

PRINCIPLES GUIDING PUBLIC PARTICIPATION IN PARLIAMENT AND ITS COMMITTEES



6th DEMOCRATIC
PARLIAMENT

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NCOP MEMBERS' TRAINING
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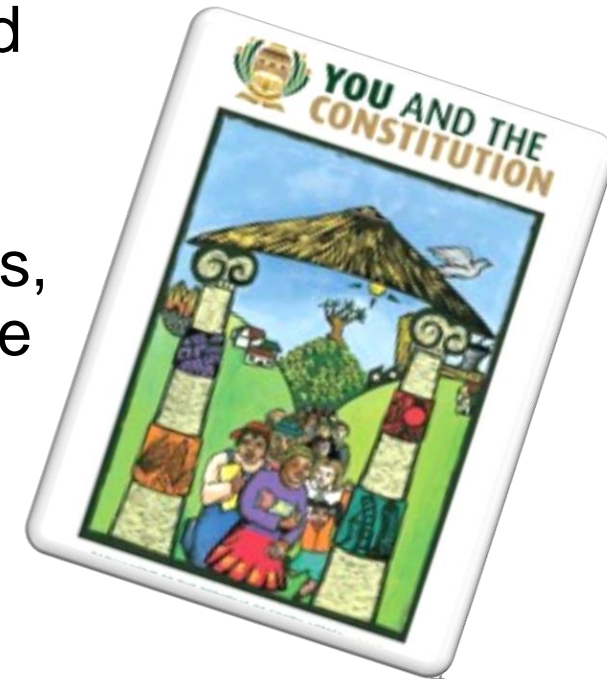
G. AREAS FOR IMPROVEMENT AND RECOMMENDATIONS FOR IMPROVING PUBLIC PARTICIPATION IN PARLIAMENT AND ITS COMMITTEES

A. Public involvement mandate of Parliament



1. Constitutional Imperatives

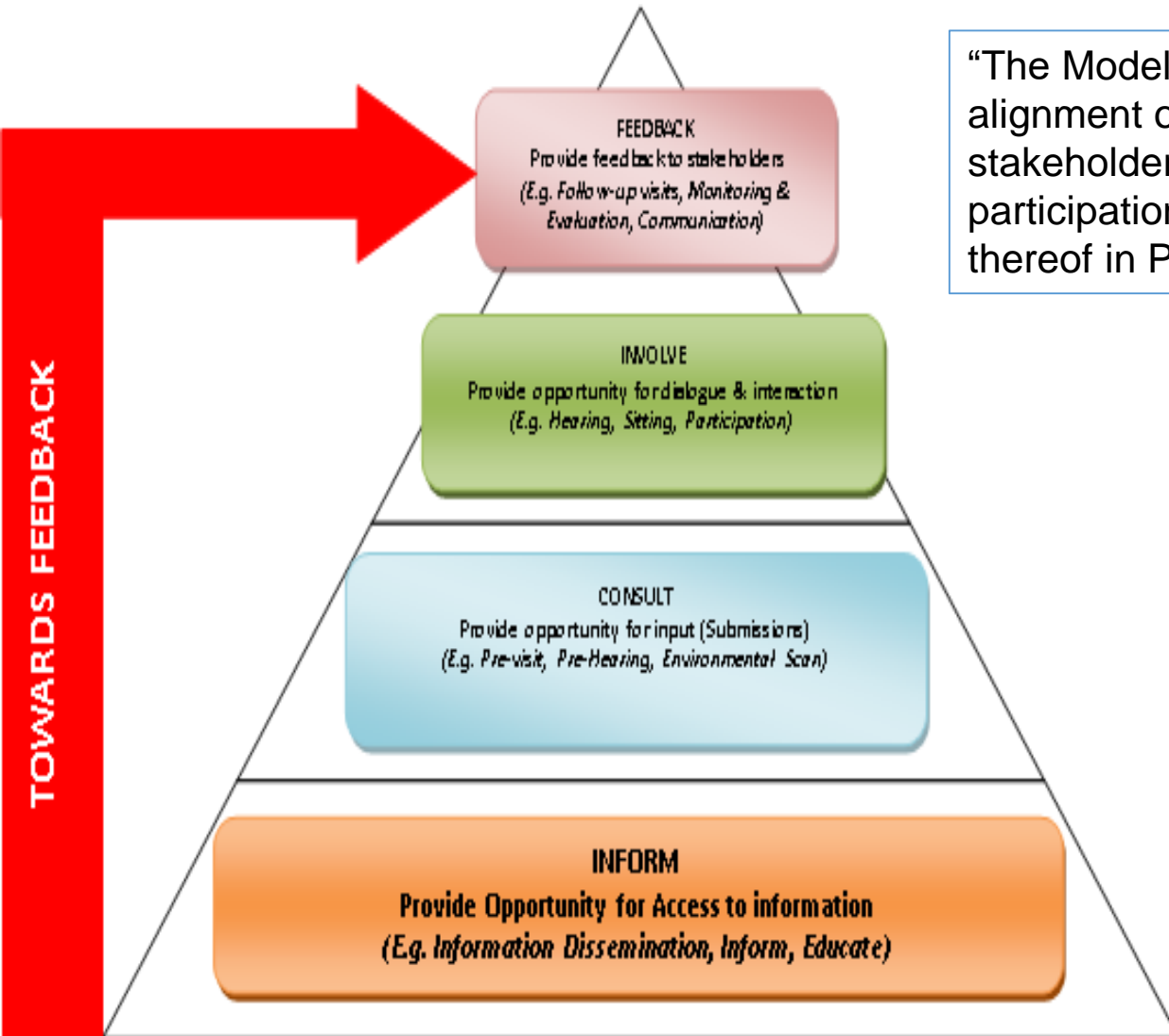
- The facilitation of public participation and involvement is central to Parliament's mandate.
- Sections 59(1) and 72(1) of the Constitution enjoins the National Assembly and the National Council of Provinces to facilitate the involvement of the public in their legislative and other processes respectively
- Furthermore, Sections 56(d) and 69(d) of the Constitution authorises the NA and the NCOP or any of their Committees, to receive petitions, representations or submissions from the public



2. The Public Participation Model



Public Participation Model

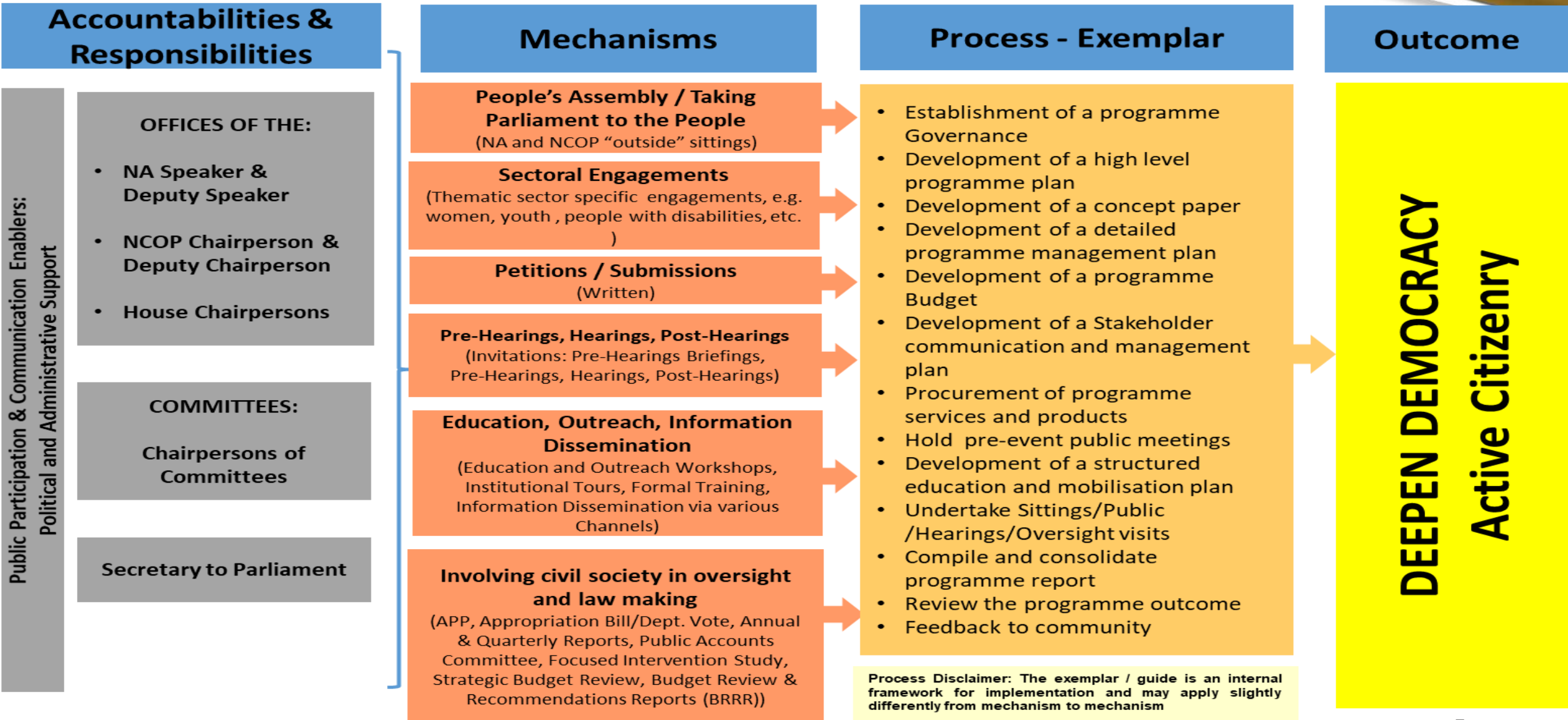


“The Model aims to provide a written guideline and opportunities for alignment of public participation activities of Parliament and all its stakeholders; provide **minimum norms and standards** for public participation in Parliament and improve performance and the practice thereof in Parliament.” - PP Model

The key objectives of the Model:

- To develop a “Best Fit” model for public participation in Parliament;
- **Mainstreaming public participation** in all Committees of Parliament and the Houses including all public participation structures;
- To detail the **mechanisms** for public participation in Parliament;
- To detail the required **institutional arrangements** and resourcing for public participation in the Legislative Sector; and
- To clarify the roles and responsibilities for public participation and the processing of submissions and petitions in Parliament.

PPM – Best Fit Model



B. Reflections on key court judgements on Parliament's public participation mandate



B. Court Pronouncements

□ Right to participate in the law-making process

□ Supreme Court of Appeal in **King and Others v Attorneys Fidelity Fund Board of Control and Another** -

□ **Attorneys Amendment Act declared constitutionally invalid due to a failure to facilitate public involvement in the law-making process**

- “Public involvement” is necessarily an inexact concept, with many possible facets, and the duty to facilitate it can be fulfilled not in one, but in many different ways. Public involvement might include public participation through the submission of commentary and representations: but that is neither definitive nor exhaustive of its content.
- The public may become involved in the business of the National Assembly as much as by understanding and being informed of what it is doing as by participating directly in those processes.

It is plain that by imposing on Parliament the obligation to facilitate public involvement in its processes the Constitution sets a base standard, but then leaves Parliament significant leeway in fulfilling it.

- Whether or not the National Assembly has fulfilled its obligation, it cannot be assessed by examining only one aspect of public involvement in isolation of others, as the applicants have sought to do here. Nor are the various obligations section 59(1) imposes to be viewed as if they are independent of one another, with the result that the failure of one necessarily divests the National Assembly of its legislative authority.” (at para 22) – (presenter’s emphasis)



B. Court Pronouncements

- ▣ Right to participate in the law-making process
 - ▣ Constitutional Court in **Doctors for Life International v Speaker of the National Assembly and Others** and **Matatiele Municipality and Others v President of the RSA and Others**
 - ▣ Afford public a **reasonable opportunity to participate effectively** in the law making process
 - ▣ 1. provide **meaningful opportunities** for public participation in law making
 - ▣ 2. take measures to ensure that people have the **ability to take advantage** of the opportunities provided



B. Court Pronouncements

▣ Right to participate in the law-making process

▣ Constitutional Court in **Doctors for Life International v Speaker of the National Assembly and Others – Judge Sachs**

- ▣ “All parties interested in legislation should feel that they have been given a real opportunity to have their say, that they are taken seriously as citizens and that their views matter and will receive due consideration and could possibly influence decisions in a meaningful fashion.
- ▣ The objective is both symbolical and practical: the persons concerned must be manifestly shown the respect due to them as concerned citizens, and the legislators must have the benefit of all inputs that will enable them to produce the best possible laws.
- ▣ An appropriate degree of principled yet flexible give-and-take will therefore enrich the quality of our democracy, help sustain its robust deliberative character and, by promoting a sense of inclusion in the national polity, promote the achievement of the goals of transformation.” (presenter’s emphasis)



B. Court Pronouncements

- ▣ **Land Access Movement of South Africa and others v Chairperson of the National Council of Provinces and Others CCT 40/15** – public should be afforded a meaningful chance of participating in the legislative processes (reasonableness test)

- What would be reasonable and/or sufficient public participation process to be followed by the committee?

*“The forms of facilitating an appropriate degree of participation in the law-making process are indeed capable of **infinite variation**. What matters is that at the end of the day a **reasonable opportunity** is offered to members of the public and all interested parties **to know about the issues and to have adequate say.**” - Reasonableness test*

- *Criteria :*

- *What did Parliamentary committee consider appropriate in the context?*
- *Time constraints*
- *Potential expense*
- *Nature and importance of legislation*
- *Impact of legislation on public*
- ***Meaningful chance of participating in legislative process***

- ▣ Lamosa practice note

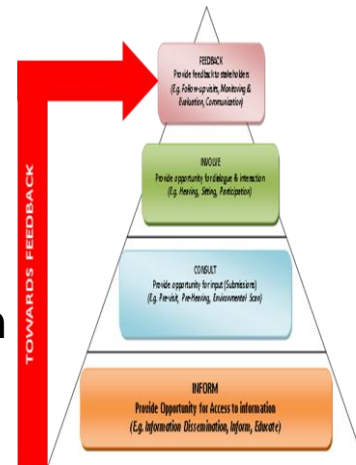


C. Core values and Principles guiding the public involvement mandate of Parliament



C. CORE VALUES GUIDING THE PUBLIC INVOLVEMENT MANDATE OF PARLIAMENT

- ❑ Constitutional premised of the will of the people
- ❑ Those affected by a decision, have a right and responsibility to be involved in the decision making process.
- ❑ Public involvement includes the implicit undertaking that the public's contribution will be considered for decisions to be taken and for public inputs to be acknowledged.
- ❑ Inclusive public involvement promotes sustainable decisions by recognising and communicating the needs and interests of all participants, including those of decision makers.
- ❑ Seeks out and facilitates the involvement of those potentially affected by, or interested in a decision.
- ❑ Seeks input from participants in designing how they participate.
- ❑ Provide participants with the information they need to participate in a meaningful way
- ❑ Reciprocity – Responsibility to communicate to participants how their inputs and participation affected a decision taken.
- ❑ Decision makers to take all relevant perspectives into account when arriving at a decision



C. CORE PRINCIPLES GUIDING THE PUBLIC INVOLVEMENT MANDATE OF PARLIAMENT

- ❑ Promote active and representative participation towards enabling all community members to meaningfully influence the decisions that affect their lives,
- ❑ Engage community members in learning and understanding community issues, and the economic, social, environmental, political and psychological and other impacts associated with a particular cause of action or decision,
- ❑ Incorporate the diverse interests and cultures of the community in the development process, in particular those affecting disadvantaged communities,
- ❑ Utilise a community's diversity to deepen a shared understanding of issues prevailing in that community and to produce outcomes of long-term benefit of the whole community and society
- ❑ “Active citizenry”

Our PP Goals



To capacitate citizens to be active agents, not passive recipients of policy



To develop sustainable mechanisms for the implementation of legislation and policy, in collaboration with civil society



To heighten advocacy about the oversight work of Parliament through new campaigns or supporting existing campaigns



To understand and respond to the experiences of ordinary citizens relating to the various oversight themes



To give feedback on the outcomes of the work of Parliament and programme; to build greater accountability to citizens, in particular vulnerable groups, through cooperative relationships between Government, civil society and business

D. Opportunities for Public involvement/ inputs



Public Participation Mechanisms

NA & NCOP

State of the Nation

Budget Cycle

COMMITTEES

Oversight Activities

Public Hearings

CONSTITUENCY OFFICES

Access to Information & Services

Member Engagement

Plenaries

Taking Parliament to the People

Submissions

Petitions

Representations

Local Government Week

Provincial Week

Integrated Public Participation Service

Sectoral Parliaments

Commemorative Days

Oversight

Law-making

International Engagements

Co-operative Government and Inter Governmental Relations

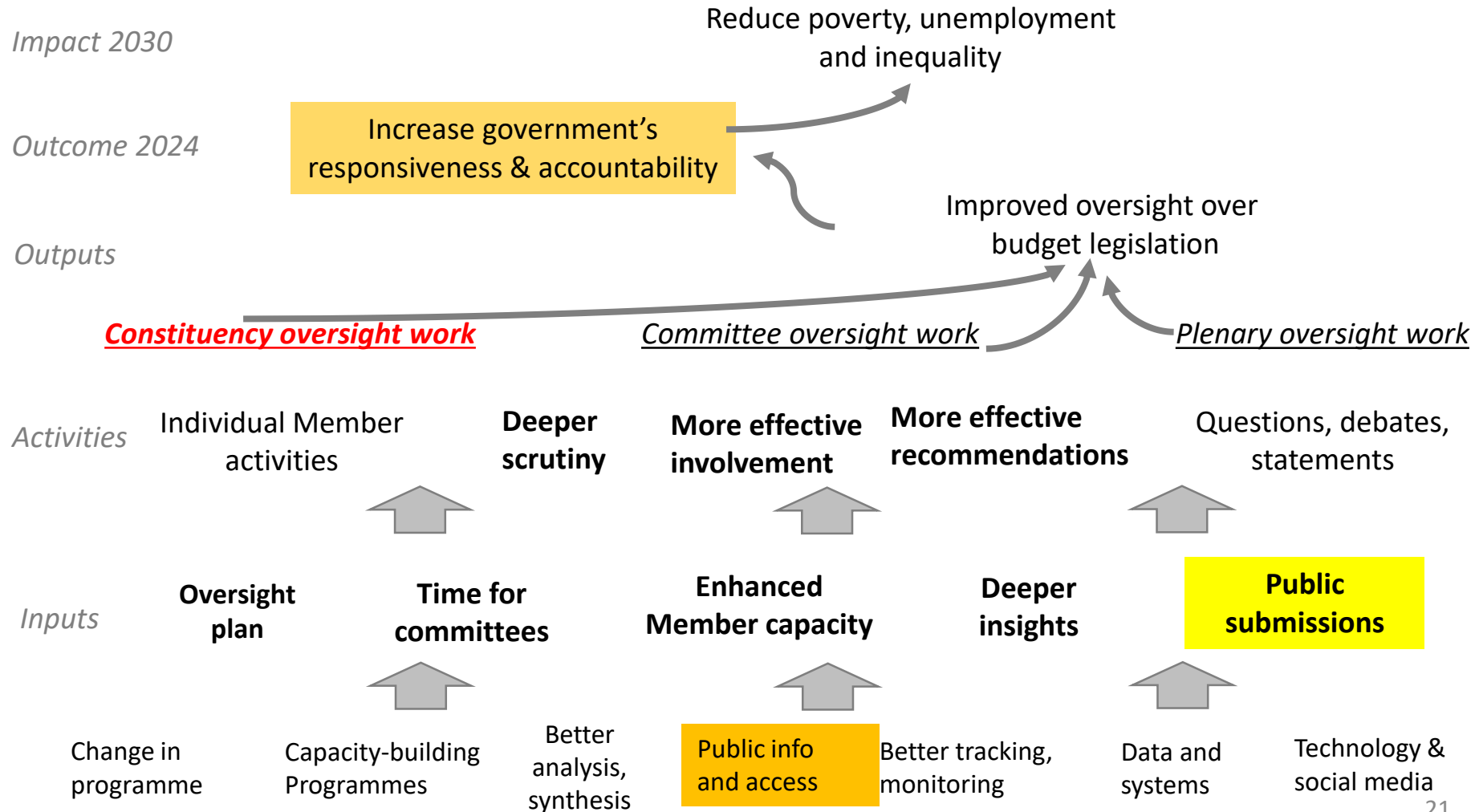
Opportunities created during Covid-19

Public participation tool	Details
submissions	Traditional approach to source public inputs by advertising in mainstream media
	Written submissions e-mail to e-mail address of Committee Secretary/ Bill
colloquiums	Committees engage with experts on key policy issues
	an e-mail account linked to the Bill
	Similar to SMS process
	In the same way SMS and WhatsApp is used, video clips can be considered as an alternative submission mode.
community radio stations	PCS books a slot with Community Radio station. Chairperson of the Committee or committee member encourage citizens to phone in and submit their inputs.
host public hearings	Participants who indicate that they want to make an oral submission are invited to the virtual platform to make these inputs.
hearings	Virtual engagement in which participants can engage through community radio stations, TV channels and social media
Twitter	Inputs can be submitted via these social media

E. The role of the Public Education Office (PEO) Parliamentary Democracy Offices (PDO)



Sixth Parliament Strategy Map



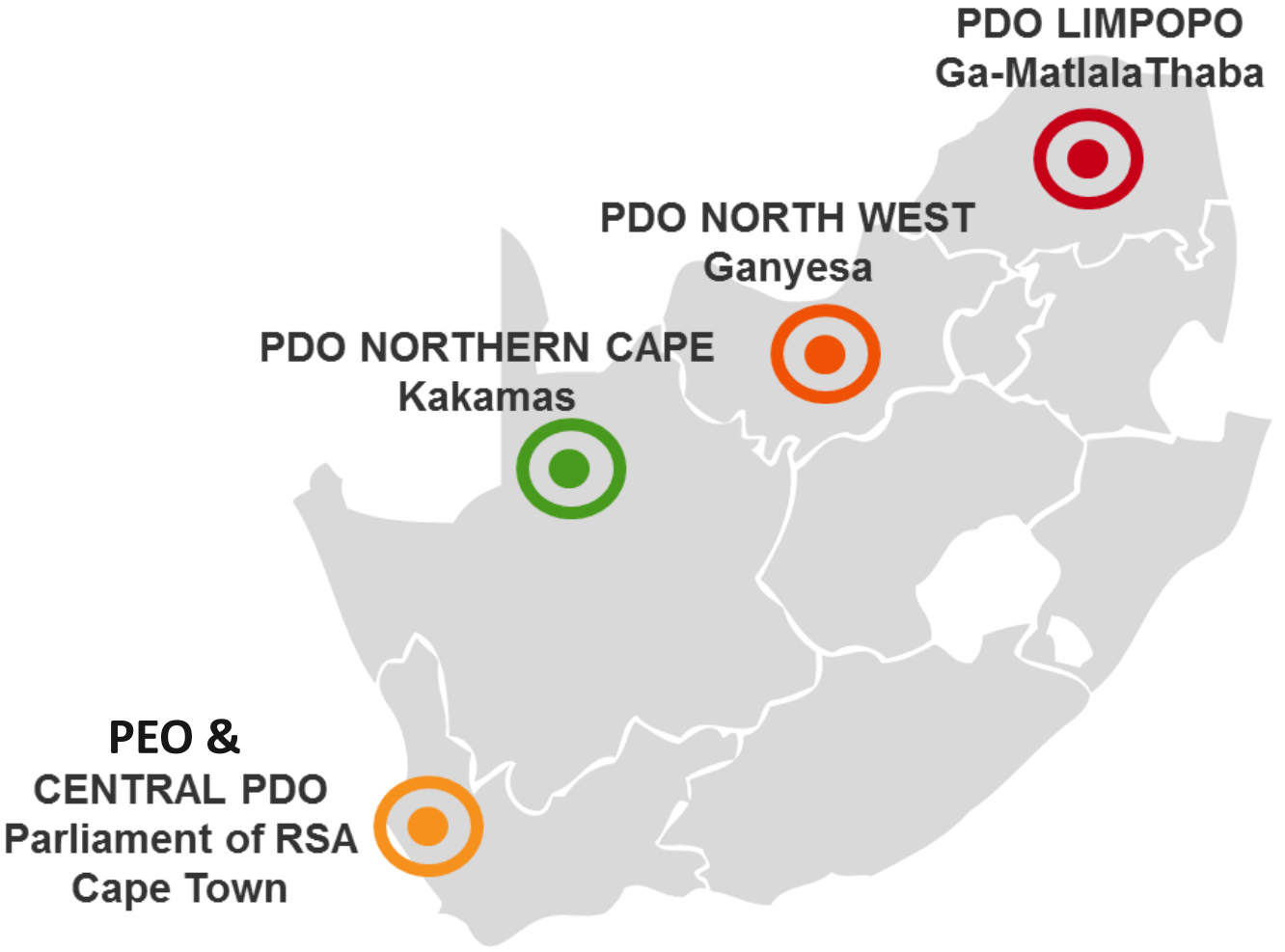
Public Participation and Communication Strategy of 6th Parliament

Institutional strategic initiatives:

- a. **Oversight Plan/Programme** to coordinate oversight priorities and activities of Committees, Houses, and Legislatures;
- b. **Public participation strategy** to enhance public information, access and participation;
- c. **A knowledge management strategy** to manage information and knowledge for the benefit of Members, the institution and stakeholders;
- d. **Digital technology strategy** allowing the implementation of e-Parliament principles;
- e. **A human capital strategy** to unleash capacity and skills;
- f. **Governance framework** to ensure effective institutional governance and decision-making.

PEO (Public Education Office) & PDO (Parliamentary Democracy Offices)

PEO & PDO Central	PDO North West
X 1 Unit Manager X 1 Secretary X 1 Tours Administrator X 2 Specialists X 8 PE Practitioners X2 Tour Guides x1 PDO National Coordinator	X 1 Team leader X 1 Receptionist X 1 Administrator X 1 Service officer
Vacancies: X 1 PE Practitioner X 1 PE Specialist	Vacancies: X 1 Coordinator
PDO Northern Cape	PDO Limpopo
X1 Coordinator X1 Receptionist X1 Service Officer	X 1 Administrator X 1 Service officer X 1 Receptionist
Vacancies X1 Team leader X1 Administrator	Vacancies X 1 Team leader X 1 Coordinator



Roles and Functions

Our approach to public education involves implementing Parliament’s Public Participation Model (PPM) that embraces four inter-connected pillars of public engagement: **inform, consult, involve and feedback**. The Model is an enabling tool to strengthen the work of Members of Parliament (MPs) in the House, Committees and Constituencies and to improve public access to Parliament and its Members to fully represent the people of South Africa.

PEO

PDOs

To educate the public on and promote public participation in the processes and activities of Parliament

Provide regular and relevant information to citizens on what is happening in Parliament and how to get involved

Educate citizens about Parliament and how to actively and meaningfully participate in relevant parliamentary processes

Provide public education and information aimed at creating an informed citizenry, who can actively and meaningfully participate in decision-making that affects their lives.

Increase public access and participation in parliamentary processes to strengthen participatory democracy

Ensure a greater level of efficiency in accessing communities and providing ground support for parliamentary programmes

Develop education material and content for parliamentary programmes

awareness of a parliamentary presence in the provinces

Provide feedback to citizens and communities on matters before Parliament which impact their lives.

Products and Services

To fulfil these objectives, PEO and PDO render a package of integrated services

Content Development for Different Parliamentary Programmes and Platforms

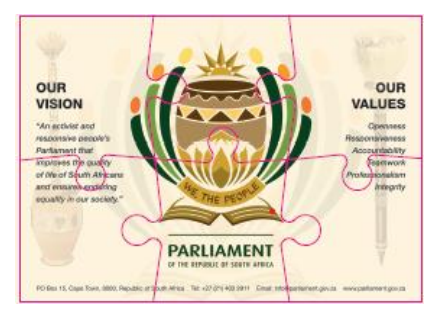
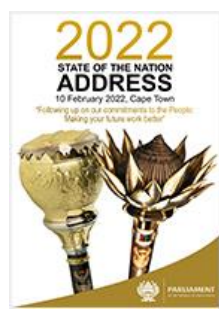
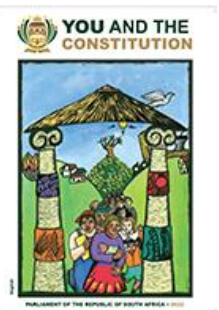
Electronic & Courier Distribution of Learning Materials

Virtual Tours of Parliament

Virtual & Physical Workshops

Interactive learning tools

Stakeholder Engagements



D. Critical Public Participation Partnerships



Public Participation and Communication Strategy of 6th Parliament

In order to ensure improved public involvement, the Parliamentary Service will need to address the following issues:

- Implement interventions focusing on the **delivery of public education and information programmes, empowering people to participate in parliamentary processes, mobilising public stakeholders, and capitalising on the use of digital and preferred platforms,**
- Implementing **virtual public meetings, e-hearings, e-petitions ,**
- **Broaden cooperation with partners and stakeholders including the legislative sector, government, community organisations and institutions,**
- **Improved co-ordination of programmes with that of constituency offices,**
- Consolidate current programmes, capacities and resources into a **single service to support public participation activities.** – a single public participation and communication service to Members

Critical Public Participation Partners

- Provincial Legislatures
- Local government structures
- Civil Society Organisations (CSO)
- Parliamentary Constituency Offices (PCOs)
- Higher Education and Basic Education structures

Key Considerations for Strengthening PCOs

“a better understanding of Parliament’s role in society; and the role of society in Parliament is needed

The key objective is to educate the public on the role of Parliament and promote public participation in the processes and activities of Parliament then **Parliamentary Constituency Offices (PCOs) are fundamental to this approach**”

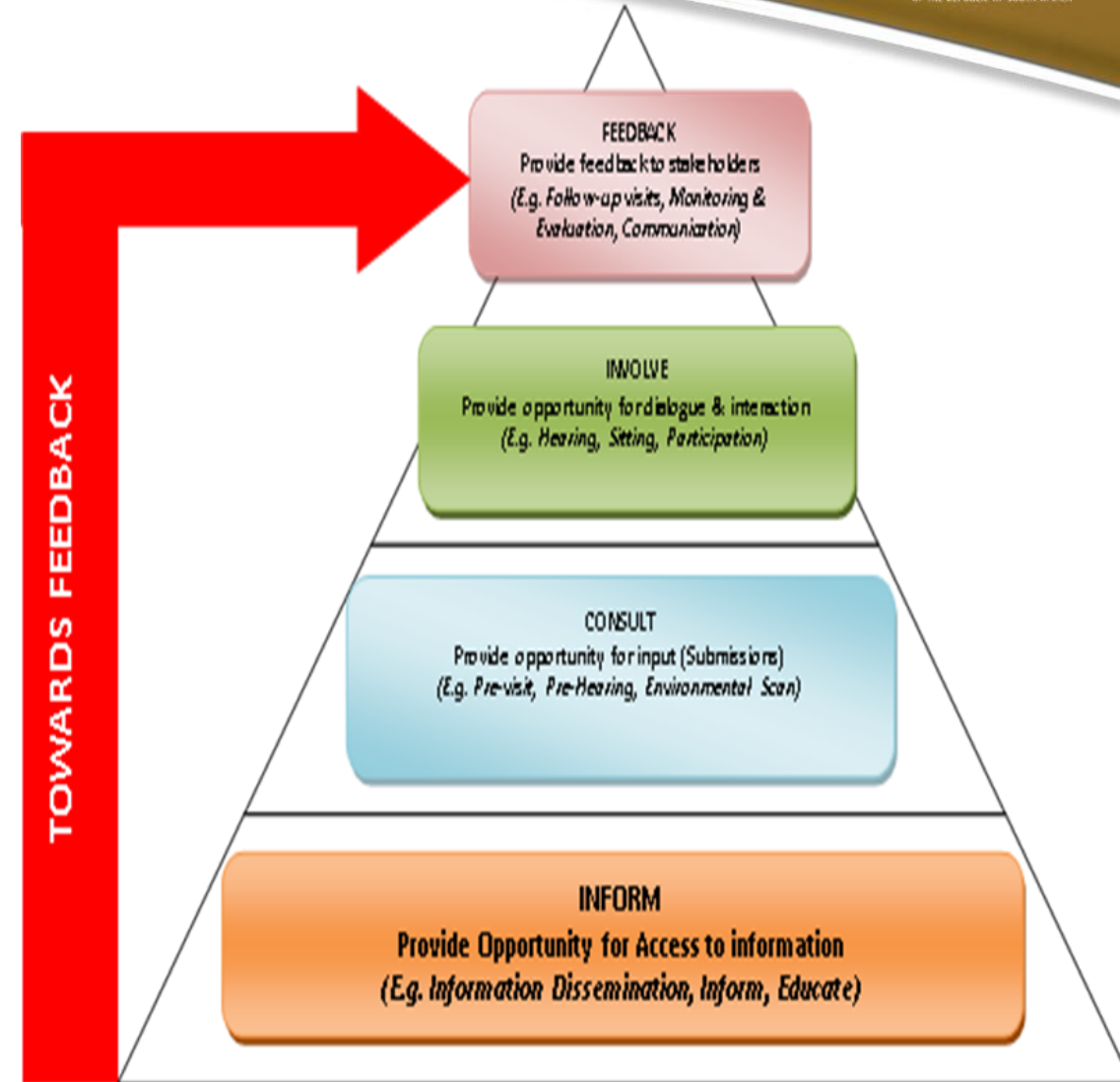
This understanding remains key to ensuring that all South African citizens can actively exercise their **right to meaningfully participate in Parliament and directly influence the law-making and oversight functions of the institution.**

This transfer of knowledge and understanding remains key to ensuring that Parliament evolves into a truly representative people’s Parliament. Specifically, where all **South African citizens can actively exercise their right to meaningfully participate in Parliament and influence the direction of the institution from an informed perspective.**

Planning across the institution should provide for public education prior to public participation in all the activities and programmes of Parliament

Leveraging PCOs

- Information centres
- Parliamentary corner
- Public Education material, Bills before Committees, etc.
- Education programme for all PCO staff
- Assist with Petitions, submissions and representations
- Serve as feedback mechanism to constituents



ANC GREATER SOPHIATOWN PARLIAMENTARY CONSTITUENCY OFFICE HOSTS
A DIALOGUE ON THE SIGNIFICANCE OF
LOCAL GOVERNMENT WITHIN
THE THREE SPHERES OF GOVERNMENT
 6 OCTOBER 2021 | 16:00 - 18:00 | BRIXTON MULTI-PURPOSE CENTRE
 MEETING ID: 860 2540 3497 | PASSCODE: SOPHIATOWN | ANC GREATER SOPHIATOWN PARLIAMENTARY CONSTITUENCY OFFICE



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PROGRAMME:

OPENING
Cllr Nonceba Molwele

SETTING THE TONE
Parliamentary Public Education Office

REFLECTIONS
Mr Seana Nkhahle
Dr Sthembile Mbetse

DISCUSSIONS

CLOSURE
MMC Tania Oldjohn





Children's Human Rights Day Event



By the Grassy Park Parliamentary Constituency Office

On 2 April 2022, about 60 children, parents, and community leaders from Lavender Hill in Cape Town participated in a fun-filled day comprising live music, interactive games, creating their own art, and talks on their human rights involving local community-based organisations (CBOs) and the local Member of Parliament (MP), Ms Judy Hermans.

"The aim of the event was to impart knowledge about children's rights, leveraging arts and culture in line with World Cafe Methodologies," said Isaac Isaac, one of the event organisers and the founder of the organisation, agent4change.

The Lavender Hill community has many socio-economic problems, of which gangsterism and crime are top of the list. An event like the Children's Human Rights Day was a welcome relief for many of the children, who, for a few hours, could shift focus from their daily stresses to engage in fun learning activities.

The event paid attention to the rights afforded to us as people, inclusive of children's rights, and what children can do to ensure that they protect themselves and their rights. "It was to make our

children aware of their rights and the dangers in the community," said Dorothy Soetwater representing Hope Pentecostal. She explained that the children attending the event were organised through a local campaign that escorts children to and from school.

At the event, Ms Hermans, the local MP deployed to the Grassy Park PCQ, spoke about girls and boys being equal - and warned them about people who may want to take advantage of them sexually.



She said that they would like to roll out children's rights awareness programmes in all the communities, believing that programmes of this nature are a way to educate children as well as their parents. "This is also a way to raise awareness and to lift people out of the cycle of gangsterism and gender-based violence (GBV) prevalent in our communities," said Ms Hermans. "We must have more programmes that reach out to young children in their formative years so that they don't perpetuate the culture of gang violence and violence in the community."

Community activities like the Children's Human Rights Day event support the mandate of the Parliamentary Constituency Offices by "taking Parliament to the People". It fosters co-operative relationships with government departments, NGOs, local artists, community activists and CBOs which is critical for Parliamentary Constituency Offices to serve as a centre of parliamentary programmes, particularly around access to information.

Ms Hermans would like to see the PCO continue to partner with CBOs as a means to represent the concerns in the community. She stated: "It was really heart-warming to see different community organisations working together in service of the community and making our young aware from an early age about human rights and the rights they hold as members of society."

"Our children desire to be better adults and rise above their socioeconomic conditions and help build a better world."



The Value of Collaboration with Civil society

In order to ensure improved public involvement, the Parliamentary Service must strengthen collaboration with civil society to:

- provide support to the public participation strategy for the country;
- build relationships that promote a culture of public participation;
- effect networking and dialogue amongst and between different civil society stakeholders and the legislatures;
- strengthen coordination vehicles for public participation;
- profile key issues and to develop programmes collectively to address key blockages; and
- build mass literacy campaigns to profile new as well as existing programmes under an overarching banner on an annual basis.

Parliament has established a Working Group on PP

- Over the last three years have collaborated and extended our footprint across the country to ensure that citizens can access information and are aware of the programme of Parliament.
- The Working Group: SAWID, PMG, UWC, Dullah Omar Institute, Sonke Gender Justice, DearSA and Core Business Support Division

G. Areas for improvement and recommendations for improving Public Participation in Parliament and its Committees



Areas for improvement

	HLP	Surveys	Civil Society Dialogues and PP Partners
Key Trends	Limited <u>meaningful</u> participation		
	Level of engagement is not adequate	Inform and consult are the main levels of engagement	The whole spectrum of engagement is used in practice, but differ in strength
Key challenge	<p>The lack of resources</p> <ul style="list-style-type: none"> • The time it takes to ensure genuine, authentic public participation • Insufficient financial and human resource • Planning for public involvement 		

Areas for improvement

	HLP	Surveys	Civil Society Dialogues and PP Partners
Challenges	Lack of trust between citizens and Parliament	Lack of trust	The number of people intimidated by the Parliamentary processes has decreased but more needs to be done
	Power (knowledge) holders are not willing to share the power	Power holders have to be willing to share power and knowledge with people	Knowledge sharing is important - Parliament and its processes are complex and technical and often people do not understand it
	Difficulties associated with attracting people to participate	Cynicism of the public as to the motives of Parliament (viewed as synonymous with “government” rather than a different arm of the state), but awareness levels have improved	Difficult to maintain relationships (limited human and financial resources) with provincial legislatures and district stakeholders to collaborate for long-term planning rather than on a case by case basis,

Areas for improvement

	HLP	Surveys	Civil Society Dialogues and PP Partners
Challenges	People want their needs and wants to be taken into consideration during the decision-making process	People have to feel that their voices are heard through regular feedback	People have high expectations about the level of power they have on the decision- making processes

Recommendations

Future Directions

The use of social media and computer-based technologies

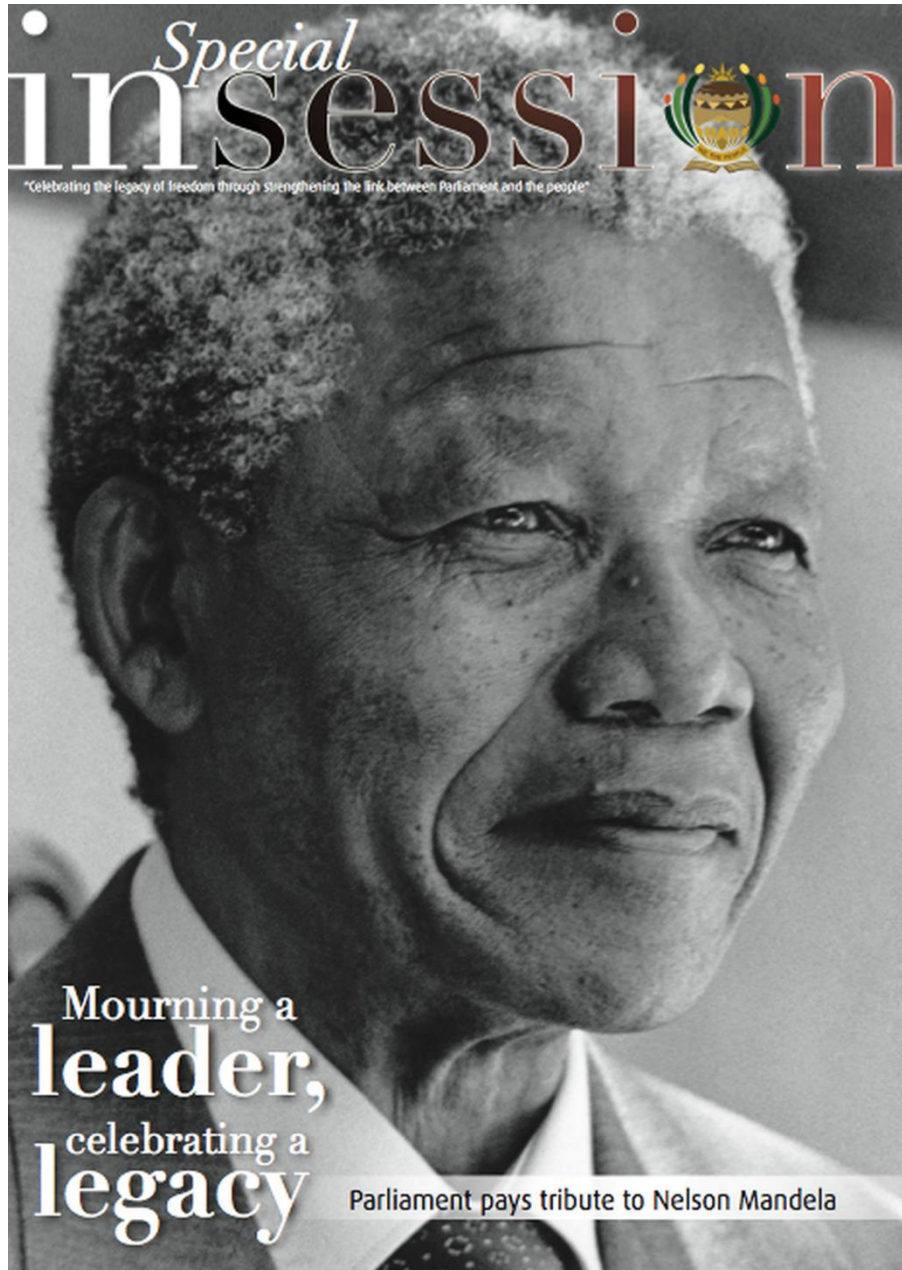
- Citizens have to be the ultimate decision-makers
- Improve collaboration and long-term thinking
- Increased demand to participate
- More planning innovation and public involvement to meet the needs of our communities with scarce funding
- More organized and knowledgeable Participants

Recommendations

- **IMPROVE CITIZENS KNOWLEDGE OF PARLIAMENT and HOW TO PARTICIPATE**
 - Full scale education programme on Role of Parliament
 - Currently collaborating with the NSG on an e- Learning Programme
 - Build on Constituency programme – formalize this
 - Formalize relationship with Civil Society
 - Formalised relationship with Legislatures – regular engagements and planning meetings
 - Need to further strengthen our collaboration with local government
 - “Educate the educator” programme
 - PP Team – review methodology of educate, inform, feedback – skills and competencies, benchmarking
 - Example: Children's Amendment Bill

Recommendations

- Early involvement
- People are informed and have knowledge to meaningfully participate
- Identifying key issues and challenges
- Planning with “people” approach
- The HLP underlines the importance of criteria (all the pillars of the PPM working in unison) that can be applied in practice
- The interest and attitudes of internal and external key stakeholders are fundamental
- Hybrid approach that includes peer learning, review and involvement of academics, civil society, national (PEO, PDO and PCOs) and provincial legislatures, and municipalities as PP infrastructure across all areas of interest and organs of the state



Education is the most powerful weapon which you can use to change the world...





Thank you
Ke a leboga
Ndiyabulela
Ndi ya livhuwa

Ndza nkhensa
Ke a Leboga
Ndiyabonga
Gangans

Ke a leboga kudu
Ndo livhuwa

Dankie
Enkosi

Ndzi khense ngopfu
Ngiyathokoza

Braille: [Braille characters]



Source Documents

- a) Parliament Strategic Analysis (2019)
- b) The Strategic Plan of Parliament - 2019-2024 (2020)
- c) Annual Performance Plan of Parliament – 2021/22 - 2023/24 (2020)
- d) The Public Participation Model
- e) The Public Participation Strategy (2021)
- f) The Oversight and Accountability Programme
- g) The Legislative Framework – Overview of the Bills Process
- h) The role of Constituency Offices (PCOs) as envisaged in the Sixth Parliament Strategic Plan
- i) Report of the Independent Panel Assessment of Parliament