



**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA

## INNOVATIVE PROGRAMMING

*Committee Business Planning*

3- 4 September 2019

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



MAKING YOUR FUTURE  
**WORK BETTER**



# BACKGROUND

- In the last week or so, we convened in a similar session to deal with the macro-institutional political planning of the NCOP.
- Similar presentation was made there and enjoyed robust and honest discussions which sought to enrich it.
- Among the key issues raised was a need for greater alignment, coordination and synergy between the NCOP, Provinces and SALGA in our planning.



# BACKGROUND *cont...*

- This is necessitated by two interrelated fundamental strategic imperatives;
- Firstly, the political configuration of the NCOP which requires it to ensure meaningful participation of Provinces and SALGA in its activities (we must emphasise that this participation must not come at the tail end but should begin with the planning.
- Secondly, the realisation of the disruptive impact of the NCOP activities in the provinces and municipalities where there is no joint planning.
- This brings to the fore one fundamental question, should we repeat what we have said a week ago or simply recap key issues for the purpose of ensuring that Committees planning and priorities are aligned with the broader institutional planning.
- We are tempted to follow the latter and provide some preliminary thoughts on rationale for planning in the context of parliament as the tribunal of the people, the sources of the Committees' Plans, a brief recap of our workshop and the way forward.



# COMMITTEE PLANNING

- There are three interrelated sources that compels us as an institution to plan, and these are legal, political and strategic management imperatives.
- Legally, the Financial Management of Parliament and legislatures Act and the Public Finance Management Act which require parliament and public institutions respectively to design five year plans that must be costed as the basis of financial allocation.
- At the political level, planning assists us to identify clear priorities over five years and sequence them to give effect to the voices of our people – it is a tool against which our people should measure whether we have succeeded or not.



# COMMITTEE PLANNING *cont...*

- As a contested terrain in the battle of ideas for the building of a national democratic society, parliament must have predictable plans to give effect to the diverse aspirations, values and voices of our people in its programmes.
- The government Medium Term Strategic Framework which finds articulation in the President's SONA and the Budget Speech of the Minister of Finance becomes a legitimate national agenda for these battle of ideas amongst the contending voices of our society represented in parliament.
- At a strategic management level, it is a critical tool for setting the direction the organisation want to take, how to pursue that direction and performance management.



# COMMITTEE PLANNING *cont...*

- This means that the Select Committees' Planning should give programmatic expression to the broader strategic priorities and goals identified by the NCOP Planning Workshop.
- The key roles arising from the constitutional mandate of the NCOP should find expression in our planning at all levels.
- These are law making, oversight, public participation and parliamentary diplomacy.
- We must note that the role of parliaments in the international space is evolving and has as yet no defined protocol;
- Traditionally, this space has been the exclusive domain of the executive with parliament's role limited to Study Tours.
- To avoid unintended consequence of encroaching into the Executive space, we need a clear protocol on this as a matter of urgency.



# COMMITTEE PLANNING *cont...*

- There is no doubt, South Africa's polity is characterised by contradictory dispositions of unity and struggle of the opposites.
- Key to this unity is the common appreciation and commitment to the eradication of the triple contradictions of poverty, unemployment and inequality amongst all contending forces in society and their voices in parliament.
- The struggle of the opposites is represented by the competing values, strategic agenda and ideologies in pursuance of this mammoth task by different political parties.
- In this regard, key consideration should be given to the distinct and yet complementary constitutional mandates of the National Assembly and the National Council of provinces.





# COMMITTEE PLANNING *cont...*

- This presupposes recognition that members of the NA and NCOP are all Members of Parliament with the constitutional obligation to pass laws, oversee the national executive, facilitate public participation and international participation, yet with distinct scope, strategic niche and powers.
- As the constitution states; the NA is elected to represent the people to ensure government by the people for the people under the constitution, and the NCOP represent provinces to ensure that provincial interests are taken into account in the national sphere of government.
- This locates the oversight role, scrutiny of legislation, public participation and international participation role of the NCOP at the cutting edge of intergovernmental relations and co-operative governance within our constitutional democracy.
- This duality of the institutional design of our parliament with a specific reference to the distinct constitutional mandate of the NCOP is critical philosophical, conceptual and methodological source of our planning.





# COMMITTEE PLANNING *cont...*

- What this means is that we are not a conventional legislature directly elected by the people like the NA and Provincial Legislatures, but an institutional mechanism within our constitutional democracy to integrate our evolving system of provincial and local government into the national policy architecture.
- We are not a Senate in the traditional sense of a second/first House of parliament but a House of Provinces to give articulation of provincial interests in the national policy discourse; neither are we a House of review of the NA.
- This brings to the fore the fundamental contentious issue of our relationship with provinces and our role in the provincial space, be it oversight, public facilitation or legislative work.



# COMMITTEE PLANNING *cont...*

- We have Provincial Week Programme and Taking parliament to the People which deal directly with the provincial and local government space; what exactly is our role in these programmes visa vis the constitutionally mandated role of the provincial legislatures both in terms of design and implementation?
- Is there a clear articulation of this role both in terms of conceptualisation and practice which by intention or omission, does not encroach on the constitutional oversight mandate of Provincial Legislatures?



# STRATEGIC INJUNCTIONS

- We have reaffirmed the need for enhanced coordination, integration and synergy between the NCOP, the Provinces and SALGA.
- The reconceptualization and reconfiguration of the role of the NCOP as a custodian of inter-governmental relations distinct from the roles of the National Assembly and the Provincial legislatures found prominence.
- Key to this is the strategic task of ensuring that we do not duplicate or encroach the space of the NA and Legislatures.



# STRATEGIC INJUNCTIONS *cont...*

- This brings to the fore the second fundamental conceptual and strategic consideration, namely; the role of the NCOP in the exclusive areas of national competence visa vis the NA as a directly elected tribune of the people, especially in relation to section 75 Bills both in terms of legislative scrutiny and oversight.
- This arises because the constitution assigns limited powers and role to the NCOP in relation section 75 Bills and exclusive areas of national competence both in terms legislative scrutiny, oversight and public participation.



# STRATEGIC INJUNCTIONS *cont...*

- The view has emerged in our workshop to suggest a strategic shift in terms of the role of the NCOP in this regard with an emphasis on reviewing our Joint Rules to allow for tabling and introduction, consideration of the section 75 Bills and attendant public participation on these Bills through Joint Committees of the NA and NCOP;
- As part of innovation and strategic approach to programing, does this not call for a fundamental rethinking of the Select Committees of the NCOP with the possible disestablishment of all Select Committees dealing with the exclusive areas of national competence and establishment of a Super Standing Committee of the NA Business to deal with all section 75 Bills and exclusive areas of national competency?



# STRATEGIC INJUNCTIONS *cont...*

- This will give space for the reconfiguration of the NCOP Select Committees to focus more on dedicated concurrent functions with more targeted strategic focus and scope.
- We have also noted a need for us to do what we can do most effectively with high impact instead of “catch-all” approach both in terms of oversight and other areas of our work – a call for strategic niche excellence.
- This makes it compelling for innovation to proceed from the contextualisation of our distinct constitutional mandate which primarily locates us at the cutting edge of concurrent functions and intergovernmental relations.



# STRATEGIC INJUNCTIONS *cont...*

- The key question, among others is therefore; how do we redefine our role in relation to economic development issues for which the constitution assigns greater role for the provinces and local government? Are we not supposed to focus on small business development, equitable distribution of investment opportunities among provinces and local government as opposed to broad oversight on economic transformation as this reside with the NA?
- How effective are our Committees liaising and conferring with their counter parts in the provinces and local government in the planning of oversight and outreach programmes is another fundamental question we must respond to.





# STRATEGIC INJUNCTIONS *cont...*

- This brings into sharp focus whether the NCOP as a multi-stakeholder driven institution has a clear communication and stakeholder management strategy. Key to this strategy is the identification of our strategic stakeholders, their profiling in terms of the sequence of strategic significance and how we engage them.
- Speakers, Chief Whips and SALGA have raised the concern that seems to be recurring about poor communication regarding the NCOP visits to provinces.
- The key question is who communicate to who from the NCOP to other stakeholders, should this be centralised in the Chairperson's Office or left differentiated as they are; what are the lessons of the past.
- This workshop may not be able to exhaustively deal with these questions, but it is incumbent upon the office of the House Chairperson for Oversight to champion strategies around these issues.



# CONCLUSION

- Colleagues, these are the preliminary views that should inform this strategic planning session of the Select Committees.
- As we proceed in this 6<sup>th</sup> democratic parliament, we should do so equally alive to the injunctions of the NDP on the poor management of interface between the elected public office bearers and the officials. These areas occupy the dominant space in the discourse on the building of a democratic developmental state.
- Unlike other institutions and sectors of our democratic state, the primary orientation of parliament is to serve as a tribunal of our people, united in their diversity.



## CONCLUSION *cont...*

- This means creating a democratic space for a structured contestation of competing values and ideas within our society along the fundamental constitutional democratic values of mutual respect, diversity, dialogue and respect for fundamental principles of democracy, key amongst which is the prevalence of the will of the democratic majority in the final analysis.



I THANK YOU!