

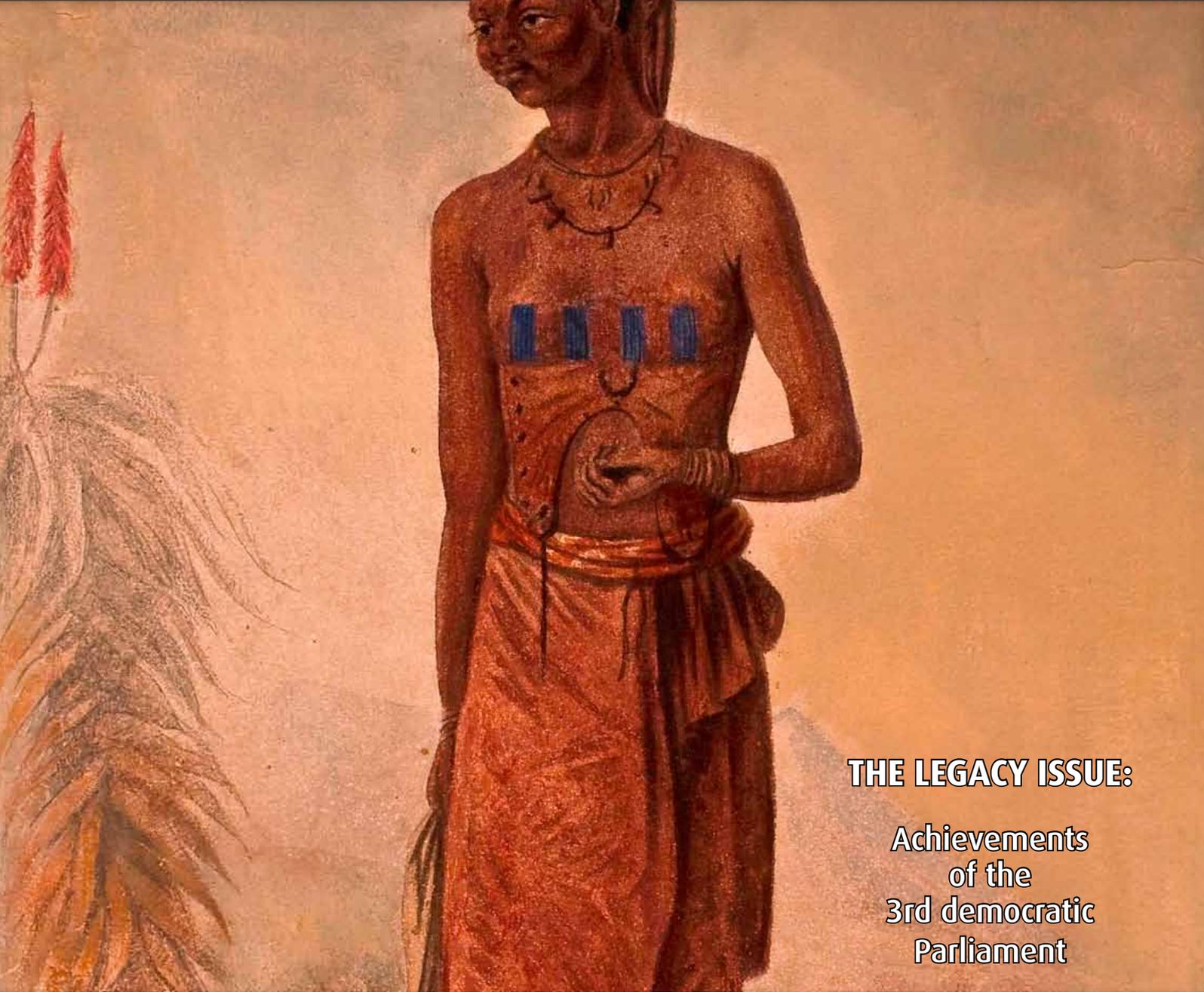


PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

IN SESSION

"YOUR SEAT IN PARLIAMENT"

Vol. 9 ISSUE 3 MARCH 2009



THE LEGACY ISSUE:

Achievements
of the
3rd democratic
Parliament



SPECIAL REPORT: PARLIAMENT'S ARTWORKS OFFICE



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA



Black Rod of the National Council of Provinces

Vision Statement

To build an effective people's Parliament that is responsive to the needs of the people and that is driven by the ideal of realising a better quality of life for all the people of South Africa.

Mission Statement

As the freely elected representatives of the people of South Africa, our Mission is to represent, and to act as a voice of the people, in fulfilling our Constitutional functions of passing laws and overseeing executive action.

Strategic Objectives

1. Increasing oversight
2. Increasing public participation
3. Building an efficient, effective institution



Mace of the National Assembly

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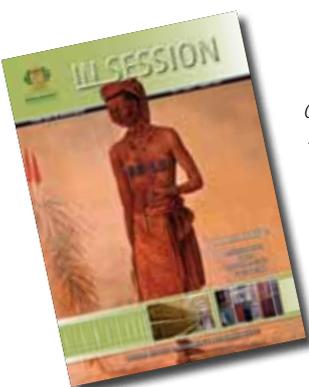
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Cover: Enhanced image of **Fingo Woman**
Artist: Frederick T. I'Ons (1802 - 1887)
Date of work: c. 1843-46
Medium: Watercolour on paper
Paper size: 310 (height) by 225 mm
Bought in London for the Special Collections of the
Parliamentary Library
Special Report p.24

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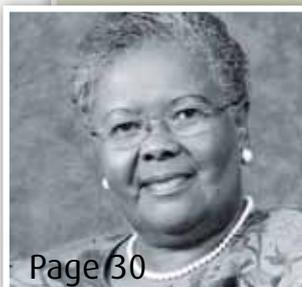
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Presiding Officers' Column:

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OUR IDEALS

VISION

To build an effective people's Parliament that is responsive to the needs of the people and that is driven by the ideal of realising a better quality of life for all the people of South Africa.

MISSION

As the freely elected representatives of the people of South Africa, our mission is to represent, and act as a voice of the people, in fulfilling our Constitutional functions of passing laws and overseeing executive action.

VALUES

Our values guide the management of Parliament. Our values are formed by that which we treasure and hold dear. It forms the foundation that will give rise to policies, which provide guidance in the implementation of everyday services and projects. The values of Parliament are derived from the role that Parliament plays in the context of our democracy. Therefore our values are formed by the people of South Africa, the Constitution, our co-operation with other arms of government, and our will to act with professionalism and good institutional governance.

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Editor's note

Art is born of a nation. It defines a nation and contains the history of its people. It is an expression and a reflection of all the people. Through art a nation sees itself, defines itself and talks to itself. It is not only a product but a heritage of the nation, connecting its past, present and future. It is a source of pride and dignity, a voice that transcends time and connects generations. It is a window to the soul of the nation.

South Africa as a nation has endured much and South African contemporary art also has much to convey. As South Africans we not only suffered the indignity of apartheid, but also had to endure the pain of seeing our culture degraded, looted and taken away from our country, depriving future generations of their heritage. The people's voice was silenced, their expression suppressed, the window to their soul shuttered and the result was disconnection between generations.

It should therefore not come as a surprise that the Parliament of the Republic of South Africa takes a keen interest in the restoration and preservation of this precious resource. The institution has taken it upon itself to actively engage in the process of monitoring its artwork repositories and developing preservation strategies for art collection and restoration, caring for and drawing attention to South African artwork by exhibiting it in the Parliamentary building. Touched by the silencing of the people, Parliament, as their representatives and voice, was jolted into action. In this issue we take you through the brave new vision of the Artworks Office.

In this last issue under the third Parliament, we also focus on the legacy project. The project is a handover of the baton or torch to the next Parliament. In essence the content of the legacy project is the work of the third Parliament. If one was to evaluate the work of the third Parliament, such an evaluation would not be complete without going through the legacy project. As the curtain closes on the current Parliament, we let you in on its work as chronicled in the books that will be handed over to its successor.

The legacy project is a sectoral initiative by the Speakers' Forum under the European Union-Legislative Sector Programme (EU-LSP), a programme of South African legislatures supported by the European Union. To complete the review of the legacy project, we spoke to Speakers of Provincial legislatures. Regrettably we were unable to talk to the Speaker of the North West Provincial Legislature, Ms Thandi Modise, because of her extremely busy schedule ahead of the elections.

In our guest column IDASA researchers Ms Shameela Seedat and Mr Gary Pienaar provide an evaluation of the third Parliament. They answer the questions: "Has South Africa's third Parliament been true to itself? Has it lived out in practice its Constitutional responsibilities? What has become of Parliament's 'organisational culture?'"

Enjoy the read!

Momelezi Kula





Speaker's farewell message

April 2009 is that special month when millions of South Africans who are eligible to vote, go to the polls to make their crosses next to the emblems of their favourite political parties. This year's elections on 22 April will be the fourth since the advent of democracy in South Africa in 1994.

Of particular importance to Parliament is that these elections will usher in new Members of Parliament (MPs) and return others to the fourth Parliament. Preparations are already underway in this regard. Already in June 2008, Parliament initiated a project to facilitate the end of term of the third Parliament, and the establishment of the fourth Parliament, in terms of the constitutional requirements. Some of the deliverables of the project include compiling a handover package to new Presiding Officers, election of new Office bearers, the inauguration of the new President of the Republic and the swearing in and induction of new MPs. Below are important dates for activities of the fourth Parliament:

06 May 2009 – First sitting of the National Assembly during which new

MPs will be sworn in, followed by the election of Parliament's Presiding Officers and the President-elect of South Africa.

06 May 2009 – First sitting of Provincial Legislatures to swear in Members of Provincial Legislatures (MPLs) and to determine respective delegates to the National Council of Provinces (NCOP).

07 May 2009 – First sitting of the NCOP to swear in delegates from provinces.

09 May 2009 – Inauguration of the State President. All of this will be followed by the State of the Nation Address early in June.

As we prepare to meet new and returning MPs, we must pause to bow our heads, like we did on 25 March 2009, in honour of those MPs who passed away whilst serving the nation in Parliament since 1994. It must be borne in mind that it is through their efforts, and of those who remain, that the foundations for this democratic Parliament were correctly and firmly laid. To that effect, Parliament has planted a special tree in its garden to which a plaque is attached bearing the names of the deceased MPs. May their Souls Rest in Peace! Parliament will explore the possibility of making the area accessible for solitude, meditation and reflection by the deceased's next of kin and visitors to Parliament.

As has always been the case, the arrival of MPs to the fourth Parliament must be met with the necessary decorum and respect from Parliamentary staff. Staff are once more expected to help MPs to find their way around the premises and to their official residences, and to settle with ease into the demanding routines of Parliament, such as preparations and attendance of committee meetings.

As the outgoing Speaker of the National Assembly, I am confident that the incoming fourth Parliament will find that all systems are in place. Preparations have been made for a smooth transition from the third to the fourth Parliament.

In conclusion, I would like to express my sincere gratitude to the Majority Party, the African National Congress (ANC), for entrusting to me the delicate job of ensuring that this democratic Parliament continued its tradition of being a home and a platform for all South Africans, across political persuasions, to express their views on any issue, without

fear of favour. Needless to say I must mention my colleagues, particularly the Chairperson of NCOP, Mr Mzinwa Mahlangu, with whom I have worked very well, and consequently achieved a great deal for the benefit of Parliament on behalf of the nation.

A special word of thanks also goes to the Deputy Speaker, Ms Nosizwe Madlala-Routledge, the Deputy Chairperson of NCOP, Ms Peggy Hollander, House Chairpersons Mr Ben Skosana, Mr Obed Bapela and Mr Andries Nel of the National Assembly, and Ms Mildred Oliphant and Mr Tsietsi Setona of the NCOP, for helping to steady and steer Parliament on its course and reach heights that otherwise would not have been attained by myself and the NCOP Chairperson.

I would also like to thank the entire Parliamentary staff, especially the Secretary to Parliament, Mr. Zingile Dingani, the Deputy Secretary to Parliament, Mr. Michael Coetzee, the NA Table under the able leadership of Mr. Kamal Mansura, and many other leaders in their respective functional units. We dare not forget to thank Parliament's stakeholders, especially the continental and international bodies such as the Inter-Parliamentary Union (IPU) and Southern African Development Community Parliamentary Forum (SADC-PF), to name but two.

Most importantly, I would like to give my special and heartfelt appreciation and love to my family, in particular my husband, for the unwavering support given to me in the execution of my duties. Of course, without the Almighty God, all of the above would not have happened. The Lord is the One who carried me throughout my tenure in the National Assembly. Thank you!

My trust in all of you leads me to believe that working together, we can do more than we have over the past three Parliaments. Go, and vote wisely! 

Gwen Mahlangu-Nkabinde

Speaker of the National Assembly

This is the final column of the Speaker, to mark the end of the third democratic Parliament.

LEGACY OF 3rd PARLIAMENT

A last mile well run!

I would like to thank you for your positive contribution and confidence shown in us during our term in office. I felt it necessary that, as we end the current term of the National Council of Provinces, I share with you some of our experiences in carrying out our mandate. We have compiled a comprehensive report which was presented at the last sitting of the National Council of Provinces (NCOP) on March 18th and it will be published in book form to provide a permanent record.

The NCOP Report for 2004-2009 raises some of the following points regarding legislation:

The NCOP has played a critical role in the consideration of Bills initiated in Parliament (for example, the Financial Management of Parliament Bill and the Money Bills Amendment Procedure and Related Matters Bill)

According to the Department of Minerals and Energy, the NCOP amendment to the Electricity Regulation Amendment Bill (now an Act), which gives municipalities the right to administer the reticulation of electricity within their areas of jurisdiction, has expedited the supply of electricity to poverty stricken communities, for example farms, rural areas, and informal settlements. This is also reflected in the recently released NCOP report (for 2004-2009).

However, we seem to have lagged behind in overseeing the implementation of the laws that we have passed. The issue of capacity is a contributing factor in this regard. We need to dedicate more resources to checking the impact of the laws we have passed, especially section 76 legislation.

OVERSIGHT

There are many ways in which to

perform our oversight function, which include questions to the executive, site visits etc. During the past five years the following were also used for oversight purposes:

Taking Parliament to the People (site visits and public meetings) and follow-up visits on *Taking Parliament to the People*.

Provincial Weeks

Interrogation of the *Inter-Governmental Fiscal Review (IGFR)* by all the committees, especially committees dealing with sectors such as housing, health, education and agriculture.

Through outreach programmes, we were able to pay attention to some key service delivery areas (for example, social transformation, economic transformation, safety and security, and governance and local service delivery). These issues were always on our agenda, also during our visits to provinces.

Our approach to public participation is continually evolving. During the course of the third Parliament, among other things, we reinforced the *Taking Parliament to the People* programme by giving more opportunity for people to raise issues, and for government leaders to respond. We also had follow-up public meetings as part of the *Taking Parliament to the People* programme and introduced the aspect of public involvement during Provincial Weeks.

During the period of the third Parliament, the NCOP has played a huge role in international affairs, through establishing and maintaining bilateral relations and participating in multilateral activities. One of our focal points was interacting with second

houses of Parliaments within the continent, especially in conflict or post-conflict areas, for example Rwanda and the Democratic Republic of the Congo.

The challenge of meeting some of the objectives set out in Programme 2009 involved initiating certain tasks or projects. These include the 10th Anniversary Summit in 2007; Parliament's Institutional memory (through publishing a documentary and a book on the first 10 years of the NCOP for future reference); and research on the subject: *Taking Parliament to the People*.

With regard to the research, our intention was to solicit the views of the people on how the programme had impacted their lives. The results will be finalised soon (we hope that the results will help inform or shape future public participation programmes and initiatives in the NCOP).

I would like to thank you once again. I have noticed that the NCOP is no longer attractive to the media only when members of the Executive are answering questions. Activities of the NCOP are receiving increasing attention. I thank you for that. But of course there is still big room for improvement.

Thank you. 

Mninwa Makhlanu

Chairperson of the National Council of Provinces,
at a media conference

LEGACY OF 3rd PARLIAMENT



The articles supplied by INSESSION's guest writers do not necessarily reflect the views of the publisher. The comments below reflect the views of the authors, Shameela Seedat and Gary Pienaar of IDASA

Has South Africa's third Parliament been true to itself?

Has it lived out its Constitutional responsibilities in practice?

What has become Parliament's "organisational culture"?

The third Parliament adopted a vision for itself for its term of office, 2004-2009 – "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."

Flowing from Parliament's vision are three strategic objectives, linked to its external and internal stakeholders:

a high quality process for overseeing and scrutinizing government action; enhancing responsiveness to the needs of all South Africans; and building an effective and efficient institution.

The question, then, is how successful has Parliament been at creating an effective forum for debate by enabling public participation, while holding the executive to account.

In the conduct of its daily business over the past five years, Parliament has wrestled with the implications of its two primary responsibilities: representation of the people and government by the people. Probably the fundamental question has been how effectively it has managed the interrelationships between these responsibilities and its principal stakeholders. Parliament's dilemma has been to balance the obligation to represent the needs of all South Africans against the policy agenda of those to whom its members are ultimately accountable in terms of our electoral system.

TOUGH QUESTIONS

The change in leadership of the

majority party at its December 2007 conference had a marked effect on both the atmosphere in Parliament and its operations.

Ministers and heads of department now face more animated questioning by members of Parliament (MPs), including those from the ruling party, and government policies are being scrutinized more closely.

Similarly, signs of a more assertive and less deferential attitude to the executive have included the recent refusal by the Trade and Industry Portfolio Committee to change the Competition Amendment Bill [2008], even though President Kgalema Motlanthe sent it back for reconsideration on the basis of legal advice, questioning the constitutionality of provisions in the Bill which would criminalizing certain behaviour by company directors.

Perhaps the most powerful sign of Parliament coming to terms with the full range of its constitutional responsibilities is the recent passage through Parliament of the Money Bills Amendment Procedure and Related

Matters Bill [B75-2008].

The Bill will give the fourth Parliament greater authority to change the budget, and it potentially gives civil society and citizens an opportunity to participate more effectively in the budget process.

On the other hand, Parliament has been less astute in asserting its responsibilities regarding oversight of the executive, with regards to questions submitted by Members of Parliament, for reply. A large backlog of unanswered questions has developed, and responses to questions are sometimes so late that they are no longer relevant. A potentially effective mechanism to ensure executive accountability could be better utilized.

Opportunities for public participation appeared to be more actively sought and encouraged, in contrast to the rather random and tame pastimes many had become. Significant and novel attempts were made to increase public participation in Parliament, especially by more vulnerable and marginalized groups, with targeted programmes aimed at *“Taking Parliament to the People”*. These included the *“Women’s Parliament”* and the *“Youth Parliament”* conducted at accessible venues away from Parliament’s premises in Cape Town, and a programme to progressively establish Parliamentary Democracy Offices (PDOs) in the provinces.

Two decisions by the Constitutional Court, in the *Doctors for Life* and the *Matatiele* cases, also made a significant contribution to Parliament’s understanding of its responsibilities regarding public participation. In both cases, the Court found that the Parliament had failed to facilitate meaningful public participation in the lawmaking process, thereby rendering invalid the legislation passed by Parliament itself.

Parliament responded in a manner that reflected respect for the constitutional role and status of the Constitutional Court, and responsiveness to strong public opinion, in *Matatiele* and *Merafong/Khutsong* – the areas most affected by the highly unpopular changes to provincial boundaries brought about by the Constitution Twelfth Amendment Act. Thus, Parliament has recently

passed the Constitution Sixteenth Amendment Bill, reversing its previous decision.

Parliament’s reputation for responsiveness to public concerns was also enhanced during 2008 by passage of the Constitution Fourteenth and Fifteenth Amendment Acts, which repealed “floor-crossing” legislation, following widespread public discontent with the unintended undemocratic effects of the law which allowed political parties to cross the floor.

Further, Parliament’s decision to conduct countrywide public hearings, even when not legally required to do so, may be seen as further evidence of responsiveness to the intense public interest in the draft legislation to dissolve the Directorate of Special Operations (or *Scorpions*) and to create a replacement within the South African Police Service (SAPS).

It may, however, be asked whether this decision represented a change of substance or merely one of style. One of the MPs responsible for considering the legislation indicated at the start of the process that the primary consideration for MPs was to implement the ruling party’s decision to disband the DSO. While this approach was strenuously contested by the particular MP’s colleagues, and admirable efforts at scientific enquiry were undertaken during the deliberative phase of the lawmaking process, it may be instructive to consider more closely how Parliament conducted the undoubtedly extensive public participation process.

The question may be asked whether responsiveness to the needs of South Africans should be a more calculated and deliberated process, including closer interrogation of both verbalized needs and underlying needs. It may also be appropriate to ask whether, in this instance, as required by the two Constitutional Court decisions, public participation was “meaningful”, in the sense of being correctly informed. Equally, is it sufficient for a decision to reflect responsiveness, based simply on expressions of majority opinion, when a situation may require “leadership” based on objective fact-finding?

Similarly, partisanship and a closed

pattern of thinking based on prior assumptions characterized many MPs’ questions during the enquiry into President Motlanthe’s decision to dismiss the National Director of Public Prosecutions, Vusi Pikoli. On both sides of the aisle, far too many “questions” were clearly premised on the ultimate rightness or otherwise of the President’s decision.

TRENDS SHOW PROMISE

Parliament has shown itself able to recognize the range of responsibilities implicit in its constitutional duty to govern. Thus, it has taken unpopular decisions based on its understanding of standards required by the Constitution. Examples include approval of legislation relating to the termination of pregnancy and the right to life, abolishing corporal punishment and allowing same-sex marriages.

By contrast, the ‘Travelgate’ saga has raised questions about Parliament’s transparency, and its accountability to the electorate. Few details have emerged proactively from Parliament regarding what is arguably the most serious challenge to the integrity of the third Parliament. And its responses have been uneven, at best. Some have argued that its actions in this matter have continued to show undue deference to the more powerful of its stakeholders, at the expense of an appropriate level of accountability to the electorate, unmediated by the majority party.

Ultimately, it is probably fair to say that Parliament’s performance as a “People’s Parliament” has been mixed, albeit that the general trend shows signs of promise. The institution has missed several opportunities to exhibit critical distance from influential decision-makers on important issues, but there are certainly signs of hope. It remains for the fourth Parliament to build on the important foundations laid down by the third Parliament and find an appropriate balance in the institution’s relationships with its primary stakeholders, its electors and party bosses.

Shameela Seedat and Gary Pienaar are researchers at IDASA

LEGACY OF 3rd PARLIAMENT

From the March web column of the Speaker of the National Assembly, Ms. Gwen Mahlangu-Nkabinde

Parliament's corridors are quieter. The bells have fallen silent because the third Parliament has concluded its term. Members of Parliament have returned to their constituencies to report back on their performance and achievements and to campaign for the elections, in which everyone is expected to take part as voters.

But the business of Parliament continues despite the absence of MPs. A few Parliamentary committees are meeting to wind up their work and Presiding Officers remain in office until the day before the elections.

MPs attended a function in March to honour colleagues who have passed away since 1994, and families of the deceased Members graced the occasion.

Highlights of the third Parliament (for me) included

- The State of the Nation Address by President Kgalema Motlanthe, incidentally also my first as the Speaker of the National Assembly since my appointment last September.

- The Ten Year Review Publication, which was launched in 2007 to celebrate Parliament's achievements and challenges since 1994, has been published.
- The third Parliament continues to uphold democratic principles in conducting business. We appointed a total of 37 Parliamentary working committees in the National Assembly

- A review of the Chapter 9 and associated institutions was done by an ad hoc committee of the National Assembly [2006-2007].
- A new Governance Model for Parliament was adopted [2007].
- Parliamentary Democracy Offices were set up in three provinces [2008].
- The production of a Report on the Legislative Process in Parliament



Final State of the Nation Address of 3rd Parliament, February 2009

was finalised by the Joint Task Team on the Legislative Process in Parliament (for consideration by the fourth Parliament) [2008].

- The Joint Rules Committee of the Oversight and Accountability Model, (produced by the Task Team on Oversight and Accountability), was adopted [2008].
- There has been the adoption by both Houses of rules for the Joint Standing Committee on Intelligence [2008].
- The processing of legislation to end floor-crossing was finalised [2008].



- The processing of the Financial Administration of Parliament and Provincial Legislatures Bill and the Financial Management of Parliament Bill [2008] went ahead as planned.
- The Multiparty Women's Caucus was established [2008], and
- Sectoral Parliaments (*People's Assembly, Women's Parliament and Youth Parliament*) were held annually.

On the regional front:

- The National Assembly debated policies that seek to promote trade in SADC by removing trade barriers.
- We participated in the Southern African Development Community- Parliamentary Forum programmes in Arusha, Tanzania and Cape Town. The latter was the training seminar for parliamentarians from sub-Saharan Africa, on HIV/AIDS.

At the continental level, Parliament registered the following markers: Participation in the 2006 African Peer Review Mechanism (APRM) process, by embarking on an own South African version which focussed solely on Parliament. The outcome of this was the Report of the Independent Assessors received recently. The Report is to be processed by the fourth Parliament.

- Parliament has continued to strengthen African institutions in Africa through the African Union, NEPAD, and supporting the development of the SADC Parliament and the Africa Union Parliament (Pan African Parliament).



Members of 3rd Parliament sworn in, 2004

- The NA has discussed policy issues around seeking peaceful solutions in DR Congo, Darfur in Sudan, Burundi, Rwanda and so forth.

At global level, Parliament did excellent work in:

- Hosting the 118th Assembly of the Inter-Parliamentary Union in April last year.
- Parliament's ongoing participation in international Parliamentary structures (including the Pan-African Parliament and the SADC-PF).
- The establishment of a Parliamentary Group on International Relations (PGIR) [2006].
- Fine-tuning or helping in the signing or implementation of a number of treaties with various countries.
- South-South Relations: The NA has discussed policy issues regarding the new Africa and Asia strategic partnership. 

The full text of Order! can be seen at www.parliament.gov.za



NCOP report: 'Get Salga to play a role'

by Sakhile Mokoena

The active role of municipalities in Parliamentary processes is vital for Parliament to be fully informed about service delivery and the challenges facing local government.

A report on the assessment of the National Council of Provinces (NCOP) says the participation of the South African Local Government Association (Salga) in the NCOP is crucial, because it puts the House in a better position to help municipalities in delivering services.

Presenting a review of the work of the NCOP for the period 2004-2009, the Chairperson Mr Mninwa Mahlangu, said there was a need to look at how best to get Salga to play a role, especially in legislation that affected municipalities.

The report said Salga felt that they were not given enough time to canvass the views of their members, because of the NCOP's legislative processes.

"We need to find creative ways to ensure that the voice of Salga is not just represented in the NCOP, as per the Constitution, but that it is heard", said Mr Mahlangu.

The report praised the NCOP for investigating allegations of financial maladministration, fraud and other irregularities at certain municipalities. There should also be better interaction between the NCOP and Salga on service delivery challenges so that where possible weaknesses or backlogs could



NCOP members at the last sitting of the 3rd democratic Parliament

be prevented or addressed early, it said.

'NCOP too small'

The number of permanent delegates in the Council was reportedly limiting the effectiveness of the institution and needed to be reviewed in the fourth democratic Parliament. According to the report, 54 members were not enough to handle the Council's workload. Mr Mahlangu said recently that the work of the NCOP was far bigger than could be handled by the 54 permanent delegates and added that a process was underway to review the number of permanent NCOP members.

Mr Mahlangu also questioned the relevance of the second rotating deputy chairperson of the NCOP, a position rotating among the Premiers of provinces.

"We only see them on the day we elect them. The Premiers have busy schedules and cannot make themselves available for NCOP duty," he said.

Mr Mahlangu added that there was no need for a second deputy chairperson. The report also said the issue of Premiers leading their delegations to the NCOP was limiting the effectiveness of the Council. He suggested that this should be the role of the Speaker of the particular provincial legislature, as most of the NCOP work of the provinces was channelled through the Speakers.

The NCOP was providing the public with an opportunity to have a say on the way they were governed, through the project "Taking Parliament to the People". 🇿🇦

Presiding Officers with EU counterpart

Speakers' Forum cautions MPs

by Abel Mputing

The Speakers' Forum of South Africa (SFSFA), says the State sometimes sets itself up as a force above society and seems to exercise its power without any visible restraint. When the State backs off, it allows civil society to grow stronger.

A recent seminar of the SFSFA at Parliament focused on the strategic developments from 2004 to 2009 in the legislative sector and how it could continue to be the backbone of South African society in the fourth Parliament. Speakers said the State should care for the interest of society, while society should supply the means of existence and survival of the State.

One of the speakers, Ms Judith February of Idasa, outlined the role of Legislatures: "The challenge is for Parliament to ask itself how it can be in touch with the public: how it can be accountable, more responsive and how it can enhance public participation.

"Parliament has done well passing and repealing race-based legislation which provided the framework to restore the quality and dignity of the people. But has it done enough to monitor and review its legislation, address its lack of research capacity or to become proactive in executing its mandate?"

Ms February called for bigger salaries for MPs serving on what she called "super committees" such as the Select Committee on Public Accounts (Scopa), as a means to curb the executive's influence on the oversight work of such committees.

The Speaker of the North West Provincial Legislature, Ms Thandi Modise, disagreed "If we can look at the committees' work we will find out that their workload is the same. The assertion that Scopa does more work than others is not true," she said.

The Speaker of Gauteng Legislature, Richard Mdakane, said legislatures were ideally suited to be people's representatives: "At their best they are arenas where the aspirations, needs and concerns of the electorate are expressed."

But he believed that this remained an ideal rather than a lived reality because "the sector has been criticized for failing to effectively exercise its constitutional and traditional mandate...it always finds itself at the tail end of policy making with merely an assertive role".

DECISIONS OF CONSCIENCE

Drawing from the Independent Panel Assessment of Parliament of which she was the chairperson Ms Pregs Govender of the Human Rights Commission said Parliament should not only be content with the design of new oversight mechanisms, "but assume oversight as its basic tenet". There were various mechanisms which Parliament could use to hold the Executive to account, but what weighed most was the integrity, the independence and the authority with which these mechanisms were applied, Ms Govender said.

"The effectiveness of oversight depends to a great degree on matters related to values and decisions of conscience. It is imperative that Parliament's efforts at improving oversight are not aimed solely at new oversight mechanisms or structure, but also should seek to inculcate a culture of oversight among Members of Parliament."

GRASSROOTS VIEWS LOST

Several legislators felt that inefficient Constituency Offices were preventing grassroots concerns from being expressed and debated, thereby hampering the effectiveness of the legislative sector.

"Seemingly, we don't really understand what being public representatives entail.

We as members don't understand the implications of our social contract and constitution as far as public participation is concerned. And our constituency offices' participatory democracy is confined to party politics. That complicates the meaning of freedom and our Parliamentary democracy," said Mr Ben Skosana, and House Chairperson of the National Assembly (NA).

The National Assembly House Chairperson, Mr Obed Bapela, agreed: "It is public money that sustains constituency offices, but legislatures don't afford the issues arising from these offices either the time or space to be debated and followed to their logical conclusion."

Mr Petrus Matosa, Speaker of Free State Legislature, asked: "How can we as legislators avoid creating service delivery expectations through our public participation programmes...(when) the delivery of those expectations depends on others, and their failure impact on the effectiveness of our work. Do we rock the boat and mobilize the people for service delivery as a means to put pressure on the executive?"

CIVIL SOCIETY CRIMINALIZED

Political analyst Ms Liepollo Pheko said civil discontent with either service delivery or privatization of basic resources such as water, led to the criminalization of civil society.

"The struggles in Khutsong relating to the residents' right to be consulted on demarcation and other townships protests against water privatization illustrate the extent to which the struggle has become criminalized in South Africa."

In her view, some States displayed a "cat and mouse" meanness towards civil society. "The State and society in Africa are increasingly locked in an antagonistic relationship," she said. 

VOICES IN UNISON



European Union delegates at Speakers' Forum

by Mava Lukani

One of three objectives emerging from the 2004-2009 Strategic Plan of the third democratic Parliament of the Republic of South Africa, was to position Parliament on "the foundation of a democratic and open society, with freely elected representatives that act as a voice of the people and provide a national forum for public consideration of issues."

The Speaker of the National Assembly, the Chairperson of the National Council of Provinces and the Speakers of the nine provincial legislatures have established the Speakers' Forum of South Africa (SFSA), a voluntary association of Parliament and the nine Provincial legislatures, which addresses a wide variety of issues.

Ms Gwen Mahlangu-Nkabinde, the

Genesis of the Speakers' Forum

Speaker of the National Assembly and Chairperson of the Forum, says it has never been an easy task to share experiences or develop sector-wide programmes.

"Over the years the Forum has embarked on a number of programmes which have been jointly identified as priorities. The aim has always been to develop policy guidelines and operational frameworks for the individual legislatures," she said.

Sectoral framework documents on public participation, gender and disability have been developed and discussions are underway to develop an oversight model for all the legislatures. Today the SFSA is one of the highest decision-making bodies in the legislative sector with a scope and activities that have grown from an information-sharing mechanism to include a proactive search for best practice examples in

the administrations of the country's different Legislatures.

Duties include overseeing, management and coordination of multi-million Euro projects supported by the European Community (EC) over the past ten years.

"This is a moment of opportunity to take the legislative sector to the next level. Improved efficiency and effectiveness is required to make the sector aware of the critical issue of socio-economic disparities between the legislatures and to seek to minimize the impact of these gaps", said Ms. Mahlangu-Nkabinde, at the final Legacy Seminar of the Speakers' Forum of the third Parliament.

The SFSA called on the next Parliament to further entrench a strong legislature to ensure a healthy balance of power between the three arms of government. However, it noted the sterling work done on strengthening and bringing the legislatures together to focus on common goals during their third five-year term of office.

Despite these achievements, illiteracy has hampered access to printed information in some indigenous languages. The EC hopes to pump more money into the projects of the fourth Parliament. In future, the SFSA hopes to debate the question of constituency offices, depending on the resources available for this function. 



Vote of thanks to Speakers and deputies of Provincial Legislatures at farewell dinner

Countdown to destiny

Project Office takes stock

by Abel Mputing

The past few weeks have marked the climax of one of the most significant countdowns of our constitutional democracy: the ushering in of South Africa's fourth democratic Parliament.

Parliament's Project Office was charged with the mammoth task of preparing for its inception, and the buildup began last year.

Following weeks of meticulous verification of numbers and logistical information, the nag of constantly ringing telephones, persistent reminders of priorities and an array of calls for unscheduled staff meetings, which built up to a crescendo in Parliament's Project Office a few weeks ago, there were sighs of relief as the constant pressure of high-energy work began to bear fruit.

Managing the efficient dissolution of the third Parliament paled by comparison. To ensure a smooth changeover, a comprehensive booklet with all the relevant and necessary information for the transition was produced and distributed, and there were very few hiccups along the way.

Project Office manager, Mr. Malose Dolo, told INSESSION that the project had brought with it some rather unexpected problems.

"Most critical of all has been the intricate logistics including ground transport, the securing of hotels which had to be pre-booked well in advance, getting phone details and addresses, and communicating flights details to new Members of Parliament. To ensure

the effectiveness of the project, an 0800 toll-free line has been used to serve both the new Members and the public with relevant logistics and information on the establishment of the fourth Parliament," he said.

A hastily-established micro-site was deployed on www.parliament.gov.za to supplement the 0800 line.

"The site consists of detailed content on what it took to dissolve the third Parliament and what constitutional procedures had to be followed for the inception of the fourth Parliament. It sets out how Parliament's constitutional mandate and constitutionality as a legislative organ of State is sanctioned," Mr. Dolo said.

It also contains a detailed list of targets: the first sitting of the fourth Parliament, the establishment of the National Assembly and the National Council of Provinces, the induction and training of new Members, the inauguration of our country's new President and the first State of the Nation Address to the fourth Parliament.

It is not the first time that Parliament's Projects Office has undertaken such a big project. A precedent was set last year, when the Inter-Parliamentary Union (IPU) was hosted to universal acclaim, in spite of its being one of the biggest ever handled by Parliament.

Constituting the new Parliament has not been as complex an undertaking as the hosting of the IPU, but it is still not something to overlook.

"On top of everything, we also needed to cater for Parliament's internal and external stakeholders and to create the right environment for them to play a role in the project. This includes catering for the Independent Electoral Commission (IEC) delegation, the Judiciary, the provincial legislatures, trade unions, South African Airways and political parties, during and after the event," Mr. Dolo said.

Given its documented history of success, it is probably safe to say that the Parliamentary Project Office has acquired the reputation of being unflappable, a trait that will come in handy in the period leading up to the birth of the fourth Parliament of democratic South Africa.

Some important dates confirmed by the outgoing Speaker, Ms Gwen Mahlangu-Nkabinde:

6 May 2009 – National Assembly ceremony for new MPs to be sworn in, following the election of Parliament's Presiding Officers and the President.

Also **6 May 2009**– Provincial Legislatures to swear in Members of Provincial Legislatures (MPLs) and sit to determine respective delegates to the National Council of Province (NCOP).

7 May 2009 – First sitting of the NCOP to swear in delegates from provinces.

9 May 2009 – Inauguration of the State President.

Early June 2009 – State of the Nation Address. 

SA'S NEW WORLD PICTURE

Mixed global legacy awaits 4th Parliament

by Abel Mputing

South Africa has emerged from a deeply dysfunctional apartheid past to claim an interesting political space and influence in modern world affairs, according to Mr. Obed Bapela, House Chairperson for International Relations and Chairperson of the Parliamentary Group on International Relations (PGIR).

Mr Bapela says it has done so to great praise, even as its democracy expanded and matured over the past fifteen years, underpinned by a Constitution hailed as one of the best ever. But as the Republic emerges from the terminal downward spiral of apartheid policies, it has also been confronted by a multiplicity of challenges that international Parliaments face as legislatures, because of recent significant changes in world affairs.

"Parliamentary international relations are the continuation of a political process and dialogue among legislatures brought about by significant change in the world. At different international meetings, members of Parliament (MPs) and Presiding Officers have had

the opportunity to exchange views on a range of international challenges.

"It is precisely these forums that have forced national Parliaments to reconsider their own roles in international affairs. Furthermore, in the nature of global issues, each country is affected sooner or later by the problems of other countries and parliamentarians have a duty to engage with phenomena and policies that impact on the future and welfare of society as a whole," Mr. Bapela said.

It is no longer conceivable that Parliaments alone should focus on national policy, and leave it to governments to take decisions with wider implications. Parliament's bilateral missions have twin objectives: friendship missions and strategic partnerships.

"Friendship missions were started by the French Parliament in 1700s and have since spread to other parts of the world. Our Parliament has established friendship groups, usually based on a resolution of the House, which decides with which countries to have a friendship. When that is resolved

Parliament elects members to be part of various friendship groups and chairpersons would be elected to lead either the Namibia or Indian friendship group. However, their reports don't get adopted by the House for they are not binding."

And Parliament has yet to formalize them.

"We are currently sitting with 70 applications from various countries that want to form friendship with us, and still have to develop a programme and allocate a budget for these missions. We have not done so before, because international relations was not the core priority of the previous Parliament. The fourth Parliament will factor it as one of their core functions which should be funded and budgeted for, so that it can respond to the request of friendship groups," he said.

"Their main objective is to share perspectives, experiences, expertise and develop a good learning process. It also gives Members of Parliament exposure to the international relations environment. We need Parliamentarians



who have a global understanding of issues and the way national issues are impacted upon by global issues, rather than a narrow national focus.”

The other objective is more strategic and institutionalised, as seen in India, Brazil and South Africa (IBSA) trilateral arrangements.

“The protocol signed by the three countries calls on the three Parliaments to develop working mechanisms that could have a Parliamentary dimension of the IBSA which will help oversee the processes towards the strengthening of relationships on trade, bilateralism and other issues that are the mandate of the IBSA. That process has not yet been established by our Parliament, but others have,” Mr Bapela said.

SA and CHINA

On relations with China Mr Bapela said: “This relation is based on the shared commitment of India, Brazil and South Africa to raise the profile and represent the interests of third world economies in international financial institutions or

world economic bodies. Or it could be a relationship that stems from a treaty, to which our Parliament is a signatory. Or it could be a relation with a strategic player that could help our country to hold a seat on the UN Security Council.” Another significant strategic relationship is that of our Parliament and the Parliament of the National People’s Congress of China. “Their areas of interest are considered to be legacy items that will be high on the agenda of the fourth Parliament.”

The bilateral agreement between South Africa and the EU is also blossoming. “This partnership is at both executive and Parliamentary level. At the executive level the partnership is around trade, investment and aid. Both the EU and SA Parliaments oversee the implementation thereof. For instance, the EU has given our country 900 million Euros RDP funding for infrastructure development, over three years. This partnership has a long term perspective, with South Africa as a model to help neighbouring countries.”

Parliament’s bilateral and multilateral missions are aimed at consolidating an African Agenda in international affairs.

“Parliament should give special attention to Africa in its overall international relations policy framework. This entails the restructuring of the Southern African Development Community (SADC) in order to make it effective, the strengthening of the African Union’s (AU) organs and structures, the implementation of the New Partnership for Africa’s Development (Nepad), and ensuring peace, stability and security in Africa.

Parliament should proactively design an international relations policy framework in which it undertakes to engage, on a Parliament-to-Parliament basis, with its counterparts from African countries which are coming out of conflicts in general, and those where the government of South Africa has been involved in particular,” Mr. Bapela said.

To enhance its effectiveness, Parliament’s Joint Rules Committee has decided to form the Parliamentary Group on International Relations (PGIR). The PGIR will manage Parliament’s involvement in international relations, and the administrative and content support of this entity will fall under Parliament’s International Relations Section. 

Speakers' Forum:

LEGACY AND LESSONS LEARNED -

Mava Lukani of INSESSION interviewed the Speakers of the Provincial Legislatures on the Legacy of the third democratic Parliament



EASTERN CAPE



'We were behind'

The Speaker of the Eastern Cape Legislative Assembly, Ms. Noxolo Kiviet.

Q What have been the challenges in building this legislative sector and what are some of the lessons learned by the Speakers' Forum in the third Parliament?

A We came from nowhere, we didn't have the legislative experience that was needed to build and institutionalize the legislative sector. The Speakers' Forum of South Africa (SFSA) brought us together and enabled us to work together and share ideas on how to build the sector. We had the concept, but we were not sure about how to move forward in building a South African legislative sector. The forum provided an opportunity to consult and discuss the way forward. Out of those innovative discussions we were able to build the sector. The sector is alive and kicking. There is a "full pack" to hand over to the fourth Parliament.

Q What is the most important legacy you leave to the fourth Parliament?

A As the third Parliament we met in conference and

delivered a public education model which we have already rolled-out. There is already something for the fourth Parliament to work on to advance public education, a number of issues, for example educating the public about the role of the sector and the difference between the sector and other arms of the South African system of government.

The National Council of Provinces (NCOP) launched a Video Conferencing capability action, and that is certainly going to improve communication within the sector. Video Conferencing is going to enhance the resources that were used in the past for communication between legislatures and Parliament: resources, time and money. The fourth Parliament is going to improve Video Conferencing where it is currently not up to standard, and I am optimistic this tool will alleviate the challenges in the sector. It is going to consolidate the principles of collaboration, cooperation and consultation that we have sowed. That is part of the legacy we are leaving behind.

Q Are there Bills that you think were very important to reflect on?

A Honestly, it is difficult to select certain Bills. Let me rather say, through Parliamentary public hearings the public is educated about legislation. Legislative issues are cleared. For instance, during the national public hearings on the dissolution of the Scorpions, people understood the difference between Scorpions, the crime fighting entity and the other Private Scorpion Company. People confessed in certain communities that they confused the two institutions. Our close cooperation with traditional leadership assists a great deal in taking education about

legislation to all our communities. Traditional leadership together with their communities participated with enthusiasm even in the debates about the Bills that you would think people would avoid participating in, for example the Same Sex legislation.

Q Do you think that the people of South Africa understand the role of the sector and their role in the sector?

A It is difficult to say people understand the role of Parliament. Let me say that public education is going on, and on the basis of the ground that has been covered in terms of such public education, I can say that they know, although the level is still low. The Speakers' Forum organized a Public Education Conference in Gauteng during this Parliamentary term. The conference produced a public education model to be followed by all the legislatures. Given the kind of interaction that has already begun between the public and the sector, I am optimistic that the model is going to raise the awareness and understanding of the public about the role of the sector, and also the role of the public in the sector.

FREE STATE



'Our new profile'

The Speaker of the Free State Legislative Assembly, Mr. Pat Matoso.

Q What is the legacy that you leave to new Members of Parliament?

A The Forum is significant in that it profiled the legislature. Before the formation of the Speakers' Forum of South Africa (SASF) only two arms of government featured (the executive and the judiciary), and the legislature's profile was low. But with the advent of the Forum it heightened the legislature to what is indeed an organ of State, in terms of the separation of powers. The legislature is claiming a prominent international workplace in the world, also in terms of its significant role in the Commonwealth. This is a very important legacy.

Championed by both the Chairperson of the National Council of Provinces (NCOP) and the Speaker of Parliament, the legislative sector of South Africa has gained much respect in the SADC region, Africa, and the European continent.

Q What have been the challenges in building this legislative sector and what are some of the lessons learned by the Speakers' Forum of South Africa (SFSF) in the third Parliament?

A In terms of lessons learned: of great significance in the legacy, is the issue of the budget. Transforming the legislature has brought about that its budget is no longer the prerogative of the Executive, and that the legislature is not a department but an organ of State.

The "top slice" principle put forward by the forum is that "we will not go queuing cap-in-hand as a department of government. Before you decide on how to slice the pieces of the budget amongst other departments, we want what belongs to the legislature. Thereafter you can decide to allocate the budget accordingly." The respect that is given to the judiciary should also be accorded to the legislature.

Q Are there Bills that you think were very important to reflect on in the Free State?

A In recent times, the Bill to establish public funding of political parties for the parties represented in Parliament, by the Electoral Commission, so that they can contest the election. That raised a lot of interest. Our legislature in the Free State passed that act to allocate money specifically for elections – proportionally, in terms of the strength of the political party.

Q Do you think the people of South Africa understand the role of the Legislature and their own role?

A This is perhaps one of the biggest challenges for the fourth Parliament, and especially in the rural areas, so it is very important in the Free State. There are other aspects that impact on this: for example the constituency offices. They have not been well defined or effective in enhancing the work of the legislature. Parliament does not budget enough for this office and neither is there proper training of officials of the Parliamentary Democracy Offices. This is after all an important point of entry for public participation in Parliamentary activities.

A There are a lot of positive things that we are leaving. For example, *Taking Parliament to the People* is a premier institution which enhances public participation; and we have enhanced the overall function of Parliament in terms of oversight.

Q What have been the challenges in building this legislative sector and what are some of the lessons learned?

A The main challenge has been around the administrative support system. The political will of the leadership was up and has been running but I think administratively, it took us longer than expected to establish some of the pillars we have in place today. Although there is a systematic programme to train Members of Parliament to effectively execute their work, there is still a challenge in capacity building. We have had a skills audit that measured our level of skills and were able to improve on what was available, through targeted interventions. We currently do not have a training centre that is specifically designed to helping the legislative sector in improving its services, and that remains something to debate. We must actively seek a way of boosting our support system.

The real challenge is to strike a good balance between participatory democracy and representative democracy. This is where we must master the art of striking a balance because Members of Parliament are representatives of our people, and their decisions are the decisions of the people. There is also the question of how we take the views of our people and capture them in laws than can pass muster in the Legislatures. I think we should also overcome this in the fourth Parliament. It all depends on having enough resources for legislatures to do their work.

GAUTENG



'We're making it!'

The Speaker of Gauteng Legislative Assembly, Mr. Richard Mdakane.

Q What is the legacy that you leave to new Members of Parliament?

Q Are there Bills that you think were very important to reflect on?

A There were lots of Bills that I think were important. But the last one we dealt with, the Bill on the financial regulation of the legislative sector is critical. It assists in regulating how this sector functions and how to work in a transparent and open manner in dealing with its finances.

Q Do you think the people of South Africa understand the role of the Legislature and their own role?

A We still have a long way to go. It will take a lot of time for people to understand the importance (and the role) of Parliament in their day-to-day lives. It will take a generation to arrive at that point. I think public education and outreach programmes should be intensified.

We must be able to link with our broadcasters and the print media in order to educate our people about Parliamentary matters. Of course we are a very young democracy, still evolving, but I think two years from now we should have civic education in school, in a concentrated manner, (and) then I think we can achieve a lot.

The new generation who are in school now, should get an idea of how Parliament works. At present, few people understand how Parliament functions, how we pass laws, how we capture the view of people and how we work as many parties in one House of Parliament.

We have to be very creative and experimental in dealing with this issue. It is quite a complex process, because our laws must be as tightly crafted as possible, but they must also remain accessible to the public.

It is our duty and responsibility to raise the profile of Parliament across South Africa but most importantly, we must target the rural areas.

KWAZULU-NATAL



'Fitting into the global village'

The Speaker of the Kwazulu-Natal Legislative Assembly, Mr. Thembinkosi Willies Mchunu.

Q What have been the challenges in building the legislative sector and what are some of the lessons learned in the third Parliament?

A Remember that the legislative sector concept, like all the other concepts of democracy, is new to the majority of South Africans. So it has not been an easy task to build the sector given the fact that we lacked experience. But as a collective in the Speakers' Forum we have been able to build the South African legislative sector. Because we are part of the global village, we also looked elsewhere, for elements that fit into our circumstances and included them to build the unique South African legislative sector. We have ensured that, in building the sector, we did so with the people. Because of working with the people we have been able to make progress during the third Parliament in spite of the challenges.

Q Are there Bills that you think were very important to reflect on?

A Let me say that people had negative and hostile attitudes towards certain Bills, but after we explained the Bills to them, we enjoyed full cooperation from the people on each and every one. I was keenly

interested in the finance Bills given the fact that finance is one of the basic resources that should always be available to consolidate our democracy and take it to the next level. Without the availability of financial resources we can't talk about a better life for all.

Q Do you think that the people of South Africa understand the role of the sector and their role in the sector?

A The people of Kwa Zulu-Natal have begun to understand the difference between the three arms of the South African government, the legislature, judiciary and the executive. The level of understanding is still very low, but people understand that the sector is responsible for, among other things, the passing of laws. Through our public education initiatives as a sector, we have made meaningful progress in ensuring that the people of KwaZulu-Natal understand the sector and its role. They understand that they also have a role to play in building the sector. Public participation is a challenge that all of us in the sector complain about. But we have strategized to ensure that people participate more vigorously in their democracy, particularly in the legislative sector, which is responsible for making laws.

Q What is the most important legacy you leave to the fourth Parliament?

A As the Speakers' Forum, we are leaving behind a notable legacy. We have put in place a communication infrastructure, including the NCOP's video conferencing network. Since public participation is a challenge, we have produced a workable public participation model. We have ensured that the sector doesn't operate in isolation like an island, but is linked with other legislative sectors in the world.

LIMPOPO



'A rich legacy'

The Speaker of Limpopo's Legislative Assembly, Dr. Tshenuwani Farisani.

Q What is the legacy that you leave to new Members of the Provincial Legislature (MPLs)?

A We leave a rich legacy, and I would like to see the fourth Parliament build on that. Parliament and the country's nine Legislatures should exist as a single sector so that similar conditions can be created and applied across the Parliamentary and Legislature spectrum. This would mean that staff could move within and across legislatures or transfer their positions to another legislature, without losing their accumulated benefits. The Speakers' Forum (SFSA) has successfully translated most of these ideals into tangible outcomes and we are proud of the road we have travelled in the past 5 years.

Q What are important areas and legislation that you can reflect on?

A Capacity building of Members dominated our discourse on strategic planning and we prioritised it. Actually 'capacity building' defined our agenda, and over and above Members' prior knowledge, they became empowered to deal with various challenges, including the debates on Public Finance Management Act as well as Supply Chain Management; Public Accounts Skills; Ethics and Accountability; the Role of the Public Service Commission and the Public Service Act and Personal

Finance for Political Office-Bearers.

In addition, the European Union/ Legislature Support Programme and Association of Western European Parliament for Africa (AWEPA) provided useful assistance. Through the EU Legislature Support Programme, we (SFSA) developed policies for the legislative sector on gender mainstreaming and disability framework. These policies were designed to deal with the realities of apartheid and the ongoing battle against the effects of past racial, gender and socio-economic inequalities.

Q What have been the challenges in building the legislative sector and what are some of the lessons learned?

A The SFSA has given priority to establishing a sector which would develop minimum standards for the legislature, and a "best practice" model was emphasized. Through the Secretaries Association of Legislatures of South Africa (SALSA), a study was commissioned to audit skills, resource, policies, etc in Parliament and the Legislatures. The report has since been adopted by the Speakers Forum and its recommendations are being considered for implementation by different Legislatures. The Speakers' Forum recognizes the principle of the separation of powers and co-operative governance as prescribed in the Constitution of South Africa. We succeeded in creating intergovernmental relations within the various spheres governance.

Q Do you think the people of South Africa understand the role of the Legislature and their own role?

A Perhaps not fully as yet, but we have been helped by the video conferencing system, which has been running live since 2007. This facility has been useful for holding video or teleconferencing meetings and has been used to facilitate interaction between Legislatures and Parliament.

Our shared dream is to enhance the spirit of cooperative governance as outlined in the Constitution. Our successes dispel the myth, for example, that forums are talk shops and we are impressed with the achievements of the past 5 years.

MPUMALANGA



'A solid foundation'

Ms Yvonne Phosa, the Speaker of the Mpumalanga Legislative Assembly.

Q What is the legacy that the third Parliament leaves to new Members of Parliament?

A In 1994 we committed ourselves to taking the Legislature to greater heights with people in mind and, in the process adopted a new vision of striving to be a "people-centred, vibrant and dynamic African world class legislature working towards a better quality of life for all, through excellent services underpinned by participatory democracy and good governance." Driven by this vision, we believe that we now leave for the new members a formidable institution with a solid foundation that permits better fulfillment of its constitutional mandate.

We are proud to be the first legislature to conceptualize and hold a corporate governance workshop with the guru of corporate governance, Professor Mervyn King. We are also proud of our effective participation in the European Union Legislature Support Programme (EU-LSP) projects and the Peer Review processes. We leave for the new members a formidable institution with

a solid foundation that permits better fulfillment of its constitutional mandate.

Q What have been the challenges in building this legislative sector and what are some of the lessons learned by the Speakers' Forum of South Africa (SFSA) in the third Parliament?

A The Speakers' Forum in the third Parliament was a necessary catalyst for spearheading efforts towards the formalization of the legislative sector. This strategic endeavor ensured that the entire sector is strategically and politically positioned, more than ever before, to better fulfill its constitutional mandate with people in mind. We are hopeful that as we go forward we will remain in this path of success, for the benefit of our provinces and the country in general.

Q Are there Bills that you think are important to reflect on in the third legislature?

A Over the years, we have been participating in the national processes of law-making through the NCOP. We are therefore proud of our effective participation in this regard. We are equally proud that just last year, we passed the Mpumalanga Provincial Legislature Administration and Services Act, which essentially de-linked us from the public service as it is contemplated in the Constitution.

Q Do you think the people of South Africa understand the role of the Legislature and their own role?

A Yes, otherwise, they wouldn't have taken part in legislative processes and activities of the Legislature over the years. But there is certainly a need to reach more people, especially in the rural parts of our provinces and country, to ensure that a significant majority of our people understand the role of the Legislature and their own role. Key in this effort is public education followed by public involvement and participation, which needs new approaches and finance.

NORTHERN CAPE



'Doing it from scratch in a vast country'

Ms Conny Seoposengwe, the Speaker of the Northern Cape Legislative Assembly.

Q What have been the challenges in building this legislative sector and what are some of the lessons learned by the Speakers' Forum of South Africa (SFSA) in the third Parliament?

A To shape South Africa's democracy and encourage new ideas, while taking the institution to the next level. During the three terms of Parliament there has been a building process, one brick on top of another. It has helped us to create one legislature, because we were fragmented before that. But what we have now assists us to communicate, and to share information on good practice. It has also assisted us in the separation of powers between the legislature and the executive, although people still do not understand the difference between Parliament, the Government and the Judiciary.

Q What have been the challenges in building this legislative sector and what are some of the lessons learned?

A We need to strengthen our public participation, and fund that sector more: it is one area where we are lacking. Sometimes we are too quick to go to communities and interact and when they come forward with their issues, we say "we'll come back"...

What is also critical is delegates who

represents their provinces at the NCOP. They must bring prioritized issues from the provinces to the NCOP. On the issue of gender, we were privileged to have women Speakers who encouraged others to take part in the debates and it would be good to see the standard maintained.

Q Are there Bills that you think were very important to reflect on in the Northern Cape Province?

A There were Bills that were seen as "controversial" like the Termination of Pregnancy Bill. But it was interesting that mostly men, especially young men, wanted to stop this process, because they feel it was their right to have children. The Civil Union Bill also drew different responses. For example, a woman said "in my culture I expect my son to bring 'umakoti' and this son brings another man in the house...how am I going to deal with this?"

Q Do you think the people of South Africa understand the role of the Legislature and their own role?

A To a certain extent yes, although not yet fully. In the Northern Cape we have our own Parliamentary Offices, which are funded by our own province. Then we have the Parliamentary Democracy Offices, which were established by the National Parliament. So, in a way I think people understand their role, and our role.

Regrettably we were unable to talk to the Speaker of the North West Provincial Legislature, Ms. Thandi Modise, because of her extremely busy schedule ahead of the elections.

-Editor.

WESTERN CAPE



'A formidable Legislative sector.'

The Speaker of the Western Cape Legislative Assembly, Sean Byneveldt, describes the big legacy of the third Parliament.

Q How would you describe the significance of the Speakers' Forum during the third Parliament?

A The Speakers' Forum of South Africa (SFSA) provided a platform of interaction between all the legislatures

and delivered a strategic coherence between the legislatures to enable easy creation of formidable legislative sector in South Africa. Through the Speakers' Forum, the legislative sector promoted gender equality and ensured that no discrimination existed against people with disabilities.

Q What legacy does the Forum leave behind?

A The public participation framework: the fourth Parliament has something in place to implement to achieve maximum public participation. The forum facilitated the delivery of significant laws that impacted positively on the lives of South Africans. We passed laws that are aimed at bettering the lives of South Africans. Video conferencing of the National Council of Provinces is another milestone the forum leaves behind to take the good work of the forum

forward.

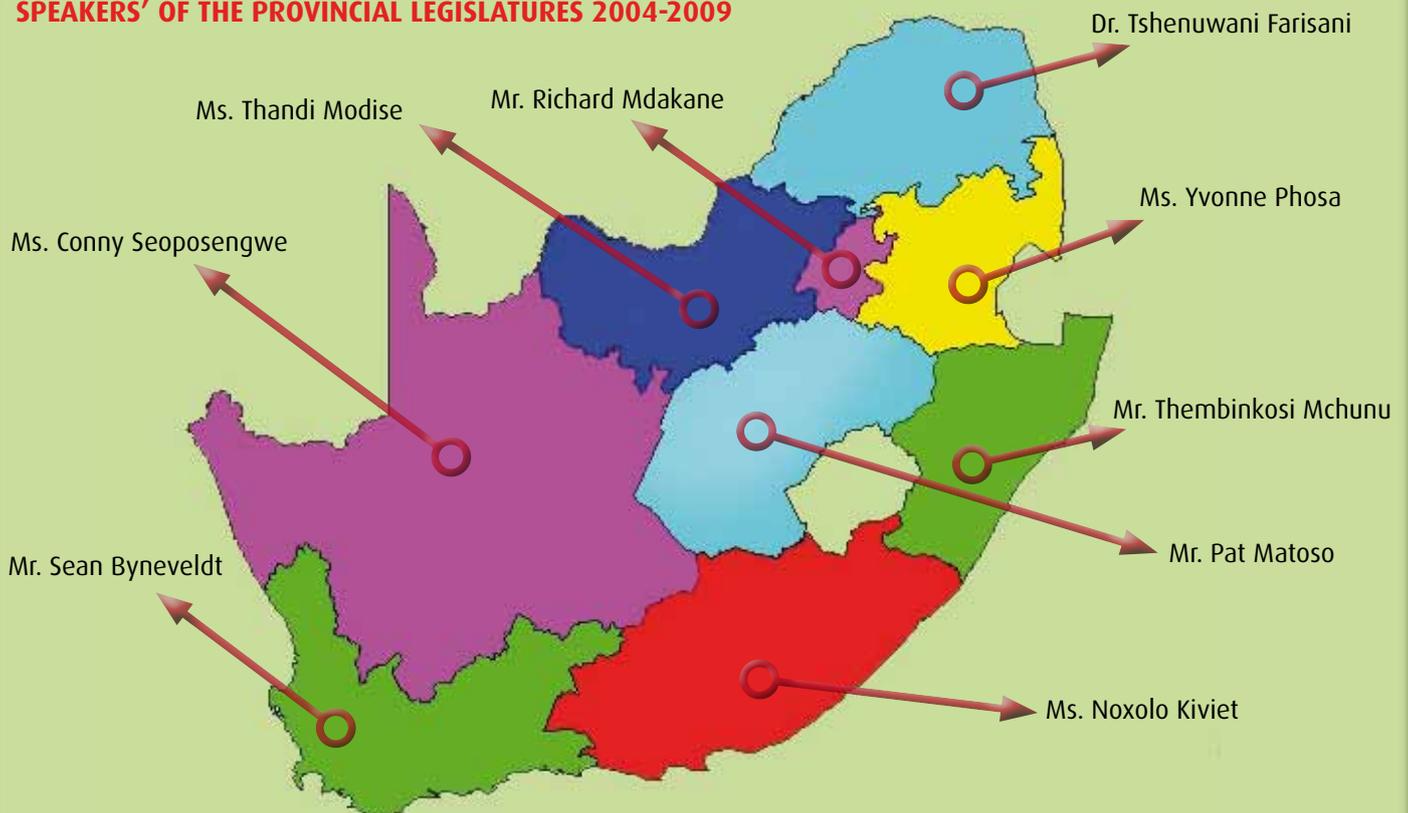
Q Any Bill that you want to comment on?

A South Africa is a democratic country, so in a situation of democracy, all the Bills are made to liberate people, there is no one which is better than others.

Q Do you think the people of South Africa understand the role of the Legislature and their own role?

A Although we produced, as a forum, a workable public participation framework, we have failed in the area of public participation. As a sector, we must achieve maximum public participation, given the nature of our mandate, to deliver legislation. South Africans should participate fully in making the laws that are going to govern them. 

SPEAKERS' OF THE PROVINCIAL LEGISLATURES 2004-2009



Special Report

Artworks team captures the spirit of Parliament



Detail from Keiskamma Tapestry

A brave new heritage

INSESSION visits the Artworks Office.

Nowhere else is the sea change of the past 15 years at Parliament captured with quite the charm and simple dignity of the artwork as displayed on the walls of the Old Assembly Chamber, and its surrounds.

The Keiskamma Tapestry, as it is known, depicts South Africa's history, and it has been displayed in Parliament since 2005. The Curator of Artworks, Dr Rayda Becker, is enthusiastic about the tapestry, which has stunned visitors from around the world with

its elegant hand-crafted narrative. It is one of the most remarkable works of art on display in Parliament.

"In thinking about what is appropriate to exhibit in the Parliament of a democratic South Africa the Keiskamma Tapestry offered a number of possibilities in terms of makers, medium and subject matter. Over 100 people, mostly women from a community project in rural Eastern Cape, were involved in the making and they are acknowledged by name in red on the black framing lower edge. It is stitched and embroidered - techniques associated with the labour of women. In this context women's work is recognized

and sewing is elevated into an art form and becomes a legitimate alternative to the more usual, formal representations in oil on canvas of people and places.

The subject matter is the history of South Africa starting with the San, and it moves through the arrival of settlers and their encounters with the Xhosa, into the struggle years and the democratic elections in 1994. It is the South African story of conflict and ultimate resolution told from grassroots up. It is exhibited around the Old Assembly Chamber, wrapping old history in a new version.

"If any art work represents the people, this is it," says Dr. Becker.

Before the days of email, a phalanx of porters went hither and thither through the old Parliamentary warren with handwritten messages. They were for many years dispatched from the porter's cubicle.

The unused porter's cubicle near the entrance to the Old Assembly has been turned into a large display case to mark the launch of the new symbols of Parliament. The transformed symbols adopted by the new South African Parliament are the Mace, the Black Rod and the Emblem.

Since the implementation of democracy in 1994 the symbols have changed to incorporate imagery which is more inclusive and more representative of all the people of this country. What is interesting is that while the imagery (the iconography) has changed, the forms and functions have not. The concepts behind staffs of office (the Mace and Black Rod) still encompass notions of authority and leadership and the Emblem functions like a Coat of Arms.

Transformed emblems for a transformed Parliament



New and old Black Rods of the National Council of Provinces



Old and new Maces of the National Assembly

Beadwork captures ethos of 3 Parliaments



Beadworks panel in the foyer of the Old Assembly

Around the corner from the Keiskamma Tapestry are three panels that continue the South African political narrative from where the tapestry left off. Each is focused on a particular period in the years 1994 to 2009 - the first three democratic Parliaments.

The first panel includes the Constitution; the second shows a map of Africa to represent the moves into the continent and the establishment of the Pan African Parliament (PAP) and the third, the transformed emblems of Parliament. The panels also show a technical advance, in that beadwork is extended to become a figurative art form in the same way as the embroidery in the Keiskamma Tapestry.

Working with the **Artworks office**



Assistant Curator, Mr Siphon Ndabambi, in the storeroom

The team of the Artworks Office, Dr. Rayda Becker, Mr. Siphon Ndabambi and Artworks administrator, Ms. Lila Komnick look after and plan how Parliament's extensive art and heritage collection are put to use. In a review of the last five years, the Artworks Office has focused on storage, preservation and exhibition. Since the Office deals with visual imagery, a pictorial survey was considered appropriate but the team has added a context so that most images show the artworks in their locations in Parliament – where they are stored, worked and exhibited.

The storeroom (above) is fitted with mobile racks for hanging flat works. Like all professional art stores, this one is environmentally controlled (temperature, humidity and light) to prevent damage to the works.

The photograph below shows the room in the basement where the stern old bronze and marble portrait busts have been stored on their plinths. After cleaning and minor repairs the sculptures are covered with plastic sheets to prevent dust and dirt damaging their newly waxed surfaces.

Visible in the photograph are the identifying tags giving the names and numbers of each work and other labels indicating the state of conservation of the piece.



Historic busts in the basement are shrouded in plastic

and the Conservation Centre



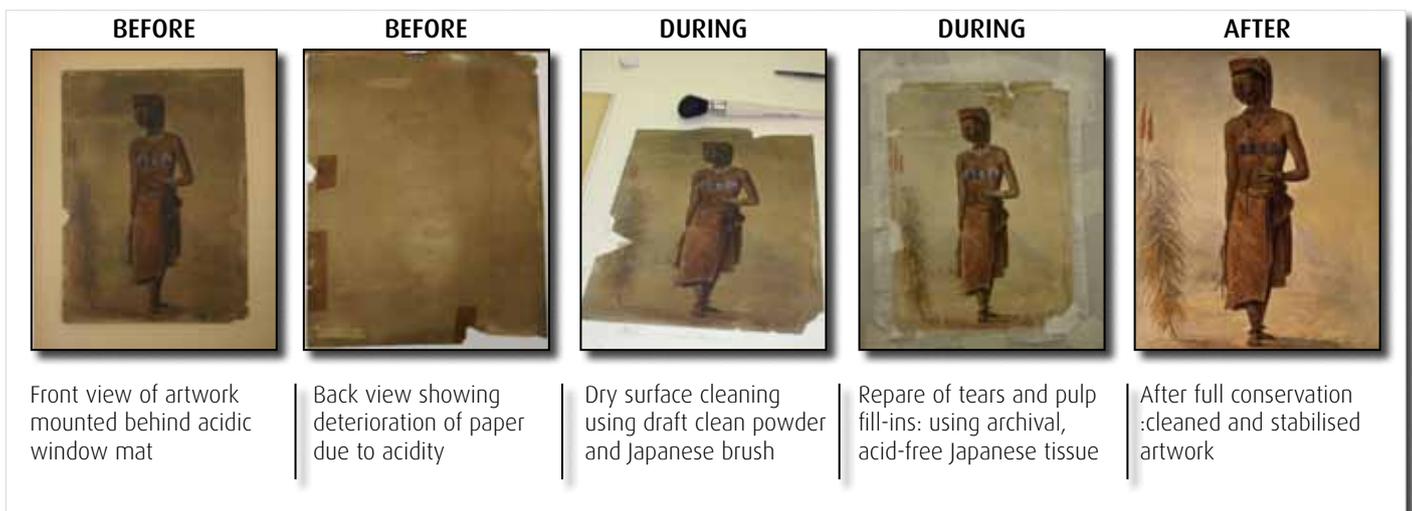
From left rear to right front:
Ms Alison Jobe, Mr Alexander Fuchs, Mr Dieter Lüdemann, Ms Christine Le Roux, Mr Keith Seaford, Mr Sameer Sirkhoth

The Conservation Centre is a sub-unit of the Documentation Section, ISD. Five dedicated personnel attend to the preservation and conservation of Parliament's paper collections. A variety of conservation projects are professionally undertaken for Parliamentary clients such as the Library of Parliament, the Artworks Office of Parliament, the Parliamentary Millennium Project, Documentation Section and the offices of the Presiding Officers.

Conservation work for the Artworks Office of Parliament includes assisting with monitoring of artworks repositories, developing preservation strategies for the art collection, documenting the condition of artworks, conservation interventions such as chemical cleaning and de-acidification procedures, the repair of artworks in jeopardy and assistance with exhibitions.

The Supervisor of Conservation Mr Dieter

Ludemann says the Centre is involved in developing awareness of the need to preserve paper collections in South Africa, through advocacy and advice on paper conservation-related matters to outside institutions. Training in paper conservation is an important aspect of the work conducted by the Conservation Centre. A number of interns from local institutions and abroad have participated in programmes offered by Parliament's Conservation Centre.





The watercolours of Francois le Vaillant

The watercolours of traveller and sketch artist, Francois Le Vaillant, reflect meticulous care and attention to detail.

The exhibition was organized by the Artworks Office and Conservation Centre for the Inter Parliamentary Union (IPU) Conference last year, and it provided an opportunity to show publicly a small part of Parliament's old and valuable permanent collections. The portfolio of 165 watercolours by Francois Le Vaillant was acquired in 1965 from London and is one of the most comprehensive visual recordings South Africa has inherited from the late 18th century.

The artist Le Vaillant was a French

traveller who made two extensive journeys through the eastern and northern Cape between 1781 and 1784. The watercolours record these journeys although they were painted later in France from sketches he had made while in South Africa. A selection of 31 works was displayed in the Museum Room (V117) for most of 2008 and staff, Members of Parliament and the general public were invited to view it.

"Visitors respond positively to the exhibition which also gives them an opportunity to see that Parliament is actively looking after its collections, and carefully restoring them where necessary," said Dr. Becker. 

Books to read from Parliament

These book reviews are part of INSESSION's tribute to the legacy of the 3rd Parliament, and deal with books published between 2004 and 2009. More titles will be reviewed in coming issues.

Title: **South Africa's third democratic Parliament (2004 – 2009).**

Date: 2009

Publisher: Parliament of RSA

Synopsis: This book is an exciting compilation of pictures of Members of Parliament and a summary of the work of those featured. It celebrates the life and complex legacy of the third Parliament, and further embraces the astonishing memoirs of heroes and heroines of our struggle who served our country with the pride, honour and dignity that instilled the ideas of democracy we enjoy today.

-Reviewed by INSESSION.



Title: **Madiba Speaks: Orations in a growing democracy 1994 – 2004.**

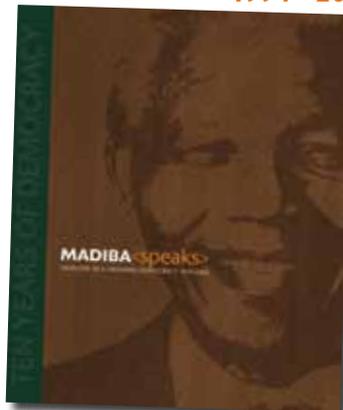
Date: 2004

ISBN: 0-7970-3784-5

Publisher: Public Education Office of Parliament of RSA

Synopsis: This is a bound volume of speeches, interventions, and replies delivered in Parliament by the first President of democratic of South Africa, Mr. Nelson Mandela, during his term

of office (1994 – 1999). The content reflects the history, policies and programme of government in the first five years of freedom and democracy. These enduring speeches encompass a multitude of issues: the unifying themes being freedom, nation-building, government and development. Two of the thirty-eight speeches provide delightful exceptions to the Parliamentary routine of the remainder, including the occasion when President Mandela welcomed the distinguished President of the French Republic, President Francois Mitterand, to a joint Sitting of Parliament – **words of Mr. Joe Matthews, 2004, taken from the introduction.**



Title: **Parliament since 1994: Achievement and Challenges.**

Date: 2006

ISBN: 0-9585052-1-7

Synopsis: This publication is part of the national review of the first decade of democracy. It reflects on where Parliament has succeeded and acknowledges areas which require improvement. It gives a clear description of the democratic Parliament, the Constitution and Bill of Rights of the Republic of South Africa, the leadership and political parties in Parliament, including the changing political dynamics; procedural development; Parliamentary committees and the oversight function; public participation and international relations and the transformation of the Parliamentary service.

– Reviewed by Ms. Baleka Mbete, former Speaker of National Assembly and Mr Mninwa Mahlangu, Chairperson of the National Council of Provinces, as summarised from the foreword.



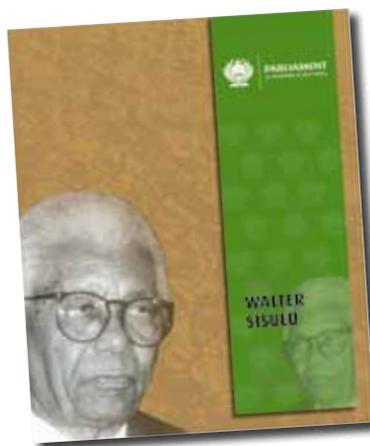
Title: **Tribute to Walter Sisulu: Speeches by Members of the National Assembly**

Date: 2003

Publisher: Public Education Office of Parliament of RSA.

Synopsis: This book is a tribute in a form of speeches by the members of the National Assembly, including speeches by former Presidents Thabo Mbeki and Nelson Mandela. Part One of the book features speeches by Members of the National Assembly. Part two includes speeches at the funeral of Mr

Walter Sisulu by former President Thabo Mbeki and former President Nelson Mandela.



OBITUARIES



COLLEAGUES REMEMBER
DR. IVY MATSEPE-CASABURRI,
1937-2009

The untimely death of the Minister of Communications, Dr. Ivy Matsepe-Casaburri, on Monday 6 April 2009, was marked by tributes from all over the world. She was born in Kroonstad in the then Orange Free State on September 18, 1937.

Parliament's Presiding Officers paid tribute to her in the following statement:

"The Speaker of Parliament's National Assembly (NA), Ms. Gwendoline Mahlangu-Nkabinde and Chairperson of the National Council of Provinces (NCOP), Mr. Mninwa Mahlangu wish to express their heartfelt condolences to the family of the late Dr. Ivy Matsepe-Casaburri on her passing away on Monday 06 April 2009.

Parliament has indeed lost a patriot and versatile Member who was not only a champion of provision of Information Communications Technology (ICT) to the poor but also has footprints in other fields such as gender, education, economic development and local government. Dr. Matsepe-Casaburri was a Member of Parliament and Minister of Communications from 1999 until her death.

She will be remembered in Parliament

for bringing about policy shift in the field of communications by helping the country to meet its socio-economic challenges by realigning and repositioning itself in line with modern international trends. Amongst other things, she initiated processes towards the liberalisation of the communications sector through the amendment of existing laws so as to make South Africa competitive in the international communications technology environment, the creation and improvement of access to modern ICT infrastructure and to make the provision of variety of services by the service-providers cheaper, especially in rural areas. In this regard, 13 Bills can be credited to her name.

Parliament wishes her family strength and courage to bear the loss which no words can replace. May her soul rest in peace"

The Speaker opened a condolence book for Dr. Ivy Matsepe-Casaburri. It was made accessible at the foyer of the NA to Members of Parliament, Parliamentary staff and the general public. Parliament's Presiding Officers also held a memorial service for her on 9 April 2009.

Tribute to deceased

The third democratic Parliament of the Republic of South Africa has honoured twelve outstanding performers who passed on during its five-year term of office. The tribute reads as follows:

"These advocates for democracy will be missed for the tremendous contributions they have made to our country's progressive political evolution. They will be remembered for the legacy they have left South Africa to enjoy as a democracy with a transparent and accountable government.

"Their ideals of democracy will live forever, not only in the records of Parliament, but also in the country's governance and the collective memory of the people of South Africa which they served with honour and dignity.

"Parliament and South Africa celebrate their lives and take comfort at the fact that they have run their race well, and left a legacy to be protected.

"We pay tribute to the following deceased Members of Parliament:

Mr Malizole Diko was a representative of the United Democratic Movement (UDM) before forming his own Party, the United Independent Front (UIF) and becoming its representative. He passed away on 28 July 2006. He served formerly on the Portfolio Committee on Social Development and the Portfolio Committee on Housing.

Mr John Gomomo was a representative of the African National Congress (ANC). He was the chairperson of the Portfolio Committee on Public Service. He passed away on 22 January 2008.

Mr Sarel Haasbroek was a representative of the Democratic Alliance (DA). He passed away on 16 October 2005. He served formerly on the Portfolio Committee on Communications and the Portfolio Committee on Foreign Affairs. His constituency was Somerset West in the Western Cape.

Mr James Zamiwonga Kati was a representative of the African National Congress (ANC). He passed away on 29 September 2006. He served on various Portfolio Committees including the Portfolio Committee on Water Affairs and Forestry.

Ms Joyce Kgoali was a representative of the



OUR SOUTH AFRICA – THE SUN

The sun heals the divisions of the past, improves the quality of life of all South Africans, frees the potential of each person and builds a united and democratic South Africa, taking its rightful place as a sovereign state in the family of nations.



OUR PEOPLE – THE PROTEA LEAVES

Our people, building on the foundation of a democratic and open society, freely elect representatives, acting as a voice of the people and providing a national forum for public consideration of issues.



OUR PARLIAMENT – THE DRUM

The drum calls the people's Parliament, the National Assembly and the National Council of Provinces, to consider national and provincial issues, ensuring government by the people under the Constitution.



OUR CONSTITUTION – THE BOOK

Our Constitution lays the foundation for a democratic and open society based on democratic values, social justice and fundamental human rights. It is the supreme law of our country, and ensures government by the people.

THE HOUSES OF PARLIAMENT



National Assembly

National Assembly - NA

The National Assembly (NA) consists of 400 members elected in accordance with a system of proportional representation, i.e. if a party garnered 40% of the votes in a general election, it is entitled to take up 40% of the seats in the National Assembly.

The Constitution provides for a Speaker and Deputy Speaker. The duties of a Speaker, as the principal office-bearer in the Assembly, fall broadly into three categories:

- Presiding over sittings of the Assembly, maintaining order, and applying and interpreting its rules, conventions, practices and precedents (these duties are shared with the other **Presiding Officers**).
- Acting as a representative of, and spokesperson for, the Assembly and (with the Chairperson of the NCOP) for Parliament in the outside world.
- In conjunction with the Chairperson of the NCOP, acting as chief executive officer for Parliament.

The Constitution also strengthened public participation in the work of the National Assembly by making public sittings and meetings the norm. Members of the public are regularly invited to make submissions or representations on legislation and other matters before committees of the National Assembly and they can even petition Parliament if they feel particularly strongly about a matter.



National Council of Provinces

National Council of Provinces - NCOP

The National Council of Provinces (NCOP) came into being with the adoption of the Constitution of the Republic of South Africa, 1996.

The role of the NCOP is stated clearly in section 42(4) of the Constitution: "The National Council of Provinces represents the provinces to ensure that provincial interests are taken into account in the national sphere of government. It does this mainly by participating in the national legislative process and by providing a national forum for public consideration of issues affecting the provinces." Because delegations vote according to the mandate of their provincial legislature, the legislative process in the National Council of Provinces must allow an opportunity for provinces to discuss matters and formulate positions. At the same time, provinces, through their delegations, need an opportunity to discuss matters with each other. To allow proper consultation and discussion both within provincial legislatures and among provinces, the National Council of Provinces operates on a six-week cycle. In each cycle specific times are set aside for work in the provinces and for decision in the NCOP. In addition to its overarching responsibility to hold the Executive accountable for its responsibilities in relation to provinces, the Constitution gives the NCOP a number of very specific oversight responsibilities that relate to the relationship between the spheres of government and to matters of national importance. In terms of section 72 of the Constitution, the NCOP has a duty to facilitate public involvement in the legislative and other processes of the NCOP and its committees and to conduct its business in an open manner. The fact that the NCOP must obtain