

## **6. REPORT OF THE PORTFOLIO COMMITTEE ON DEFENCE AND MILITARY VETERANS ON ITS ACTIVITIES DURING THE FOURTH PARLIAMENTARY TERM (2009 - 2014)<sup>19</sup>**

### **PART 1: OVERVIEW**

#### **1. Committee's focus areas during the 4<sup>th</sup> Parliament**

- 1.1 The 2009 protest action by members of the South African National Defence Force (SANDF) highlighted the every day difficulties and challenges faced by soldiers. Much of the Committee's activities since then, had been focussed on ensuring the steady improvement in the working and living conditions of soldiers.
- 1.2 During the period under review, the Committee focussed on the processing of important legislative reforms required to improve soldiers' conditions of service. Through amending the Defence Act (2002), the Committee ensured the establishment of a Defence Force Service Commission (DFSC) which would advise on matters relating to soldiers' conditions of service and salaries. The Committee also processed the Military Ombud Bill which established a military ombud, responsible for investigating complaints from soldiers. Through the processing of the Military Veterans Bill, the functions and responsibilities of the newly established and dedicated Department for military veterans were confirmed. The term military veterans were redefined in order to include those military veterans (particularly members of the non-statutory forces), previously excluded from earlier legislation; and mechanisms and procedures were developed to enable the fair provision of quality state support services (and benefits) to, and recognition of military veterans.
- 1.3 Apart from legislative reforms, the Committee's oversight activities largely centred on regular interactions with the

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<sup>19</sup> This document was unanimously adopted on 13 March 2014.

Department of Defence (DOD) to ensure the gradual reduction in the number of audit qualifications as well as the strengthening of internal controls; the repair and maintenance of facilities; understanding the particular challenges relating to the retention and recruitment of the required skills necessary to improve and sustain defence capabilities; leadership challenges at both Armscor and the Castle of Good Hope, effective border control as well as the extent to which transformation objectives had been adhered to.

**2. Reflection on committee programme per year and on whether the objectives of such programmes were achieved**

2.1 As stated above, the Committee's programme was informed by the above-mentioned focal areas. No annual plans were developed, but all term programmes were designed to assist the Committee to meet the above-mentioned goals.

**3. Key areas for future work/recommendations**

3.1 The incoming Committee should consider pursuing the recommendations emanating from committee reports adopted by the National Assembly (NA).

3.2 The review of the Defence policy currently underway is reportedly near conclusion and therefore this draft policy is expected to be submitted to Parliament for consideration early in the new term. Current challenges relating to the securing of an adequate defence budget and the impact this has had on defence capabilities, is partially due to the delays in the confirmation and implementation of a defence policy that should provide a long term indication of defence needs. Consequently, effective planning by the Department and the Defence Force, as well as effective monitoring of defence activities by Parliament, had been limited. We stress that any further delays in the submission of a reviewed defence policy should be discouraged.

- 3.3 The Department of Defence's budget allocations had proven to be inadequate for, particularly, the resolution of all operational challenges and the fulfilment of commitments. The incoming Committee is encouraged to make use of the greater opportunities granted to portfolio committees to influence the allocation of funds to departments through the Money Bills Amendment Procedure and Related Matters Act (Act 9 of 2009), to ensure that the Department of Defence is allocated a budget sufficient for it to realise its commitments and to enhance its capabilities.
- 3.4 Departmental planning and prioritisation reflected in strategic and annual performance plans should be informed by the defence mandate. Strategic objectives and performance targets should be realistic and designed for the progress and development of the Department and the South African National Defence Force (SANDF). The incoming Committee should consider the vigorous monitoring of these matters.
- 3.5 Maintenance and repair of defence facilities are critical to ensure that the morale and commitment of soldiers remain at a high level. The impact of new initiatives such as the establishment of the Works Formation – an in-house repair and maintenance capability should be regularly monitored and the incoming Committee could prioritise site visits to defence facilities. The relationship between the Department of Defence and the Department of Public Works; and the associated challenges should also be prioritised.
- 3.6 Although the DOD has done much to eliminate audit queries, greater effort is needed to improve its management of defence assets. The incoming Committee is encouraged to continue the receipt of quarterly updates on the progress made with resolving this matter and to recommend interventions where necessary. Reliance on consultants and the strengthening of internal audit functions should also be closely monitored.

- 3.7 The incoming Committee could consider quarterly meetings to monitor the implementation of the Military Veterans Act, particularly progress made with the maintenance of a reliable military veterans' database, the fair application of a means-test, and how efficiently benefits and support services are delivered to military veterans. Such interactions would allow the Committee to identify any challenges and recommend the necessary interventions to ensure that military veterans receive the necessary support and acknowledgement.
- 3.8 A sophisticated local defence industry is crucial for the SANDF to maintain the necessary state of readiness in the most cost-effective manner. In this regard, the Department should resolve the following issues as a matter of urgency: the leadership challenges and instability at Armscor, particularly the appointment of a Chief Executive Officer (CEO) which at the end of the Committee's term of office, had not been resolved; monitor the success of the newly introduced Armscor funding model; efforts to enforce defence industrial participation (DIP) contractual obligations; as well as efforts to curb the aggressive take-over of local defence companies by foreign-owned companies. The new Committee is encouraged to focus attention on ensuring that the local defence industry supports the needs of the SANDF, as well as to foster greater co-operation and collaboration with the Departments and Parliamentary Committees on Trade and Industry and Public Enterprises. The incoming Committee should also investigate whether Denel is reporting to the appropriate Executive Authority, given its strategic importance and relevance to the Department of Defence.
- 3.9 The new Committee could explore methods to ensure that through the effective management of the Castle of Good Hope by the Castle Control Board (CCB), a balanced and representative military history is preserved. While progress on the efforts by the CCB to improve the management of the Castle had been reported, the new Committee should monitor adherence to supply chain management standards; the

strengthening of key internal controls; the economic sustainability of the Castle as well as the resolution of barriers to the finalisation of appointments. The new Committee could also explore how the Castle has improved its public awareness and education campaigns, possibly through encouraging greater collaboration with the Departments of Arts and Culture and Basic Education.

3.10 In 2010, the South African National Defence Force (SANDF) assumed responsibility for borderline security. The SANDF, through Operation Corona, manages the phased return to these borders, and the Committee has identified critical challenges preventing the total security of our borderlines. These include the maintenance of border fences, the role and successful co-ordination of responsibilities between the Departments of Defence, Home Affairs, South African Revenue Services (SARS) and the South African Police Services (SAPS); the establishment and efficient functioning of a Border Management Agency (BMA); and the limitations to the successful deployment of the required number of sufficiently equipped troops, given the impossible budgetary constraints.

3.11 Transformation of the South African National Defence Force (SANDF) not only depends on the adherence to transformation objectives and policies. The successful implementation of the Military Skills Development System (MSDS) and the efficient application of a Military Exit Mechanism (MEM) are essential to developing a Defence Force that is appropriately skilled, gender and demographically representative Defence Force, and capable of operating and maintaining sophisticated defence equipment. In this vein, the incoming Committee is encouraged to monitor the impact of MSDS and other skills development and retention strategies have had on the strengthening of defence capabilities. While mindful of the mandate of the SANDF, the impact and contribution of these strategies on employment creation should be assessed through closer scrutiny of reported partnerships with other Government Departments such as

Home Affairs, Correctional Services, South African Revenue Services (SARS), and the South African Police Service (SAPS).

## **PART 2:**

### **1. Introduction**

#### **1.1 Department/s and Entities falling within the committee's portfolio**

Only the Department of Defence (DoD), Department of Military Veterans (DMV), Armscor and the Castle of Good Hope report to the Portfolio Committee on Defence and Military Veterans (DMV). Although legislatively established, the National Conventional Arms Control Committee (NCACC), the Defence Force Service Commission (DFSC), and the Office of the Military Ombud are not necessarily directly accountable to the Committee.

##### **1.1.1 Department of Defence**

The Department of Defence derives its constitutional mandate from Section 200(2) of the Constitution of the Republic of South Africa (1996). This section stipulates that the defence force must be structured and managed as a disciplined military force, while the primary object of the defence force is to defend and protect the Republic, its territorial integrity and its people in accordance with the constitution and the principles of international law regulating the use of force. The Defence Act, 2002, the White Paper of Defence (1996) and the Defence Review (1998) give substance to the Department's constitutional mandate, while other relevant legislation guide the execution of the defence strategy of the DoD.

##### **1.1.2 Department of Military Veterans**

The Department oversees, manages, facilitates and co-ordinates support services to military veterans and manages the implementation of the national military framework and programmes.

### **1.1.3 Armscor**

The Armscor Act 51 of 2003 sets out the mandate of the Corporation. The mandate of Armscor is to meet the defence materiel requirements of the Department of Defence efficiently and economically; and to meet the defence, research, development, analysis, test and evaluation requirements of the Department effectively, efficiently and economically.

### **1.1.4 Castle of Good Hope**

Established through the Castle Management Act (1993), and is responsible for the preservation and protection of the military and cultural heritage of the Castle of Good Hope; to optimise the tourism potential of the Castle; and to promote public accessibility of the Castle.

### **1.1.5 Other bodies established in terms of the legislation (not necessarily accountable to the Committee)**

#### **(a) National Conventional Arms Control Committee (NCACC)**

The NCACC is established according to the National Conventional Arms Control Act to regulate the conventional arms sector in South Africa. Members of the NCACC are Cabinet Ministers and Deputy Ministers appointed by the President. The Chairpersonship and Deputy Chairpersonship positions of the NCACC are held by Cabinet Ministers who do not have line function interests in the conventional arms business. This ensures the objectivity of the NCACC. Section 3 of the NCAC Act sets out the objects and mandate of the NCACC. It must implement Government policy regarding trade in conventional arms in order to establish, apply and ensure legitimate, effective and transparent control process in and for the Republic; protect the economic and national security interests of the Republic by ensuring adequate control of trade in conventional arms in accordance with Government policy; and foster national and international confidence in the Committee's

procedures for control over trade in conventional arms. Section 4 sets out the functions of the NCACC which are the regulation of development, manufacturing and transfer of conventional arms in South Africa. The Regulations to the NCAC Act dates 28 May 2004 provides details on how the regulation of the conventional arms sector is conducted.

**(b) The Defence Force Service Commission**

Section 6 of the Defence Amendment Act (2010), sets out the responsibilities of the DFSC. It advises the Minister regarding improvements of salaries and benefits of defence force members, make policy recommendations effecting conditions of service, promote measures and set standards to ensure the effective and efficient implementation of policies on conditions of service within the Defence Force, and make the necessary recommendations to the Minister. . It can also investigate and conduct research on conditions of service; review policies evaluate and monitor the implementation of such policies; consult with the Secretary for Defence, the Chief of the Defence Force, members of the Defence Force, Reserve Force Council and any other interested person or body on conditions of service and any other matter relating to the purview of its functions.

**(c) Military Ombud**

The Ombud must investigate complaints lodged with it, in line with the requirements of the Military Ombud Act (2012).. fairly and expeditiously “without fear, favour or prejudice”.

**1.2 Functions of committee:**

- 1.2.1 As is the case with all other parliamentary committees, the Portfolio Committee on Defence and Military Veterans is mandated to:
- monitor the financial and non-financial performance of government departments and their entities to ensure that national objectives are met;
  - process and pass legislation; and
  - facilitate public participation in relation to the above-mentioned processes.

### **1.3 Method of work of the committee**

- 1.3.2 The Committee established a management committee, and most of the planning was done by the Chairperson and Committee Secretary, and presented to the Committee for consideration.
- 1.3.3 Oversight of the DOD, DMV , Armscor and the Castle Control Board was exercised through parliamentary committee meetings to allow:
- the monitoring of performance on a quarterly basis (quarterly report hearings);
  - the monitoring of performance on an annually basis (annual report briefings);
  - programme specific briefings as the need arose;
  - status reports by the Executive Authority;
  - interactions with other government departments that impacted on the DOD's effectiveness
  - interactions with other government entities that impacted on the DOD's effectiveness
  - interactions with certain state institutions supporting constitutional democracy established in terms of Chapter 9 of the Constitution e.g. the Auditor General of South Africa (AGSA)
- 1.3.4 In addition to meetings, oversight was exercised through site visits. Most site visits were focussed on investigating whether the SANDF could effectively secure borderline; the state of defence facilities (army basis and south African air force bases), the conditions of military health facilities as well as defence education and training institutions.
- 1.3.5 In line with its obligations and mandate, the Committee considered and reported on all matters referred to it including the DOD and the DMV's strategic plans ad budget, annual performance plans, legislation, and the annual reports of the Departments and entities.
- 1.3.6 In line with its obligations and mandate, the Committee processed legislation referred to it, and considered and/or commented on related regulations and policies.

## 1.4 Purpose of the report

1.4.1 The purpose of this report is to provide an account of the Portfolio Committee on Defence and Military Veterans work during the 4<sup>th</sup> Parliament and to inform the members of the new Parliament of key outstanding issues pertaining to the oversight and legislative programme of the Department of Defence and the Department of Military Veterans, Armscor, Castle Control Board (CCB).

1.4.2 The legacy report provides an overview of the activities the Committee undertook from the beginning of its term in May 2009, to its end in March 2014. It summarises the outcome of activities, challenges that emerged during the period under review and matters the incoming committee should consider pursuing during the next parliamentary term. The report contains the Committee's recommendations for the strengthening of the operational and procedural processes that inform the committee's oversight and legislative functions.

## 2 Key statistics

The table below provides an overview of the number of meetings held, legislation and international agreements processed and the number of oversight trips and study tours undertaken by the committee, as well as any statutory appointments the committee made, during the 4<sup>th</sup> Parliament:

Activity	2009/10	2010/11	2011/12	2012/13	2013/14	Total
Meetings held	22	36	29	17	16	120
Legislation processed	1	2	2	0	2	
Oversight trips undertaken	1	1	0	0	2	
Study tours undertaken	0	0	0	0	0	
International agreements processed	0	0	0	0	1	
Statutory appointments made	0	0	0	0	0	

Activity	2009/10	2010/11	2011/12	2012/13	2013/14	Total
Interventions considered	0	0	0	0	0	
Petitions considered	0	0	0	0	0	

### 3 Stakeholders

3.1 Although the Committee maintains an updated stakeholder list, stakeholders were not actively involved in the programmed activities of the Committee. Participation was limited to comment and participation in public hearings during the processing of legislation.

3.2 It is recommended that the Committee from early on establish close working relationships with research, non-governmental and academic institutions to supplement its research support. These institutions could regularly comment on annual reports, strategic plans, policy developments, legislation and any other matters – information potentially useful to the Committee.

### 4. Matters emanating from briefings and/or public hearings

### 5. Legislation

The following pieces of legislation were referred to the committee and processed during the 4<sup>th</sup> Parliament:

Year	Name of Legislation	Tagging	Objectives	Completed/Not Completed
2009/10	Protocol on the International Hydrographic Organisation	Section 75	The Protocol on International Hydrographic Organisation supports the safety of navigation and the protection of the marine environment. The Bill enacted the amendments to Article IV to XIII of the	Completed

Year	Name of Legislation	Tagging	Objectives	Completed/Not Completed
			<p>Convention on International Hydrographic Organisation, aimed at the establishment of an Assembly, Council, Finance Committee, Secretariat and any subsidiary organs. The possible roles of South Africa in this regard are as follows: The South African Navy Hydrographer will have to represent South Africa on these organs, where applicable. This entailed additional financial expenditure for subsistence and travel; South Africa will be a member of the Assembly and will be eligible for selection for the position of the Chair or Vice-Chair; South Africa will be eligible for selection as a member of the Council. This will mean that the SA Navy Hydrographer will have to attend a Council meeting once a year, translating into additional financial expenditure; South Africa will also be eligible for selection as a member of the Finance Committee.</p>	

Year	Name of Legislation	Tagging	Objectives	Completed/Not Completed
			The attendance of the Finance Committee meetings will have no additional financial expenditure, since it will take place in conjunction with ordinary meetings of the Assembly.	
<b>2010/11</b>	Military Veterans Bill	Section 75	The Bill prescribed the functions of the Department of Military Veterans; defined the benefits and services that should be provided to military veterans; and established the procedures and established bodies which supports the delivery of services to military veterans, such as the Advisory Council on Military Veterans, the Military Veterans Appeals Board, as well as the establishment of an representative military veterans umbrella body.	Completed
	Defence Amendment Bill	Section 75	The Bill sought to amend the Defence Act (No 42, 2002), in order to define the composition of the Military Command of the South African National Defence Force , defining appointing	Completed

Year	Name of Legislation	Tagging	Objectives	Completed/Not Completed
			procedures, to require members of the Reserve Force to enter into a contract of service with the Defence Force; to require members of the Reserve Force to comply with call-up order during peace times; and to establish the Defence Force Service Commission which would make recommendations to the Minister of Defence and Military Veterans concerning conditions of service of members of the Defence Force.	
2011/12	Military Ombud Bill	Section 75	Established the Office of the Military Ombud as well as the appointment and functions of this office.	Completed.
	Implementation of the Geneva Conventions Bill	Section 75	To enact the Geneva Conventions and Protocols additional to those Conventions into law; to ensure prevention and punishment of grave breaches and other breaches of the Conventions and Protocols.	Completed
2012/13	None		None.	None

<b>Year</b>	<b>Name of Legislation</b>	<b>Tagging</b>	<b>Objectives</b>	<b>Completed/Not Completed</b>
<b>2013/14</b>	Draft regulations to the Military Veterans Act (18-2011)	N/A	The regulations will enable the implementation of the Military Veterans Act. Draft regulations were tabled in Parliament and referred to the Portfolio Committee for consideration. The regulations	Completed.
<b>2013/14</b>	Defence Amendment Bill (PMB 8-2013)	Section 75	The Bill aims to ensure that the Minister of Defence submits quarterly reports on Defence Acquisitions, Parliament receives quarterly reports, that the legislature is notified of any escalation of costs to and delays of an acquisition project	Incomplete: Owing to time constraints the Committee could not proceed with legislation.
<b>2013/14</b>	The Protection of Crucial Infrastructure Bill (PMB2-2014)	Proposed Section 75	The Bill seeks to repeal the National Key Points Act 102 of 1980 and proposes the establishment of a Crucial Infrastructure Board to ensure amongst others the security of crucial infrastructure. Tabled in Parliament on 5 March 2014 and referred to the Portfolio Committee on Defence and Military Veterans.	Owing to the late referral, the Committee could not consider legislation.

## **5.1 Challenges emerging**

5.1 The process of public participation should be reconsidered and broadened to ensure that all those likely to be affected by the legislation are adequately informed of the proposed legislation, and afforded opportunity to participate in its processing. More should be done to involve ordinary citizens so as to ensure that challenges they experience in relation to the defence environment are taken into consideration.

## **5.2 Issues for follow-up**

5.2.1 The incoming Committee should consider a thorough workshop on the Defence Act, and the Defence Amendment Act, and the Military Veterans Act to ensure that Members are adequately familiarised with the principal legislation.

5.2.3 The Committee should closely monitor the effectiveness and independence of the Defence Force Service Commission (DFSC) and the Military Ombud, as well as the effectiveness of the military appeals and verification processes introduced in 2011.

5.2.4 In 2011, the Department of Defence initiated a review of all defence legislation. The incoming Committee is encouraged to obtain a status report on the outcomes of this review.

## 6. Oversight trips undertaken

The following oversight trips were undertaken:

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
5-9 April 2010	Oversight visit to selected border areas	The state of the South African Borders and	Please see oversight report	The Committee received few formal responses to committee recommendations. Annual plans reflected that some minor matters had been addressed. The committee has received no indication and had not detected any instances in which its recommendations have resulted in systemic challenges identified being addressed.	Please see oversight report.	Adopted and published

<p>2-4 August 2011</p>	<p>Oversight visit to 1 Military hospital, Waterkloof Air Force Base and workshop on Defence Matters</p>	<p>The repair and maintenance of 1 Military Hospital, Waterkloof Air Force Base and matter relating to civilian oversight over the Department</p>	<p>Please see oversight report</p>	<p>The Committee received few formal responses to committee recommendat ions. Annual plans reflected that some minor matters had been addressed. The committee has received no indication and had not detected any instances in which its recommendat ions have resulted in systemic challenges identified being addressed.</p>	<p>Please see oversight report.</p>	<p>Adopted and published</p>
<p>29 January – 1 February 2013</p>	<p>Oversight visit to selected air force bases</p>	<p>The extent to which the South African Air Force had ached transformation objectives, the state of facilities and interventions necessary.</p>	<p>Please see oversight report</p>	<p>The Committee received few formal responses to committee recommendat ions. Annual plans reflected that some minor</p>	<p>Please see oversight report.</p>	<p>Adopted and published</p>

				<p>matters had been addressed. The committee has received no indication and had not detected any instances in which its recommendations have resulted in systemic challenges identified being addressed.</p>		
31 July 2013	Oversight visit to army basis	<p>conditions of facilities and the interventions necessary to improve working and living conditions of soldiers; the extent to which each base succeeded in managing important human resource challenges such as the application of a fair and effective grievance resolution</p>	Please see oversight report	<p>The Committee received few formal responses to committee recommendations. Annual plans reflected that some minor matters had been addressed. The committee has received no indication and had not detected any instances in which its</p>		Adopted and published

		process, the filling of critical vacancies, as well as the extent to which to which transformation policies and objectives has been adhered to.		recommendations have resulted in systemic challenges identified being addressed.		
30 July , 6-8 August 2013	Oversight visit to army training and education facilities	Through the Military Skills Development System (MSDS) the Defence Force will be transformed and rejuvenated into an appropriately skilled, gender and demographically represented Defence Force capable of operating and maintaining sophisticated defence equipment in defence of South Africa. Visits to these training institutions focussed on the relationship between	Please see oversight report	The Committee received few formal responses to committee recommendations. Annual plans reflected that some minor matters had been addressed. The committee has received no indication and had not detected any instances in which its recommendations have resulted in systemic challenges identified being	Please see oversight report.	Adopted and published

		recruits and instructors, the conditions of facilities the challenges to the successful completion of training, career guidance and the further educational opportunities available to students.		addressed.		
1 August 2013	Follow-up visit to 1 Military hospital	The oversight visit to 1 Military Hospital in Tshwane was aimed at investigating the progress made with the resolution of challenges in the repair and maintenance of facilities, as identified during a previous oversight visit to the facility in 2011.	Please see oversight report	The Committee received few formal responses to committee recommendations. Annual plans reflected that some minor matters had been addressed. The committee has received no indication and had not detected any instances in which its recommendations have resulted in systemic	Please see oversight report.	Adopted and published

				challenges identified being addressed.		
13 August 2013	Armcor Naval Dockyard	The Committee will investigate the extent of the challenges the Dockyard is faced with, and considered the interventions needed to ensure minimum disruption and delays in the maintenance and repair of vessels critically required to ensure that the SA Navy is at all times combat ready, and able to meet its ordered commitments. The Committee received a comprehensive briefing on matters relating to the service level agreement between Armcor and the South African navy (SAN); the	Please see oversight report	The Committee received few formal responses to committee recommendations. Annual plans reflected that some minor matters had been addressed. The committee has received no indication and had not detected any instances in which its recommendations have resulted in systemic challenges identified being addressed.	Please see oversight report.	Adopted and published

		<p>extent and consequences of the loss/shortage of specialist/required skilled personnel; whether measures have been taken to address both the human resources challenges as well as the upgrade of dockyard facilities.</p>				
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**a) Challenges emerging**

6.1 Although the support staff attempted to ensure that the Committee was adequately prepared for oversight visits, more focussed support is required. It is hoped that the incoming committee ensures that standard content and research support is insisted on and adhered to. Content and research support must enhance members' scrutiny of departmental documents and interrogation during oversight visits and this is only possible if reliance on information submitted by the Department is reduced and research is done independent from what is submitted to the Committee.

6.2 It is essential that each support staff member's role is adequately explained to ensure their individual accountability to the Committee and, in relation to their different areas of responsibility, ensure that the Committee Secretary, Committee Assistant, Content Advisor and Committee Researcher adhere to their respective responsibilities.

6.3 While summaries of presentation are useful, especially given the volume of information provided to Members, these cannot replace analysis. It is essential that Members are given an opportunity to scrutinise documents to ensure that individual research papers contribute the committee's greater body of knowledge.

**b) Issues for follow-up**

The 5<sup>th</sup> Parliament should consider following up on the following concerns that arose:

- The Committee Secretary as the co-ordinator of the Committee's activities and person responsible for maintaining a reliable and up to date commitment register, and records should establish a sound working relationship with the relevant officials in the Office of the Speaker aimed at improving mechanisms whereby responses to recommendations may be followed-up on.

**7. Study tours undertaken**

Although the Committee had submitted several applications to undertake a study tour, these were not successful for reasons including changes to the parliamentary programme, countries not being able to host the Committee during its allocated study tour slot, and lack of funding.

**• Issues for follow-up**

As the Committee had not been permitted to take a study tour this parliamentary term, it should be treated as a priority in the in 2014-2019 term. It is advised that the incoming Committee use the first year of its term to acquaint itself with South Africa's defence environment through consideration of the outgoing Committee's reports, introductory briefings by the Departments, Armscor and Castle of Good Hope; and orientation workshops by defence experts, as well as the Committee's content and research support. It is proposed that a study tour be prioritised as early as possible in its second year, so as to ensure that recommendations emanating from it may still be pursued and possibly implemented by the Committee and/or the Department and its entities.

**8. International Agreements:**

The following international agreements were processed and reported on:

<b>Date referred</b>	<b>Name of International Agreement</b>	<b>Objective</b>	<b>Status of Report</b>	<b>Date of enforcement</b>
18 November 2013	International Convention on Cluster Munitions	The Convention bans the use, production, stockpiling and transfer of cluster munitions, given its severe effects on people.	Adopted and published	To be confirmed.

**c) Challenges emerging**

None

**b) Issues for follow-up:**

The Department, after the ratification process, is expected to submit, to Parliament, draft legislation which will enact the Convention on Cluster Munitions into South African law.

**9. Statutory appointments:** None

**10. Interventions:** None

**11. Petitions:** None

**12. Obligations conferred on committee by legislation: Budgetary Review**

The Money Bills Amendment Procedure and Related Matters Act (Act 9 of 2009) provides for, amongst others, a parliamentary procedure to amend Money Bills, thus granting parliamentary committees greater opportunity to influence the allocation of funds to the departments they oversee. Section 5 of the Act compels the National Assembly, through its Committees to submit annual Budgetary Review and Recommendation (BRR) reports on the financial performance of departments accountable to them. The BRR report must be informed by a Committee's interrogation of, amongst others, national departments' estimates of national expenditure, strategic priorities and measurable objectives, National Treasury-published expenditure reports, annual reports and financial statements, and all other oversight activities undertaken in the period under review. Essentially, the BRR report is a committee's assessment of a department's service delivery performance given its available resources, as well as the effectiveness and efficiency with which its programmes are implemented. Committees should adopt their BRR reports after the adoption of the Appropriations Bill and prior the adoption of reports on the Medium Term Budget Policy Statement (MTBPS).

**13. Summary of outstanding issues relating to the department/entities that the committee has been grappling with**

13.1 Please see the committee's recommended key areas for future work (page 3).

**14. Administrative challenges**

14.1 In the period under review the Committee was negatively affected by frequent changes to the Parliamentary programme as well as frequent changes to the committee's programme. It is recommended that the incoming Committee sensitise the Presiding

Officers to the impact frequent changes to the Parliamentary calendar has on the Committees overall oversight activities. Departments and Executive authorities should be informed of the relative inflexibility of the committee's programme and that all requests for rescheduling cannot be agreed to. The new Committee should make every effort to ensure oversight its activities are implemented per its term programme. It might be useful assess the committee's performance for that period.

- 14.2 The Committee adopted minutes and reports as and when they were provided by the Committee Secretary. The Committee Secretary should be held to submitting draft minutes and reports within seven days and committee reports within a period not exceeding 30 days after the end of such an oversight visits.
- 14.3 Although the support staff attempted to ensure that the Committee was adequately prepared for oversight visits and committee meetings, more focussed support is required. It is hoped that the incoming committee ensures that a standard of content and research support is insisted upon and adhered to. Documents prepared by content and research team should enhance members' scrutiny of departmental documents and interrogation during oversight visits and during briefings. Reliance on information submitted by the Department should therefore be reduced. While summaries on presentations, and reports referred to the Committee are useful, especially given the volume of information provided to Members, it cannot replace analysis. It is essential that Members are given an opportunity to scrutinise documents to ensure that individual research papers contribute to the Committee's greater body of knowledge. Lastly, research and content support staff should ensure that a database of credible and current sources of information and expertise is maintained.
- 14.4 Clarification of the roles of each support staff member and how these different roles are intended to compliment each other is essential. This is essential in ensuring accountability of each support staff member to the new portfolio committee.

14.5 The Committee had little success in receiving formal responses to recommendations contained in reports adopted by the National Assembly (NA). The Committee Secretary, as the co-ordinator of the Committee's activities and the person responsible for maintaining a reliable and up to date commitment register and Committee records, should establish a sound working relationship with the relevant officials in the office of the Speaker aimed at improving mechanisms whereby responses to recommendations may be followed up on.

14.6 The Committee has had little success in the receiving written responses to questions which could not be responded to during committee briefings. It is recommended that, instead of requesting written responses, the incoming Committee, at the end of each term, schedule a separate briefing during which Department is provided with an opportunity to respond to these questions not responded to.

**15. Committee strategic plan:**

15.1 As stated above the Committee's programme was informed by the above-mentioned focal areas. No annual plans were developed, but all term programmes were designed to assist the Committee to meet the above-mentioned goals.

15.2 The incoming Committee should consider developing a five-year strategic plan and the potential benefits this holds for the planning, monitoring and evaluation of the Committee's oversight activities.