



# Enhancing Legislature Oversight Programme Mid-term Evaluation

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## Final Report

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# Executive Summary

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## Introduction

### *Context analysis*

South Africa is classified as an upper middle-income country with a Gross National Income (GNI) per capita of USD 6,440 (2021). GDP growth rates have been above the global average but still insufficient to reduce the unemployment rate, which currently stands at 33.6% (2021). With a Gini coefficient of 0.67 (2018), South Africa is among the most unequal countries in the world. The wealthiest 10% of the population, mainly white and of European descent, earn about 50% of the national income. Inequality in wealth is even higher.

South Africa ranks 108 on the Sustainable Development Goals (SDG) Index, with an SDG Index score of 63.7. Progress towards the SDGs is mixed. The country is on track to achieving the goals for gender equality (SDG-5) and responsible consumption and production (SDG-12). Other objectives, including poverty (SDG-1), hunger (SDG-2), health (SDG-3), and energy (SDG-7), are unlikely to be met.

In international indices of democratic development, South Africa ranks relatively high. However, rankings have dropped over the last 10-15 years, attributed variously to state capture during the Zuma presidency, the Marikana massacre, and questions regarding the conditions for media freedom and independence.

South Africa is a democratic republic with three spheres of government (national, provincial, and local), operating in a parliamentary system. At the national level, executive powers are vested in the President, who is elected by the National Assembly (NA) and serves both as head of state and head of government. Legislative powers are vested both in government and the two houses of Parliament: the National Assembly (NA) and the National Council of Provinces (NCOP).

The NA has 400 members, elected under a closed-list proportional representation (PR) system. The NCOP has 90 delegates: ten from each province. At the provincial level, executive powers are vested in the Provincial Premiers. They are elected by the Provincial Legislatures (PL), who also hold legislative powers. Depending on the province, the PLs have between 30 and 80 members elected under a closed party-list PR system. The Constitution provides a clear leadership role to the Parliament. However, it also ascribes an essential role for the PLs in terms of legislation and, particularly, oversight and accountability.

The NA, the NCOP, and nine PLs constitute the South African Legislative Sector (SALS), overseen by the Speakers' Forum. Legislative Sector Support (LSS) acts as a secretariat to SALS and facilitates, coordinates, and manages SALS activities.

The constitution, and especially the closed-list PR system, under which Members of Parliament (MP) and Members of Provincial Legislatures (MPL) are elected, demarcate the space within which the Parliament and the PLs operate. Political advancement depends on the regard in which MPs and other political candidates are held by their party and their party leadership. This creates a different dynamic in the legislatures and limits the degree to which oversight is likely to be exercised.

In South Africa, public and civil society participation is required in legislative and oversight processes, and the NA, NCOP, and PLs are all required to hold sittings and committee meetings in public. Public and civil society participation is generally strong, although data indicate the degree to which committees engage with the public varies substantially.

The EU has supported South Africa's democratic institutions since the end of apartheid. EU support to the legislative sector dates back to 1996. It is substantial in monetary terms and generally in line with international best practices for parliamentary development, emphasising the importance of longer-term approaches and capacity development.

### *Evaluation objectives*

The main objectives of the MTE are to provide the relevant services of the European Union, the interested stakeholders and the broader public with:

1. An overall independent assessment of the performance of the Enhancing Legislature Oversight Programme, paying particular attention to its different levels of results measured against its expected objectives and the reasons underpinning such results.
2. An assessment of how the ROM recommendations were addressed.
3. Key lessons learned, conclusions and recommendations to improve current interventions in the remaining implementation period.
4. Exploration of the complementarity of the ELOP and the "Enhancing CSO Participation in Legislatures' Oversight and Participation Processes" programme and what benefits have been derived for citizens and CSOs by supporting the Legislative Sector.
5. Determination during this MTE whether or not a possible further extension of the Programme will enable improved results and make recommendations in this regard.
6. Recommendations on how the impact and sustainability of the intervention can be strengthened.
7. Reflection on the following critical specific considerations:
  - a. To review progress in achieving results as foreseen in the Financing Agreement of ELOP
  - b. To be accountable for the use of EU resources concerning the results of ELOP
  - c. To report transparently on EU support to the legislative sector in South Africa, and
  - d. To determine the need for, and value of, a further extension of the Programme.

The primary evidence-gathering tools that were used for the MTE were (a) document review and (b) key informant interviews/semi-structured interviews. In addition to Parliament, the MTE focused on three PLs: Northern Cape, KZN, and Gauteng.

Data collected for the MTE was organised based on filings for each of the four institutions to be reviewed. Documents were sorted based on typology. All interviews were summarised immediately after each engagement of an interlocutor.

Analysis of the data and evidence was based on triangulation. Wherever possible, the ET sought out more than one source related to each activity and intervention of the programme. The evaluation included both qualitative and quantitative data and evidence.

Two limitations were identified. First, data was collected in a short period from 01 November 2022 to 21 February 2023, when some key informants were not available. Second, at the provincial level, data were collected only from three PLs. Considering the variation of the PLs, the extent to which inferences could be drawn was limited.

## **Findings**

### *Relevance*

ELOP adhered to national and EU development priorities, as defined in the National Development Plan and the MIP. The programme was designed with significant ownership by the Parliament, via LSS, on behalf of SALS. However, best practices for parliamentary development were not sufficiently considered; especially, in relation to the implementation modality and technical expertise. This resulted in fewer results being achieved.

The programme document (Financing Agreement) lacks a clearly articulated strategy and theory of change and there are inconsistencies between some outcomes, indicators, and targets. Also, some indicators and targets do not meet the Specific, Measurable, Achievable, Relevant, and Time-bound (SMART) principles.

ELOP was designed with a degree of flexibility to allow the programme to respond to beneficiaries' needs. However, lack of technical expertise prevented the programme from applying such flexibility in supporting implementation and, in turn, achieving results. Related, M&E was not sufficiently robust, which resulted in limited adaptation of programme outputs and activities.

### *Coherence*

ELOP was formulated in parallel with the Enhancing CSO Participation in Legislatures' Oversight and Participation Processes programme. The parallel formulation processes and complementarity by design is laudable. However, the complementarity did not come to fruition. First, the sequencing of the two programmes and their activities was not adequately managed. Second, and partially related, there appears to have been limited and/or ineffective communication between the two programmes.

ELOP generally observes the principles of development effectiveness, as defined in the Paris Declaration on Aid Effectiveness and the Accra Agenda for Action. An exception is procurement, which did not rely on national systems. It is the understanding of the ET that ELOP was given the option to use national systems but opted not to.

ELOP was the only large intervention in the legislative sector. A few actors had activities with Parliament and/or the PLs. There appears to have been no coordination between ELOP and these

other interventions. The lack of coordination, however, does not appear to have impacted the implementation of ELOP, due to the hegemonic nature of ELOP in the legislative sector.

### *Efficiency*

The LSS was generally able to respond to beneficiaries' needs in a timely manner. However, ELOP fell short with regard to Output 1 (enhanced oversight) and Output 2 (enhanced public participation), where expenditure, as reported in 2021, was only 15.6% and 6.2%, respectively. The low expenditure rates can partially be attributed to the *force majeure* and programme suspension in 2020. Programme activities were also not sufficiently aligned with the timing of the 2019 general election.

ELOP is implemented by LSS. Although LSS has been working with the EU for many years, there is some evidence that points to a lack of efficiency; notably a 37% allocation in the programme budget for staffing and operations. It is the view of the ET that investments in more technical expertise would have achieved greater results.

Implementation was affected by significant procurement challenges. Procurement was done using EU rules, which are arduous but compliant with international standards for transparent procurement. A three-day workshop was provided at the start of the programme, and further opportunities were offered to LSS on a demand-driven basis. However, the challenges persisted, despite significant efforts by both the LSS and the EUD.

ELOP was partially cost-shared with the Parliament of South Africa, which contributed 50% of staff salaries, and the full cost of rental of space for the LSS. There are also examples of cost-sharing, on a more *ad hoc* basis, with the PLs related to specific activities and outputs. Synergises with the CSO programme were not sufficiently exploited.

### *Effectiveness*

ELOP is not on track to achieving its Overall Objective: Strengthened democracy and good governance through the effective execution of the core mandate of Parliament and the Provincial Legislatures to legislate, exercise oversight and ensure public participation.

However, there are signs of improvement, certainly, on the input-side. The SALS has developed frameworks and models for oversight and public participation, which are currently being implemented. In some cases, improvements on the input-side have translated into improvements also on the output-side. This is especially the case when the political stakes are low.

ELOP is not on track to achieving Outcome 1: *Strengthened capacity of the legislative sector to exercise oversight*. A Sector Oversight Model (SOM) was adopted in 2012. It represents an important step towards developing a unified oversight framework. Some progress has been made towards implementation. However, evidence of actual programme effect is limited. The main reason appears to be delays in procurement.



ELOP is not on track to achieving Outcome 2: *Means and mechanisms designed to ensure public involvement in the legislative process*. A Sector Public Participation Framework (SPPF) was adopted in 2013. It provides a platform for shared understanding, alignment, and minimum requirements and guidelines for public participation in the SALS. Some progress has been made towards implementation. However, challenges associated with procurement appear to have caused significant delays.

The programme is on track to achieving Outcome 3: *Strengthened cooperation and cooperative governance in the legislative sector*. The sector approach to parliamentary development in South Africa is an important innovation. It is the conclusion of the ET that activities under Outcome 3 have been the most effective, having allowed the SALS to consolidate existing results and drive further coordination and harmonisation. Steps were also taken to implement the SALS Communications Framework, adopted in 2017.

ELOP is on track to achieving Outcome 4: *Improved knowledge, skills, systems, and processes in the legislative sector*. The South African Parliamentary Institute (SAPI) was launched in December 2021 and a strategic framework was presented in June 2022. Under the auspices of the SAPI, the implementation of a new training programme is underway. While the SAPI is not yet fully functional, it is the expectation of the ET that it will be before the end of ELOP, although there are concerns about the financial sustainability of the Institute.

#### *Impact*

Some programme results are significant, but there is a need for further institutionalisation to claim impact. With the establishment of the SAPI, Parliament and the SALS have taken an important step towards a more sustainable approach to sector support. However, no legislation has been passed to legally establish the Institute and there is still no allocated funding through Parliament's annual budget. Similarly, the sector has a well-established framework under which it operates, allowing the legislatures to collaborate and identify solutions that can work in different contexts. However, further consolidation is required, including through the enactment of a sector bill.

#### *Sustainability*

The sustainability of ELOP is difficult to determine, with 14 months of implementation remaining. One area that appears sustainable is sector coordination, where there is considerable political will to ensure coordination and cooperation is maintained in the sector. Although a sector bill has not yet been passed, other activities supported by the programme will move the sector body towards greater sustainability. A little less concrete, but likely sustainable at this stage, is the use of peer-to-peer exchanges amongst the PLs and the Parliament through the sector structures. It is the view of the ET that the SAPI is not yet sustainable. This will require the adoption of new legislation and allocation of funds from Parliament's or Government's annual budget.

### *EU Added Value*

The ET concludes that ELOP has provided value to the South African legislative sector beyond what has been provided by EU Member States. As described, EU Member State support is limited to the various programmes and projects of the German political foundations, and the programmes and projects themselves are limited both in size and scope.

The ET also found anecdotal evidence that ELOP achieved some results in the legislative sector that would not otherwise have been achieved. One example is the Northern Cape, where ELOP support to the PL and EU funding for CSO engagement through Democracy Works Foundation, resulted in an organic opportunity to promote oversight and public participation.

The lack of an effective communication and visibility plan meant that ELOP resulted in limited programme visibility and EU traction in engaging the sector and individual legislatures. The programme anticipated routine engagement between the EUD and Parliament. However, this was not prioritised by LSS and the Parliament leadership.

### *Overall assessment*

Parliament and the legislative sector have failed to fully execute its core mandate in post-1994 South Africa. This is the baseline in the National Development Plan (NDP) and the conclusion of the High-Level Panel on the Assessment on Key Legislation and the Acceleration of Fundamental Change and the Judicial Commission of Inquiry into State Capture, also known as the Zondo Commission.

Quantitative data supports this overall conclusion. However, the data also add nuance and remind us of the progress that has been made, especially in relation to representation and scrutiny. This resonates with a key finding: what happens in the Chamber is not a reflection of what takes place in committees. When the cameras are off, Parliament and the legislative sector continue to make progress towards fulfilling its constitutional mandate.

The extent to which this progress can be attributed to ELOP is impossible to determine; especially without an articulated theory of change. We note that EU support to the South African Parliament and the legislative sector coincides with (some) improvements in parliamentary performance, albeit limited and only in specific areas.

## Conclusions and recommendations

### *Conclusions*

- The programme was not well designed, particularly with regard to the modalities employed to build capacity and achieve results.
- Despite years of experience in implementing EU-funded programme in the sector, the LSS was ill-equipped to deliver the activities for ELOP.
- A lack of high-level political engagement with Parliament and PL leaders limited the ability of the programme to overcome political and bureaucratic hurdles.
- The programme was critical to the evolution of the sector's governance structure. This work from ELOP is already creating unexpected and positive results that will likely continue long past the end of the programme.
- Some of the results achieved by ELOP, including the establishment of the SAPI, will require further efforts in the last year of the programme.

### *Recommendations*

- Prioritise the institutionalisation of the South African Parliamentary Institute.
- Engage High-Level Political officials to Advocate for the Passage of the SALS Bill.
- Efforts are required to expand and institutionalise legislative staff capacity development, including short, medium and long-term programmes whether delivered by the LSS or through partnership with one or more South African universities.
- Identify one or two provincial legislatures and pilot a systems approach to build capacity and test new tools for oversight and public participation
- The current programme should not be extended beyond the current end date in 2024.
- The LSS should prioritise the programme's expected regular interactions between the EU and the legislative sector, including the annual meeting the Speakers' Forum and the EUD
- Once the 2024 elections have been completed and the new term of Parliament and the PLs have commenced, the EU should consider the provision of strategic and more limited support to the sector.
- The EU should act as a broker between the legislative sector in South Africa and similar EU Member State institutions that can build lasting partnerships that support the development of such institutions in South Africa.

## Synthesis of the Project

<b>Project Title</b>	<b>Enhancing Legislature Oversight Programme - Mid-term Evaluation</b>
<b>Project Reference/ Contract</b>	SIEA-2018-13639 Contract: 300049103
<b>Contracting authority</b>	European Union Delegation to South Africa
<b>Countries involved</b>	South Africa
<b>Duration of the project</b>	127 DAYS
<b>General objective</b>	The general objective of this Mid-term Evaluation of the Programme is to focus the evaluation on the assessment of achievements, the quality and the results of interventions in the context of an evolving cooperation policy, with increasing emphasis on result-oriented approaches and the contribution towards the achievement of the SDGs.
<b>Specific objective</b>	<ul style="list-style-type: none"> <li>✓ To review progress in achieving results as foreseen in the Financing Agreement of ELOP;</li> <li>✓ To be accountable for the use of EU resources concerning the results of ELOP;</li> <li>✓ To report transparently on EU support to the legislative sector in South Africa, and;</li> <li>✓ To determine the need for and value of a further extension of the Programme.</li> </ul>

## Acronyms

<b>AG</b>	Auditor General
<b>ACP</b>	African Caribbean Pacific
<b>ANC</b>	African National Congress
<b>AWP</b>	Annual Work Plan
<b>CDU</b>	Christian Democratic Union
<b>CGE</b>	Commission of Gender Equality
<b>CSO</b>	Civil Society Organisation
<b>DA</b>	Democratic Alliance
<b>DAC</b>	Development Assistance Committee
<b>DDP</b>	Democracy Development Program
<b>DPP</b>	Director of Public Prosecution
<b>DR</b>	Document Review
<b>EC</b>	European Commission
<b>ECHR</b>	European Convention on Human Rights
<b>EFF</b>	Economic Freedom Fighters
<b>EIU</b>	Economist Intelligence Unit
<b>ELOP</b>	Enhancing Legislature Oversight Programme
<b>EQ</b>	Evaluation Question
<b>ET</b>	Evaluation Team
<b>EU</b>	European Union
<b>EUD</b>	European Union Delegation to South Africa
<b>FA</b>	Financing Agreement
<b>FCDO</b>	Foreign, Commonwealth, and Development Office
<b>FF+</b>	Freedom Front Plus Party
<b>FGD</b>	Focus Group Discussion
<b>GBVF</b>	Gender-based Violence & Femicide
<b>GDP</b>	Gross Domestic Product
<b>GIZ</b>	Deutsche Gesellschaft für Internationale Zusammenarbeit (German Agency for International Cooperation)
<b>GNI</b>	Gross National Income
<b>HOD</b>	Head of Delegation
<b>HSF</b>	Hanns Seidel Foundation
<b>HSRC</b>	Human Sciences Research Council
<b>Ind</b>	Indicators
<b>IFP</b>	Inkatha Freedom Party
<b>IL</b>	Intervention Logic
<b>ILO</b>	International Labour Organisation
<b>IR</b>	Inception Report
<b>ISS</b>	Institute for Security Studies
<b>JC</b>	Judgement Criteria
<b>KAF</b>	Konrad Adenauer Foundation
<b>KZN</b>	KwaZulu-Natal
<b>LSP</b>	Legislatures Support Programme
<b>LSPSP</b>	Legislative Sector Policy Support Programme
<b>LSS</b>	Legislative Sector Support
<b>M&amp;E</b>	Monitoring and Evaluation

<b>MIP</b>	Multi-annual Indicative Programme
<b>MoU</b>	Memorandum of Understanding
<b>MP</b>	Member of Parliament
<b>MPL</b>	Member of Provincial Legislature
<b>MTE</b>	Mid-term Evaluation
<b>NA</b>	National Assembly
<b>NCOP</b>	National Council of Provinces
<b>NT</b>	National Treasury
<b>OECD-DAC</b>	Organisation for Economic Cooperation and Development – Development Assistance Committee
<b>OUTA</b>	Organisation Undoing Tax Abuse
<b>PL</b>	Provincial Legislature
<b>PMG</b>	Parliamentary Monitoring Group
<b>PP</b>	Public Protector
<b>PPiPP</b>	Putting People in the People's Parliament
<b>PR</b>	Proportional Representation
<b>PSAM</b>	Public Service Accountability Monitor
<b>PSC</b>	Public Service Commission
<b>PSP</b>	Parliamentary Support Programme
<b>ROM</b>	Results Oriented Monitoring
<b>SA</b>	South Africa
<b>SAHRC</b>	South African Human Rights Commission
<b>SAIIA</b>	South African Institute of International Affairs
<b>SALGA</b>	South African Local Government Association
<b>SALS</b>	South African Legislative Sector
<b>SAP</b>	South African Parliament
<b>SAPI</b>	South African Parliamentary Institute
<b>SAT</b>	South African Tourism
<b>SDGs</b>	Sustainable Development Goals
<b>SMART</b>	Specific, Measurable, Achievable, Relevant, and Time-bound
<b>SSI</b>	Semi-structured Interviews
<b>TDCA</b>	Trade, Development, and Cooperation Agreement
<b>ToR</b>	Terms of Reference
<b>UCT</b>	University of Cape Town
<b>UN</b>	United Nations
<b>UN CPRD</b>	UN Convention on the Rights of Persons with Disabilities
<b>UNDP</b>	United Nations Development Programme
<b>USAID</b>	United States Agency for International Development
<b>V-Dem</b>	Varieties of Democracy

# 1. Introduction

## 1.1. Background

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The Mid-term Evaluation (MTE) of the EU-funded Enhancing Legislature Oversight Programme (ELOP) commenced in October 2022, with a kick-off meeting between the Evaluation Team (ET) and the Evaluation Reference Group, which included in its membership the EU Delegation (EUD) focal point; a representative of the implementing partner (i.e., Legislative Sector Support (LSS), Parliament of South Africa); a representative of the National Treasury; and an independent expert on parliamentary development in South Africa not directly associated with the work of the programme. Subsequent to the initial meeting, the ET progressed to the Inception Phase of the review process.

The Inception Phase was conducted between 2-23 November 2022. During this time, seven working days were expended. The ET conducted six consultations with project staff and implementing partners and studied more than 30 relevant documents. As a result of the work undertaken, the Inception Report was elaborated. The Inception Report was an initial output of the ET following the Terms of Reference (ToR) of the MTE. Additionally, based on the feedback from the Task Manager and the Reference Group members, the team of experts revised the draft Inception Report and elaborated a final version of the document.

With the completion and approval of the Inception Report, the ET commenced the next phase of the MTE - the collection of evidence. This involved two distinct activities. First, the ET conducted a desk review of relevant documents to identify any published information that could answer the evaluation questions and contribute to the analysis of the evaluation criteria. In addition, in some cases, the document review pointed the ET towards the need for further evidence and information that would be collected through the interview process of key interlocutors.

The second activity under the second phase of the MTE was interviewing key interlocutors, which took place from 03 January to 21 February 2023. A minority of the interviews were conducted virtually, with the majority conducted in person during a 12-day mission in South Africa from 06-17 February 2023. At the end of the mission, a debrief was conducted with the Reference Group to share preliminary findings and to receive initial feedback on the preliminary analysis conducted by the ET.

As a result of the collection of evidence, the ET has conducted the necessary analysis of the information gathered and has produced this Mid-term Evaluation Report, which provides an evidence-based analysis of the current state of the ELOP Programme and recommendations for how it can enhance its work in support of the South African Legislative Sector (SALS) in the remaining time left in the life of the programme.

## 1.2. Context Analysis

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### 1.2.1. Economics and Development

South Africa is classified as an upper middle-income country with a Gross National Income (GNI) per capita of USD 6,440.<sup>1</sup> However, Gross Domestic Product (GDP) growth rates have declined from around 3.2% in 2011 to 1.5% in 2018 and 0.1% in 2019.<sup>2</sup> In 2020, following the outbreak of the COVID-19 pandemic, it dropped to 6.4%.<sup>3</sup> It has since recovered, albeit slower than expected with a predicted growth rate of 1.9% in 2022.<sup>4</sup>

While this is above the global average, it has been insufficient to reduce the unemployment rate, which increased from 22.4% in 2008 to 33.6% in 2021.<sup>5</sup> Among youth (aged 15-24), unemployment reached 66.2% in 2021.<sup>6</sup> Employment growth picked up in the first half of 2022, but "the labour market remains challenging", according to the latest update from the World Bank.<sup>7</sup>

South Africa is among the most unequal countries in the world, with a Gini coefficient of 0.67 (2018). The wealthiest 10% of the population, mainly white and of European descent, earn about 50% of the national income, while the poorest 10%, mainly black, earn less than 0.1%. Inequality in wealth is even higher, and intergenerational mobility is low, meaning inequalities are passed down from generation to generation with little change over time.<sup>8</sup> A recent paper from the Southern Centre for Inequality Studies estimates that the wealthiest 10% of the population own 86% of national wealth and that the wealthiest 0.1% own close to a third.<sup>9</sup>

South Africa ranks 108 on the Sustainable Development Goals (SDG) Index, with an SDG Index score of 63.7.<sup>10</sup> Progress towards the SDGs is mixed. The country is on track to achieving the goals for gender equality (SDG-5) and responsible consumption and production (SDG-12). Substantial progress has been made towards the targets for clean water and sanitation (SDG-6), industry, innovation, and infrastructure (SDG-9), sustainable cities and communities (SDG-11), climate action (SDG-13), and partnerships for the goals (SDG-17). Other objectives, including poverty (SDG-1), hunger (SDG-2), health (SDG-3), and energy (SDG-7), are unlikely to be met.

In international indices of democratic development, South Africa ranks relatively high: 44 on the Economist Intelligence Unit (EIU)'s Democracy Index (2021)<sup>11</sup> and 25 on the Bertelsmann Stiftung's

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<sup>1</sup> Atlas method, current USD, 2021, World Bank, 'South Africa', World Bank Open Data, Washington DC, World Bank, 2022.

<https://data.worldbank.org/> (accessed 5 November 2022).

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> World Bank, 'Overview', The World Bank in South Africa, Washington DC, World Bank, 2022.

<https://www.worldbank.org/en/country/southafrica/overview> (accessed 5 November 2022).

<sup>5</sup> ILO modelled estimates.

<sup>6</sup> World Bank, 'South Africa', World Bank Open Data, Washington DC, World Bank, 2022.

<https://data.worldbank.org/> (accessed 5 November 2022).

<sup>7</sup> World Bank, 'Overview', The World Bank in South Africa, Washington DC, World Bank, 2022.

<https://www.worldbank.org/en/country/southafrica/overview> (accessed 5 November 2022).

<sup>8</sup> Ibid.

<sup>9</sup> Chatterjee, A, L. Czajka, and A. Gethin, 'Estimating the Distribution of Household Wealth in South Africa', Working Paper No. 2020/06, Johannesburg, Southern Centre for Inequality Studies, University of the Witwatersrand, 2020.

<https://www.wits.ac.za/scis/publications/working-papers/> (accessed 5 November 2022).

<sup>10</sup> Sachs, J. G. Lafortune, C. Kroll, G. Fuller, and F. Woelm, Sustainable Development Report 2022, Cambridge, Cambridge University Press, 2022

<https://s3.amazonaws.com/sustainabledevelopment.report/2022/2022-sustainable-development-report.pdf>; accessed 5 November 2022).

<sup>11</sup> Economist Intelligence Unit, Democracy Index 2021: the China Challenge, London, The Economist, 2021

[https://www.eiu.com/n/campaigns/democracy-index-2021/?utm\\_source=google&utm\\_medium=cpc&utm\\_campaign=democracy-index-2021&gclid=Cj0KCQiA7bucBhCeARIsAIOWr-9Lb89fkTd9qVOibPrWEcM1wcX8uJrAoj\\_RG3OtstXdQbf0s4AB6CaAgmsEALw\\_wcB](https://www.eiu.com/n/campaigns/democracy-index-2021/?utm_source=google&utm_medium=cpc&utm_campaign=democracy-index-2021&gclid=Cj0KCQiA7bucBhCeARIsAIOWr-9Lb89fkTd9qVOibPrWEcM1wcX8uJrAoj_RG3OtstXdQbf0s4AB6CaAgmsEALw_wcB) (accessed 5 November 2022).



Transformation Index (2022).<sup>12</sup> The country is classified as 'democratic' by Polity IV, a widely used time series dataset; as 'minimally democratic' by Varieties of Democracy (VDem), a dataset and institute hosted at the University of Gothenburg, Sweden; and as 'Free' by Freedom House (2022), a US-based non-governmental organisation dedicated to research and advocacy on democracy, political freedom, and human rights. South Africa's ranking on most indices has dropped since the late 2000s, attributed variously to state capture during the Zuma presidency, the Marikana massacre, which led to the killing of 34 miners by the South African Police Service, and questions regarding the conditions for media freedom and independence.

### 1.2.2. Parliament and Legislatures

South Africa is a democratic republic with three spheres of government (national, provincial, and local), operating in a parliamentary system. At the national level, executive powers are vested in the President, who is elected by the National Assembly (NA) and serves both as head of state and head of government. Legislative powers are vested both in government and the two houses of Parliament: the National Assembly (NA) and the National Council of Provinces (NCOP).

The NA has 400 members, elected under a closed-list proportional representation (PR) system. The NCOP has 90 delegates: ten from each province, including the Provincial Premier, three special (ad-hoc) delegates, determined by the Provincial Legislatures (PLs), and six permanent delegates, also determined by the PLs. At the provincial level, executive powers are vested in the Provincial Premiers. They are elected by the PLs, who also hold legislative powers. Depending on the province, the PLs have between 30 and 80 members elected under a closed party-list PR system. Overall, the Constitution provides a clear leadership role to the Parliament. However, it also ascribes an essential role for the PLs in terms of legislation and, particularly, oversight and accountability.

The RSA Parliament (consisting of two houses, (i.e. - the NA and the NCOP), and nine PLs constitute the South African Legislative Sector (SALS). The sector has joint governance structures which consists of the Speakers' Forum (the Speaker and Deputy Speaker of the National Assembly, the Chairperson and Deputy Chairperson of the National Council of Provinces, and the Speakers and Deputy Speakers of the nine Provincial Legislatures) and the Secretaries' Forum for the Legislatures of South Africa (the Secretary and Deputy Secretary to Parliament, the Secretary to the National Assembly, the Secretary to the National Council of Provinces, and the Secretaries of the Provincial Legislatures). The Legislative Sector Support (LSS) acts as a secretariat, programme management and technical support mechanism to SALS and facilitates, coordinates, and manages SALS activities. The Speakers' Forum is a non-statutory organisation established through a Memorandum of Understanding (MoU) between the different legislatures of the South African legislative sector (see below).

The constitution and especially the closed-list PR system, under which Members of Parliament (MP) and Members of Provincial Legislatures (MPL) are elected, demarcate the space within which the Parliament and the PLs operate. In a closed-list PR system, political advancement depends on the regard in which MPs and other political candidates are held by their party and their party leadership. This differs from open-list PR and plurality/majority systems, where advancement depends on the electorate. In a closed-list PR system, this creates a different dynamic in the legislature, where members representing the governing party have little incentive to challenge the executive; certainly, when the chief executive is also the head of the ruling party, as is the case in South Africa. This limits the degree to which oversight is likely to be exercised, not because of capacity constraints but because of incentives. Parliamentary development focused on capacity building and training is

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<sup>12</sup> Bertelsmann Stiftung, BTI 2022: Governance and International Comparison, Gütersloh, Bertelsmann Stiftung, 2022 <https://bti-project.org/en/reports/global-dashboard?&cb=00000> (accessed 5 November 2022).

therefore unlikely to be effective, except when complemented by broader political reform or in cases where other, external factors (electoral support, intra-party dynamics, public opinion etc.) align.

### 1.2.3. Civil Society and Public Participation

South Africa's vibrant civil society played a crucial role in the country's democratic transition. Since the end of apartheid, it has continued to apply pressure and hold political leaders accountable. For example, during the Zuma presidency, civil society was instrumental in uncovering state capture and compelling Parliament to take steps to remove the President.

In South Africa, public and civil society participation is required in legislative and oversight processes. Sections 59, 79, and 118 of the Constitution compel Parliament and the PLs to "facilitate public involvement in the legislative and other processes" and conduct their business openly. The NA, NCOP, and PLs are all required to hold sittings and committee meetings in public and "may not exclude the public, including the media, from a sitting of a committee unless it is reasonable and justifiable to do so in an open and democratic society". Public and civil society participation is generally strong, although data collected by Waterhouse and Mentor-Lalu (2016) suggest that the degree to which NA committees engage with the public varies substantially. For example, between May 2009 and May 2014, the Portfolio Committee on Health held 121 meetings. 37 (31%) involved public participation, meaning inputs from the public or statutory bodies/councils. By comparison, the Portfolio Committee on Basic Education held 141 meetings, and only 15 (11%) involved public participation. Similarly, the Portfolio Committee on Police held 226 meetings, and only 25 (11%) involved public participation. While it should be recognised that not all committees require the same degree of civil society engagement, the variations are noteworthy.<sup>13</sup>

### 1.2.4. EU Support to the Legislative Sector

The EU has supported South Africa's democratic institutions, such as the Truth and Reconciliation Commission<sup>14</sup> and the Department of Justice and Constitutional Development, and the legislatures, specifically since the end of apartheid. The support is substantial in monetary terms and in line with international best practices for parliamentary development, emphasising the importance of longer-term approaches and capacity development.

EU support to the legislative sector dates back to 1996 and the launch of the Parliamentary Support Programme (PSP) (1996-2003). At that time, the majority of the MPs and MPLs were new and faced the challenge of establishing new democratic institutions. The PSP supported this process, focusing on organisational building and development. The final evaluation of the PSP found that although this Programme successfully met its objective and purpose, the legislative institutions, especially the provinces, required additional support.

A follow-up programme, the Legislatures Support Programme (LSP) (2004-2008), was launched in 2004 with an initial budget of EUR 10 million. The Programme was designed to contribute to the strengthening of democracy and good governance. The specific purpose was to support Parliament and the PLs in fulfilling their Constitutional mandates. The core challenge that the Programme addressed was to make the legislatures proactive in their interactions with key stakeholders and improve the participation of citizens in the legislative sector.

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<sup>13</sup> It should be noted that all legislature committees, as observed by the writer, are open to the public. Any member of the public and civil society are welcome to attend meetings of committees. Where a member of the public or civil society requires an opportunity to participate directly by making inputs, such is done through submission of a request to the Chairperson to make representations.

<sup>14</sup> South African Press Association, EU to Give Truth Commission R10 Million, Cape Town, South African Press Association, 1996.

<https://www.justice.gov.za/trc/media/1996/9609/s960916a.htm> (accessed 5 November 2022).

Both the PSP and the LSP were delivered through a project modality, as all other EU-funded parliamentary development programmes in the African Caribbean Pacific (ACP) region. During the third democratic Parliament (2004-2009), the sector's development became progressively more institutionalised. To support this process, the Legislative Sector Policy Support Programme (LSPSP) (2009-2014) was launched as the first EU-funded parliamentary development programme to use sector budget support. The objective of the LSPSP was to support the SALS in the implementation of its sector policy as envisaged in the strategic framework. During the LSPSP, significant developments took place, contributing to the internal strengthening of the legislative institutions, but more importantly, as institutions of public representation and participation. In particular, the development, adoption and implementation of models such as the Sector Oversight Model and the Public Participation Model indicate some strategic thinking around these issues by the Parliament and PLs.

In July 2017 the Financial Agreement between the European Union and the South African National Treasury was signed with regard to the *Enhancing Legislative Oversight Programme* (ELOP). The programme has been implemented by the Parliament of South Africa through its Legislative Support Services (LSS) unit. Though the Financial Agreement was signed in July, 2017 starting the commencement period for the programme and was originally scheduled to end in January 2022.

As the programme commenced it faced headwinds. The programme's implementation was interrupted for nearly a year as the 5<sup>th</sup> Term of Parliament ended early, the election, including pre-election campaigning and the post-election government reorganisation, limited access to MP and MPLs during most of 2019.

On 17 March 2020 the EUD and the Parliament agreed to a 24-month extension for the programme due to the time lost for implementation due to the early end of the 5<sup>th</sup> term, the 2019 election and the delays in commencing the Parliament's 6<sup>th</sup> Term.

The programme was further impacted with regard to implementation by the lockdowns associated with the COVID-19 pandemic in March 2020. Travel restrictions and access to offices due to public health rules prevented the programme from being fully functional. This resulted in the suspension of the programme's implementation on 19 March 2020 after a request from the Parliament for the imposition of a suspension by invoking a *force majeure* clause, as a result of the Covid-19 pandemic and related lockdown regulations. . The programme's suspension was lifted on 01 October 2020 and the period of suspension – six months and 12 days – was added to the length of the programme, resulting in the programme being extended until 05 August 2024. A further request the imposition of a suspension was requested in granted in January, 2021 until 03 May 2021 as the national state of disaster was lifted in April 2021.

<b>SUMMARY OF SUSPENSION TIMELINE SUSPENSION &amp; IMPLEMENTATION</b>	<b>FROM</b>	<b>TO</b>	<b>DURATION</b>
Implementation from start to Suspension #1	24/07/2017	18/03/2020	2y, 7m, 24 d
Suspension #1	19/03/2020	30/09/2020	6m, 12 d
Implementation	01/10/2020	12/01/2021	3m, 12 d
Suspension #2	13/01/2021	03/05/2022	1y, 3 m, 21 d
Total suspension		1y, 10 m, 2 d	
Remaining Implementation	03/05/2022	05/08/2024	2y, 3m, 3d

In 2021 the programme faced a further challenge with the procurement of seven contracts that had been tendered. The procurement of these contracts was to be completed after the commencement

of the programme (July 2020), but with the suspensions of the programme the deadline was extended to 08 October 2021. However, upon review of the tendering process reports in September 2021, the EUD did not give ex ante approval to contract based on flawed procurement procedures. The tender procedure had to be restarted, and the approval of the tenders was not completed until March 2022.

As a result of these suspensions and challenges, a significant period of time for implementation was not as productive as was expected.

## **1.3. Evaluation Objectives**

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### **1.3.1. Mission Objectives**

The main objectives of this evaluation are to provide the relevant services of the European Union, the interested stakeholders and the broader public with:

1. An overall independent assessment of the performance of the Enhancing Legislature Oversight Programme, paying particular attention to its different levels of results measured against its expected objectives and the reasons underpinning such results.
2. An assessment of how the ROM recommendations were addressed.
3. Key lessons learned, conclusions and recommendations to improve current interventions in the remaining implementation period.
4. Exploration of the complementarity of the ELOP and the “Enhancing CSO Participation in Legislatures’ Oversight and Participation Processes” programme and what benefits have been derived for citizens and CSOs by supporting the Legislative Sector.
5. Determination during this MTE whether or not a possible further extension of the Programme will enable improved results and make recommendations in this regard.
6. Recommendations on how the impact and sustainability of the intervention can be strengthened.
7. Reflection on the following critical specific considerations:
  - a. To review progress in achieving results as foreseen in the Financing Agreement of ELOP
  - b. To be accountable for the use of EU resources concerning the results of ELOP
  - c. To report transparently on EU support to the legislative sector in South Africa, and
  - d. To determine the need for, and value of, a further extension of the Programme.

### **1.3.2. Mission Outputs**

The MTE is structured around four phases: Inception; Evidence Gathering; Synthesis; and Dissemination. For each phase, there are specific anticipated outputs:

#### **Inception Phase**

- Inception Report
  - Slide Presentation on the contents of the Inception Report
  - Meeting to debrief on the contents of the Inception Report

#### **Evidence Gathering Phase**

- Document Review
  - Slide Presentation on findings from document review
  - Meeting to debrief on document review findings

- Field Mission
  - Slide presentation on findings from a field mission
  - Meeting to debrief on a field mission and to present preliminary findings

### Synthesis Phase

- Draft MTE Report
  - Meeting to debrief on the content of the draft report
- Finalised Report
  - Executive Summary

### Dissemination Phase

- Draft Summary/Brief on Findings & Recommendations
- Final Summary/Brief on Findings & Recommendations
- Online presentation on MTE Findings & Recommendations

## 1.4. Methodology

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### 1.4.1. General

Given the mandate provided to the ET by the ToR for this evaluation, it is important to consider the key elements of the review process. Three key variables have been identified:

**Timing:** The MTE was conducted from November 2022 to March 2023. A detailed breakdown of the key milestones and timeframe are noted in the Inception Report, but the MTE was conducted in a hybrid manner, with the majority of the evidence gathering conducted through a field mission conducted from 06-17 February 2023, while other evidence and interviews were conducted remotely by utilising Internet-based platforms to engage interlocutors. Consideration was given to using short e-mail questionnaires or surveys to gather evidence from those unable to be interviewed or for senior leadership in PLs that are not part of the MTE sample, but in the end, the ET determined that this was not required.

**Stakeholders Engaged:** The ET did not engage every stakeholder that has worked with or benefited from the ELOP Programme. The ET developed a sample of stakeholders, including beneficiaries, partners, project implementers (staff; technical advisers), development partners and the donor to ensure a focused approach to engagement that attempted to gather data and evidence from key stakeholders who could provide qualitative and quantitative evidence for the review.

**Approach:** Given the limited time to conduct the review, along with the timing restrictions noted above, the ET needed to operate efficiently and effectively. The work of the two-person team was broken down into three stages:

- Inception Phase – With the assistance of the EUD and the LSS, the ET gathered a series of relevant documents that formed the initial basis for gathering information and evidence. The ET also conducted preliminary or initial interviews with key stakeholders to develop a clear picture of the project and the Parliament and PLs. The review of these documents and the information collected through initial interviews was applied to the Evaluation Matrix outlined below, including the measured indicators. In some cases, the desk review and initial interviews addressed the evidence required to apply to some indicators. In other cases, the initial research directed the ET to identify stakeholders with access to the evidence and data required to be addressed in an indicator. Where necessary, during the Inception Phase, the ET engaged the LSS and the EUD to seek further documentation and/or information and to reply to initial queries.

- Evidence Gathering – Based on the initial desk review, the ET collected the data and evidence: (a) to apply to each indicator listed; and (ii) upon which to base the analysis and findings for the evaluation report. The tools used to gather the evidence are noted in some detail below. The evidence came from primary and secondary sources and from stakeholders and beneficiaries engaged in the review and documentation collected. Evidence was gathered through two stages:
  - Desk Review - Based on documents gathered through the Inception Phase and otherwise collected through ET research, the ET conducted an analysis of the documentation with the intent to identify key evidence for the MTE; and
  - Field Mission - The ET organised and conducted in-person and virtual interviews to collect stories, evidence, data and information that was applied to the review. The interviews started on 03 January 2023, with virtual interviews with the ET and in-person interviews conducted by Key Expert 2. From 06-17 February 2023, the ET was in South Africa to conduct the majority of in-person interviews and conduct visits to three provinces.
- Synthesis Phase - Once the evidence-gathering stage was completed, the ET applied the evidence and data to indicators listed in the Evaluation Matrix. This stage was commenced after the completion of the interviews with stakeholders, where the ET provided preliminary findings to the EUD and the reference group. Initial feedback from this preliminary analysis was received and applied to the complete analysis. This resulted in the production of the Mid-term Evaluation Report by early March 2023 and its finalisation by the end of March 2023.

#### 1.4.2. Tools

The evaluation was initially designed to have relied on two primary forms and two secondary forms of evidence-gathering tools as the means to collect data (quantitative) and information (qualitative) for this evaluation. However, once the evidence collection commenced, the ET determined that sufficient evidence and information could be gathered solely through primary sources in order to conduct the analysis and produce the report's findings and recommendations.

##### Primary Tools

*Document review:* During the Inception and Evidence Gathering Phases of the review, the ET collected relevant documents to provide background knowledge and to identify specific data that contributed to the analysis and findings for the evaluation.<sup>15</sup>

*Key informant interviews/semi-structured interviews:* The ET engaged relevant stakeholders for semi-structured interviews. Each interview lasted between 30-60 minutes and included a series of questions with, where possible, follow-up based on the information provided. Before the interviews, with support from the EUD and LSS, an initial e-mail was sent to prospective interviewees with a short list of illustrative questions to provide some understanding of what the ET expected from each interview.<sup>16</sup>

#### 1.4.3. Sampling Approach

Given that there are nine provincial legislatures in South Africa and one national, bicameral Parliament, along with the time constraints for conducting the review, it was determined that the most effective approach to collecting evidence for the review was to focus on the Parliament and three PLs. In order to determine which of the three PLs should be engaged in field visits and semi-

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<sup>15</sup> A full list of documents reviewed for this MTE can be found in Annex 2

<sup>16</sup> A full list of those interviewed for the MTE can be found in Annex 3.

structured interviews, the ET developed a set of criteria that were applied to determine the three PLs for the MTE.

Table 1: Sampling Criteria

Criteria	Description
Geography and population density	Provinces that are predominantly urban or rural
Population	Provinces that are larger or smaller in population
Economic activity	Provinces that have a GDP/capita that is higher or lower than the South African average
Project engagement	Those PLs that have been active and keen in working with the project or those that have required less engagement
Number of seats	PLs with a larger or smaller number of MPs

Based on the criteria noted, the ET recommended the following three PLs for consideration during the MTE:

Table 2: Sampled PLs

Province	Criteria				
	Urban/Rural	Population	GDP/capita	Project Engagement	# of Seats
Eastern Cape	Mix	6 million	\$7,893	Active Participant	63
Northern Cape	Rural	1 million	\$11,902	Active Engagement	30
KZN	Mix	11 million	\$10,406	Active Engagement	80

However, when the evidence collection commenced, the ET could not access sufficient interlocutors from the Eastern Cape to allow for the triangulation of data and the analysis and findings of the report. This resulted in a decision to collect evidence from Gauteng Province, where efforts resulted in sufficient interlocutors to be interviewed for the MTE.

#### 1.4.4. Data Analysis

Data collected for the MTE was organised based on filings for each of the four institutions to be reviewed, intervention and activity. Documents were sorted based on typology, including foundational documents, interview summaries, external analysis and evaluation and other relevant categories. All interviews were summarised immediately after each engagement of an interlocutor.

Analysis of the data and evidence was based on triangulation. Wherever possible, the ET sought out more than one source related to each activity and intervention of the Programme. The information gathered from such sources was then reviewed, and any findings were based on conclusions that could be drawn from the different sources and where there is a consensus amongst such sources. As interviews were conducted, the ET sought verification of emerging trends in the evidence that had been collected and sought confirmation from other sources, where possible.

In addition, the ET ensured that the data analysed for this report included gender-sensitive analysis. Having collected gender-disaggregated data (where possible), the ET ensured that findings reflected

a gendered perspective on findings where the impact on women and girls was noticeably different from those for men and boys.

The evaluation included both qualitative and quantitative data and evidence. The ET manually applied the data to the evaluation questions and, through the triangulation process noted above, developed findings and conclusions that resulted in answers to the evaluation questions.

#### **1.4.5. Limitations**

Two limitations were identified for this MTE. First, data was collected in a short period from November 1, 2022, to 21 February 2023, when many organisations in South Africa were impacted by the impending summer break. This meant some key informants were not available. The ET was able to partially overcome this challenge by being flexible as to when and how interlocutors were interviewed and engaged, allowing for sufficient evidence to be gathered for this report.

Second, at the provincial level, data were collected only from three PLs. Considering the variation of the PLs in size, composition, location, organisational capacity etc., the extent to which the ET was able to draw inferences about the broader population of PLs was limited. In the sampling (discussed above), the ET considered variations in size and urbanisation and, by extension, proxied key socio-economic and institutional factors. The pivot from evaluating the Eastern Cape PL to the Gauteng PL also created some challenges. But in the end, the ET is confident it has sufficient data from three PLs to enable a fair representation of the work of all of the PLs through support from ELOP.



## 2. Findings & Analysis

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In this section of the report, the ET applies the evidence collected to the evaluation questions and the evaluation criteria to draw evidence-based conclusions through the analysis of the data. The section is divided into sub-sections based on the evaluation criteria outlined originally in the ToRs for this MTE.

### 2.1. Relevance

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Relevance refers to the “extent to which the intervention objectives and design respond to beneficiaries’ global, country, and partner/institution needs, policies, and priorities, and continue to do so if circumstances change”.<sup>17</sup> In particular, under the criteria of relevance, there are certain sub-criteria that are recommended for consideration - Programme Design Quality, Adaptability, and Timeliness.

#### 2.1.1. Programme Design Quality

One of the key components of the relevance criteria is to determine if the original project or programme design was developed and formulated in a manner that meets certain best practices and international standards for development projects. For purposes of this MTE, consideration was given to four specific components - compliance with national and donor development priorities; ownership by the national beneficiary; design based on best practices; and the logical framework and strategy envisioned for the programme.

#### **Adherence to National and EU Development Priorities**

As noted in the context to this report and based on key national development documents and the development priorities agreed upon by the EU and the Government of South Africa, it can be concluded that the ELOP Programme, at the time of its design in 2017, was adhering to the priorities set out in these foundational documents.

With regard to national development priorities, the National Development Plan,<sup>18</sup> highlighted the need for enhanced legislative oversight as a means of improving government accountability. As noted in the Plan: Accountability is essential to democracy. There are several weaknesses in the accountability chain, with a general culture of blame-shifting. The accountability chain has to be strengthened from top to bottom. To begin with, parliamentary accountability is limited, with Parliament not meeting expectations with regard to its oversight role.<sup>19</sup>

In Chapter 13 of the Plan - Building a Capable and Developmental State - a specific goal of the National Development Plan is to “Strengthen Delegation, Accountability, and Oversight”, including specific reference to enhanced parliamentary oversight.<sup>20</sup>

The key document defining the mutual development priorities for the EU and the Government of South Africa was the Multi-annual Indicative Programme (MIP) (2014-2020). The document outlines

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<sup>17</sup> OECD DAC, *Evaluation Criteria*, Paris, OECD, 2023.

<https://www.oecd.org/dac/evaluation/daccriteriaforevaluatingdevelopmentassistance.htm> (accessed 1 March 2023).

<sup>18</sup> National Planning Commission, *Our Future, Make it Work: National Development Plan 2030*, Pretoria, National Planning Commission.

[https://www.gov.za/sites/default/files/gcis\\_document/201409/ndp-2030-our-future-make-it-workr.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf) (accessed 1 March 2023).

<sup>19</sup> *Ibid.*, p. 55.

<sup>20</sup> *Ibid.*, p. 410.

a seven-year plan for cooperation on development issues. The 2014-20 MIP identified a number of development goals. Among those goals were specific objectives related to governance in South Africa. Sector Three of the MIP has as an objective linked to the National Development Plan: Building a Capable and Developmental State. This broad objective has four specific objectives, including:

- Specific Objective 1: Systems of Oversight Strengthened; and
- Specific Objective 2: Relations between national, provincial and local governments improved

Therefore, it is possible to conclude that the ELOP Programme was designed as a specific programme to address the specific objectives as outlined in the MIP and reflects the priorities defined by the Government of South Africa in its National Development Plan.

### **Ownership by National Beneficiary**

This component aims to understand if the programme being evaluated was “co-created” by the EU and the national beneficiary - in the case of this South African Legislative Sector (SALS). This is important as ownership of the content of the programme by the beneficiary is a strong indicator of a programme achieving results and having more sustainable benefits.

In the case of ELOP, the programme was designed with significant ownership by the SALS. As described in interviews, the Parliament on behalf of the Legislative Sector were quite assertive in expressing their interests and what they wanted to see in the content of the programme. Indeed, the original EU Action Fiche, which is a preliminary definition of the content of a project or programme, was drafted by the EUD with significant input from the LSS reflecting the Sector’s intent. The level of ownership by the broader Sector with LSS in support, were key components of a programme that was able to seamlessly transition from the previous phase of support from the EU to the sector to a new programme and a new modality.

### **Design Based on Best Practices**

The ELOP programme is focused on parliamentary development, an area of development that is sometimes categorised as part of a broader sector known as political governance or inclusive governance. It is an area of development work that has established over the years a set of best practices related to achieving results and modalities that have been determined to be more effective and results-oriented.

Accepted practice in the field of parliamentary development includes the need for activities that are based on a results-oriented approach to the work. This means that activities should be designed to maximise the transfer of knowledge and skills to allow national beneficiaries to have the best chance of adopting and institutionalising the skills and capacity.

For example, instead of a more traditional training or workshop to share knowledge, efforts are made to use technical advisers to transfer knowledge through coaching, mentoring and peer-to-peer exchanges. Another best practice relates to the type of capacity a programme should have to be able to ensure results. Specifically, a project or programme in support of one or more legislatures should have access to regular, if not full-time, technical expertise related to parliamentary development. This would normally be in the form of a full-time or part-time senior technical adviser, either a national or international expert, who can provide ongoing advice to the programme implementing team on the best approaches for each activity delivered, but also can build strong, trusted relationships with national beneficiaries—MPs, MPLs and staff—to promote and support the testing or piloting of new approaches to their work so that MPs/MPLs can see the advantages of such new systems to their work and to the broader political system.

However, the ELOP programme did not consider these best practices in how it would be implemented. The programme was implemented by a national implementing partner - the LSS within the Parliament of South Africa. This, in and of itself, is not unusual, but the lack of technical expertise

within the LSS is unusual for a parliamentary development project/programme and EUD practices and procedures. The results of this initial decision to not have such expertise on hand in the LSS was that each activity designed and implemented by the LSS had limited exposure to such best practices, which would have been expected from a programme of this size. In interviews for this MTE, there was an acknowledgement that the best practices noted above were good ideas, but none of these practices was known to the staff, and they were not employed. From the evidence gathered by the ET it can be concluded that the design of the project without a strong technical capacity as an omission based on a lack of a comprehensive understanding of best practices in implementing a parliamentary development project. Secondly, given that the LSS had been implementing EU-funded support for several years, there was an assumption that the modalities utilised during previous phases of support were adequate to deliver the support required for this phase of work. As a result, and as will be analysed below under the effectiveness sub-section, the design of the programme resulted in fewer results being achieved.<sup>21</sup>

## Logical Framework

In designing a development programme, it is key to define the logical thinking through which the programme will be implemented. This starts with a programme document that defines the strategy and theory of change through which the programme will achieve results. This allows for an articulation of how the programme expects to achieve results, based on certain assumptions and management of risks.

The ELOP Programme Document as defined in the Financial Agreement through which this programme was implemented, reads more like a straight articulation of the components of the programme and the logistical means by which the programme will be implemented. There is one sub-section—1.3 Intervention Logic—which should articulate the logical thinking behind how the programme will achieve results. However, the two paragraphs under this sub-section speak more to the legal and policy frameworks under which the programme has decided to focus its support, with no attempt to provide a strategy and theory of change from which the ET can draw conclusions as to whether or not the programme's articulated strategy could be measured.

A second area related to the logical framework of the programme relates to the expected results, indicators and targets articulated in the log frame matrix. Specifically, the log frame matrix for the project has key indicators at the objective and outcome levels to measure if the intended results have been achieved. Such indicators are to be defined in a manner that ensures the indicators meet the Specific, Measurable, Achievable, Relevant, and Time-bound (SMART) principle.<sup>22</sup>

Reviewing the revised and most recent log frame matrix for ELOP, the ET can note that not all indicators and targets pass the SMART principles test. For example, for the Overall Objective of the programme, the one indicator is *Improved oversight executed by national and provincial legislatures and increased public participation*, with that *Oversight is rigorously exercised to strengthened to enable a capable developmental state*. The target does not refer to the public participation component of the indicator. It also does not have a specific wording, instead relying on wording such as 'rigorous', which is not easily defined or measured.

A second example can be seen in the indicator and target for Outcome 4, which is the *Members and officials Capacity Development Strategy developed and implemented* with the target that a *new programme adopted (2021)*. The outcome is focused on building capacity, transferring knowledge

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<sup>21</sup> In the early stages of ELOP implementation in 2017 effort was put by the LSS in assessing the implementation of the SOM with an intention of assisting the legislatures and the SALS to enhance its levels of implementation. The assessment produced individualised progress reports for legislatures to adjust their processes to enhance implementation. Yet there is limited evidence of this assessment being implemented by some PLs.

<sup>22</sup> Doran, G. T. "There's a S.M.A.R.T. way to write management's goals and objectives". *Management Review* 70/11, 1981.

and enhancing skills of MPs and MPLs (plus staff). Yet the indicator and the target are focused exclusively on signing a new agreement with universities to deliver some forms of capacity-building programmes and not on the core of the outcome.

Given the late stage in project cycle in which the MTE was conducted, the ET does not recommend revising the log frame for the programme. However, if there is a future engagement and support as part of another programme, it is hoped that the findings of this evaluation will be reflected in the design of any future support.

### 2.1.2. Adaptability

In the past few years, adaptability has become a new standard by which projects are measured. A standard definition of 'adaptability' is "an ability or willingness to change in order to suit different conditions".<sup>23</sup> For a political governance programme such as ELOP, there are three areas of potential adaptation that can be reviewed.

#### **Political Adaptation**

Political governance as a form of development work is based in a sector that is dynamic and ever-changing. Therefore, projects and programmes working in this field require a model of implementation that enables adaptation to adjust to political demands and risks.

In the case of ELOP, the evidence is mixed as to the ability of the project to adapt to political circumstances. On the positive side, the programme and its implementation were based on strong support for the legislative sector and its governing institution. That support resulted in the organic development of relationships between PLs and the Parliament and counterparts working in similar posts in each institution. Those relationships, in turn, resulted in collaboration and sharing of approaches to oversight and public participation that allowed for some level of replication. For example, the programme never anticipated working on a form of educational oversight that included school inspections by MPs and MPLs. Yet through the flexibility of the programme in creating space for sharing knowledge, such an oversight tool was developed and replicated amongst all ten legislatures.

On the negative side, adaptability requires an enhanced level of monitoring and evaluation (M&E) that can identify lessons learnt from various activities and allow for the adaptation of the programme based on promoting what works in achieving results. Unfortunately, for ELOP, M&E was not as robust as should have been expected for a programme of this size and, in turn, this resulted in limited adaptation of programme outputs and activities.

#### **COVID-19**

As programmes that were implemented during the COVID-19 pandemic are evaluated, it is important to note the impact of the pandemic on the programme's capacity to implement. In the case of ELOP, a *force majeure* was announced by the EUD in March 2020. However, there is evidence that the LSS staff during the pandemic did provide guidance and did broker solutions for PLs to share experiences in adapting to online plenary and committee meetings. This primarily benefited the smaller PLs with fewer resources, who learned from the larger PLs (e.g.- KZN and Gauteng) in their early adoption of digital tools to keep the PLs functioning.

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<sup>23</sup> Cambridge Dictionary, "adaptability", Cambridge, Cambridge University Press, 2023  
<https://dictionary.cambridge.org/us/dictionary/english/adaptability> (accessed 1 March 2023)

## Demand-driven Programming

An indication of a results-oriented programme is to be designed in a manner that adheres to outcomes, but at the same time, it is able to adjust activities and outputs to reflect the needs of the national beneficiaries, such as the Parliament, the PLs, their respective committees and MPs/MPLs. On a positive note, the programme was designed to allow a level of flexibility in how it was implemented. This can be seen in the fact that for Outcomes 1 and 2 (Enhanced oversight and public participation), the goal was to work with all nine PLs and the Parliament to develop bespoke oversight and public participation frameworks for each institution based on their specific context. However, the next step in that process, support in implementing such frameworks, has still not been achieved, but with expectations there may be results in the final year and some months of the programme. So, despite the programme being designed to allow flexibility in responding to beneficiaries' needs, the lack of technical expertise within the LSS or otherwise employed prevented the programme from applying such flexibility in supporting implementation and, in turn, achieving results.

### 2.1.3. Timeliness

Another key consideration under the criteria of relevance is the timeliness of the programme under review. In considering this element of relevance, it is important to consider if the programme was designed for a time period in which the beneficiary was ready to receive the level of support defined. It is also important to consider the political context under which the programme was implemented and if this impacted on the timeliness of the programme.

In both cases, the programme was timely in its implementation. The programme was designed in 2017 to be a successor programme to more than 20 years of EU-funded support to the Parliament and, to a lesser extent, the PLs. By 2017, the sector had advanced to the point of having sectoral frameworks related to oversight and public participation (among others) and seemed to be ready to make the leap to the implementation of such frameworks and models.

The clearest evidence of timeliness is related to the space created for the South African Legislative Sector to congregate and to develop routine engagements of key staff and MPs/MPLs to promote collaboration and replication of innovative approaches to their work. It also allowed space for the harmonisation of institutional policies, such as human resources. From all accounts, the improvement in sector cooperation has been impressive since 2017. The sector now has a functioning structure that includes cluster-level engagements of senior staff from all PLs and the Parliament that is resulting in a stronger sector, overall and specific policies and tools being adopted by the institutions.

#### Lessons Learnt

Ownership of programme outcomes and results is critical to an effective programme, but this must be balanced with a programme that applies best practices and access to technical expertise to allow for a results-oriented approach to its work.

The timing of the programme can impact on the ability to implement. On the positive side, the programme was commenced shortly after the development of key sector frameworks and models. On the negative side, the programme should have considered the upcoming 2019 election and how it would impact on its implementation.

A logical framework for a programme must include a clearly articulated strategy and theory of change as well as log frame indicators and targets that reflect SMART principles to enable a robust and effective programme.

Programmes that are effective at adapting to external and internal factors and risks also have a strong M&E system to identify risks and promote positive lessons from the work implemented.

## 2.2. Coherence

Coherence refers to “the compatibility of the intervention with other interventions in a country, sector or institution”.<sup>24</sup> Coherence is usually split into ‘internal coherence’, which “addresses the synergies and interlinkages between the intervention and other interventions carried out by the same institution/government, as well as the consistency of the intervention with the relevant international norms and standards to which that institution/government adheres”; and ‘external coherence’, which “considers the consistency of the intervention with other actors’ interventions in the same context. This includes complementarity, harmonisation and coordination with others, and the extent to which the intervention is adding value while avoiding duplication of effort”.<sup>25</sup>

### 2.2.1. Internal coherence

#### **Synergies with other interventions carried out by the EU**

ELOP was formulated in parallel with the Enhancing CSO Participation in Legislatures’ Oversight and Participation Processes programme with a total budget of EUR 2 million. Managed by the EUD, the programme resulted in four grants to consortia involving 14 CSOs. The overall objective was to contribute to improving a capable and accountable developmental state through strengthening the oversight system in South Africa. The specific objective of the programme—and the grants—was to enhance the capacities and involvement of CSOs in legislatures’ oversight and participation processes. In other words, while ELOP addressed the supply side of legislative oversight and participation, the CSO programme addressed the demand side.

The parallel formulation processes and complementarity by design is laudable. Also, it was correct to separate the support to civil society from the support to the legislative sector, thereby avoiding some of the pitfalls of other, similar programmes. During implementation, the complementarity, however, did not come to fruition. There appear to be several reasons for this. First, the sequencing of the two programmes and their activities was not adequately managed. Following the outbreak of the Covid-19 pandemic, ELOP was suspended and extended to 05 August 2024,<sup>26</sup> while the civil society grantees pushed ahead. Second, and partially related, there appears to have been limited and/or ineffective communication between the two programmes, despite some efforts by the EUD and Parliament. Most CSO informants that were interviewed, both grantees and non-grantees, were

<sup>24</sup> OECD DAC, Evaluation Criteria, Paris, OECD, 2023.

<https://www.oecd.org/dac/evaluation/daccriteriaforevaluatingdevelopmentassistance.htm> (accessed 1 March 2023).

<sup>25</sup> Ibid.

<sup>26</sup> Kionka, R. Letter to the Speaker of the NA, Honourable Thandi Modise, and the Chairperson of the NCOP, Honourable Amos Masondo, 12 October 2020.

unaware of ELOP, and those who were aware, only knew about ELOP through informal contacts in Parliament or the PLs.

### **Consistency with the relevant international norms and standards**

The European Consensus on Development is part of the EU's response to the UN 2030 Agenda for Sustainable Development and its Sustainable Development Goals. It commits the EU and its Member States to apply the development effectiveness principles agreed in the Global Partnership for Effective Development Cooperation (GPEDC) during the Busan High-Level Forum on Aid Effectiveness in 2011 and renewed during the High-Level Meeting in Nairobi in 2016: i.e., national ownership of development priorities, a focus on results, inclusive development partnerships, transparency and mutual accountability.

ELOP generally observes the principles of development effectiveness. The programme was formulated by Parliament, with the EU providing mainly guidance on programme parameters and compliance. The parallel formulation of the Enhancing CSO Participation in Legislatures' Oversight and Participation Processes programme provided a basis for inclusive development partnerships and transparency, although this was never fully achieved for reasons already explained. In our view, the programme fell short in two aspects: (1) a focus on results and (2) mutual accountability. As argued above, the programme lacked a clearly articulated theory of change and log frame indicators that reflect SMART principles. Also, procurement by ELOP did not fully rely on national systems; something to which the EU has committed through the Paris Declaration on Aid Effectiveness and the Accra Agenda for Action. It is our understanding that Parliament was given the option to use national systems but opted not to due to the risk that the required diagnostic would delay programme implementation and push activities close to the 2019 elections. We discuss the challenges associated with procurement elsewhere in the report.

### **2.2.2. External coherence**

#### **Consistency with other actors' interventions**

ELOP was the only large intervention in the legislative sector. A few actors had activities with Parliament and/or the PLs; most often with specific committees and in the context of interventions with a specific thematic focus. For example, the Hanns Seidel Foundation (HSF), a German political foundation linked to the Christian Social Union of Bavaria, has a long-standing partnership with the Institute for Security Studies (ISS) focused on policing, which includes engagement with the Portfolio Committee on Policing. Similarly, the Konrad Adenauer Foundation (KAF), another German political foundation, associated with the Christian Democratic Union (CDU), funded the Parliamentary Program of a Durban-based CSO, the Democracy Development Program (DPP), which focuses on promoting civil society engagement with the KZN PL. The Parliamentary Program has worked with the KZN PL's Multi-Party Women's' Caucus to, among other things, promote women's participation in parliamentary processes.

While we were unable to interview all of these actors, it is our clear impression that there was no coordination between ELOP and these other interventions. One informant said he was aware of ELOP, but only because he had systematically reviewed all of the interventions under the EU-South Africa Trade, Development, and Cooperation Agreement (TDCA); and that while working in the sector, he had never come across a reference to ELOP. While we found no evidence that the lack of coordination had impacted the implementation of ELOP, due to the hegemonic nature of ELOP in the legislative sector, it does speak to one of the overall findings of this evaluation: that ELOP was largely invisible to anyone beyond the actors directly involved in its implementation.

In addition, the programme lacked visibility and the implementation of a communications plan to promote the work of ELOP and the role of the EU in supporting the sector. It was telling for the ET that few actors outside of sector were aware of the programme and its key objectives. The lack of well-implemented communication and visibility plan limited the ability of the LSS, and more broadly the ELOP programme, from building partnerships and champions, both within the sector and externally, who could have promoted and advocated for the key goals, especially those related to enhanced oversight and public engagement. The ET has concluded that there is still time for such a plan to be developed and implemented so as to achieve some key results in the final year of the programme. This may include a specific communications plan for the adoption of enabling legislation and as part of a broader advocacy campaign to pass key laws that can entrench within the sector the governance structure and the SAPI.

<b>Lessons Learnt</b>
Complementarity can only be achieved if programmes are adequately sequenced. This needs to be taken into consideration also when programmes are suspended and/or extended.
Programme size and magnitude do not necessarily translate into programme visibility. To ensure programme coherence and effectiveness, a communication and visibility plan has to be developed in conjunction with the formulation of the programme and fully implemented.



## 2.3. Efficiency

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According to the OECD DAC, 'efficiency' as an evaluation criterion is defined as follows:

[Efficiency] is an opportunity to check whether an intervention's resources can be justified by its results... Efficiency is of particular interest to governments that are accountable to their taxpayers, who often question the value for money of different policies and programmes... Operationally, efficiency is also important. Many interventions encounter problems with feasibility and implementation, particularly with regard to the way in which resources are used. Evaluation of efficiency helps to improve managerial incentives to ensure programmes are well conducted, holding managers to account for how they have taken decisions and managed risks.<sup>27</sup>

In short, in measuring efficiency, the evaluators were called upon to determine the extent to which the intervention delivers, or is likely to deliver, results in an economic and timely way. In considering these criteria, the ET for this review has considered three sub-criteria, each reflecting of sub-criteria noted by the OECD:

- Timeliness of the delivery of activities and outputs;
- Efficiency in coordinating the allocation of resources amongst related projects; and
- Cost-effectiveness – both with regard to finances and human resources – of the delivery of project activities and outputs.

Taking each of this sub-criteria one at a time, the ET can draw some conclusions related to the efficiency of the implementation of the ELOP Programme.

### 2.3.1. Timeliness

Though using the same terminology, the sub-criteria for "timeliness" under the efficiency criteria is measuring something different from the sub-criteria of the same name under the relevance criteria above. For this criterion, what is being measured is the ability of the programme to respond to beneficiary needs and the delivery of activities in a timely manner.

By all accounts from the beneficiaries interviewed for this MTE, the LSS was able to respond to their needs in a timely manner. Each of the PLs engaged for this review noted specific examples of how the programme was able to meet its needs, including the KZN PL support provided for three kick-off symposiums with specific groups of citizens. The Northern Cape appreciated the timeliness of the support provided, including the procurement of new software to manage their core business in a more efficient manner.

Activities related to Output 3 (Sector Coordination) and Sector 4 (Capacity Building) were generally delivered in a timely manner after the lifting of the suspension of the programme due to *force majeure* related to the pandemic. Between early 2020 and late 2021, however, the programme was unable to pay tuitions to universities related to the MP/MPL capacity development programme due to the imposition of the *force majeure suspension*, which had an impact on the reputation of the programme.

The programme fell short with regard to timeliness related to Output 1 (enhanced oversight) and Output 2 (enhanced public participation). As financial reporting from the LSS noted in 2021, the percentage of funds expended from the original allocated for the two outputs was 15.6% and 6.2%, respectively. It is likely that some of the low rates of expenditure can be attributed to the suspension

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<sup>27</sup> OECD DAC, *Applying Evaluation Criteria Thoughtfully*, Paris, OECD, 2023  
[https://www.oecd-ilibrary.org/sites/543e84ed-en/1/3/4/index.html?itemId=/content/publication/543e84ed-en&\\_csp\\_=535d2f2a848b7727d35502d7f36e4885&itemIGO=oecd&itemContentType=book#section-d1e3790](https://www.oecd-ilibrary.org/sites/543e84ed-en/1/3/4/index.html?itemId=/content/publication/543e84ed-en&_csp_=535d2f2a848b7727d35502d7f36e4885&itemIGO=oecd&itemContentType=book#section-d1e3790) (accessed 1 March 2023).

of the programme in 2020 and the implementation of the *force majeure* related to the pandemic, which required a suspension of all programme work.

But it is the conclusion of the ET that these significant actions were not the only causes of a lack of timeliness in delivery activities for the first two outputs of the programme. To start, the programme's initial implementation was delayed by the 2019 general election - both the campaigning period and the post-election period, something that could have been anticipated and managed more effectively. For example, the timing of the new programme could have been delayed to allow for the programme to commence when the election and post-election arrangements had been finalised. Alternatively, initial knowledge sharing and technical materials to promote oversight and public participation could have been initialised at the start of the programme in anticipation of further advancement when governments were formed and ready to benefit from the programme's activities.

### 2.3.2. Cost-effectiveness

The programme was implemented by the Legislative Sector Support team within the Parliament of South Africa. The LSS has been working with the EU in implementing its funding and support to the Parliaments and the nine provincial legislatures for many years. Yet there are three key examples of how the programme was implemented that point to a lack of efficiency.

First, the programme's budget provides for 35% of all funds to be allocated for staffing and operational costs. Granted, some of the operational and staffing costs were cost-shared with the Parliament of South Africa, but even if this is taken into consideration, the total funds allocated by the EU for staffing and operations is ZAR 55,206,485, which amounts to nearly 37% of the entire programme budget, excluding the contribution of the South African parliament, which is not reflected in the Programme Estimate Budget<sup>28</sup> Indeed, the cost of staffing and operations is more than double the cost of any single output's financial allocation.

Second, the funding for staff was focused on project management and the allocation of staff from the LSS to deliver the activities envisioned in the programme financial agreement. As noted above, the lack of funding for one or more technical experts within the LSS or otherwise contracted resulted in limited results, especially under Outputs 1 and 2. But this is also an indication of a programme that was not efficiently implemented. The investment in the programme having access to long-term technical expertise would have achieved much greater results with regard to enhancing oversight and public participation.

Third, the suspension of the programme in 2020 was a result of complex circumstances that is indicative of a challenge with regard to the efficient delivery of the programme and the achievement of results.

As with any development project, the donor, in this case, the EU, will want to ensure that major purchases of equipment or services are done in a manner that complies with international standards for public finance management, competition and transparency. In many cases, the donor may insist on their own procurement rules to be applied. In a country such as South Africa, which is a high-middle-income country, the donor may allow for the use of the national procurement system to purchase equipment and services. In the case of ELOP, the option of applying and using the South African procurement rules was available to the Parliament, but a decision was made by the

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<sup>28</sup> Year 5 ELOP Budget and ELOP 2021 Financial Report (Annex 8 to annual Report).

Parliament to not use the South African system, so the default was to use the EU system for procurement.<sup>29</sup>

Therefore, the procurement utilized the EU rules. It is the conclusion of the ET that the LSS staff with a focus on finances and procurement matters were unfamiliar with the EU rules and that this was a major factor in the later challenges in procuring based on the EU system. A three-day workshop was provided to LSS staff at the start of ELOP, and further formal and informal opportunities to keep up-to-date on procurement rules and forms were offered to LSS staff on a demand-driven basis. This included feedback on tender reports with a dialogue on revisions and technical meetings between the EUD and the LSS, where warranted, to address any issues that may have arisen during the tender processes. Yet there were continuing challenges in the procurement processes, despite opportunities for support and coaching from the EUD.

There were other issues with the procurement process that resulted in delays and, eventually, suspension of the programme, including:

- Seven tender dossiers were eventually approved by the EUD, but submitted more than four months after the tender processes were completed.
- The National Treasury, despite having an approval role in the tender process, between the LSS's work and the EUD approval, did not provide any feedback or raise any questions with regard to the tender dossiers before forwarding them to the EUD for approval. This resulted in the EUD having to raise questions and return dossiers for revisions where some of these revisions and queries should have been identified by the National Treasury, resulting in further delays.
- After EUD interactions with the tender dossiers, three dossiers were eventually rejected. In some cases, this was a result of the entity which was awarded the tender did not have sufficient experience in managing tenders of a similar value before being tentatively awarded the LSS procurement contract.<sup>30</sup>

In the end, the ET can conclude that the EU procurement policies and procedures are arduous but compliant with international standards for transparent procurement. The LSS has been an implementing partner for the EU for several years over a number of phases and modalities of project and programme implementation. As a well-established project implementing unit within the Parliament of South Africa, the EUD had every expectation that the LSS was capable of effectively and efficiently conducting procurement in accordance with EU rule or should have requested at the start of the programme that South African procurement rules be used for programme implementation purposes.

In the end, significant effort was expended by both the LSS and the EUD to deal with the procurement challenges and ensure that such procurements could proceed. In at least one case, a special deviation was required to allow the procurement to proceed.

### **2.3.3. Coordination & Allocation of Project Resources**

The efficiency criterion also looks at whether or not a programme was able to create synergies with other programmes or funding sources to leverage more results with less funding. In the case of the ELOP Programme, there are some positive and negative indications related to this effort.

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<sup>29</sup> This seems to have been a challenge in the procurement process. The EU contends that the option to use the South African procurement system was available to the sector, yet the LSS did not indicate that they were aware of this option and never applied to use the South African system.

<sup>30</sup> See Annex 5 for a table listing the timeline for the procurement approval process.

On the positive side, the programme was partially cost-shared with the Parliament of South Africa, which topped up the EU contribution for staff salaries and the full cost of rental of space for the LSS in the Parliament and access to broadband internet and software within the Parliament.

There are also examples of cost-sharing, on a more *ad hoc* basis, with the PLs related to specific activities and outputs. For example, the programme funded a significant portion of the first symposium in KZN for the PL to establish a dialogue forum with three groups of citizens - LGBTIQ, sex workers, and young women. Subsequent engagements with the three groups were funded by the PL directly. The programme also had an “oversight ambassador” in each PL to be a focal point for the LSS to engage in specific activities. The post did not include funding or salary enhancement from the programme, so the costs related to their engagement in the programme were covered by each PL.

On a more negative note, the programme worked in parallel with other EU-funded programmes, such the work in support of CSOs engaging PLs. As described elsewhere in the report, this would have been an excellent opportunity to collaborate and co-organize activities that would create space for each PL to connect and build relationships with local CSOs. Yet there is no evidence that there was this level of cooperation and no indication of the pooling of resources to allow for the more efficient delivery of activities, outputs and, in turn, results.

<b>Lessons Learnt</b>
Stronger planning, M&E and risk analysis are critical to foreseeing and managing barriers, such as bureaucratic ones, that can hinder the delivery of activities and the achievement of results.
The programme implementing team must be ‘right-sized’ to ensure ample staff with the technical, management and logistical capacity to deliver results, but small enough to not be a significant drain on project funds.
Better coordination with national beneficiaries and EU-related programmes can identify opportunities for more impactful and collaborative work.

## 2.4. Effectiveness

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When considering effectiveness, the objective is to determine “the extent to which the intervention achieved, or is expected to achieve, its objectives, and its results, including any differential results across groups”.<sup>31</sup> The objectives of ELOP are provided in the log frame matrix and consist of one Overall Objective and four Specific Outcomes. In the following, we evaluate ELOP against each of these five objectives.

### 2.4.1. Overall Objective

**Overall Objective: Strengthen democracy and good governance through the effective execution of the core mandate of Parliament and the Provincial Legislatures to legislate, exercise oversight and ensure public participation.**

**Indicator: Improved oversight executed by national and provincial legislatures and increased public participation [Baseline: Parliamentary accountability is weak, with Parliament failing to fulfil its most basic oversight role; Target: Oversight is rigorously exercised and strengthened to enable a capable development state].**

As already noted, there is an inconsistency between the objective, indicator, and target. The objective refers to legislation, oversight, and public participation. The indicator focuses on oversight and public participation, consistent with the Specific Outcomes of the programme, while the target is limited to oversight. For consistency purposes, we will focus on oversight and public participation.

Our overall finding is that ELOP has not achieved its overall objective. Parliament and the PLs are executing their core mandate to exercise oversight and ensure public participation in a limited manner.<sup>32</sup> We base this finding on both primary and secondary data, including interviews, academic research, and the reports of the High-Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change (hereafter referred to as the ‘High-Level Panel’)<sup>33</sup> and the Judicial Commission of Inquiry into Allegations of State Capture (hereafter referred to as the ‘Zondo Commission’).<sup>34</sup>

That being said, there are signs of improvement, certainly, on the input-side. The SALS has developed frameworks and models for oversight and public participation, which are currently being implemented. Templates, systems, and processes are being piloted across the ten legislatures and experiences and best practices are shared in the various forums, groups, and teams of the sector.

In some cases, improvements on the input-side have translated into improvements also on the output-side. This is especially the case when the political stakes are low. Although such cases attract little media attention, the improvements are important, as they contribute to consolidating a democratic and parliamentary culture.

Occasionally, we have seen output-side improvements also when the political stakes are considerable. The recent clash between, on one side, South African Tourism (SAT) and the Minister of Tourism and, on the other, the Portfolio Committee on Tourism, over a proposed ZAR 1 billion

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<sup>31</sup> OECD DAC, Evaluation Criteria, Paris, OECD, 2023.

<https://www.oecd.org/dac/evaluation/daccriteriaforevaluatingdevelopmentassistance.htm> (accessed 1 March 2023).

<sup>32</sup> To achieve their mandate of public participation the Parliament and PLs need to start with basic conditions for the public’s ability to engage, such as functional websites that promote public engagement.

<sup>33</sup> High-Level Panel on the Assessment on Key legislation and the Acceleration of Fundamental Change, Report, Johannesburg, High-Level Panel on the Assessment on Key legislation and the Acceleration of Fundamental Change, 2017.

[https://www.parliament.gov.za/storage/app/media/Pages/2017/october/High\\_Level\\_Panel/HLP\\_Report/HLP\\_report.pdf](https://www.parliament.gov.za/storage/app/media/Pages/2017/october/High_Level_Panel/HLP_Report/HLP_report.pdf) (accessed 1 March 2023)

<sup>34</sup> Judicial Commission of Inquiry into Allegations of State Capture, *Final Reports*, Johannesburg, Judicial Commission of Inquiry into State Capture, Johannesburg, Judicial Commission of Inquiry into Allegations of State Capture, *Final Reports*, Johannesburg, Judicial Commission of Inquiry into State Capture.

<https://www.statecapture.org.za/site/information/reports> (accessed 1 March 2023).

Tottenham Hotspur Football Club sponsorship deal, is a case in point. At a widely broadcast meeting on 07 February 2023, the Committee demanded that the sponsorship deal be cancelled. In response, the Minister argued that only the President can stop the deal, after which the Chairperson of the Committee “made it categorically clear to [the Minister] that it is the executive that accounts to Parliament, not the other way round”.<sup>35</sup> Of course this is just one example and there are plenty of counter examples that show a lack of willingness to conduct robust oversight, but examples like that from the Committee on Tourism show that oversight does occur, even in circumstances that are challenging for the government.

Such cases remain rare, though. There are both structural and cultural reasons for this. They derive from the electoral and the party system, which have implications for Parliament and the legislative sector. The context analysis contains a description of the system and its implications. It goes beyond the scope of the MTE to go further. Instead, we refer, again, to the reports of the High-Level Panel<sup>36</sup> and the Zondo Commission.<sup>37</sup> Suffice it to say that these structural and cultural barriers should be factored in when the effectiveness of ELOP is evaluated. It is our view that they were not sufficiently considered during programme conception.

**Not On-Track**

#### 2.4.2. Specific Outcomes

We now proceed to consider the four Specific Outcomes.

##### **Outcome 1: Strengthened capacity of the legislative sector to exercise oversight**

**Indicator 1.1 Improved implementation of oversight across the legislative sector through the application of model and strategies [Baseline 1.1: Sector oversight model and strategies adopted by all ten Legislatures (2016); Target 1.1 Oversight framework implemented and evaluated across all ten Legislatures (by 2024)]**

In 2012, the Speakers’ Forum adopted a Sector Oversight Model (SOM). It represents an important step towards developing a unified oversight framework for the SALS. One of the key objectives of ELOP was to support the implementation of the SOM, including by developing guidelines and supporting the PLs in their implementation, organising an Oversight Summit, developing an oversight index, amending the Financial Management of Parliament and Provincial Legislatures Act (FMPPLA), and developing the capacity of officials to implement the FMPPLA.

Some progress has been made. An Integrated Oversight Strategy has been developed and implementation is being monitored by an Oversight Task Team, which has been convened. Some PLs have already taken steps forward. For example, the Gauteng Provincial Legislature has developed templates for Standardised Oversight, Accountability, and Reporting (SOAR) and

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<sup>35</sup> Parliament, *Media Statement: Committee on Tourism Tells South African Tourism to Cancel Its Tottenham Hotspur Marketing Deal*, Cape Town: Parliament.  
<https://www.parliament.gov.za/press-releases/media-statement-committee-tourism-tells-south-african-tourism-cancel-its-tottenham-hotspur-marketing-deal> (accessed 1 March 2023).

<sup>36</sup> High-Level Panel on the Assessment on Key legislation and the Acceleration of Fundamental Change, *Report*, Johannesburg, High-Level Panel on the Assessment on Key legislation and the Acceleration of Fundamental Change, 2017.  
[https://www.parliament.gov.za/storage/app/media/Pages/2017/october/High\\_Level\\_Panel/HLP\\_Report/HLP\\_report.pdf](https://www.parliament.gov.za/storage/app/media/Pages/2017/october/High_Level_Panel/HLP_Report/HLP_report.pdf) (accessed 1 March 2023)

<sup>37</sup> Judicial Commission of Inquiry into Allegations of State Capture, *Final Reports*, Johannesburg, Judicial Commission of Inquiry into State Capture, Johannesburg, Judicial Commission of Inquiry into Allegations of State Capture, *Final Reports*, Johannesburg, Judicial Commission of Inquiry into State Capture.  
<https://www.statecapture.org.za/site/information/reports> (accessed 1 March 2023).

Committee Quarterly Oversight Reports on Department/Entity Performance, and other PLs are now considering how to do the same. A Public Participation Task Team has also been convened to monitor the inclusion of vulnerable groups in oversight programmes. All PLs now capture relevant information on attendance registers, allowing them to track their performance. In addition, some PLs have organised separate, dedicated engagements with vulnerable groups to ensure their inputs are considered. To ensure effective and efficient implementation of the SOM, steps have also been taken towards developing an electronic Budget Information Matrices (BIMs) knowledge management system. A training plan to enhance the oversight capacity of members and officials has been developed and is now being implemented. For example, training was facilitated for the Social Transformation Cluster of the governing party in Parliament to support the implementation of the SOM in committees. Finally, steps have been taken towards organising an Oversight Summit, in the form of a symposium series held over a period of six months, and towards developing an oversight index and conducting a study on local government.

Despite the progress made, it is the view of the ET that the outcome has not yet been achieved. We recognise that a lot of work has been undertaken under this result area to develop the documentation, build consensus and secure approvals, initiate procurement, convene teams to monitor progress etc., and it is likely this work will pay off in the remaining 14 months of programme implementation. However, at this point in time, evidence of actual programme effect is limited. The main reason appears to be delays related to the *force majeure* and the suspension of the programme's work in 2020 and 2021. In addition, the complexity of the sector and challenges associated with building consensus between ten very diverse institutions should not be underestimated.

**Not On Track**

## **Outcome 2: Means and mechanisms designed to ensure public involvement in the legislative process**

**Indicator 2.1: Legislatures develop and implement their own public participation strategies aligned to the sector framework [Baseline 2.1: SALS-wide public participation sector framework adopted (June 2013); Target 2.1: All 10 Legislatures implement their public participation frameworks and strategies by 2024]**

A Sector Public Participation Framework (SPPF) was adopted in 2013. It provides a platform for shared understanding, alignment, and minimum requirements and guidelines for public participation in the SALS. One of the key objectives of ELOP was to facilitate the implementation of the SPPF, through public participation models developed and implemented by the ten legislatures.

Some progress has been made. Support was provided to the legislatures, including through ad-hoc trainings and implementation appraisals. Also, as already noted, a Public Participation Task Team has been convened to give the legislatures a space to share experiences and best practices.

Funding was also provided to the legislatures to pilot new approaches to public participation. For example, the KZN PL partnered with local celebrities to assist with driving their public participation initiatives. The partnership resulted in “an increased awareness of the various legislative programmes”, according to an interim implementation report.<sup>38</sup> The KZN PL also added two new campaigns to their Sectoral Parliaments: Sex Workers and LGBTIQ. Similarly, in the Northern Cape, funding contributed to building trust and facilitating cross-collaboration with CSO grantees working

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<sup>38</sup> LSS, *Summary Interim Implementation Report on the ELOP*, Cape Town and Pretoria: LSS/EUD, 2022.

under the Enhancing CSO Participation in Legislatures' Oversight and Participation Processes programme.

Finally, steps have been taken towards developing a Public Participation Index that will allow the sector to track and compare progress. This includes commissioning a Public Participation Survey and Segmentation Exercise.

While these various initiatives are important, and the ET recognises that others are in the pipeline, it is our overall conclusion that the outcome has not yet been achieved. Challenges associated with the pandemic caused significant delays. Meanwhile, synergies with the Enhancing CSO Participation in Legislatures' Oversight and Participation Processes programme were never fully exploited due to ineffective coordination and communication and inadequate sequencing.

**Not On Track**

### **Outcome 3: Strengthened cooperation and cooperative governance in the legislative sector**

**Indicator 3.1 Adoption of enhanced sector governance framework [Baseline 3.1: Signed SALS MoU for sector cooperation (2010); Target 3.1: Adoption and implementation of the new framework by 2024]**

**Indicator 3.2: Sector governance forum held to establish engagement at local, national and international levels [Baseline 3.2 Existing international relations and engagement framework (2020); Target 3.2: Forum held by 2021 and sector international relations framework adopted]**

The sector approach to parliamentary development in South Africa is an important innovation. Although legislatures in other countries collaborate, the structured approach of the SALS is, in our view, unique. It offers a platform for sharing best practices, coordinating capacity development, and setting standards for core legislative functions.

Considerable progress has been made under outcome 3 and it is the view of the ET that the programme is on track to achieve the outcome. A SALS Bill and revised Governance Framework has been developed and submitted to the SF, following extensive consultations with the legislatures. The Bill has been adopted by the SF and submitted to Parliament. It has not formally been tabled in Parliament, but we understand that the intention is still to enact the Bill before the end of the 6th term. The various SALS Forums, Groups, and Teams continue to meet on a regular basis. Their systems and processes for decision-making, reporting, and monitoring of resolutions have been consolidated, and other operations continue to be reviewed on an ongoing basis to address challenges and adapt to the changing circumstances. Provincial Speakers' Forums have been established and a study was commissioned to document their activities. International engagements have also continued, including through the Commonwealth Parliamentary Association (CPA), Commonwealth Women Parliamentarians (CWP), and Society of Clerks-at-the-Table (SoCATT). Following a decision by the SF, work towards the adoption of a sector framework for international parliamentary relations and protocol has also been initiated. Also, a training on protocol and diplomacy was delivered

Our interviews, especially with informants from the sector, indicate that activities under outcome 3 have been the most effective. They have allowed the sector to consolidate existing results, and the creation of several new Groups and Teams appear to have animated the sector and driven further coordination and harmonisation. For example, the HR Cluster under the Secretaries Forum has made important progress towards harmonising HR policies to facilitate mobility between legislatures. This includes establishing a bargaining council where conditions are negotiated collectively, for the entire sector, as opposed to individually, in each of the legislatures. The various Groups and Teams have given the legislatures a space for sharing best practices, with especially the PLs serving as incubators of innovative approaches to oversight and public participation. In our data collection, we



found anecdotal evidence of how this sharing has translated into concrete implementation. For example, the school functionality assessment has now been rolled out in all provinces. We also found that the sector helps the PLs form smaller groups that collaborate to address specific challenges. For example, the Northern Cape and the Limpopo PLs are working together to implement the same system to manage committee work, using the same tender and the same service provider.

Steps were also taken to implement the SALS Communications Framework, adopted in 2017. For example, joint planning and engagement on the hosting of the SONA and SOPAs were undertaken by the legislatures, overseen by the SF Reference Group on Inter-legislature, Local Government, and International Parliamentary Relations. A Communication and Visibility Strategy and Plan for ELOP was also developed and is now being implemented.

**On Track**

#### **Outcome 4: Improved knowledge, skills, systems, and processes in the legislative sector**

**Indicator 4.1: Members and officials Capacity Development Strategy developed and implemented [Baseline 4.1: Existing programme with SA university - short-term programmes for members and officials (since 2010); Target 4.1: New programme adopted (by 2021)]**

**Indicator 4.2 Development and establishment of Parliamentary Institute [Baseline 4.2: Sector commitment to develop Parliamentary Institute (2021); Target 4.2: Establishment and fully functional Parliamentary Institute (by 2024)]**

A Capacity Development Strategy has not been developed. However, as we describe below, the South African Parliamentary Institute (SAPI) has a strategic framework, which identifies “design and deliver programmes that meet the changing needs of members and officials and improve institutional performance” as one of its strategic objectives, and establishes the purpose of capacity development programmes, lists professional development principles, offers a curriculum framework, and maps some of the possible learning pathways. In our view, the SAPI strategic framework thus serves as a Capacity Development Strategy.

Under the auspices of the SAPI, the implementation of a new training programme is also underway. As of 10 February 2023, four trainings had been completed, while five others were in progress. In total, 24 trainings – ranging from one-day workshops to entire master’s degree programmes – are planned over the period from 2022 to 2025. One of the pillars of the SAPI mandate is to continue the work of the LSS and ELOP to conduct a range of capacity building modalities for MPs/MPLs and staff, including to continue the partnership with select South African universities to provide university degrees.<sup>39</sup>

Table 3: Training/courses delivered under the auspices of SAPI

<b>Training/course</b>	<b>Institution</b>	<b>Target group</b>	<b>Status</b>
Postgraduate Diploma in Public Policy and African Studies	University of Johannesburg	Members	Completed
Protocol and Diplomacy Training course	International Protocol Consultants	Officials	Completed
Social Media Training	Phejane Communications	Officials	Completed

<sup>39</sup> See: SAPI Training Schedule 2022-2025

Public Participation Training	Zelna Jansen Consultancy	Officials	Completed
Advanced Certificate in Governance and Leadership	University of Witwatersrand	Officials	In progress
Postgraduate Diploma in Governance and Leadership	University of Witwatersrand	Members	In progress
Masters in governance and public Leadership	University of Witwatersrand	Members	In progress
Advanced Events Management Training (3-part course)	Enterprises UP	Officials	In progress
GRAP Training	Ducharme Training Institute	Officials	In progress

The capacity development component of the ELOP and associated training programmes appear to have been one of the most successful of the programme, valued especially by members. Anecdotal evidence suggests the training programmes have been effective in enhancing the capacity members and contributing to improving parliamentary performance.

The SAPI was launched in December 2021. It has a board chaired by the Deputy Speaker of the National Assembly and comprising six internal (legislative sector) and three external (legislative experts) members. An Acting Director has been appointed in the form of the Executive Director of LSS, and in June 2022, a strategic framework was presented. The strategic framework provides a theory of change and identifies four strategic objectives: motivating learning and reflection, building knowledge and dialogue, facilitating cohesion and change, and connecting stakeholders, partners, and networks.

While the SAPI is not yet fully functional, we believe it will be before the end of ELOP. Some informants expressed concerns about the financial sustainability of the SAPI, but there appears to be a commitment from within parliament to mobilise the necessary resources.

The view of the ET is that the programme is on track to achieve outcome 4. The SAPI has been launched and is expected to be fully functional before 2024. A strategy exists, and capacity development programmes, both members and officials, are already being implemented.

**On Track**

### Lessons Learnt

An in-depth analysis of the structural and cultural barriers to parliamentary development, building on the findings of the reports of the High-Level Panel and the Zondo Commission, should be conducted prior to programme formulation, and the barriers should be taken into consideration when programme objectives and targets are defined.

Procurement challenges represent a risk to programme implementation. Investments in training and capacity development related to managing EU procurement rules should be made available throughout the entire programme duration.

The sector has established an organic approach to cooperation that promotes peer-to-peer knowledge exchanges. This should be continued.

## 2.5. Impact

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When considering “impact” as a criterion under the OECD-DAC evaluation criteria, the ET considers the extent to which the intervention has generated or is expected to generate significant positive or negative, intended or unintended, higher-level effects. In short, the ET is looking to see if the work of the project was able to make a concrete, medium to long-term difference that will have a lasting impact on the legislative sector in South Africa.

To that end, the ET has noted some results achieved by the programme that are significant, but there is still a need for further institutionalisation in order to claim that such results rise to the level of impactful.

To start, the establishment of the SAPI has the potential to be a game-changer for the sector. To date, the EU has funded the LSS, which is located within the Parliament of South Africa, and acts as a secretariat to SALS and its various forums and clusters. This has resulted in well-established capacity-building programmes, an active sector structure that supports the sharing of information and peer-to-peer exchanges and frameworks and models that promote the effective delivery of the sectors core business - law-making, oversight and public participation.

With the establishment of the SAPI, the sector has taken a big step towards a more sustainable approach to sector support which has been provided with EU support to date. However, at this early stage in the life of the SAPI, it is too early to conclude that the Institute is now entrenched in the sector. Despite having a Board of Directors, which has met at least twice, there is still no allocated funding for the Institute through the Parliament’s annual budget. There is also no legislation that has been passed to legally establish the Institute.

However, given the short timeframe before the next election campaign begins and the work of law-making is again postponed, there is a chance that the draft law related to the establishment of SAPI will not be passed during the life of this programme. This will mean that SAPI will face some challenges that would otherwise be addressed by enabling legislation, including a committed budget, but the incremental work of establishing the Institute can still continue.

A second example of a good result from the work of the programme to date would be the activation of the SALS governance structure with the Speakers’ Forum and the Secretaries’ Forum resulting in regular engagements that are now at a working level within each of the nine PLs and the Parliament. Despite not being able to have the SALS Bill passed by Parliament, the sector has continued to move forward based on the Memorandum of Agreement signed by the PLs and the Parliament in 2010.

It can now be observed that the sector does have a well-established framework under which it operates, and which allows for working groups of counter-parts from the legislatures to collaborate and identify solutions that can work in different contexts. A good example of this deeper engagement can be seen in the harmonisation of human resource standards and policies and the establishment of a Sector Bargaining Council to enable sector-wide labour negotiations with trade unions representing parliamentary and legislative staff. This will allow for a more consistent approach to job descriptions and pay scales for workers performing similar work in different PLs or the Parliament.

In both these examples, the work of the programme has advanced the institutionalisation of the sector governance structure and the SAPI. However, without legislation being approved that legally recognises the institutions and with no confirmed budget allocation to provide the necessary resources to operate both institutions, the ET cannot conclude that the ELOP Programme, at this stage in its implementation, has achieved an impact-level result.

## **Lesson Learnt**

Activation of key institutions will not reach an impact level of results until enabling legislation and core funding are secured.

## 2.6. Sustainability

In considering the criteria of “sustainability” in evaluating a development project, the OECD-DAC speaks of the extent to which the net benefits of the intervention continue or are likely to continue. In other words, after ELOP interventions have ended, will the results achieved be maintained by the legislative sector?

One area of support by the programme that the ET considers to be sustainable is sector coordination. Despite the sector now being supported by the LSS through EU funding and ELOP, there is evidence that there is the political will to ensure such a cooperation forum is maintained in the sector.

For example, the human resources cluster meets regularly within the SALS structure. Chaired by the Secretary of the Northern Cape PL, the cluster brings together senior human resource staff from the nine PLs and the Parliament to discuss common issues. This led to the establishment of the Sector Bargaining Council, which should be formally established later in 2023. The Bargaining Council will be the body that negotiates with the trade unions representing the legislative staff in each institution. Once established, this will form a sustainable entity through which the human resource systems in all sector institutions can be harmonised.

Despite not yet having a SALS Bill passed to secure the enabling legislation for the sector, other activities supported by the programme will move the sector body towards greater sustainability. For example, the Secretaries’ Forum under SALS is currently finalising a new constitution for the sector that will provide a deeper level of understanding with regard to how the sector will be governed.

A little less concrete, but likely sustainable at this stage, is the use of peer-to-peer exchanges amongst the PLs and the Parliament through the sector structures. Though not institutionalised, over the past five years, the routine engagement and exchanges between the ten legislatures have resulted in a culture in which each institution is more open to receiving knowledge and experience from other legislatures, either bilaterally or multi-laterally.<sup>40</sup> Examples of this new culture include the collaboration between the Northern Cape and Limpopo PLs in procuring software to upgrade the management of core business within each institution. A second example can be seen in Northern Cape, where a recently appointed senior staff person has engaged the Parliament to second two staff to support capacity development and the introduction of new systems in the PL that reflect the best practices already established in the Parliament.

A further note is required with regard to the SAPI. The Institute has been established and does have a Board of Directors, which has met at least twice. But, in the opinion of the ET, it has not yet met the level of sustainability. As already stated, without enabling legislation to define its work and a lack of allocated funds from the Parliament’s or Government’s annual budget, the Institute is close to the sustainability line, but has not yet passed that line.

### Lesson Learnt

For results to be sustainable, there are many factors - political will, cultural shift, legal authority - which must be managed to ensure the work of the programme will be sustained after it ends. The programme needs stronger political analysis to ensure all activities are implemented based on a full understanding of how to achieve sustainable results in the current political system.

<sup>40</sup> And outside/external sources of knowledge, such as other national and sub-nation legislatures and CSOs.

The sustainable institutionalisation of the SAPI would be a major achievement of the programme and allow for the EU-funded support to transition to state support.

## 2.7. EU Added Value

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The Terms of Reference for this MTE briefly describe the expectation in evaluating the project based on this criteria (which is not part of the six criteria established by OECD-DAC):

EU added value: the extent to which the intervention brings additional benefits to what would have resulted from Member States' interventions only in the partner country. It directly stems from the principle of subsidiarity defined in the Article 5 of the Treaty on European Union.<sup>41</sup>

The ET has broken these criteria into two components. First, considering the principle of subsidiarity, has the EU provided support and has provided additional benefit to the national partners beyond what has been provided by EU Member States? Second, is there evidence that the work of the EU - both through ELOP and otherwise - has achieved specific results that would not otherwise have been achieved?

Considering the principle of subsidiarity, the ET notes that there is only limited support provided to the legislative sector in South Africa by EU member States. One or more German political foundations (i.e., *Stiftungen*) do operate in South Africa and have done so for many years. They perform critical work in support of the political system, which is appreciated by stakeholders in the sector.

However, the work of the *Stiftungen* is at a different scale and focused on different actors than ELOP. ELOP provided significant funding to the administrative component of each of the nine PLs and the Parliament to support capacity building and core business effectiveness on an institutional level. The *Stiftungen* are working on a much less ambitious scale and are focused on individual committees or legislatures or on creating space for dialogue amongst political officials. Therefore, the ET can conclude that the programme does provide added value beyond the work of the EU member states in support to the entire legislative sector in South Africa.

Looking at the second question - has EU support achieved results that otherwise would not be achieved? - there is evidence of the EU meeting this standard. A good example comes from the Northern Cape, where according to one informant an estimated 10% of the budget is from ELOP. Also, the EU was funding CSOs engagement with the Northern Cape through a parallel project to ELOP. At the same time ELOP, through the work of the LSS, was building a stronger relationship with the PL.

The efforts of the LSS and the grantee which was funded to work with CSOs in Northern Cape were just getting started when the pandemic struck. However, because of the relationships established with the PL Communications Director, local CSOs were engaged by EU implementing partners to be activated to work on the distribution of information to citizens throughout the province. This collaboration allowed for a more trusted relationship between the relevant CSOs and the PL, which, in turn, allowed for more than one petition submitted by the CSOs to PL to be given credibility and which were not only well-received by the PL, but resulted in active oversight of the issues highlighted in the petitions.

Though just one example, it is clear to the ET that the dual efforts of the EU to fund the PL support and CSO engagement resulted in an organic opportunity for the national partners to find space to collaborate and, in turn, to build a more nuanced relationship that could be leveraged to promote public participation and oversight through the PL. Unfortunately, this opportunity was never fully ceased, for reasons already explained.

Additionally, the EU contribution to ELOP was not highly visible and was under-valued by the Parliament of South Africa and the broader legislative sector. The lack of a communication and

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<sup>41</sup> For a more detailed explanation of the principle of subsidiarity, see: <https://www.europarl.europa.eu/factsheets/en/sheet/7/the-principle-of-subsidiarity>

visibility plan that was effectively implemented resulted in the EU having limited traction in engaging the sector and individual legislatures, including the Parliament. Where good practices could have been shared and appreciated by the PLs and Parliament, if a more robust interaction and visibility were present within the programme, the lack of visibility limited such opportunities.

In particular, the programme anticipated routine engagement between the EUD and the Parliament, yet this was not prioritised by the LSS and the Parliament leadership. As late as 2018 there was within the Parliament had a committee on relations with European Parliament – a bilateral dialogue forum with a mirror committee in the European Parliament. Yet it has not been renewed since 2019, thus limited the opportunity bilateral exchanges between the two institutions. The programme also anticipated an annual interaction between the sector’s Speakers’ Forum and the EUD, though the interactions were more *ad hoc* than was anticipated.

Therefore, the ET has concluded that the lack of such interactions between the EU system and the Parliament and the broader legislative sector was a missed opportunity for the EU to provide support and share experiences that would have benefited the implementation of ELOP and could have supported the enhanced achievement of results.

<b>Lessons Learnt</b>
The EU has provided long-term (multi-decade) support and substantive resources to the legislative sector in South Africa, which has provided added value to the work and support from EU member states.
By supporting both the “demand” and “supply” sides in the political system, the EU has created space and opportunities for collaboration, which may be unintended but will result in a more robust relationship between the two sides over time.
The lack of routine dialogue and experience sharing between the EU and the legislative sector was a missed opportunity for advocacy and promotion of best practices based on EU experiences.



### 3. Overall Assessment

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The legislative sector has failed to fully execute its core mandate in post-1994 South Africa. This is the baseline in the National Development Plan (NDP), which notes that “parliamentary accountability is weak, with Parliament failing to fulfil its most basic oversight role”<sup>42</sup> and recommends that steps be taken to “ensure effective oversight of government through parliamentary processes”.<sup>43</sup>

It is also the conclusion of the High-Level Panel on the Assessment on Key Legislation and the Acceleration of Fundamental Change.<sup>44</sup> Noting that “a recurrent theme emerging from research, public voices and expert round tables is that while good laws have been made, failed implementation has resulted in poor outcomes”,<sup>45</sup> the Panel calls for “a more active Parliament, one that ensures the strict enforcement (or, where lacking, the introduction) of penalties for lack of performance by the executive. Parliament should also facilitate meaningful and effective public participation in the legislative and policy-making cycle”.<sup>46</sup>

Most recently, Parliament has been heavily criticised by the Judicial Commission of Inquiry into State Capture, also known as the Zondo Commission. Discussing the role of Parliament as an oversight authority, the Zondo Commission concludes that “[b]y failing to properly carry out its oversight role [...], Parliament has, at least to some extent, contributed towards State capture. Because its failure to do its job meant that acts of state capture and corruption were allowed to spread and deepen, it should have stepped in to ensure the continuation of investigations against the Guptas”.<sup>47</sup>

The argument that Parliament has failed to fully execute its core mandate is also the general conclusion of most academic research. For example, in a review of the 5th Parliament (2014-2019), curated by the Parliamentary Monitoring Group (PMG), Law and Calland calls parliamentary oversight ‘a constitutional fiction’,<sup>48</sup> while Pienaar argues that “the National Assembly undermined

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<sup>42</sup> National Planning Commission, *Our Future – Make it Work*. Pretoria: National Planning Commission, 2017, p. 55. <https://www.gov.za/sites/default/files/Executive%20Summary-NDP%202030%20-%20Our%20future%20-%20make%20it%20work.pdf> (accessed on 1 March 2023).

<sup>43</sup> *Ibid.*, p. 410

<sup>44</sup> High-Level Panel on the Assessment on Key legislation and the Acceleration of Fundamental Change, Report, Johannesburg, High-Level Panel on the Assessment on Key legislation and the Acceleration of Fundamental Change, 2017, [https://www.parliament.gov.za/storage/app/media/Pages/2017/october/High\\_Level\\_Panel/HLP\\_Report/HLP\\_report.pdf](https://www.parliament.gov.za/storage/app/media/Pages/2017/october/High_Level_Panel/HLP_Report/HLP_report.pdf) (accessed 1 March 2023)

<sup>45</sup> *Ibid.*, p. 39.

<sup>46</sup> *Ibid.*, pp. 39-40.

<sup>47</sup> Judicial Commission of Inquiry into Allegations of State Capture, Final Reports, Johannesburg, Judicial Commission of Inquiry into State Capture, Johannesburg, Judicial Commission of Inquiry into Allegations of State Capture, Final Reports, Johannesburg, Judicial Commission of Inquiry into State Capture, Part VI Vol. 4, p. 121. <https://www.statecapture.org.za/site/information/reports> (accessed 1 March 2023).

<sup>48</sup> Law, M. and Calland, R. “A Constitutional Fiction: Parliamentary Oversight of the Executive in the 5<sup>th</sup> Parliament”. In Parliamentary Monitoring Group, *Review of the 5<sup>th</sup> Parliament*, Cape Town: Parliamentary Monitoring Group, 2019, p. 1. <https://pmg.org.za/parliament-reviews> (accessed on 1 March 2023)

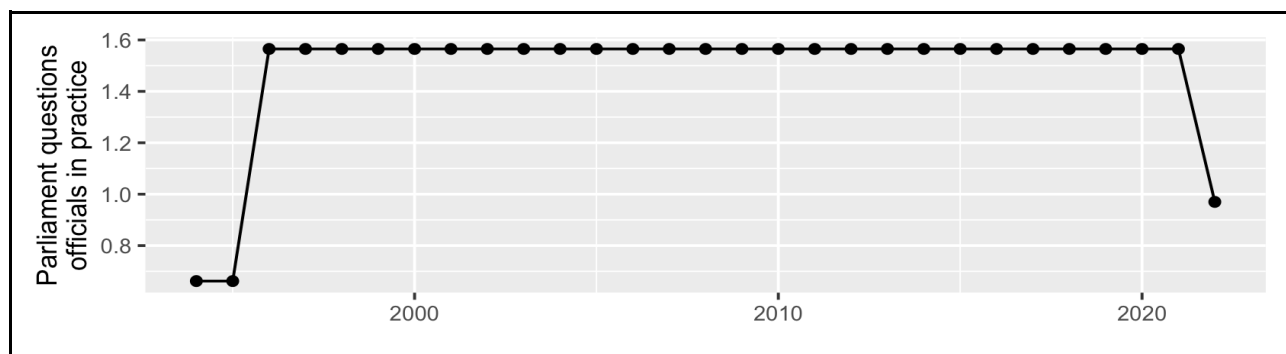
its own constitutional authority to exercise leadership and to ensure oversight of the President and the executive as a whole”.<sup>49</sup>

Quantitative data support this overall conclusion. However, they also add nuance and remind us of the progress that has been made. Table 4 plots the five key parliamentary performance indicators offered by Varieties of Democracy (VDem), a widely used dataset compiled by the VDem Institute, hosted at the University of Gothenburg, Sweden. We extract two key findings from the plot. First, important progress has been made, especially in relation to representation and scrutiny. Today, close to half the members of the National Assembly are women, up from only 25% before 1999, and Parliament is more likely than ever to conduct an investigation, should it be found that the executive was engaged in unconstitutional, illegal, or unethical activities. Second, we see recent declines across three of five indicators. Parliament is now less likely to question executive branch officials; the representation of disadvantaged groups in Parliament has dropped; and the space for opposition parties to exercise oversight is now smaller than it has ever been in post-apartheid South Africa.

Quantitative data should be interpreted cautiously.<sup>50</sup> VDem draws on ratings made by parliamentary and country experts, analysed using advanced statistical techniques (Bayesian Item Response Theory) to address potential bias. However, they are not bias-free and not objective measures of parliamentary performance. That being said, the VDem data do resonate with one of the key findings from our interviews. While nearly all informants agreed that Parliament is currently not fully executing its core mandate, many also reminded us that what happens in the Chamber is not a reflection of what takes place in committees. When the cameras are off, Parliament and the legislative sector continue to make progress towards fulfilling its constitutional mandate.

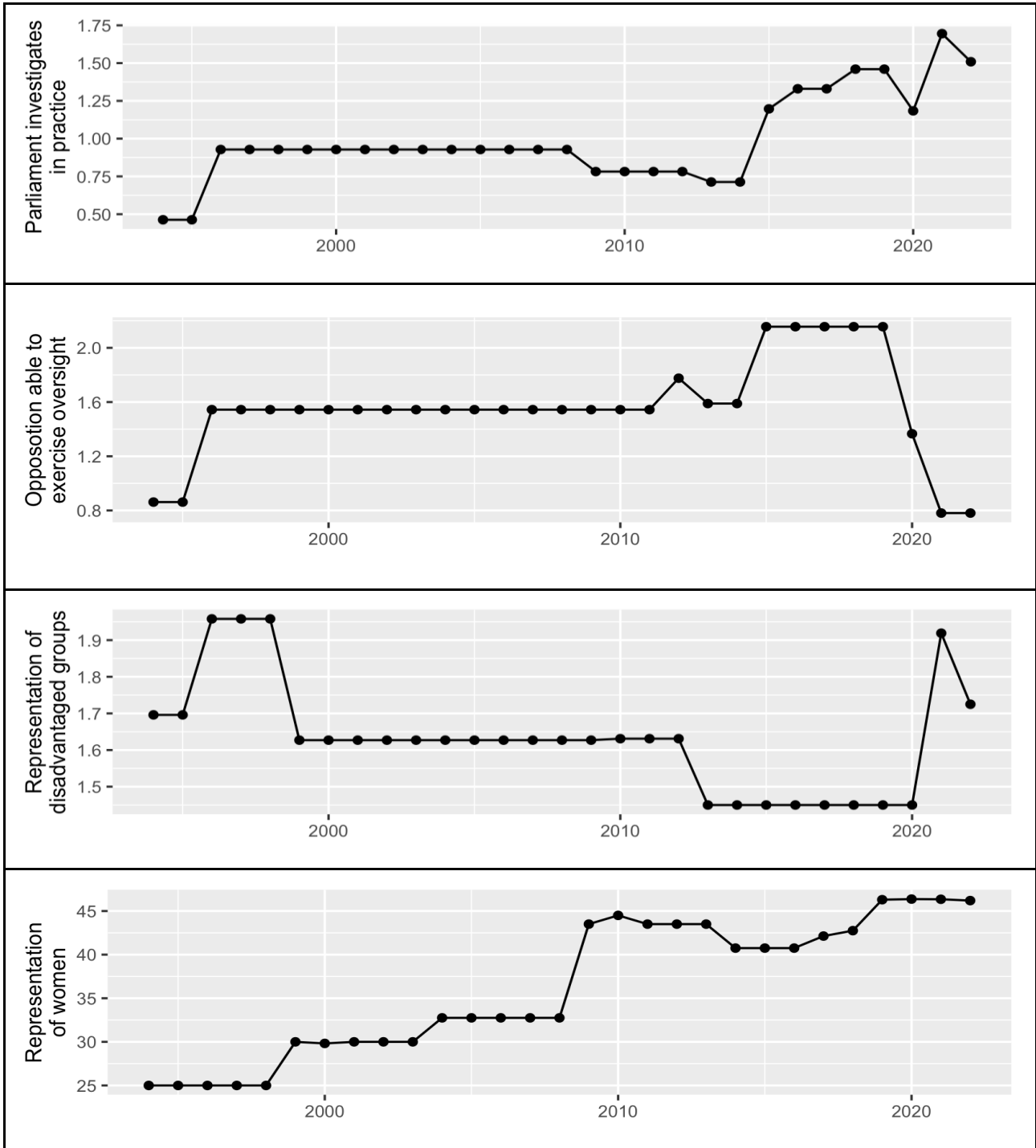
The extent to which this progress can be attributed to ELOP is impossible to determine. We note that EU support to the South African Parliament and the legislative sector coincides with (some) improvements in parliamentary performance, albeit limited and only in specific areas.

Table 4: VDem parliamentary performance indicators



<sup>49</sup> Pienaar, G. “Improving Parliament’s Ineffective Oversight”. In Parliamentary Monitoring Group, *Review of the 5<sup>th</sup> Parliament*, Cape Town: Parliamentary Monitoring Group, 2019, p. 1.

<sup>50</sup> Indeed, even if the Parliament and PLs were meeting the VDem indicators, a more outcome level would be required to determine if meeting such indicators actually resulted in better public policy and better public services.



## 4. Conclusions and Recommendations

### 4.1. Conclusions

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Based on the findings and analysis conducted as part of this MTE, the ET notes the following conclusions:

- The programme was not well designed, particularly with regard to the modalities employed to build capacity and achieve results. Too much emphasis was placed on “passive” activities, such as trainings and workshops, while other modalities, such as embedded technical assistance and coaching/mentoring were not considered, though they would have likely yielded greater results.
- Despite years of experience in implementing EU-funded programme in the sector, the LSS was ill-equipped to deliver the activities for ELOP. Perhaps this is because of the nature of the results to be achieved during this programme, which were substantively different from the types of results to be achieved in previous phases of support. Given the new modality for ELOP, perhaps the LSS had lost some of its capacity to deliver activities under such a regimen. No matter the reason, greater monitoring of the implementing partner may have resulted in adaptations to the LSS structure and capacity at an earlier stage in the programme’s cycle.
- A lack of high-level political engagement with Parliament and PL leaders limited the ability of the programme to overcome political and bureaucratic hurdles that were preventing key results to be achieved. The fact that the SALS Bill was not passed and there seemed to be little to effort or ability from the LSS or the EUD to break the political roadblock that prevented its passage is an indication that the programme either did not have the capacity or the will to engage at the strategic level to try to overcome the roadblocks that prevented this key result from being achieved.
- The programme was critical to the evolution of the sector’s governance structure. The establishment of the SF, the Secretaries’ Forum and key clusters under the same, has allowed for the organic development of bilateral and multi-lateral relationships amongst the Parliament and the PLs that has proven to be effective in promoting peer-to-peer knowledge sharing and the replication of good practices that have been initiated in one or more legislatures. This work from ELOP is already creating unexpected and positive results that will likely continue long past the end of the programme.
- Yet some of the results achieved by ELOP, including the establishment of the SAPI, can be tenuous at best and will require further efforts in the last year of the programme to cement such work into the institutional fabric of the Parliaments and the PLs. The programme must devise a plan for how it will leverage its relationships within the sector (and beyond) to ensure such results are legally and financially entrenched in the sector.
- The programme is Parliament-focused in that the LSS is part of Parliament and there are limited resources allocated to routine engagement with the PLs or to communicate with external stakeholders. The LSS, as a result, was quite responsive to the needs of Parliament, but perhaps less so the needs of the PLs.

## 4.2 Lessons Learnt

### Lessons Learnt - Relevance

Ownership of programme outcomes and results is critical to an effective programme, but this must be balanced with a programme that applies best practices and access to technical expertise to allow for a results-oriented approach to its work.

The timing of the programme can impact on the ability to implement. On the positive side, the programme was commenced shortly after the development of key sector frameworks and models. On the negative side, the programme should have considered the upcoming 2019 election and how it would impact on its implementation.

A logical framework for a programme must include a clearly articulated strategy and theory of change as well as log frame indicators and targets that reflect SMART principles to enable a robust and effective programme.

Programmes that are effective at adapting to external and internal factors and risks also have a strong M&E system to identify risks and promote positive lessons from the work implemented.

### Lessons Learnt - Cohesion

Complementarity can only be achieved if programmes are adequately sequenced. This needs to be taken into consideration also when programmes are suspended and/or extended

Programme size and magnitude do not necessarily translate into programme visibility. To ensure programme coherence and effectiveness, a communication and visibility plan has to be developed in conjunction with the formulation of the programme and fully implemented.

### Lessons Learnt - Efficiency

Stronger planning, M&E and risk analysis are critical to foreseeing and managing barriers, such as bureaucratic ones, that can hinder the delivery of activities and the achievement of results.

The programme implementing team must be 'right-sized' to ensure ample staff with the technical, management and logistical capacity to deliver results, but small enough to not be a significant drain on project funds.

Better coordination with national beneficiaries and EU-related programmes can identify opportunities for more impactful and collaborative work.

### **Lessons Learnt - Effectiveness**

An in-depth analysis of the structural and cultural barriers to parliamentary development, building on the findings of the reports of the High-Level Panel and the Zondo Commission, should be conducted prior to programme formulation, and the barriers should be taken into consideration when programme objectives and targets are defined.

Procurement challenges represent a risk to programme implementation. Investments in training and capacity development related to managing EU procurement rules should be made available throughout the entire programme duration.

The sector has established an organic approach to cooperation that promotes peer-to-peer knowledge exchanges. This should be continued.

### **Lesson Learnt - Impact**

Activation of key institutions will not reach an impact level of results until enabling legislation and core funding are secured.

### **Lesson Learnt - Sustainability**

For results to be sustainable, there are many factors - political will, cultural shift, legal authority - which must be managed to ensure the work of the programme will be sustained after it ends. The programme needs stronger political analysis to ensure all activities are implemented based on a full understanding of how to achieve sustainable results in the current political system.

The sustainable institutionalisation of the SAPI would be a major achievement of the programme and allow for the EU-funded support to transition to state support.

### **Lessons Learnt – EU Added Value**

The EU has provided long-term (multi-decade) support and substantive resources to the legislative sector in South Africa, which has provided added value to the work and support from EU member states.

By supporting both the “demand” and “supply” sides in the political system, the EU has created space and opportunities for collaboration, which may be unintended but will result in a more robust relationship between the two sides over time.

The lack of routine dialogue and experience sharing between the EU and the legislative sector was a missed opportunity for advocacy and promotion of best practices based on EU experiences.

## 4.3 Recommendations

Within the remaining 14 months (by 05 August 2024) for the implementation of the ELOP Programme, the following recommendations should be considered:

→ **Prioritise the Institutionalisation of the South African Parliamentary Institute**

Action Focal Point - LSS

The SAPI is a major achievement for the ELOP Programme and all efforts should be made to ensure it has the legal foundation and dedicated state funding to enable it to be sustainable to assume the role of the EU-funded LSS.

→ **Engage High-Level Political officials to Advocate for the Passage of the SALS Bill**

Action Focal Point – LSS & EUD

The SALS Bill remains unapproved, and this has put limits on the work of the ELOP and the sector as a whole. The LSS must make a concerted effort and work with relevant members and committees to have the SALS Bill tabled and passed in Parliament to fully enable the sector to function effectively. The draft has existed for a number of years, but has lacked the political will to be enacted. Advocacy towards party groups and key MPs and committees may yield results and the passage of the Bill.

→ **Efforts are required to expand and institutionalise legislative staff capacity development, including short, medium and long-term programmes whether delivered by the LSS or through partnership with one or more South African universities.**

Action Focal Point - LSS

The ROM in 2020 noted the need for more effort to build the capacity of staff. Some new programmes have been established, but greater effort is required to promote tools and programmes that already exist (e.g., peer-to-peer exchanges between legislatures, university courses) and to consider new tools for the capacity building of staff (e.g., exchanges and engagements with EU member state legislatures).

→ **Identify one or two provincial legislatures and pilot a systems approach to build capacity and test new tools for oversight and public participation**

Action Focal Point - LSS

In the remaining time of the ELOP Programme, the LSS should identify technical expertise that can work directly with select committees within one or two PLs to support the piloting of an evidence-based and scientific approach to committee oversight work that is participatory and inclusive. This would include daily engagement with committee and parliamentary staff



to design, organise and report on certain committees' conducting of oversight inquiries in a manner that ensures broad public input into the process.

→ **The current programme should not be extended beyond the current end date in 2024**

Action Focal Point – EUD

The current programme has had some success and some disappointments with regard to the achieving of results; however, overall, there are three key reasons why it should not be extended:

- *Timing* – Any extension will again overlap with the 2024 election process and the start of a new parliamentary term, which will inevitably lead to delays in implementation of activities;
- *Operational Costs* – The disproportionate spending on operational costs is a flaw in the programme's design that will not be remedied with an extension; and
- *Limited Opportunity for Further Results* – The key areas where results may still be achieved (institutionalisation of SAPI; piloting of committee technical assistance) will not be further advanced with an extension of the programme, as the electoral process will drastically limit further results if there is an extension.

→ **The LSS should prioritise the programme's expected regular interactions between the EU and the legislative sector, including the annual meeting the Speakers' Forum and the EUD**

Action Point – LSS

ELOP was supposed to support the organising of:

- An annual meeting between the EUD and the Speakers' Forum;
- An Inter-parliamentary meeting between the Parliament of South Africa and the European Parliament; and
- Regular consultations between SALS and civil society

Such meetings should be prioritised in the remaining time for the programme.

Beyond the current programme's lifespan, the EU should consider the following recommendations:

→ **Once the 2024 elections have been completed and the new term of Parliament and the PLs have commenced, the EU should consider the provision of strategic and more limited support to the sector**

Action Focal Point - EUD

Given the current MIP between the EU and South Africa is limited with regard to references to support to the governance sector, the EU should not be developing a further programme with the legislative sector. However, less ambitious but strategic interventions may be of value to continue to support the sector as it reaches a critical point close to institutionalisation, such support to the SAPI and the adoption of key legal frameworks.

- **The EU should act as a broker between the legislative sector in South Africa and similar EU Member State institutions that can build lasting partnerships that support the development of such institutions in South Africa**

Action Focal Point - EUD

Even if the EU no longer provides direct support to the legislative sector in South Africa, consideration should be given to assisting in establishing bilateral relationships between legislative institutions, such as the SAPI, and similar entities in EU member states' parliaments. This will allow for a longer-term relationship to be established and could result in capacity development based on international and European best practices.

# Annexes

## A. Terms of Reference



202-TermsOfReferen  
ce-SIEA-2018-13639.j

C. Evaluation matrix with data generated and analysed by indicator

EQ1: To what extent do the intervention's objectives and design continue to respond to the legislative sector's needs, policies and frameworks under changing circumstances, such as changes in sector leadership and external factors, such as the implications of the Covid-19 pandemic?					
Evaluation criteria covered	Relevance				
Judgement criteria (JC) 13	Indicators (Ind)	Information sources		Methods/tools	Answers
		Primary	Secondary		
JC 1.1 - Programme Objectives	1.1.1 - Overall objective remains relevant	Beneficiary Interviews	SAP & PL Reports CSO Reports	Semi-structured Interviews (SSI);  Document Review (DR)	Overall Objective has remained relevant.
	1.1.2 - Specific objectives remain relevant	Beneficiary Interviews	SAP & PL Reports; CSO Reports	Semi-structured Interviews (SSI);  Document Review (DR)	Specific objectives and outcomes remain relevant
JC 1.2 - Adaptability	1.2.1 - Adjustments made to Logical Framework	ELOP Logic Framework	N/A	Document Review (DR)	Logframe was amended, but not as substantively as may have been expected based on delivery challenges.

	1.2.2 - AWP Adjustments from M&E Conclusions	ELOP AWPs;	LSS staff Interviews	DR SSI	Lack of M&E meant limited adjustments to AWPs
JC 1.3 - COVID-19 Impact	1.3.1 - Shift to virtual meetings	Beneficiary Interviews	SAP & PL Reports	SSI  DR	Shift to online meetings occurred rapidly, but limited ability to accredited this to ELOP

**EQ2: To what extent has the EU support to CSOs to engage with legislatures, and this intervention complemented each other and enabled better outcomes?**

Evaluation criteria covered	Coherence				
Judgement criteria (JC) 13	Indicators (Ind)	Information sources		Methods/tools	Answers
		Primary	Secondary		
JC 3.1 - CSO Collaboration with legislatures	3.1.1 - Number of SALS activities implemented in cooperation with CSOs	CSO Reports SAP & PL Reports Committee Reports	CSO Interviews MP Interviews	DR SSI Focus Group Discussions (FGD)	Limited evidence of SALS activities conducted with CSOs. Some evidence of ELOP funding being used to engage civil society by individual PLs
	3.1.2 - Number of Bills proposed based on CSO advocacy	Bills proposed for SAP & PLs	CSO Reports	DR	No evidence of any Bills proposed based on CSO advocacy

JC 3.2 - CSO Submission to Committees	3.2.1 - Number of CSO technical reports submitted to parliamentary committees.	CSO Interviews	CSO Reports Committee Reports	SSI DR	No evidence of CSO technical reports being submitted to a committee
	3.2.2 - Number of oversight inquiries initiated due to CSO technical reports	CSO Interviews	CSO Reports Committee Reports	SSI DR	No evidence of any oversight inquiry being conducted based on a CSO technical report

**EQ3: In how far the allocation of resources does, as foreseen in the FA and Programme Estimate, enable the achievement of results in an and timely way?**

Evaluation criteria covered	Efficiency				
Judgement criteria (JC) 13	Indicators (Ind)	Information sources		Methods/tools	Answers
		Primary	Secondary		
JC 5.1 - Work Planning	5.1.1- Accuracy of AWP estimates	AWPs Project Financial Reports	LSS Interviews	DR SSI	Given delivery rate for Outputs 1 & 2 being low (15% & 6% respectively by the end of 2021) AWP estimates could have been revised.

	5.1.2- Adjustments to AWP based on M&E	AWPs Project Financial Reports M&E Reports	LSS Interviews	DR SSI	Lack of M&E limited adjustments to AWP
JC 5.2 - Funding Allocation	5.2.1 - Delays in funding allocation	LSS Interviews Beneficiary Interviews	Project Financial Reports	DR SSI	Delays have occurred due to suspension of programme and delays within South African system (i.e. - National Treasury)
	5.2.2 - Unspent funding	Project Financial Reports	LSS Interviews	DR SSI	Significant amount of funds has not been spent, especially related to oversight and public participation enhancement.

**EQ4: In how far the intervention's Communication Plan facilitates visibility of the intervention, (b) knowledge of EU support to the sector, and (c) achievement of objectives of the intervention?**

Evaluation criteria covered	<b>Effectiveness</b>				
Judgement criteria (JC) 13	Indicators (Ind)	Information sources		Methods/tools	Answers
		Primary	Secondary		
JC 7.1-	7.1.1 - Plan Implementation	ELOP Reports	Interviews	DR SSI	No evidence of an ELOP communications plan

Communication Plan	7.1.2 - EU Visibility	Interviews	Project Reports Project Knowledge Products	DR SSI	ELOP, and therefore EU, operated with little visibility
JC 7.2 - Results Achieved	7.2.1 - Ex ante communication	ELOP Communication Materials	Interviews	DR SSI	Limited evidence of ex-ante communications related to results achieved
	7.2.2 - Ex post communication	Beneficiary Interviews	SALS Reports	DR SSI	Limited evidence of ex-post communications related to results achieved

**EQ5: Were the Programme's outputs and objectives achieved (in general and per each component)?**

Evaluation criteria covered	Effectiveness					
	Judgement criteria (JC) 13	Indicators (Ind)	Information sources		Methods/tools	Answers
Primary			Secondary			
JC 8.1 - Project Outputs	8.1.1 - Outputs Achieved	Interviews	ELOP Reports		DR SSI	Output 3
	8.1.2 - Outputs Partially Achieved	Interviews	ELOP Reports		DR SSI	Output 4
JC 8.2 -	8.2.1 - Objectives Achieved	Interviews	ELOP Reports		DR SSI	



Project Objectives	8.2.2 - Objectives Partially Achieved	Interviews	ELOP Reports	DR SSI	Objectives Achieved	Partially
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**EQ6: Are the current set-up and processes conducive to achieving the envisaged impact, and/or what are bottlenecks that hinder impact as anticipated?**

Evaluation criteria covered	Impact				
Judgement criteria (JC)	Indicators (Ind)	Information sources		Methods/tools	Answers
		Primary	Secondary		
JC 9.1- Impact Analysis	9.1.1 - Impact Achieved	Interviews	SAP & PL Reports CSO Reports	DR SSI	No impact-level results have been identified.
	9.1.2 - Key drivers of Impact-level results	Interviews	SAP & PL Reports CSO Reports	DR SSI	Lack of technical expertise to support new tools and approaches to oversight & public participation  Limited engagement at the political level of the sector to promote passage of sector bill and parliamentary institute-enabling legislation

JC 9.2 - Barriers to Achieving Impact-level Results	9.2.1 - Number of barriers	Interviews	SAP & PL Reports CSO Reports	DR SSI	Several barriers, including: <ul style="list-style-type: none"> <li>• Lack of technical capacity to implement such a programme</li> <li>• Inability to overcome political barriers to passing key legislation</li> <li>• Lack of programme staffing in each PL to support the implementation</li> </ul>
	9.2.2 - Impact of Barriers	Interviews	SAP & PL Reports CSO Reports	DR SSI	The programme was unable to achieve impact-level results and limited overall results to Outputs 3 & 4.

**EQ7: To what extent does the Programme's intervention contribute to the institutionalisation of the Legislatures' ability to exercise more effective oversight and ensure greater public participation?**

Evaluation criteria covered	Impact				
Judgement criteria (JC)	Indicators (Ind)	Information sources		Methods/tools	Answers
		Primary	Secondary		
JC 10.1 - Oversight	10.1.1 - Direct Contribution	Interviews	Reports	SSI DR	No direct contribution by ELOP to the institutionalisation of more effective oversight

	10.1.2 - Indirect Contribution	Interviews	Reports	SSI DR	Work by LSS to establish a robust sector governance structure has had some results, some of which are approaching impact level
JC 10.2 - Public Participation	10.2.1 - Direct Contribution	Interviews	Reports	SSI DR	No direct contribution by ELOP to the institutionalisation of more effective public participation
	10.2.2 - Indirect Contribution	Interviews	Reports	SSI DR	Work by LSS to establish a robust sector governance structure has had some results, some of which are approaching impact level

EQ8: Have the Programme's beneficiaries ensured the future sustainability of the outputs and objectives?					
Evaluation criteria covered	Sustainability				
Judgement criteria (JC)	Indicators (Ind)	Information sources		Methods/tools	Answers
		Primary	Secondary		
JC 11.1 - Outputs	11.1.1 - Sustainability of Output-level Results	SAP & PL Reports CSO Reports	Beneficiary Interviews	DR SSI	Beneficiary has established a Parliamentary Institute that may, if fully animated, by a sustainable body to

					provide training, capacity building and research.
JC 11.2 - Objectives	11.2.1 - Sustainability of Objective-level Results	SAP & PL Reports CSO Reports	Beneficiary Interviews	DR SSI	Better sector coordination and governance will indirectly result in achieving the overall objective.

**EQ9: How has the long-term EU support, and specifically this fourth support programme to the SALS, led to or consolidated processes, policies, systems and structures that would not have been put in place without EU support?**

Evaluation criteria covered	EU Added Value				
Judgement criteria (JC)	Indicators (Ind)	Information sources		Methods/tools	Answers
		Primary	Secondary		
JC 13.1 - South African Parliament	13.1.1 -Consolidation Achieved	Interviews	SAP Reports SAP Policies	DR SSI	Consolidation not achieved
	13.1.2 - Consolidation Partially Achieved	Interviews	SAP Reports SAP Policies	DR SSI	Parliament has initiated new oversight and public participation frameworks that are being implemented. Attribution to the ELOP Programme, even in part, is harder to determine.

JC 13.2 - Provincial Legislatures	13.2.1 -Consolidation Achieved	Interviews	SAP Reports SAP Policies	DR SSI	Consolidation not achieved
	13.2.2 - Consolidation Partially Achieved	Interviews	SAP Reports SAP Policies	DR SSI	For key ELOP results - enhanced oversight & public participation - PLs have made some progress, but attribution to ELOP is limited to indirect work through sector coordination.

**EQ10: To what extent have CSOs experienced a change – positive or negative – in their engagement with and access to, particularly provincial legislatures, as a result of the intervention?**

Evaluation criteria covered	Cross-cutting Issue				
Judgement criteria (JC)	Indicators (Ind)	Information sources		Methods/tools	Answers
		Primary	Secondary		
JC 15.1 - Access to Legislative Processes	15.1.1 - PL Access	CSO Interviews	CSO Reports	SSI DR	CSOs have noted an improvement in relationships with PLs, but based on concerted effort and, in some cases, years of engagement.
	15.1.2 - SAP Access	CSO Interviews	CSO Reports	SSI DR	CSOs note the new tools used by the Parliament to

					allow for more comments on draft laws.
JC 15.2 - Engagement of Legislative Processes	15.2.1 - PL Access	CSO Interviews	CSO Reports	SSI DR	CSOs have noted an increase in access to the PL processes.
	15.2.2 - SAP Access	CSO Interviews	CSO Reports	SSI DR	CSOs have been engaged in working groups and advisory bodies established by the Parliament.

#### D. List of persons consulted

Name	Position	Organisation
██████████	MP and Deputy Speaker (ANC)	NA
██████████	Delegate and Chairperson of the Select Committee on Finance (ANC)	NCOP
██████████	Secretary to Parliament	Parliament
██████████	Secretary to the NCOP	Parliament
██████████	Division Manager: LSS	Parliament
██████████	Senior Manager: Sector Coordination and Knowledge Management	Parliament
██████████	Senior Manager: Finance & Treasury Advice	Parliament
██████████	Senior Manager: Capacity Building	Parliament
██████████	Senior Manager: Sector Core Business Matters	Parliament
██████████	Divisional Manager: Core Business Support	Parliament
██████████	HR Executive	Parliament
██████████	Speaker	KZN PL
██████████	Secretary	KZN PL
██████████	Executive Manager - Core Business	KZN PL
██████████	MPL	KZN PL
██████████	Speaker	Northern Cape PL
██████████	Secretary	Northern Cape PL
██████████	Acting Executive Manager: Committees, Research & Information Services, Public Education and Communication	Northern Cape PL
██████████	Speaker	Gauteng PL
██████████	Secretary	Gauteng PL
██████████	Independent Board Member	SAPI

██████████	Director of Social and Governance Cluster, International Development Cooperation	National Treasury
██████████	Director	PMG
██████████	Operations Manager	PMG
██████████	Project Head	Dullah Omar Institute
██████████	Programme Head	PSAM
██████████	Head of Youth Programmes	SAIIA
██████████	Youth Programmes Manager	SAIIA
██████████	Executive Chairperson	Democracy Works Foundation
██████████	South Africa Programme Manager	Democracy Works Foundation
██████████	Chief Executive Officer	OUTA
██████████	Executive Director of Accountability Division	OUTA
██████████	Parliamentary Engagement and Research Manager	OUTA
██████████	Executive Director	Democracy Development Programme
██████████	Resident Representative	Hanns Seidel Foundation
██████████	Senior Research Manager	HSRC
██████████	Professor of Public Law	UCT
██████████	Professor	Wits University
██████████	Senior Consultant	Institute for African Alternatives
██████████	Director	International Alliance on Natural Resources in Africa
██████████	Parliamentary journalist	News24
██████████	Head of Section: Governance and Social Sectors	EUD
██████████	Programme Manager: ELOP	EUD





## **E. Literature and documentation consulted**

### *A. SALS policy framework*

SALS Sector Policy and Strategic Framework  
SALS Strategic Framework for Communications  
SALS Knowledge Management Strategic Framework  
SALS MoU  
SALS Strategic Plan 2019-2024  
SALS Oversight Model  
SALS Public Participation Framework

### *B. EU policy framework*

MIP 2014-2020  
Approval of the Amendment to the MIP Estimate

### *C. ELOP documents*

FA for ELOP  
SALS ELOP 7-Year Workplan  
ELOP Year Five Budget Overview  
Full Financial Report No 4: Covering the Period from October 9, 2021, to October 8 2022  
Final Year 4 Expenditure Report December 13 2021  
SALS EU Yeah 5 Plan December 2021  
Summary Interim Implementation Report on the ELOP  
Final Expenditure Verification Report  
Addendum 1 to the Programme Estimate for the ELOP  
Addendum 2 to the Programme Estimate for the ELOP  
Annex 2 Revised Logical Framework  
Areas Provisional Implementation Table  
ROM Monitoring Questions  
Consolidated ROM Report  
Comments on ROM Report

### *D. PSC meetings*

PSC Meeting Minutes August 10 2017  
PSC Meeting Minutes July 1 2019  
PSC Meeting Minutes October 1 2019  
PSC Meeting Minutes October 8 2020  
PSC Meeting Minutes March 11 2020  
PSC Meeting Resolutions September 6 2022

### *E. ELOP communication*

Letter from HOD to Parliament: Suspension of the FA for ELOP  
Letter from HOD to Speaker: Suspension of the FA for ELOP  
Letter from HOD to NT: Suspension of the FA for ELOP  
Letter from HOD to NT: Endorsement of the negotiated procedure  
Letter from HOD to NT: Extension of time limit for implementation  
Letter from HOD to NT: Endorsement of negotiated procedure - global price dossier  
Letter from HOD to NT: Endorsement of negotiated procedure - proposed contract awards  
Letter from HOD to NT: Endorsement of negotiated procedure - fee-based dossier  
Letter from NT to HOD: Request Approval to Suspend the FA for ELOP  
Letter from NT to HOD: Request Approval to Lift and Suspend the FA for ELOP  
Letter from Parliament to HOD: Request for the Suspension of the FA for ELOP  
Letter from Parliament to NT: Request to support the Suspension of the FA for ELOP  
Letter from HOD to NT: Lifting of Suspension of the FA for ELOP  
Letter from HOD to Speaker: Request to Lift the Suspension of the FA for ELOP  
Letter from Parliament to HOD: Request for an Extension of the FA for ELOP  
Letter from Parliament to HOD: Request to Lift the Suspension of the FA for ELOP  
Letter from NP to HOD: Request for an Extension of the FA for ELOP  
Letter from EUD to Executive Director LSS Unit: Year 4 Summary Interim Implementation Report

### *F. Project reviews and evaluations*

External Evaluation of the EC Funded Legislatures Support Programme (2008)  
Midterm Review of the Legislative Sector Programme (2014): Report  
Midterm Review of the Legislative Sector Programme (2014): Presentation  
Seven Assessment Study (2008): Sector Policy Support Programme for the Legislative Sector Phase 1  
Seven Assessment Study (2008): Sector Policy Support Programme for the Legislative Sector Phase 2  
Final project Evaluation: Putting People in the People's Parliament Project, 2021  
Final project Evaluation: Putting People in the People's Parliament Project: Appendix 2, 2021

### *G. Other projects*

Project Fact Sheet: Civic Action for Change  
Project Fact Sheet: Enhancing CSO Participation in Legislatures' Oversight and Participation  
Project Fact Sheet: Putting the 'People' in People's Parliament  
Project Fact Sheet: Promoting Broader and Effective CSO Participation in Environmental Governance  
Project Fact Sheet: Addressing the lack of accountability for GBVF in 19 selected communities in SA  
Project Fact Sheet: Supporting Public Participation and Planning in Local Government

Project Fact Sheet: Enhancing state accountability in health and education in South Africa  
A Wedge in Parliament's Door: Putting the 'People' in People's Parliament  
About Putting 'People' in People's Parliament project and Key lessons learnt  
Programme Fiche: Enhancing Accountability Programme  
Putting People in the People's Parliament (PPiPP): Final Narrative Report

H. *Other documents*

Money Bills and Provincial Legislatures: An Overview and Update, 2021  
Moving Online, Opening the Virtual Door: Public Access to Online Committee Meetings in National Parliament During Lockdown Research Report, 2021  
Fiscal Oversight by Parliament and Provincial Legislatures, 2021

## F. ELOP Procurement Approval Timeline

### LSS PROCUREMENT TIMELINE

<u>WHO</u>	<u>WHAT</u>	<u>WHEN</u>	
LSS	CNP dossiers submitted	25/02/2021; 11/03/2021; 12/03/2022 & 15/03/2021	
NT	Endorse CNP dossiers	18/03/2021	
EUD	Notice of rejection / not endorsing CNP dossiers	14/04/2021	
LSS	Request use of Negotiated Procedure	24/05/2021	
NT	Endorse request to use Negotiated Procedure	11/06/2021	
LSS	Submits letter to request endorsement of NP dossiers	23/06/2021	
LSS	Submits six NP dossiers	23/06/2021	
LSS	Submits one NP dossier	24/06/2021	
EUD	Letter to NT approving use of NP	24/06/2021	
LSS	Request to endorse evaluation committees & list of potential service providers	02/07/2021	
LSS	Request to endorse evaluation committees (updated with alternates)	19/07/2021	
NT	Endorsement of NP dossiers	22/07/2021	
EUD	Approves Evaluation Committees	28/07/2021	
LSS	Invitation to EUD to observe evaluation	18/08/2021	
EUD	Endorsement of global price NP dossiers	20/09/2021	
EUD	Endorsement of fee-based NP dossiers	29/09/2021	
			<b>4.5 months</b>
LSS	Request endorsement (informal submission) for proposed contract awards:		
	PPS	15/02/2022	
	Local Gov & Flight bookings	17/02/2022	
	Accommodation	18/02/2022	
	BIMS	23/02/2022	
	Updated flights	25/02/2022	
	Harmonisation	02/03/2022	
	Updated Accommodation	07/03/2022	
	Venues	08/03/2022	
NT	Endorsement (and formal submission) of proposed contract awards	09/03/2022	
EUD	Endorsement of 4 (and rejection of 3) contract awards	03/05/2022	