealing of their Acts. The implications would be that the establishment of Provincial Boards can be considered through the amendment of the Bill thereafter.

Section 21: Local Co-ordinators

The functions of local coordinator should be synchronised with proposed objects of the Agency. A similar approach to that of Provincial Boards should be taken with regards to Local Coordinator as there are currently local youth units located in the local government level. Clarity on the work of Local Coordinator and the assimilation of local units into the proposed structures should be considered in the transitional processes.

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10 November 2008

To: Hon. Mr M Johnson
Chairperson: Ad Hoc Committee on NYDA Bill
Parliament Street
Cape Town
8000

Dear Mr Johnson

Re: NYC SUBMISSION TO NYDA BILL

In responding to the public call for submissions into the proposed NYDA Bill, this serves as a submission of the National Youth Commission for consideration and deliberation by the Ad Hoc Committee on the National Youth Development Agency.

The submission of the NYC is two fold, attached is a research paper conducted by the National Youth Commission to review the country's institutional arrangements for youth development. The paper highlights challenges that have been encountered in the current youth development institutional model, beyond NYC and Umsobomvu Youth Fund. It is hoped that the lessons learnt through this study could assist in the reconfiguration of the youth development model to ensure improved, mainstreamed and integrated implementation of youth development programmes.

Secondly, attached to this letter is a written submission of the NYC making specific reference to sections of the Bill that we would like to be considered for amendment or total removal from the Bill. It is hoped that this will assist in ensuring the enhancement

and improvement of the current youth development institutional machinery in the country.

We hope our submission to the committee will be met in the intended spirit and together we work towards an institutional landscape that will ensure improved quality of life for our country's youth. We would be available to make oral submissions at the public hearings as and when convened by the Ad Hoc Committee.

Kind Regards

Nomi Nkondlo (Ms)
Chairperson