



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

**INTRODUCTORY REMARKS BY THE DEPUTY CHAIRPERSON OF
THE NATIONAL COUNCIL OF PROVINCES, HONOURABLE S LUCAS
ON THE OCCASION OF THE NCOP PLANNING SESSION.**

20 August 2019

Chairperson of the NCOP

House Chairperson of the NCOP

Chief Whip of the NCOP

House Chairperson National Assembly

Permanent delegates of the NCOP

Speakers of Provincial Legislatures

Deputy Speakers of Provincial Legislatures

Chief Whips of Provincial legislatures

Chairpersons of Chairpersons of Provincial Legislatures

Salga Representatives

I am delighted to have been afforded an opportunity to welcome you to the National Council of Provinces Planning session. The purpose of us gathered here today, is to locate our planning within the framework of the Financial Management of Parliament and Provincial Legislatures Act,

which requires the preparation of the Strategic Plan within six Months after elections.

The areas of focus identified by the National Council of Provinces will therefore have to be integrated in the Strategic Plan of Parliament.

Again we are gathered here as the great thinker and proponent of human liberation Franz Fanon once said that “**Each generation must, out of relative obscurity, discover its mission, fulfil it or betray it**” We are gathering here to discover our mission for the 6th administration of Parliament.

All of us gathered here today, agree that our mission is to build a developmental state that provides effective basic services and with capabilities to take forward a far-reaching agenda of the national economic development, whilst at the same time placing people and their involvement at the centre of this process.

The building of a capable and developmental state at all three spheres of government must be achieved through **strengthening political institutions** to deliver on their mandate and **building effective, integrated planning and service delivery system.**

Honourable Members

As we will be embarking on planning and identifying focal areas for the 6th administration of the NCOP in particular and Parliament in general, we must be mindful of the warning Amilcar Cabral once gave that “**Always bear in mind that the people are not fighting for the ideas, for the things in anyone’s head. They are fighting to win material benefit, to live better and in peace. To see their lives, go forward, to guarantee their future of their children**”

We should recognise as a matter of conscious that there have been many faults and errors in our actions as legislatures hence the **Lamosa Judgment amongst many.**

The Constitutional Court on the 28 July 2016 handed down judgement in a matter concerning the obligation on Parliament to facilitate public participation in its legislative process and its effect on the validity of the **Restitution of Land Rights Amendment Act, 2014 (Act 15 of 2015)**

The applicant challenged the constitutionality of the Amendment Act on the following ground that:

The Amendment Act is invalid for failure by the NCOP and some or all of the Provincial Legislatures to facilitate adequate public participation as required by section 72(1)(a) and 118 (1)(a) of the Constitution.

The court found that the NCOP public participation process was unreasonable and thus constitutionally invalid. Failure by one House of Parliament to comply with constitution obligation amounts to failure by Parliament.

The principle to be derived from the Judgement is that it is important that the NCOP and all provinces agree on common process for public participation. Further, that the legislative cycle programme is shared and agreed by all provinces.

Delegates.

Allow me to outline the programme for the coming two days. Firstly, **Honourable Masondo**, Chairperson of the NCOP will outline the purpose of the planning session and expected outcomes.

Followed by the House Chair Committees and Oversight **Honourable Nyambi**, who will provide a critical analysis of the role of Select

Committees in ensuring that the three spheres of government plan together to deliver on their priorities.

We will also have a presentation by the House Chairperson International Relations and Members Support **Honourable Ngwenya**, who will be focusing on providing critical analysis of the role of the NCOP and provincial legislatures in international fora.

Chief Whip of the NCOP, Honourable Mohai, will propose innovative methods of programming on matters of common interests for effective and functioning of the NCOP.

We will have commissions. In commissions we expect all of us to fundamentally express ourselves on how we will change the character of our Parliament apparatus. In **Russia the Soviets** grew up as an alternative to the previous parliament.

In **China** a wholly new governmental machine was created as Red Power established itself. In **Chile Allende's** defeat came primarily for his inability to change the character of the ruling assembly and state apparatus.

There are, moreover, numerous instances, particular in **Africa** and **Asia**, where the desire for fundamental change has been frustrated by the inability or unwillingness to develop new political institutions outside the old framework or to transform the existing ones meaningfully. The result is stagnation or retrogression.

Those who seek to bring about fundamental change must examine critically the nature of the political structures they are challenging and be ready to reject them.

Failure to do so may so hypnotise us as legislators and tie us psychologically to a narrow sphere of policies and actions which take place within the framework of the old institutions.

Honourable Members and Delegates

Since this planning takes place in the Month of women. I urge all participants to have a dialogue about how we can learn from and use our diverse interest and lived experiences to fortify our political and our ideological tools of analysis and at the same time use theory to understand the root, and dynamics, of unequal gender relations in our society. How we practically are going to conduct oversight on gender based budgeting. Let's have frank and open discussion about how we could use Technology to advance and deepen public participation since the Fourth Industrial Revolution is upon us.

Honourable Members allow me to officially welcome you and declare this planning session open.

Thank you