



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

**INNOVATIVE AND STRATEGIC APPROACH TO
PROGRAMMING IN THE NCOP**

NCOP Planning Workshop

20 - 21 August 2019

**Hon Mr S J Mohai, MP
Chief Whip of the NCOP**



**MAKING YOUR FUTURE
WORK BETTER**



POLITICAL CONTEXT OF THE SESSION

- **New Administration** - 6th democratic Parliament, which presents new opportunities for collective insights and accumulated experience of the last 25 years of the evolution of the NCOP, as South Africa's ***second chamber*** of our democratic Parliament.
- **Learning from past experiences** – opportunity to tap on the lessons of the past and a clear analysis of the changing context in the internal and external environment of the NCOP.
- **Changing political context** - Critical to the changes in the internal environment is the massive turn over of the membership of the NCOP, which threatens continuity in terms of the institutional memory.



POLITICAL CONTEXT *cont...*

- **Loss of institutional memory** - places immense duty on the permanent delegates to acquaint themselves with this ***second house, which is also regarded as the upper house of Parliament*** so that they occupy their rightful place, as true voices of the provinces in the national policy discourse.



PROGRAMMING IN THE NCOP

- **Programming** is one of the core strategic business of Parliament that we cannot take for granted and relegate to a routine. It is about planning, sequencing and prioritising the business of the NCOP.
- **Innovative programming** compels us to seek more innovation and strategic approaches that should proceed from a shared appreciation of two critical factors.



PROGRAMMING *cont...*

- **Identifying the core strategic drivers of programming** – we need to identify the core strategic drivers of programming of the NCOP.
- **Understanding the shifts and continuous shift in our internal and external environment** – we need to develop a clear and concise understanding of the shifts and continuous evolution of both our internal and external environment.



INTERNAL AND EXTERNAL FACTORS

- **Decline in the legislative load of Parliament** - Over the last decade we have witnessed a significant decline in the legislative load of parliament. This has increased the space for the intensification and invigoration of oversight work, public participation and international participation.
- **Evolution of Parliamentary diplomacy** - the South African Parliament participates in various significant international forums and our government is signatory to many international instruments which have been translated into the domestic laws.



INTERNAL AND EXTERNAL FACTORS

- **Socio-economic challenges** - we enter this third decade of our constitutional democracy at the time when the triple challenges of *poverty, unemployment and inequality* continue to deepen. This has diminished the confidence of the electorate in the capacity of the democratic project and its institutions to address these contradictions.
- **Decline of mass participation** – there has been continued decline of *mass participation* in the democratic elections and other *democratic platforms* is both *an act of protest* against the democratic institutions and the *manifestation of the diminishing confidence of the people* in these institutions.



PAST EXPERIENCES

- **Approach to programming** – in the previous term of parliament, our approach to programming was *business as usual* and *devoid of innovation* and *strategic orientation*.
- **Strategic deficit** - Key elements of this strategic deficit is the lack of monitoring and evaluation methodology within our *planning framework* to measure the impact of our work and learn from our own successes and short comings going forward.



PAST EXPERIENCES cont...

- **Inadequate programming framework** - Our programming framework was inadequate in terms of enabling environment for the NCOP to rise to the challenges of emerging issues of public interests that affect the provinces and local government.
- **Inability to advance an activist people's parliament** – we fell short in advancing the key strategic attributes of an activist people's parliament that is responsive to the needs of our people for a better quality of life for all is the capacity to identify and respond to emerging issues of the people and provide leadership.



PAST EXPERIENCES cont...

- **Inability to respond to current issues** - our absence in the public space, especially during violent community protests triggered by poor service delivery is a serious indictment on our claim of an activist people's parliament.
- **Innovative programming** - The Programming Committee must delegate the powers of assigning the Select Committees to respond to such issues to the Presiding Officers as a standard operating procedure because some of these incidents unfold when parliament is on recess and only the POs can recall a Committee to parliament during the recess or constituency period.



DRIVERS OF PROGRAMMING

- **Innovative programming** - At the core of the strategic drivers of our programming is the constitutional mandate and the strategic mandate of the NCOP as a second chamber of our democratic parliament. These are law making, oversight, public participation and international participation.



ENHANCED LAW MAKING PROCESS

- **Evolution of our law making process** - our law making process has over time evolved into clearly defined procedures as outlined in sections 75 and 76 of the constitution, the Joint Rules of Parliament and the Rules of the National Council of Provinces.
- **Rethink our approach to section 75 legislation** - Amongst the strategic innovations in the 6th democratic parliament should include a rethink of our approach to section 75 legislation. This should proceed from the appreciation of the powers of the NCOP in section 75 legislation as outlined in section 75. The constitution assigns more powers to the National Assembly on section 75 legislation.



INNOVATIVE PROGRAMMING

- **Joint oversight between the NA and NCOP** - amongst the options we may want to explore is the joint deliberations between the Portfolio Committees of the National Assembly and the Select Committees of the NCOP on section 75 legislations. This can improve the quality of legislation and ensure minimum delays in section 75 legislation.
- **Intra and intra legislature programming synergy** – we need to ensure enhanced synergy, coordination and integration of our programme between the NCOP, the National Assembly, Provincial Legislatures and SALGA. This should be accompanied by the consideration of a staggered and targeted approach to programming.



INNOVATIVE PROGRAMMING

- **Staggered and targeted approach to programming** – we need a staggered and targeted approach to programming, which will focus on a selected strategic area/s of work of the NCOP in a given week to allow exhaustive and meaning full outcomes. *The example would be dedicating the entire week to Select Committee meetings and another week for plenaries, public participation, etc.*



FLAGSHIP PROGRAMMES

- **Flagship programmes** - As part of its evolution, the NCOP has designed and adopted three high level strategic flagship programmes, namely; ***Taking Parliament to the People***, ***The Provincial Week*** and the ***Local Government Week***.
- **Flawed approach of our flagship programmes** - There is no ***clear template*** or ***strategic framework*** upon which to predicate the strategic content and priorities of these programmes. What we have been doing instead is to focus on many focus areas within little space of time without much impact in decisively profiling and addressing the issues faced by our people. This calls for a paradigm shift which should include amongst others prioritization of high impact issues that can be addressed.



FLAGSHIP PROGRAMMES *cont...*

- **Solution driven approach to focus areas** - often we select areas of focus on the basis of their being topical without measuring our capacity resolve them in the immediate, medium and long term. This has the unintended consequences of generating unrealistic expectations of our people. *We need to ensure that we select focus areas that are measurable and within the capacity and mandate of the NCOP to resolve. A case in point is the approach that we have taken in the current Provincial Week, which focuses on the financial state of local government.*



CONCLUSION

- These are broad preliminary thoughts on the ***imperatives for innovation*** and ***strategic approach to programming*** to facilitate further strategic reflections and inputs by honourable members in this workshop. Accordingly, this workshop must assist us to emerge with a better framework on programming of issues that will be the outcomes of this strategic planning.



CONCLUSION *cont...*

- In one of his seminal speeches, former President Mbeki articulated a template of fundamental questions against which the performance of the NCOP should be assessed. Key amongst these questions are:
 - *Has the NCOP ensured that national policy is designed in a way that enables it to be implemented at a provincial level?*
 - *Is the NCOP actively engaged in finding out what difficulties provinces are experiencing in implementing national policy and fulfilling their constitutional obligations?*
 - *Is the NCOP providing provincial Legislatures with the opportunity to engage each other and the national government constructively regarding the problems that they have encountered in the implementation of national policy?*
- *Is the NCOP actively engaged in search for solutions to problems common to provinces and local government?*
- These questions are still as relevant today as they were 17 years back and should accordingly underpin our strategic vision and planning.



I THANK YOU!