



**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA

# **NATIONAL COUNCIL OF PROVINCES**

## **The Role and Configuration of the Configuration of the Whippery Role In the National Council of Provinces**

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Chief Whip of the NCOP**



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# Introduction and background

- The National Council of Provinces (NCOP) is the second chamber of the Parliament of South Africa, which is constitutionally mandated by section 42 (4) **to 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;**



# Introduction and background

- Unlike the National Assembly and the Provincial Legislatures, Members of the NCOP are not directly elected, but are appointed by the Provincial Legislatures in consultation with political parties represented in each provincial legislature;
- In keeping to its constitutional mandate and character as a house that is mandated to represent the provinces, its decision making is, by and large, per a vote by each province, which is cast on behalf of each province by a designated head of provincial delegation, unless the constitution provides otherwise;



# Understanding the Whippery

- The expression “whip” in the parliamentary context has its origins in hunting terminology. It is derived from fox-hunting where whippers used whips to hunt or hound foxes so as to prevent them from straying;
- A “whip” is defined by the Oxford English Dictionary as ***“a huntsman’s assistant who keeps the hounds from straying by driving them back with the whip into the main body of the pack”***.
- The Wikipedia Online Encyclopaedia defines a “whip” as ***“a role in party politics whose primary purpose is to ensure control of the formal decision-making process in a parliamentary legislature.”***
- In this regard, whips are regarded as party discipline “enforcers”, who typically offer both inducements and sanctions to party members and keep them in line with party positions and policies.



# Understanding the Whippery

- Although the first usage of the title “whip” in Parliamentary discourse cannot be dated exactly, the term originates from the British Parliamentary system and has long been part of the parliamentary discourse from as early as in the nineteenth century;
- The “whippers-in” as they were called, were already hard at work in 1815, but their activities attracted little attention until the 1860s;
- By the end of the nineteenth century, the activities of Whips were becoming more important to the work of Parliaments and were increasingly recognised as key in ensuring both the political and administrative functionality of parliamentary business.



# Understanding the Whippery

- Members of Parliament became increasingly aware of the extent to which their parliamentary activities depended on the quality of the management of parliament's programme scheduled by Whips;
- It was the Whips who arranged the timetable of the House, gave them permission to go home or go on holiday, and arranged the order of speakers during debates;
- By the beginning of the twentieth century, many of the current features of Whips were already well established;
- However, one of the key common features of Whips was their role in ensuring a desired attendance of their MPs for an important vote or during important parliamentary debates.



# What is a Whippery?

- Combined, the whips are referred to as “the *whippery*”, which means that it is a collective structure of whips;
- In simple terms, the Whippery is a composition or collective of whips;
- As a structure of collective function or action, the whippery often compliments and even transcends the individual role of the whips who constitute the structure;
- In this regard, the Whippery makes its decisions on consensus for the collective advancement of the mandate of the Council and beyond party politics.



# The Role of the Whippery in the Political Coordination of the Business of the Council

- The Whippery of the Council is at the very core of the daily implementation and co-ordination of the implementation of the constitutional mandate of the Council of representing the country's provinces and ensuring that provincial interests are represented;
- The Whippery plays a significant role in the daily political management and co-ordination of the daily programme of the Council and both its internal and public committees;





# The Role of the Whippery in the Political Coordination of the Business of the Council

- The Whippery in the NCOP is very unique. It was designed taking into account the unique role of the NCOP of representing provinces and ensuring that their interests are taken into consideration in the national sphere.
- Therefore, Whips have an important role to play in the implementation of the mandate of the NCOP. They ensure that the NCOP and provinces interact sufficiently and that more platforms and avenues are created for greater interaction on issues pertinent to the provinces and service delivery. Honourable Motara will elaborate further on this point.
- Most importantly, the Whippery assists us with the discipline of members in select committees and during sittings of the Council.



# The Role of the Whippers in the Political Coordination of the Business of the Council

- As a collective, the Whips assist the Presiding officers in the coordination and organization of the business of the House to ensure the smooth and orderly running of the House and its Committees;
- They oversee the effective functioning of sittings of the NCOP and that Council is properly constituted with the appropriate quorum;
- They work jointly with the Presiding Officers to allocate plenary sessions for debates and consideration of legislation, select committee reports, etc.
- In consultation with the House Chairperson on Committees and Oversight, ensure that the NCOP performs its oversight role, as outlined in the Constitution and that select committees are properly constituted and that they undertake their constitutional mandate by undertaking oversight activities and passing legislation on time.



# The Role of the Whippery in the Political Co-ordination of the Business of the Council

With regards to the political co-ordination of the business of the Council, the whippery is responsible for ensuring the following:

- Ensuring cohesion or a proper working relationship between the Council and the Provincial Legislatures;
- Ensuring attendance and enforces discipline in select committees and sittings of the NCOP;
- In consultation with the House Chairperson: Members Support and IR, ensure that permanent delegates are properly equipped to discharge their constitutional duties;
- Ensuring that questions by permanent delegates meet the set deadlines and that Members are informed of deadlines for questions;
- Allocating time for the debate and considerations of motions passed by the Council;
- Ensuring that members are in the Council to undertake their constitutional duties, including calling a “three-line whip” on important debates and plenary sessions that require voting or will be addressed by the President or Deputy President of the country.



# Relationship between the Whippery, Committee of Chairpersons and Presidium

- The internal arrangements of the NCOP have multiplicity of structures with different roles and powers, and at the head of which are Presiding Officers who are collectively the executing authority of the Institution;
- We have House Chairpersons who are assigned critical functions and responsibilities to assist the Presiding Officers in the smooth and effective running of the institution, and the Chairpersons of Committees; who preside over the Select Committees;
- This requires systematic coordination between these multiple structures to ensure the smooth, orderly and effective running of the institution;



# Relationship between the Whippery, Committee of Chairpersons and Presidium

- The Office of the Chief Whip is located at the cutting edge of the coordination between the Whips Forum and the Committee of Chairpersons on the one hand, and on the other hand, between the Presiding Officers and the Whippery;
- We continue to have cordial relations and continuous engagement at different levels;
- This has been demonstrated by the co-ordinated response to emerging external and internal pressures on the institution, and for this I must express my sincere appreciation to the co-operation of the Chairperson's Office, the House Chairpersons, Committee Chairpersons, Provincial and Party Whips.



# Co-ordination with the Provinces, SALGA and National Assembly

- By its architecture, the NCOP is a multi-stake holder institution with different obligations and expectations to different stake holders;
- Accordingly, this impose an immense duty on us to be thorough and coordinated in terms of stake management and communications, not for its own sake, but in a responsive manner to our constitutional obligations;
- Perhaps it is appropriate that we briefly problematizes our coordination with the NA and the Provinces as a point of departure.



# Co-ordination with the Provinces, SALGA and National Assembly

- This is the area of our work where we have been very casual, especially in relation to the coordination of legislative work between the NCOP and the NA and between the Provinces and the NCOP;
- As a common knowledge based on experience, the complexity, substantiveness and the magnitude of public interest generated by any piece of legislation are bound to cause a delay in the processing of the legislation;
- This has resulted in a situation where legislation is delayed in the National Assembly and referred to the NCOP at the last minute. This always create twin dangers, especially on section 76 legislation. First it deprives the NCOP the capacity of quality scrutiny of the legislation to alert the provinces to potential challenges, and in turn this rush also deprive the provinces the ability to make quality inputs on the legislative proposals.



# Co-ordination with the Provinces, SALGA and National Assembly

- Coupled with this is the long delay of section 75 legislation by the NCOP;
- This area requires urgent attention to mitigate its negative impact on the quality of legislative input of the NCOP and the Provinces;
- The South African Local Government Association is the key stakeholder of the NCOP whose relations with the NCOP cannot be limited to the periphery of their participation in the Council's proceedings.
- At the core of our relationship with SALGA is the critical task of monitoring the impact of national policy on local government on the one hand, and on the other hand, integrating the local government interests in the national policy discourse;
- The current impasse between Eskom and SALGA on the role of municipalities in the supply of electricity, is the manifestation of this poor relationship and coordination. This brings into sharp focus the fundamental question; have we been equal to the task of being at the cutting edge of intergovernmental relations and co-operative governance? It is for this reasons that the Whippyery has scheduled the Workshop on Cooperative Governance and Intergovernmental Relations on 1 and 2 February 2022.
- Chairperson, I don't have ready made answers to these fundamental questions, but pointing them out so that provinces and political parties must begin to think about them critically and these are largely issues that the Whippyery continues to grapple with.





# Management of the Business of the Council through effective Programming

- Programming is one of the key instruments that is used by the Whipperies to ensure effective management of the business of the Council and its committees;
- It is also one of the most important instruments that ensures the effective management of the Parliamentary work of Members, the Council and its committees;
- The manner in which the Whipperies manages the programme determines the Council's ability to discharge and fulfil its constitutional mandate.



# Management of the Business of the Council through effective Programming

- At the core of the strategic drivers of our programming is the need to ensure adequate and appropriate distribution of Parliamentary time to areas such as law-making, oversight, public participation and the effective functioning of the internal structures that drive the internal business of the Council, including the Programming Committee, Joint Programming, Meeting of Chairs of Chairs, Rules Committee, etc.
- Effective political management and co-ordination of the Programme of the Council enables us to ensure enhanced synergy, coordination and integration of our programme between the NCOP, the National Assembly, Provincial Legislatures and SALGA.



# Management of the Business of the Council through effective Programming

- The Whippery ensures that our Programme is properly and effectively managed to balance all the areas of the work of the Council such as committee work, oversight work, passing of legislation, training and capacitating of Members to discharge their constitutional duties and that the Council has time to undertake the strategic flagship programmes such Taking Parliament to the People, the Provincial Week and the Local Government Week.



# Conclusion and way forward

- Chairperson and colleagues, these are my humble contribution on the broad work of the Whippery;
- The issues and areas of work that I have mentioned is by no means exhaustive, but gives a broader understanding of the role and mandate of the Whippery;
- Critically, my presentation highlighted that the whippery is at the cutting edge of the repository of the policy thoughts critical for the effective functioning of our Council in discharging its constitutional mandate;
- I am extremely grateful that Honourable MEC Tasneem Motara who was one of the Provincial Whips of the Council in the 5<sup>th</sup> Parliament and a Committee Whip of the Select Committees of Finance and Appropriations has accepted our invitation to elaborate of the specific role of Provincial Whips ensuring effective Co-ordination between Provincial Delegations and Provincial Legislatures.



I THANK YOU!