



# SOUTH AFRICA:

The evolving role of Parliament  
in the 21st century Page 6

 CPA COMMONWEALTH  
PARLIAMENTARY  
ASSOCIATION



## PLUS ▶

The NCOP – Promoting  
co-operation and  
engagement

PAGE 2

Making children's rights  
a priority

PAGE 14

Refining trade to boost  
development

PAGE 22

From a divided to a  
united South Africa

PAGE 26

Colored vuvuzela with  
South African flags' colors





# CONTENTS 2013: ISSUE 2

## A Profile on South Africa, host to the 2013 Commonwealth Parliamentary Conference

### **The National Council of Provinces - Promoting co-operation and engagement**

Hon. Mninwa Johannes Mahlangu, MP

**Page 2**

### **The evolving role of Parliament in the 21st Century**

Hon. Max Sisulu, MP

**Page 6**

### **Sectoral Parliaments for youth, women and rural South Africans**

Hon. Nomaindya Mfeketo, MP

**Page 10**

### **Making children's rights a priority**

Hon. Thandi Memela, MP

**Page 14**

### **A constitutional vision: Planning to succeed**

Mr Trevor Manuel, MP

**Page 18**

### **Refining trade policy to boost development**

Dr Rob Davies, MP

**Page 22**

### **From a divided to a united South Africa**

Dr Mathole Motshekga, MP

**Page 26**

### **Lifting a sports-mad nation out of apartheid: Round two**

Mr Fikile Mbalula, MP

**Page 30**

### **Electoral reform: Seeking a new balance between the people and political parties**

Ms Lindiwe Mazibuko, MP

**Page 32**

### **Oversight - A critical role for committees**

Mr Cedric Frolick, MP and Mr R.J. Tau, MP

**Page 36**

### **Building the capacity and well-being of Members**

Mr Ben Skosana, MP

**Page 40**

### **Local government: Intergovernmental co-operation to deliver development from a municipal base**

Ms Nosilivere Magadla, MP

**Page 44**

### **The role of parliamentary diplomacy in overseeing and advancing government foreign policy**

Ms Fatima Hajaig, MP

**Page 48**

### **Deepening democracy through interparliamentary collaboration**

Hon. Lindiwe Maseko, MPL

**Page 52**

### **A painful, protracted road to peace**

Prof. Kader Asmal

**Page 54**

### **The changing nature of Parliament**

Mr Michael Coetzee

**Page 58**

### **The Parliament of South Africa: The first 20 years**

Mr Masibulele Xaso

**Page 62**

### **Co-operation, consultation and dispute resolution: Law-making and the National Council of Provinces**

Adv. Modibedi Phindela

**Page 64**

### **Proportionality and accountability in South Africa's electoral system**

Mr Norman du Plessis

**Page 68**

### **Institutional support for South Africa's democracy**

Adv. Nonkosi Cetywayo

**Page 72**

### **The people shall participate - Meaningfully**

Mr Luzuko Jacobs

**Page 76**

### **Promoting parliamentary understanding and involvement in rural communities**

Mrs Sindiswa Tyhokolo-Mbetshe

**Page 80**

### **Constituency work - Water supplies, roads, toxic waste and doors for school toilets**

Information and Content Development Unit of Parliament

**Page 84**

### **State of the nation: A blueprint for the year ahead**

Public Education Office of Parliament

**Page 88**

### **Adorning Parliament: The history of South Africa through art**

The Artworks Office of Parliament

**Page 92**

### **Front cover**

*Carrying the South African flag high: Shutterstock®*



*Promoting sustainable forest management*



# THE NATIONAL COUNCIL OF PROVINCES – PROMOTING CO-OPERATION AND ENGAGEMENT

The National Council of Provinces uses creative processes to bring together the three spheres of government – national, provincial and local – to co-ordinate the delivery of services to the citizens of South Africa. Its current Chairperson says the NCOP deepens democracy and ensures public participation not only by including in its membership representatives of the nine provincial governments and Legislatures and local governments, but also by travelling out to meet local people in their own communities.

## Hon. Mninwa Johannes Mahlangu, MP, in Cape Town.

Mr Mahlangu has been the Chairperson of South Africa's National Council of Provinces since 2005. He co-chaired the Convention for a Democratic South Africa, among other roles in ending apartheid, and was elected to the National Assembly for the African National Congress in 1994. He has been Chairperson of Committees and Deputy Chairperson of the NCOP. He also sits in the Pan-African Parliament.



Hon. Mninwa Mahlangu, MP

The National Council of Provinces (NCOP) serves as an essential link between Parliament and the provinces of South Africa, as well as municipalities. Through its work, various projects and long-term programmes, the NCOP promotes co-operative government and gives ordinary people greater access to governance.

The nine provinces of South Africa each nominate 10 representatives

to the NCOP (six of whom are permanent and four appointed by the province to attend sessions dealing with specific business interchangeably). Local authorities are represented through the South African Local Government Association (SALGA) equally with 10 seats, whose representatives can participate in NCOP meetings but may not vote.

The provincial structures help to make South Africa's democracy a truly participative and transparent one. This is reflected in the work the NCOP has been doing since it replaced the Senate as the second House of Parliament in 1997. While the primary function of the NCOP is to represent the views of provinces, it also acts as a House of review. The NCOP has the powers to amend certain legislation, while with regards to Section 75 Bills the House can make suggestions to the National Assembly.

For legislation to be passed in the NCOP, five of the nine provinces have to vote in favour of a Bill. A constitutional amendment (as per Section 74 of the Constitution of the Republic of South Africa) requires the approval of six of the nine provinces.

### Getting out to the people

When the NCOP celebrated its 15th anniversary in 2012, it marked the occasion with wide-ranging activities, including initiating a lecture programme titled "Project Democracy: The role of Parliament in general and the NCOP in particular." This lecture project aims to establish a dynamic partnership with South Africa's tertiary sector. It was launched early in 2013 with a lecture at the University of the Western Cape (UWC), an appropriate choice as this university was earmarked under apartheid as a coloured-only, second-class university. The UWC's vigorous participation in the struggle





for democracy and the negotiation process that followed added to its reputation as one of South Africa's progressive, upcoming universities.

The NCOP's foray into the world of academia has not removed it from its roots among the people. Arguably the most important ongoing programme of the NCOP is "Taking

Parliament to the People". This is defined as a public education and participation programme where ordinary South African citizens get a chance to engage face-to-face with their elected public representatives. The NCOP identifies an area in rural South Africa for a unique week-long sitting bringing all the three

spheres of government under one roof to account to the electorate on service delivery matters. Through the "Taking Parliament to the People" programme, the NCOP has a chance to conduct oversight on government programmes and policies.

For the past decade, twice a year, Members of Parliament, government

**The earliest building in Parliament, built in 1885, now houses the National Council of Provinces.**





Ministers and the President and Deputy President in turn have travelled to remote, rural areas, where they get down to the business of meeting, listening and responding to the people who live there. At the heart of “Taking Parliament to the People” lies the philosophy that the NCOP is at the cutting edge of overseeing co-operative government.

Following some remodelling in 2008 after an impact study, the programme is now delivered in three stages: (a) intensive pre-planning, which includes on-the-ground research and a public meeting to hear the challenges directly from the people, (b) feedback from

the Executive during the main programme on issues picked up during the preliminary stages, and (c) a concerted multi-stakeholder follow-up, which can climb vertically to the executive and stretch horizontally to include provincial departments and local authorities alike.

Long before the actual programme takes place or invitations are extended for come-one-come-all opportunities to meet public representatives, there are site pre-visits, where the three spheres of government work together to identify problems and come up with possible solutions. On every one of these occasions local citizens, by

all accounts, pour in to voice their concerns and put their demands. Unhindered by suits, in casual attire, the country’s leaders travel through the dusty streets visiting clinics, schools, emerging industries and citizens’ homes, identifying problems and noting where action is needed.

In March 2013, the latest “Taking Parliament to the People” programme was held in the small farming and mining town of Carolina in one of the poorest provinces, Mpumalanga. Among the NCOP’s biggest concerns was the quality of water (which is reportedly polluted allegedly by mine water), dilapidated schools, lack of rural development and the

general condition of public facilities.

Carolina was singled out because the NCOP targets areas that are situated at the “back of beyond”, and which are still lagging behind. It is in such areas that so much remains to be done as far as service delivery is concerned – despite the work that has been done to improve people’s conditions.

“Taking Parliament to the People” is one of the mechanisms used by the NCOP to ensure the involvement of people in governance matters. The programme gives effect to the constitutional promise that the NCOP serves as a forum for consideration of matters affecting provinces.





The NCOP Chamber which was extensively renovated in 2001 into a semi-circular layout



**Linking locally with local leaders**

Another vehicle through which the NCOP ensures that there is service delivery for the people is "Provincial Week". For a full week and twice a year, provincial delegations spend time in each province, meeting the provincial leadership (such as Premiers and Ministers), their counterparts in provincial Legislatures and local councillors. They share notes on matters related to government, in particular local government, the sphere of government closest to the people. Delegations conduct site visits to view,

at first hand, what progress has been made in terms of service delivery at identified areas. In this way the NCOP forms a central link between Parliament and the provincial and local spheres.

As the parliamentary House that represents the country's nine provinces (from north to south: Limpopo, Gauteng, Mpumalanga, North West, Free State, KwaZulu-Natal, Eastern Cape, Northern Cape and the Western Cape), the NCOP brings government closer to the people. Working with provinces, it focuses on functional areas of concurrent national and provincial legislative competence (such as agriculture, education and health), where the bulk of the nationally raised budget is spent.

As part of its efforts to promote a working intergovernmental system, last year, the NCOP initiated "Local Government Week". The aim is to strengthen municipalities so that they are able to improve their service delivery to the people.

A Children's Rights seminar is another recent NCOP initiative. Headed by the NCOP Deputy Chairperson, Ms Thandi Memela, MP, this project examined existing laws and policies aimed at protecting children and identified where improvements were needed.

This seminar afforded the NCOP an opportunity to hear from the children themselves what they thought about their rights. It is our duty to continue promoting and protecting these rights by tightening laws and policies, as well as strengthening oversight.

**The oversight role**

South Africa's two Chambers of Parliament each have their own committees. The portfolio committees serve the National Assembly while the select committees conduct oversight for the NCOP.

There are also joint committees, established by the constitution or an act of Parliament, for example the Joint Standing Committee on Defence and the Joint Standing Committee on Intelligence.

**"The NCOP has taken advantage of its constitutional mandate to bring a unique perspective to South Africa's parliamentary democracy."**

For the purpose of performing their legislative and oversight functions, parliamentary committees may summon any person or any institution to appear before it to give evidence, produce a document or give a report. In the performance of their mandate, committees have considerable powers which are subject only to the constitution, legislation, the rules and House resolutions.

Committees may receive petitions, representations or submissions from interested persons or institutions, and permit oral evidence on such petitions, representations, and submissions. They have a number of mechanisms at their disposal to conduct their oversight functions, including holding public hearings, receiving departmental briefings, considering annual reports, strategic plans and budgets and conducting oversight visits.

Either Chamber of Parliament may appoint a temporary or ad hoc committee for specific investigations. One such example was the National Council of Provinces Ad Hoc Committee on the Protection of State Information Bill. The committee served as the most recent excellent example of how public participation in the legislative processes should be ensured.

This was particularly significant as this Bill was contentious and generated vigorous citizen opposition with the result that it went through 120 amendments in the National Assembly before it was passed. The next step was to refer it to the National Council of Provinces, which

established the ad hoc committee comprising 15 MPs. This committee immediately drew up a plan to take the Bill on the road to the nine provinces to test public opinion. The exercise resulted in hundreds of proposals for amendments of the Bill by the Assembly.

The ad hoc committee was divided into teams in order to cover more ground, and public hearings were held simultaneously in different venues.

The primary purpose of this extensive exercise was to enable the public to tell us as legislators exactly how they viewed the Bill so that when deliberations took place we would amplify the people's views and concerns.

The NCOP has taken advantage of its constitutional mandate to bring a unique perspective to South Africa's parliamentary democracy. It has sought to promote co-operation among the different spheres of government and to bring democracy to the most deprived communities.



**Black Rod stands in a drum when the National Council of Provinces is in session.**



# THE EVOLVING ROLE OF PARLIAMENT IN THE 21ST CENTURY

The development challenges facing nations today require that their democratic institutions find new and more effective ways to work for and with their people. The Speaker of the National Assembly of the Parliament of South Africa says his institution is refocusing its processes so it plays its full role, including contributing actively to the development of the next generation of Millennium Development Goals.



The Mace of the National  
Assembly of South Africa.

## Hon. Max Sisulu, MP, in Cape Town.

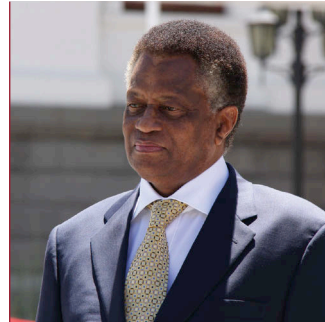
Mr Sisulu was elected Speaker of the National Assembly in May 2009. He was an African National Congress MP from 1994 to November 1998 when he moved to a career in business. He chaired a portfolio committee on reconstruction and development and was the ANC's Chief Whip. The head of the ANC Department of Economic Planning in Zambia before it relocated to South Africa in 1991, Mr Sisulu established the National Institute of Economic Policies in 1991. He holds Master's degrees in Economics and in Public Administration.

The 21st century is presenting Parliaments with more complex challenges and changes requiring us to operate differently. There are many factors which today impact on democracy and require that the voice of ordinary people be heard and fully represented in our work. These include poverty, climate change, the global economic crisis, the increasing prevalence of devastating natural disasters and the rise in inter- and intra-state conflicts.

The rapid advances in technology and information technology in particular have had a significant impact on the way in which we operate in the world today.

The recent financial crisis has resulted in increased inequalities between the rich and poor. This means that those in the lower margins of our societies are becoming more powerless. This is obviously a challenge for us as Members as we need to ensure that we protect our societies from these adverse situations and to provide appropriate solutions to eradicate the sources of these inequalities.

In the face of these new



Hon. Max Sisulu, MP

challenges, Parliaments must review their roles to ensure that they are continually in step with new developments and the demands of the modern world and more importantly our people. To this end, Parliaments must adapt and modernize their legislative and oversight roles to ensure that we are able to respond to the challenges of our contemporary world and realities.

To address the evolving role of Parliament, in 2009 the South African Parliament adopted a Strategic Plan that seeks to create a common vision for our Parliament, establishing a high level of synergy and understanding

regarding the direction in which the institution is moving. The Strategic Plan identified four core values that underpin our functioning of the institution: constitutionality, people-centred-ness, co-operative governance, professionalism and institutional governance.

These core values identified are similar to those that the Global Parliament Report of 2012 raised as dominant challenges facing Legislatures all over the world in contemporary democracies.

## Reaching out to represent

The role and ultimate function of Parliament is to represent the people. Parliament acts as the voice of the people and, as such, involvement of the people is an imperative to truly be that voice.

The demand for Parliament to represent the voices of the people has increased over the years, particularly with the deepening of democracy and the demand of good governance increasing. Although Parliaments continue to perform the traditional roles of law-making, overseeing government actions and





The Speaker addressing a public meeting.

**“...we must address the inequalities of the past and ensure that we move to achieve substantive equality for all our people.”**

ongoing basis to ensure not only that we stay abreast of issues that affect all our people but also that their voices find expression in our work. In South Africa, this is an imperative derived from our constitution which requires Parliament to facilitate public involvement in the legislative and other processes. Our constitution also requires that we must address the inequalities of the past and ensure that we move to achieve substantive equality for all our people

Through its public involvement and participation processes, Legislatures help shape the building of the nation by providing a meaningful platform where divergent views may be presented and discussed. The voices of the people must be heard in our legislative institutions; but this will not happen if we sit back in our committee meetings and offices. We need, instead, to proactively seek out our people's voices and opinions, and facilitate ways and means of engaging all sectors of society in crucial debates on issues of public importance.

In 2012, our Parliament started on a comprehensive review of the Rules and Standing Orders. A key focus of the review includes, among others, how Parliament should give expression to being a people's Parliament and how the public inputs will find expression in the processes and proceedings of the Houses. We aim to finalize the review of the Rules process by June 2013.

In modern times, the process of parliamentary representation has become more complex because it is intertwined with other external

the representation of the people, the context within which they are fulfilled has changed over the last decades.

The constitution of South

Africa provides that Parliament must conduct its business and formulate its rules in such a manner that expression is given not only

to representative democracy but also to participatory democracy. Parliament's mandate requires that it engage with the electorate on an



organizations like civil society organizations more than ever before. Modern Legislatures also need to embrace every aspect of and opportunity afforded by emerging technologies to get their messages across. Our Parliament recognized the need to improve the public's understanding and impression of its work, and is making use of modern technologies to raise the awareness and understanding of Parliament and its place in the democratic state. More importantly, this provides a platform through which the public engages with us.

In recognition of the common challenges with regards to effective public participation, our Parliament and the provincial Legislatures developed a Public Participation Framework which will ensure a common approach to effective and meaningful public participation in our country.

The Public Participation Framework emphasizes that the process does not end once the public has been afforded an opportunity to express their views. Public participation is meaningful and effective if inputs from the public find expression in our parliamentary processes. Credible and inclusive participatory processes lead to public trust in our representational role as the people's voice in government.

### Entrenching the oversight culture – a new model

Parliament has a central role to play in ensuring that government remains true to its policy commitments. The work of Parliament does not end with the passing of legislation and budgets; rather, it transforms into oversight mode to monitor, scrutinize and assess the impact of expenditure in relation to the country's policy priorities.

Oversight of the executive is often misunderstood by both the executive and the Legislature. Oversight is neither a fault-finding exercise nor intended to embarrass the government. It is instead aimed at enhancing accountability through the scrutiny of government policies and



**View of the National Assembly Chamber from the Speaker's Chair.**

spending in order to produce a better democratic outcome.

There is a global trend towards greater openness in government financial management, and around the world there are calls to strengthen public accountability and to re-examine how transparency and good governance can best be achieved.

The need for strong parliamentary scrutiny mechanisms as an essential part of promoting good governance and combating corruption is an accepted fact. In 2001 the Commonwealth Parliamentary Association (CPA) recognized that effective parliamentary oversight depends on an active committee system within Legislatures that enables Members to penetrate below the surface of government administration and to make accountability real.

The South African constitution requires Parliament to provide for

effective mechanisms of oversight and to ensure that executive organs of state in the national sphere of government are accountable to it.

Noting the gaps in our oversight capacity, in 2009 our Parliament adopted an oversight and accountability model. The model's primary objective is to provide the framework that describes how Parliament conducts oversight. It seeks to improve existing tools of parliamentary oversight, streamline components of the new oversight model with existing components, and enhance Parliament's capacity to fulfil its oversight function in line with its new strategic direction of entrenching the culture of overseeing executive actions.

The oversight model demands that parliamentary processes also focus on the proactive detection of problem areas and bring these to the attention of the executive with, where possible, proposals providing

solutions. Since the adoption of the model, there is a more co-ordinated and enhanced approach to oversight by committees and deeper scrutiny of government budget and policies.

In 2011, our Parliament and the provincial Legislatures, through the Speakers' Forum, developed a legislative sector oversight model to provide for effective mechanisms to ensure that the government is held to account on its performance and more importantly that it delivers necessary services to society.

### Financial scrutiny

Public Accounts Committees play an important role as oversight mechanisms, and have helped Legislatures to fulfil their mandate of overseeing executive actions,





particularly in financial management and administration. These committees must ensure that a high standard of ethical practice is maintained by all in the public sector and that public resources are used efficiently and in the manner intended to ensure that the development needs of our people are attained.

The oversight processes and mechanisms must therefore ensure and assist our governments in deepening democracy by delivering on the developmental needs of our people.

Given South Africa's developmental challenges, it is critical that our oversight function place strong emphasis on financial accountability to ensure that the limited resources of our country are dedicated to improving the lives of our people.

Within the context of the global economic downturn, our oversight must therefore emphasize the pursuit of value for money to ensure that governments do more with less.

Parliamentary oversight must be precise and we need to change the manner in which we engage the executive.

In doing our oversight work, we have to shift our focus beyond statistics as statistics alone do not reflect quality nor do they reveal the real changes. We need to focus more on the intended outcomes of policies and legislation.

The shift in the legislative workload of our Parliament has initiated a new focus, one which goes beyond the passing of Bills. Over time, Parliament's legislative workload has increasingly emphasized monitoring the impact of legislation and how the form and content of legislation may facilitate such monitoring.

All of this has been contingent on the understanding that law-making and oversight should be based on actual outcomes. Legislation must be drafted in such a way that it presents clear and realistic objectives. The South African Parliament will be introducing an Impact Assessment Report, which will require the executive to undertake

an assessment before it is tabled in Parliament of the likely impact that each Bill will have. This will empower Members of Parliament and provide a good basis that enables them to interrogate the executive on priorities and the intended outcomes of legislation.

The main objective is to ensure that legislation to be enacted is relevant and addresses the needs of our people. This has been incorporated in the process of the comprehensive review of our Rules.

The oversight function of Parliament is the most important power we have to ensure and assist our governments to meet their commitment to implement strategies that eradicate poverty and inequality over time. We are continuously looking at ways and means of improving on this function in responding to the demands of our modern societies.

### **Responding to the peoples' Millennium Development needs**

Parliaments all over the world are faced with the challenge of remaining relevant and how we, as representatives of our people, ensure that we deliver on our people's expectations. The answer to these questions requires of us to consider how, within our traditional roles as Legislators and overseers of executive action, we respond and adapt to the changing needs of our societies.

Parliament is not only the guardian of democracy, but an institution that must shape and give meaning to it. Putting people at the centre of development is not merely a slogan. It is a principle that emanates from the central role of Parliament in representing the people.

Therefore, society in general has to be recognized as a key component in finding solutions to national problems and this ensures ownership of the agreed solutions.

Parliament's oversight and representational roles ensure that it is at the forefront of improving the lives of people and ensuring access

and delivery of basic services. The ultimate responsibility of Members of Parliament is to oversee the acceleration of efficient service delivery and improvement of the quality of life of the people. Our responsibility is to ensure that we exercise our legislative, oversight and budgetary responsibilities prudently so that we can achieve our developmental goals.

In our deliberations on the role of Parliaments in accelerating the achievement of the Millennium Development Goals (MDGs), we emphasized the need for Parliament and its Members to ensure that governments follow through on their commitments and obligations.

There is consensus that the MDGs provide a framework for the international community to work together towards a common goal of ensuring that human development reaches all our people and give practical effect to basic human rights and promote human dignity the world over.

Parliaments must exercise their legislative, oversight and budgetary responsibilities prudently so that we ensure achievement of the MDGs by also being part of the processes that both shape national policies and respond to development needs of our people.

Our Parliament held seminars and workshops on MDGs and more importantly on how Parliament should assist in their attainment by the country.

We have opted to mainstream the MDGs in the work of committees rather than creating a dedicated committee. This was to ensure that it is an ongoing part of the work of each parliamentary committee to review the progress and impact made by government departments in achieving the MDGs.

The MDGs must continue to provide a focus for our efforts to respond to the needs of those we represent, while the vision of a world without poverty must not be lost despite the current difficult times. The post-2015 discussion on what should succeed the MDGs is gaining

momentum. The latest projections emanating from the United Nations suggest that, sadly, in 2015 almost one billion people will still live in extreme poverty. Such suffering is inconsistent with the vision of dignity, equity, freedom and prosperity and our responsibility to address the needs of our people.

The post-2015 arrangement must take into account the lessons of over a decade of implementing the existing MDGs and must be shaped by the profound global change since the MDGs were first introduced. It must also address the significant problem of inequality which has stood in the way of reaching the MDG targets.

Parliaments must ensure that they are part of the design of the next generation of global development goals and more importantly must agree on their measurements to ensure that they can monitor their implementation.

### **Striving for a better world**

As it is our responsibility as representatives of the people to ensure the lives of our people are improved, it cannot be business as usual. Parliaments as forums for consideration of public issues must continue to ensure that the needs of those we represent find expression in our work.

We must continue to focus on the commitment to eradicate poverty and support human development without despairing due to the prevailing world economic situation. We need to sharpen our oversight role, in particular fiscal oversight, to ensure that our governments can do more with less.

Parliaments must take up the challenge of the 21st century and become activists for change in our societies.

We need to constantly review our roles to ensure that we can respond to and are at all times in step with the needs of our people. We do this not for ourselves, but for the people we serve and to whom we owe a world where human dignity and human rights are paramount.



# SECTORAL PARLIAMENTS FOR YOUTH, WOMEN AND RURAL SOUTH AFRICANS

To involve the public in their governance, Parliament introduced “sectoral Parliaments” for those who ordinarily would not be able to access Parliament – young people, women and residents of small, more remote communities. The Deputy Speaker of the National Assembly writes that these events promote involvement in the parliamentary process and keep alive South Africa’s long tradition of grassroots mass movements.

## **Hon. Nomaindya Mfeketo, MP, in Cape Town.**

Ms Mfeketo has been the Deputy Speaker of the National Assembly of South Africa since 2009. She chaired the African National Congress (ANC) Caucus in 2008. She became the first female Executive Mayor of a major South African city in 2003 when she became Mayor of Cape Town. She has also served as a Political Advisor to the Minister of Foreign Affairs.



**Hon. Nomaindya Mfeketo, MP**

South Africa’s sectoral Parliaments, which take various forms and are held in various places, were introduced so that all members of society, such as people living in rural areas or the country’s youth or women, could be involved in the working of Parliament. They generally consist of, but are not limited to, three types of institutional events: a Women’s Parliament, a Youth Parliament and a People’s Assembly.

These sectoral events play an important role in the efforts of Parliament to extend participation in its workings to all parts of the population, irrespective of age, class,

creed, gender, race or religion. It is the embodiment of parliamentary democracy as set out in the founding document, the Constitution of the Republic of South Africa, which constitutes rule “of, by, for and through the people”.

In February 2005, Parliament adopted its vision to “build a people’s Parliament that is responsive to the needs of all the people of South Africa”. Through this vision it strives to create a transformed, democratic and open society that improves the quality of life of all South Africans, ensures meaningful and active public participation that educates and informs people and provides access to Parliament. This vision is closely linked to one of Parliament’s core objectives – to “facilitate public participation and involvement”.

Public participation and involvement form an integral part of the business of Parliament, and public participation initiatives such as sectoral Parliaments were established to give expression to the vision and core objectives outlined above. Moreover, Sections 59 and 72 of the constitution provide for the

National Assembly and the National Council of Provinces to facilitate public involvement in legislative and other processes. Initiatives such as the Youth Parliament are aimed at giving expression to these constitutional provisions.

Sectoral Parliaments serve as platforms for Members of Parliament to interact with the public as the electorate. Although they have developed their own momentum, they spring from and are linked to seminal events in South Africa’s young democratic history.

## **The young continue to speak out**

A Youth Parliament is held every year to mark 16 June 1976, when thousands of students from high schools in Soweto protested against Bantu education and apartheid. The disparity in the government school subsidy at that time was telling: R644 was spent on each white child, but only R42 on each black child in the Bantu education system.

The pupils succeeded by and large in keeping secret their arrangements for that day, the day





Taking turns to speak out at the People's Assembly.



that would change South Africa forever. En route to Orlando Stadium they were ordered to disperse by armed police in anti-riot vehicles. They did not disperse and responded to the police teargas with stones. Live

ammunition was fired killing 12-year-old Hector Pieterse. The photograph of his body being carried by Mbuyisa Makhubo was seen around the world and heralded the beginning of the end of apartheid.

Countrywide protests followed. Hundreds died, thousands were arrested and jailed in the weeks and months that followed. But the effects were immediate as well as long term: principals were allowed to choose

their medium of instruction and urban black people were given permanent status as city dwellers.

The Youth Parliament acknowledges and commemorates the contribution of the youth to the





## YOUTH, WOMEN AND RURAL SOUTH AFRICANS

liberation of South Africa, as well as bringing attention to the challenges still faced by youth. In South Africa, 70 per cent of the unemployed are young people between the ages of 18 and 35. In their lively and far-ranging debates, the young people who attend the Youth Parliament each year still display the revolutionary spirit that inspired their parents' generation in the 1970s and 1980s.

The Youth Parliament inevitably reflects the exuberance of young people voicing their ideas and displays their talent and resilience. They often express reservations about their future because they are the most exposed part of society: exposed to crime, drugs, gang cultures, joblessness and lack of educational opportunity.

They also express optimism because they have been born in a free democracy and are determined to achieve all that they can.

### Women's Parliaments to fight for gender equality

The Women's Parliament takes place in August each year to mark the march to Pretoria on 9 August 1956 when 20,000 women protested to then Prime Minister J.G. Strijdom against the carrying of passes by black women.

The march led by Helen Joseph, Rahima Moosa, Lillian Ngoyi and Sophie Williams became a catalyst for subsequent mass struggles of women from all walks of life, in their own organizations as well as in broad liberation and labour movements. The day was marked and celebrated during the struggle against apartheid oppression, even when liberation movements were banned, and it was deemed illegal by the then apartheid regime. It soon became an important mobilizing day against oppression.

Women's Day in South Africa represents an affirmation of the contributions women have made in the struggle against colonial and apartheid oppression. It is a recognition and acceptance by the nation that the country's attainment of political freedom and democracy in 1994 was also as a result of heroic

struggles waged by women. But it is much more. The day also symbolizes a commitment to continue the struggle against patriarchy and the achievement of a non-sexist society as the ultimate goal.

The history of participation by women is long and is intertwined not only with powerful anti-patriarchal lobbies, but also with the early anti-colonial resistance struggles in South Africa, taking different forms at different times. The first recorded organized form of struggle goes as far back to 1913 when black women in the Free State protested against having to carry a "pass" identity document. A formalized women's organization, the Bantu Women's League, was established in 1918 led by Charlotte Maxeke to focus resistance against pass laws.

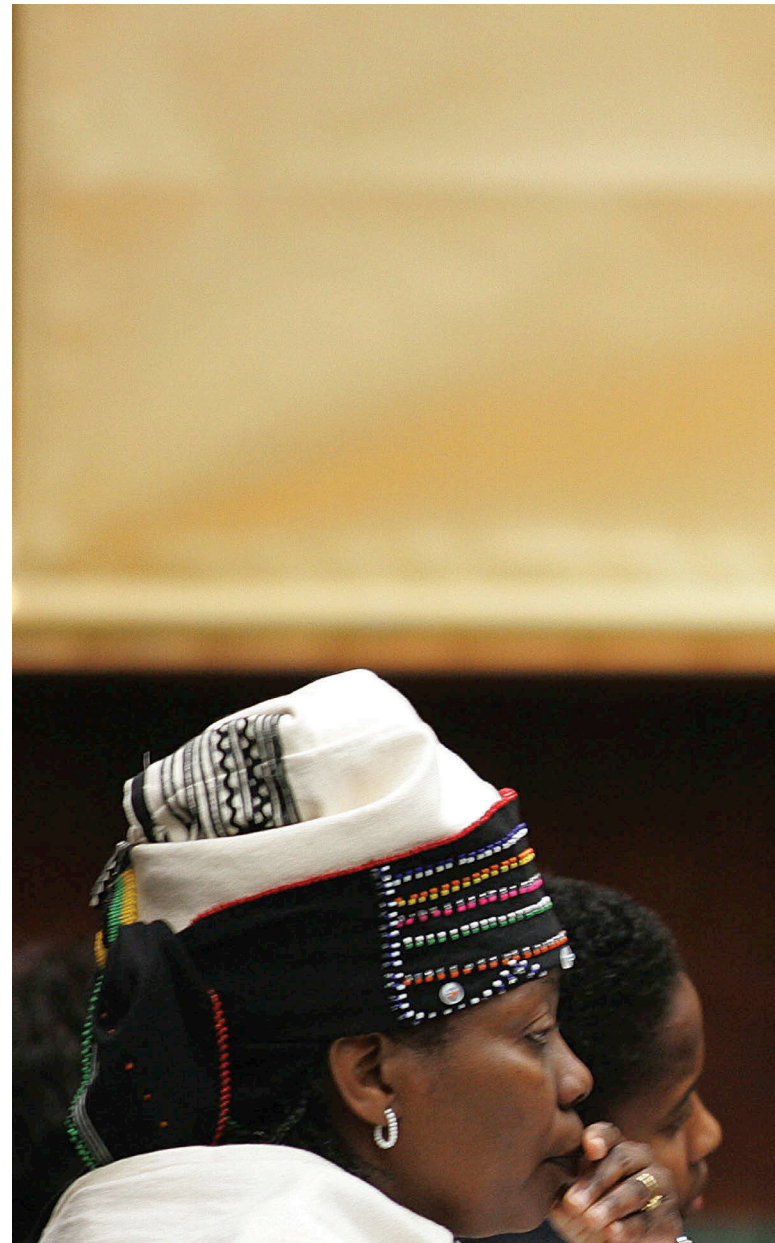
Women were active participants in most of the passive resistance campaigns, mass protests and demonstrations that took place in the 1930s and 1940s, led by the African National Congress.

This led to formal membership for women in 1943, followed by the formation of the ANC Women's League in 1948, with Ida Mntwana as its first president.

### Women leading the struggle

As the struggles against the imposition of apartheid intensified in the 1950s, the struggles of women also became more organized. The Defiance Campaign in 1952 saw thousands of black, coloured and Indian women actively resisting apartheid laws. This groundswell culminated in the formation of the Federation of South African Women (FEDSAW) in 1954. It brought together women from the African National Congress, the South African Indian Congress (SAIC), trade unions and self-help groups for the first time, and led to the development of a Women's Charter calling for an end to discriminatory laws.

The women's march to Pretoria to present a petition to Prime Minister Strijdom against the carrying of passes by women became an important day for mobilizing all South



Africans against oppression. In short, Women's Day is politically significant for Parliament in the context of the overall achievement of the principles enshrined in our country's Constitution, as well as within its constitutional role of facilitating public participation and oversight.

The inclusion of gender equality and the establishment of the Commission for Gender Equality in our constitution as an institution supporting constitutional democracy was an outcome of the struggles waged by women and is symbolized by the recognition of Women's Day. Parliament recognizes the day in the form of a Women's Parliament.

Parliament generates and passes laws in support of the constitution. But it wants the people of South Africa to share in the profound experience of helping to shape our society. Part of freeing the potential of each person is to make them aware of this process, and to encourage them to pursue opportunities to share in governance. Every successive group that has close contact with Parliament in this way enthuses about how enriching an experience it is.

A Women's Parliament is about recognizing the unique role of our women in attaining liberation and democracy. Women from all the provinces embrace the opportunity to



# Women's Parliament 2005

**Women's Parliament 2005: A Women's Parliament is held annually in South Africa.**

deliberate on topics that have a direct bearing on their lives.

The theme of the Women's Parliament in 2012 was "Working Together to Enhance Women's Economic Empowerment through Skills Development and Sustainable Job Creation". The Women's Parliament in 2012 marked the move away from an annual two- or three-day commemoration of Women's Day, and the beginning of an extended programme which will continue until the fifth national Parliament is elected in 2014.

### **A true People's Assembly**

The People's Assembly was a bold

initiative by the third democratic Parliament (2004-2009). It is a concept whose genesis goes back to the Congress of the People of 1955 – a coalition of voices that expressed a common yearning for a people-centred state.

These days, Parliament broadens opportunities for public participation by people in far-flung communities by sitting outside the parliamentary precinct in Cape Town.

A People's Assembly takes a cross-section of the MPs to a community that will mostly never have the opportunity to travel to Parliament. For two or three days, the local community can engage

with Members of Parliament and take part in a "session". Apart from it being an exhilarating experience to rub shoulders with those chosen in elections to represent the country, the People's Assembly is also intended to generate interest in how laws are made, what they try to achieve and how they do this.

Referring to the origins of this sectoral Parliament, the Chairperson of the National Council of Provinces, Hon. Mninwa Johannes Mahlangu, MP, described it as the culmination of the most democratic process South Africa had ever witnessed. "The People's Assembly is derived from the aspirations, the tireless work and

the determination of the participants of the Congress of the People, which expressed more profoundly and authentically than any single event before it, the common aspirations of the overwhelming majority of South Africans to shape its future and share its fruits," he said.

In 2008, the People's Assembly of the third Parliament focused on the socio-economic challenge posed by poverty eradication. In an effort to fulfil its vision of a people's Parliament, the People's Assembly was held at Bushbuckridge in Mpumalanga. In 2011, the fourth Parliament held its People's Assembly in Mangaung in the Free State.





# MAKING CHILDREN'S RIGHTS A PRIORITY

**A Children's Rights Seminar staged by the National Council of Provinces identified actions to be taken to improve the lives of South Africa's children, and how Parliament can ensure these ideas are brought to life, says the Council's Deputy Chairperson.**

## **Hon. Thandi Memela, MP, in Cape Town.**

Ms Memela is the Deputy Chairperson of the National Council of Provinces (NCOP), a post she has held since 2009 when she became an African National Congress (ANC) representative from KwaZulu-Natal. A nurse and community activist, she has held a number of positions with the ANC and was a former Mkhonto weSizwe member. She is also the Provincial Chairperson of Military Veterans of KwaZulu-Natal.



**Hon. Thandi Memela, MP**

### **Hopes and dreams**

Before the Children's Rights Seminar, I interacted directly with children through various workshops held in collaboration with the provincial Legislatures. These workshops allowed children to give messages to the MPs on issues affecting them. This was done through writing, drawings, messages and voice recordings of children who related stories of hardship growing up in poor homes.

Some of the children spoke about their dreams and aspirations and how Parliament could give effect to those hopes. In drafting our agenda for the



seminar, we did not invent issues affecting children. We were able to bring to the fore relevant issues that had been highlighted in the workshops.

In partnership with UNICEF in the country, under the leadership of Ms Aida Girma who played a critical role at assisting institutions such as

Parliament with resources and the necessary expertise to carry out our collaborative work, we placed matters relating to the rights of children high on the agenda. I am also grateful to the provincial Legislatures who heeded our call and never for a moment hesitated in facilitating these workshops. They helped realize the





Improving the lives of South Africa's children is essential for the country's future.

NCOP as a platform for bringing to the fore issues affecting the provinces.

Any country that does not invest in its children will fail to contribute to its future wellbeing, development and welfare. No self-respecting nation will ignore a call to invest in its children. It is important, therefore, that issues

affecting children and their rights should be openly debated with the intention of rethinking strategies currently employed in addressing them.

#### **Debating policies for vulnerable groups**

At the beginning of the Fourth

Parliament in 2009, the NCOP positioned itself as a caring institution by identifying four key strategic areas to initiate and implement programmes aimed at assisting vulnerable groups in society.

In response to this, we have continued with our commitment to afford the people who fall in this

category (children, youth, women and people with disabilities) an opportunity to interact with their public representatives, to raise pertinent issues and to advise where necessary, so as to ensure that they benefit from the delivery of services. Our programme "Taking Parliament to the People" has been one of the



## IMPROVING THE LIVES OF SOUTH AFRICAN CHILDREN

platforms we used to promote such engagement through specialized meetings during our visits in provinces.

Our Select Committee for Women, Children and People with Disabilities has engaged in a number of collaborative projects with counterparts in the National Assembly, and with UNICEF, to try to place matters relating to vulnerable groups high on the agenda.

As part of our set of activities to mark the 15th anniversary of the NCOP, the Children's Rights Seminar was hosted to promote and protect the rights of children and stimulate debate on children's issues.

We provided an opportunity for key stakeholders in Parliament, cabinet, provincial Legislatures, local government and civil society to deliberate on what is required for a better future for South Africa's children. The overall thrust was to encourage and promote a holistic approach to legislation on diverse issues affecting children.

### Identifying priorities for the care of children

To do this we needed to identify the key obstacles and challenges to children's rights. We succeeded in identifying some priorities, thereby contributing towards the "creation of a legacy" for the fourth Parliament and produced a publication entitled Investing in Children: Some Critical Debates in South Africa.

During that seminar, we highlighted the fact that children are the most vulnerable in our society. This is despite the fact that our constitution guarantees them the right to family or parental care, or to appropriate alternative care when removed from the family environment.

We stressed that it was our responsibility as parents, especially those of us who were also public representatives, to ensure that our children enjoy their rights under our democracy. Doing so is an important intervention for a better future for our country.

Parents or legal guardians of a child, assisted by the state, have the responsibility to look after the



Children with Ms Memela at a seminar on children's rights.

welfare of the child. In spite of our best intentions, we still find children facing enormous challenges. These include poverty, abuse and violence, and a lack of access to early childhood development, especially for rural children.

Furthermore, lack of proper recreational facilities forces children into experimenting with

life-threatening substances such as drugs. Raising children requires good parenting skills which are often lacking among parents. We also examined the influence of the changing environment and technology.

### A plan of action

The following recommendations were

proposed on how the NCOP could stand up for and protect children and other vulnerable groups:

- The country must collect data based on specific indicators that will show the progress that has been made on the laws developed by Parliament
- Attention must be given to





care system as the national health response, particularly expanding the number and scope of work of community health workers to include high-impact but low-cost child health and nutrition interventions.

- The NCOP, in collaboration with the National Assembly and the provincial Legislatures, must develop a rigorous oversight programme from a multisectoral perspective to monitor the realization of child rights in the country.
- The NCOP must develop a strategy to report back to the children, from across the country, who conveyed their messages to seminar participants. They should be told what we have done and what has happened; and
- Special attention must be given to children with disabilities in realization of their rights, including providing transport to schools.

Issues affecting vulnerable groups are close to my heart.

The listed recommendations will not only remain on paper but the Select Committees on Women, Children and People with Disabilities, Social Services and Education and Recreation will ensure that we follow up on them.

### **Children as a community responsibility**

Despite the mammoth task that lies ahead of us in terms of our set targets, I am happy that a growing number of our children are growing up in a better South Africa.

They are growing up in a society where they are not discriminated against on the basis of their background or on the basis of who they are.

Among many things we can do is bring back the notion that a child belongs to, and is the product of, a community.

The notion of a community was an African way of supporting families and raising children. Unfortunately, we seem to have abandoned it and as a result we are grappling to address the challenges that confront our children.

ensure obligatory provision of education programmes to children in conflict with the law, with special attention to children awaiting trial, unsentenced children and sentenced children.

- Parliament must review the provisions of section 8 of the Child Justice Act for an amendment in the age of criminal capacity to ensure that South

Africa complies with substantive provisions in relation to its international obligations and standards.

- Parliament should play a pivotal role in the oversight of the implementation of the Child Justice Act, Children's Act and other related laws that it has passed to ensure the survival, protection, development and participation of children.

- Parliament should ensure that the country reports in time and accurately on the implementation of the United Nations Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Children and other international treaties that South Africa has ratified.
- The country should prioritize the strengthening of the primary health



# A CONSTITUTIONAL VISION: PLANNING TO SUCCEED

South Africa has made great strides since the end of apartheid in 1994. Now the Minister charged with realizing the social and economic hopes and dreams of all South Africans lays out the nation's new plan to build a better life for all by 2030 in the first National Development Plan for South Africa tabled in Parliament in late 2012.

## **Mr Trevor Manuel, MP, in Cape Town.**

Mr Manuel has been the Minister in the Presidency responsible for the National Planning Commission since 2009. An African National Congress Member of Parliament since 1994 and former Minister of Finance and Minister of Trade and Industry, he has also been the Special Envoy on Financing for Development for two United Nations Secretaries-General. He chaired the Development Committee of the World Bank and International Monetary Fund and has chaired or served on several intergovernmental panels and commissions.



**Mr Trevor Manuel, MP**

Over a period of two years, the National Planning Commission listened to thousands of South Africans from all corners of the country, from all walks of life. We received comments from individuals and organizations and engaged with government departments, provinces, municipalities, state-owned enterprises and agencies.

What we came up with is the National Development Plan. This a long-term project with a defined goal: to eliminate poverty and reduce inequality by 2030 by drawing on the energies of South Africa's people, growing an inclusive economy,



building capabilities, enhancing the capacity of the state and promoting leadership and partnerships throughout society.

### **South Africans speak out**

From this extensive consultation process we identified three broad messages from citizens.

In the first instance, South Africans from all walks of life expressed a deep patriotic commitment to South Africa, a love for their country, a desire to see it succeed. There is an incredible amount of goodwill out there that needs to be tapped and harnessed.

Secondly, South Africans expressed concerns – honestly and frankly but constructively – that there are problems in our country that need strong, focused leadership from all. They spoke of joblessness, children who could not read or count, services that functioned on rare occasions and public officials who could be cold and uncaring.

Thirdly, there was an overwhelming sense of readiness from all, including organizations representing millions of people, to be part of the process of making South

Africa a better place and to take action to put collective interest ahead of narrow sectoral concerns.

These are the real strengths of our South African-ness. We are humbled by this support and the efforts of South Africans who want to be part of the process of change by taking ownership of the National Development Plan (NDP) and displaying a willingness to play their part in implementing it.

The Commission made a special effort to listen to young people. Young women and men talked of the difficulties of finding work, of the frustration at not getting their foot into the door, of their pain at not receiving a regular income and of basic things in life that being jobless excluded them from, such as starting a family. They also spoke to us about the ravages of crime on their lives and their communities. They expressed concern that good policies are poorly implemented and therefore fail.

These are the voices of our youth expressing their frustrations, stemming both from the inter-generational effects of apartheid and from shortcomings in our collective





Left: "We, the people, belong to one another. We live the rainbow" - Minister Trevor Manuel.  
This page: Everyone has the right to clean water.

Modest as the amount is, about 39 per cent of South Africans live below this line.

By 2030, no one should live in poverty.

The other measure which is much more difficult is inequality. Economists use a measure called the Gini Co-efficient to measure income inequality: the higher the measure, the more unequal the income distribution is. South Africa has a very high Gini Co-efficient of 0.69, and we seek to reduce that to 0.60 by 2030.

Development is a complex process. Our approach to tackling poverty and inequality is premised on faster and more inclusive economic growth, higher public and private investment, improving education and skills, greater use of technology, knowledge and innovation and better public services, all leading to higher employment, rising incomes and falling inequality.

The National Development Plan affords us an opportunity to rethink our strategy. A holistic approach is required, with progress across several fronts simultaneously over an extended period of time.

Mobilizing all society to improve society

While we can measure income and income inequality, the concept of a decent standard of living is much broader than income.

A decent standard of living includes: healthy nutrition, access to household services such as water and electricity, available public transport, quality education and skills, safe communities, decent healthcare, full employment, accessible recreation and leisure and entitlement to a clean environment.

The commission's approach is to address living standards inclusively for all South Africans. It recognizes that government on its own cannot improve living standards. We require determined and measurable action by all social actors, and partnerships across society, to raise living standards.

Development planning is about building linkages between these various strands of everyday life. For

performance since 1994. The NDP focuses on how we can translate our political emancipation into social and economic benefits for all South Africans, but particularly for young people. It is critical for the future of our country that we change their life chances.

**Setting long-range targets**

The methodology used in the plan

was to set overarching objectives, to set key targets for various sectors and to make recommendations on how these targets can be achieved. This is a broad strategic plan, not a detailed plan. The commission has been careful to distinguish between a broad strategy, specific policies of government and the day-to-day actions of business, government or trade unions.

The commission has drawn from our constitution the perspective that the future we must construct is one where no person lives in poverty and where together we deal decisively to root out the deep inequality that we have inherited. We are convinced that our country can and must eliminate poverty. We have used a simple poverty measure of Rand 432 per person per month in today's terms.





More jobs are needed in South Africa's manufacturing industry.

example, better quality schooling will make it easier for young people to access the labour market. But it also enables workers to improve their productivity, to learn faster on the job and to raise their incomes and living standards.

Poor quality education, on the other hand, locks people out of the labour market and when people do find work, it often traps them in low-paying, low-productivity work.

There are other dimensions of this story as well. Good quality public transport helps people search for work over a wider area; it helps them get to work faster and more cheaply; but it also assists in permitting people to live fuller lives with more recreational and family time, and it reduces the harmful environmental effects of traffic jams.

Social protection helps shield families and workers from unforeseen events such as death, illness or injury. Its key objective is to level the impacts of shocks between, for example, those who earn sufficiently well to insure against unforeseen events and those who are too poor to do so. Public investment complements private investment, which is critical for

job creation and employment.

**Removing old barriers and closing huge gaps**

We argue strongly that the harmful effects of spatial separation, one of the pillars of apartheid that we have not yet succeeded in demolishing, must be broken down. Our towns and cities must house us differently, must connect us differently, must afford us space to play and pray.

We must retain the option to remain in the countryside and we should be able to have access to a sustainable livelihood there. The commission takes a holistic approach to development with detailed plans for 13 areas that link and interact with each other.

In addition to the physical aspects of development, the plan also recognizes the social dimension, such as the need for social cohesion to underpin faster progress, the need for greater accountability of leaders in both the public and private sectors, for citizens to be active in their communities and in public life, and for a capable and developmental state that is effective, caring and innovative.

The plan must bind us, strand by

strand, into one united and successful nation.

A point worth noting is that the commission is making a case for what needs to be done by all, regardless of political persuasion or station in life, if we are to live out those great values in our constitution.

When we raise targets the numbers we use are precisely that which we must aim for! We are aware that we will not hit all of these; but all of us need a consciousness of how wide off the mark we actually are.

The commission has also identified other enabling milestones to achieve the broad objectives of the plan. For example, we would have to create an additional 11 million jobs over the next two decades. Per capita income should rise from about R50,000 per person to about R120,000, but distributed more evenly across the population. The economy would have to expand to almost three times the present level.

The share of income accruing to the bottom 40 per cent of the population should rise from six per cent to 10 per cent. All children should have access to proper nutrition from birth to ensure proper formative development, and 90 per cent of children in grade 6 should be able to read, write and count at the appropriate level.

Between that desirable state and the present, where even the school nutrition programme is difficult to implement, lies a huge chasm. The object of the plan is to bridge such a chasm.

These targets are more than just arbitrary or distant points on a road map. They are carefully calibrated milestones along a path to prosperity and equity for all.

Despite massive progress since 1994, on the present trajectory we will not achieve our target of eliminating poverty and reducing inequality by 2030. Without faster progress, there is a real chance that South Africa could slide backwards while dealing with the immense challenges that threaten to overwhelm our capacity to succeed.

For these reasons, we must

accelerate the pace of change, and work harder and better to move towards the vision we all aspire to. It is possible. We are capable as a nation of achieving these bold and ambitious but realistic objectives. When we unite and work together, we can achieve miracles. Our history is testament to this.

**A foundation for the future**

Our plan to eliminate poverty and inequality rests on six pillars.

The first is to unite all South Africans around a common programme to fight poverty and inequality and to foster a spirit of unity. But this will remain a hollow call unless we can improve the lives of young black people.

To promote social cohesion, the commission proposes that the preamble of the constitution be displayed in all workplaces and schools and that all South Africans be encouraged to learn at least one indigenous African language. We also propose ways to improve the efficacy of redress measures such as black economic empowerment and employment equity.

The second pillar is an active citizenry. Working individually and collectively with others in the community, citizens have a critical role to play in their own development and in the development of our country. The idea that people sit back and wait for government to deliver is neither feasible nor consistent with "people-centred" development.

The third pillar is a growing and inclusive economy. Without faster and more inclusive economic growth, it will not be possible to deliver on the objectives that we have set for ourselves. We need this to help pay for the development of capabilities such as education and infrastructure to improve the life chances of our people. The main change we seek is an economy that is more labour absorbing. We need to create more jobs, and in order to make progress in broadening ownership of the economy.

Our economy is caught in a low growth trap. To reverse this, we



require higher investment, better skills, rising savings and greater levels of competitiveness. We do not suffer from a poverty of ideas; our weakness is in implementation. The commission identified critical factors that contribute to this flaw and makes several proposals on how to deal with it.

Among them is improving co-ordination within government and with other social partners to boost investment and employment. The plan also identifies a deficit in trust between business, labour and government that needs to be reversed if we are to build this economy.

### **A focus on job creation**

The main target in respect of the economy is to raise employment by 2030, from 11 million to 24 million people with jobs. This will require an extraordinary effort and the plan provides a detailed account of how this can be achieved.

The fourth pillar of the plan addresses the urgent need to build capability. Capability applies both to people and the state. For some, building capabilities might comprise adequate nutrition or a bus to get to a place of work. For others, it might be a college certificate to boost the chances of getting a job.

Across the country, capabilities also cover things like what broadband speed we would require, the amount of energy we would need to power a growing economy, port capacity to support a diversified economy, or a total water supply that meets the needs of households, industry and agriculture. The plan sets targets for energy consumption, the carbon intensity of the energy supply, water supply, rail and port capacity and internet connectivity.

The fifth pillar is a capable and developmental state. We define a developmental state as one that is capable of intervening to correct historical inequalities and to create opportunities for more people. A capable state needs to be professional, competent and responsive to the needs of all citizens.

We seek a professional civil service that can weather changes in political administrations.

The President has mandated the commission to focus on 2030. Between now and that date there will be at least four national and provincial elections, and at least three municipal elections; but the Plan is for all South Africans and cannot therefore focus on electoral cycles. The commission makes proposals covering the political administrative interface, personnel training and development, policy processes and co-ordination within and between spheres.

The sixth pillar is the responsibility of leadership throughout society to work together to solve our problems. South Africa's progress in navigating the transition from apartheid to democracy was built on the ability of leaders to put aside narrow sectarian interests in favour of national interest, leaders who were able to put aside short-term political agendas for long-term benefit. To achieve the South Africa that we all desire, we require leaders to put the country first, to put the future ahead of today.

### **Assessing all the factors**

The approach of the commission has been to scan the external environment with a view to understanding what is likely to have an impact on our future. There were a few highlights from this exercise. The global economy is changing, with a rising share of production and wealth generation occurring in developing countries in general and Asia in particular.

- There is a resurgence of development on the African continent, with the region enjoying its longest period of economic growth in half a century. Africa's voice on global forums is becoming louder.
- Globalization will continue apace with both risks and opportunities for all countries. Countries that position themselves to take advantage of the opportunities while protecting their economies (and the poor) from risks will do better over the next two decades.

- Science and technology have shaped and will continue to shape development in ways that open up huge opportunities for humanity in general, including poor countries. Innovation is essential for a middle-income country such as South Africa to progress to high-income status.
- Climate change is affecting and will continue to affect the world, with the worst effects likely to occur in Africa. We confront greater climate variability and more shocks such as floods and droughts.

The commission also looked at demographic trends and their likely impact. The trends we identified offer opportunities as well as risks. On the positive side, our population growth is slowing and is expected to expand at less than one per cent a year to reach 58.5 million by 2030 and life expectancy is rising again, quite rapidly. Also in our favour is the fact that we have a young population, which could prove to be a major boon but could also be a danger if we do not address the problem of joblessness.

These trends will have an impact on our development, in the same way, the world today is different from the one into which our democracy was born 19 years ago.

### **Bringing plans to life**

The single most frequent comment or question from the public has been about implementation. Given weak capacity in the state and low levels of trust and co-operation between major social partners, how will this plan be implemented? The commission stresses that implementation rests with society as a whole, led by government and the executive.

But we do believe that, during the course of our work, we have come a long way in forging the beginnings of a common approach. Discussions between the commission and government departments were often robust and frank. There were areas where departments were able to convince us that we were wrong on certain issues. There were also several areas where we were

able to persuade and convince departments of the correctness of recommendations in the draft plan.

There are areas where our plan differs from existing plans or policies. It is very much in the nature of planning that, going forward, there will need to be an alignment of plans both within and outside government to the broad strategic plan being proposed today. Parliament and society at large have a critical role to play in promoting such alignment and in holding various parties accountable for implementation.

We must stress that this is not just a plan for government. There are actions and responsibilities for business, for labour, for civil society and for individuals. The commission outlines the factors critical for the success of the plan. These include the need for careful sequencing, prioritization and to mobilize all of society. The plan will only succeed if we share collective responsibility to hold one another accountable to get things done.

Our future is under construction and we now have a plan for its construction. Building on our history and our collective achievements since 1994, our challenge is to build a future fit for our children, a future that our people deserve. We have an opportunity to construct a future we all want.

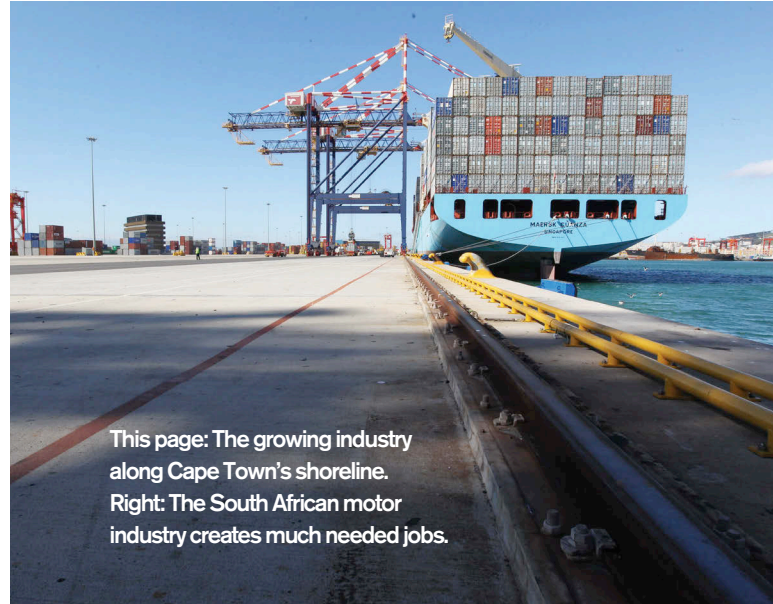
The decisions we make today, the actions we take over the next five, 10, 15 and 20 years will determine where South Africa's future is successful or whether we are just another hopeful but ineffective state, unable to satisfy the dreams of our people. The changes we seek and the outcomes we all desire will not come about on their own.

The National Development Plan is an opportunity to remake the future, to re-energize our people to strive for a future that is worthy of our proud history, built in the vision of our constitution. The National Development Plan is a call to action to unite as a country, to unleash the energies of our people to build a better future. It is our future, so we have to make it work.



# REFINING TRADE POLICY TO BOOST DEVELOPMENT

South Africa’s trade strategy seeks to grow its economy through national development objectives combined with policies to promote global and regional – especially African-wide – integration, says the nation’s Trade and Industry Minister. It is advocating the diversification of markets and products and the rebalancing of world trade to promote development in vulnerable countries as South Africa continues to move from exports dominated by raw materials to selling more value-added industrial goods.



This page: The growing industry along Cape Town’s shoreline. Right: The South African motor industry creates much needed jobs.

## Dr Rob Davies, MP, in Cape Town.

Dr Davies is the Minister of Trade and Industry. He has been a Member of Parliament for the African National Congress since 1994. He has led South Africa’s delegation to the African, Caribbean and Pacific (ACP)-European Union, has served as ACP Co-Vice-President for Human Rights and was a member of the Eminent Persons Group of the Global Coalition for Africa in 2003. He holds a doctorate in political studies and degrees in international relations and economics.



**Dr Rob Davies, MP**

Although South Africa has made significant progress in addressing many of the social and economic deficits inherited from apartheid, the country still confronts many socio-economic challenges, notably continuing high levels of unemployment and severe inequality.

The National Development Plan (NDP) as adopted by the South African government provides a long-term strategic perspective and plan to address the above challenges. In

support of the NDP, the New Growth Path (NGP) aims to accelerate economic growth along a path that generates sustainable, decent jobs for all South Africans. The National Industrial Policy Framework (NIPF), implemented through the Industrial Policy Action Plan (IPAP), is a central component of this strategy. The NIPF and IPAP seek to encourage and upgrade value-added, labour-absorbing industrial production and diversify the economy away from its over-reliance on commodities and non-tradable services.

Trade policy can make a meaningful contribution to this new growth path by supporting South Africa’s industrial development and upgrading, employment growth and increased value-added exports. Trade policy provides both a tool for promoting sustained economic development and a mechanism through which we can define the terms and conditions for our integration into an increasingly

dynamic and competitive global economy.

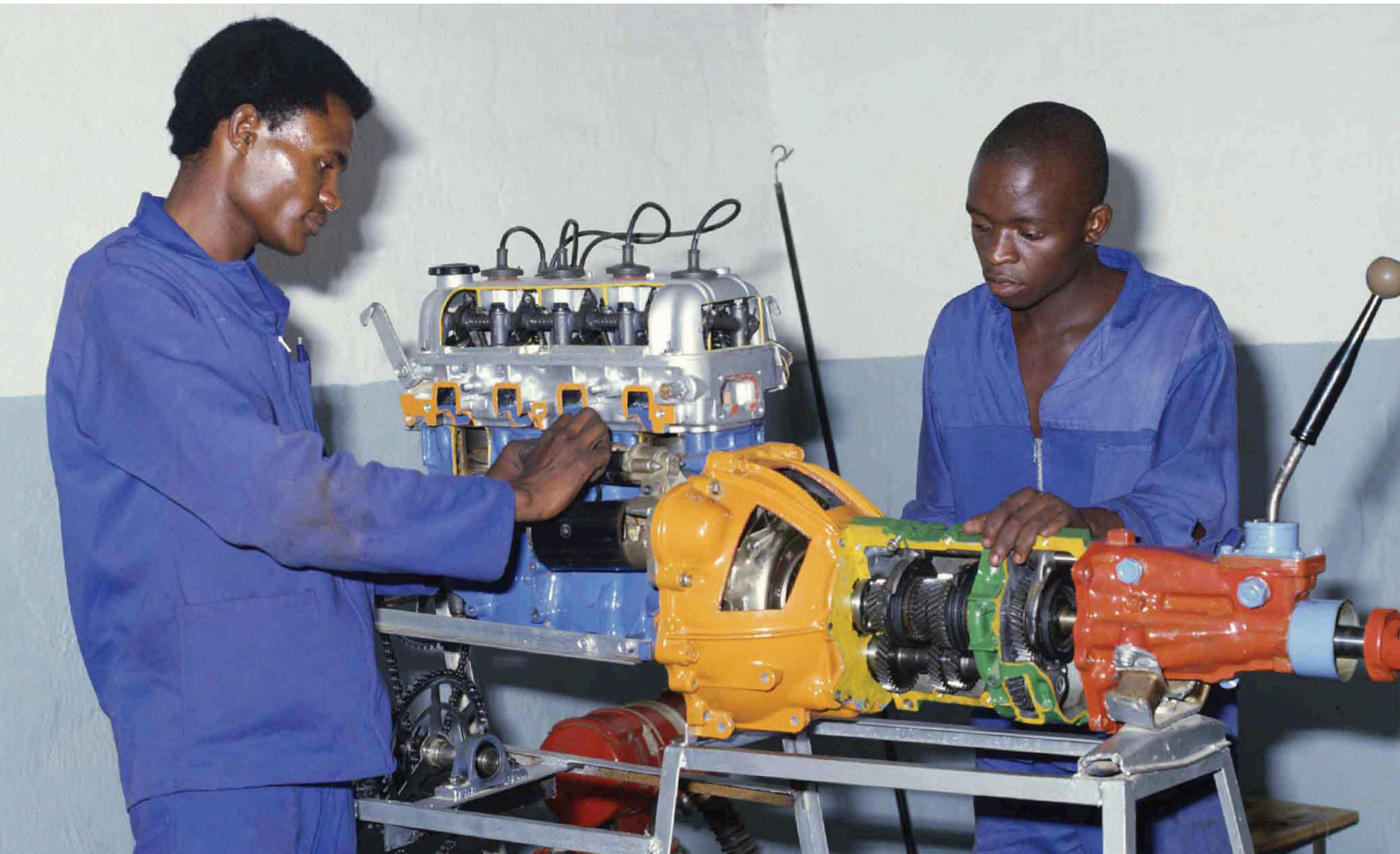
Given our developmental challenges, South Africa requires a more strategic approach to global integration, which seeks to preserve the policy space necessary to pursue our national development objectives while leveraging the benefits of more integrated regional and global markets.

### **Simplifying tariff policy**

Successful developing economies have adopted a strategic approach to their global economic integration. They have ensured that trade policy is informed by industrial policy and that, where trade liberalization is undertaken, it is gradual and selective in order to support industrial development.

By contrast, many developing economies that embarked on rapid structural reform, including uniform and across-the-board liberalization, have tended to re-orient





their industrial sector along static comparative advantage lines, except in industries that were already mature and globally competitive.

This experience resonates with ours in South Africa. Since 1994, we have undertaken significant tariff cuts. While our exports grew, manufactured exports remained predominantly resource-based products. In other words, tariff reductions did not induce the necessary structural changes in the economy to alter significantly the export basket, beyond the range of products that reflect South Africa's static comparative advantage.

South Africa's strongest export performance in more sophisticated products has been in sectors that have been built up through past and present industrial policy, such as the automotive and components sector.

Compared to many of our trading partners, South Africa's tariff regime is open, transparent and not overly complex. In the early 1990s, South

Africa's average tariff was around 23 per cent. It now stands at 7.7 per cent.

There has been considerable simplification of the tariff regime. In 1990, the tariff schedule consisted of 13,609 tariff lines and 28 per cent were subject to import control. By 2006, the number of tariff lines had been reduced to 6,767, a decline of around 52 per cent, and import controls were eliminated. The South Africa-EU Trade, Development and Co-operation Agreement (TDCA), the Southern African Development Community (SADC) Trade Protocol and the Southern African Customs Union (SACU)-European Free Trade Association (EFTA) Free Trade Agreement have further reduced the overall incidence of tariff protection. Once ratified by all the parties, the SACU-Mercosur Preferential Trade Agreement, signed in 2009, will provide further trade openings.

South Africa's approach to tariff setting is strategic, selective and developmental. As an instrument of

industrial policy, tariff reform must be considered against the measure of building a diversified industrial economy capable of producing increasingly sophisticated, higher value-added products and generating employment opportunities. As a general guideline, tariffs on mature upstream input industries could be reduced or removed to lower the input costs for the downstream, more labour-creating manufacturing sectors.

Tariffs on downstream industries, particularly those that are strategic from an employment or value-addition perspective, may be retained or raised to ensure long-term sustainability and job creation in the context of domestic production capabilities and the degree of trade and production distortions on these products at the global level.

There is, a priori, no presumption of the benefits or costs of maintaining either low or high tariffs; but the upper limits for tariff setting have been

set by the obligations South Africa has taken on in the World Trade Organization (WTO) and bilateral trade agreements.

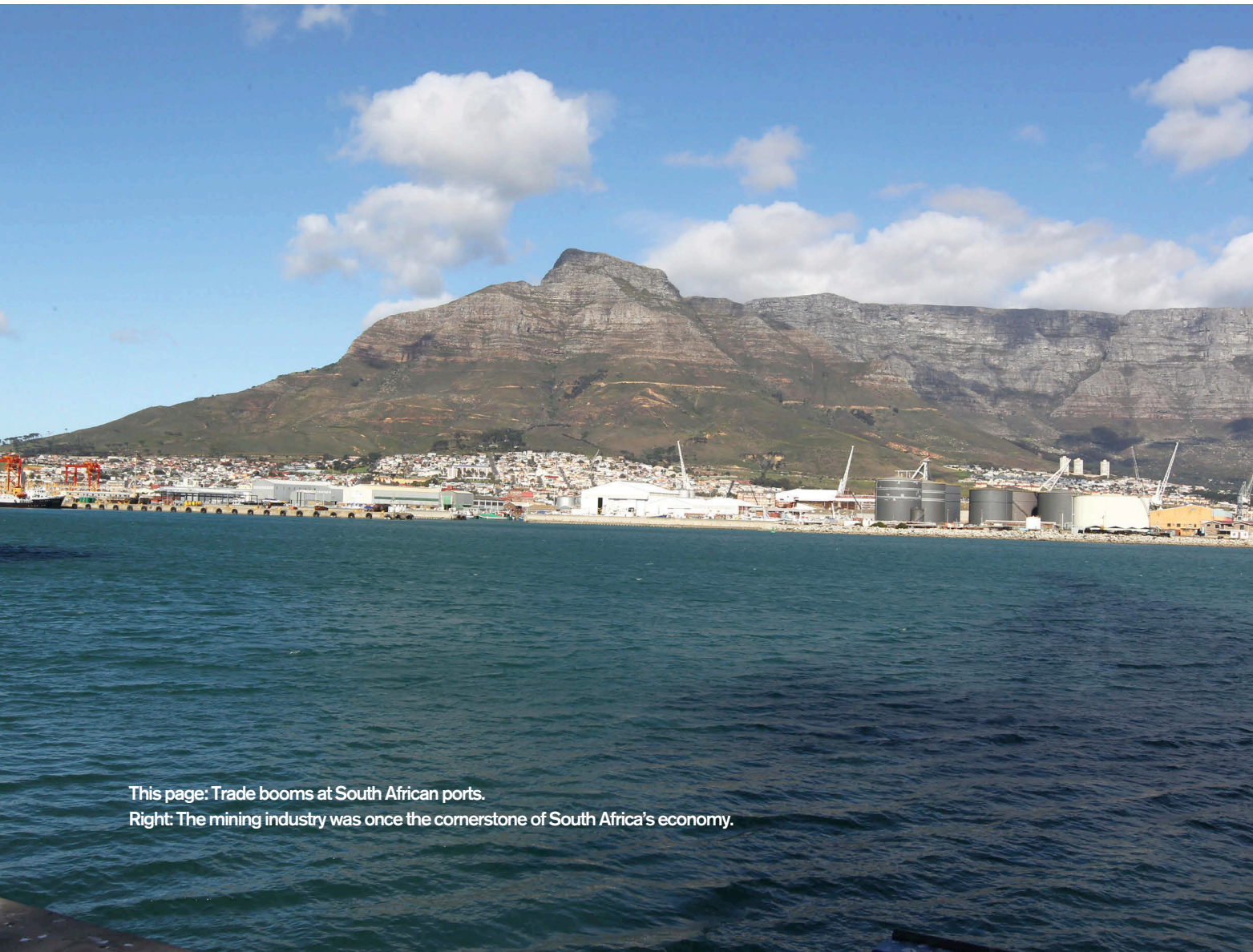
### Investing in Africa

Our trade strategy and international engagements at the bilateral, regional and multilateral levels aim to support these national objectives. South Africa's trade and investment relations with Africa are particularly important. South African companies are among the top investors in Africa in a wide range of sectors covering mining, manufacturing, retail, communications, construction, financial services, and tourism and leisure.

From available data, South Africa is among the five largest investors in sub-Saharan Africa and holds first place in the Southern African Development Community.

The African continent is also an important destination for South African exports, comprising around





**This page: Trade booms at South African ports.  
Right: The mining industry was once the cornerstone of South Africa's economy.**

20 per cent of our total exports. We remain committed to building mutually beneficial trade relations and advancing a wider developmental agenda across the continent in line with the New Partnership for Africa's Development (NEPAD).

We have intensified efforts to deepen "developmental integration" in Southern Africa, especially in SACU and SADC. By development integration we mean an approach that combines market integration to promote intra-African trade with cross-border infrastructural development and sectoral policy co-ordination, especially to support regional industrialization.

The SADC Free Trade Area (FTA) has been fully implemented since

2012, with 92 per cent of product lines now traded duty-free. South Africa's next priority is to consolidate the SADC FTA. In this respect, the focus of our efforts are, among others, to: facilitate the accession of states that are not yet participating in the SADC FTA, advance efforts on trade facilitation, simplify the Rules of Origin, harmonize regional standards and technical regulations and implement harmonized regional customs documentation and procedures.

Another important priority is to conclude the free trade area negotiations launched in 2011 on the Tripartite FTA (T-FTA) between SADC, the East African Community (EAC) and the Common Market for Eastern and Southern Africa

(COMESA). Once established, the T-FTA will combine the markets of 26 countries with a population of nearly 600 million people and a combined GDP of US\$1 trillion, providing the market scale that could launch a sizeable part of the continent onto a new developmental trajectory.

The T-FTA will also form the basis of an Africa-wide Free Trade Area that is expected to create a market of US\$2.6 trillion.

#### **Advocating multilateral trade**

While South Africa continues to consolidate trade and investment links with traditional partners, including many developed economies in the Commonwealth, our prospects of growth and development will

depend increasingly on diversifying and strengthening our economic links with the dynamic economies of the southern hemisphere and with Africa, many of which are also Commonwealth countries. We are placing strong focus on: the BRICS countries (Brazil, Russia, India, China and South Africa) as we hosted the 5th BRICS Summit in Durban in March 2013); high-growth markets in Africa, the Middle East and Asia, and other emerging economies.

South Africa will intensify its engagement and co-operation with these emerging economies in order to build complementarities in the agriculture, industry and services sectors and to shift the current structure of trade, where exports





of raw materials are exchanged for manufactured goods.

At global level, South Africa is a proponent of multilateralism, transparency and inclusiveness. We regard multilateralism as a necessary intergovernmental response to manage the challenges of globalization and deepen interdependence among economies and societies around the world.

The playing field in world trade nevertheless remains highly uneven and biased against the interests of developing countries. In the WTO, South Africa remains committed to concluding the Doha Development Agenda on the basis of its development mandate and the single undertaking. We believe that any

meaningful deliverables reached by the 9th WTO Ministerial Conference in Bali in December 2013 should address the key developmental concerns of the poorest and most vulnerable WTO members.

In the current global economic environment, governments have agreed to resist protectionism and disguised restrictions on international trade.

#### **Guarding against new international barriers**

In our view, we need to respect the WTO-consistent policy space available to developing countries to pursue their legitimate objectives of growth, development and stability in these conditions. Our concern has

been that protectionism has been narrowly conceived and that the trade measures overseen by the G20 through the WTO tend to cover measures that developing countries take to protect their industries in the economic downturn while other, more sophisticated protectionist measures are not addressed.

For example, while expansionary monetary policy in developed countries may be necessary to stimulate growth and support external demand, the spill-over impact on exchange rates in developing countries can be a source of serious concern. South Africa is concerned about the range of new unilateral measures that constrain market access for its exports or limit the

prospects for economic diversification and domestic value-addition. These measures, as well as more traditional tariffs and subsidy barriers in agricultural markets, proposals to review and tighten existing preference schemes and new non-tariff barriers such as public and private standards (some ostensibly implemented for environmental reasons) all indicate growing protectionism in South Africa's major markets.

With this renewed focus on strategic global integration, our trade policy and strategy during the third decade of South Africa's democracy should contribute more decisively towards achieving the socio-economic developmental objectives we have set ourselves.



# FROM A DIVIDED TO A UNITED SOUTH AFRICA

South Africa travelled a remarkable path from apartheid to a country that is now referred to as the “Rainbow Nation”. But the creation of a cohesive nation united in diversity is still an on-going task that requires parliamentary leadership and the involvement of all South Africans, writes the former Chief Whip of the ruling party in the National Assembly.



## Dr Mathole Motshekga, MP, in Cape Town.

Dr Motshekga is the former Chief Whip of the African National Congress in the National Assembly. A lawyer and law professor, he co-chaired a local government commission which drafted a chapter of the South African constitution. He has served as legal advisor to the National Coalition of Traditional Leaders and to two monarchs of the Balobedu nation in Limpopo province.



**Dr Mathole Motshekga, MP**

Ours is an extraordinary country with resilient people, inspired by the century’s icon of reconciliation, compassion and goodwill, South Africa’s first democratic president Nelson Mandela.

“My country is rich in the minerals and gems that lie beneath its soil. But I have always known that its greatest wealth is its people, finer and truer than the purest diamonds. No one is born hating another person because of the colour of his skin, or his background, or his religion. People

must learn to hate, and if they can learn to hate, they can be taught to love, for love comes more naturally to the human heart than its opposite.” This was his credo.

When he took office he said he was prepared “to do anything, to bring the people of this country closer together”. He articulated this in his biography *Long Walk to Freedom*: “It was during those long and lonely years that my hunger for the freedom of my own people became a hunger for the freedom of all people, white and black. I knew as well as I knew anything that the oppressor must be liberated, just as surely as the oppressed. A man who takes away another man’s freedom is a prisoner of hatred; he is locked behind the bars of prejudice and narrow-mindedness. I am not truly free if I am taking away someone else’s freedom, just as surely as I am not free when my freedom is taken from me. The oppressed and the oppressor alike are robbed of their humanity.”

### United by a vision

Mr Mandela’s vision of a country belonging to all who live in it surpassed the idea of “national liberty” and people from across South Africa’s religious and racial divide gravitated towards his visionary leadership. He ensured that exclusivity in terms of tribal leanings or race was not acceded to and thus became the symbol of our liberation struggle.

When we attained the right to vote and chose freedom, we all succumbed to the euphoria of the moment. We believed then, and rightly so, that if we could overthrow the evil system that was apartheid, we could build a truly non-racial, non-sexist and prosperous society. It felt that nothing was impossible at that point.

Our first test in coming together as a nation, united in our diversity, was to ensure that the constitution of our land is legitimate, credible and accepted by all South Africans.

To this extent, the process of drafting the constitution involved many South Africans in the largest





Left: A panel from the Keiskammahoek Tapestry, which tells South Africa's story, from the time of its earliest inhabitants, and ends with the first democratic election in 1994.

This page: Indigenous traditions have a role in "combatting moral decay and advancing transformation".

public participation programme ever carried out in South Africa. After nearly two years of intensive consultations, political parties represented in the Constitutional Assembly negotiated the formulations contained in the text of the constitution, which represents an integration of ideas from ordinary citizens, civil society and political parties represented in and outside of the Constitutional Assembly.

Our constitution represents the collective wisdom of the South African people, arrived at by general agreement. It is no wonder that apart from being lauded around the globe as one of the most progressive constitutions, it serves as an inspiration to those countries that seek to emulate our inclusive process of democracy.

**Bringing all South Africans together**

Our second major milestone in attempting to heal the nation and set us on a path to reconciliation and nation-building was the Truth and

Reconciliation Commission (TRC).

At the Special Debate on the Report of the Truth and Reconciliation Commission former President Mandela had this to say: "It would be well to underline at the outset that reconciliation touches upon virtually every facet of our life as a nation. The TRC is an important component in that process, and its work is a critical milestone in a journey that has just started. We say this advisedly, for South Africans cannot abdicate their responsibility for reconciliation by shifting it to the TRC, or gloating at its perceived weaknesses. Nor can the task of reconciliation be confined to narrow legalese. As we reached out across the divisions of centuries to establish democracy, we need now to work together in all our diversity, including the diversity of our experience and recollection of our history, to overcome the divisions themselves and eradicate their consequences."

Taking a cue from Ethiopianism [an African-centred religious

philosophy] and its Pan-African ideal, Madiba (as Mr Mandela is known to South Africans) made moral regeneration an integral part of social and economic change. He also took active steps to make spiritual transformation a pre-requisite for social and economic transformation.

At his inauguration as the fourth democratic President, Jacob Zuma called for partnerships between government and all sectors for reconstruction, development and progress. He told Parliament that the recovery of the common humanity of all South Africans had been the cornerstone of the African National Congress (ANC) from its inception and it directly linked the recovery of our common humanity with the triple challenges of poverty, unemployment and inequality.

The Presidential Summit on Social Cohesion confirmed this direct link between the triple challenges. In his opening address, President Zuma said: "The challenges of poverty, unemployment, homelessness, landlessness and the divisions around race, class and gender make it difficult to arrive at a socially cohesive and united society as fast as we would want to. Our responsibility as the government is to lead the South African people towards a national democratic society. This is a society that is united, non-sexist, non-racial, democratic and prosperous. It is a society with a value system that is based on human solidarity and Ubuntu, promoting a society that prioritizes caring for and respecting others."

This means that the African heritage and indigenous knowledge systems, in particular ubuntu values and principles (of human generosity), have a role to play in our quest to combat moral decay and advance social and economic transformation.

Through Secretary-General Gwede Mantashe, the ANC has endorsed the collaborative relationships between Parliament, the government, the private sector and the national interfaith movement in nation-building. "Our 'South African-ness', which we celebrate

through our constitution, is the glue that contributes to and binds social cohesion and nation-building and therefore is an important pillar in our unity-in-diversity," as he put it.

**A role for religious groups**

Equally, the interfaith movement and the role it plays in nation-building and social cohesion cannot be over-emphasized. President Zuma's call for the religious community to partner with the government to establish a cohesive and caring society has resulted in the formation and launching of the National Inter-Faith Council of South Africa (NICSA). As its collective mission, the council will "help fulfil the South African dream of unity in diversity, working to build social cohesion, work towards eradicating poverty and social ills and build partnerships with communities, Parliament, the government, non-governmental organizations and the business sector."

NICSA and Lead SA have partnered with the Department of Basic Education to roll out the Bill of Rights (and Responsibilities) in all nine provinces as part of the national effort to combat moral degeneration and inculcate ubuntu values and principles in the youth and children. NICSA has also endorsed the presidential campaign against rape and the abuse of learners in schools.

In March 2010, the National Assembly and National Council of Provinces passed a motion to form a Multiparty Parliamentary Inter-faith Council. The Council's objective is to interact with religious structures outside Parliament on moral and spiritual issues, and boost conflict resolution on the African continent. The creation of the interfaith council was also seen as a mechanism that would assist Parliament in forging and renewing relationships amongst different religions, addressing matters affecting different religions in our society, intensifying efforts to contribute to nation-building and social cohesion and promoting peace and co-operation among religious formations in South Africa.

On 18 November 2011,



Parliament hosted the first interfaith dialogue, under the auspices of the Parliamentary Inter-faith Council (PIC), which brought together Members of Parliament from various political parties, representatives of interfaith bodies from all over the country and representatives of the national executive. Issues discussed included religion and politics in a secular state, the role of the interfaith movement in conflict resolutions, peace-building and development in Africa, and COP17 climate change.

On 30 October 2012, the PIC hosted a conference on nation-building, which cemented the institution's activist character. At its apex is the advancement of people-centred programmes that are responsive to the needs and aspirations of the people. It recognises the important role that the interfaith movement plays in the resolution of conflicts, creation of peace, nation building and development. The formation of the Inter-faith Council and the hosting of the dialogue conference demonstrate how seriously Parliament takes the role of the interfaith movement in our society as agents for progressive social change. More than 80 per cent of South African society practices religion and therefore it is important that Parliament, as a true representative of the people, partners with religious bodies in its endeavour to solve our country's challenges.

In November 2012, NICSA, the Parliamentary Inter-faith Council and the Interfaith Action for Peace in Africa (IFAPA) launched an Interfaith Dialogue on nation-building and social cohesion. In his address President Zuma reiterated the need for collaborative relationships between government, the public sector and the national interfaith movement.

Part of the PIC's programme is to initiate the establishment of religious Parliaments and work with provinces to align these structures so that there are co-ordinated and integrated programmes to consolidate the nation-building capacity of Parliament and the nine provincial Legislatures. Working together with IFAPA, these

initiatives have created a sound framework for parliamentary activism in social cohesion and nation-building.

### **Partners in nation-building**

Madiba spoke extensively of the kind of community spirit that is required to build the nation of South Africa, calling for a mutually symbiotic relationship between people and communities, which translates into civic duty. He highlighted the need to recognize that we have to maintain a reciprocal relationship and restore to our communities part of what we have gained. As we move forward to build this nation, we remember his words: "As we reconstruct the material conditions of our existence, we must also change our way of thinking, to respect the value and result of honest

**“As an organ of the state, Parliament has a duty to respond to the constitutional imperatives laid out for it, both in terms of the specific responsibilities assigned to it by the higher-order values and the objectives embodied in the preamble and chapter 4 of the constitution.”**

work and to treat each law of the country as our own. This is our call to all South Africans to firm up the moral fibre of our nation. . . . The struggle for democracy has never been a matter pursued by one race, class, religious community or gender among South Africans. . . . The challenge is to foster a nation in which all people, irrespective of race, colour, sex, religion or creed, can assert social cohesion fully.”

At his inauguration, President Zuma called on all South Africans to renew their commitment to nation-building and the advancement of social cohesion.

“Now is indeed a moment of renewal. It is an opportunity to rediscover that which binds us together as a nation. The unity of our nation should be a priority for all sectors of our society. We are a people of vastly different experiences,

of divergent interests, with widely different views. Yet we share a common desire for a better life, and to live in peace and harmony. We share a common conviction that never shall we return to a time of division and strife. From this common purpose we must forge a partnership for reconstruction, development and progress.”

The President envisaged a partnership that not only extends to all institutions and spheres of government in our democracy, but also involves the private sector, all communities and civil society formations. He called on such partnerships to look critically at the strategic priorities of the fourth Parliament, notably nation-building, and to devise programmes to ensure

the realization of these priorities.

It is widely acknowledged that building socially cohesive communities, nations and ultimately a strong continent requires not only material progress, but also acts aimed at the psychological emancipation of the people of Africa. The scars of centuries of suppression coupled with skewed global power relations and a mass media hell-bent on portraying only negative images of South Africa and Africa makes this a difficult objective to achieve. To combat Afro-pessimism and prevent future incidents of xenophobia (specifically) targeting Africans from other parts of the continent, there is a need to instil among all South Africans national and African pride in our African heritage. Coupled with this is the imperative to deepen democracy, while highlighting human rights and social justice.

### **Parliamentary leadership**

The constitutional imperative of nation-building and social cohesion requires a multiparty permanent structure located within the legislative system. The realization of this constitutional imperative requires a focused nation-building and African heritage programme that integrates all these elements in an effective tool aimed at contributing to the full emancipation of all South African people and providing a platform for multiparty participation in the renewal and development of the continent.

For holistic development to take place, we need to rediscover our common humanity. From the outset Mr Mandela observed that spiritual transformation is a prerequisite for social and economic transformation. He defined spiritual transformation as the Reconstruction and Development Programme (RDP) of the soul. Madiba insisted that freedom must include the freedom of the mind, body and soul to find fulfilment. This would decolonize the African mind and heal the scars on the African psyche left by centuries of slavery, colonialism and apartheid. The achievement of holistic development requires an activist Parliament and Legislatures that know where the people live, what they fear and what they aspire to, and that take proactive steps to address their fears and minister to their needs.

Traditionally Parliaments exist to pass laws and oversee government action; this narrow perspective is however augmented by international parliamentary practice.

To this end some examples of parliamentary practice beyond mere law-making and oversight are worth highlighting. The activist role of Parliaments has led to the establishments of parliamentary mechanisms to address specific challenges, such as Islamophobia and xenophobia.

With the rise of Islamophobia in Europe, the European Parliament established a permanent structure within its committee system to monitor and devise programmes to address challenges associated with this scourge. Although Members





of the European Parliament are directly elected by European citizens, the European Parliament called on Parliaments in all EU member states to set up similar activist structures to combat Islamophobia and xenophobia, with many states adhering to this call.

In the United Kingdom, the House of Commons Modernization Committee was established in 1997 to consider how to modernize the parliamentary process. In 2004 it published a report entitled "Connecting Parliament with the Public," which today forms a strategic platform upon which various projects are rolled out to involve citizens in the work of the U.K. Parliament.

In Brazil, the National Council for Combating Discrimination, established in 2001, has institutionalized activities through their Parliament to address social inequalities and thus work towards greater social cohesion in this highly inequitable society.

Although the Pan-African Parliament (PAP) has been plagued by organizational and budgetary challenges, it has on numerous occasions called on member Parliaments to integrate activities of national reconciliation within their parliamentary agendas. Regional parliamentary organizations, such as the African Parliamentary Union (APU), have also passed resolutions that call on their members to institutionalize their activities towards greater social cohesion and national reconciliation.

Similar instances abound of Parliaments across the world engaging in nationally strategic matters, way beyond mere legislation and oversight. In essence, parliamentary functions (and structures) respond to the strategic dynamics present in the societies in which they function.

### **Creating a new identity through Parliament**

The slave trade, colonialism and apartheid degraded and dehumanized black people and Africans in particular. Apartheid

colonialism went on to divide South African society along ethnic and racial lines. Due to South Africa's divided past and the resultant divergent experiences of South Africans, both black and white, there exists a lack of a shared appreciation for the challenges confronting the country. This phenomenon continues to play itself out in parliamentary debates where MPs tend to speak past each other and fail to arrive at a shared view of current and future priorities. It impacts negatively on the quality of parliamentary debates and legislation required to build a national democratic society that is united, non-racial, non-sexist, democratic and prosperous and in which the value of every citizen is measured by our common humanity (ubuntu).

Besides, South Africa's long history of colonial and apartheid domination left a deep scar on the psyche of South Africans that divorced them from their African roots. This phenomenon poses a major threat to South Africa's national identity and the strategic objective of building a socially cohesive nation united in its diversity. Inculcating national pride and self-respect, self-worth and self-esteem, embedded in the African cultural heritage and indigenous knowledge systems, is critical for nation-building, social cohesion, tolerance for diversity and the growth of South African and African heritage.

These challenges forced Parliament to look for creative means of engaging South Africans around issues that continue to obstruct nation-building, to foster tolerance for diversity and to assert our South African and African heritage, national identity and pride.

Parliament is a primary nation-building institution. It has a strategic and political obligation to deepen democracy, advance nation-building and promote social cohesion. As an organ of the state, Parliament has a duty to respond to the constitutional imperatives laid out for it, both in terms of the specific responsibilities assigned to it by the higher-order values and the objectives embodied

in the preamble and chapter 4 of the constitution.

For Parliament to help deepen democracy and promote nation-building requires a commitment to heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights in order to lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law. The goals are to improve the quality of life of all citizens and free the potential of each person, and to build a united and democratic South Africa, able to take its rightful place as a sovereign state in the family of nations.

### **A parliamentary project to engage the nation**

Sections 42 (3) and (4) of the constitution oblige Parliament to provide for the consideration of relevant issues. The constitution explicitly states that in making rules and orders concerning its business, both Houses are compelled to take due regard of representation, participatory democracy, transparency and public involvement (Sections 57 (II) and 70 (II)). The achievement of these objectives required the creation of a special mechanism of engagement and interaction with the people. This mechanism was the Parliamentary Millennium Project (PMP), governed by a board consisting of experts from outside Parliament.

The PMP Board to provide the programme with appropriate and adequate guidance within the context of the parliamentary milieu was not duly constituted. This resulted in Parliament providing the PMP with (ostensibly) administrative guidance rather than political stewardship. It was therefore resolved to replace the board with a Multiparty Parliamentary Council, to be established by a resolution of both Houses of Parliament.

The Chief Whips' Forum proposed the establishment of a multiparty Parliamentary Millennium

Council (PMC) which would serve as a vehicle for Members of Parliament to respond to the renewed call by President Zuma for nation-building, social cohesion, African advancement and international co-operation. The President called on Parliament to be proactive in its goal to deepen democracy and advocate social justice.

The Whippy believed that the establishment of the Parliamentary Millennium Council (PMC) would provide the appropriate impetus for ensuring that Parliament remained relevant, responsive and truly representative of the South African people.

The Nation Building and Heritage Council will:

- Serve as a mechanism for interaction and engagement with communities on developmental issues;
- Promote the Legislature as an instrument for social change and dialogue, reconciliation, nation-building and social cohesion, and
- Engage with institutional and national efforts to develop and promote the South African and African identity and heritage.

The Nation Building and Heritage Council is mandated to contribute to building an activist Peoples' Parliament that is interactive and responsive to all of South Africans and that is driven by the ideal of freeing the full potential and improving the quality of life of all.

The Chief Whips' Forum, in partnership with the Department of Arts and Culture, other government departments and the Nelson Mandela Foundation initiated and institutionalized the Nelson Mandela Month celebration in July, ubuntu month. This is a nation-building project to inculcate the values and principles that Nelson Mandela fought and lived for.

In particular, it is used to promote spiritual transformation, that is, the Reconstruction and Development Programme (RDP) of the soul, as a prerequisite for social and economic development.



# LIFTING A SPORTS-MAD NATION OUT OF APARTHEID: ROUND TWO

The international sporting ban on South Africa helped end apartheid. But, while it contributed significantly to a political transformation that created a non-racial country and freed South African teams to rush back into the global sports arena, the Minister of Sport and Recreation says the transformation did not spread deep into the heart of the national sports system. A new transformation has therefore begun to turn one of the nation's pre-occupations into a completely non-racial activity fair to all that will strengthen national unity and improve the lifestyles of all South Africans.

## **Mr Fikile Mbalula, MP, in Cape Town.**

Mr Mbalula has been Minister of Sport and Recreation since 2010, having previously been Deputy Minister of Police. An African National Congress MP since 2009, he was a member of its National Executive Committee and from 1998 to 2008 was a senior officer of its Youth League. He was President of the International Union of Socialist Youth in 2004 and was an official of the South African Medical and Dental Association.



**Mr Fikile Mbalula, MP**

Many people took part in the struggle for liberty and democracy as well as the struggle of sport in erasing apartheid and colonialism. Through initiatives such as "Remembering Sport in the Struggle: A Human Rights Perspective" exhibition, we pay homage to millions of people in the Commonwealth of Nations and the international community who, against all odds, caused South Africa to be expelled from the international sporting community.

The government of the Republic of South Africa, its citizens and Parliament raise our banners and flag in honour of this selfless contribution.

Indeed, sport occupies a special place in the South African psyche. We are a sport-mad nation. In the past, sport mirrored our society's ugly reality of apartheid, the separation of people according to their race and their resultant oppression.

Whole generations of otherwise talented citizens with the wrong skin colour were denied access to sports such as rugby and cricket. If they did have access, there was scant investment in building proper facilities in and outside of school.

Facilities that were built for predominantly black people were second class and inferior to those for white people. The country will never know talent that went untapped, people who could have gone on to represent their provinces at a national level or even represent the country at an international level.

### **The international campaign to transform South African sport**

This gross injustice resulted in sport people who are black suffering under a repressive system that saw them being denied the opportunity to compete at the highest level of

sport. To counter this discrimination, a process was started in the 1950s that gathered momentum as non-racial sports organizations such as the South African Council on Sport (SACOS) and the South African Non-Racial Olympic Committee (SANROC) were formed to organize local opposition to the country's policies and to garner support all over the world for isolating South Africa in international sport. Eventually by the late 1980s, South Africa was completely isolated with no international sport contact, a painful situation for a country renowned for being "sport mad".

This was the state of affairs when a political transition to democracy started from 1990 onwards with the unbanning of political organizations and the release of political prisoners. The breakthrough in sport in 1992 was a watershed moment in the history of South African sport. At this time, sport leaders and administrators charted a way forward for transformation and inclusion in the Republic of South Africa.

Twenty years since the unity talks in sport, South Africa has moved





Celebrating victory in the 1996 Africa Cup of Nations tournament, a sporting achievement becomes a win for South Africa's rainbow nation. Former presidents F.W. de Klerk (far left) and Nelson Mandela share the joy.

through turbulences in its attempt to totally transform sport.

During this period, the admission of South African sports teams into the international community has moved fast, whereas the transformation domestically has been excruciatingly slow with a lot of resistance manifesting itself in all obvious and not-so-obvious forms.

The 1992 unity dream brought two diametrically opposing groups and philosophies in sport – which historically hardly agreed on what needed to be done – together to develop a shared vision in sport. They agreed on a uniform cause of action and a common vision.

### Correcting a mistake

However, this process was hurried up because South Africa wanted to participate in the international sporting arena. Many strategic questions were not answered and most of the issues of “principle” were not clearly defined.

This led to an “uncritical assimilation” of everything that was apartheid (white establishment) sport at the expense of the ethos embodied by the non-racial (all peoples’ sport. The immediate adoption

of the apartheid sport systems – administrative technical system, selection procedures and modus operandi – without “transformation pedagogy” was a mistake in the unity process that created the monster we are living with today when it comes to transformation.

Thus, the National Sport and Recreation Indaba held in November 2011 became the epitome of a national united, non-racial and democratic sport system in the country. The NSRI and the recent National Summit on Social Cohesion and Nation-Building have made the remarkable admission that transformation in sport has been slow and failed.

These fora believed that something drastic needed to be done. The two conferences and their conclusions were characterized by the vigour displayed and positions articulated by the collective positive attitude of the masses of our people in their vision for a united, non-racial, non-sexist and democratic society. This collective attitude by our people resonated in all generations as demonstrated by their bold actions against the successive apartheid

colonial regimes and their laws culminating in the adoption of the Freedom Charter 57 years ago in Kliptown.

The Social Cohesion Summit consolidated the vision enshrined in the recently adopted National Sport and Recreation Plan (NSRP). The plan together with the transformation charter are aimed at bringing about the establishment of a competitive and demographically representative sport system in the Republic of South Africa, guided by a value set based on equal opportunity, fairness and just behaviour, equitable resource distribution, empowerment and affirmation.

### A new game plan

The strategic focus of the National Sport and Recreation Plan is to reconstruct and revitalize the sport and recreation landscape for an active and winning nation whilst improving the quality of lives of all South Africans, especially sportsmen and women.

Sports also has a profoundly important role in nation-building by fostering unity and social cohesion as it has done during the 2010 FIFA World Cup, a point made

by President Jacob Zuma during the Social Cohesion Conference held in Kliptown. One of the issues he emphasized was that sports has economic benefits as it can promote sports tourism and give business opportunities to persons, particularly those from disadvantaged backgrounds.

This potential can only be realized if the South African sports landscape can be transformed not only in terms of the composition of sports teams and the development of sports in communities, but also through the transformation of the composition and outlook of the sports bodies responsible for the management, governance and policy-making and the distribution of resources to various sports codes.

Our long-term game plan should continue to take into account: the development of sports, especially within the previously disadvantaged communities; the transparent selection of teams and athletes and the fair provision of facilities and recreational facilities in all our communities, especially townships and rural areas. Since this exercise is capital-intensive, it requires all-round support from the public and private sectors. Collaborative efforts should also be put in place to maximize international collaborations to support all these programmes. Our aim is to build a solid infrastructural base, delivery architecture and sustainable human capital development programmes.

In this era of hope, our claim for a “Case for Sport” is supported by growing evidence that sport is an indispensable tool to fundamentally alter the quality of life of all our people. It is a vehicle for progressive human advancement and socio-economic advancement.

Sport is demonstrably one of the most significant cohesive factors in uniting our nation, whilst at the same time it demonstrates its own measurable social and economic values which South Africa should pursue through the implementation of the National Sport and Recreation Plan.



# ELECTORAL REFORM: SEEKING A NEW BALANCE BETWEEN THE PEOPLE AND POLITICAL PARTIES

South Africa’s electoral system successfully transferred the country into a democratic system of governance. But the Leader of the Opposition argues it has given too much power to political party managers, so a mixed electoral system is now needed to represent the people more effectively.

## Ms Lindiwe Mazibuko, MP, in Cape Town.

Ms Mazibuko has been the Parliamentary Leader of the opposition Democratic Alliance since 2011, having been first elected to the National Assembly in 2009. She was the party’s media liaison officer in Parliament prior to becoming an MP. She was its spokesperson on Communications and then the party’s National Spokesperson before becoming its Parliamentary Leader.



Ms Lindiwe Mazibuko, MP

Parliament in our constitutional democracy is the country’s premier public square. The National Assembly is invested with the power “that all executive organs of state in the national sphere of government are accountable to it” and that it “maintain(s) oversight of national executive authority”.

The extent to which Parliament has successfully performed these

two roles must be contextualized in the almost 20 years of post-apartheid democracy. The 1993 interim constitution entitled any party that secured 10 per cent of the vote or more in our first democratic election in 1994 to representation in the Government of National Unity (GNU).

In retrospect, this amounted to an extension of the process of “elite-pacting” which had begun during the negotiations to replace the apartheid regime held at the Convention for a Democratic South Africa (CODESA). The New National Party (NNP) and the Inkatha Freedom Party (IFP) were drawn into the GNU primarily to bolster the constitutional push for reconciliation and nation-building.

### The transition period

When our electoral system was adopted in 1994, it was designed to promote a strong and stable party system. This was also why the anti-



defection clause – modelled on a similar clause in the constitution of India to prevent MPs crossing the Floor – was crafted. This desire for stability was understandable given our country’s divided history and the need to establish a functioning Parliament.

In the beginning, Parliament’s emphasis was on promoting





People queued for hours to cast their votes in South Africa's first democratic election.

peace and reconciliation during the transition to democratic governance. Form, procedure and, of course, familiarity with the institution had to be established.

Much of the legislative programme was rightly taken up by the repealing of apartheid laws. In their place, laws which accorded with the

human-rights inspired constitution and its Bill of Rights were drafted and enacted. It is important to note that President Nelson Mandela, early on, recognized the need for robust political opposition.

By the turn of the century, former Democratic Alliance (DA) Leader Mr Tony Leon – having resisted

invitations to join the national cabinet from both President F.W. De Klerk pre-1994 and President Mandela in the democratic era – had finessed the need for an official opposition which would uphold the liberal democratic principles of constitutionalism, the rule of law and the separation of powers.

Over the last decade, however,

South Africa has moved in the opposite direction as we have witnessed the increasing centralization of power in the executive. There has been a push back against this “executive dominance” through the effectiveness of our parliamentary platform, thus consolidating and





growing our position as the country's opposition parties in Parliament.

### **Multiparty politics in a fledgling democracy**

Often the idea of having a multiplicity of political actors in a new democracy is idealized. There is less concern for what such diverse representation is intended to achieve. In South Africa, multiparty democracy, like democracy itself, is the means to a particular end, not an end unto itself.

The purpose of multiparty democracy in a still divided and heterogeneous society like ours is twofold: first, all South Africans, in their rich diversity, must be given a political voice via their elected representatives in the national Legislature. The South African constitution explicitly requires this.

Secondly, the government of the day must always be accountable to the electorate and removable from office on the basis of its performance.

The establishment of a multiparty electoral system alone is not a sufficient condition for achieving both of these objectives. A country may have, for example, a relatively small and highly-fragmented opposition versus a large and hegemonic governing party. Present-day South Africa is one such country.

In a different context, electoral competition could mean that political parties emerge from the polls with fairly equal shares of the vote. This could result in an outcome in which no party can command a majority even with the Westminster model's confidence and supply mechanism. This can sometimes result in deals to co-govern which are predicated on maintaining vested interests rather than responding to the will or the needs of the people.

Both of these scenarios pose risks to the twin imperatives of maintaining diversity of representation and facilitating accountability. Without these two outcomes, the presence of multiparty engagement in the political process can be rendered meaningless.

As South Africa's democracy matures, opposition parties' roles

are evolving and will continue to evolve. By the early 2020s, it is likely that the opposition will become the government and the present government will become the opposition. When this happens peacefully at the ballot box, as I believe it will, and when the outcome is accepted by all political players, South Africa will have become a consolidated democracy.

### **Deficiencies in the electoral system**

We believe that there is a problem – in line with the “law of unintended consequences” – which has resulted from our strict party-list system of proportional representation. When our electoral system was adopted in 1994, it was designed to promote a strong and stable party system.

Over time, however, robust engagement in Parliament has slowly become ossified, with power increasingly concentrated in the hands of party managers instead of the electorate. The diminished role of Parliament has sidelined legislators as drivers of public policy, which now largely emanates from the executive of the governing party of the day, then comes to Parliament in order to be duly rubber-stamped. This is why so few private Members' Bills have been tabled over the last 19 years.

MPs' individuality has been stifled in another important way. In other democracies, representatives are accountable to a specific, geographically-defined constituency. They raise their constituents' concerns in Parliament direct with the Head of Government or with Ministers. These might be about hospital closures, large businesses' relocation, a poor performing school, or even the plight of an individual constituent. In South Africa, this “democratic deficit” has widened the gap between Parliament and local communities. There is no compulsion, for example, for MPs to hold weekly consultations to help and offer advice to their constituents. The beauty of a defined constituency is that it also offers protection to the MP. If an MP takes up their community's or a



constituent's case, they know they cannot be easily silenced.

Of course, party discipline is a prerequisite of representation. An MP should also be equipped to defend their party's policies with vigour and flair. A constituency element helps to

strike the right balance between party loyalty and an MP's individualism.

It is for these reasons that the DA supports a mixed electoral system: with a constituency and 'top up' party list element to ensure proportionality. The elegance of this system is that





every vote counts from, say, an African National Congress voter in a DA stronghold, and vice versa. Simply put, the voter comes before the party. This is not a party political matter. In fact, we believe the issue of electoral reform is bigger than party politics.

The mandate of the Van Zyl Slabbert Commission, set up by the government in 2003, was to reflect the principle that the electoral system embodies the contract between the voters and the electorate. This principle was bolstered by the

Independent Panel of Assessment of Parliament in 2009.

The mixed electoral system is used in many countries from Germany to the Welsh Assembly and the Scottish Parliament. There are various models such as the Additional Member System (AMS) or the Alternative Vote (AV) top-up. The big advantage of a mixed electoral system is that it retains a strong link between representatives and their constituencies.

### **Electoral reform proposition**

Earlier this year, the DA tabled an Electoral Amendment Bill which would be relatively simple in its execution. This is how it would work.

The Bill would establish 100 three-Member constituencies, each with approximately the same number of voters. The task of determining the boundaries of constituencies would rest with the Electoral Commission. The three MPs representing each constituency would be elected by a system of proportional representation within those constituencies. In practice, this means that voters would vote for the political party of their choice. And the three Members who obtain the requisite quota of votes or largest surpluses would be elected as the MPs for that constituency. Three hundred Members of the National Assembly would be elected in this way.

However, there is also a possibility that some parties may not have sufficient support in particular geographic areas to ensure equitable representation in the National Assembly. To correct this, the Bill provides for a further 100 Members of the National Assembly to be elected from national lists submitted by the various parties.

Once the constituency representatives have been elected, the chief electoral officer will calculate the number of seats in the National Assembly to which each party is entitled based on the proportion of total votes they obtained in the election. The office will then allocate to parties seats from the lists so that the overall composition of the

National Assembly reflects, as closely as practically possible, the proportion of votes obtained by each party.

In this respect the system proposed in the Bill is not dissimilar to the way in which municipal councils are currently constituted. The reasons for having three Members from each of the 100 constituencies rather than one Member from each of these constituencies are twofold: first, it would increase the likelihood of an individual voter being able to identify

**“The big advantage of a mixed electoral system is that it retains a strong link between representatives and their constituencies.”**

with at least one of his or her elected constituency MPs.

Secondly, it would enhance the practicality of achieving the correct party proportionality in the National Assembly after the 100 Members from the national lists have been allocated.

The Bill also proposes amendments to the systems of special and absent votes, allowing voters who are abroad to register and to vote for both the National Assembly and their Provincial Legislature. And it would make it possible for voters who are not in the voting district in which they are registered to vote for both the National Assembly and the Provincial legislature.

### **Shifting power to the people**

The DA believes that this is an essential reform to give more power to voters than to individual leaders of political parties. Parliament must become more relevant and responsive to the public. And this can only happen if every South African can feel a sense of ownership over their Parliament.



# OVERSIGHT – A CRITICAL ROLE FOR COMMITTEES

Parliamentary committees play a leading role in scrutinizing South Africa's executive, checking both in committee rooms in Cape Town and on the ground across the country to determine if the government is delivering on its policies, say the senior Members in each House responsible for committees.



## Mr Cedric Frolick, MP, and Mr R.J. Tau, MP, in Cape Town.

Mr Frolick is the House Chairperson for Committees and Oversight in the National Assembly and Mr Tau is the House Chairperson for Committees and Institutional Support in the National Council of Provinces. An African National Congress MP since 1999, Mr Frolick was a Whip and is a former teacher. Mr Tau first joined the NCOP in 2004. He is a former civil servant and senior ANC education official.



Mr Cedric Frolick, MP

The South African Parliament operates on the fundamental conviction that the true test of democracy is the extent to which it can ensure that the government remains answerable to the people. This requires consistent oversight (or monitoring) of government actions to ensure that the government meets the targets it sets itself.

The South African constitution declares that Parliament has the power to conduct oversight of all



Mr R.J. Tau, MP

organs of state, including those at provincial and local government level. Parliament is therefore able to ensure that service delivery takes place so that all citizens can live a better quality of life. The need for oversight is clear:

- To detect and prevent abuse,
- To prevent illegal and unconstitutional conduct on the part of the government,
- To protect the rights and liberties of citizens,

- To hold the government answerable for how taxpayers' money is spent and
- To make government operations more transparent and increase public trust in the government.

There are many different oversight mechanisms, for example the budget. By publicly announcing his or her budget projections for the next financial year the Minister of Finance – and each government department – can be held accountable for the way taxpayers' money is spent. Another effective way in which Parliament holds the government to account is its weekly sessions in which questions are addressed direct to the President, the Deputy President and cabinet Ministers.

Constituency work affords Parliament the greatest opportunity to conduct individual oversight because it provides the closest form of interaction between Members and the public. Members have a





duty to alert Parliament to any issues identified during such oversight interventions.

### **Oversight in committee**

However, it is parliamentary committees that are one of South Africa's most powerful mechanisms to ensure that the government is accountable at all times. Ultimately, committees conduct oversight over the executive. In brief, committees scrutinize legislation, oversee government action and interact with the public.

Parliament relies on committees, referring all sorts of matters to them for consideration. Committees, for their part, are an integral part of the work of Parliament, and report back

to the House on all issues referred to them, even simple requests for information. One of the most important aspects of their oversight function is committee consideration of annual reports of organs of state, including the reports of the Auditor-General. If necessary, a committee can request a briefing from the organ of state or hold a fact-finding visit.

Committees have to inform Parliament of any decisions they have reached – or if they have not been able to reach a decision.

Finally, to ensure credible oversight and accountability, one parliamentary rule requires that committees report to the Assembly on their activities every year.

The more than 50 committees

established by the constitution to facilitate oversight and monitor the government are known as the “engines” of Parliament for good reason. They also hold public hearings where civil society can make presentations or submissions. Over and above that they do not confine their work to the official Chambers, but frequently travel to remote rural communities on oversight visits where they consult not only the local leadership but also ordinary citizens. Their tasks on an oversight visit are:

- Identify any problems within the area of oversight,
- Investigate the identified problems,
- Establish what needs to be done

**Opposite page: NCOP Chairperson Hon. Johannes Mminwa Mahlangu listens closely to a resident attending Taking Parliament to the People. Above: Oversight visits are made to schools to check on conditions.**





to resolve these problems at a policy level,

- Report back to Parliament to clearly identify the problems and demonstrate the method of investigation used to gather the relevant evidence and
- Recommend in their reports what they think the House should do.

### Committees at work

Multiparty committees conduct regular oversight visits in all nine South African provinces. Their role was summed up succinctly by the Chairperson of the Select Committee on Security and Constitutional Development, Mr Tjheta Mofokeng, MP, at the conclusion of week-long public hearings held by his committee late in 2012 to hear citizens' views on a particularly controversial piece of legislation, the Traditional Courts Bill:

"As the committee, we have listened carefully to all the participants who made their voices heard at the hearings and noted their divergent views. We listened impartially to all sides without making conclusive remarks. The committee will meet at a later stage to further deliberate on the consolidated reports from all inputs in order to make an informed decision on the next step."

That next step is to submit the report for consideration or even merely for information. The House can respond to the report in a number of ways, including "noting," adopting, "amending" or "referring the report back" to the committee or any other committee for further consideration. If a committee report is tabled "for consideration" it means that the report requires a decision of the House and this may lead to a full-scale parliamentary debate ending in a motion put to the House.

What the committee aims for is for the House to adopt its report because the report then has the force of a formal Assembly resolution. The Speaker will engage the executive authority to communicate recommendations adopted by it and the House also monitors executive compliance with the recommendations. When a response

is received by the executive, it is reported back to that committee.

In practice, a committee report is therefore a powerful mechanism that, if processed by the House, can give effective expression to the Assembly's oversight responsibilities, which in turn strengthens the role and status of committees themselves.

Committee reports and recommendations are first scanned to ensure that recommendations comply with the constitution and adhere to the principles of the "separation of powers", respect other spheres of government and the accountability of the executive to the National Assembly. Recommendations adopted by the House are then directed to the relevant government Minister, who is expected to report back to the House. The Minister submits his/her response to the Speaker, who tables the response and refers it to the relevant committee. This also facilitates monitoring of executive compliance.

A Committee report should provide the House with enough information to enable it to decide whether it wishes to adopt the recommendations. Committees therefore have extensive powers to:

- Confer with other parliamentary committees,
- Call any entity or person to provide evidence,
- Determine their own procedure and
- Request House Chairpersons responsible for committees to co-ordinate meetings amongst committees.

### Spanning both Houses

South Africa's two Chambers each have their own committees. The Portfolio Committees serve the main House, the National Assembly, while Select Committees conduct oversight for the second Chamber, the National Council of Provinces.

There are also joint committees established by the Constitution or an act of Parliament, for example the Joint Standing Committee on

Defence and the Joint Standing Committee on Intelligence.

Either Chamber may appoint a temporary or ad hoc committee for specific investigations. One such example was the National Council of Provinces Ad Hoc Committee on the Protection of State Information Bill. This was particularly significant as this Bill was controversial and generated vigorous citizen opposition, with the result that it went through 120 amendments in the National Assembly before it was passed.

The next step was to refer it to the National Council of Provinces, which established the ad hoc committee comprising 15 MPs. Ten were from the ruling African National Congress, two from the official opposition Democratic Alliance and one each from three minority parties, the Congress of the People, the Independent Democrats and the Inkatha Freedom Party. The NCOP's ad hoc committee immediately drew up a plan to take the Bill on a roadshow to the nine provinces to test public opinion.

The committee was divided into teams in order to cover more ground, and public hearings were held simultaneously in different venues. The leader of one delegation, Ms Nosipho Ntwanambi, MP, summed up the purpose of the committee's consultation process at one such public hearing. Following a brief synopsis of the Bill which was translated into two additional local indigenous languages, she said the following:

"We need the public to tell us exactly how they view the Bill so that when we go back to Parliament to deliberate we do not misrepresent the people. As we deliberate in Parliament, we want to amplify the people's views. It is people's right to disagree with whatever they feel they disagree with and we can't expect people to agree with us on everything. But it's important that if they criticize us, they do so in a constructive way."

### Getting to grips with real issues

In a country where bread-and-butter issues are the concern of most

### Committee Members investigate community water problems.



people, especially in remote rural areas, citizens nevertheless regularly demonstrate their determination to engage with government on decision-making and delivery.

A tiny fishing community in the Western Cape used the occasion of a visit by the Portfolio Committee on Agriculture, Forestry and Fisheries in 2011 to report a practice known as "fronting" in which black workers are listed as shareholders without their knowledge to meet quotas for black empowerment.

"Imagine my surprise," said one veteran fisherman who had lived all his life below the headline, "when I discovered that I was a shareholder of a registered company that makes money and yet I got nothing from its returns. I was told that the white members of the company could not get registration without black members, so they used 'black' names."

In another part of the country, Chief Lawrence Baleni of the





Mabandla community announced that the red tape involved in obtaining land tenure is one of the major challenges impeding economic development in his area.

Addressing the Portfolio Committee on Economic Development, he said: "The community is running a potentially viable project; the challenge is that we cannot expand. Banks and funding institutions are unable to grant us funding because we do not have land tenure," said the Chief of this community in rural southern KwaZulu-Natal

The committee had visited the Mabandla forestry project to find out if the parastatal Industrial Development Corporation was providing it with the requisite support. Committee Members were pleased with the potential economic spinoffs of this project and vowed to seek ways in which the project could be further assisted.

The serious violence in South

Africa was the subject of the briefing to Parliament's Portfolio Committee on Police by the Minister of Police when he spoke on the Dangerous Weapons Bill.

"This is key legislation, especially in a country where people carry dangerous weapons in protests," said Minister Nthathi Mthethwa, MP. He conceded that the country is currently grappling with violent crimes and one of the contributing factors is dangerous weapons.

Chairperson of the Committee Ms Annelize van Wyk, MP, took the opportunity to publicly declare that while it was important to pass the legislation, the department needed to do an implementation and roll-out plan and present it to the committee before the Bill was adopted.

### Checking programme delivery on the ground

Most committee meetings in the parliamentary precinct are confined to three days of the week to allow

Members to keep up with their other duties. Nevertheless, the daily "Z list" which provides Parliament and the public with a week's programme of committee meetings always runs to more than 10 pages.

For example, in a single week last year the Portfolio Committee on Correctional Services visited Gauteng and KwaZulu-Natal to inspect conditions in jails and treatment of offenders. In addition, it considered progress made in the construction of improved prisons.

Simultaneously, the Portfolio Committee on Public Works visited Limpopo to assess the progress made in the implementation of the second phase of the Expanded Public Works Programme. The committee also investigated the Government Immovable Asset Register to make sure that government's immovable assets in the province were properly registered and accounted for.

Meanwhile the Portfolio Committee on Sports and Recreation

was on an oversight visit to the Eastern Cape, KwaZulu-Natal and Gauteng to assess the state of sports facilities that had been built as part of the 2010 FIFA Soccer World Cup Legacy Programme. The visit focused on access, maintenance, security and mass participation of communities in sports activities using these facilities.

These are examples of typical committee oversight visits; they do not include all the committee meetings and hearings that take place each week.

In such ways, oversight as a guiding principle has become embedded in South Africa's political culture. Oversight is concerned with the daily bread-and-butter activities that engage Parliament, and this is demonstrated in multiple small but significant ways; every day Parliament's committees are at work – either within Parliament's precinct at committee meetings to hear submissions or somewhere in South Africa on oversight inspections.



# BUILDING THE CAPACITY AND WELL-BEING OF MEMBERS

Having attained the rights and freedoms which were not accorded to all under the apartheid regime, the post-1994 democratic Parliament of South Africa strives to be an effective peoples' Parliament responsive to the needs of all the people. That means its Members must have the support services – including health and well-being facilities – to enable them to achieve a better quality of life for their people, says the National Assembly Member charged with arranging for those services.

## **Mr Ben Skosana, MP, in Cape Town.**

Mr Skosana has been a Member of the National Assembly for the Inkatha Freedom Party (IFP) since 1994 and is House Chairperson on Internal Arrangements. He also serves on the Portfolio Committee on International Relations. Mr Skosana has previously served on the Portfolio Committee on Reconstruction and Development (1994-1995) and he chaired the IFP Parliamentary Caucus (1997). He served as Minister of Correctional Services from 1998 until 2004.

Olivier Bernier wrote in *Words of Fire, Deeds of Blood*: "The French Revolution, in less than four years, changed the World. From the moment Louis XVI walked up the steps of the guillotine, no other European monarch felt safe again. . . . (France gave itself a constitution and a Legislature).

The liberties the French claimed for themselves – of religion, of the press, of assembly, of thought; the right to be taxed only if their representatives had first consented; equality before the law and the end of privileges – all these startling innovations soon appeared to be the normal requirements without which no state could claim legitimacy."

Centuries on, the long and tortuous struggle waged by black people in South Africa against colonial exploitation and the legendary oppressive apartheid rule culminated in the victorious constitutional and parliamentary democracy inclusive of all the people of South Africa. South

Africans, like the French, attained for themselves substantive rights and freedoms without which the apartheid state failed to claim legitimacy.

Ideally, the vision of the newly found democratic Legislature from 1994 was to build an effective Peoples' Parliament responsive to the needs of all the people, driven by the ideal of realizing a better quality of life for all the people of South Africa.

### **Support so Members can deliver**

The interests and facilities of the Members of Parliament are the necessary life-blood in the existence and functioning of any Parliament. In the South African Parliament, these are generally referred to as the "implements of the trade" that are determined by the Members of Parliament themselves. However, this approach still presents Parliament with enormous challenges.

These "implements of the trade" have become incrementally – and



**Mr Ben Skosana, MP**

at times radically – sophisticated, primarily as a result of the demands of their daily responsibilities as the elected representatives of the people. These implements range from travel to security, office equipment, accommodation, mobile computer devices, facilities for Members with disabilities, institutional support, et cetera.

Our constitution empowers the National Assembly to elect Presiding Officers to assist the Speaker and





the Deputy Speaker. In terms of this, the Assembly has elected a “House Chairperson” to be responsible for, among others, enhancing the facilities and interests of Members.

The parliamentary mandate of the House Chairperson for Internal Arrangements is inter alia to:

- Ensure Members’ needs are taken care of;
- Align all structures dealing with Members’ interest and facilities;
- Ensure the well-being of all Members;
- Enhance the capacity of Members to discharge their constitutional objectives;
- Receive and report on issues

related to Members’ Interests, and

- Facilitate the implementation of special projects as directed by the Speaker and the Deputy Speaker.

As the House Chairperson on Internal Arrangements, I co-chair the Quarterly Consultative Forum (QCF) jointly with a House Chairperson from the National Council of Provinces, which provides a vehicle for the processing of the mandate above. The QCF is also the parliamentary governance forum where political parties from both the National Assembly and the National Council of Provinces in Parliament must represent the interests of their Members without failure.

However, we are experiencing some challenges regarding effective representation. An important milestone for us occurred when the QCF was recently provided with additional support staff in the form of the Forum Support Office. This development took place after consultations with the Secretary to Parliament where we stressed the importance of situating support for this joint forum of both the National Assembly and the National Council of Provinces in the Office of the Secretary to Parliament where administrative resources and services could be readily secured. This forum supports the work of 490 Members of Parliament.

**A joint sitting of both Houses for the State of the Nation address. Services and facilities for Members, known as “implements of the trade”, present Parliament with challenges such as travel, security and accommodation, as well as ensuring the wellbeing of Members.**

**Health and well-being of the people’s representatives**

The other critical aspect in the effective and efficient functioning of Members of Parliament is constant training and empowerment to sharpen their skills and competencies for both Parliament and the





## SUPPORT SERVICES FOR MEMBERS

constituencies (“the sovereign authority”). Here I refer to the concept of the social contract as espoused by Rousseau.

We believe the general well-being of the Members of Parliament is a fundamental and supreme prerequisite for the efficient operation of the institution. It is therefore an imperative for the institution of Parliament itself to nurture and enhance, without any measure of doubt, the social, political and economic support systems that must underpin the performance of the Members of Parliament both inside and outside the institution.

It is also important not only to strengthen the structures and bodies created by Parliament, but also to enable Members to fulfil their constitutional mandate as elected Members and the voices of the people.

On 3 November 1774, after being elected to the United Kingdom House of Commons as a representative for Bristol, Edmund Burke said, “Parliament is not a congress of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents and advocates; but Parliament is a deliberative Assembly of one nation with one interest – that of the whole: where, not local purposes, not local prejudices ought to guide, but the general good, resulting from the general reason of the whole.”

Therefore, the Members of Parliament will always share, individually and collectively, in the success or failure of service delivery.

A healthy, mentally alert, well-trained, skilled and well-resourced Member becomes an effective vehicle to realize the mission and vision of Parliament. Parliament has recently prioritized sport and recreation and has established a council for the physical well-being of Members of Parliament.

In order for Parliament to be effective in influencing genuine social and political transformation, it must work constantly to turn its quantitative changes into qualitative

changes through a rigorous training and orientation programme for its Members.

This, invariably, brings into sharp focus the inescapable interconnectedness and interdependence or lack thereof between National Assembly Speaker Hon. Max Vuyesile Sisulu’s strong concern about correctly positioning Parliament in terms of its relationship with the other two arms of government and the categorical imperative to constantly capacitate and empower Members of Parliament to overcome these fault lines.

Some of the areas of training which are accessible to Members of Parliament are:

- The Legislative Processes;
- House Rules and Procedures;
- Committees and Oversight;
- Members’ interests;
- Decorum, and
- Ethics and a Code of Conduct.

In order to be more inclusive in our approach, the Office on Internal Arrangements in the National Assembly along with the National Council of Provinces, the QCF and the Forum Support Office liaise and co-operate with internal stakeholders such as the Chief Whips’ Forum, the Programming Committee, the Rules Committees, the Parliamentary Oversight Authority and the Executive Authority, and with external structures such as the Public Works Department on accommodation for Members (Parliamentary Villages) and maintenance of buildings and the South African Police Services on security for Members both within Parliament and at the Parliamentary Villages.

### **New training for Members**

The capacitation of Members of Parliament in South Africa also ensures that Parliament becomes more than a Chamber of ideas. It should also become the forum for minimizing unconstructive inter-party conflicts, including the eradication of prejudices in any form, in order to



build national consensus and lasting democracy.

The next level of training will be on finance and economy, committees and oversight, public participation and personal growth as highlighted by Members of Parliament themselves in training questionnaires distributed to them.

This project will be implemented in two phases: first the development

and implementation of a skills-based unaccredited training programme for Members, which will be presented by Members, internal officials and ex-MPs amongst others and, secondly to collaborate with academic and research institutions and develop an accredited training programme for future implementation.

Looking also at the role of Parliament in international





The marble-floored corridor leading to the National Assembly. The benches on each side are used for joint sittings.



relations, the role of specialized Constitutional Bodies Supporting Democracy, Oversight and Accountability and additional skills required to perform duties like public speaking and the use of innovative library e-services.

Parliament has also decided to give attention to elementary but important needs relating to the work of Members and public relations,

in general, like the establishment of a gift shop, the building of gym facilities at Parliamentary Villages (Members' accommodation) and the implementation of wellness programmes including, among others, health tests and physiotherapy.

#### **Fit for service**

I wish to end this brief article with these words on "General Natural

Laws which Make a Government More Perfect" from François Quesnay's General Maxims of the Economical Government in an Agricultural Kingdom:

"The study of human jurisprudence does not suffice to make statesmen; it is necessary that they who are fitting themselves for public service be constrained to the observance of natural law, which

tends toward the good of society as a whole. It is also necessary that the clear and practical knowledge a nation acquires by experience and reflection be added to the general science of government; in order that the sovereign authority, always surer in the light of experience, institutes the best laws for the well-being of all to reach and embrace the greatest possible prosperity for society."





# LOCAL GOVERNMENT: INTERGOVERNMENTAL CO-OPERATION TO DELIVER DEVELOPMENT FROM A MUNICIPAL BASE

The South African constitution establishes distinct national, provincial and local spheres of government; but the allocation of jurisdictions emphasizes sharing rather than dividing duties. A Member of the National Council of Provinces explains how the three levels of government work together to implement development policy at the level closest to the people – local government.

## Ms Nosilivere Magadla, MP, in Cape Town.

Ms Magadla is the House Chairperson for Inter-Governmental Relations in the National Council of Provinces (NCOP). She joined Parliament in May 2009 for the African National Congress after the fourth democratic elections as a delegate representing KwaZulu-Natal. A teacher for more than 26 years, she sat as a local government councillor from 2000 to 2009, including serving as the council's Speaker and holding several regional positions.



Ms Nosilivere Magadla, MP

After the country's first democratic elections on 27 April 1994, the South African society had to be reconstructed for the purpose of creating a basis for a democratic, integrated, prosperous and truly non-racial society. The new democratic government identified local government as the sphere that should be charged with the critical task of rebuilding communities and redressing the legacy of apartheid at its source.

Thus local government is the

key site of service delivery and development and is central to the entire transformative agenda of the new South African nation state. The historical mission of the South African democracy continues to be the creation of a united, non-racial, non-sexist and democratic society. This means that our central task is the emancipation of the overwhelming majority of our people from poverty, underdevelopment and inequality. It means uplifting the quality of life of all South Africans, especially the poor and the marginalized. This classification then forms the largest part of the character of the society we are trying to create.

### A new start for local government

The most significant achievement in the area of governance since 1994 has been the dismantling of the deeply divided apartheid state and the establishment of a non-racial, democratic, unitary state. This fundamental transformation saw a



shift from over 1,200 racially-based local authorities, four provincial administrations and 10 so-called Bantustans under apartheid-created black administrations into 284 democratically elected municipalities, nine provinces and a strong central government. All racially-based local authority structures were then abolished.

This process also resulted in the establishment of a progressive policy, and institutional framework to radically transform the state. This new system ensured that even rural areas received municipal services, unlike in the past where they were systematically and deliberately neglected resulting in profound structural faults for our regime of developmental local government.

The South African constitution





provides that government be broadly constituted into national, provincial and local spheres. These are distinct, but also interdependent and interrelated. The Inter-Governmental Relations Framework Act of 2005 provides for the establishment of a framework for the national government, provincial governments and local governments to promote and facilitate intergovernmental relations. It provides mechanisms and procedures to facilitate the settlement of intergovernmental disputes and provides for matters connected therewith.

### Separating the spheres of governance

Due to its proximity to the people, local government is mandated to be the driver of development, involving

and empowering citizens in the development process. It is tasked with building social capital and a sense of common purpose among all the people of South Africa to find local solutions for redressing the effects of institutionalized underdevelopment.

Each sphere must respect the constitutional status, powers and functions of the others. Each must exercise its powers and perform its functions without encroaching on the geographical, functional or institutional integrity of the others.

Should those controlling any sphere be unwilling or unable to meet their obligations, the constitution provides for a system of intervention in terms of which, if there is just cause, the national government may intervene in provinces and provinces may intervene in local municipalities,

within the spirit of co-operative governance.

The constitution and successive versions of the White Paper on Local Government recognize that each of the three spheres of government cannot function in isolation. Co-operation and co-ordination are critical to the successful transformation of the state and the survival of our developmental local government system. The use of the terms "spheres" and "co-operative governance" in the constitution is critical because it shows that intergovernmental relations are not about defining and defending areas of competency but rather about co-operation between organs of state in different spheres of government.

Therefore we have a newly reconstituted Department of

**Above: Citizens can voice their needs at local government level.**





This page: Services at local level cannot be separated from higher government structures. Right: Governance at the local level is closest to the people

Co-operative Governance and Traditional Affairs which has replaced the Department of Provincial and Local Government. Its name points to the nature of its expanded mandate as it is responsible for co-operation and co-ordination across and within the spheres of government, as a constitutional and legislative requirement and precondition for our developmental state.

### Defining directions

The constitution created provincial

governments but did not specify distinct objectives for them within the overall system. There is currently no policy or legislative framework for provinces. Local government, by contrast, was a product of a conscious policy and institutional design by the new democratic government. A review process of provincial and local government policy is currently underway and is going to be a key defining feature in the transformation of our system of local government and our regime of intergovernmental

relations. Linked to this is a separate but related process of creating a single public service and deciding the future of provinces.

This means, amongst other things, that the future of our provinces is inextricably linked to the future of our cities and towns. Therefore it is no exaggeration to suggest that the South African city reflects the state of the nation and the welfare of its people.

Perhaps the most challenging issue is the division of powers and

functions between district and local municipalities in our provinces. Overall, there is clearly a need to provide greater clarity on the two-tier system of local government, the role of district municipalities and the precise powers and functions of each district and local municipality. Our new system of local government is sound. The challenges of the new system are not around conceptual and policy issues, but implementation issues.

A defining feature of the new system of local government is the





space it offers ordinary people to become actively involved in the governance of municipalities. The Municipal Systems Act makes it clear that residents have the right to contribute to municipalities' decision-making processes. The Act also states that communities must have a say in both the content of local development plans, known as Integrated Development Plans (IDPs),

and the process by which these IDPs are drafted.

#### **A co-operative approach**

Among our central tasks is to provide a voice for the community in local politics. Participatory democracy is not about being at the receiving end of democracy, but being an active participant in the process. This means disempowered citizens – youths, women and people with disabilities – must be primary beneficiaries of development programmes in a way that confirms that our local democracy derives content from the actual participation of our communities in institutions of people's power.

The vision of a people-centred and people-orientated local government system has always been grounded on this progressive legislative framework, which makes it possible for ordinary people to direct their own lives for

development and empowerment. For the first time in our history, local government is now positioned to be the driver of development. We also want to operationalize our legislation so that local government, as the face of government in communities, can be a true reflection of our national character.

The challenge rests with the extent to which ordinary people are afforded the opportunity to participate in the governance of these structures. The objective reality is that planned efforts of a developmental state have a responsibility to influence the direction and pace of economic development by directly intervening in the development processes of our country.

This means we need to come together to draw on our collective experiences, put aside our differences and work together for a better life for all, now and in the future.

**“This means, amongst other things, that the future of our provinces is inextricably linked to the future of our cities and towns. Therefore it is no exaggeration to suggest that the South African city reflects the state of the nation and the welfare of its people.”**



# THE ROLE OF PARLIAMENTARY DIPLOMACY IN OVERSEEING AND ADVANCING GOVERNMENT FOREIGN POLICY

The South African Parliament participates actively in international, continental and regional fora to ensure that the interests of the people are reflected in the country's foreign policy, says the House Chairperson for International Relations in the National Assembly. She outlines how Parliament helps to promote the nation's African agenda by involving Members in an area that she argues can no longer be the sole preserve of Ministers and diplomats.

## Ms Fatima Hajaig, MP, in Cape Town.

Ms Hajaig is the House Chairperson for International Relations in the National Assembly. A Member for the African National Congress since 1994, she is a former Deputy Minister of Foreign Affairs and has chaired or served on several portfolio committees. Ms Hajaig has also served on the Southern African Development Community Parliamentary Forum (SADC-PF) and in the Pan-African Parliament.



Ms Fatima Hajaig, MP

Historically, Parliaments had little involvement in international relations. The role of Parliaments in this arena has more typically been confined to ratifying national agreements adopted by the executive. The constitution of South Africa stipulates that the holding of negotiations and the signing of international agreements are within the mandate of the executive branch. However, the

approval of Parliament is required for these agreements to be binding and approval must be granted by the two Houses of Parliament.

While the role of Parliament in terms of ratification of international agreements remains important given the changes that have taken place in the international system, it must be noted that international issues now have domestic implications which directly affect the constituents of Parliamentarians. Therefore, Parliament must engage more meaningfully and constructively in international relations.

South Africa's foreign policy emphasizes a developmental agenda aimed at improving the conditions of Africa's citizens as it pursues South Africa's national interests. Through oversight and the ratification of treaties, Parliaments provide a crucial link between international relations and achieving domestic imperatives.

Parliamentarians scrutinize legislation and monitor the activities of Foreign Affairs Departments who have the executive mandate of executing a country's foreign relations. Additionally, through the oversight function and approval of departmental budgets, Parliamentarians are able to ensure that resources are not allocated inappropriately. Parliamentarians are also able to highlight foreign policy issues that are important to their constituents so that they receive consideration.

## Parliament in South Africa's international relations

Parliament, as guided by South Africa's foreign policy, actively participates in various regional, continental and international forums to promote the African agenda and the role South Africa plays in this regard. These include the Africa, Caribbean, Pacific – European





A visiting French delegation seated on the left, led by Senator Robert Hue, talks with South African Members at an official meeting chaired by Speaker of the National Assembly Mr Max Sisulu.

Union (ACP-EU) Forum, the Inter-Parliamentary Union (IPU), the Commonwealth Parliamentary Association (CPA), the Pan-African Parliament (PAP), and the Southern African Development Community Parliamentary Forum (SADC-PF).

Parliament's affiliation to and participation in these organizations results in commitments that need domestic application, prioritizing and a set of dedicated human and other resources. The South African Parliament has adopted an international relations policy and established the Parliamentary Group on International Relations (PGIR) to guide its interaction with the rest of the world and how it receives international visitors to Parliament.

We are at this time in the midst of building capacity to enable Parliament to engage with international relations issues optimally. This includes a content-based executive

development programme to develop capacity in international relations, the establishment of specialist areas of work within the International Relations Division and capacity for monitoring the implementation of international agreements made by the executive, as well as resolutions passed at multilateral conferences. Parliament is able, through its oversight function, to intervene when it identifies issues that the executive may be neglecting. This highlights the important role that Parliament can play both in the formulation of foreign policy as well as in its execution.

South Africa has engaged directly with Parliaments from across the globe. These engagements have not been limited exclusively to multilateral parliamentary forums. To enhance bilateral engagements with other Parliaments, the Parliament of South Africa is in the process of formalizing the establishment of

parliamentary friendship groups. A friendship group can be defined as a group of Parliamentarians whose purpose is to establish exchanges with Parliamentarians from another country.

The term "parliamentary diplomacy" has developed rapidly over recent decades. It finds its relevance in the full range of international activities undertaken by countries and Parliamentarians in order to increase and assist each other in improving the control of government and the representation of people through the increased means of democratic legitimacy of intergovernmental institutions.

**Participation in the Commonwealth Parliamentary Association**

The CPA is an association of Parliamentarians in the Commonwealth who are united by

a "community of interest, respect for the rule of law and individual rights and freedoms, and by the pursuit of the positive ideals of parliamentary democracy". It should be noted that during the height of apartheid, South Africa withdrew from the Commonwealth and the CPA and rejoined these bodies in 1994 when South Africa had attained its freedom.

The strategic vision of the CPA is characterized by democratic values which encompass human rights, global peace and security, sustainable development, poverty eradication and gender equality and women's emancipation. These core values also underpin the character of South Africa's liberation in the international community.

Like many international organizations, the CPA is confronted with transformational challenges which are similar to other international parliamentary fora and the institutions





The Speaker of the National Assembly, Hon. Max Sisulu, casts petals at the Nehru Memorial in Delhi, watched by NCOP Chairperson Hon. Mninwa Mahlangu and the House Chairperson of International Relations, Mrs Fatima Hajaig, during a diplomatic visit to India.

of global governance generally. The most critical issue for South Africa is the transformation of the status of the CPA from a charity to a diplomatic organization. As a charity registered in the United Kingdom, it is subject to the laws of the U.K. and it raises questions about how public funds from sovereign Commonwealth countries can go to a charity based in the United Kingdom.

Our Parliament continues to invest its energies toward transforming

the CPA and co-ordinating the Commonwealth Women Parliamentarians at southern African subregional and African continental levels. South Africa has also hosted a number of CPA conferences at both regional and international levels.

The CPA's 59th Commonwealth Parliamentary Conference will take place in Sandton, Gauteng, from 28 August to 6 September 2013. The Chairperson of South Africa's National Council of Provinces

(NCOP), Hon. Mninwa Johannes Mahlangu, MP, is the President of the CPA this year.

### **South Africa's involvement in the Pan-African Parliament**

The Pan-African Parliament (PAP) is an organ of the African Union (AU) established on 18 March 2004 in terms of Article 17 of the Constitutive Act of the AU as one of the nine organs provided for in the Treaty establishing the African Economic

Community signed in Abuja, Nigeria, in 1991. The seat of the PAP is in Midrand, Gauteng, South Africa.

The key objective of the PAP is to ensure full participation of the people of Africa in governance, democratic principles and economic integration of the continent. The PAP currently exercises advisory and consultative powers, the ultimate aim is for it to evolve into a fully fledged legislative organ whose Members are elected by universal adult suffrage.





Mr Mahlangu (left) and Mr Sisulu meet the Governor of Bangalore.



The establishment of the PAP is informed by a vision to provide a common platform for the African people and their grassroots organisations to be more involved in discussions and decisions on the problems and challenges facing the continent. South Africa being the host country makes a contribution of about R65 million per annum toward the running of the PAP.

The PAP is still a fledgling organization; but from 2004 it has steadily progressed in freely debating concerns of Africa. The capacity and content has increased and the PAP is set to evolve into a strong, disciplined and democratic institution with good governance.

### **Engaging with the Inter-Parliamentary Union**

The Inter-Parliamentary Union (IPU) was established in 1889 as an association of individual Parliamentarians. Since then it has transformed into an international organization of Parliaments of

sovereign states, working for peace and co-operation among people and the firm establishment of representative democracy. Furthermore, it is the only organization that represents the legislative branch of states on a global scale. The IPU has six main areas of activity: representative democracy, international peace and security, sustainable development, human rights and humanitarian law, women in politics, and education, science and culture.

The IPU currently comprises 162 member states and 10 associate members. The Republic of South Africa became affiliated to the IPU in 1994.

Currently Hon. Max Sisulu, MP, Speaker of the National Assembly, is the leader of the South African delegation to the IPU.

South Africa actively participates in all the assemblies and coinciding meetings of the IPU. The House Chairperson and the Focus Group on the IPU attend all meetings. The

IPU's constructive connection with the United Nations (UN) gives its resolutions more bite in taking issues to and resolving them at the UN.

### **The Southern African Development Community Parliamentary Forum**

The SADC Parliamentary Forum is a regional organization in its own right linked to SADC. According to its constitution, it is a parliamentary consultative assembly striving to involve people and parties in SADC in the regional integration process. Among other things, it aims to strengthen SADC implementation capacity by involving Parliamentarians and non-governmental organizations in SADC activities, promoting the principles of human rights and democracy and educating people on SADC.

SADC-PF is considered one of the most important structures in the region as it brings national Parliaments together across party lines and is the region's only forum

that brings together political parties across national boundaries. It is also striving to become a fully-fledged regional Parliament but is facing some hurdles in achieving this. The Speaker of the National Assembly leads the South African Parliament's delegation to the SADC-PF.

South Africa also works with non-governmental organizations that are linked to Parliaments such as the Parliamentarians for Global Action (PGA), the Globe Institution on Climate Change, IBSA Parliamentary Forum and we are preparing to establish the BRICS Parliamentary Forum.

South Africa has since 1994 achieved much in its international relations – still much remains to be done to secure peace and security in Africa and the world.

Lastly, the United Nations (UN) as it is now must be reformed to provide for all nations, big and small. To this end, a strong and united CPA will be able to make a difference by working with Parliaments globally.



# DEEPENING DEMOCRACY THROUGH INTERPARLIAMENTARY COLLABORATION

To continue the transformation of South African society into a vibrant and all-inclusive parliamentary democracy, its national Parliament and provincial Legislatures have formally joined together to develop ways to improve public participation and strengthen oversight of the executive, writes the Speaker of the Gauteng Provincial Legislature.

## Hon. Lindiwe Maseko, MPL, in Johannesburg.

Ms Maseko, Speaker of the Gauteng Legislature since 2008, is the provincial House's first female high-office holder. An African National Congress Member of the Legislature since 1994, Ms Maseko is a former Deputy Speaker, Chairperson of Committees, Whip and committee Chair. She was the first elected Chairperson of the Commonwealth Women Parliamentarians and has held senior Commonwealth Parliamentary Association African regional offices.



Hon. Lindiwe Maseko, MPL

Our duty is to continuously demonstrate our irrevocable intent to be a conduit of information from our national Parliament and nine provincial Legislatures to the people of South Africa. In the South African context, the South African Legislative Sector (SALS) seeks to strengthen a people-centred democracy by deepening public participation and representation in the sector. It is our hope that such actions will make a significant contribution towards nation-building.

The Parliament of the Republic of

South Africa and the nine provincial Legislatures formed SALS through a Memorandum of Understanding signed by all Speakers of Parliament and the Legislatures in March 2010. It recognizes the commitment of the institutions to collaborate on matters of common interest while taking cognizance of the autonomous nature of each legislative institution.

As public representatives we represent people's interests, we therefore act as the ultimate custodians of the people's views and wishes through the work we do as Parliamentarians. As we undertake our duties of passing laws, we are mindful of the people who elected us to power through their popular votes and therefore we act according to their wishes.

We are also entrusted with the important responsibility of ensuring that government is fully accountable to the people. In that sense, we serve as an important bridge between the people and government. As we continue to provide platforms for addressing the people's needs,



Members of Parliament and Provincial Legislatures celebrate their graduation at Wits University, Johannesburg.

so must we also provide a further platform to inform the people about what the government is doing.

Parliaments the world over exist and function as critical pillars of democracy that represent the will of the people. They serve as important instruments to advance both representative and participatory democracy.

## Towards people-centred participation

For us, it is a constitutional imperative to engage communities on an ongoing basis; yet it is also both a legal and moral imperative to inform communities about what we do. As we continue to encourage and promote public involvement in the legislative processes, the need to inform our electorate gathers momentum.

South African Legislatures continuously hold public hearings on important pieces of legislation that have a significant impact on people's lives. Members of Parliament and provincial Legislatures embark on site





visits to even the remotest parts of the land to observe living conditions for themselves and gain a first-hand account of how public services are delivered to the people.

Over the years, we have endeavoured to bring government even closer to the people through various instruments such as Taking Parliament to the People.

This involves having a full Assembly in a specific area of the country so that ordinary people can participate fully in serious deliberations with their public representatives at least once a year.

These efforts are further supported by the National Council of Provinces Outreach Week, wherein Members of Parliament and provincial Legislatures visit communities and listen to people's inputs on how they experience government and also express themselves on how they would like to be governed.

Furthermore, sectoral Parliaments are a permanent feature in the South African Legislative Sector. Annually, different Legislatures host events such as Youth Parliaments, Women's Parliaments, Senior

Citizens' Parliaments and Parliaments for the Disabled to allow for different constituencies to articulate their visions and aspirations of how best government can serve their needs.

Currently, SALS is engaging in a process to review and develop a Public Participation Framework to integrate public participation into all core functions of Parliament so that Parliament becomes more responsive to the needs of the people. It also seeks to establish mechanisms and standards that will ensure broader and more meaningful participation by all the people.

After an exhaustive process that entailed revisiting the country's constitutional landscape, reviewing current public participation processes in the SALS and holding public hearings throughout the country, the final product was to be launched by June 2013.

### Developing the oversight mechanism

In terms of the provisions of the constitution, Parliament and provincial Legislatures must maintain oversight of all organs of state, including those at provincial and local government levels.

In the South African context, oversight and accountability are constitutionally mandated functions of Legislatures empowering them to scrutinize and oversee executive action by any organ of state.

Throughout the South African Legislatures, it is widely accepted that oversight defines proactive interaction by Legislatures with the executive and administrative organs. The express purpose is to encourage compliance with the constitutional obligation on them to ensure delivery on agreed objectives for the achievement of government priorities.

We aim to ensure that deeply embedded in all oversight activities is the need for accountability, transparency and representation. Many would agree that the SALS Oversight Model, which was launched in March 2012, is underpinned by the above three basic principles.

During the development process

of the SALS Oversight Model, various experiences, expertise, practices, approaches, methodology and models in all Legislatures were taken into account. Therefore, the sector model is a collection of established practices of oversight in all South African Legislatures.

In practise, we have identified parliamentary committees as the appropriate mechanism for Legislatures to oversee organs of state. In conducting such oversight, a committee is empowered through legislation to either request a briefing from any organ of state or visit the organ of state for fact-finding, depending on the purpose of the oversight.

More importantly, committees consider annual reports of organs of state as well as the Auditor-General's reports. It becomes important therefore for committees to evaluate both the annual report in conjunction with the Auditor-General's report to have a full appreciation of how the organ of state has performed in its duties.

### A strong legislative arm

Our mandate as Members of SALS is to build strong Legislatures and a strong legislative arm. And one of the key challenges we face as a sector is building effective institutions that are able to deliver on the vision of the South African constitution.

Parliament and provincial Legislatures have clear constitutionally demarcated functional areas. Though these institutions are independent they are very much interrelated in the manner in which they collaborate to achieve broad sector objectives.

The sector collaboration approach adopted by the Speakers' Forum of South Africa through a memorandum of understanding and the sector policy is clearly depicted in the continued collaboration of all South African Legislatures. This also informs the commitment of South African Legislatures to work even more closely together in the interests of strengthening the SALS and Legislatures.

SALS has made significant strides in the co-ordination and alignment of sector programmes through project management, research and benchmarking, innovation, communication, secretariat and knowledge management services. Significantly, the sector approach enables us to co-ordinate, facilitate and monitor the implementation of joint sector programmes.

### Recent sector highlights

In the quest to build strong and effective legislatures, SALS has developed a number of sector strategic frameworks, models and guidelines, specifically in the areas of sector oversight, human resource development, gender and disability mainstreaming, petitions and performance management.

In the recent past, the successful introductory sector training programme for Members of Parliament and provincial Legislatures culminated in a graduation ceremony in November 2011 where Members who completed and were assessed for the first phase of the programme were honoured.

Phase two of the programme has recently been concluded and about 240 Members of Parliament and provincial Legislatures successfully completed a Graduate Certificate in Governance and Leadership course. They were awarded their certificates at a graduation ceremony hosted by the University of the Witwatersrand, South Africa.

Finally, our work as South African Parliamentarians is strongly influenced by the people's needs and aspirations. We aim to serve the South African nation as best we can to realize one of the basic tenets of the Freedom Charter: "The People Shall Govern".

Our work is guided by the overriding pursuit of providing a better life for all our people. We remain steadfast in our belief that Legislatures are the guardians of democracy and are institutions that must shape and give meaning to democracy.

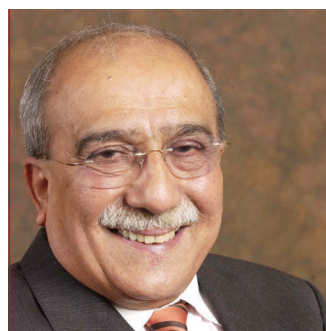


# A PAINFUL, PROTRACTED ROAD TO PEACE

South Africa attained majority rule in 1994 through talks between bitter adversaries – a rare example of an illegitimate regime peacefully handing over power to those it considered its mortal enemies. But this came after a tortuous negotiation process that at times came close to collapse. A prominent participant in that process, the late Kader Asmal, recounted how that treacherous route was negotiated in this excerpt from his memoirs published soon after his death in 2012.

## **Prof. Kader Asmal.**

The late Kader Asmal was on the African National Congress's Constitutional Committee and helped draft South Africa's constitution. An MP from 1994 to 2004 and a Minister, he also chaired several parliamentary committees. He was a law lecturer and professor of human rights. We thank Jacana Media Pty Ltd and Ms Louise Asmal for permission to print this edited extract from his 2012 memoirs *Politics in my Blood*.



**Prof. Kader Asmal**

From the mid-1980s, pressure mounted on the African National Congress (ANC) to put forward concrete proposals for a post-apartheid constitutional order. Oliver Tambo was a gifted leader and

strategist who was loved and admired within the ANC and among its allies. His nightmare at that time was that the National Party would call a conference to write a new constitution for South Africa, and the ANC would be caught unawares. With his remarkable tactical insight he “woke” from this nightmare knowing that the time had come for the ANC to draw up its own constitutional options, and he resolved in mid-1985 to establish a Constitutional Committee.

The first meeting of the Constitutional Committee lasted for five days and took place at the ANC headquarters in Lusaka, Zambia. It opened on 8 January 1986, the 74th anniversary of the founding of the ANC. In his opening address at the

inaugural meeting, Tambo outlined what was required. He explained that while the Freedom Charter clearly set out for the ANC its proposed structures of government, voting and electoral system, the judiciary and so on, it fell to us to investigate constitutional proposals and draw up a constitutional framework for a post-apartheid South Africa.

## **The hopes of the people**

We began by noting that our constitution would have to state boldly some basic aims, including equality, majority rule and national unity in the sense of one people corresponding to one country.

More than aims, they were principles that should of necessity





The National Council of Provinces (NCOP) Building which also houses the Library of Parliament. Completed in 1885 for the Cape Colony Parliament, it housed South Africa's Senate from 1910 to 1980, the House of Representatives in the tricameral racially-based system from 1983 to 1994 and the democratic Senate from 1994 until 1997 when the NCOP replaced it.

constitute the premises of our new constitution and conclusively repudiate the white supremacist vision of racially differentiated groups with their own segregated government structures and territories. At the same time, our constitution would recognize, accommodate and even celebrate South Africa's diversity and the multiculturalism of our society.

The main difficulty stemmed from the movement's basic principles. A constitution is the embodiment of the will of the nation; if it is to enjoy legitimacy, it must come from the people. In other words, the authors of a constitution must have a mandate from the people.

The Freedom Charter, drafted on the basis of the popular claims

and aspirations brought to Kliptown, Soweto, from across South Africa, embodied the genuine will of the people.

But the Congress of the People back in the 1950s was also the last time the movement had been assembled and able to grant a mandate to its leaders. To produce a constitution now would therefore be highly problematic; it would presuppose that a group of experts could draft the document. Therefore, instead of authoring a draft constitution, we resolved to draw up a set of guidelines to inform the ANC's approach to a post-apartheid constitutional order. We completed our draft constitutional guidelines documents in the course of 1987.

The constitutional guidelines set down principles for a future constitution based on the vision of an independent, unitary, democratic, non-racial South Africa. There would be a single Legislature (unlike the racial segregated tricameral Parliament of the apartheid government) and promote a single national identity, inclusive of all South Africans, but respectful of culture and linguistic diversity.

The Constitutional Committee continued to meet regularly in Lusaka, except for one meeting in 1988, soon after Albie Sachs survived a car bomb attack in Maputo by the South African security forces, in which he lost his right arm and the sight of one eye. Because he was too weak to travel,

the entire committee relocated to London to enable Albie to attend.

Sometime after he was released from hospital after the horrific attack, Albie flew to Dublin to work with me on the draft ANC Bill of Rights. As always it was raining in Dublin, and I remember having my repeated smoke breaks outside in the rain because the smoke hurt Albie's damaged eye. Seated at my kitchen table, with Albie struggling to learn to write with his left hand, we resumed work together on drafting our country's Bill of Rights. We were strongly aware of being part of a process of writing history; this was going to be the text of our document that would become a lodestar for the ANC during the negotiation process.





Parliament Street, once a public thoroughfare named Grave Street because it was adjacent to a graveyard in the 1700s, is now closed to the public and forms part of the Presidential gardens in Cape Town.



### **Moving beyond the ANC**

The ANC was unbanned on 2 February 1990 and when the Constitutional Committee of the ANC met in Lusaka at the end of April 1990, we took the exciting decision that we would next meet in South Africa. The first ANC national conference to be held inside South Africa since 1959 took place in Durban from 2 to 6 July 1991.

By the time of its first conference in South Africa, the ANC had formulated what was known as the Harare Declaration, which was adopted by the Organization of African Unity in 1989 and then, unprecedentedly, by the General Assembly of the United Nations. It listed the five minimum requirements that had to be met before negotiations could begin: the release

of all political prisoners; the lifting of all bans and restrictions on people and organizations; the removal of all troops from the townships; the ending of the state of emergency and the repeal of all repressive legislation, and the cessation of all political executions. Only then, it was argued, could a climate suitable for negotiations be deemed to exist. The Harare Declaration was the bedrock of the ANC's position regarding negotiations for a non-racial and democratic South Africa.

Formal constitutional negotiations began on 20 December 1991 and took place under the name of the Convention for a Democratic South Africa, or Codesa. Delegations from 19 political organizations took part including, naturally, the ANC. The ANC's Constitutional Committee

served as an advisory body to the party's negotiation team, providing it with discussion documents, briefs and other assistance. By then it was a broader committee. Mandela had invited the prominent South African lawyers Nicholas (Fink) Haysom, Arthur Chaskalson and George Bizos to contribute their renowned skills as leading anti-apartheid figures in the country. It continued to work on drafting a fledgling constitution, which effectively informed the ANC's negotiation team.

The debate on the negotiating process was not confined to the NEC and the Constitutional Committee. It was being played out all over the country. It is perhaps ironic that the two universities that occupied the greatest role in South Africa's constitution-writing process were

the rather innocuous University of Potchefstroom, [the then president] De Klerk's alma mater, which employed some advisers for the National Party's negotiation team, and the University of the Western Cape (UWC), once a coloureds-only university created by apartheid, which had become a centre of resistance during the struggle.

The Community Law Centre at UWC became an engine room of lively debate and, drawing on a group of us UWC academics, we worked closely with the Centre for Development Studies and sometimes the Johannesburg-based Centre for Applied Legal Studies to run a series of countrywide workshops on the issues central to the negotiations at Codesa.

We thought at the time it was





**“If there is a single lesson that our remarkable transition can demonstrate for the benefit of humanity, it is that the transition from an unjust to a just society succeeds or fails on the strength of its participants’ commitment to peace.”**

of Natal, and also in the townships of the Witwatersrand, Inkatha militia, clandestinely backed and armed by right-wing elements within the government’s security forces, were conducting a campaign of brutal attacks on ANC supporters. It was a time of escalating violence, which posed a serious threat to the successful outcome of the negotiations process and culminated in a brutal massacre which threatened to derail negotiations altogether. On the night of 17 June 1992, supporters of the Inkatha Freedom Party (IFP) and (the Truth Commission later found) members of the government’s security forces attacked residents of the township of Boipatong. They murdered 38 people in what became known as the Boipatong massacre.

After the Boipatong massacre, the ANC threatened to pull out of the negotiations entirely unless the government made greater efforts to end the violence and curtail covert police support for the IFP. Mandela took his complaint to the Organization of African Unity and the United Nations where, on 15 July 1992, he accused the government of “a cold-blooded strategy of state terrorism”.

The impact of Boipatong on the negotiations marked an extremely important shift from formal negotiations to person-to-person, behind-the-scenes informal discussions. Cyril Ramaphosa, the ANC’s chief negotiator, called it the War of Memoranda.

In particular, the famous “channel” between Ramaphosa and his counterpart, De Klerk’s right-hand man Roelf Meyer, became a vital avenue for discussion and negotiation. Finally, in September 1992 De Klerk and Mandela arrived at a Record of Understanding.

Negotiations resumed on 5

March 1993; but the fragile process was again threatened a month later when Chris Hani, the popular general secretary of the South African Communist Party, was murdered by a member of the extremist right-wing Afrikaner Weerstandsbeweging.

With a new sense of urgency, political negotiators tried to speed up the process and set the date for nationwide elections no later than 27 April 1994. As Mandela said to me at the time, “Nothing concentrates the mind like the fixing of a date.”

**Turning a page in history**

Our commitment to the principle of a democratically elected constituent assembly to draft the constitution was based on the foundational principle of the Freedom Charter, namely that only a democratically elected government can legitimately claim to represent the will of the people. If our new constitution was to enjoy legitimacy, if it was to belong to the people and hold their interests in the highest regard, it had to be drafted by the people’s democratically elected representatives.

The draft constitution was published on 26 July 1993. Within its simple but powerful words is contained the clarion call for South Africa’s newly minted democracy. “We the people of South Africa,” the preamble says, “Recognize the injustices of our past; Honour those who suffered for justice and freedom in our land; Respect those who have worked to build and develop our country, and believe that South Africa belongs to all who live in it, united in our diversity.”

The final Chapter 16 contained words just as moving those in the preamble. It describes the interim constitution as “a historical bridge between the past of a deeply divided society characterized by

strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful coexistence and development opportunities for all South Africans, irrespective of colour, race, class, belief and sex”. Then it goes on to say: “With this constitution and these commitments we, the people of South Africa, open a new chapter in the history of our country.” Beautiful, resonant words.

The Government of National Unity was to be a power-sharing government, and the Legislature would double as a Constituent Assembly for the purposes of drafting a final constitution, which was adopted in 1996. The Government of National Unity was elected into power in April 1994. There are few examples in the world where a very powerful regime has handed over power.

If there is a single lesson that our remarkable transition can demonstrate for the benefit of humanity, it is that the transition from an unjust to a just society succeeds or fails on the strength of its participants’ commitment to peace. Second, it is axiomatic of negotiations that they involve give-and-take and compromise, find a middle road, negotiate through seemingly irreconcilable differences.

It is worth noting that the public participation process that accompanied the drafting of the final constitution exerted massive influence over the Constituent Assembly.

This was perhaps not surprising as I believe it was the most extensive exercise in public participation ever undertaken anywhere on this planet. This was a fitting heir to the Congress of the People’s instructions back in the 1950s and fully lived up to the need for a mass mandate.

essential that the negotiations be as inclusive as possible, not only for the sake of representation. With 19 parties, it became much easier to be quorate and to get some discussion going on important issues. It was electrifying to see Codesa underway and all those people sitting side by side, deciding the future of our country. Mandela was also able to use his charm and charisma to persuade many of the smaller parties to toe the line and vote with the ANC. Ironically, the Conservative Party, a right-wing Afrikaner political organization, never objected to a single proposal during the negotiations. They were more of an ally of the ANC than they were of the NP government.

**A hard path to progress**

Meanwhile, in the Inkatha stronghold





# THE CHANGING NATURE OF PARLIAMENT

The history of parliamentary representation is one of responding to diverse requirements for change. Parliament today faces demands for greater change than ever before as technology pushes more responsive, open, accountable and participatory government. The Secretary to Parliament applies the latest imperatives for change to develop a new planned approach to parliamentary administration reform.

## Mr Michael Coetzee in Cape Town.

Mr Coetzee has been Secretary to Parliament since November 2012, having been Deputy Secretary since 2002. He was Secretary of the Gauteng Legislature for four years. He also worked in human resources in Parliament and at the University of the Western Cape, and was a union organizer and head of the Western Cape Workers' College at the University of the Western Cape.

The idea of the representation of the people in decision-making has a long history throughout the existence of humankind. History informs us about the existence of several forms of public representation in various societies.

The earliest times recall the existence of village elders acting as councils. Ancient Greece used the *ekklesia*, the Roman empire used legislative assemblies and in Africa referring decisions to councils of elders dates back to antiquity.

The development of the modern parliamentary system is a more recent phenomenon, which can be traced back to the 13th century. In 21st century democracies, Parliaments are elected by the citizens to represent them in government and to ensure government by the people.

### Moving with the times

Throughout this time, Parliaments have had to endure large waves of change. In some cases change was expected; in others it was unexpected and in many instances the change was erratic. Changes occurred on several levels including the conceptual or political level, in terms of assigned authority, at the functional and procedural levels, at process and system levels, at the content and skill level, and the physical or facility level.

Looking back at the rich history of parliamentary representation, one can but wonder at the many different dimensions of change that have confronted Parliaments and how they have responded to the requirements of change over time.

With the knowledge that Parliaments have successfully

responded to change over the course of history, our attention is now focused on shifts in society towards a demand for more responsive, open and accountable government. Society now demands a new way of doing things – a new and deeper level of representative democracy, as well as more direct involvement and parliamentary representation.

Responding to these demands necessitates that we understand how Parliament's nature is changing in society, how the administration of Parliament itself is changing and ways in which Parliament can successfully respond to these changes.

The changing nature of Parliament in society is driven by a combination of trends, which together constitute underlying rapid shifts in all areas of society. The most





apparent trends causing societal change are the development of new and advanced communications technology enabling information sharing and improved transport modes allowing for unprecedented mobility. Together these have created and inspired social change and other consequent indirect dimensions of change, including political change, socio-economic change, change in trade, change in societies and much more. The changes in these subsystems are causing ongoing, overall change in the entire system.

#### **Demands on Parliament in the technological society**

Parliament as an institution representing the people and ensuring government by the people finds itself in the middle of this scenario.

The function of Parliament and the nature of its business processes are based on a combination of these subsystems. Parliament's existence draws from the political, social and socio-economic subsystems, whilst its business processes comprise elements in the technology subsystem, especially technology in the information and communication sectors. One can say that Parliament operates extensively in the information sector or industry.

If such positioning is accurate, then it will be helpful for Parliaments to take note of the various forces driving change in the information industry. Examples of these could be the banking sector, or the publication sector (news): both are engaged with ongoing restructuring and change due to the expansion of services

via information communication technology.

News groups are today leveraging the social and technology dimension not only by publishing in electronic and mobile formats, but also by incorporating the social network as a source and channel of local and other news. It is a prime example of how to change, and to use change as an opportunity to extend business. Clearly, the new trends hold both opportunity and threat.

With regard to Parliament, a few key forces underpin our present change process. First, the public's need and ability to access information on decisions in government has increased exponentially over the last two decades. The public is demanding more open, more accountable government. The

**A chamber in Parliament's Good Hope Building, which was used in the past to house apartheid's President's Council during the era of the tricameral Parliament. It has not always been part of Parliament – in about 1900 it was a music hall and theatre – but is now used by Parliament and the Presidency.**





accessibility of information via the internet and mobile devices, coupled with legislation providing for this openness, is awakening citizens to play a more active role in society.

Secondly, and as a result of the empowerment through the access to information, citizens are demanding a greater responsiveness from government, and thus greater

access to and participation in the policy-making process, such as the legislative process.

Thirdly, due to the creation of platforms such as social media, an increasing trend of self-representation is emerging. The public is looking for new platforms and ready access to Parliament to voice their issues.

Finally, the public is increasing

its expectations of government, and showing less tolerance of slow responses.

A negative view of Parliament prevails as the public demands more responsiveness but is provided with a weak or slow communication response.

A thorough analysis of these and other trends will confirm the changing

nature of Parliaments, and allow its leadership to discover the many opportunities available to respond in positive ways to public demands.

### **Transforming parliamentary performance and efficiency**

Our own Parliament incorporated many changes in the management of Parliament due to several new





The National Assembly Building can accommodate joint sittings which can total 490 Members. It also has an upper floor public gallery with seating for 600.

developments and practices in governance. In general we now recognize: the need for more effective and efficient institutions, an increased focus on Members as customers, the search for greater levels of service delivery and better results, increased financial and performance accountability and the development of multidisciplinary professionals. This

is all a world away from the previous specialist approach. In a real sense, the “Clerk at the Table” has become the “Clerk of Governance”.

Many of these changes were introduced with the adoption of the Financial Management of Parliament Act in 2009.

This Act is aimed at providing greater accountability for both

financial and performance management of Parliament, ensuring greater transparency and ensuring more effective and efficient use and management of Parliament’s resources.

The main areas introduced with the adoption of the Act include the establishment of an oversight mechanism in Parliament, entrenchment of planning documents including the strategic plan, the annual performance plan, the annual budget and various reports, specific standards for financial and supply chain management and the establishment of an Audit Committee.

As a result, several functions and processes have been established in the past few years to give effect to these new requirements.

Accordingly, the Secretary-

In addition, Parliaments have to set long-term strategic objectives to meet these needs and devise annual performance objectives to achieve the strategic objectives within a set time frame.

It must also budget effectively to achieve the strategic objectives with limited resources and set standards in the form of outcome and output performance indicators that can be measured. Not least, there need to be regular reports, monitoring and reassessment of the implementation programme and changes made to it where necessary.

**Effecting change, resisting chaos**

Parliament’s ability to plan, budget, execute and monitor its long-term objectives remains one of the most

**“It is clear that our Parliaments are facing many changes and challenges from outside and inside the institution. One way of managing these changes is to introduce an organization-wide strategic management process.”**

General of Parliament is now the Accounting Officer and spends far more time in the governance and management of Parliament than before in the old role of Clerk of the House.

It is clear that our Parliaments are facing many changes and challenges from outside and inside the institution. One way of managing these changes is to introduce an organization-wide strategic management process. This would allow political and management decision-makers to consider key decisions for Parliament, including better assessments of the current situation and the needs of the Parliamentary stakeholders, and the best way to prioritize these needs.

effective ways to reduce the various change needs into a comprehensive plan of response.

It allows the institution to set a common vision – establishing a high level of synergy and understanding regarding the direction in which the organization is moving, whilst also directing the operational components in their daily activities.

By establishing a strategic management process, Parliament can internalize a culture of continuous change, thereby creating the capacity to successfully deal with change and build resilience against turmoil.

In this way Parliament will be able to adapt to the changing needs of the people, whilst still being effective in representing people in government – and ensuring government by the people.

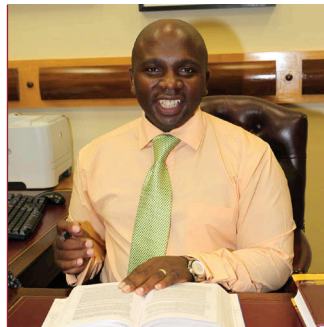


# THE PARLIAMENT OF SOUTH AFRICA: THE FIRST 20 YEARS

Starting in 1994 with few experienced Members and a mandate to govern the country and reform its legislative framework at the same time as it drafted a new constitution, the Parliament of South Africa has made great strides to remake itself into a modern, fully representative institution, says the Secretary of its lower House.

## Mr Masibulele Xaso in Cape Town.

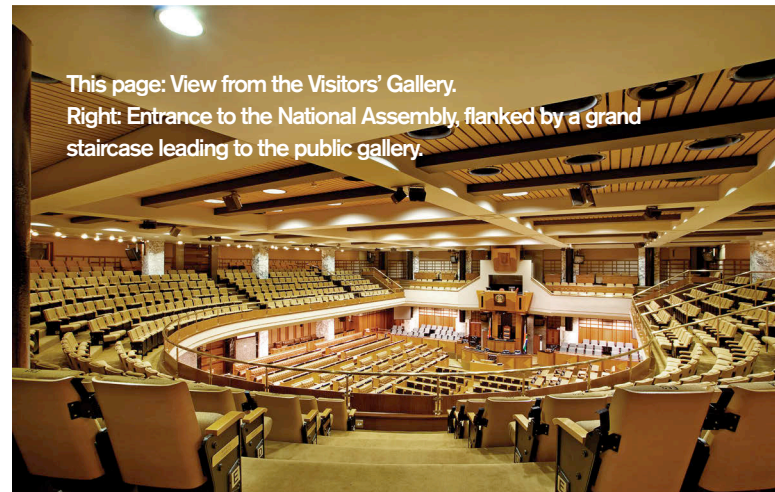
Mr Xaso, a lawyer and public administrator, became the Secretary of the National Assembly in March 2013, having been Acting Secretary for nearly a year. He joined Parliament in 1994 and has served in its committee and Table divisions.



**Mr Masibulele Xaso**

The democratic breakthrough arrived in the 1990s with the unbanning of the liberation parties and the development of, first, an interim constitution in 1993 and then the final constitution in 1996. For the first time South Africa had a government and Parliament founded on constitutional supremacy, accountability, responsiveness and openness.

South Africa is now reaching the end of its second decade of democracy and has held four successful national elections. This period has witnessed profound changes and many accomplishments, but much still needs to be done.



This page: View from the Visitors' Gallery.  
Right: Entrance to the National Assembly, flanked by a grand staircase leading to the public gallery.

## Starting with a new constitution

In 1994, the vast majority of Members, nominated by the liberation parties, had never worked in a Legislature before. They were new Members operating in a new dispensation. The first mission of Parliament in 1994 was to finalize the constitution. To do this, it established the Constitutional Assembly tasked with reaching out to the public and completing a new constitution within two years. The final constitution was enacted on International Human Rights Day, 10 December 1996, by then President Nelson Mandela.

The constitution created a multiparty, bicameral Parliament which consists of the National Assembly and the National Council of Provinces. The National Assembly is composed of 400 Members and is directly elected by the people for a term of five years through a system of proportional representation.

It is responsible for: ensuring government by the people and must do this by electing the President (who then appoints the cabinet from amongst the Members of the National Assembly), providing a national forum

for the public consideration of issues, passing legislation and overseeing executive action.

The Council, on the other hand, is made up of Members from the nine provinces, mandated to represent the provinces in the national sphere of government.

The constitution stipulates that Parliament may determine its own procedures – a provision fundamental to its independence – but with due regard to the principles of representative and participatory democracy, accountability, transparency and public involvement.

## Updating everything

Once the constitution was adopted, Parliament had to give expression to its contents and transform both itself and the apartheid legislative infrastructure – an onerous task. This process saw the enactment of over a hundred Bills every year for the first decade. Not only were the Bills many but they were often complex, representing significant policy initiatives.

The year 2004, however, marked a decline in the pace of legislation and,





consequently, a shift in Parliament's focus away from law-making to the implementation of laws and oversight of the executive. This new direction was reinforced by reforms encapsulated in an oversight model designed, first, to enhance the position of Parliament and, secondly, to build skills and capacity.

The first Parliament also inherited the rules and orders of the previous Legislature. The rules have since been amended, mostly on an ad hoc basis, to provide for new procedures. Over time the rules have also been supplemented by new conventions and practices.

The rules must now be updated to reflect modern thinking and a comprehensive review of the rules is underway. Adding to the call for a review has been the fact that a number of procedures have been challenged in the courts. In one case a Member challenged the process for the introduction of private Members' Bills with the result that any Member is now allowed to introduce a Bill directly in Parliament without prior permission.

A significant feature of the post-1994 Parliament has been its committee system. Parliament

has put in place more than 50 committees which, aside from internal committees, broadly correspond to the government portfolios which they must oversee. As such, committees have often been called the "engine-rooms" of Parliament. Portfolio committees in the National Assembly have 12 Members each and are constituted to allow minority parties (the Assembly currently has 13 parties) an opportunity to participate. Committees in the Council generally have 9 Members, one from each province.

The constitution grants committees considerable powers, which include the power to summon any witness to give evidence. Committees may also determine their procedures and have frequently travelled beyond the seat of Parliament in Cape Town to conduct oversight visits.

### **Engaging all communities, especially women**

In accordance with the constitutional precepts of openness and the need for public participation, the South African Parliament has taken steps to facilitate access to and involvement in its legislative and other affairs.

Parliament has, in contrast with the past, opened its doors so that its proceedings may be closely followed by the media and non-governmental organizations.

Parliamentary committees also proactively engage citizens when considering Bills and other matters. Reaching people who are marginalized and or live in remote areas represents a continuous challenge. Furthermore, while MPs do not represent formal constituencies, Parliament has allocated funds and programme time for Members to conduct constituency-based work in local communities.

The idea behind this initiative is to provide a direct link between Parliament and the public and thereby increase openness and accountability – issues which go to the heart of Parliament's vision of being people-centred.

Another success of the post-1994 Parliament has been an increase in the number of women Members. In 1994, 27 per cent of Parliament's Members were women; in 1999 this increased to 30 per cent and in 2009 to around 40 per cent. Not only has there been an increase in the number of women

representatives, but many have also held prominent positions. The first three Speakers after 1994 were women: Dr F.N. Ginwala, Ms B. Mbete and Ms G.L. Mahlangu-Nkabinde. This allowed Parliament to begin to reflect the nation's diverse community of women, a constituency long neglected.

Notably, there have been recent proposals to introduce a Gender Equality Bill, one of whose provisions may make it compulsory for political parties to nominate women as at least 50 per cent of their electoral lists, which would be a further step forward.

### **Sharing experiences**

Before 1994, the South African Parliament was internationally isolated and, as a consequence, it has had to rebuild its relations with the world. Parliament has since hosted many world leaders, monarchs and statespersons, many of whom have acknowledged the nation's progress. After 1994, Parliament began to participate in a range of international fora and organizations including the Pan-African Parliament (which is now located in South Africa), the Commonwealth Parliamentary Association and the Inter-Parliamentary Union. Participation in these organizations has allowed Parliament to draw on and share its experiences with the international community.

South Africa's democratic Parliament has experienced many challenges in its first 20 years. One of the overarching issues is a lack of public awareness of Parliament and its functions.

This means that Parliament must continue to build public confidence and respond to the political issues of the day.

Another challenge has been a lack of institutional memory. The nature of the transition and the large turnover of Members and staff in 1994 and afterwards resulted in the loss of experience and practical knowledge. This has, however, been rebuilt over time and a new cadre of people has emerged to lead the institution forward.





# CO-OPERATION, CONSULTATION AND LAW-MAKING AND THE NATIONAL

South Africa is a unitary state with federal characteristics and relations among the three levels of government based on the principle of co-operation. The Secretary of the National Council of Provinces explains how his Chamber ensures that the interests of the provinces are protected at national level.

## **Adv. Modibedi Phindela in Cape Town.**

Mr Phindela became the Secretary of the National Council of Provinces in 2010, having served as its Acting Secretary. A former Deputy Dean and law lecturer, he was a Constitutional Court researcher, sat on the Commission for Conciliation, Mediation and Arbitration and was an official of the Mpumalanga Legislature and the Pan-African Parliament.

Section 40 of the South African constitution defines government in the republic as national, provincial and local. These spheres, although distinct, are interdependent and interrelated. Co-operation rather than competition is a golden thread that runs through the constitutional scheme that underlies the spheres of government.

The spheres are distinct in the sense that they are assigned different powers, and interdependent because the national sphere is required to assist the provincial sphere in the event that the latter, due to lack of capacity and resources, is unable to fulfil its obligations. The provincial sphere, in the same manner, is required to assist the local sphere. Lastly, they are interrelated in the sense that they must co-exist.

To reinforce the distinct nature of the three spheres, the constitution

assigns to them functions peculiar to each. These are referred to as functional areas of exclusive legislative competence. On the other hand, to ensure the interdependence of the spheres, the constitution provides for what is referred to as functional areas of concurrent legislative competence.

### **Intergovernmental relations and a dispute mechanism**

Whereas the constitution compels the spheres of government to maintain their distinctive nature in the exercise of their powers, at the same time it enjoins them to co-operate (rather than compete) in their operations.

Although the constitution does not define these concepts, it is clear that it is within the distinct, interdependent and interrelated nature of the spheres of government that the principles



**Advocate Modibedi Phindela**

of co-operative government and intergovernmental relations find expression.

The fact that these two different concepts are used in a single sentence results in them often being conflated and sometimes used interchangeably as if they mean the same thing. But in the wording





# AND DISPUTE RESOLUTION: COUNCIL OF PROVINCES

The Queen's Hall, named after Queen Victoria during colonial times. It is now the lobby of the NCOP building.

of the constitution they clearly differ. A simple reading of section 41(1) emphasizes the indivisibility of the republic (see principles a. to d.); principles e. to g. apply to intergovernmental relations, and principle h. defines co-operative government.

The spheres are required to co-operate with each other on matters of common interest, which entails planning together on matters of concurrent competence while at the same time not intervening in each other's affairs except in circumstances (referred to in sections 100 and 139 of the constitution) which authorize the national government and provincial governments to intervene in provincial and local governments' affairs respectively. In the case of a dispute, the constitution requires the warring spheres to take all reasonable

measures to resolve the matter before approaching the courts.

Although distinctive, interdependent and interrelated, the spheres of government are not autonomous. Each exercises powers to the extent conferred by the constitution. The constitution enjoins co-operation rather than competition.

The spheres are required to co-operate with each other on matters of common interest. This entails planning together on matters of concurrent competence referred to in schedule 4 of the constitution. At the same time the spheres are prohibited from intervening in each other's affairs except in circumstances referred to in sections 100 and 139 of the constitution which authorize the national government and provincial governments to intervene in provincial and local governments affairs

respectively.

To ensure that the courts are not necessarily drawn into matters of governance and policy-making, the constitution contains a dispute resolution mechanism which compels the spheres involved in a dispute to take all reasonable measures to resolve the dispute before approaching the courts. A court is compelled to refer the matter back if it is not persuaded that the warring spheres exhausted internal remedies before seeking assistance from other arms of the state.

Despite the constitution of government in the manner referred to above, South Africa is often defined as a unitary state with federal characteristics. The principles of co-operative government and intergovernmental relations forcefully bring this point home.

## Law-making process

At the national level within the South African context, legislative authority is vested in the National Council of Provinces (NCOP) and the National Assembly (NA). Whereas the NA was established to represent the people, the NCOP was founded to represent the provinces – to ensure that provincial interests are taken into consideration in the national sphere of government. It achieves this mainly by participating in the national legislative process.

Voting on matters affecting provinces takes place on the basis of the authority conferred by the Provincial Legislatures. Delegates are bound by this authority and cannot go against it.

It is this method of voting that ensures that the interests of the provinces are fully taken into





consideration in the national law-making process.

There are four types of Bills:

- Bills amending the constitution to be dealt with in terms of section 74 of the constitution;
- Bills affecting provinces to be dealt with in terms of section 76 of the constitution;
- Bills not affecting provinces to be dealt with in terms of section 75 of the constitution, and
- Money Bills to be dealt with in term of section 77 of the

constitution.

Turning to the Bills affecting provinces, it is here that the NCOP has a greater role to play in the law-making process as it was created to ensure that provincial interests

are taken into consideration in the national sphere of government.

These are Bills in which both the national government and the provincial government have legislative competence. Unlike Bills not affecting

provinces, the NCOP has the power to amend a Bill affecting provinces.

In terms of the constitution, only a Member or a committee of the NCOP may introduce a Bill in this House, while Bills affecting provinces

**“It is clear that the NCOP has greater influence in the law-making process on matters affecting provinces, enabling it to effectively represent the interests of the provinces in the national legislative process.”**





**The lobby of the Old National Assembly**

may either be introduced in the NA or the NCOP. A Bill introduced in the NA must be dealt with in terms of the procedure prescribed in section 76(1) and the Bill introduced in the NCOP must be dealt with in terms of section 76(2) of the constitution.

### **Provinces take their positions**

At the start of the process, provincial Legislatures confer with their delegations on a Bill. At this stage, depending on whether there are different provincial views, delegates

from different provinces attempt to convince one another to accept each other's position on the Bill.

Once a committee has deliberated on different provincial positions and has decided which position(s) to accept or reject, delegates report back to their provincial Legislatures on the position adopted by the committee with a view to obtaining a final position of the province on a Bill. This is referred to as a final mandate. At this stage, a province states whether it agrees or disagrees

with a Bill or will abstain from voting on the Bill. No further negotiations are allowed.

A report is then prepared for consideration by the House. This represents the voting stage which is the last in the process when a province either votes in favour of or against a Bill or abstains from voting on the Bill. The vote is cast by the head of the delegation.

Once passed, a Bill introduced in the NCOP is transmitted to the NA for consideration and decision. If the NA passes the Bill without amendment, it is submitted to the President for signature and assent. If the NA amends it, the Bill must be referred back to the NCOP for reconsideration and decision. If the NCOP passes a Bill without amendment, likewise, it must be submitted to the President for signature and assent.

Just as a Bill passed by the NA must be transmitted to the NCOP for consideration and decision, if the NCOP amends the Bill, it must be referred back to the NA for reconsideration and decision. When the NA passes it, the Bill must be referred to the President for signature and assent.

### **Disagreements between the national Houses**

Disagreement may ensue if the NCOP is of the view that a Bill does not fully take provincial interests into consideration. If, after reconsideration, the Houses still disagree, a Bill is referred to the Mediation Committee, which is formed as and when required to break a deadlock between the Houses. It consists of nine Members from the NA and nine permanent delegates from the NCOP, representing each province.

The Mediation Committee may either agree on a Bill as passed by the NA or an amended Bill as passed by the NCOP or another version of the Bill. The Mediation Committee must exercise any of these options within 30 days, failing which a Bill lapses if it was introduced in the NCOP. If it was introduced in the NA, it may still be passed by the NA if it gets a two-thirds majority.

If the Mediation Committee agrees on the Bill as passed by the NA, the Bill must be referred to the NCOP, and if the latter passes the Bill, it must be referred to the President for signature and assent. The converse is true if the Mediation Committee agrees on the Bill as passed by the NCOP. If the Mediation Committee agrees on another version, the Bill must be referred to both Houses and, if passed, it must be referred to the President for assent.

### **Bills not affecting provinces**

These are Bills dealing with functional areas on which only the national government may legislate, such as defence, intelligence, et cetera. These Bills may only be introduced in the NA. Unlike Bills affecting provinces, the NCOP may only propose amendments which the NA may either accept or reject. For it to be passed, a Bill must be supported by at least the majority of delegates present. Because these Bills do not affect the provinces, delegates need not confer with the authority to decide on the vote by their Provincial Legislatures.

### **Speaking for the provinces**

It is clear that the NCOP has greater influence in the law-making process on matters affecting the provinces, enabling it to effectively represent the interests of the provinces in the national legislative process. The fact that decisions on Bills affecting the provinces are subjected to mediation in the event of disagreement between the NCOP and the NA emphasizes this point.

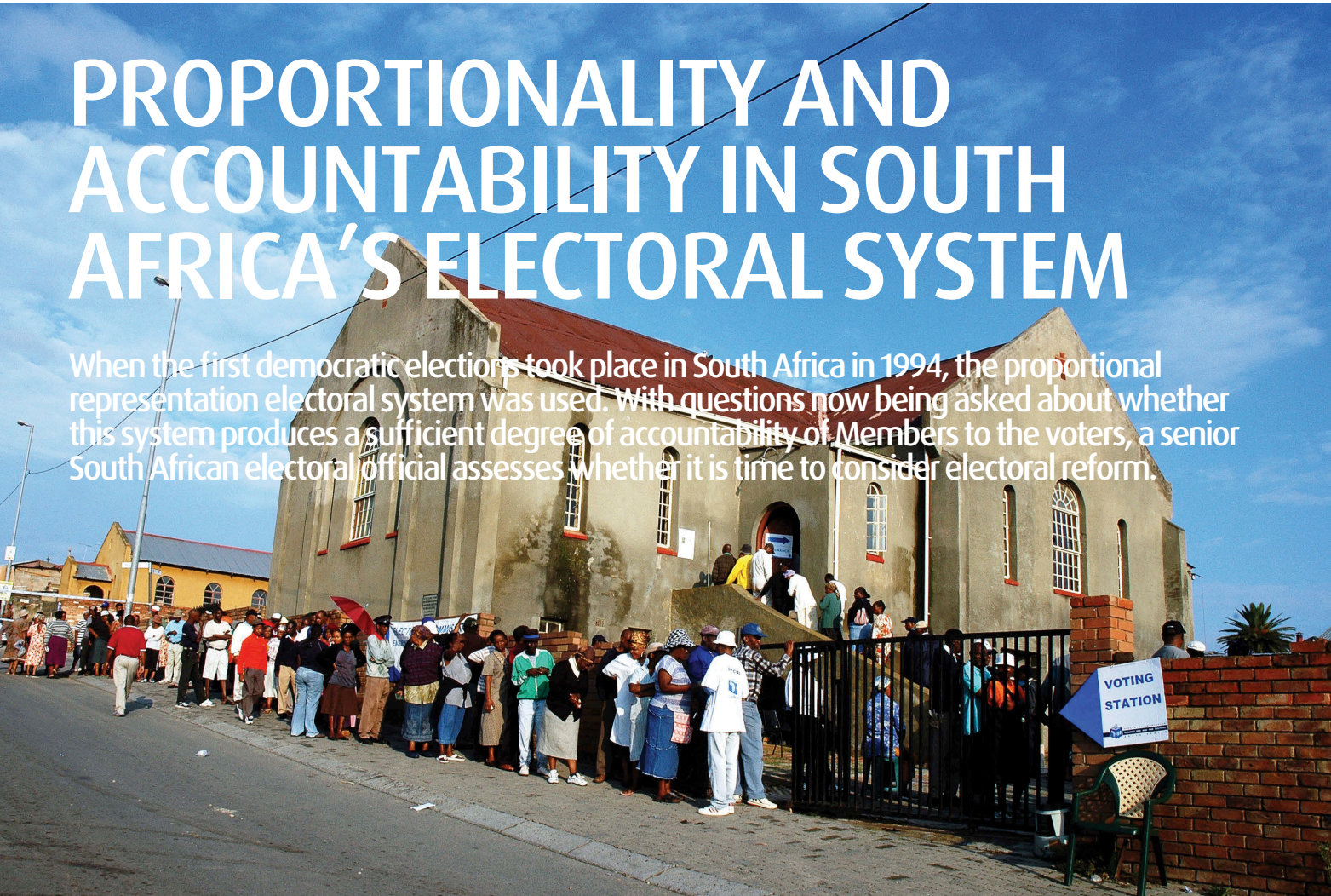
The NA may still pass a Bill affecting provinces after mediation has failed; but this has never happened in the history of our Parliament. One may venture to suggest that it may be that such a law may not enjoy legitimacy because it would have effectively been rejected by the provinces which may be required to administer it. Rather than proceeding with such a Bill, the best option would be to allow it to lapse. Here lies the power of the NCOP to represent the interests of provinces.





# PROPORTIONALITY AND ACCOUNTABILITY IN SOUTH AFRICA'S ELECTORAL SYSTEM

When the first democratic elections took place in South Africa in 1994, the proportional representation electoral system was used. With questions now being asked about whether this system produces a sufficient degree of accountability of Members to the voters, a senior South African electoral official assesses whether it is time to consider electoral reform.



## Mr Norman du Plessis in Centurian.

Mr du Plessis has been Deputy Chief Electoral Officer since 1998. A civil servant and diplomat, he was an electoral advisor to the multiparty Negotiating Process and served with the Independent Electoral Commission in 1994 and its successor body until 1997. The views expressed here are the author's and do not necessarily reflect those of the Electoral Commission.

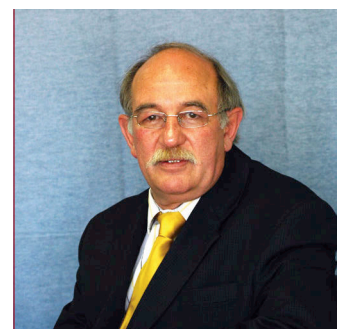
Until 1994, South Africa used a first-past-the-post constituency electoral system. This came about neither by accident nor by design: it was inherited from our colonial history – what applied “at home” in Britain also applied in the colonies. In fact, this was the prevalent electoral system in most parts of the world in the early 20th century, with other systems gaining in popularity only later on.

Neither was there at the time any inclination to change the system. The don't-fix-what's-not-broken factor applied – besides which, Members of Parliament could naturally be inclined to support the system that got them elected in the first place.

The establishment of democracy in 1994 and its fundamental paradigm shift necessitated careful consideration of the electoral system,

the elections that year being the proverbial last step on the road to freedom. The various parties to the multiparty negotiations no doubt considered the matter with great care and behind-the-scenes discussions may well have taken place. When the subject was formally tabled for discussion there was, however, little debate or disagreement.

The winner-takes-all concept did not feature. Fairness, inclusivity and simplicity and understanding of the system by the electorate were the guiding themes. This presupposed proportional representation and when the very short timeframe for the conduct of an election was taken into account, the choice was inevitable. That then was the electoral system incorporated into the Interim Constitution in 1993.



Mr Norman du Plessis

## Accountability and the proportional system

For a number of years now the suitability of the electoral system decided on 20 years ago has been debated in certain quarters. Most of the discussion has focused on the concept of





Left: South Africans turn out in large numbers to vote.  
This page: Too young to vote. Courtesy of The Star/Christopher Collingridge.

accountability (to the electorate), which it is contended proportional representation lacks. Some argue that a Parliament consisting of individually elected Members rather than party representatives would be more accountable. A combined constituency/proportional system is suggested in a variety of forms, and even an entirely constituency-based system. Some of the debate has been well-informed and some, I respectfully suggest, less so. Various suggestions may be appealing at face value; but a basic understanding of the nature and structure of different electoral systems is necessary if we wish to reach balanced conclusions.

The recorded debate as to how best to structure society commenced some two-and-a-half millennia ago with the teachings of Socrates and the subsequent writings of Plato. Thereafter the letters of Pliny the

Younger a century or two into the Common Era further explored the matter. Raymond Lull and subsequently Nicholas of Cusa added to the concept of fair representation of the preferences of electors, as did the work of Jean-Charles de Borda in the 18th century and that of Pierre-Simon Laplace (with Napoleon looking over his shoulder). It is not necessary for this article to trace the evolution of the debate on fair representation in detail; but it is important to understand the essence of the problem that later authors especially addressed. Here the argument is simplified and generalized with no attempt to do justice to individual contributors.

Over time the norm became accepted that an electoral system should ensure that the majority preference prevails. This was not without problems and the question that followed was: What constitutes

a majority? An absolute majority (more than half the votes cast) did not present problems; but a simple majority, where the candidate with the most votes is elected, did.

Dealing with the problem by ranking candidates in order of preference does not resolve it, as this brings strategic voting into the picture. What may then happen is that the supporters of both the two stronger contenders, A and B, decide on the less-favoured candidate, C, as their second choice – leaving C, in the absence of an absolute majority, the winner. An alternative developed during the Napoleonic era to ensure an absolute majority – a run-off election with only the two best-performing candidates from the first round as participants – does not resolve the matter either. That approach is as subject to strategic voting and also results in the winner

not being the first choice of the majority of voters. Even where an absolute majority is obtained in a first-round election, the views of those who did not vote for the winner are not represented.

The question of how to construct an electoral system that fairly represents the preferences of voters has always been problematic and every known electoral system has been found to present unavoidable paradoxes and inconsistencies or to be susceptible to manipulation to some extent. We can simply conclude that a perfect electoral system does not exist.

#### More than just numbers

It is obviously important to understand paradoxes and inconsistencies in electoral systems and what should best be avoided in their design. It is, however, also important to





This page: South African woman voting for the first time. Opposite: The blue and white ballot boxes of the 1994 Independent Electoral Commission.



recognize that in the absence of perfect solutions the subject cannot be looked at only in mathematical terms. The mechanics of an electoral system cannot be the sole focus to the exclusion of the nature of a

particular society and the ends which its electoral system must serve. In the South African context, the concepts of one-person-one-vote and power to the people are deeply ingrained in our struggle history.

What does this mean in practice? Surely that universal franchise is the cornerstone, but also that all votes should count equally and that the composition of Legislatures should represent the views and aspirations

of the people as fairly as possible. The inclusive nature of our constitution in respect of all who live in our country reflects these values, as does our present electoral system, and it is against this background that we must consider the potential need for change.

Certain technical elements in our electoral system may well be open to challenge but they are not overly significant.

There can equally be little argument that by and large the system accurately reflects party-political support and that votes cast in a national election all have equal weight. Moreover, in the 1999, 2004 and 2009 elections more than 99% of the valid votes cast resulted in parliamentary representation. The number of so-called “wasted” (spoilt) votes which do not reflect in representation was thus minimal and much lower than would apply in any first-past-the-post system.

On these grounds there are thus no notable shortcomings in our current electoral system and fair representation of voters’ preferences – the main strength of a proportional system – is largely achieved.

It is of course not possible to say that some strategic voting does not occur.

This could relate to an individual voting not for the party of first choice but for a party seen as potentially the strongest opponent to another party not favoured at all. It must, however, also be noted that there is no evidence of this on any significant scale.

### Considering options

General satisfaction with our current electoral system does not, however, mean that we should not consider improvements with regard to perceived shortcomings.

Careful analysis is appropriate. In the public debate on this issue, it is contended that individually elected public representatives can more easily be held accountable than is the case with a party-based election.

Proponents of various viewpoints suggest three main alternatives:





- A pure constituency-based first-past-the-post system;
- A hybrid system with one component the election of representatives from constituencies on a first-past-the-post basis and a second component the election of representatives from party lists on a proportional basis (each component having a separate ballot and being treated as separate elements), and
- A system similar to the second except that the outcome of the list portion is used to restore proportionality rather than being an element in its own right (broadly the system that applies to our municipal elections).

It must be pointed out that the first two alternatives do not meet the constitutional requirement of a generally proportional outcome to elections and would therefore require an amendment to the constitution. That apart, the distortions in fair representation mentioned earlier which are inherent in a single-Member constituency system would be a problem. To illustrate the extent of such distortions it can be noted that the party with the largest support in the 2011 municipal elections won 78 per cent of the wards contested on a first-past-the-post simple majority basis but received only 61 per cent of the total votes cast for ward candidates. That is also largely likely to be the outcome if Parliament is constituted purely on a constituency system (the first alternative above).

With the second alternative, where the two elements of constituencies and a list proportional element are treated as separate components, the same basic distortions will occur albeit on a lesser scale – 61 per cent of the votes will gain just short of 70 per cent of the seats. In addition to the under- and over-representation of the preferences of the electorate in these systems, there is an elephant in the room: the further distortions which may stem from demarcation decisions – a potential factor in any constituency system.

The third alternative would make it possible to restore proportionality in general, as long as single-Member

constituency representatives amount to no more than half the total number of representatives. Allocations from the proportional list component would be used to smooth the under- and over-representation inherent in the constituency element of the combined system.

There is, however, a problem with this system relating to strategic voting as a way to hold individual representatives accountable for their actions (or lack thereof). For example, a voter who is a strong supporter of Party A decides to hold the constituency candidate of Party A accountable for some reason or other and therefore decides to vote for the Party B candidate. To accentuate the point, let us say that the voter starts a campaign and persuades 10,000 other voters to do the same and in the result all cast their constituency votes for the Party B candidate – but their loyal party proportional votes for Party A. The effect of this strategic voting may well be that the constituency candidate of Party A is not elected and the objective of accountability is achieved.

Now for the problem: The votes cast for Party A in the constituency element are added to the proportional votes cast for that party in order to arrive at the level of its total support (if that were not done then we would in effect be dealing with the second alternative above). The same is done in regard to Party B. Because the 10,000 voters shared their two separate votes equally between the two parties, their separate votes in effect become opposing votes and cancel each other out. When there are more than two constituency candidates the potential for unintended consequences becomes even bigger and the combination of accountability and strategic voting, whilst it is a prerogative of the voter, is not without complications.

### No case for change

The problems identified in each possible alternative do not, in themselves, justify the retention of our present system. Solving a (perceived) problem in our current system without

considering the implications of those alternatives may, however, create different problems. It is perhaps also relevant to look at the 1,162 municipal ward by-elections held since 2000, all conducted on the basis of a single-Member, first-past-the-post system. Changes in terms of party affiliation came about in only 15 per cent of these

by-elections, some of which occurred more than once in the same ward. These changes favoured the various majority and opposition parties in these municipalities in broadly equal measure. There is thus no strong evidence over this 12-year period that most voters saw accountability as a salient consideration even when they had a system at their disposal to express that inclination.

The link between an electoral system and accountability is in any event probably debatable. At the municipal level, issues such as potholes, refuse removal and the like can be geographically identified and therefore more easily linked to an individual ward councillor. That approach is more tenuous when it comes to such matters as foreign policy, economic growth and unemployment which are vested in the national sphere of government.

Given the absence of a clear nexus and the difficulties regarding fair representation which are inherent in single-Member constituency representation, calls for change would not seem necessarily to be aimed at the best electoral system but possibly have political underpinnings.

Even if this assumption is incorrect and accountability were to be improved by introducing a constituency element into our electoral system, the resulting (potential) distortions in fair representation might prove too heavy a price to pay – not least because



many voters might not realize the implications of splitting their votes between constituency and party candidates.

The final test for any democracy and electoral system is the ability of the electorate to express its will freely and to bring about any desired change in a Legislature (or government) without the will of the people being distorted to any significant extent by the workings of an electoral system. In our case the majority party has changed in two provincial Legislatures and in a much larger number of municipalities since 1994. Winners were happy and those who lost out were not: but the important point is that nobody attributed the changes – whether victory or defeat – to our electoral system.

In all these cases our present system promoted an acceptance of the outcome as an accurate reflection of the preferences of voters on the day of the elections and transitions were generally smooth and peaceful. This, together with the inclusiveness, simplicity and transparency of our current system, makes fundamental changes at the current stage of our growing democracy undesirable.

Moreover, our electoral stability has served us well, not only domestically but also internationally, as is witnessed by our standing as a country with an established electoral democracy.



# INSTITUTIONAL SUPPORT FOR SOUTH AFRICA'S DEMOCRACY

South Africa's Institutions Supporting Democracy help Parliament in its oversight role and generally guard the spirit and principles of the constitution. They act on behalf of those who struggle to access other dispute resolution mechanisms, they strengthen democracy and they report to Parliament, says the officer responsible for their parliamentary connection.

## **Adv. Nonkosi Cetywayo in Cape Town.**

Ms Cetywayo has been the Head of the National Assembly's Office on Institutions Supporting Democracy since it was established in late 2010. A lawyer, she was an assistant law adviser at the Constitutional Assembly and has been a parliamentary researcher and a senior officer in provincial and national ministries and in the Offices of the Speaker and the Deputy President.



**Adv. Nonkosi Cetywayo**

When South Africa's biggest-ever public event, its first democratic election, took place in 1994, the Electoral Commission was tasked with arranging, running and ensuring that the electoral process stood up to close local and international scrutiny. As the first "Chapter 9" institution to be created in terms of the constitution, everyone declared its efforts a huge success.



In terms of Chapter 9 of the Constitution of the Republic of South Africa, the six Institutions Supporting Democracy (ISDs) that have been created by the state to strengthen democracy are, in alphabetical order: the Auditor-General (AG); the Commission for Gender Equality; the Commission for the Promotion and Protection of the Rights of Cultural, Religious

and Linguistic Communities; the Electoral Commission; the Public Protector, and the South African Human Rights Commission (SAHRC).

These ISDs were created or were in an advanced stage even before the passing of the final constitution in 1996. Individually and collectively they have made a great impact in terms of ensuring a progressively maturing





Celebrating the culture of the San, the first inhabitants of South Africa



constitutional democracy in South Africa.

This is evident across the board, for example, from the work of the Public Protector (who is responsible for investigating alleged improper conduct reported by the public or private sectors and is probably one of the greatest successes of South Africa's democracy) to the teams of the Auditor-General, to the SAHRC

which is approached by citizens for clarification or redress on possible violations of human rights.

**Reporting to Parliament**

The ISDs submit regular reports to Parliament, reinforcing the institutions' responsibility for oversight and accountability. They have directly assisted Parliament in overseeing organs of state, and in guarding and

observing the spirit and principles of the constitution.

Three other bodies that help to strengthen South Africa's democracy and to protect and promote respect for the fundamental human rights of all citizens are: the Public Service Commission, the Pan South African Language Board and the Financial and Fiscal Commission. Over and above these constitutional

institutions, national legislation was passed to establish the Independent Communication Authority of South Africa and the National Youth Development Agency, making 11 in all. They support constitutional democracy by, among others:

- Helping to restore the credibility of the state and its institutions in the eyes of the citizens;





## INSTITUTIONAL SUPPORT

- Ensuring that democracy and the values associated with human rights and democracy flourish;
- Ensuring the successful re-establishment of, and continued respect for, the rule of law, and
- Ensuring that the state becomes more open and responsive to the needs of its citizens, and more respectful of their rights.

All these institutions report to the National Assembly, (while the National Youth Development Agency and the Financial and Fiscal Commission report to both Houses). They are required to report on their activities and the performance of their functions. Individually, they discharge their responsibility in terms of specific enabling legislation.

The ISDs still face many challenges, most of which were identified during a complex 15-year review process that they embarked upon. As a result, various measures have been introduced to obviate and address problems.

ISDs are empowered to act on behalf of those who would otherwise find it difficult to access courts due to financial or other constraints. They serve as alternative dispute resolution mechanisms on matters of human rights violations and strengthen democracy by actively promoting a culture of responsibility, transparency and accountability.

The ISDs monitor the implementation of national human rights instruments in observance of human rights, including those agreed by the United Nations to which South Africa is a signatory. South Africa's democracy is supported by the following institutions.

### The Auditor-General

The enabling piece of legislation for the Auditor-General of South Africa is the Public Audit Act, 2004 (Act No. 24 of 2004). This Act gives more details to section 188 of the constitution.

This section makes the Auditor-General the overarching auditing institution for all organs of state. In terms of the Public Audit Act, the



A Ndebele woman: Her traditional ways are protected by the Bill of Rights.





Auditor-General is expected to be impartial and to perform the powers of the office and its functions without fear, favour or prejudice.

**Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities**

This commission is enabled by the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Act, 2000 (No. 19 of 2002).

This Act expands on section 185 of the constitution, which requires the commission to promote respect for and strengthen cultural, religious and linguistic rights.

In doing so, the commission is expected to assist in developing peace, friendship, humanity, tolerance and national unity, and to promote the right of these communities to develop their historically diminished heritage.

**Commission for Gender Equality**

This commission is enabled by the Commission for Gender Equality Act, 1996 (Act No. 39 of 1996). It has a duty to promote respect for gender equality.

It monitors and evaluates progress made in terms of policy development and the implementation thereof throughout the public sector. This includes monitoring compliance with the gender-oriented international human rights instruments that South Africa has signed.

**Independent Electoral Commission**

This commission manages and ensures free and fair South African elections.

It does this by promoting knowledge of democratic electoral processes, compiling and maintaining voters' rolls, registering political parties and adjudicating administrative disputes arising during elections. It is enabled by the Electoral Commission Act, 1996 (No. 51 of 1996).

The Independent Electoral Commission has been at the forefront of the four successful national democratic elections of 1994, 1999, 2004 and 2009, and has overseen

all the provincial and local government elections as well.

**The Public Protector**

The Public Protector has a responsibility to investigate alleged improper conduct, as reported by people in the public or private sectors. This includes conduct that could stem from impropriety or prejudice within the affairs of the state, including fitness to hold office.

The Public Protector is expected to report to the National Assembly and to take appropriate remedial action. It is enabled by Public Protector Act, 1994 (No. 23 of 1994).

**South African Human Rights Commission**

The commission performs its duties in terms of the Human Rights Commission Act, 1994 (No. 54 of 1994). This Act gives details to section 184 of the constitution. In terms of this section, the SAHRC has a responsibility to promote respect for human rights, a culture of human rights and enjoyment thereof. The commission must monitor and assess observance of these rights and take steps to ensure appropriate redress where such rights are violated.

**Financial and Fiscal Commission**

The commission is enabled by the Financial and Fiscal Commission Act, 1997 (No. 99 of 1997). This commission makes recommendations to Parliament, provincial Legislatures and organized local government on the division of the revenue collected at the national level among the national, provincial and local spheres of government. It also advises the government on the imposition of provincial taxes and the shifting of powers and functions between the three spheres of government. In addition it advises on provincial and municipal applications for loans.

**Independent Communications Authority of South Africa (ICASA)**

This is a creation of the Independent Communications Authority Act, 2000 (No.13 of 2000). It regulates

broadcasting in the public interest and must strive to ensure fairness and the representation of a diversity of views broadly representing the South African society on radio and television. Its mandate extends to the postal services and the electronic communications sectors.

**National Youth Development Agency (NYDA)**

The agency is created by the National Youth Development Agency Act, 2008 (No. 54 of 2008). It has a responsibility to advance youth development, and must guide and support initiatives to advance this across sectors of society and spheres of government.

In particular it has to embark on initiatives intended to advance the economic development of young people. In the final analysis, it is expected to develop an Integrated Youth Development Plan and Strategy and to co-ordinate its implementation.

**Pan South African Language Board**

The board has the responsibility to promote and create conditions for the development and use of all official languages, including the Nama, Khoi and San languages, and signing. It is also expected to promote and ensure respect for all languages used by communities in South Africa. The Board is enabled by the Pan South African Language Board, 1995 (No. 59 of 1995).

**Public Service Commission**

This commission is empowered to investigate, monitor and evaluate the organization and administration of the public service. This includes the successful achievement of government programmes, or lack thereof. The commission also has a duty to promote measures to ensure effective and efficient performance within the public service and to promote values and principles of public administration throughout it. It is created by the Public Service Commission Act, 1997 (No. 46 of 1997).

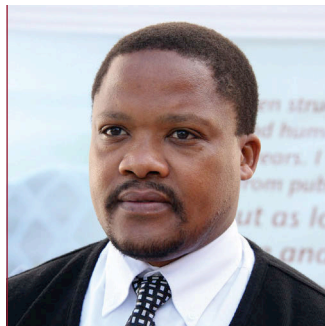


# THE PEOPLE SHALL PARTICIPATE – MEANINGFULLY

Public participation is a constitutional requirement for Parliament’s oversight and law-making functions and effective governance in general. An innovative tool to strengthen this principle is to be launched soon, says the senior parliamentary official responsible for mobilizing public opinion.

## Mr Luzuko Jacobs in Cape Town.

Mr Jacobs is the Spokesperson for the Parliament of South Africa and was previously the manager for the Parliamentary Communication Services. A former communications manager in the public and private sectors, he was the spokesperson for several government departments. He led the Public Input Mobilization sub-project of Parliament’s Public Participation Model.



**Mr Luzuko Jacobs**

South Africa’s Parliament, in partnership with the legislative sector in the country, this year embarked on a major new project to encourage public participation in the work of the sector. Months of meetings and workshops were spent on developing ways of building what has become widely known as the Public Participation Framework, a tool for maximum citizen participation scheduled to be launched in 2013. In its efforts to devise a truly



effective tool to maximize citizen participation in the legislative and other decision-making processes, Parliament turned to the people who are the target of this project – the ordinary citizens of South Africa. It launched a massive public campaign

to ask ordinary citizens a set of critical questions:

- What constitutes public participation in their view?
- How can it be made even more meaningful in the execution of Parlia-





Citizens must have their say according to the South African constitution.



ment's business?

- How can the voices of resource-poor sections of our people be heard and taken into account?
- How can Parliament improve its strategies and processes around public participation so that Parliament

becomes more accountable and responsive to the people?

- What new strategies should be considered in this respect?

Led by the Legislation and Oversight Division Manager Ms N. Keswa, the project engaged various

disciplines in Parliament. One of the central tasks of taking this campaign to the people fell to the Office of the Spokesperson and the Parliamentary Communication Services (PCS), which includes Public Education as well as media liaison officials.

### **Representation isn't enough**

The project was driven by a commitment to making sure that public participation will be integrated into core functions of Parliament so that the institution becomes more responsive to the needs of the people.





## PUBLIC PARTICIPATION

It also seeks to establish mechanisms and standards that will ensure broader participation by all the people.

This initiative of the South African legislative sector is spelled out clearly in Section 42 of the constitution that requires Parliament, as well as the provincial Legislatures and municipal councils, to provide fora for the public consideration of issues. The purpose includes enhancing Parliament's vision of "building an effective people's Parliament, responsive to the needs of the people and driven by the ideal of realizing a better quality of life for all the people of South Africa".

Public participation is considered fundamental to our People's Parliament; the work of building genuine, active citizen participation goes back many years and the right to participate in the legislative processes has been the focus of our courts since the early days of our democracy. To protect this right, court rulings have confirmed that Parliament must conduct its business with due regard not only to representative democracy but also to participatory democracy.

The courts have recognized that public involvement is inevitably an inexact concept. It might include public participation through the submission of commentary and representations, but that is neither definitive nor exhaustive. Public involvement ranges from citizens understanding what Parliament is doing and being informed of its activities, to participating directly in its processes.

In short, our judicial system has found that the Legislature must take steps to give the public a "reasonable opportunity" to participate effectively in the law-making process. The standard of "reasonableness" depends on a number of factors, including: the nature and importance of the legislation and its impact on the public; practicalities related to the efficiency of law-making, and what a Legislature itself considers to be appropriate public involvement in view of the content, importance and urgency of the legislation in question.

All of this means that a Legislature must provide meaningful

opportunities for public participation and must take measures to ensure people have the capacity or ability to use the opportunities provided. The public can expect that proactive steps will be taken, on an ongoing basis,

that endorses and protects one of the founding principles of our democracy, while responding to changing and challenging circumstances that require innovation and ongoing hard work to make this principle a reality.

emerged from that conference included: how constituency offices can be enhanced to deepen public participation in Parliament's work, how public education can be used more effectively to enhance



**The judicial system found that the Legislature had to take steps to give the public a "reasonable opportunity" to participate effectively in the law-making process.**

to inform them of the processes of Parliament. In South Africa, therefore, our courts have ruled that public participation is both a right and a duty, which applies to the law-making and oversight functions of Parliament.

### **Developing meaningful participation**

Nineteen years into our democracy, Parliament has recognized the need to revive this principle and take it a step further. The Public Participation Framework is the latest in a series of efforts aimed at developing a tool

The centrality of public participation was reflected in 2006 at a conference on Deepening Democracy, which posed the question: How does the Legislature capture the interest of "unorganized" sectors of the people to facilitate public participation? Whether – and how – the current system of public hearings could be improved in terms of format, location, advertising, processing submissions and providing feedback was also discussed.

The important issues that

public participation, how to involve civil society in giving feedback and recommendations on public participation processes and how social networks can be drawn on to deepen the reach of public participation.

In 2009, Parliament adopted its Oversight Model. Launched in 2011 during Parliament's budget vote debate, the Oversight Model sets out the values, principles and mechanisms by which Parliament conducts oversight.

Importantly for the current





campaign, the Oversight Model also proposed implementing public participation in Parliament's work and recognized the need to develop a Public Participation Model to enhance Parliament's role in enhancing citizen participatory democracy.

The campaign is based on the premise that public participation in the work of Parliament should involve more than the public being provided with an opportunity to express views.

For public participation to be meaningful, these views must also find expression in the parliamentary programme and lead to concrete action. Public participation should be integrated into Parliament's core functions, including its oversight work.

### Gauging public expectations

The public campaign ran between October 2012 and February 2013. Around 250,000 questionnaires were distributed throughout South Africa to gather public input on what the planned framework should look like and public hearings by provincial Legislatures were held throughout the country. Public education initiatives were also carried out, to ensure that the public knew what these hearings were about and how they could participate in a meaningful way.

The nationwide public hearings drew encouragingly enthusiastic support and the quality of the input from citizens gave rise to optimism. In her opening remarks at one such hearing held in the semi-rural town of Welkom in one of the country's poorest provinces, the Free State, the acting Speaker of the provincial Legislature, Ms Ouma Tsopo, MPL, stressed that the public hearings, which crossed the boundaries of race, class and age, were a testament to the resolve of the country's Legislatures to enhance their accountability to the electorate.

"The public participation model is critical to deepen our democracy and foster accountability," she said. Participants in this province were presented with four questions: how they wished to be involved in law-making, what mechanisms were most

effective for public participation, what support they required to ensure that there was effective public participation and what they expected would be done with their contributions.

Some provinces drew a disappointing response. The Speaker of the KwaZulu-Natal Legislature, Hon. Peggy Nkonyeni, MPL, attributed the poor response at some public hearings to a poor understanding of what was expected. Some individuals understood the purpose of the meetings but chose instead to use the opportunity to raise concerns about a lack of water and sanitation, widespread unemployment or health care problems. According to Ms Nkonyeni, "communities chose to raise these concerns because whenever they see Parliamentarians they grasp the opportunity to talk about their problems".

In a country where bread-and-butter issues are generally the primary concern of most citizens, it was often necessary to steer the hearings away from unrelated service-delivery issues, to ensure that participants made a direct contribution on what the new participation model should be.

### Practical ideas generated by the public

Many ordinary citizens readily understood the need for this focus. For example, a local resident had this to say: "Before a law is passed, Legislatures must ensure that local councillors understand its purpose, because they are the ones who must be able to communicate it to their respective communities. They must hold workshops to educate community development workers, so they are able to explain its intent to their communities. This should involve other institutions that will be affected by it, so people can contribute meaningfully and the intended law can have the desired effect".

Participants at this hearing agreed that to maximize public involvement in legislative processes, legislation must be made available beforehand and Legislatures must use print, radio and television as well as local libraries, churches, non-governmental and

community-based organizations to publicize its content and inform the public about it.

Another citizen at the same hearing said public hearings should not only focus on rural areas, but should also involve youth in urban centres. Holding such meetings on weekends would help. He suggested holding hearings at universities, and involving the trade unions as a means of reaching out to organised labour. This would help ensure that the hearings pulled together the views of diverse sectors of the population.

Other ideas presented at the series of public hearings were similarly practical and down to earth. One man suggested that prior to public hearings, the Legislatures should hold workshops to ensure that people understood what was required of them.

Another stressed that constituency offices should have access to legislative information and personnel who understood the legislative protocol. He warned that lacking such fundamental information could defeat the purpose of the exercise, noting that "the municipalities are the missing link in our country's governance chain. We need to bridge the gap between the public participation officers of local municipalities and Legislatures. In fact, they must be inducted together to ensure uniformity in how they conduct public participation. Legislatures should spare no effort in trying to enhance this synergy."

In truth, this energy is critical to the success of the new public participation model.

Citizens were unanimous that they wanted this model to work and deliver results. This comment showed they would not be easily fobbed off: "Recently, we had a Youth Parliament and 12 people were selected to see to it that its resolutions were implemented. To this day, we have never had a report back. We were never told why issues raised in this event were not implemented. If the Legislature does not give us feedback, it shows that it does not value our contributions.

"This also applies to these public hearings. We expect the Legislature to return and give us feedback, and explain which issues it has taken on board and why.

"(They must spell out) how our contributions will inform the new model. That could strengthen trust between the lawmakers and the people, and the electorate will know that their input is valued."

### Using all the media

It is broadly acknowledged that much has to be done to achieve the campaign goals. Campaign project manager Ms Sylvia Sibiya says there is a serious need for more education and awareness initiatives to ensure that the Framework reflects the aspirations of the public.

Ms Sibiya says the campaign reached over 30 million South Africans via public and commercial radio stations, with a footprint covering about 58 per cent of the total population. Five million more people heard about the campaign through community radio stations, which aired the campaign message in all official languages throughout the country. National newspapers reached over 1.8 million people, while 780,000 read about it in regional papers. Other media used included websites, Facebook, Twitter and YouTube. Together with Parliament's website, the message reached at least another 1,400 participants.

The outreach campaign did not end there. Among other initiatives, workshops were held with Members of Parliament and Members of Provincial Legislatures to ensure that everyone involved in the campaign had comprehensive information about the proposed public participation framework.

It is clear that the need to educate South Africans about the purpose of the campaign to build an effective Public Participation Framework also needs to target policy-makers at national, provincial and local government level.

"It is crucial that Members understand what is expected of them," concluded Ms Sibiya.





# PROMOTING PARLIAMENTARY UNDERSTANDING AND INVOLVEMENT IN RURAL COMMUNITIES

To ensure participation and involvement in parliamentary processes by people in rural areas, who often find themselves shut out of national law-making processes, Parliament is setting up Parliamentary Democracy Offices. The official responsible for this rural outreach programme describes how Parliament is being taken to the people in the countryside.

## **Mrs Sindiswa Tyhokolo-Mbetshe in Cape Town.**

Mrs Tyhokolo-Mbetshe is the acting Section Manager: Parliamentary Democracy Offices. She joined Parliament 10 years ago and worked in education, information and project management roles until assuming her current position in May 2010.



**Mrs Sindiswa Tyhokolo-Mbetshe**

The South African Constitution makes provision for public involvement in lawmaking, oversight and other processes and activities of Parliament. South Africa's democratic

system not only provides for citizens to elect their representatives, but also allows citizens to have a say in matters that affect them.

It is generally recognized that extensive rural areas in South Africa have to date not become meaningfully involved and do not participate in Parliament and other democratic institutions. The voices of rural people are either not heard or are heard on a limited scale on national issues under consideration by Parliament while in the process of law-making and oversight.

### **Establishing a rural presence**

As part of the programme to build an effective People's Parliament

that is responsive to the needs of the people and that is driven by the ideal of realizing a better quality of life for all the people of South Africa, Parliament has embarked on a process of establishing Parliamentary Democracy Offices (known as PDOs) in all nine provinces. Currently, three PDOs are fully operational. In Limpopo province, PDO Limpopo is located at Matlala Thaba Village and is approximately 60 km from Polokwane International Airport.

In Northern Cape, PDO Northern Cape is located at Kakamas which is approximately 86 km from the Upington Airport and, lastly, in North West province, the PDO North West is located at Ganyesa Village which





**Left: A typical small South African farm. This page: Citizens in remote areas can debate at meetings of the Parliamentary Democracy Offices.**

is about 70 km from Vryburg and the nearest airport is Kimberly Airport. The work of the Parliamentary Democracy Offices is co-ordinated and managed by the Central PDO which is based in Parliament.

The mandate of the Parliamentary Democracy Offices is to serve communities in the provinces, particularly in the rural and under-served areas which for various reasons have remained outside national debates and the mainstream of public participation and involvement. Parliamentary Democracy Offices are not independent units but are an extension of Parliament in the provinces and local communities.

Their programmes and activities are informed by those of Parliament through the co-ordination and management of the Central PDO based in Parliament.

Our objectives are: to expand Parliament's access and opportunities to be directly in touch and continuously engaged with the people who are ordinarily outside national debates in society; to facilitate public involvement in the legislative and other processes of both the National Assembly and the National Council of Provinces and their committees in all the provinces in accordance with the parliamentary strategic plan and annual calendar, and to provide parliamentary programmes with a

greater level of efficiency, economy and effectiveness in accessing communities.

### **Bringing the NCOP to the people**

Most of our energies and resources are invested in providing support to the National Council of Provinces' Taking Parliament to the People Programme. PDO involvement started in 2011 when the programme was held at Nquthu in KwaZulu-Natal province, even though we did not have a PDO office in KwaZulu-Natal. A team was put together from PDO Limpopo and PDO Northern Cape to assist with public education and mobilization.

In November 2012, a team from the PDO Northern Cape and Central PDO was put together to assist and facilitate the public participation and involvement in this programme in the small town of De Aar in the Pixley kaSeme District of Northern Cape province. Parliamentary Democracy Offices together with the team members mobilized approximately 13,000 people who attended over the four days of the event. This is a remarkable number for a province like Northern Cape which has the smallest population of all nine provinces.

Some of the advantages were that there was a Parliamentary Democracy Office in this province





Parliamentary Democracy Offices provide for those who cannot visit Parliament in the city of Cape Town



so we already had interactions with stakeholders as part of our office programmes. We understood the local protocols, culture and structures in the targeted areas and

had collaborative and co-operative stakeholder programmes already in place with other spheres of government, district and local municipalities, traditional authorities,

women and youth organizations and projects, departments, community-based organizations, non-governmental organizations, faith-based organizations, community

projects and other groups.

Recently, the Parliamentary Democracy Offices played a significant and critical role as part of the mobilization team that





successfully mobilized and educated approximately 20,000 people who attended and participated over five days in the NCOP programme in the Gert Sibande District in Mpumalanga

province, even though there was no Parliamentary Democracy Office in this province. The support PDOs provide in terms of education and mobilization around parliamentary

programmes is growing and getting better all the time.

The actual NCOP: Taking Parliament to the People Programme event is preceded by public meetings in which the public and stakeholders are addressed by the Chairperson of the NCOP with regard to the purpose of the programme. We have contributed to the education and mobilization of the public for these meetings and in both provinces, venues were 90-per-cent filled by the relevant stakeholders.

We also collaborate and partner with the provincial Legislatures to provide logistical and ground support to the NCOP Provincial Weeks in the three provinces and legislative activities, in particular the section 76 Bills which are dealt with through the provinces. In the past four years of our operations we have provided support to various committees of Parliament ranging from Portfolio Committees to Select Committees to Ad hoc Committees during law-making processes and when performing oversight work in the provinces where we exist.

When the Parliamentary Democracy Offices are not providing support to parliamentary programmes, we empower communities to take responsibility for their own participation and involvement in legislative and other parliamentary work by informing, educating and interacting with the people through interactive workshops, community meetings, information sessions and local community radio stations.

All content is presented in the languages spoken in the areas. Parliamentary Democracy Offices also work with Parliamentary Constituency Offices to provide support to Members of Parliament when conducting parliamentary programmes.

**Improving public understanding**

Parliamentary Democracy Offices are geographically well placed for Parliament to be directly in touch with the public and are creating an immediate parliamentary presence among the local communities. They also offer sustainable programmes whereby people know where to go to follow up on issues. We understand and respect the different

local cultures, structures and protocols and work well within them. We have established stakeholder relationships from which Parliament may benefit at any given time when visiting those areas. There is a growing increase

**“The ultimate purpose of the Parliamentary Democracy Offices is to promote and entrench democracy in South Africa.”**

in understanding of how Parliament works among rural communities where PDOs are situated.

It has become apparent during the short period of our existence that it will still take some time to reach everyone in the provinces because of their large size. The public still does not distinguish between the roles of Parliament, the executive and the Parliamentary Constituency Offices. As a result, Parliamentary Democracy Offices receive all sorts of queries from the public. People are more interested in service delivery programmes. They need electricity, water, road infrastructure and more, rather than programmes providing information, education and empowerment. Thus it is imperative for the Parliamentary Democracy Offices to forge and manage relations with the strategic partners in the provinces.

The ultimate purpose of the Parliamentary Democracy Offices is to promote and entrench democracy in South Africa. We will further provide opportunities to promote a better quality of life for all the people of South Africa through an understanding of the role of Parliament and raise such awareness in the public domain.





# CONSTITUENCY WORK – WATER SUPPLIES, ROADS, TOXIC WASTE AND DOORS FOR SCHOOL TOILETS

South African MPs traditionally spend Mondays in their constituencies; but three times a year Parliament goes into recess for “Constituency Week”. Parliament’s Information and Content Development Unit followed MPs around their constituencies and reports here on the issues Members encountered in towns and villages around the country.



## Information and Content Development Unit of Parliament in Cape Town.

The Unit is part of Parliament’s Communication Service.

Being a Member of Parliament in South Africa is all about serving the people. Each and every MP is allocated a constituency. MPs usually work from Parliament, but from time to time they are required to be out in the field. This is where constituency work comes in.

During constituency periods, which is timed to coincide with Parliament’s recess periods, MPs go back to the people they represent in Parliament and report back to them about what is happening in Parliament. They listen to the people’s problems and complaints and come up with solutions to their problems or undertake to take up their concerns with Parliament. In some instances, they get in touch with local councillors to deal with the community’s issues at municipal level.

All political parties represented in Parliament have constituency offices to ensure that MPs serve the people

they represent. Most constituency offices employ an administrator to be available to the public and parties are entitled to a monthly allowance for each MP to run a constituency office.

For smaller parties, for example a party with one MP, constituency work is much more challenging as they have to crisscross the country during constituency periods. Bigger parties with more MPs have the luxury of deploying MPs to particular constituencies in all nine provinces. What follows gives an example of what MPs from different political parties actually do during their constituency periods.

### African National Congress (ANC)

For ANC MP and Chairperson of the Portfolio Committee on Energy Mr Sisa Njikelana, the public must come first and citizens should not have to

beg for services from government. The legislator says it is the government’s duty to serve citizens.

During his constituency work in Orange Farm in Gauteng province, he was not amused when government officials failed to show up at an agricultural workshop for the community. The workshop was to explore the possibility of setting up an agricultural co-operative sector in the area and was attended by a number of residents from various co-operatives.

Mr Njikelana explained that Parliament and MPs had the constitutional duty of supervising government. He stressed that voters deserved to be treated fairly and with dignity. He said it was intolerable that some government officials were dragging their feet in assisting communities. At the end of the workshop it was resolved that a letter would be written to the





relevant provincial Minister pointing out the absence of officials from the department. In addition, the workshop would have to be reconvened when officials were available.

From the workshop it was off to Tebogo Home for Handicapped Children. Mr Njikelana would hear more bad news about government. The home's director, Ms Phindile Dlamini, revealed that Social Development had not processed the non-profit organization's certificate application. This is despite the fact that the home submitted the application for the renewal of the certificate in October 2011.

Apparently, the application was lost and the home had to start all over again filling the forms. Tebogo Home cares for 35 children with severe cases of mental disabilities. As a non-profit organization, it depends on funding from the private sector and without a certificate it is extremely difficult to source sponsor support. Mr Njikelana gave the home his word that he would personally pursue the matter to ensure that it was resolved as soon as possible.

### Democratic Alliance (DA)

Alexandra, north of Johannesburg, is a densely populated township where people have been struggling to secure housing rights for many years. It is a Sunday and a Democratic Alliance (DA) parliamentary team, led by Mr Ian Ollis, is in the area to meet local DA supporters for a discussion of some of the challenges facing the township. In this predominantly black township, white faces stand out like a sore thumb, but Mr Ollis and his team feel quite at home in Alex.

"We are twinning Parkhurst [an affluent suburb nearby] and Alexandra. We are forging the relationship between the two. We regard Alex as our second home," says Mr Ollis. He is responsible for the Sandton-Alex constituency. Mr Ollis and his team order tripe and pap as they wait for the arrival of their Alex supporters. Political diversity and maturity are the order of the

**Opposite page: The Mayor of Johannesburg looks on as 90-year-old resident opens the door of her brand new house. Above: Mr Jacob Dikobo, MP, addresses his constituents living in Mookgophong village in the province of Limpopo. Left: Alexandra, a township in Johannesburg.**





day – clad in their blue DA t-shirts, they are served by a man wearing an ANC t-shirt. When this is pointed out, the ANC man quips: “Food has no politics”.

The local DA leaders arrive. Mr Reginald Mabasa is the party’s main man in the township. He has been at the forefront of canvassing support for the DA in the area and regards housing as the major problem. Of course, there are other issues relating to sewerage, water and electricity.

According to Mr Ollis, only one per cent of Alex residents have title deeds to their homes. He says there will never be proper development in the township unless the housing issue is sorted out.

So bad is the housing that residents of at least 200 shacks are forced to share a tap for their water supply. Mr Ollis has taken it upon himself to do all he can as an MP to

help address the problems faced by the people of Alexandra.

### **Congress of the People (COPE)**

COPE MP Mr Nic Koomhof does his constituency work in two provinces (Limpopo and Western Cape). Issues that usually dominate the agenda of his constituency meetings in both provinces, says Mr Koomhof, include unemployment, lack of clean water and poor or crumbling infrastructure. But after the town of Hoedspruit in Limpopo was hit by a cyclone in January this year, Mr Koomhof said the agenda for Limpopo included the immediate reconstruction of Hoedspruit’s roads, including farm roads.

Mr Koomhof said cyclone Dando made the Hoedspruit community inaccessible when bridges were completely destroyed, isolating the town. The government quickly

intervened, but the cyclone damage made tourism impossible in the area. The people of Hoedspruit, according to Mr Koomhof, depend on tourism, farming and government grants for survival.

Mr Koomhof devoted much of his 2012 April constituency time to Limpopo and prioritized Hoedspruit. While there to assess the government’s progress in reconstructing the town after the cyclone, he found that the people of Hoedspruit were delighted that the government had reconstructed roads and bridges damaged by the cyclone.

### **Inkatha Freedom Party (IFP)**

The IFP’s Mr Mkhuleko Hlengwa’s name means prayer and the people from his village rely on him for an answer to their prayers relating to development. Mr Hlengwa is only 25 years old, but he is the leading

figure in the endeavour to improve the lives of people in Vulamehlo, a village that falls into the Ugu District Municipality. The community faces a number of challenges, including high unemployment and one local high school, Vumandaba, has for years been struggling to get flush toilets. On a rainy Friday in October, Mr Hlengwa made his way to the school to meet the principal for yet another discussion on the toilet issue.

Established in 1957, the school has never had proper ablutions. When learners and teachers have to relieve themselves, they have to use dirty pit toilets. “I have spoken to a colleague of mine in the Provincial Legislature to take up the matter,” said Mr Hlengwa. He has also undertaken to raise the issue with all relevant authorities. According to the principal, they have notified the Ugu District Municipality about their situation but nothing





Rev. Kenneth Meshoe, MP, of the African Christian Democratic Party hears from a resident of an informal settlement in Gauteng.



has been done to date. Seventeen teachers share two toilets and fortunately for them their toilet doors do function.

The approximately 436 learners are not so lucky. "Some doors can't close so you have to ask fellow learners to stand guard and shield you from prying eyes. It is really embarrassing," said one Grade 12 learner. Furthermore, the school does not have a proper laboratory and most of the chemical experiments have to be left to the imagination of learners. There is also no library. "These learners are being disadvantaged by the lack of these crucial resources," said Mr Hlengwa.

### African People's Convention (APC)

About 50 people converge on a small hall at Mmakuba Primary School in the rural village of Makapanstad,

North West province, on a Saturday in April. Some have walked long distances, others live close by. They all have one reason for attending – to tell Member of Parliament Mr Themba Godi about their service delivery problems.

Mr Godi is the President of the APC and a veteran MP. As the only APC representative in Parliament, he has a big job doing constituency work during recess.

"The major thing is to empower people. People must have knowledge. Parliament works for all South Africans, not based on what party you belong to. Politics is the science of serving the people... and we want an active citizenry," Mr Godi tells his audience.

This is Mr Godi's second visit to the village. He was here before the local government elections on 18 May 2011, and he is not impressed with the state of the main road which is riddled with potholes.

Mr Godi assures residents that the four APC councillors in the local municipality will take up their grievances with the relevant authorities.

He stresses that elected officers are there for the sole purpose of serving the people. "Power belongs to the people," says Mr Godi. "But politics operates in a way that people are (rendered) powerless by those in office, whereas they were put in power by the people."

### Azania People's Organization (Azapo)

Azapo MP Mr Jacob Dikobo is a hero in his home village of Makgophong which is approximately 97 kms from Polokwane, Limpopo. The villagers look up to him and rely on him to help them address their problems.

The venue of the meeting is the humble household of local headman Mr Simon Makgatha who falls under the jurisdiction of Inkosi Sello Kekana of MaNdebele A Se Moletlane. The headman introduces Mr Dikobo. The MP encourages villagers to speak freely about their problems or complaints. Speak freely, they do. They tell him that the water supply in

the place has been erratic and say some people's grants have stopped suddenly with no explanation.

They also say there is a need for a bridge in the village because when there are heavy rains a local river becomes flooded, which makes it impossible for them to reach other parts of the village. Their pleas for help to the local government have fallen on deaf ears, they say.

In response to residents, Mr Dikobo lauds them for their frankness in expressing their dissatisfaction with certain aspects of service delivery. He stresses that an active citizenry is a necessity for any democracy. He promises that he will take up their issues with relevant authorities.

### Independent Democrats (ID)

Constituency work has nothing to do with party politics. It is all about serving the people, irrespective of their political affiliation. So says ID MP Mr Joe McGluwa as he interacts with the staff at Tlhoafaleng Home-Based Care organization in the rural village of Ganalaagte, North West.

"Forget the colour, whether black or white, let's serve our country," says Mr McGluwa. Joy is written all over the faces of the organization's project manager (Ms Sophy Chenepe) and staff: they are receiving brand new blankets for the people they care for. The organization looks after people with HIV/Aids, tuberculosis and disabilities.

Not far from Ganalaagte is the small town of Delareyville. It has an estimated population of 20,000. Apart from a pothole-ridden road, what stresses most locals here is a dump site. Not only is the local council's rubbish being offloaded in the wrong spot, the dump site (with no access control) has become a squatter camp. It gets worse: the homeless burn plastic which emits toxic fumes. A nearby farmer has had to put down his two horses because they had inhaled the poisonous smoke.

"This matter has been reported to both the local and provincial governments but to no avail. This issue now needs national attention. I will be writing to the Minister of

Co-operative Governance and Traditional Affairs," says Mr McGluwa. According to a local farmer, the local council does not even have a permit for the dump site. The farmer also fears that there might be really dangerous materials at the site because medical waste is disposed of there as well.

In another "shocking situation", Mr McGluwa says a community of Tshing in Ventersdorp, which is one of the areas for his constituency work, has had to cope with "rivers of raw sewage flowing through the streets and homes of the community".

It was later established that the local sewage reservoir had been overflowing since July 2012. Mr McGluwa has taken it upon himself to seek solutions to all problems experienced by residents in his constituency areas.

### African Christian Democratic Party (ACDP)

ACDP MP Reverend Kenneth Meshoe listens in shock and disbelief as residents of Princess informal settlement – which is on the West Rand of Johannesburg – tell him about their shortage of toilets, which has been going on for years. The squatter camp has an estimated population of at least 6 000 people, but has only three water taps and no electricity.

Rev. Meshoe assures them that change is coming. In his walkabout, the MP comes across a number of shacks which have been destroyed by the fire. He is so moved by the plight of dwellers that he pledges to help them with some clothing. Rev. Meshoe undertakes to approach the local municipality to attend to shack dwellers' concerns.

Then there is Majakaneng rural village in Brits, North West. Villagers here say they have no water and this has been the case for decades. What angers the more than 10,000 residents is the fact that there are water pipes which run past the village and only serve the mines. "I am going to try to get an engineer or sponsor to connect the water for the villagers," says Rev. Meshoe.





# STATE OF THE NATION: A BLUEPRINT FOR THE YEAR AHEAD

The State of the Nation Address delivered by the President each year is marked by ceremony and celebration involving ordinary citizens. But that does not detract from its importance as an oversight tool that takes the pulse of the nation and sets out the year's policy objectives, reports Parliament's Public Education Office.



## Public Education Office of Parliament in Cape Town.

The Office is part  
of Parliament's  
Communication Service.

### Hopes and dreams

Before the Children's Rights Seminar, I interacted directly with children through various workshops held in collaboration with the provincial Legislatures. These workshops allowed children to give messages to the MPs on issues affecting them. This was done through writing, drawings, messages and voice recordings of children who related stories of hardship growing up in poor homes.

Some of the children spoke about their dreams and aspirations and how Parliament could give effect to those hopes. In drafting our agenda for the seminar, we did not invent issues affecting children. We were able to bring to the fore relevant issues that had been highlighted in the workshops.

In partnership with UNICEF in

the country, under the leadership of Ms Aida Girma who played a critical role at assisting institutions such as Parliament with resources and the necessary expertise to carry out our collaborative work, we placed matters relating to the rights of children high on the agenda. I am also grateful to the provincial Legislatures who heeded our call and never for a moment hesitated in facilitating these workshops. They helped realize the NCOP as a platform for bringing to the fore issues affecting the provinces.

Any country that does not invest in its children will fail to contribute to its future wellbeing, development and welfare. No self-respecting nation will ignore a call to invest in its children. It is important, therefore, that issues affecting children and their rights should be openly debated with the

intention of rethinking strategies currently employed in addressing them.

### Debating policies for vulnerable groups

At the beginning of the Fourth Parliament in 2009, the NCOP positioned itself as a caring institution by identifying four key strategic areas to initiate and implement programmes aimed at assisting vulnerable groups in society.

In response to this, we have continued with our commitment to afford the people who fall in this category (children, youth, women and people with disabilities) an opportunity to interact with their public representatives, to raise pertinent issues and to advise where necessary, so as to ensure that they benefit from the delivery of services.





Left: An armed guard prepares for a 21-gun salute before the State of the Nation Address.

This page: A youth brigade lines up to greet the President before his arrival at the annual opening of Parliament.

Our programme "Taking Parliament to the People" has been one of the platforms we used to promote such engagement through specialized meetings during our visits in provinces.

Our Select Committee for Women, Children and People with Disabilities has engaged in a number of collaborative projects with counterparts in the National Assembly, and with UNICEF, to try to place matters relating to vulnerable groups high on the agenda.

As part of our set of activities to mark the 15th anniversary of the NCOP, the Children's Rights Seminar was hosted to promote and protect the rights of children and stimulate debate on children's issues.

We provided an opportunity for key stakeholders in Parliament, cabinet, provincial Legislatures, local government and civil society

to deliberate on what is required for a better future for South Africa's children. The overall thrust was to encourage and promote a holistic approach to legislation on diverse issues affecting children.

#### **Identifying priorities for the care of children**

To do this we needed to identify the key obstacles and challenges to children's rights. We succeeded in identifying some priorities, thereby contributing towards the "creation of a legacy" for the fourth Parliament and produced a publication entitled *Investing in Children: Some Critical Debates in South Africa*.

During that seminar, we highlighted the fact that children are the most vulnerable in our society. This is despite the fact that our constitution guarantees them the right to family

or parental care, or to appropriate alternative care when removed from the family environment.

We stressed that it was our responsibility as parents, especially those of us who were also public representatives, to ensure that our children enjoy their rights under our democracy. Doing so is an important intervention for a better future for our country.

Parents or legal guardians of a child, assisted by the state, have the responsibility to look after the welfare of the child. In spite of our best intentions, we still find children facing enormous challenges. These include poverty, abuse and violence, and a lack of access to early childhood development, especially for rural children.

Furthermore, lack of proper recreational facilities forces

children into experimenting with life-threatening substances such as drugs. Raising children requires good parenting skills which are often lacking among parents. We also examined the influence of the changing environment and technology.

#### **A plan of action**

The following recommendations were proposed on how the NCOP could stand up for and protect children and other vulnerable groups:

- The country must collect data based on specific indicators that will show the progress that has been made on the laws developed by Parliament.
- Attention must be given to ensure obligatory provision of education programmes to children in conflict









Left: The President with his first wife, flanked by the Deputy President (left) and Parliament's President Officers taking the salute.

This page: Pomp and ceremony demonstrates the importance of the State of the Nation Address.

care system as the national health response, particularly expanding the number and scope of work of community health workers to include high-impact but low-cost child health and nutrition interventions.

- The NCOP, in collaboration with the National Assembly and the provincial Legislatures, must develop a rigorous oversight programme from a multisectoral perspective to monitor the realization of child rights in the country.
- The NCOP must develop a strategy to report back to the children, from across the country, who conveyed their messages to seminar participants. They should be told what we have done and what has happened; and
- Special attention must be given to children with disabilities in realization of their rights, including providing transport to schools.

#### Issues affecting vulnerable groups are close to my heart.

The listed recommendations will not only remain on paper but the Select Committees on Women, Children and People with Disabilities, Social Services and Education and Recreation will ensure that we follow up on them.

#### Children as a community responsibility

Despite the mammoth task that lies ahead of us in terms of our set targets, I am happy that a growing number of our children are growing up in a better South Africa.

They are growing up in a society where they are not discriminated against on the basis of their background or on the basis of who they are.

Among many things we can do is bring back the notion that a child belongs to, and is the product of, a community.

The notion of a community was an African way of supporting families and raising children. Unfortunately, we seem to have abandoned it and as a result we are grappling to address the challenges that confront our children.

with the law, with special attention to children awaiting trial, unsentenced children and sentenced children.

- Parliament must review the provisions of section 8 of the Child Justice Act for an amendment in the age of criminal capacity to ensure that South Africa complies with substantive provisions in relation to its international

obligations and standards.

- Parliament should play a pivotal role in the oversight of the implementation of the Child Justice Act, Children's Act and other related laws that it has passed to ensure the survival, protection, development and participation of children.
- Parliament should ensure that the

country reports in time and accurately on the implementation of the United Nations Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Children and other international treaties that South Africa has ratified.

- The country should prioritize the strengthening of the primary health





# ADORNING PARLIAMENT: THE HISTORY OF SOUTH AFRICA THROUGH ART

South Africa's Parliamentarians and visitors to Parliament are reminded of the nation's history, its traditions and its diversity through an impressive collection of art that reflects South Africa's natural and human heritage, says the office responsible both for preserving it and displaying it for all to see.

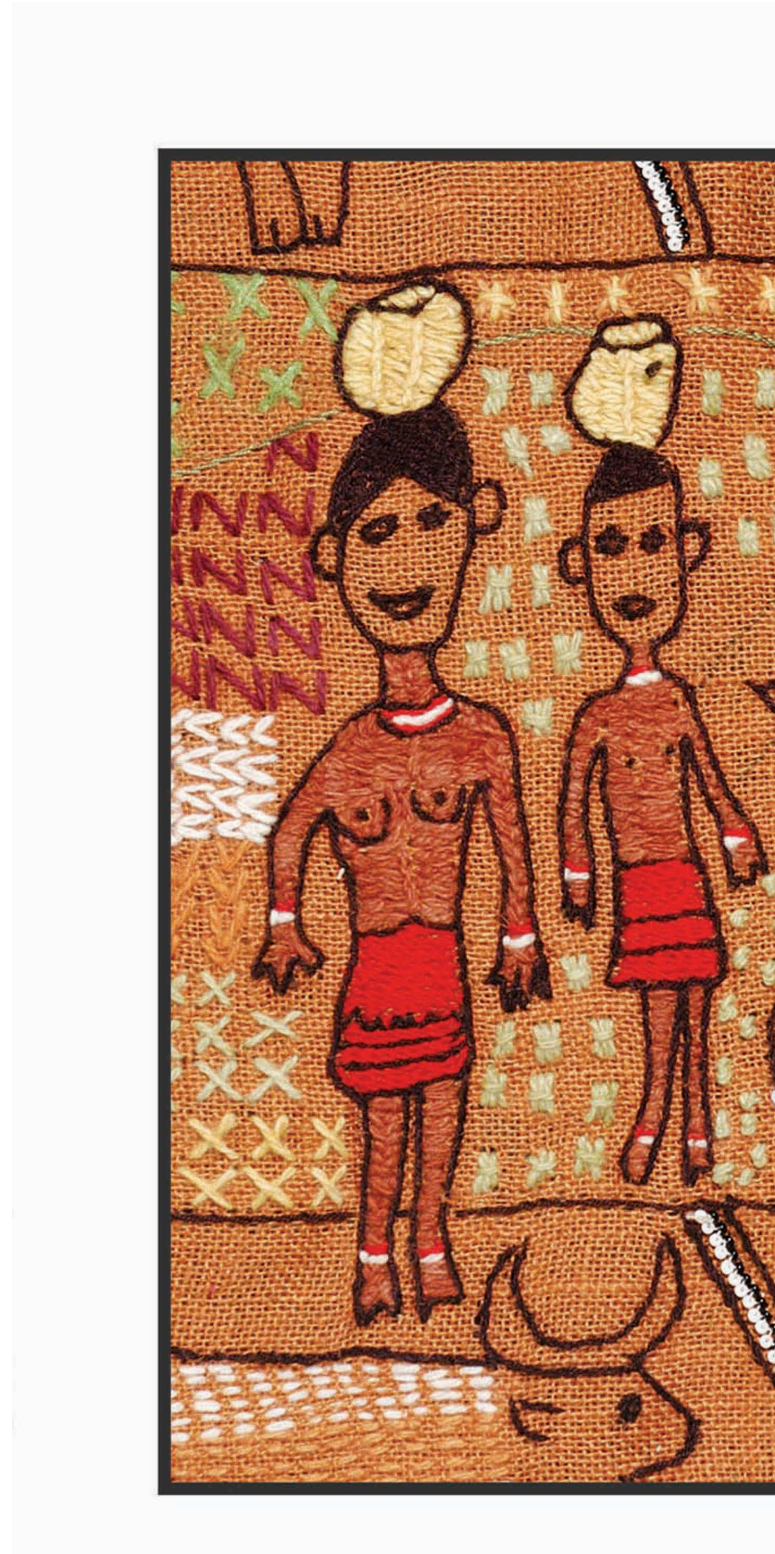
## The Artworks Office of Parliament in Cape Town.

The Artworks Office was established by Parliament in 2001 to ensure that its art, artefact and heritage collections are preserved, documented, maintained and accessible to the public.

The Parliament of South Africa has a collection of artworks, photographs and maps of South Africa and Africa that spans hundreds of years and comprises thousands of items. They are cared for and conserved by Parliament's Artworks Office and Conservation Centre in accordance with museum best-practices, and are highly regarded for their socio-historical and rarity value.

Parliament's artworks fall into two distinct phases: the limited works that have accrued since democracy in 1994, and the majority, representing a limited, colonial gaze upon the country's history and its indigenous inhabitants.

Visitors to Parliament are particularly struck by two displays, the transformed symbols of our institution as embodied in the new post-colonial designs of the Mace of the National Assembly, the Black Rod of the



National Council of Provinces, and the emblem of Parliament, as well as the 120-metre richly-embroidered Keiskamma tapestry, woven by women in the town of Hamburg, Eastern Cape. The tapestry depicts the history of South Africa from the perspective of the rural people of that region.

## Parliamentary symbols, South African style

The Mace and the Black Rod are rich with symbolic relevance. They combine a wide variety of materials and techniques, ranging from ancient traditional skills to the latest laser-welding technology. Each element was carefully chosen to acknowledge





Copyright © 2004 The Keiskamma Art Project

and celebrate the many facets of diverse South Africa.

The current people's Mace of the National Assembly and Black Rod of the National Council of Provinces were introduced to celebrate the 10th anniversary of democracy in South Africa. These symbols of the authority and leadership of Parliament's

Presiding Officers originated in England's House of Commons and House of Lords, respectively, over 600 years ago. Their historical shapes were retained (by and large); but the details were adapted to transform them into symbols reflecting South Africa's diverse traditions and cultures.

The head of the Mace, the symbol

of the Speaker's authority in the National Assembly, is in the shape of a drum covered with springbok antelope skin. Similarly, the Black Rod is placed upright in a skin-covered drum when the National Council of Provinces (NCOP) is in session. These drums express the African tradition of using drums to

**The Keiskamma tapestry showing the young prophetess Nongqawuse and the killing of cattle in 1856.**





Left: The tapestry image of the Stavenisse shipwreck in 1686.  
Right: The sky filled with vultures when the cattle were being killed.

call people together for an indaba (group discussion). It is a reminder that Parliament remains the place where many different voices are allowed to be heard.

Both items are made of 18-carat gold, adorned with splendid minerals, gemstones, platinum and diamonds, to symbolize the country's rich mineral resources. The gold head of the Black Rod is in the shape of South Africa's national flower, the Giant or King Protea. This, together with the indigenous South African hardwoods used, celebrates the natural and pure beauty of our country.

South Africa's two foremost symbols of state, the national Coat of Arms and the national flag, are

included in both items. The South African flag was made by a local bead artist, using hundreds of platinum, 18-ct yellow gold and coloured glass beads. The beadwork piece also reflects the country's rich cultural heritage.

Other symbols include: an open constitution containing all 11 official languages, two clasping hands to symbolize peace and co-operation, a hand-chiseled relief of various occupations which shows the diversity of our people and a circle of San rock-art figures, honouring the first inhabitants of our land.

### **Embroidering a history**

The Keiskamma tapestry was

begun in 2000 by Dr Carol Hofmeyr, a medical doctor and artist, as an embroidery project for the impoverished rural village of Hamburg on the banks of the Keiskamma River. Many of the towns in the area were named after the home towns of German settlers in the 19th century. The project was intended to help the very many unemployed local women of the region, empower them and possibly provide therapy in the form of art.

The Keiskamma tapestry was their first major artwork, completed in 2004. They have since produced several other iconic large-scale embroidery pieces. The project was funded by the National Department of

Arts and Culture and a large number of private donors. The names of the artists and the donors are recorded along the lower edges of the tapestry. The work was purchased by the Standard Bank, and the earnings went direct to the project to help sustain and develop it. Standard Bank has presented the tapestry to Parliament on long-term loan. It has been on permanent display since 2005, winding through the Old Assembly entrance, lobby and ground floor passages.

The artists of Keiskamma were encouraged by the famous Bayeux tapestry crafted in England in the 11th century to chronicle the Norman conquest of Anglo-Saxon





Copyright © 2004 The Keiskamma Art P

England and the feats of William the Conqueror at the Battle of Hastings in 1066. The Bayeux and Keiskamma tapestries are embroidered and not woven, so technically they are embroidery pieces, not tapestries. The women of Hamburg combined the Bayeux stem and their own repertoire of stitches.

It has an added richness from its intricate beadwork, reflecting Africa's cultural heritage. Like the Bayeux, the Keiskamma is considered to be at once an artwork and a historical document: visual journeys through a people's history.

Employing the same narrative structure, the Keiskamma tapestry tells the country's turbulent history from the perspective of the women

who embroidered it. The first panel shows the rock art of the San, the earliest inhabitants of the Cape. It then traces the arrival of the European settlers and their conflicts with the Xhosa people in the Eastern Cape region. The southward-moving Xhosa clans were confronted by northward-travelling white farmers, traders and colonizers. The clash of cultures that tragically unfolded through numerous frontier wars and resulted in submission and subjugation are reflected in the work, as well as the apartheid system of "separate development" that followed.

#### From conflict to unity

The tapestry chronicles the country's many years of political turmoil and

culminates in a theme of peace and restoration. The last panel is a triumphant ending, celebrating the first democratic elections in April 1994 and the ensuing freedom of all South Africans.

Walking the length of the tapestry through the passages of Parliament is like walking the timeline of South Africa's history.

The women of Keiskamma, still faced with social fragmentation and rural poverty, stand tall when they embrace the chronicles of their distant and recent past. The Keiskamma tapestry is the embodiment of our country's political struggles and ultimate democratic resolution.

The long panels show the main political events interspersed with

rural scenes of kraals and cattle, and the small panels highlight prominent individuals. Interestingly, H.F. Verwoerd, the architect of apartheid, is shown at the Johannesburg Rand Show in 1961, the site of the first assassination attempt against him. Next to him is a depiction of former President Nelson Mandela burning his pass book during the African National Congress's 1952 defiance campaign.

It is deeply symbolic that the work is displayed in the institution from which the majority of the country's people were excluded for so long, and where discriminatory legislation was passed by successive governments. In this artwork, new and old histories are brought together.





Mac Mac Waterfall, Mpumalanga





A photo of sunset seen from Table Mountain, Cape town, South Africa.



# GOT YOUR COPY?

# *THE PARLIAMENTARIAN*



To subscribe to *The Parliamentarian*, please email [pirc@cpahq.org](mailto:pirc@cpahq.org).  
 Members of Parliament: Please contact your Branch Secretary.