



**PARLIAMENT**

OF THE REPUBLIC OF SOUTH AFRICA

# COORDINATED PROGRAMMING

Fostering Coordinated Programming and Synergy  
Between the two houses of Parliament, Provinces and SALGA

*Committee Business Planning*

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



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# BACKGROUND

- The topic of coordinated programming and synergy within the South Africa Legislative Sector has enjoyed prominence in the strategic reflections on the positioning and repositioning of parliament as an activist peoples' parliament.
- In various platforms, certain key decisions were taken to reconfigure the current parliamentary programming framework to ensure coordination and synergy between the National Assembly, the NCOP, the Provinces and SALGA.



# BACKGROUND Cont...

- At the core of the persistence of the need for greater synergy between Parliament, provinces and SALGA is the manifestation of two interrelated fundamental strategic deficits in our approach, namely; a lack of shared appreciation of the diagnosis of the nature of problem we seek to resolve. Secondly; poor conceptualisation of the kind of desired strategic outcomes we seek to achieve with the reconfiguration of the current status quo.



# DIAGNOSIS OF THE CURRENT PROGRAMMING REGIME...

- Key to diagnosis of the current status quo and deficiencies should feature, among others; honest answer to three interrelated fundamental question, namely:
  - (a) What are the fundamental limitations of the current parliamentary programming framework and why are they limitations?
  - (b) What is the desired programming framework; and
  - (c) How do we move from the current undesirable to the future desirable framework?



# DIAGNOSIS OF THE CURRENT PROGRAMMING REGIME...

- We should first appreciate that programming is not an administrative function but core strategic and political task of elected representatives of the people to set the national agenda in the battle of ideas for the building of a national democratic society in the interests of our people.
- As pointed out in the Diagnostic Report of the National Planning Commission; among the deficiencies of our system of democratic governance in the post 1994 democratic dispensation is the persistence of fragmented planning among the three spheres of government which is accompanied by huge wastage of resources.



# DIAGNOSIS OF THE CURRENT PROGRAMMING REGIME...

- In his address to the President's Coordinating Council, President Cyril Ramaphosa alluded to this point, and in doing this, re-emphasised fragmentation, poor coordination and synergy among the three spheres of our government as a problem of the creation of our own.
- This poor coordination and synergy of programmes between the legislative arms of the state in the three spheres of our government continues to undermine integrated oversight and the capacity of parliament as a tribune of our people to set a coherent national agenda that is responsive to the needs of our people.



# DIAGNOSIS OF THE CURRENT PROGRAMMING REGIME...

- This has also set the scene for communication of mixed government messages to our people on the fundamental problems confronting the country.
- The radical overhaul of this status quo should begin with the forging of strategic convergence between the NA and the NCOP and cascade down to provinces and local government.



# DIAGNOSIS OF THE CURRENT PROGRAMMING REGIME...

- The fundamental imperatives for a coordinated programming and synergy between the NA, the NCOP, Provinces and Local government derive from both the constitutional imperatives for an integrated co-operative governance system and the political and strategic imperatives of accelerated service delivery, development and fundamental transformation.
- For an integrated co-operative governance system to be forged and sustained, a strategic convergence between the NA and the NCOP as apex legislative arms of our democratic state is critical.





# DIAGNOSIS OF THE CURRENT PROGRAMMING REGIME...

- At the core of this strategic convergence is the role differentiation and strategic niche excellence between these two Houses to eradicate the twin dangers of wasteful duplication and fragmentation which undermines integrated co-operative governance as envisaged in the constitution.
- The Constitution presuppose, among others; that the key strategic areas of focus exclusive to the NCOP and NA in terms of oversight should be identified, on the one hand; explore areas of shared constitutional responsibility on the other hand.



# AREAS OF CONVERGENCE...

- To ensure synergy between the NCOP, the National Assembly, provinces and municipalities, we need to establish the common interests areas of jurisdiction.
- These include all areas of exclusive national competence that has direct bearing on the capacity of provincial and local government to fulfil constitutional obligations of service delivery, development and transformation.
- The example is home affairs which provides citizenship status, among others.
- According to the law, the municipality can provide a house or any other service to a person without a proof of citizenship.



# AREAS OF CONVERGENCE...

- This applies to Judiciary as an exclusive area of national competence in instances where particular province or provinces experiences specific challenges in relation to the functioning of the judiciary, like lack of appropriately capacitated sectoral courts like family courts, domestic violence courts, poor resourcing of the courts etc. which affect a number of provinces.
- This triggers the evocation of section 68 of the constitution to summon either the Minister or the Department of Justice and Constitutional Development to appear before the NCOP.



# AREAS OF CONVERGENCE...

- The current programming framework does not take cognisance of this differentiation, but treat exclusive areas of national competence, including the reporting and accountability of Chapter 9 institutions which at times report arbitrarily to the NCOP which is not supposed to be the case.
- This goes back to the issue of wasteful duplication where tax payers moneys fund what it should not with the government officials and Ministers travelling from Pretoria to Cape Town to do the same briefing they did under the constitution to the NA.



# AREAS OF CONVERGENCE...

- This calls for a commonly agreed means test as a management tool upon which the departments dealing with exclusive areas of national competence and chapter 9 institutions should report or interact with the NCOP.
- The current programming framework does not take into account this role differentiation and strategic niche excellence between the Houses. This has resulted in the competing identities and duplication between the NA and the NCOP.



# AREAS OF CONVERGENCE...

- Among the critical deficiencies in the current framework is a lack of a conscious effort to create a balance between the four core functions and roles of parliament, namely; law making, oversight, facilitation of public participation and international participation.
- The current programming framework cluster every strategic task of parliament into one basket without a sense of strategic purpose, focus and predetermined outcomes. At worst, it does not provide a dedicated focus for MPs as elected public representatives a space to interact with their constituencies on a regular and structured basis.



# AREAS OF CONVERGENCE...

- This is more pronounced with the national executive which is expected to be permanently in parliament despite the mammoth strategic task of overseeing and monitoring the impact of policy and legislation on our people in the communities in their own rights as a critical arm of the state for policy design and implementation.
- As a House located at the cutting edge of inter-governmental relations in our evolving system of democratic governance, the NCOP has not adequately risen to the twin challenges of integrating provincial and local government issues in the national policy architecture and ensuring meaningful role and voice of the institutions of Traditional Leadership in the national policy architecture.



# AREAS OF CONVERGENCE...

- Our current Programming does not speak to this issue at all, let alone creating space for NCOP Permanent Delegates to spend more times in their provincial legislatures in terms of the constitution.
- The key question is how does the NCOP acquaint itself with provincial dynamic as a basis of deriving provincial mandates?





# AREAS OF CONVERGENCE...

- More often, huge public resources are spent on oversight by parliamentary committees without Ministers and Senior government officials in the national executive. For every observation the MPs make, the Executive always has explanation, whether wrong or right is another thing.
- The poor coordination between the executive and parliament in oversight has unintended consequence of interest capture of national policy by bureaucrats. This undermines the focus of parliamentary oversight from serving the people towards being the voice of the bureaucrats.



# AREAS OF CONVERGENCE...

- This brings into sharp focus the fundamental question; how do we ensure that Ministers and MPs, in full view of our people, scrutinise projects and critical areas of policy implementation collectively, in a spirit of transparent and free flow and exchange of ideas, observations and insights.
- This will assist in laying bare the challenges of transformation and also making our people to be empowered partners and architects of their own future. The current parliamentary framework does not talk to this challenge.



# IMMEDIATE TASK

- Going forward, we can no longer be trapped into a fixation of the luxury of the past glories and present and self-fulfilling inertia.
- To borrow from one of the finest revolution internationalists of the 19<sup>th</sup> and the 20<sup>th</sup> century, the late Rosa Luxemburg; to be a revolutionary and the agent of change does not derive from what you think and believe about yourself, but what you do.
- This calls upon us to identify broad strategic tasks and outcomes critical for moving from where we are to where we want to be, namely; a strategically reconfigured programming and coordination framework of parliament for democratic consolidation and radical socio economic transformation.



# IMMEDIATE TASK

- Our Programming should be predicated on the following fundamental principles and strategic outcomes:
  - (a) Block programming that allows for a dedicated focus on each key areas of parliamentary work per week, namely; legislative process, oversight, public participation and international participation; This should allow a dedicated week for Ministers/ Executive to focus on their work;
  - (b) A dedicated week for Members of the National Executive to be excused from Parliament in order to focus on their departmental work;
  - (c) Joint briefings on departmental annual reports, strategic plans and budgets;



# IMMEDIATE TASK

- (d) Joint briefings on both Money Bills, sections 75 and 76 legislations;
- (e) Joint oversight by Portfolio and Select Committees with the Select Committees focusing on concurrent functions;
- (f) Structured presence and participation of the NCOP Permanent delegates in their legislatures per quarter/bi-annually;
- (g) Differentiated scheduling of plenaries of the NA and NCOP to ensure that they do not sit in the same week;



# IMMEDIATE TASK

- (h) Clustered approach to Committee Scheduling to ensure that a particular week is dedicated to a particular cluster of Committees in line with government clustering, unless other Committees are seized with legislation;
- (i) Ensure strict compliance with the time frames for the introduction of legislation by the Executive and completion by the two Houses;
- (j) Provide for administrative and capacity support for MPs who are doing constituency work during the parliamentary constituency period;
- (k) Establish structured mechanisms for planning and reporting on parliamentary constituency work by MPs;
- (l) Avoid conflation of party political constituency work from parliamentary constituency work;



# THE ROLE OF PROVINCES & SALGA

- The NCOP derives its existence and mandate from the Provinces, and SALGA is a critical component of the NCOP to ensure the articulation of local government in the national policy discourse.
- For purposes of today's discussions, I will prefer that we treat the subject of Provinces and SALGA separately for two reasons.



# THE ROLE OF PROVINCES & SALGA

- Firstly, we need to canvass among ourselves firstly, on what is our understanding of the position and role of provinces and SALGA independent from us and in relation to us as an institution created by the constitution.
- Based on this collective insight and experience as a basis of discussions, we should then engage the Provinces and SALGA on the way going forward.
- Critical to this, should be how to create an enabling strategic framework for coherent articulation of provincial and local government voices in the NCOP as an institutional mechanism for integrating the provincial and local government in the national policy architecture.





# THE ROLE OF PROVINCES & SALGA

- In the interim, the Chairperson of Committees for Oversight should as a matter of principle and necessity create a mutually friendly protocol to ensure that, no oversight in the province takes place without the consent of the Provincial Speaker and the Municipality concerned.
- Consent alone is not sufficient, we will require the full readiness and participation of the provinces and municipalities in the project as a prerequisite for approval.



# THE ROLE OF PROVINCES & SALGA

- Nature does not allow for a vacuum. If the designated structures assigned with the powers to lead the institution are either haemorrhaged or incapacitated from leading, the contending forces will lead, and this is the recipe for anarchy. We will continue to introduce ideas on how to take this institution to new height without fear. We are doing this not out of arrogance, but in pursuance of the renewal of the democratic mandate of the historic 8, May 2019.



# CONCLUSION

- Chairperson, allow me to take this opportunity to thank our officials under the leadership of Advocate Phindela in their effort to translate our vision into a coherent plan of action. Their work and the attendant proposed framework for migration towards a new paradigm is highly appreciated and should inform our policy choices as elected representatives of the people.



I THANK YOU!