



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

Analysis of a proposals for the establishment of a
Parliamentary Committee to oversee Vote 1: The
Presidency-

Subcommittee on the Review of the National
Assembly Rules

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Parliamentary

Budget
Office

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1. Introduction

This brief is a response to the request on the part of the Subcommittee on the Review of the National Assembly Rules for advice regarding the oversight over Vote 1: Precedency. In line with the request, a member of the National Assembly Rules has proposed that a parliamentary committee be established to oversee Vote 1: The Presidency. The Subcommittee on the Review of the National Assembly Rules has then requested that the Parliamentary Budget Office (PBO) identify whether or not aspects of Vote 1 are being correctly overseen by existing structures, and if such gaps currently exist, how then could they be closed.

In preparing this brief, the Parliamentary Budget Office has relied upon previous research and analysis conducted for the 2019—2024 Medium Term Strategic Framework (MTSF) and budget programmes, as well as revisiting 2021 research and analysis on the progress made in implementing the Economic Reconstruction and Recovery Plan (ERRP). The Office has also looked at existing literature as well as published annual audits and reports from both the Presidency and the Office of the Auditor General of South Africa.

Given the pressing nature of the Subcommittee on the Review of the National Assembly Rules 's request, the Office has asked for more time and resources to conduct comprehensive research and analysis. This brief may thus be treated as an initial draft, being that more work will be required to complete the request.

The Office is particularly interested in reviewing the extent of the role of the Vote 1: Presidency in overseeing service delivery in its entirety for the Executive, while assessing how economic development measures and processes are linked with the national budget and determining how this process can be interfaced with Parliament's existing model of oversight. Different to other jurisdictions, the Presidency's coordination of government service delivery and other functions of economic development remains at the forefront of governance in terms of leading with key policy provisions. In this vein, the PBO will continue to identify lessons from other valuable international experience when providing legislative oversight over the somewhat unique role retained by the office of the Presidency.

2. Background

The purpose of Vote 1: The Presidency is to facilitate a common programme working to realise the electoral mandate while achieving enhanced integrity. The office of the Presidency is anticipated in particular to provide support both to the President and Deputy President in leading the Executive and so assisting them in the coordination and supervision of government. This role entails interpretation of the commitments made by the President in the State of the Nation Address (SONA) and their subsequent implementation.¹

The office of the Presidency is further mandated to ensure that the President can execute his constitutional responsibilities in leading and galvanising government to implement the electoral mandate across society. Here the Presidency has a leadership role to play, applying oversight to inspire the entire government to realise the National Development Plan's (NDP's) Vision 2030, then communicating these objectives to the whole of society. The implementation of both the National Development Plan and the second 5-year Medium Term Strategic Framework (MTSF) constitute policy mandates to be applied by the office of the Presidency. In relation to the MTSF, the Presidency is then

¹ 2021/22 The Presidency Annual Report

to demonstrate leadership in aligning and coordinating the implementation of the government's strategic agenda through the mechanisms of the following MTSF outcomes:

- Applying a formal coordination mechanism
- Playing a mediating role when other coordinating mechanisms break down
- Making provision for enhanced technical support to clusters
- Implementing evaluation of the coordinating structures and these outcomes, and
- Assessment of ministers' performance in fulfilling their MTSF-aligned performance delivery agreements

In addition to the role played by the President in each of the outcomes of the 2019-2024 MTSF, the office of the Presidency will contribute directly to Outcome 1: A Capable, Ethical and Developmental State.

3. Legal framework

The Presidency not only has a legal mandate but the office of the Presidency is informed and guided by the Good Governance Framework with all applicable regulatory and legislative prescripts. It should be noted that most if not all Acts of Parliament reference the Executive Acts required for their adherence. The upshot is that the office of the Presidency plays a transversal role in supporting both the President and the Deputy President in engaging with legislation coming from Parliament.

4. Performance mandate

Table 1 presents the key set of the current and estimated MTSF performance outputs for the Presidency over the Medium-term Expenditure Framework (MTEF). These outputs form part of the Annual Performance Plan, which are then submitted to the Department of Planning Monitoring and Evaluation. The Presidency has indicated that the President reports quarterly on the implementation of the 2022-2024 legislative programme and makes recommendations to the Leader of Government Business (LOGB) in Parliament.

Table1 Selected performance indicators as per the Estimates of National Expenditure

Indicator	Programme	MTSF priority	MTEF targets		
			2022/2 3	2023/2 4	2024/2 5
Number of quarterly progress reports per year on the implementation of the annual Cabinet and forum of South African directors-general programme	Executive Support	Priority 1: A capable, ethical and developmental state	4	4	4
Number of reviews on the implementation of the national strategic plan on gender-based violence with recommendations to strengthen reporting and accountability per year	Administration	Priority 6: Social cohesion and safer communities	1	1	1
Number of performance monitoring reports produced per year on the implementation of the Presidential State-Owned Enterprises Council workplan and decisions	Administration	Priority 1: A capable, ethical and developmental state	2	2	2
Number of economic reconstruction and recovery plan reports on the implementation of the country's socioeconomic transformation programme per year	Administration	Priority 2: Economic transformation and job creation	2	2	2
Number of progress updates on the implementation of the 2022-2024 legislative programme and recommendations to the leader of government business in Parliament per year	Policy and Research Services	Priority 1: A capable, ethical and developmental state	2	2	2

Source: National Treasury

5. Leader of Government Business

As prescribed by section 91 (4) of the Constitution of the Republic of South Africa, the President appoints the Deputy President as the Leader of Government Business. The office of Leader of Government Business is then responsible for:

- The affairs of the National Executive in Parliament
- Programming the parliamentary business initiated by the National Executive within the time allocated for those matters
- Ensuring that Cabinet members attend to their parliamentary responsibilities
- Performing all the other functions provided for by the Joint Rules, or by a resolution of the National Assembly, or by the National Council of Provinces, or by resolutions adopted in both Houses.

In line with these duties, the Leader of Government Business has undertaken the following tasks:

- Monitoring the implementation of the legislative programme
- Introducing measures to monitor and improve the quality of legislation

According to the legal framework, it is clear that the Budget of the Vote 1: The Presidency is not excluded from any of the applicable regulatory and legislative prescripts currently in existence. It is therefore reasonable to expect that the oversight processes applied to the Vote 1 programme be similar to those of other Votes forming part of the entire budgetary framework.

The function of the National Assembly is to oversee the responsibilities of committees which, amongst others, includes oversight of the departmental budget votes. The specific expectation of the committees is to use the Money Bills and Related Matters Act of 2009 to assess the use of budgets granted by various votes to realise service delivery and economic development aspirations.

The drawback to the current make-up of the Parliament Committees system is that parliament lacks a specific committee to provide performance oversight to the service delivery commitments constituting Vote 1: The Presidency. In terms of the functions of the Presidency (Vote 1 and other Votes within the functions), the office is currently a collection of various government functions (votes), including the Ministry for Women, the Ministry for Youth and Persons with Disabilities, the Ministry responsible for the Department of Planning, and for Monitoring and Evaluation (DPME), Statistics South Africa (Stats-SA) and the Government Communication and Information System (GCIS) with its entities, as well as providing the Chairperson of the National Planning Commission (NPC) and the Ministry of State Security. In accordance with the above, all the ministries that include Vote 1 have appointed an Accounting Officer to support their Executive Authority. According to the National Assembly Committees, all the ministries under the function of the office Presidency have now been allocated an oversight committee with the exception of Vote 1.

With regard to the Executive and Presidency then, the Zondo Commission of Inquiry into State Capture (the Zondo Commission) has made recommendations to Parliament to consider applying measures strengthening oversight of government. It is thus crucial to acknowledge that Parliament has already established an oversight mechanism over other ministries in the Presidency function, with the exception of Vote 1 relating specifically to the support or coordination of government activities by the President in realising, amongst others, the outcomes of the Medium-term Strategic Framework.

6. 2022 MTEF Spending priorities

The Presidency (Vote 1) has received a total budget allocation of R614 million in the 2022/23 financial year. This amount is made up of 85.9 per cent allocated towards the Administration Function. In terms

of its economic classification, the Presidency is estimated to spend 62.1 per cent of the total budget on the compensation of employees. Over the 2022 MTEF period, the activities of the Presidency will focus on leading and supporting the following:

- Implementation of South Africa's economic reconstruction and recovery plan
- Coordination of the National Coronavirus Command Council
- Operationalisation of the e-Cabinet system.

Leading South Africa's reconstruction and economic recovery

According to the Presidency's key objective, creating employment and retaining jobs are both paramount to rebuilding and growing South Africa's economy. To advance the government's efforts in this regard, the Presidency will support other government departments in developing programmes with a particular focus on providing young people with management, mentoring and business skills, as well as access to market and network opportunities. To this end, a key focus over the medium term will be on coordinating and facilitating the implementation of the second phase of the Presidential Employment Initiative. This work will be carried out through the Support Services to the President sub-programme in the Administration programme. The spending in the sub-programme will be comprised of an estimated 15.3 per cent (R243.7 million) of the Administration programme's budget over the medium term.

Coordinating the government's response to the COVID-19 pandemic

The National Coronavirus Command Council has been at the centre of decision-making in the government's efforts to curb the spread of COVID-19 and limit the impact of the pandemic upon South Africa. Over the medium term, the Presidency will continue to ensure the coordination of the government's efforts to curb the spread of the virus. In addition, the Presidency will support the Deputy President as the Chairperson of the COVID-19 Inter-ministerial Committee. This is committee facilitating the roll-out of government's vaccination programme to ensure that South Africa's emphasis on saving lives is fully realized and that any challenges encountered during the implementation of this vision are suitably addressed. This work will be funded through allocations of R243.7 million over the MTEF period through the Support Services to the President sub-programme, and with an allocation of a further R179.4 million to the Support Services to the Deputy-President sub-programme, both of which are in the Administration programme.

Operationalising the e-Cabinet system

The Presidency plans to continue implementation of the e-Cabinet system, which is a collaborative platform for members of the Executive, heads of departments and Executive Support staff to share, manage and store information securely. According to the Presidency, this platform is intended to ensure greater coordination between national departments. Over the medium term, the Presidency will ensure that the system is in full use, which will be achieved by ensuring that training is provided to all users, including the executives and limited support staff in managing, capturing and distributing classified information for the overall optimal functioning of Cabinet and its committees. An allocation of R83.9 million has been provided over the MTEF period for the software licensing, training, security and maintenance of the system in the Cabinet Services sub-programme of the Executive Support programme.

Looking at these three strategic areas, it is clear that the Presidency can and does play an important role in leading and coordinating the function of the State. It is also evident that over the medium term, a budget has been allocated within the Vote 1 to these strategic objective. The Parliament oversight

process does require the President and the Deputy President to attend Questions and Answers Sessions in both Houses of Parliament. It is in these quarterly sessions that Members of Parliament (MPs) are able to pose questions to the President and Deputy President on the Commitments made in various policy provisions.

It is unclear, however, whether or not the current oversight mechanisms outlined above can provide a real opportunity for the MPs to pursue regular requested oversight with regard to the specific performance and financial management commitments made in the Vote 1: The Presidency. The experience of other Budget Votes is that the Accounting Officers are required to produce specific performance and financial reports on regular bases for accountability purposes. According to the reports of the Office of the Auditor General of South Africa (AGSA) then, in other budget votes the Presidency's Accounting Officer did produce regular reports on the performance and financial activities of the Presidency. The question is thus whether -not having an Oversight Committee on the Presidency denies Parliament access to these reports and prevents MPs engaging with the Presidency' Accounting Officer. Alternatively, it could be determined whether or not other oversight mechanisms can be used by Parliament to receive such regular briefings, or to account for specific performance and finance activities in the Presidency Vote.

The allocation of the budget to these three strategic priorities in the Presidency - leading South Africa's economic reconstruction and recovery; coordinating the government's response to the COVID-19 pandemic; and operationalising the e-Cabinet system - may then set expectations that the Accounting Office will report on the further use of these funds, to the extent that the budget would have been appropriated through an Appropriations Act of Parliament.

The Presidency Vote 1 contains the following three programs:

The objective of Programme 1: Administration is:

- To strengthen the implementation of the strategic programme of political principals. This will be realised by providing technical and administrative support on an ongoing basis through the following initiatives:
 - Exercising political oversight of the implementation of government policies and programmes
 - Leading integrated planning and policy coherence in government to advance socio-economic transformation and inclusion
 - Supporting the execution of the Deputy President and ministers' programmes
 - Supporting interventions, participation and engagement aimed at enhancing public accountability and integrated communication
 - Accelerating service delivery and economic development
 - Monitoring infrastructure projects
 - Supporting presidential working group structures and strategic partnerships
 - Promoting nation-building and social cohesion.

The objective of Programme 2: Executive Support is:

- To strengthen technical support provided to the President and other political principals in the department by:
 - Participating in Cabinet structures on an ongoing basis
 - Implementing the recommendations made from the evaluation of coordinating structures, with the objective of improving systems of governance and compliance, or to raise the standards of Cabinet and the forum of South African Directors-General over the medium term.

The objective of Programme 3: Policy and Research Services is:

- To enhance governance, state capacity and service delivery over the medium term by:
 - Formulating policy proposals independently from line departments, or offering alternative policy recommendations
 - Contributing to strategic agenda established for the Forum of South African Directors-general and Cabinet, so providing proactive advice to ensure that policy priorities remain focal amidst the day-to-day demands of ministries and departments
 - Facilitating interdepartmental coordination in the formulation and implementation of policy
 - Providing intellectual leadership through the periodic publication of journal articles, book chapters, newspaper articles, public engagements, seminars and roundtable discussions.

Table 2 Actual and estimated expenditure over the MTEF per programme

Programme	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate			Average growth rate (%)	Average: Expenditure/ Total (%)
	2018/19	2019/20	2020/21		2021/22	2022/23	2023/24		
R million									
1. Administration	439.2	595.8	410.4	524.6	528.1	524.1	547.6	1.4%	85.8%
2. Executive Support	20.1	30.3	88.9	53.0	53.1	53.9	56.3	2.1%	8.7%
3. Policy and Research Services	5.9	13.2	18.6	27.1	25.8	24.7	25.8	-1.6%	4.2%
Subtotal	465.2	639.3	517.8	604.6	606.9	602.6	629.7	1.4%	98.7%
Direct charge against the National Revenue Fund	5.7	5.7	5.7	7.5	7.7	7.9	8.2	2.9%	1.3%
Salary of the president	2.9	2.9	2.9	4.1	4.2	4.2	4.4	2.9%	0.7%
Salary of the deputy president	2.8	2.8	2.8	3.5	3.5	3.6	3.8	2.9%	0.6%
Total	470.9	645.0	523.5	612.1	614.6	610.5	637.9	1.4%	100.0%
Economic classification									
Current payments	453.1	625.3	500.6	594.5	599.1	594.3	621.0	1.5%	97.3%
Compensation of employees	306.9	338.7	333.5	377.9	382.0	376.4	393.3	1.3%	61.8%
Goods and services ¹	146.2	286.6	167.1	216.7	217.2	218.0	227.7	1.7%	35.5%
Total	470.9	645.0	523.5	612.1	614.6	610.5	637.9	1.4%	100.0%

Source: National Treasury

7. Monitoring of the Vote¹ performance and spending priorities

According to the Presidency performance indicators set out in the Annual Performance Plan, to fulfil its mandate the main function of the office of the Presidency is to produce a series of agreed reports. For example, under Priority 2 of the 2019-2024 Medium Strategic Framework (MTSF), the Presidency establishes as its performance indicator

“(a) number of economic reconstruction and recovery plan reports on the implementation of the country’s socioeconomic transformation programme per year.”

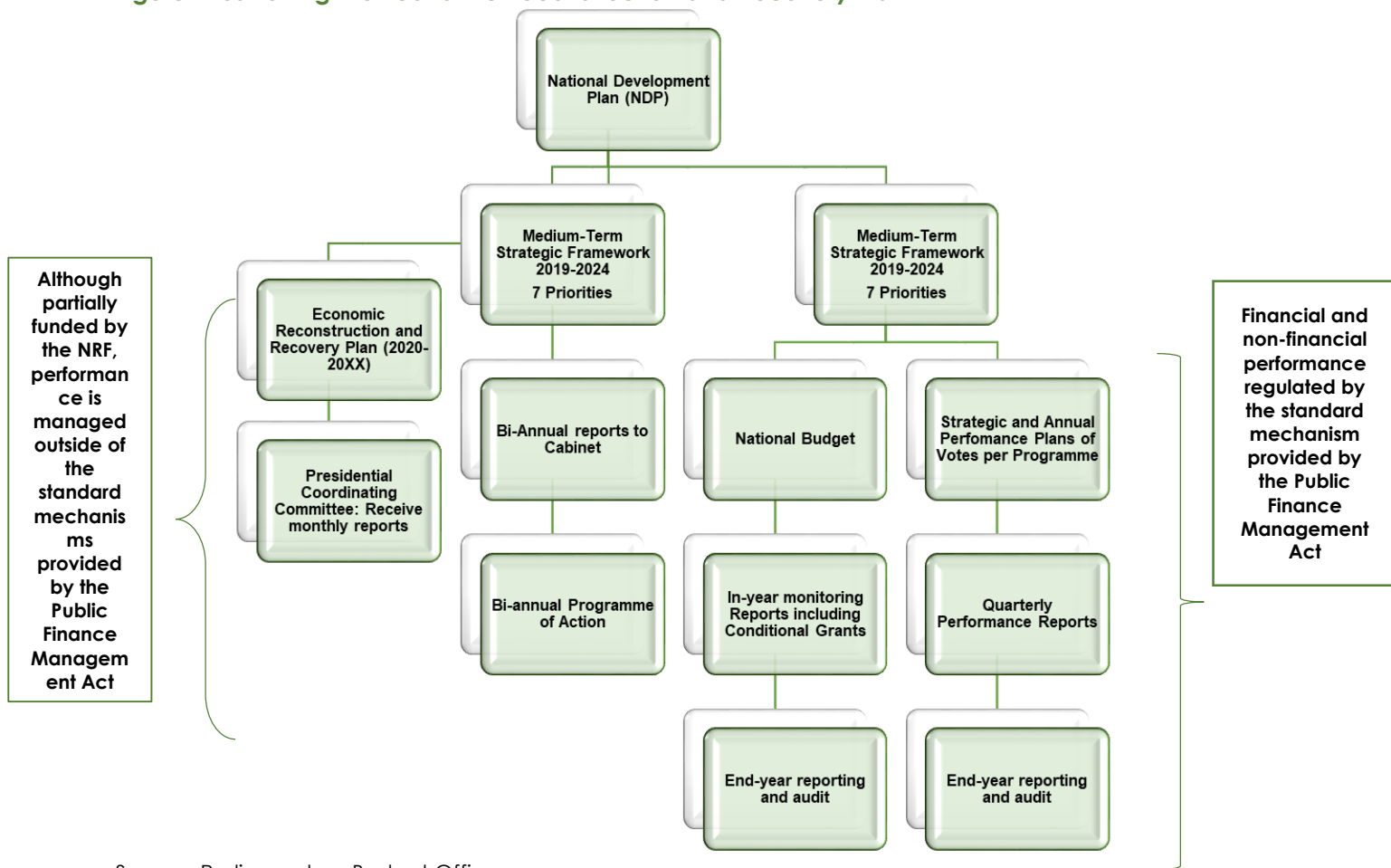
The progress made on those outputs required to make an impact on the 2019-2024 MTSF priorities then requires some form of Parliamentary “oversight and interrogation on these reports”. There is concern here that these progress reports are not published and therefore unavailable from the Leader of Government Business in the name of monitoring the implementation of the legislative programmes of the Presidency. The subsequent question is whether or not a specific oversight mechanism should be made available, requiring the Presidency or its Accounting Officer to submit these progress report to

Parliament, or else invite the Accounting Office to provide specific reporting or briefings to Parliament on such progress.

Parliamentary Budget Office prior analysis and reviews

To take one example, the Parliamentary Budget Office has received requests on several occasions from the Finance and Appropriations Committees to provide briefings on the progress with the implementation of the Economic Reconstruction and Recovery Plan (ERRP). However, such requests are almost impossible to fulfil without the Parliamentary Budget Office having access to the progress reports produced by the Presidency. This discrepancy is due to the structure, content and the transversal nature of the ERRP.

Figure 1 Positioning the Economic Reconstruction and Recovery Plan



Source: Parliamentary Budget Office

In its May 2021 briefing,² the Parliamentary Budget Office was requested by the Select Committee on Finance to provide an update on the progress made on ERRP. As shown in Figure 1 above, the nature of this request highlighted that some aspects of the ERRP fall outside the parameters of the PFMA. The unfortunate consequence of having commissions or committees appointed outside the PFMA process, while still being required to provide support or coordinate, is that the ERRP has limited oversight over such activities. One explanation of this problem is that Parliament's oversight may not automatically be extended to activities performed by structures outside government. The upshot is that the current

² <https://pmg.org.za/committee-meeting/32852/>

Parliament oversight mechanism may have to be reformed to ensure that all the activities supporting or coordinating ERRP for example are now included.

The Parliamentary Budget Office has emphasised the importance of the Parliamentary oversight mechanism ensuring that the functions of the Presidency and other branches government all meet the requisite quality. The measurable indicators in the Annual Performance Plans (APPs) should all constitute relevant performance measurement systems able to provide efficient performance evaluation. So far, however, the analysis conducted by the Parliamentary Budget Office has shown that in many instances the indicators measuring the implementation of the 2019-2024 MTSF are not included, for example, in the current APPs. This omission of key strategic indicators has also been identified by the Office where departments have identified needs in the environment, communities and economy without developing indicators to track the improvement of their situation over time.

Office of the Auditor General of South Africa Reviews on Vote 1: Presidency

The Office of the Auditor General is required by law to audit the performance and financial information of all government departments and entities. The audit process includes the tabling of audit reports or outcomes to Parliament and the National Assembly (NA) by the AGSA. As part of the oversight process, the NA refers these tabled AGSA reports to their respective Functions Committees for consideration and reporting – for example, the audit outcome report for Department of Education is referred to Portfolio Committee on Education. The process of considering these audit reports involves the relevant committee inviting the department or entity Executive Authorities and Accounting Officers to give a further account of the audit outcomes of their entities. According to law, the AGSA audit reports contains opinion³ on financial information of a given government department or entity being audited. However, the AGSA does not express an opinion of performance information but issue findings on the review on such information. Therefore, unlike in the case of assessing financial probity the oversight mechanism on performance information has to rely more on regular reporting on specific indicators and also direct interaction between the parties involved, accounting office and the oversight mechanism.

In terms of the Money Bills and Related Matters Act of 2009, Parliamentary Committees are then required to prepare Budget Review and Recommendations Report (BRRR). In part, the function of the BRRR is to provide an assessment of service delivery while making recommendations for future budget allocations.

In accordance, the Presidency reports making up Vote 1 are tabled in the NA. Unfortunately, an oversight committee is currently lacking which would allow the referral of such a report once tabled in the House. It is further unclear, as to whether the performance information on the Vote 1 requires further interaction with between the accounting officer and oversight mechanisms.

8. International experiences on oversight over the Office of the Presidency⁴(or similar office)

In many jurisdictions, the plenary chamber (or National Assembly) remains a key forum for parliamentary oversight over the Executive.⁵ In these sessions, classic tools such as parliamentary questions and debates are used to hold the government accountable. The frequency of these sessions varies from country to country. In the United Kingdom, for example, the Prime Minister has to respond to weekly questions (known as Prime Ministers' Questions).⁶ In other countries, 'question time' takes place during most parliamentary sittings where, for instance, the Global Parliamentary Report shows oral questions

³Audit opinion could either be, Unqualified or Qualified or Disclaimer or Adverse Opinion.

⁴The Office of Presidency differs in various jurisdictions, so this is used to include other similar structures in other countries.

⁵The Global Parliamentary Report 2017. Available [online]: <https://www.ipu.org/resources/publications/reports/2017-10/global-parliamentary-report-2017-parliamentary-oversight-parliaments-power-hold-government-account>

⁶UK Parliament. Available [online]: <https://www.parliament.uk/visiting/visiting-and-tours/watch-committees-and-debates/prime-ministers-questions/>

are common “where plenary sessions are broadcast live to the general population, oral questions can be confrontational and controversial”.⁷

However, the converse is also true that “written questions are a core parliamentary activity in a number of countries but are used marginally or not at all in others”.⁸ Nonetheless, the challenge with written questions and answers is the length of time it takes to receive a response and allow for a follow-up question. Regardless of the approach, question-and-answer sessions remain a fundamental tool for legislative oversight over the Executive.

When undertaking an initial scoping of the literature exploring oversight over the Executive for the purposes of this brief, it was found that various jurisdictions make use of permanent and ad hoc committees as forums of inquiry. However, there is not generally a stand-alone committee dedicated to the presidency, which is currently the case in South Africa. However, it is worth cautioning that understanding this inference we should also take into account the jurisdiction context of the role or functions (government programs) assumed by the office of the Presidency. A 2018 paper by Andualem Ferede scoping the parliamentary democracies of the United Kingdom (UK), Germany, India and Ethiopia provides an insight into how their parliaments account for their Executive with the purpose of achieving better governance. These countries were selected because the “UK is the oldest parliamentary democracy, Germany [has a] handy parliamentary democracy and functional federalism and India is the largest parliamentary democracy”.⁹ The findings of this paper hence show that in India, Germany and Ethiopia parliaments have a duty to establish standing and ad hoc committees which they deem necessary to fulfil their functions.

By and large, the broad approach to executive oversight rests on the assumption that existing legislative committees and plenary chambers are not inherently focused on the presidency, yet as a collective they still provide oversight over the office of the Presidency.¹⁰ In this sense, through their processes parliaments generally have sufficient constitutional power to remove office holders in the Executive branch, which is also true for South Africa.

In the United States of America (USA), the concept of Congressional oversight is strongly applied. Here, congressional oversight refers to the power of the USA Congress to monitor and change, if necessary, the actions of the executive branch, including those of the multiple federal agencies. The main goals of Congressional oversight are to prevent waste, fraud and abuse, while protecting rights and civil liberties. Congressional oversight is hence one of the “implied” powers granted to Congress by the “necessary and proper” clause of the Constitution. In empowering the legislative branch of government to oversee the Executive branch, Congressional oversight constitutes a key element of the system of checks and balances of power existing amongst the three branches of US government.

Congressional oversight is exercised in the United States through several mechanisms, given below:

- Hearings and investigations conducted by standing or special congressional committees
- Consultations with the president or receiving reports directly from his office
- Giving advice and consent for certain high-level presidential nominations and for treaties
- Impeachment proceedings conducted in the House and tried in the Senate

⁷The Global Parliamentary Report 2017. Available [online]: <https://www.ipu.org/resources/publications/reports/2017-10/global-parliamentary-report-2017-parliamentary-oversight-parliaments-power-hold-government-account>

⁸The Global Parliamentary Report 2017. Available [online]: <https://www.ipu.org/resources/publications/reports/2017-10/global-parliamentary-report-2017-parliamentary-oversight-parliaments-power-hold-government-account>

⁹Ferede, A. 2018. Executive Accountability in Parliamentary Democracies: A Comparative Overview: Britain, Germany, India and Ethiopia. Available [online]: <https://www.scirp.org/journal/paperinformation.aspx?paperid=87998>

¹⁰Longley, R. 2022. Congressional Oversight and the US Government: Congress has the power to monitor and change executive branch actions. [Online]. Available [online]: <https://www.thoughtco.com/congressional-oversight-4177013>. [Accessed November 2022]

- House and Senate proceedings under the 25th Amendment should the president become disabled to the point of being unable to fulfil his duties or were the office of the vice president to become vacant
- Senators and representatives serving on commissions appointed by the president
- Special studies conducted by congressional committees and support agencies such as the Congressional Budget Office, the General Accountability Office, the Office of Technology Assessment, and the Congressional Research Service.

The scope of the USA Congress powers of oversight extends to virtually all programmes, activities, regulations and policies implemented by the presidential cabinet departments, independent executive agencies, regulatory boards and commissions, and the President of the United States. Should Congress find evidence that an agency has incorrectly applied or exceeded its powers, then it can pass a law overruling the action or narrowing the agency's regulatory authority. The Congress can also limit an agency's power by reducing its funding in the annual federal budget process.

9. The Zondo Commission of Enquiry into State Capture recommendations

The President of South Africa is accountable to the National Assembly. Section 55(2) of the Constitution then states that "[t]he National Assembly must provide for mechanisms –

- (a) to ensure that all executive organs of state in the national sphere of government are accountable to it; and
- (b) to maintain oversight of (i) the exercise of national executive authority, including the implementation of legislation; and (ii) any organ of state."¹¹

The Zondo Commission has subsequently recommended that "Parliament should consider whether it would be desirable for it to establish a committee whose function is, or includes, oversight over acts or omissions by the President and Presidency, which are not overseen by existing portfolio committees."¹² A similar structure has been implemented in the United Kingdom where the Prime Minister usually answers parliamentary questions in the Liaison Committee three times a year. The British Liaison Committee was established in 1980 to "[t]o hold Ministers and Departments to account for their policy and decision-making and to support the House in its control of the supply of public money and scrutiny of legislation."¹³ The Committee's sessions with the Prime Minister began in 2002, comprising of all the chairpersons of Select Committees sitting in the House of Commons. Today the Liaison Committee is led by an additional member appointed by the House.

Since British Parliamentary Liaison Committee sessions first began, the Committee has questioned four Prime Ministers to establish a conduit between the Executive and the Legislature in addition to their appearances on the floor of the House. Hence, in a paper assessing the effectiveness of the Liaison Committee, Bennister et al. contend that:

*"the Liaison Committee sessions provide an altogether different institutional forum through which scrutiny can be conducted and, perhaps, accountability obtained, located as they are in committee rooms away from the partisan battle of the chamber, and in a working environment where the norms and objectives of committee operation are commonly understood and accepted."*¹⁴

¹¹Constitution of the Republic of South Africa

¹²Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector Including Organs of State Report: Part VI. Vol. 4: Summary of Recommendations. Line 227.1

¹³UK Parliament. 2013. Liaison Committee. Available [online]: <https://committees.parliament.uk/committee/103/liaison-committee-commons/content/108732/core-tasks-liaison-committee/>

¹⁴Bennister, M., Kelso, A., & Larkin, P., 2017. Questioning the prime minister: how effective is the liaison committee? Available [Online]: <https://www.canterbury.ac.uk/science-engineering-and-social-sciences/law-policing-and-social-sciences/law-and-politics/politics-and->

This paper concludes with some recommendations as to how the Liaison Committee can be improved, which are summarised as follows:

- Increasing the frequency of the sessions
- Establishing a clearer purpose of inquiry to be linked to other parliamentary committees
- Sharper questioning from members of the Committee
- Fewer topics to allow for a collective probing strategy on the part of parliamentary Members.

The Parliamentary Budget Office proposes with caution that the Parliament of South Africa may consider the UK Liaison Committee as a case study from which to learn how a dedicated committee for Vote 1 might be established

In case Parliament decides to establish a committee for oversight over Vote 1: The Presidency, the following recommendations would also need to be considered from the Zondo Commission Report on Budgeting and Resourcing requirements;

227.5. It is recommended that Parliament ensure adequate funds are allocated to enable effective parliamentary oversight, particularly to portfolio committees.

227.6. It is recommended that the scale and skills of the research and technical assistance made available to the portfolio committees be enhanced subject to budgetary restraints.

Further general recommendations contained in the Zondo Commission report for committees should be considered in the development of a new committee

227.7. It is recommended that Parliament make it clear that the practice of late submissions to Portfolio Committees will not be tolerated.

227.8. It is recommended that Parliament consider whether or not there is a requirement to legislate on the issue of reports by representatives of the executive to Parliament.

227.9. It is recommended that Parliament clarify that non-attendance by ministers and others scheduled to be present at Portfolio Committee meetings will not be tolerated, while Parliament will ensure that appropriate consequences are visited on those who offend without adequate cause (Parliament should consider whether there is a need to legislate on this issue).

227.10. It is recommended that Parliament devise a system to "track and monitor" the Executive's implementation (or non-implementation) of corrective action proposed in reports adopted by Parliament.

227.11. It is recommended that Parliament establish an Oversight and Advisory Section to provide advice, technical support, co-ordination and tracking & monitoring mechanisms to oversee any issues arising from the oversight and accountability activities of Members of Parliament and the committees to which they belong.

227.12. It is recommended that Parliament consider whether it supports the principle of "amendatory accountability" and, if it does, whether it would be desirable to give detailed substance to this principle in an Act of Parliament along the lines suggested in the Corder report.

227.13. If Parliament is not minded to enact legislation of the above type, the Commission is of the view that consideration should be given by Parliament to amend its own rules. This action should be conducted with a view to addressing the problem of ministers who fail to report back to Parliament on

what actions, if any, have been taken in respect of remedial measures proposed by Parliament, or on alternative methods preferred by them to address defective performance highlighted by Parliament.

10. Conclusion

The Presidency plays a critical role in the Executive management and coordination of government. As per the suggestions of the Zondo Commission, the overarching recommendation is that Parliament consider strengthening its oversight over the Presidency as a means of holding the executive accountable for its actions while ensuring that policies are implemented in accordance with the laws and budget passed by Parliament. There is evidence that the structures of the current Parliament oversight mechanisms may be insufficiently robust to achieve adequate monitoring of the executive by Parliament, which has led to a variety of issues expressed in the Zondo Commission findings.

South Africa's Parliament model of oversight compares well with international experiences of with regard to monitoring the activities of the office of the President. However, the current approach and provisions have proven insufficient, even if an effective system of oversight remains an aspiration for many national parliaments. Given our country's recent experience with some of the disclosures made at the Zondo Commission, it is clear that the country may benefit from re-assessing the current tools of oversight.

The Zondo Commission has proposed one other additional mechanism in the form of a Presidential Oversight Committee. The parliament may now have to decide on the objectives of such a committee if it is to be established for the Presidency Vote 1. Nonetheless, this Committee could become an essential feature in the system of checks and balances of South Africa's democracy should the establishment of the Committee enable Parliament and the wider public to hold Vote1: the Presidency accountable to the impact made in the name of accomplishing their strategic and programme objectives.