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Positive Parliament

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This work is designed to familiarise citizens of South Africa with what are likely to be little known aspects of their Parliament. Not only does it promise to differentiate and contextualise the role of the party within parliament in simple terms, it also aims to provide a brief snapshot of some of the more positive elements of parliament (as perceived by its workforce) so that those on the outside may have a glimpse into its institutional life (and with it, the foundations of a nascent trust in its work.)

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South Africans are keenly aware of all the Parliament is doing wrong. So what could it possibly be doing right? To start the conversation, this article draws from the experience of parliamentary insiders who have witnessed its starts and stops. It also takes a step back- applying a broad lens to the question of how well a parliament is developing over time. There may just yet be cause for hope.

What is the South African Parliament doing right?

In 1994, a parliamentary system was borne in South Africa. Its task: to break from a past of oppression pave the way for a democratic future. Its founding values emphasised accountability, responsibility, openness and transparency. Fast forward thirty years: a unique combination of endemic corruption and impunity has left the country gobsmacked. Unemployment and poverty remain widespread. What could South Africa's Parliament possibly be doing right?

For this task, then, we turn to the insiders for intel. We want to pull back the curtain of this (yet) largely opaque institution and probe this simple question. But in order to get there, we will need to start at the very beginning. Do South Africans feel re-presented by the parliament? Does the parliament embody the values embodied in its first democratic constitution?

1. Representation

At first blush, the short and easy answer is no. This could be because parliament has "overwhelmingly failed in facilitating public participation," as per the findings of the constitutional court. As one interviewee put it: "ordinary people's voices are just not being heard." But upon closer inspection, sprinkles of progress can also be seen. The Floor Crossing Act, which was a disaster for small parties in the proportional list electoral system, was eventually disbanded. Great news for alternations in power! Though not publicly visible, democratic maturity can be seen at the committee level. And with new elections and coalitions, we can begin to see further developments. A large number of opposition MPs are now positioned as committee chairs. Parliament is working on its public outreach. An electoral reform process is underway. And the fire-struck parliament building is being repaired, as part of 'symbol of healing' for South Africa, according to one interviewee. They are trying. Better late than never?

2. Function

So how is parliament doing in terms of its function? Is it conducting the work the constitution has outlined (providing a forum for debate, passing legislation and overseeing government action-for those who may need reminding). Here again, maybe we begin with the bad news.

When it comes to oversight, we know parliament missed the mark and in a drastic way. The system requires a diverse range of parties to keep government in check, but in the hands of a single party (and a culture of tight party loyalty), South Africans bore witness to the unraveling of accountability in real time. Even committees failed at this task. The 25 portfolio committees of the national assembly and 11 select committees in the NCOP, designed to shadow government entities, were unable or unwilling to do just that. The Justice Committee, however, appears to stand above the rest, with a reputation for

high degree of impartial collegiality, efficiency, and consensus. The Public Accounts Committee (SCOPA) offers much of the same. And newly established committees are about to ensure the President is held accountable for those elements more recently housed under his command. Such examples are, admittedly, far too few. But every flame requires a spark.

In terms of legislative output, parliamentary systems don't place much of a demand on their parliaments. The institution must simply ensure that any legislation is duly passed and in line with the interests of citizens. For this reason, the South African Parliament allows state law advisors to attend committee meetings and make inputs. However, even with government support, the number and quality of legislative outputs is reported to have deteriorated in recent years. Perhaps a lower bar is required. Does Parliament pass laws? Slowly, but yes.

How does Parliament fare as a forum for debate? The answer is not ideal. Some parties in parliament have planted the seeds of dysfunction (using a rhetoric of revolution) and muddied the decorum necessary to support a meaningful exchange of views. However, the recent elections have given some cause for hope. Parliament is presently working on regulations to legislate the current coalitions. The new constellation offers the potential for a more diverse and vibrant exchange of views. In sum, though small wins can be identified, the functional assessment is less than rosey.

However, in matters of public finance, Parliament has moved beyond the confines of its system type and proven itself remarkably adaptable. Building on longstanding discussions, the Money Bills Amendment Procedure and Related Matters Act (2009) was passed. This extends the traditional oversight functions of Parliament from simple approval and review to actual powers to amend the national budget. This is a rare development when compared to other parliaments globally. In addition, a Parliamentary Budget Office (equally rare) was launched in 2013 to support of the independent engagement of the Finance and Appropriations Committees in budgetary issues and build the capacity of MPs to engage on financial issues, more generally. Though potentially pathbreaking, the will of the few appears to have been no match for the institutional scaffolding of Parliaments itself. With Ministers still doubling as MPs, Parliament is ill-placed to conduct autonomous oversight over the executive- particularly on matters as dear to the political mind as the national budget. It is perhaps then, unsurprising that these newfound powers have yet to be applied by Parliament.

3. Operations

So, two down. Now to operations. Does the parliament have the resources and institutions necessary to fulfil its mandate, if it so chose? Yes. It does. Committees meet regularly and are presumably provided with the budget necessary to conduct their work. Other parliaments - particularly those elsewhere on the continent- might be kept on a tight financial leash. Committees are open to the public and the media. And Parliament has been making a concerted effort in opening its doors to the public and encouraging public participation in its work, which helps. There is a full production media team housed in the parliament building itself, which provides the public with access to information and expert analysis of its work. Parliament also maintains a professional relationship with the Parliamentary Monitoring Group, which, inter alia, provides verbatim accounts of its (committee) proceedings.

Parliament enjoys a large cadre of well-educated staff servicing these committees, including research and library support services. The parliament also makes good use of social media, providing some sort of 'in-touchness' with those who use it and have access. Technology is also being leveraged by parliament to hold virtual discussions that both save taxpayer money and time while increasing public participation. A new model for public participation was adopted in the 5th parliament and a public outreach specialist recently recruited. Public hearings are also being conducted in the provinces (even if this is really the remit of the NCOP).

Externally, Parliament also enjoys good cooperation with civil society organisations (though cooperation with the same at the committee level could use some work). And it is also well on its way to trying to learn- sending out 'diplomatic' missions to various international fora including the Inter-Parliamentary Union, the Commonwealth Parliamentary Association, and the SADC-Parliamentary Forum. Organisationally, parliament is working on ensuring MPs won't be dismissed for conducting their oversight. Not a novel idea, to be sure. But here again, better late! And the institution is poised to change its rules of procedure in line with government of national unity. So as a workplace, parliament is organising itself in a way that is synonymous with forward movement. This is surely a plus.

So how is the parliament performing? As one interviewee reports: it's 'a mixed bag.' Organisationally, it appears to be moving from strength to strength. Institutionally, it's been doing an abysmal job at re-presenting the values of its citizens and ethos of democracy though seeds of progress can, at last, be seen. Functionally- it appears to be searching for itself. Does parliament make good on the social contract? Does it provide citizens a return on their taxpayer investment? For the few who are paying taxes the short answer is: not yet. But if parliament is a team sport, democracy is a long game. The worst may be over. It might just be worth sticking around to see how the growth of this new democratic institution unfolds.