



THE SOUTH AFRICAN PARLIAMENT

POLITICS AND DEMOCRATIC GOVERNANCE IN THE **POST-COVID19 ERA**
CHALLENGES, INSIGHTS AND POSSIBILITIES

Editors:
Paul Kariuki and Maria L. Goyayi



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Parliament Compendium

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Foreword

The principal contributions in the different chapters focus on assessing the critical insights into the South African Parliament, politics, and democratic governance in the post-COVID-19 era. The entrenchment of good governance in any system is dependent on the partnership between opposition parties and the ruling party. Opposition parties within the system whose actions influence some of the decisions of the ruling party must promote a culture of good governance. The African National Congress (ANC) ruling party is answerable to the Parliament and the citizens for their actions and activities in power. Moreover, the opposition political parties have helped keep an eye on the ruling party by criticising every policy thus fostering proper political accountability. The chapters of this book spell out numerous challenges between legislature leadership and opposition parties which has affected how a cordial relationship that promotes healthy cooperation could be maintained and promoted. These challenges include procedural and inadequate resources, and internal party politics struggles influenced by a Westminster model that focuses on opposition politics thus making it difficult to build consensus. The chapters of this book present that these challenges have prevented South Africa's Parliament from keeping the Executive accountable and responsive; an issue that has eroded public trust.

Research on the political parties in South Africa conducted by different authors from different parts of the continent brings a powerful message that enables one to see and understand the constitutional framework in which South Africa's Parliament operates, as well as its tensions and the challenges to promote democratic governance and political accountability. The chapters of this book highlight how much the South African Parliament operates as a legislative body within a constitutional framework to promote democracy and accountability. This is done via the politics of representation in which people, whether within the country or overseas feel represented. The book presents that through representatives, citizens oversee the Executive, enact laws, and promote public participation, and transparency as well.

The chapters in this book show that the legislative institutions in many African countries, including South Africa, are ineffective at informing and interacting with their constituents, resulting in significant citizen-representative disengagement, but have been

neglected and overlooked by several scholars and policymakers. The book is critical, at least to generate findings on democratic institutions that bring about urgent work that has not been done and which ought to have been done but was delayed. The book presents that there is a need to strengthen the impartiality of the Parliament, increase resources, enhance the oversight capacity of committees, and promote transparency and public participation in the oversight process. The book makes a call for all in the policy-making and academic environment to pay close attention to ensuring that there is no delay in transforming, reforming and strengthening democratic institutions and redesigning policies that promote good democratic governance. This would bridge the existing gap between legislatures and citizens and ensure that citizens can actively participate in the legislative and oversight processes of their elected representatives.

We are grateful to contributors and many others who in one way or another have helped to make this book a reality.

Paul Kariuki and Maria L. Goyayi

Contextual Background

In most countries, parliament has the constitutional mandate to both oversee the government and to hold the government to account; often, audit institutions, ombuds, and anti-corruption agencies report to parliament, as a means of ensuring both their independence from the government and reinforcing parliament's position at the apex of accountability institutions. At the same time, parliaments can also play a key role in promoting accountability, through constituency outreach, public hearings, and parliamentary commissions.

South Africa's political system is based on a parliamentary democracy, where the President is both the head of state and government. The Parliament of South Africa is a two-tier legislature, consisting of the National Assembly and the National Council of Provinces, which work together to enact laws, represent the interests of the people, and oversee the executive branch. The South African Parliament, politics, and democratic governance have undergone significant transformations and challenges in the wake of the COVID-19 pandemic. South Africa, like many other countries, experienced a profound impact on its political landscape and governance structures due to the unprecedented public health crisis. As a diverse and complex nation, South Africa faced unique challenges in managing the pandemic.

This book investigates the journey of the National Assembly since the dawn of democracy in 1994 till date. The primary objective is to document the extent the National Assembly has held on to its constitutional mandate of oversight since independence, its interaction with the Executive and opposition parties as well as its adaptation to the changing political, social, and economic environment. Moreover, it will examine the gender gap, seeking to document the factors that have contributed to the gap and the mitigation strategies adopted by the legislatures at both national and provincial levels to ensure gender parity. The book also highlights how the South African Parliament, politics and democratic governance traverse through the COVID-19 pandemic to capture insights, challenges and possible learnings. The book is divided into nine sections, with a total of seven chapters excluding the introductory and concluding remarks sections as described below.

The introductory section provides the contextual background on which the preceding chapters are anchored. It expounds on the

various aspects of the National Assembly in promoting democratic governance and ensuring political accountability of political parties and the Executive. Moreover, it will discuss how citizen engagement is considered by the parliamentary portfolio committees at both national and provincial legislatures.

Chapter 1 presents the constitutional framework in which the Parliament operates as a legislative body in promoting democratic governance and political accountability. The chapter discusses the tensions that the Parliament has experienced in executing its functions as constitutionally mandated and the challenges it faces in its future as a legislative authority engaging with a dynamic multi-political parties' context.

Chapter 2 discusses the devolved parliament and how citizen engagement is mainstreamed to facilitate public participation in various parliamentary activities. Moreover, it will discuss the challenges experienced by parliaments (provincial and national assemblies) in engaging with the public on its work. Furthermore, it will also examine how public participation can be improved to bridge the gap between legislatures and citizens.

Chapter 3 is anchored on discussing how the National Assembly has been exercising oversight of the Executive since the dawn of democracy (1994) till date. Moreover, it examines the challenges in executing this oversight rule and the insights gained to inform recommendations for consideration.

Chapter 4 discusses the role of opposition parties in promoting political accountability through their engagement in Parliament (both provincial and national assemblies). Furthermore, it will also examine the key drivers of relationship strain between legislature leadership and opposition parties. Moreover, it will discuss how the relationship between the parties and the Parliament can be improved towards cordiality.

Chapter 5 explores the gender equality dimension in reference to the legislatures. Although the number of women members of parliaments has increased over the last decade, there is room for improvement in creating a conducive political environment that will facilitate more women joining the legislatures. This chapter examines this aspect in greater detail and examines the factors that must be considered to facilitate this upward movement of women into legislatures and bridge the gender gap.

Chapter 6 examines the relationship between the National Assembly and the Pan-African Parliament. This chapter explores the dynamics involved in greater detail and examines the factors that contribute to a thriving institutional relationship between these two institutions, the challenges that have been experienced and the insights gained in mitigating the challenges to inform ongoing relationship strengthening and cooperation among other aspects.

Chapter 7 discusses the influence of technology on parliaments. It examines the impact of remote parliamentary engagement with each other and their constituencies. In this vein, it presents a discussion of the experiences of members of Parliament, and their challenges and extrapolates insights. Furthermore, it looks into the future of Parliament in this technological-driven era, exploring the different ways Parliament must adapt to execute its duties, the impact on members' oversight, and constituency work.

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Co-Editors Bios

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List Of Abbreviations And Acronyms

ANC	African National Congress
ATM	African Transformation Movement
C2P	Citizen-to-Parliament E-Parliament Electronic Parliament
ConCensus	Council of Citizen Engagement in Sustainable Urban Strategies
COVID-19	Coronavirus disease
DA	Democratic Alliance
EFF	Economic Freedom Fighters
FF+	Freedom Front Plus
GNU	Government of National Unity
GCIS	Government Communication and Information System
ICT	Information and Communication Technology
IEC	Independent Electoral Commission of South Africa
IFP	Inkatha Freedom Party
IPU	Inter-Parliamentary Union
LSPPF	Legislative Sector Public Participation Framework
MP	Member of Parliament
MPs	Members of Parliament
NAPL	National Assembly and Provincial Legislatures
OGD	Open Government Data
P2C	Parliament-to-Citizen
P2MP	Parliament-to-Members-of-Parliament
P2P	Parliament-t-Parliament
PMG	Parliamentary Monitoring Group
PPCs	Parliamentary Portfolio Committees
PPM	Public Participation Model
SADC	Southern African Development Community

Politics and Democratic Governance in the Post-Covid-19 Era

UDM United Democratic Movement

UNDP United Nations Development Programme

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Chapter 1

Parliament as a Legislative Authority in South Africa: The Constitutional Framework for Governance and Oversight

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Abstract

This chapter uses a discursive assessment of the literature on the constitutional framework in which South Africa's Parliament operates, as well as its tensions and the challenges to promote democratic governance and political accountability. Throughout, the challenges and impact of the COVID-19 pandemic will be considered as the Parliament navigates a post-pandemic future in a dynamic multi-political party context. The South African Parliament operates as a legislative body within a constitutional framework to promote democracy and accountability by representing the people, overseeing the Executive, enacting laws, promoting public participation, and operating transparently. However, it has experienced several tensions in executing its functions. The challenges include procedural and inadequate resources, internal party politics, as well as party politics influenced by a Westminster model focusing on opposition politics which makes it difficult to build consensus. The Parliament has been blocked from keeping the Executive accountable and public trust is eroding.

To address the above, consensus need to be built on important issues among multiple political parties. This is where Parliament should ensure that oversight is carefully coordinated between parties in impartial and independent ways. It requires mechanisms to manage the risks of conflicts and tensions, while proactively fostering inclusivity into the legislative process. The Parliament should ensure openness and transparency in its operations and decision-making process to the public which is increasingly possible with new technologies. Central to the above is the development of leaders that

support the strengthening of institutional capacity and public trust, developing accountable policies, processes and procedures through King IV and ISO standards compliance, nourishing relational rights, and ensuring that party politics and executive oversight do not undermine its role as a democratic institution.

Keywords: South Africa, democracy, parliament, legislative authority, constitutional framework, political accountability.

Introduction

The chapter starts with a short introduction and overview of the South African Parliament as a legislative body within a constitutional framework established in 1994 to promote democratic governance and political accountability. The overview highlights Parliament's role as representing the people, overseeing the Executive, enacting laws, promoting public participation, and operating transparently.

These are ideals that are enshrined in the Constitution, but the realities of the last three decades have shown that Parliament faces many tensions and challenges that have raised questions on whether the institution can fulfil its role adequately. The aftereffects of the world-wide COVID-19 pandemic and the subsequent lockdowns that severely restricted the movement of people have also influenced the way in which governments responded. In South Africa, the Parliament's role in the state of disaster decision-making was limited and the quality of democracy has been affected. The Parliament have already faced major challenges prior to COVID-19 and needs to make considerations and readjustments after COVID-19. In this post-COVID-19 era, a major challenge for the South African Parliament is to carefully navigate its future as a legislative authority within a dynamic multi-political parties' context and a constrained socioeconomic environment.

The chapter will discuss in more detail the tensions and challenges of the changing influence of political parties that will require coalition governments to be formed; oversight of the Executive to be strengthened; challenges with representation, participation, and implementation to be addressed; institutional capacity to be built; as well as a system that is focused more on consensus building than opposition politics.

The South African Parliament as a Legislative Body

According to Sections 42(3) and 55(2)(b) of the Constitution, the South African Parliament operates as a legislative body within a constitutional framework to promote democratic governance and political accountability. The Constitution was adopted in 1996 as the legal foundation and framework for the country's democracy and system of governance. South Africa is a constitutional democracy with a three-tier system of government, including national, provincial and local. The Constitution establishes a system of checks and balances to limit the powers of the different government branches: executive, legislative and judicial. While Section 44 of the constitution stipulates the powers and functions of the legislative, Section 85 states the functions and powers of the President and the National Executive. The constitutional checks and balances of the Parliament include scrutiny of the Executive by the legislature as stipulated in Sections 54, 55(2), 56, 69, 89, 92(2) and 102 of the constitution. There are also Chapter 9 institutions which are independent bodies that need to protect and promote the rights enshrined in the Constitution, such as the Independent Electoral Commission and the Office of the Public Protector which investigates allegations of maladministration and corruption (RSA, 1996).

Within the constitutional framework, the Parliament operates a bicameral legislative body with two houses: the National Assembly and the National Council of Provinces, each with specific functions and responsibilities. The National Assembly is responsible for passing legislation, approving the national budget and overseeing the work of the executive branch of government. Members are elected through a system of proportional representation. The National Council of Provinces represents the provinces of South Africa and needs to ensure that the provincial interests are represented and considered in the national legislative process (RSA, 1996).

The South African Parliament must promote democratic governance and political accountability through the following (Sebake, 2015; Van der Westhuizen, 2014):

- Parliament members are elected by the citizens of South Africa through a democratic process and should represent the people's interests and voice their concerns in the legislative process.
- The Parliament has oversight responsibilities to ensure that the executive branch of government, which includes the President and Cabinet, are doing their work. There are parliament

committees that hold the Executive accountable for their actions in the interests of the people of South Africa. It includes powers to summon government officials to appear before parliamentary committees to answer questions, investigate matters of public concern, and pass legislation to regulate the actions of government officials.

- Parliament is responsible for law-making and enacting laws that reflect the will of the people and ensure that it is consistent with democratic principles outlined in the Constitution.
- The public has opportunities to participate in the legislative process to contribute to the development of laws and policies. Parliament engages with citizens to represent their voices and address their concerns. It includes public hearings, written submissions, and consultations with civil society organisations to express diverse views.
- The Parliament must also be transparent by ensuring that the public has access to information about the activities of Parliament, including accounting for how it uses public resources.

In summary, the constitutional framework of South Africa is designed to promote democratic governance and political accountability through the establishment of a system of government that is accountable to the people and protects their rights and freedoms. The Parliament is constitutionally part of a system of checks and balances to ensure that there is not a single branch of government with too much power. The role of Parliament is to promote democracy and accountability by representing the people, overseeing the Executive, enacting laws, promoting public participation, and operating transparently. However, with the principle of cadre deployment the South African Parliament has been unable to institute this crucial role and act against government abuse of public funds.

Tensions and Challenges in Executing Parliament Functions within a Multi-Party Context

The South African Parliament has experienced a number of tensions in executing its functions within a dynamic multi-party context. This section aims to (1) explain these tensions, (2) highlight how multi-party politics are making it more challenging in the South African context, (3) consider the effects of the COVID-19 pandemic, and (4) analyse the deeper challenges that Parliament need to confront in navigating its future.

Post-independent South Africa is a multiparty democracy whose Parliament is composed of different political parties. With the advent of democracy in 1994, the ruling party, the African National Congress (ANC) has dominated through their majority seats in Parliament (Isike, 2019). In the last decade, there have been some indicators to suggest that ANC support is on the decline. Some of the indicators include a decline in the ANC's electoral performance, which has fallen from 69.7% in the 2004 national election to 57.5% in the 2019 election (Mampilly, 2019). Surveys conducted also indicate a drop in the approval ratings among South Africans with a growing dissatisfaction with its performance in government (Mkentane, 2022). The ANC has also lost up to a third of its membership since 2012 (Harper, 2022). Reasons for this include corruption scandals that have eroded public trust in the party; the failure to address major economic challenges such as poverty, unemployment, and inequality; the party's internal leadership struggles, factionalism, and in-fighting; the increased political competition from other parties; and the failure to address social issues such as crime, education and healthcare (Hendricks & Massey, 2021).

With the ANC's decline in political influence and popularity, the current trend is the formation of coalitions between different political parties. Coalition government may become more common at both national and local levels as smaller parties gain more influence and major parties struggle to maintain their dominance. A new amendment to the Electoral Act that allows independent candidates to stand in the 2024 election also has the potential to bring further changes, but there are mixed reactions to this Bill with gaps and challenges that still need addressing to make it more fair to independent candidates (Chabane, 2022). There are also further calls to broaden reform of a system that combines constituency elections with proportionality for the 2029 elections (Gerber, 2023).

South Africa has a slightly amended version of a parliamentary system of government at the national, provincial and local levels where seats are dominated by the ruling party. This structure has ensured some relative stability for the government and the position of the Executive; however, it is bound to change when the ANC is not able to obtain the majority of seats in the legislature and will then have to enter coalitions. Where ideological and policy differences are small between the dominant party and some parties that together constitute a legislative majority, there could be enough incentive to hold a coalition together (Cheibub, Przeworski & Saiegh, 2004).

Where no party obtains an absolute majority or is able to agree but is forced to work together to elect the head of the Executive, the major differences between parties could lead to a more unstable government.

Coalition politics has the potential to promote inclusivity and democratic participation by bringing together various parties to work towards and compromise on policy issues instead of narrow partisan interests. However, evidence, particularly at the municipal level in South Africa, shows that political parties are not able to negotiate complex agreements and manage competing interests since the parties are driving different agendas and are struggling to find common ground (Booyesen, 2022). A few examples include a 2018 collapse in a coalition government in the Nelson Mandela Bay Municipality citing disagreements over governance and policy issues (Steyn Kotze, Davids, Fokou & Sanchez Betancourt, 2020) and in the Tshwane Metropolitan Municipality in 2020 due to disagreements over the appointment of senior officials (Pieterse, 2020). Following the 2021 local elections, the multiple coalition governments in Ekurhuleni, Johannesburg and Tshwane have experienced political infighting and preference at the expense of service delivery (Pieterse, 2021). These examples are on local levels of government, but it is a predictive of what is to come on the national level, especially after the 2024 general elections, which makes it necessary to start planning for this future and finding ways to navigate it.

A major concern, as seen in recent examples, is that South Africa's coalition governments thus far have been political, not legal or constitutional. Party leaders have a strong influence and can use their power of disruption (such as non-attendance of council meetings) to indirectly collapse government where there are large policy differences. This occurs when parties are more interested in government power and access to resources and patronage than the normal ideological glue that may hold coalitions together (De Vos, 2021).

The above indicates the difficulty of building consensus due to the increasing political polarisation of different political parties even as South Africa is moving towards coalitions. The lack of cooperation and coordination between parties makes it difficult to pass legislation or take decisive action. Members of Parliament prioritise the interests of their party over the people that they represent which can lead to gridlock and a lack of progress on important issues making it difficult for the Parliament to function effectively. These different interests are also based on parties' different priorities and

ideological orientations which make it difficult to find common ground on important issues (Booyesen, 2022). The above has led to instances of disruptive behaviour and violence in the Parliament, including physical altercations between members. One of the key political parties called the Economic Freedom Fighters (EFF) have been forcibly removed from Parliament in 2014 for disrupting the State of the Nation's Address and in 2017 security forces used stun grenades and pepper spray to remove members after they disrupted the President's speech. There have also been physical altercations between the ANC and the EFF in Parliament during an impeachment debate in 2017, and with the ANC and the official opposition, the Democratic Alliance (DA), in 2018 during a debate on land reform (Mabogunje & Moyo, 2017).

Additionally, the tension Parliament faces is compounded by procedural issues, such as outdated rules, disruptions, walkouts, the ruling party shutting down opposition debates or votes and abuse of parliamentary rules. Poor attendance of members of Parliament (MPs) has also led to delays in the passage of legislation and performing other important functions. This is made more difficult by the lack of budget and resources which impacts its ability to execute its functions. The 2009 report of the Independent Panel Assessment of Parliament notes poor attendance of MPs and, therefore, recommends institutionalisation of attendance policy for MPs and stringent reporting requirements for constituency work (Govender et al., 2009). Parliament lacks the capacity to conduct effective oversight, has weak committee structures, and limited resources for research and analysis (Makanya, 2023). The extent to which formally conferred legislative budgetary powers are exercised is conditioned by other factors such as possession of the sufficient technical capacity to scrutinise the budget, what local political conditions are, the individual incentives that MPs face, and how conducive the broader governance environment is to Parliament fully exercising its powers (Makanya, 2023).

The COVID-19 pandemic was a further disrupter to the legislative process and has been compounded by South Africa's electricity crisis that subsequently took centre stage. COVID-19 has led to delays in parliamentary sessions, reduced attendance, and prioritising pandemic-related legislation. The Parliament had to adapt its functioning and procedures, but there were challenges to transitioning to virtual meetings and addressing technological and connectivity issues while maintaining transparency and

accountability and ensuring that legislative processes remained effective. As a result, major backlogs persist in Parliament's ability to pass laws and enact necessary reforms. During the pandemic, the severe health crisis and subsequent economic downturns and job losses due to strict lockdowns, which limited the movement of people, have also diverted attention and resources away from parliamentary activities. This has affected its overall functioning (Seekings & Nattrass, 2020). There are also poor intergovernmental relations between Parliament and other levels of government which makes coordination and alignment difficult to implement policies and programmes (De Coning, 2020).

While political parties fight it out in Parliament, partnerships and engagements with the concerns and demands of the public and civil society organisations remain limited. Limited citizens' representation and involvement in the legislative process make Parliament less responsive to the needs and concerns of the public. Part of the challenge is transparency and accountability since the public has limited access to information about parliamentary proceedings and decisions, as well as a lack of oversight of government agencies (Mojapelo, 2020). Without sufficient engagement with citizens in the decision-making process, policies and decisions are made that do not adequately reflect the needs and interests of citizens or get the buy-in that could help in the implementation of certain policies (Gutuza, 2020). During the COVID-19 pandemic crisis, many areas in South Africa did not have access to information on COVID-19 due to limited access to technology and internet activity. This digital divide highlighted the inequality in the information that certain people and groups had over others, as well as limiting citizen access to important parliamentary information, participation in public consultations, and communication and engagements with elected representatives (Steytler, De Visser & Chigwata, 2021). The pandemic also had a negative impact on South Africa's socio-economic circumstances even with several relief measures from the government which have further stimulated debates on state-society-private sector relationships to socio-economic responsibilities (Kotzé, 2022).

Another challenge for Parliament is to hold the executive branch of government accountable. The oversight role of Parliament is complex with the multi-parties which often lean into opposing the ruling party without effective, comprehensive, and impartial coordination between parties through an independent and robust approach (Corder, 2022). There have been instances where this

oversight has been compromised. Criticism includes that Parliament is too lenient on the Executive and does not adequately scrutinise government policies, and actions and hold government officials accountable for corruption and other malfeasance. The ANC has also used their majority to block or protect members of the Executive from scrutiny (Southall, 2019). Despite multiple investigations and inquiries on the Arms Deal Scandal, which refers to the controversial arms procurement deal signed by the government in 1999, the ANC has consistently blocked Parliament's calls for a full and independent investigation (Martin, 2018). Other examples include the blocking of the investigation of the 2014 Nkandla Scandal where former President Jacob Zuma used public funds to upgrade his private residence (Calland, 2017); preventing a parliamentary inquiry into the 2016 South African Broadcasting Corporation crisis accused of censoring critical news coverage and protecting certain political interests (Fine & Rustomjee, 2018); delays and disruptions of proceedings by the ANC into the State Capture Inquiry launched in 2017 (Johnston, 2019); blocking parliamentary inquiry in 2017 into the emails leaked on the extent of the Gupta family influence on the South African government and state-owned enterprises (Booyesen, 2018). Another major scandal happened during COVID-19 with 2.1 billion rands of COVID-19 contracts meant to save lives and protect livelihoods that were under suspicion of corruption, fraud, and illicit money flows (Winning, 2022).

Since COVID-19, there has been a further increased deficit in public trust, especially directed towards the ruling party, due to government member's abuse and violation of pandemic-related regulations (Kotzé, 2022). During the pandemic, the South African government followed many other countries in expanding executive power to enable emergency measures to contain the spread of the virus. It has allowed the issuing of executive orders to bypass Parliament when the Parliament was already constrained due to strict lockdown measures to contact and travelling. This hindered parliamentary committees from conducting inquiries, holding hearings and scrutinising government. Stronger executive powers may have been necessary for emergency measures, but the actions have raised concerns about the concentration of power in the hands of the Executive and the long-term risks for democratic checks and balances (Steytler, De Visser & Chigwata 2021). None of the formal institutions, regulations or arrangements of the pandemic emergency functions remain in place, but the parliamentary activities have not been able to function as they normally do. Soon after COVID-19, a

fire destroyed major parts of the parliamentary precinct which led to a move to a much smaller building and having to use a hybrid system again. Even if South Africa's democratic principles did not degenerate dramatically during the pandemic, the pandemic seemed to have impacted the quality of democracy. The Parliament played a limited role and opposition parties lacked opportunities while there was some executive abuse of pandemic powers (Kotzé, 2022).

On deeper analysis, the South African Parliament is influenced by the United Kingdom's Westminster parliamentary system which focuses on opposition politics and makes consensus-building difficult. There are also arguments that Westminster carries historical baggage since it is rooted in the British colonial period and is incompatible with more collaborative and mediative practices that are needed in a South African political dialogue (Luescher, 2011; Mazibuko, 2016). Therefore, the institution itself is not transformed sufficiently with the political will and commitment to implement policies that address the inequalities and legacies of the past in innovative and fresh ways. The solutions from various political parties seem rather stale and outdated and are not transformative and inclusive enough. Parliament has been criticised for failing to represent the interests of marginalised communities, especially those who have been historically excluded from the political process such as women, people of colour and indigenous communities (Gwala, 2021). The Parliament has not been a strong enough vehicle through which to address socioeconomic challenges as well as hold political leaders to account. Inequality, for example, remains one of South Africa's major challenges because of historical injustices and is reflected in political institutions (Seekings, 2018).

The perception that party politics is taking centre stage at the expense of the needs and concerns of citizens is compounded by the erosion of public trust in the legitimacy of the institution due to high-profile corruption scandals and conduct by members of Parliament. Parliament is a critical body that needs to commit to policies that promote social and economic justice, as well as efforts to ensure that all citizens have public access to education, housing, healthcare, and other services. Instead, public trust in the institution is declining with a sense that political parties are too polarised and driven by their own interests while Parliament has not been able to keep political leaders accountable for rampant and widespread corruption (Seekings, 2018).

South Africa as a nation seems to be having an identity crisis. The aspirations that were shared in 1994 of creating a diverse country of people with opportunities for all to have a place to live and share have now been diminished. People are frustrated by the inability of leaders to adequately address the injustices of the past and disillusioned by the embroilment of leaders in widespread corruption. There is little evidence that challenges such as poverty, inequality and unemployment are improving. The frustrations extend to opposition political parties and citizens struggling to find alternatives which has led to a significant increase in non-voters (Booyesen & Van Heerden, 2020). The COVID-19 pandemic has contributed to the social and political divisions in South Africa with polarised parliamentary debates over government responses, vaccine distribution, and socioeconomic inequalities. The post-pandemic parliamentary discourse has been affected by COVID-19 and the subsequent crises, such as increased unemployment, the limited electricity supply in the country and ongoing corruption. This has made it challenging to find common ground, build consensus and engage in constructive dialogue on critical issues (Francis, Valodia & Webster, 2020).

The tensions and challenges raised above are part of the reasons for the declining trust in Parliament in fulfilling its constitutional mandate of promoting democratic governance and political accountability. The section below will review debates and provide suggestions for navigating the future with the above challenges in mind.

Navigating the Future of South Africa's Parliament

The Parliament is an evolving institution which needs to continue to adapt to the changing political landscape in South Africa (Van der Westhuizen & Fisher 2014). Even as an evolving institution, the primary focus of the South African Parliament remains to serve the people of South Africa and ensure that their voices are heard, and their needs are met. This remains its core function even as it evolves and adapts within a multiple-political parties' context. Changes must, therefore, continuously progress towards solutions that serve and represent the people.

COVID-19 has brought about rapid challenges and changes for South Africa's Parliament but also offers lessons for learning to strengthen parliamentary functioning. During COVID-19,

the Parliament had to balance between emergency measures and democratic principles, which also meant that flexibility was required to deal with the crisis. There were instances where most political parties worked together. For example, key NGOs in South Africa worked closely with the government, other political parties and businesses through the Solidarity Fund which was set up by the government to augment the work done by NGOs in the health sector and allocate budgets toward food security assistance (Gungubele, 2020).

Virtual platforms were also utilised to communicate between political party leaders as well as with the media and the public. President Cyril Ramaphosa introduced 'family meetings' where he appears regularly on South African television screens to update the nation. The regularity and significance of these briefings were unprecedented (Feltham, 2021). However, it remains a one-sided engagement, but technology makes it possible for leaders to answer questions forthrightly and can be used to open more direct engagements between government, parliament, and the public. It is important for Parliament to use virtual platforms for parliamentary proceedings, develop online public engagement strategies and make changes in legislative practices to accommodate the new circumstances.

The above can be used as ways to improve the responsiveness of the Parliament to public needs. Debates on what is required for South Africa's Parliament to fulfil its constitutional function include whether constitutional changes are required to promote democracy and political accountability that leads to policy implementation in addressing societal issues. There is no clear consensus in the literature on what is more important for South Africa's Parliament – changing the constitution or addressing other tensions and challenges. An amended constitution must address Parliament's shortcomings and ensure greater democratic representation, such as a more proportional and inclusive electoral system or the decentralisation of power to local governments and local communities to reduce power on the national level (Chabane, 2022). However, it is unlikely that changes to South Africa's parliamentary system of government will change soon since it is entrenched in the constitution and can only be amended with the support of two-thirds of the members of the National Assembly, as well as by six of the nine provincial delegations to the National Council of Provinces (Constitution of the Republic of South Africa, Section 74(3)) (RSA, 1996). More

frequent and consistent multi-sectoral engagement and consensus building for changes to the constitution and identifying the most pressing challenges are needed to build trust and gain input and support from the wider society. Multiple actors such as government bodies, interest groups and civil society organisations can come with their divergent interests and perspectives, but within a process that is clear and transparent in design and implementation to ensure constructive dialogue, accountability, and legitimacy (Bogaards, 2018; Booysen, 2019).

It is important to balance the need for constitutional changes with other more short-term priorities and changes to ensure that Parliament can address the challenges facing the country. A key aspect that has shaped South Africa's political landscape is the representation of a range of ideological positions among numerous political parties and even divisions within political parties. These political divisions continue to shape South African politics and how Parliament operates. There has also been a growing recognition among some South African politicians and commentators that pragmatic approaches may be necessary to address some of the country's serious socioeconomic challenges (Gumede, 2019; Pillay & Reddy, 2020). Questions that can inform this are pragmatic in nature and do not take a dogmatic, theoretical, or ideological position towards critical issues. It includes the following questions:

- Consider the consequences of positions carefully. Does the position make the daily lives of people better, or worse?
- Does it contribute to a meaningful future for all? If not, why are we endorsing it?
- Can this idea be implemented to the benefit of all in practical ways? If not, how is this idea valuable?
- Does the idea contain an element of coercion, violence, fearmongering or manipulation? If yes, why is it necessary? (Niemand, 2022).

The above is a suggestion for consensus building and processes to support differences in ways that move towards action and implementation. The Parliament can foster and encourage a culture of debate and constructive criticism by all parties and stakeholders with the idea of finding innovative and effective solutions to the challenges facing the country (Chigwata, 2018). Mechanisms are required to manage the risks of conflicts and tensions, while proactively fostering inclusivity to ensure that all parties and

viewpoints are included in the legislative process. Multiple political groups must come to an agreement in the Parliament and establish common ground on crucial subjects. Parliament needs to strengthen mechanisms to manage the increased risk of conflict and tensions, such as effective disciplinary procedures and conflict resolution mechanisms. There are many short courses and training with certificates available for restorative justice, mediation, negotiation, and diplomacy. Parliamentarians need to have gone through a basic level of training, ideally with members of other political parties, to become a member of Parliament.

It may be necessary to identify where change is needed in South Africa's Parliament through a thorough analysis of the current system, identifying its strengths and weaknesses, and pinpointing the areas where improvement is needed. The next step is developing a vision for change and what the Parliament should look like in the future. This should be clear, ambitious, and achievable, and should serve as a guide for the change process. A detailed plan for achieving the desired change with specific steps, resources, timelines, and implementation must then be set. Representatives of Parliament should build support from key stakeholders including members of Parliament, civil society organisations, and the general public. This could involve conducting outreach and engagement activities, building coalitions, and communicating the benefits of the proposed changes. Once there is sufficient support, implementation starts which includes introducing new legislation, reorganising parliamentary structures, and investing in new resources and technologies. Throughout this change process, monitoring and evaluating progress and the effectiveness of changes made is critical to identify areas of further improvement to achieve intended goals (Lengnick-Hall & Beck, 2019; Patton, 2018; Weiss, 2018).

Political oversight should be carefully coordinated between parties in impartial and independent ways. The changing political landscape where coalitions are more prevalent, still remains within the existing electoral system where party leaders maintain strong control over elected representatives to retain membership of the party on whose ticket they were elected to remain a member of the relevant legislative body. Strong party control where leaders enforce strict discipline may be important within the changing political landscape to help stabilise a coalition by preventing rogue elected representatives from selling their votes to opposition parties trying to topple the government. A formal coalition or confidence and supply

agreement might be required of parties seeking to form a governing coalition or enter into a confidence and supply arrangement as a result of this dynamic, which could help to lessen the instability of a government when no party wins an absolute majority of seats in the legislature (De Vos, 2021). As an important step, the national government is planning to introduce a new framework to manage coalitions to ensure that there is greater stability in these coalitions (Ndimma, 2023).

Investment is needed in the professional development, coaching and leadership training of parliamentarians to build teams, improve communications and transparency, develop contingency plans, and seek external support and advice (Johnson, 2009). It includes training and support in collaboration through dialogue and facilitating compromise; fostering a shared vision among parties; encouraging inclusivity; setting clear goals with guidance and help to prioritise issues of national importance; holding members accountable through monitoring performance and reporting on outcomes (Sibanda, 2018). Some of the training and support can also be done online to save time and costs, which COVID-19 has rapidly brought about. Central to the above is the development of leaders that support the strengthening of institutional capacity and public trust in the Parliament, nourishing relational rights, and ensuring that party politics and executive oversight do not undermine its role as a democratic institution.

Legislative processes in Parliament must be open, transparent, and participatory and have a process through which to check and ensure that all parties and viewpoints are included. Technology can support this to ensure that there is no secrecy or hidden agendas and that the public is aware of the issues discussed and decisions made. The public should have access to the Parliament's operations and decision-making process, which is becoming more and more practicable thanks to modern technologies. It can also include the establishment of independent oversight bodies, such as ethics committees or ombudspersons, as well as greater public access to information about parliamentary activities. The Parliament can also improve public engagement and participation through reforms to parliamentary procedures, as well as investments in public outreach and education initiatives (Maphunye, 2018; Tumai & Ankomah, 2020).

Other institutional and capacity weaknesses of Parliament can be addressed through investing in resources, capacity and systems that are necessary for more effective legislative and oversight functions.

It includes reforming outdated rules and procedures and investing in the training and development of parliamentarians and staff. The South African Parliament can apply the principles and guidelines of King IV, which is a corporate governance framework developed in South Africa for companies and other organisations in the private sector and integrate it with ISO Standards (Ramalho, Khoza & King, 2016). The International Organisation for Standardisation (ISO) are a set of internationally recognised standards that provide guidance and best practices for organisations in various areas, such as quality management, environmental management, and information security (ISO, 2023). This can be done through certification bodies such as the South African National Accreditation System (SANAS, 2023) accredited to take Parliament through audit and certification processes that also help to identify where training and skills development are needed:

In terms of integrating ISO standards with King IV, it is worth noting that King IV emphasises the importance of accountability, transparency, and ethical behaviour in corporate governance. These principles are closely aligned with the objectives of ISO standards, which aim to promote quality, efficiency, and ethical behaviour in organisations. One way in which the South African Parliament could integrate ISO standards with King IV would be to seek certification to ISO standards as a means of demonstrating its commitment to quality, efficiency, and ethical behaviour.

Certification to ISO standards could help the Parliament establish and maintain effective management systems that promote governance practices and could also provide a framework for ongoing improvement and monitoring of these practices. Furthermore, King IV recommends that organisations implement risk management processes that are aligned with the organisation's strategic objectives. By integrating ISO standards with King IV, the South African Parliament could establish risk management processes that are consistent with internationally recognised standards, which could help to ensure that risks are identified and managed systematically and effectively (Pule & Ramotsehoa, 2020). The Parliament's current Joint Committee on Ethics and Members' Interests can be integrated into the above to address some of its shortcomings. It was established by Parliament to oversee the ethical conduct of members of Parliament and ensure that they comply with the code of conduct. Overall, the Committee has been praised for promoting ethical conduct among members of Parliament and ensuring greater

transparency and accountability in the work of Parliament, but there are concerns that its work may be limited by its lack of teeth in enforcing compliance with the code of conduct, potential political influence, and lack of transparency (Habib, 2018).

The Parliament can also incorporate traditional African values and customs into its operations to create a unique identity that reflects the cultural diversity of South Africa. This can be achieved by recognising and respecting the contributions of different cultural groups, including the structures on the ground that already exist in the design, decision-making, and feedback of policies and their implementation, and promoting policies that are sensitive to their needs (Matlosa, 2017).

An important aspect that binds and underlies the above is the understanding, measurement, and management of relationships:

When legislators seek to implement protection for certain rights through constitutional provisions or legislation, they should bear in mind that there is a relational context in all the fields of conduct in which rights issues arise. Legislation should not guarantee blanket untrammelled individual freedoms, but rather set out established rights that operate within interpersonal relationships, which can be claimed as relational rights within the matrix of various rights and obligations in given relationships. This may allow for the content and meaning of rights to be tailored, to some extent, to the needs and values of local communities, which may coexist within one jurisdiction. This would be especially relevant in multi-cultural, multi-ethnic or multi-religious societies, where the imposition of a singular legal standard can be a cause of strife and disintegration of trust between communities. Such diversity will of course be underwritten by more universal norms of healthy and proximate relationships and the basic rights that these entail for all communities (Ho, Ferguson, Ive & Schluter, 2021: 80).

There are now extensive approaches and tools with relational indicators that can be used to better measure and manage parliament networks, alliances, partnerships, and other forms of collaborations based on mutual trust, understanding, respect, reciprocity, and mutual benefit to play a role in social, economic, and political development (Narayan, 2002; Schroeder, Chatfield, Singh, Chennells

& Herissone-Kelly, 2019). One such tool is called the Relational Proximity Framework (RPF), which was developed by a social reform think tank called Relationships Foundation, as a measure with indicators and questions to allow for a more dispassionate exploration of how individuals and organisations are functioning relationally (Ashcroft, Childs, Myers & Schluter, 2017). It is a means by which to analyse reasons for the falling levels of “social capital” or assess the strength of stakeholder relationships in an organisation. It includes comprehensive indicators to measure (quantitatively and qualitatively) both organisational and interpersonal perceptions of the proximity or distance of relationships between people or organisations, which determines how well each is likely to engage with the thinking, emotions, and behaviour of the other. These indicators are broken down into the following descriptors with indicators and aspects that drive the relationships towards certain outcomes: communication (directness); time (continuity); information (multiplexity/knowledge); power (parity/fairness); and purpose (commonality).

Parliament can, therefore, invest in the above measures to build relationships with citizens; foster partnerships with civil society and critical partners in society; enhance intergovernmental relations; and establish cross-party committees to bring parties to work together on specific issues, collaborate and build relationships across party lines, and help identify areas of common interest and shared values (De Visser & Du Toit, 2019).

Conclusion

This chapter provided an overview of the roles and functions of South Africa’s Parliament within the constitutional framework to promote democratic governance and political accountability. The Parliament is an evolving institution that is facing changes in the political landscape with the decline of the ruling party and the need to better understand and navigate coalition politics within a multi-political parties’ context. The Parliament also needs to confront the decline in people’s confidence in the institution due to the polarisation of political parties; the lack of executive oversight that has led to major corruption; limited representation and participation from the public; and an inability to implement and address serious socioeconomic challenges facing the country.

There are common arguments and recommendations prevalent in the literature. Addressing the above tensions will require ongoing efforts to strengthen the Parliament's institutional capacity, training, dialogue and deepening public trust in the Parliament, as well as ensuring that party politics and executive oversight do not undermine its role as a democratic institution. It includes prioritising building relationships among political parties, and with citizens, fostering partnerships with civil society, enhancing intergovernmental relations, promoting transparency and accountability, and ensuring effective oversight of the executive branch.

A further contribution to this is a suggestion that Parliament needs to go through a process of intended change to review the mechanics with which it operates and to identify what changes will be most helpful to work more effectively in the interests of the people. In serving the people, parliamentarians can insert more pragmatic approaches and questions within the processes of decision-making and implementation. There are helpful tools that are used in other sectors of society that the Parliament can adopt and adapt. This includes King IV corporate governance using tools such as certification bodies to help implement international ISO standards on good practice integrated into its Joint Committee on Ethics and Members' Interests. There are also relational indicators and measures that Parliament can use as part of a more integrated approach to conduct and reporting.

There are many challenges facing South Africa's Parliament which is made more difficult within the changing political landscape, but Parliament can be assisted in various practical ways to enhance its reputation and credibility as a democratic institution through cultivating a culture of dialogue, strengthening leadership capabilities, addressing institutional limitations through improved standards and processes, and rewarding responsible behaviour. The above can only happen if there is political will and strong leadership to steer South Africa through the current major crises.

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Chapter 2

Devolved Parliament and Public Participation: Mainstreaming Citizen Engagement in Parliamentary Portfolio Committees at the National Assembly and Provincial Legislatures

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Abstract

The chapter examines the fundamental premise of public participation in parliamentary portfolio committees, which is crucial for strengthening democracy and accountability. It investigates the current condition of citizen participation in parliamentary portfolio committees at the National Assembly and Provincial Legislatures (NAPL) in South Africa using the theoretical lenses of devolved parliament and public participation. Through a review of pertinent literature and a secondary analysis of the methodology employed, this study demonstrates that South Africa has a growing need for a devolved parliament and enhanced public participation in parliamentary portfolio committees. While Parliament has shown a commitment to promoting public participation in its activities, the chapter also identifies various challenges that impede the institution's ability to facilitate meaningful public participation that can improve decision-making processes. To bridge the gap between legislatures and citizens and ensure that citizens can actively participate in the legislative and oversight processes of their elected representatives, this chapter provides recommendations for mainstreaming public engagement within the portfolio committees of the legislature. This chapter emphasises the significance of a devolved parliament and public participation in promoting democracy and accountability in South Africa. By improving public participation in parliamentary portfolio committees, the chapter argues that citizens can have a greater say in decision-making processes and that parliamentary

activities can be more reflective of the needs and interests of the people.

Key words: devolved parliament, public participation, citizen engagement, parliamentary portfolio committees, democracy.

Introduction

Public participation is essential to democratic governance, enabling citizens to participate in decision-making processes that affect their lives (Nabatchi & Leighninger, 2015). As a key pillar of democracy, public participation allows citizens to voice their opinions and influence policy decisions that affect their lives (Mærøe, Norta, Tsap & Pappel, 2021; Waite, 2022). The South African Constitution enshrines the principle of public participation as a fundamental aspect of democracy (RSA, 1996). In line with this constitutional mandate, parliamentary portfolio committees play a crucial role in facilitating public participation and enhancing the accountability of elected representatives to their constituents (Rafique, Habib & Rosilawati, 2021). However, the extent to which citizens can participate in parliamentary portfolio committees at the NAPL in South Africa has been called into question. Despite the constitutional mandate for public participation in South Africa, there is a growing concern about challenges to effective citizen involvement in the legislative and oversight functions in parliamentary portfolio committees (Hendriks, Regan & Kay, 2019). These challenges include limited access to information, insufficient time for citizens to engage with legislative processes, and a lack of capacity building for citizens to engage in complex policy discussions (Masiya, Mazenda & Davids, 2019; Mpabanga, 2022; Xhakaza, 2019).

The promise of a representative system that prioritised the needs of the majority through participatory democracy was part of South Africa's democratic transition in 1994. By establishing democratic institutions that would benefit all South African citizens equally, this transformation aimed to address the historical marginalisation of formerly excluded groups (Msenge & Nzewi, 2021). However, the unresponsiveness of the state to the grievances and voices of citizens through formal governance structures has emerged as a significant challenge in democratic South Africa, leading to a proliferation of protests across local communities since 2004 (Matebesi, 2017; Msenge & Nzewi, 2021; Visagie, Turok & Swartz, 2021). Therefore, this chapter investigates the current condition of

citizen engagement in parliamentary portfolio committees at the NAPL in South Africa. It utilises the theoretical lenses of devolved parliament and public participation to explore and reflect on ways to enhance citizen engagement that would also strengthen democracy and accountability by ensuring that the government is responsive to the needs and aspirations of its citizens.

The chapter explores the need and measures towards mainstreaming citizen engagement in parliamentary portfolio committees. It argues that effective public participation requires a shift in mindset and approach from lawmakers, who must prioritize citizen engagement and involve citizens in decision-making processes. The paper proposes various mechanisms to facilitate citizen engagement, particularly through parliamentary portfolio committees where citizens can provide input on policies and legislation, scrutinise government departments, facilitate intergovernmental relations, and ensure oversight and accountability of the government. These measures can enable citizens to actively participate in the democratic process, provide feedback, and hold lawmakers accountable for their decisions.

The chapter provides recommendations for mainstreaming citizen engagement within the portfolio committees of the legislature to bridge the gap between legislatures and citizens and ensure that citizens can actively participate in their elected representatives' legislative and oversight processes. Research questions that guided this chapter are:

- What are the challenges to public participation in parliamentary portfolio committees in South Africa?
- How can parliamentary portfolio committees mainstream public engagement to enhance citizen participation in legislative and oversight processes?
- What is the role of a devolved parliament in promoting public participation and accountability in South Africa?

This chapter addresses these questions and contributes to the academic literature on devolved parliament and public participation, particularly in the South African context. Additionally, it provides practical recommendations to parliamentarians, policymakers, and civil society organisations on enhancing citizen engagement in public participation processes and promoting accountability in parliamentary portfolio committees.

Public Participation in the NAPL

Public participation in the South African political system is primarily established in the Constitution of the Republic of South Africa (RSA, 1996). The preamble of the Constitution sets out the foundational values and principles emphasising democracy, human rights, and the rule of law – essential components of public participation. The Constitution emphasises the importance of public participation in various aspects of governance, from voting in elections to engaging with government at different levels. In Chapter 2, the Bill of Rights enshrines the rights of all people in South Africa and includes provisions related to political rights, such as the right to vote and to participate in free, fair, and regular elections. Furthermore, Chapter 7 of the Constitution which addresses local government, emphasises the importance of community participation in local government matters. It also provides for the establishment of ward committees and community participation in local decision-making.

There are various levels of public participation in South Africa, including legislative processes and activities at the national, provincial and local government levels. According to Kabingesi (2021), public participation in the NAPL in South Africa is a crucial aspect of democracy and good governance. In other words, these platforms are vehicles for South Africa's political commitment to promoting and protecting the rights of citizens and all vulnerable groups (Badewa & Dinbabo, 2023). Furthermore, the Constitution recognises the importance of public participation in decision-making processes, particularly in matters that affect citizens' rights and interests. Hence, the Parliament of the Republic of South Africa has made significant strides in recent years to promote public participation in its legislative and other activities (Kabingesi, 2021). Scholars highlight that various mechanisms have been put in place to promote public engagement and participation, including public hearings, written submissions, and online platforms for feedback (Kabingesi, 2021; Thungo & Mavee, 2021; Umoh, O.A., 2022).

Nzimakwe, Zondi and Naidoo (2021) emphasise that provincial legislative processes have been at the forefront of promoting public participation in local governance showing clear signs of how this promotes transparency, accountability and responsiveness of government to the needs and expectations of the public. According to the Inter-Parliamentary Union (IPU, 2022) in the legislative sector, the Legislative Sector Public Participation Framework (LSPPF),

established in 2013, is a comprehensive guide outlining the standards and norms for public participation. Additionally, Parliament has created its own model, the Public Participation Model (PPM). These have created a proper platform to help achieve successful public engagement, intentional strategies, and frameworks. For instance, a study by Thungo and Mavee (2021) on the role of the Gauteng Provincial Legislature in promoting public participation, highlights the importance of how the legislative process established effective public participation initiatives such as public hearings, stakeholder engagement, and the use of social media platforms which have been critical in facilitating better democratic governance. As such, while the NAPL have within the structure's mechanisms such as parliamentary committees to promote public participation in their activities, there is a need for more responsive platforms tailored to citizen interests, particularly in key decision-making parliamentary portfolio committees.

Studies indicate that there are several challenges affecting the effectiveness of various NAPL mechanisms, including socio-economic disparities, low levels of civic education and awareness, lack of representation, and limited resources for public engagement (Badewa & Dinbabo, 2023; Thungo & Mavee, 2021). While the NAPL bodies aim to represent the interests of all citizens, there are concerns that certain groups are being excluded or underrepresented in the decision-making process (Badewa & Dinbabo, 2023). This is particularly true for vulnerable groups such as women, people with disabilities, and those living in poverty, who may face additional barriers to participation (Solanki, Cornell, Wild, Morar & Brijlal, 2022). Furthermore, despite NAPL frameworks for public participation, there has been a lack of trust between citizens and the government (Umoh, O.A., 2022; Umoh, S.U., 2022). Muraguri et al. (2022) argue that this has been manifesting in several ways, including a lack of confidence in the government's ability to deliver services and address citizens' needs and a belief that public participation processes are not genuine or meaningful. Addressing these challenges requires greater transparency and accountability in the decision-making process and efforts to build trust between citizens and their representatives (Nzimakwe, Zondi & Naidoo, 2021). Thus, this prompts the important role of enhancing and mainstreaming citizen engagement.

Citizen Engagement

Citizen engagement has become an increasingly important concept in the field of public administration, particularly in the context of decision-making and governance processes. The concept is widely defined and discussed across literature by scholars and international institutional bodies. According to O.A. Umoh (2022), citizen engagement refers to the active involvement and participation of ordinary citizens in various activities, and programs, contributing inputs towards policy formulation, and decision-making processes of government institutions. Similarly, Gaventa and Barrett (2012) outline that it involves citizens expressing their views, ideas, and concerns about public policies and programs that affect their lives, communities and the broader society. Msenge and Nzewi (2021) posit that citizen engagement has emerged as an important concept in addressing urban design, governance, and service delivery protests.

The United Nations Development Programme (UNDP, 2016) emphasises that citizens have a long-standing history of involvement in public affairs, with active participation in local deliberation, decision-making, and leadership selection throughout the world over the course of centuries. Over the years citizen engagement has manifested in different forms, such as public consultations, community meetings, focus group discussions, public hearings, and online participation. Thus, it is recognised as a critical aspect of democratic governance that enhances transparency, accountability, and responsiveness in government decision-making (Umoh, O.A., 2022; World Bank, 2023). The World Bank (2023) has identified citizen engagement and social accountability as crucial for effective governance and development, as they allow citizens to participate in decision-making, hold public institutions accountable, and contribute innovative solutions to complex challenges. Growing evidence suggests these concepts can result in better governance, citizen empowerment, improved citizen-state relations, and strengthened public service delivery, ultimately enhancing development effectiveness and well-being. This can be achieved through various means, such as public consultations, town hall meetings, and online platforms.

Challenges to Citizen Engagement in South Africa

In South Africa, citizen engagement has been recognised as essential for promoting public policy, service delivery, and addressing socio-

economic challenges such as unemployment, social inequalities, and poverty (Msenge & Nzewi, 2021). Provisions such as 72(1)(a) provide for the facilitation of public involvement in the legislative process. It has been shown to significantly impact public policy, service delivery, and addressing socio-economic challenges. For instance, the (IPU, 2022) outlines:

The adoption of the 1996 Constitution following the collapse of apartheid was a watershed moment in the country's quest to promote public participation in decision-making. This process started with the Government adopting a participatory approach to drafting the new Constitution, which has gone on to enshrine the public's involvement in legislative and governance processes.

These sentiments reflect how the constitutional and legislative framework in South Africa was laid on the foundation of the public participation and citizen engagement framework. However, according to Nzimakwe, Zondi and Naidoo (2021), there is limited public participation in the legislative processes of South African provincial and local government spheres. While the Constitution makes provisions for public participation, it leaves significant leeway for the Parliament in fulfilling these provisions. They noted that there is a lack of information and communication channels for citizens to engage in legislative processes and that government officials are not always responsive to citizen concerns. Hence, the challenges facing effective citizen engagement in South Africa are complex and multifaceted.

Samuel Uwem Umoh (2022) argues that despite the constitutional requirements for public participation, implementing effective participation mechanisms in South Africa's policy-making process is weak, and the government has failed to integrate public views and opinions into policy formation. Challenges such as limited capacity and resources of civil society organisations, inadequate information dissemination, and government officials' lack of commitment and political will towards public participation remain highly evident (Nzimakwe, Zondi & Naidoo, 2021; Umoh, S.U., 2022). Similarly, Kabingesi's (2021) assessment of public participation in law-making and other parliamentary activities in South Africa revealed several gaps, including inadequate public education on parliamentary processes, limited public input in law-making, and

a lack of institutional support for public participation. Hence, there is limited access to information, insufficient public education on parliamentary processes, and limited opportunities for citizens to participate in the law-making process.

Adebisi, Rabe and Lucero-Prisno III (2021) highlighted the lack of trust between citizens and the government, poor communication channels, and inadequate dissemination of information as some of the challenges hindering effective citizen engagement in South Africa. The absence of clear policies, guidelines and clear objectives, lack of standardisation, and inadequate monitoring mechanisms have led to ineffective citizen engagement resulting in closed participation opportunities, poor information dissemination, unresponsiveness, and continuous protests (Hablé, 2019; Msenge & Nzewi, 2021). Furthermore, Van Rensburg, Modiba, Mphunga and Zantsi (2022) suggest that the complex and hierarchical structure of parliamentary institutions in South Africa poses a significant challenge to evidence use and effective public engagement in parliamentary decision-making. The authors note that parliamentary committees have limited resources and inadequate support for parliamentary researchers and committee staff. The identified challenges point to a need for a more inclusive, accessible, and transparent parliamentary process that prioritises public participation and effective communication channels between government officials and citizens. The next section unpacks the understanding of parliamentary portfolio committees and the barriers and opportunities to public and citizen engagement in South Africa.

Parliamentary Portfolio Committees

Before zeroing in on parliamentary portfolio committees (PPCs), it is important to understand the role and functions of committees in the South African context. In South Africa's Parliament, the National Assembly and the National Council of Provinces perform their tasks in various settings, including plenary sessions, joint sittings, and committees. Plenary sessions are when all members of a particular house convene in one place, while joint sittings are when members of both houses meet together. Additionally, committees are smaller groups of members involved in specific tasks. There are six different committees of Parliament in South Africa namely, portfolio committees, select committees, public accounts committees, internal committees, ad hoc committees, and joint committees. The Parliament of the

Republic of South Africa (2023) clarifies that committees allow the Parliament to increase its efficiency and effectiveness by allowing for more detailed and specialised discussions, increasing participation from members of Parliament (MPs), providing a platform for public input, and facilitating the collection of information and evidence related to specific issues.

Furthermore, committees have various functions, including monitoring and overseeing the work of government departments, considering and amending bills, examining specific areas of public life, and handling parliamentary issues. Committees also have the power to summon individuals to appear before them, receive petitions from the public, and require reporting from individuals or institutions. Ile and Makiva (2017) conclude that monitoring and accountability are the central guiding principles for parliamentary committees to ensure effective oversight of government activities, particularly in complex sectors.

PPCs are specialised committees composed of MPs overseeing specific government departments or issues (Thungo & Mavee, 2021). They consist of MPs appointed from different political parties in proportion to the number of seats they hold in Parliament (Manona, 2015). These committees are critical to the South African legislative process, providing oversight, scrutinising government actions and policies, and recommending changes where necessary. The National Assembly has 28 PPCs, while each of the nine provinces has its own PPCs (Van Rensburg, Modiba, Mphunga & Zantsi, 2022).

The role of PPCs is multifaceted and includes several key responsibilities. According to the Parliament of the Republic of South Africa (2023), the role of PPCs is to shadow the work of national government departments and ensure that they are transparent, accountable, and responsive to the needs and interests of the public. They are vital in promoting good governance, effective public administration, and democratic accountability in South Africa. Firstly, they consider and analyse bills, which are proposed laws or legislative proposals. The portfolio committees study the bills in detail, consult with stakeholders, and recommend to the National Assembly whether the bill should be passed into law. They may also suggest amendments to the bill before it is passed. Secondly, portfolio committees deal with departmental budget votes, which involves scrutinising the budget proposals of the government departments under their oversight. The committee reviews the budget to ensure that it is properly aligned with the department's

objectives and priorities. They also examine the expenditure and performance of the department over the past year and recommend adjustments or improvements where necessary. Thirdly, portfolio committees are responsible for overseeing the department's work and enquiring and making recommendations about any aspect of the department, including its structure, functioning and policy. This includes reviewing the department's and its agencies' activities, monitoring its performance against set targets, and identifying areas where improvements could be made. Finally, the work of portfolio committees is not restricted to government activities. They may investigate any matter of public interest that falls within their area of responsibility. This means that they may hold hearings, summon witnesses and call for evidence on a particular matter.

Considering all the roles and functions of PPCs, they are a critical vehicle for South Africa's democratic processes where specific government actions and decisions are scrutinised, debated and reviewed to ensure that they are in line with the objectives of the government and the interests of the public, including budgetary allocations, policy formulation, and implementation. Rabie (2019) highlights the importance of decision-making criteria in parliamentary committees, noting that stakeholder input, expert advice, and political considerations can all influence committee decisions. De Swardt (2003) argues that committees provide a forum for citizens and civil society organisations to voice their concerns and make submissions on matters of policy and governance. This helps to ensure that government policies and programs are responsive to the needs and interests of the broader public. The scholarly analysis demonstrates the importance of parliamentary committees in overseeing government departments and ensuring that policies and programs align with national goals and objectives with the interest to enhance their oversight role by improving their capacity, engaging with relevant stakeholders, and encouraging public participation (Nzimakwe, Zondi & Naidoo, 2021; Rabie, 2019; Umoh, O.A., 2022). Hence, a need to engage citizens in these spaces to promote effective and functional decisions and policy-making that is responsive to people's needs and grievances.

Conceptual Framework

Devolved Parliament

Devolution refers to a system of governance in which powers and responsibilities are transferred from a central government to subnational or regional levels of government (Eiser, 2020; Ezzamel, Hyndman, Johnsen, Lapsley & Pallot, 2004; MacKinnon, 2015; Scarparo, 2008). Devolved parliaments, also known as legislative assemblies, are established as part of the devolution process to exercise legislative and executive powers in matters devolved from the central government to the subnational level (Raikes, 2020; Arter, 2004). This approach promotes democratic participation and accountability by allowing citizens in different regions to exercise greater control over their affairs (Nyikadzino & Vyas-Doorgapersad, 2020). Devolved parliaments have been established in various countries, including the United Kingdom (UK), Scotland, South Africa, and Zimbabwe. For instance, in the UK, devolution involves the transfer of powers from the UK Parliament to the Scottish Parliament, the National Assembly for Wales, and the Northern Ireland Assembly (Scarparo, 2008). Similarly, in South Africa, devolution involves the transfer of powers from the central government to provincial governments (Youash, 2019).

The devolution of power has gained importance in recent years as a means of decentralising decision-making and governance structures, thereby increasing democratic accountability and responsiveness to the needs of local communities (Ezzamel, Hyndman, Johnsen, Lapsley & Pallot, 2004; Greer, 2019). Devolved parliaments allow regional or local governments to exercise their legislative and executive powers, and create policies and laws that reflect the needs and preferences of their citizens (Nyikadzino & Vyas-Doorgapersad, 2020). Hence, scholars articulate that devolved parliaments enable citizens in different regions to have a greater say in the decisions that affect their lives while promoting democratic participation by encouraging people to become more engaged with their local communities and governments (Greer, 2019; Raikes, 2020).

Additionally, devolved parliaments can lead to greater policy diversity between regional governments, as they develop solutions and pursue different policy priorities and strategies in response to their regions' and communities' unique needs and circumstances (MacKinnon, 2015). However, although they offer opportunities

for increased democratic participation and local decision-making, studies have also pointed to various challenges associated with devolution, highlighting the need for careful consideration of the potential risks and benefits of this approach to governance. For instance, Scarparo (2008) outlines that a devolved parliament may create a sense of division between different regions or communities. In the same vein, Ezzamel, Hyndman, Johnsen, Lapsley and Pallot (2004) argue it can lead to a complex and inefficient system of governance due to fragmentation of political power and lack of coordination between different levels of government. This can hinder effective policy implementation and create confusion. Arter (2004) notes that there is also the risk that devolved parliaments may not be fully accountable to the citizens they serve.

The establishment of devolved parliaments has been a widely discussed and debated issue in the field of political science. While there have been challenges associated with this system, it has positively impacted democracy by promoting innovation and experimentation in policy design and implementation (Eiser, 2020). Additionally, studies have demonstrated that devolution has led to increased democratic accountability and encouraged greater citizen engagement in the political process while strengthening the legitimacy of regional governments by giving them greater autonomy and decision-making power (Ezzamel, Hyndman, Johnsen, Lapsley & Pallot, 2004; Scarparo, 2008; Youash, 2019). Devolved parliaments have also been credited with promoting greater policy diversity and tailoring solutions to the specific needs of different regions (MacKinnon, 2015). This, in turn, can promote greater political participation and engagement among citizens, as they see the benefits of having a more direct voice in the decisions that affect their daily lives (Parvez, Rauf & Faiz, 2021). Therefore, while devolution presents challenges and risks, it also provides an opportunity for greater democratic accountability, increased political participation, and more responsive and innovative policy-making at the regional level. Accordingly, the lenses of devolved parliament set the relevant platform for mainstreaming citizen engagement in PPCs at the NAPL in the South African context.

Public Participation

Public participation refers to the involvement of citizens or communities in decision-making processes that affect them, particularly in matters of governance and policy-making (Gaber,

2019; Umoh, O.A., 2022; Chikova & Chilunjika, 2021; Kabingesi, 2021; Van Rensburg, Mokgoro & Mokgoro-Maleka, 2021; Nzimakwe, Van Rensburg & Jafta, 2019). It is a fundamental aspect of democratic governance. It aims to ensure that diverse perspectives are taken into account in the decision-making process, thus enhancing accountability, transparency, and legitimacy of decisions made by government bodies. Public participation can take various forms, including public consultations, citizen forums, public hearings, public meetings, participatory budgeting, and community-based organisations. It is a key concept in democratic governance, particularly in post-colonial countries like South Africa and Zimbabwe.

In the context of this study, public participation is highly relevant as it pertains to the engagement of citizens in the decision-making processes of PPCs (Umoh, O.A., 2022; Kabingesi, 2021). PPCs are crucial bodies within the NAPL that oversee specific areas of government policy and legislation. Therefore, incorporating public participation as a concept in this context can be seen as a means of enhancing the democratic legitimacy and effectiveness of PPCs.

However, despite the recognition of the importance of public participation in governance, there are challenges in its implementation. Samuel Uwem Umoh (2022) argues that public participation in South Africa is limited by various factors, including inadequate resources and capacity, lack of political will, and a culture of top-down decision-making that undermines citizen involvement. Similarly, Kabingesi (2021) found that although the South African Parliament has put in place mechanisms for public participation, there are still gaps in its implementation, particularly in feedback mechanisms and the inclusion of marginalised groups. Van Rensburg, Mokgoro and Mokgoro-Maleka (2021) highlight the potential of parliamentary institutions in South Africa for evidence-based decision-making, particularly through engagement with stakeholders and experts.

The Lenses of Public/Citizen Participation

Despite the challenges and inconsistencies discussed above, there are opportunities for improving public participation in governance in South Africa, particularly through enhancing citizen engagement in PPCs. The lenses from Arnstien's ladder of public/citizen participation (see Figure 2.1) provide a critical framework guiding the argument

presented in this paper. This is because countering perceived public participation challenges requires more flexible approaches. For instance, Nzimakwe, Zondi and Naidoo (2021) suggest that regional governments in South Africa can improve public participation by building trust and promoting citizen education and awareness. Kabingesi (2021) recommends using technology and social media to enhance citizen engagement, while Chikova and Chilunjika (2021) call for reforming governance institutions to promote transparency and accountability. While the solutions and approaches to effective public participation are adequately engaged later in the paper, their purpose in this instance is to reflect that efforts can be made to ensure that citizens have meaningful opportunities to engage with PPCs in line with Arnstein's ladder of public participation (Gaber, 2019).

The concept of public participation serves as a lens through which flexible frameworks can be developed to enhance citizen engagement in PPCs. These frameworks need to incorporate strategies that move beyond tokenistic or passive participation and instead empower citizens to play an active role in decision-making processes within governance. This necessitates the creation of mechanisms that enable citizens to move from a passive and responsive role to one that actively involves them in key decision-making processes, thereby granting them meaningful power in shaping policies and legislation. At the level of delegated power, citizens can be granted the authority to participate in decision-making processes through public hearings, written submissions, or stakeholder engagements, where they can provide input to inform the committee's decisions (Umoh, O.A., 2022; Chikova & Chilunjika, 2021). This can allow citizens to present their views, opinions, and recommendations on proposed legislation or policies and directly impact the decision-making process of PPCs.

Furthermore, at the partnership level, PPCs can collaborate with citizens or civil society organisations to formulate policies or legislation, where citizens are seen as partners in the decision-making process (Gaber, 2019; Nzimakwe, Van Rensburg & Jafta, 2019). This can involve engaging citizens or civil society organisations in policy dialogues, working groups, or task forces, where they can contribute their expertise and perspectives to inform the committee's decision-making process. A more inclusive and participatory approach to decision-making can be promoted by fostering partnerships between citizens and PPCs.

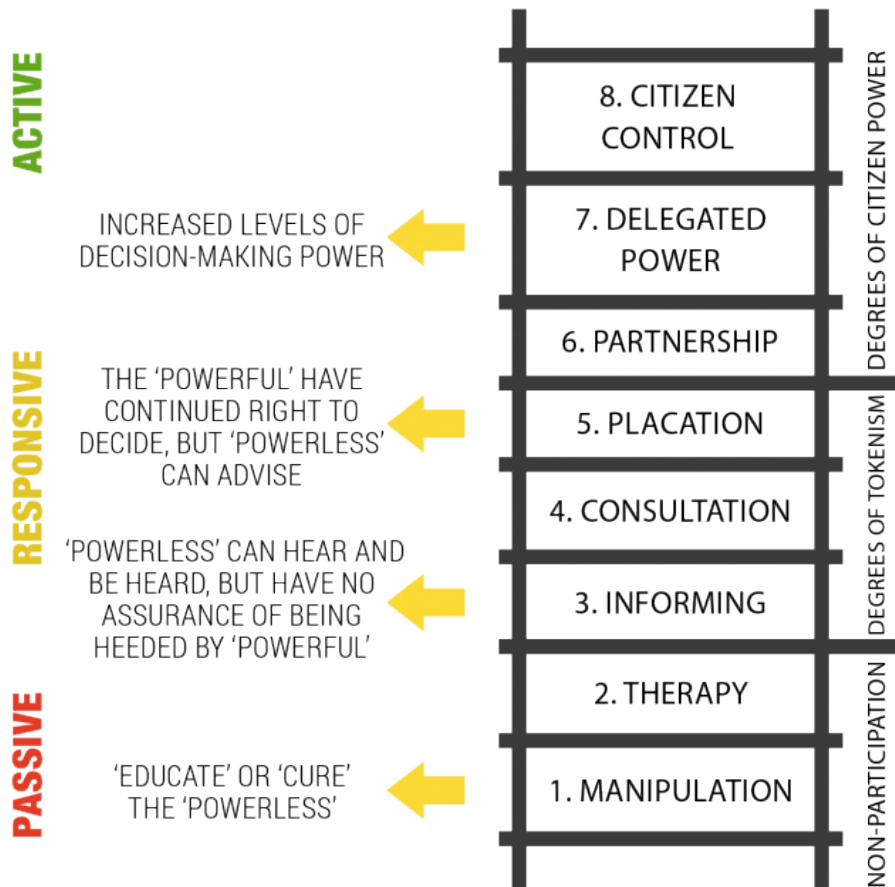


Figure 2.1: Arnstein's Ladder of Public/Citizen Participation.

Source: Arnstein (1971) cited by Eberson (2017).

PPCs must ensure that public participation is not limited to tokenistic or symbolic levels, such as consultation, informing, or therapy, where citizens' opinions are not adequately considered in the decision-making process (Gaber, 2019). Instead, efforts should be made to facilitate higher levels of public participation, where citizens have meaningful opportunities to engage in the decision-making process and influence the outcomes (Kabingesi, 2021; Van Rensburg, Mokgoro & Mokgoro-Maleka, 2021). Using innovative approaches and reforming governance institutions can enhance public participation and promote citizen involvement in governance processes.

The Relationship Between Devolved Parliament and Public Participation

Based on the theoretical discussions presented above, it is evident that the relationship between devolved parliament and public participation is a vital aspect of democratic governance that has been extensively studied and debated in the scholarly literature (Gaber, 2019; Umoh, S.U., 2022; Chikova & Chilunjika, 2021; Kabingesi, 2021; Van Rensburg, Mokgoro & Mokgoro-Maleka, 2021; Nzimakwe, Van Rensburg & Jafta, 2019). The devolved parliament, which involves delegating legislative powers to regional or local entities, can create opportunities for increased public participation in decision-making processes, thereby promoting democratic accountability and responsiveness (Gaber, 2019; Umoh, O.A., 2022). By bringing decision-making closer to local communities, devolved parliaments can give citizens a more direct say in matters that affect their daily lives, fostering a sense of ownership and empowerment among citizens (Chikova & Chilunjika, 2021). Moreover, devolved parliaments can establish mechanisms for public input, such as public hearings, consultations, and community forums, which allow citizens to voice their opinions, concerns, and suggestions, thereby promoting transparency and inclusiveness in decision-making (Kabingesi, 2021). These mechanisms can also facilitate access to information and resources, enhancing civic education and awareness and promoting active citizenship (Van Rensburg, Mokgoro & Mokgoro-Maleka, 2021). By mainstreaming citizen engagement in PPCs, devolved parliaments and public participation frameworks can cultivate a more democratic and inclusive approach to participatory decision-making that considers citizens' diverse perspectives, empowering them with a meaningful voice in shaping policies and legislation that directly impact their lives.

Research Methodology

This chapter was developed using qualitative secondary data analysis. Thus, the process involved a thorough and detailed exploration of existing information from credible web sources of government, non-profit and international institutions; journal articles accessed on online portals such as Google Scholar, Sabinet and JStor; and other research sources such as books, dissertations, newspapers, and global reports. Rahman, Tuckerman, Vorley and Gherhes (2021) describe qualitative secondary data analysis as a textual description to generate

rich, detailed data that leaves the participants' perspectives intact and provides multiple contexts for understanding the phenomenon under study. Key words such as “public participation”, “citizen engagement”, “devolved parliament” and “parliamentary portfolio committees” were used. Practical lessons and insights were drawn from global scenarios to reflect on how citizen engagement can be mainstreamed in the NAPL processes. Key findings are discussed, and recommendations are made.

Global Case Studies and Lessons for Effective Citizen Engagement

The review of existing studies provides a comprehensive understanding of how citizen engagement has emerged as a critical aspect of contemporary and effective governance. This sentiment reflects on the primary efforts and plans that have been in motion in different global contexts to promote and ensure active citizen engagement, particularly in urban communities. According to the World Bank (2023), engaged citizens can play a crucial role in promoting transparency, accountability, and effectiveness within public institutions while also providing innovative solutions to various development challenges. In recent years, scholars and practitioners have explored different aspects of citizen engagement, such as the use of new media, social media, and open government data (Bonsón, Perea & Bednárová, 2019; Carr, Cuervo Sanchez & Daros, 2020; Chen, Wang & Yang, 2020; Purwanto, Zuiderwijk & Janssen, 2020; UNDP, 2016; World Bank, 2021; World Bank, 2023). The reviewed cases from different countries and contexts provide insights into best practices in citizen engagement, such as the use of participatory frameworks, trust-building, and inclusive and participatory approaches to service delivery. These can provide lessons and insights for shaping efforts to mainstream citizen engagement in NAPL through PPCs.

New Media Platforms

In the twenty-first century, new media platforms such as social media have presented the potential for facilitating citizen engagement. According to De Lange and De Waal (2017), new media has provided citizens with a transforming and empowering opportunity to participate in voicing their concerns and ideas in urban design. They note that new media platforms, such as social media and online forums, allow citizens to interact with urban designers, policymakers,

and other stakeholders. This interaction promotes the exchange of ideas, increases transparency, and improves outcomes. Similarly, Skoric, Zhu, Goh and Pang (2016) conducted a meta-analysis of 35 studies and found that social media positively affects citizen engagement. The study reflected on how citizens have been enabled to share their views, opinions, and concerns on different issues.

A significant example is Bonsón, Perea and Bednárová's (2019) exploration of using Twitter (now called 'X') as a tool for citizen engagement in Andalusian municipalities. They find that Twitter (X) provides an effective platform for citizens to engage with policymakers, particularly on issues related to transparency and accountability. Haro-de-Rosario, Sáez-Martín and del Carmen Caba-Pérez (2018) compare the effectiveness of Twitter (X) and Facebook for citizen engagement with local governments. The study established that Twitter (X) is more effective in promoting citizen engagement than Facebook. The sentiments resonate with the study by Naidoo and Holtzhausen (2020) on the department of government communication and information system (GCIS) in South Africa and establishes how social media platforms such as Facebook and Twitter (X) have become increasingly popular channels for citizens to voice their opinions, provide feedback, and seek information from public institutions. The GCIS has recognised the potential of social media to engage with citizens and has implemented a range of social media initiatives to increase public value in updating government activities and providing information on government services and programs.

In addition, there remains poor commitment and clear governance communication strategy towards advancing alternative platforms for democratic participation at NAPL across African countries. The COVID-19 pandemic is an important example of a crisis that required effective citizen engagement and participation strategies to promote public health and safety. The implementation of public health measures such as social distancing, lockdowns, and restrictions on gatherings posed challenges to traditional forms of citizen engagement (Umoh, S.U., 2022). Face-to-face interactions, which are integral to many participatory processes became limited due to these measures (Umoh, S.U., 2022).

However, the pandemic also highlighted the importance of innovative and digital methods for citizen engagement (Samtani et al., 2023). Governments and organisations turned to online platforms, virtual meetings, and social media to maintain and enhance citizen participation during this time. For instance,

a study by Chen, Wang and Yang (2020) explore how the United States and Chinese governments easily transitioned and managed to promptly engage citizens through their social media during the peak of COVID-19, which helped to provide timely and accurate information, increased citizen trust and engagement towards enhancing compliance with public health measures because they had developed alternative citizen engagement platforms on social media before the crisis. These digital tools have provided alternative avenues for citizens to voice their concerns, provide feedback, and participate in decision-making processes (Samtani et al., 2023). However, Adebisi, Rabe and Lucero-Prisno III's (2021) study of 13 African countries' risk communication and community engagement during COVID-19 highlights how they faced critical challenges in implementing effective citizen engagement strategies that were non-existent or ineffective before the crisis. Hence, the process was affected by a lack of trust in the government to give accurate details, misinformation, and low health literacy. Hence, the study suggests the need to advance more practical and holistic measures to improve social media or alternative citizen engagement at the local level through strengthening community-based surveillance, improving risk communication, and promoting community ownership.

The emergence of the COVID-19 pandemic underscored the need for inclusive and equitable citizen engagement in government (Umoh, S.U., 2022). It shed light on the importance of engaging marginalised and vulnerable groups who may face additional barriers to participation (Umoh, S.U., 2022). Thus, calling for efforts to be made to ensure that diverse voices are heard and that no one is left behind in the decision-making processes related to the pandemic response and recovery (Samtani et al., 2023; Umoh, S.U., 2022). With these insights citizen engagement in responding to crisis situations such as COVID-19 in Africa, requires an understanding of the challenges and barriers faced in implementing effective strategies. This call for measures to build a trustworthy social media voice by different state institutions to help improve trust in government, address misinformation and promote community ownership are key opportunities for improving citizen engagement and addressing governance in various African contexts such as that of South Africa.

These details suggest the need for strategic efforts to advance citizen engagement for NAPL through social media platforms. Despite the existence of government social media accounts and accounts of key public figures, it is evident that most of the accounts have

been increasingly used to communicate information, however, with limited citizen engagement. For instance, considering that GCIS has identified the potential of social media, there is a need to promote consultative meetings, public hearings and civic education on social media platforms such as Facebook, Twitter (X) and other relevant social media platforms. One should note that as of January 2022, there were 41.19 million internet users in South Africa, which make up 68.2% of the total population that penetrated the digital world (Kemp, 2022). Statista (2023) reveals that there are 29.5 million Facebook users in South Africa as of March 2022, which can account for almost half of the population in the country.

Furthermore, the data reveals that “29.4 percent of users were aged 25 to 34 years, making this age group the largest audience base. Just 3.5 percent of users were aged between 55 and 64”. This information is critical to reflect on how NAPL can actively engage these citizens in advancing enhanced public participation that can transform governance processes for the better. For instance, despite the deterioration of voter turnout in recent years, a study by Zvaita and Tshuma (2019) on youth voter apathy in the 2019 presidential and parliamentary elections established how some young people indicated that they preferred to democratically participate in advancing ideas through social media rather than voting. Thus, it calls for a critical need to engage in more focused campaigns to engage citizens and promote public participation through social media platforms.

Open Government Data

Open government data (OGD) has also been identified as an essential strategy for enhancing citizen engagement in different development and governance processes. OGD refers to freely available data to the public in a format that can be reused and redistributed without restriction. It has become increasingly important in promoting citizen engagement by providing opportunities for transparency and accountability in government decision-making processes (Bonina & Eaton, 2020; Hablé, 2019). For instance, Purwanto, Zuiderwijk and Janssen (2020) highlight OGD's importance and essential role in promoting citizen engagement, using the example of Indonesia's presidential election. The study identified several strategies to promote engagement, including data visualisation tools, social media campaigns, and mobile applications. These strategies enabled citizens to access and analyse data related to the election, including

voter registration, candidate profiles, and polling station locations. Through these efforts, citizens were empowered to participate in the democratic process and hold the government accountable. Despite the opportunities, the study identified several challenges, such as limited access to technology and language barriers, which must be addressed to ensure that OGD is accessible to all citizens. Studies concur that there can be a mismatch between the objectives of OGD initiatives and the results achieved, and it is important to investigate the value drivers and inhibitors in OGD ecosystems (Zuiderwijk, Shinde & Janssen, 2019).

In the South African context, OGD can significantly promote citizen engagement by providing access to information that can inform public debates and discussions on critical issues. OGD can also facilitate collaboration between government, civil society organisations, and private sector actors to co-create solutions that address societal challenges (Bonina & Eaton, 2020). However, there are challenges to realising the full potential of OGD, including issues related to data quality, accessibility, and privacy, as well as a lack of capacity and resources to effectively use and analyse data (Hablé, 2019).

Consultation Processes

Consultation processes are an effective citizen engagement strategy in various contexts, as they provide opportunities for meaningful dialogue and collaboration between citizens and decision-makers, ultimately leading to more informed and inclusive policy outcomes. A study by Poncian (2019) explored the successful role of citizen engagement in the governance of gas in Tanzania, particularly in areas where communities were affected by gas development activities. The study unpacked how providing relevant information and consultation to communities and allowing for meaningful participation in decision-making processes paved the way for effective citizen engagement by helping to promote community proactiveness, ensuring that the citizens' interests and concerns are represented in key decisions and policies.

Similarly, the case of renewable power projects in Chile presents an important learning example of how consultation processes are important in enhancing citizen engagement towards facilitating successful local project development and implementation. According to the World Bank (2021), the collaborative effort between the Chilean

government and relevant stakeholders facilitated the development and creation of participatory frameworks that enabled communities to be involved in the policy planning and implementation of renewable energy projects. About 15 training workshops were conducted with more than 400 Indigenous leaders and community members from six different groups: Aymara, Quechua, Diaguita, Colla, Mapuche, and Pueblos Australes by the Ministry of Energy and the University of Chile prior to the exploration stages of geothermal development. The consultation processes and training workshops organised by the Ministry of Energy and the University of Chile were crucial in promoting trust and community engagement in renewable projects in Chile. By providing Indigenous leaders and community members with information and knowledge about geothermal energy, the workshops helped to address the lack of understanding and mistrust that existed among the local population. In doing so, they facilitated a more informed and collaborative decision-making process where the concerns and perspectives of local communities were taken into account. This approach not only helped to build trust and promote community buy-in for renewable projects, but it also contributed to the development of more sustainable and inclusive energy policies in Chile.

The analysis of the cases highlights the efficacy of consultation processes as a dynamic and adaptable citizen engagement strategy. The establishment of well-defined consultation processes serves as a critical tool for fostering relevant and essential communication platforms that enable citizens to voice their concerns and ideas while also ensuring that they are heard and engaged in a meaningful manner, particularly within the context of South Africa's citizen engagement processes.

Models and Participatory Frameworks

The creation of models and frameworks is identified across the literature as an effective strategy to promote citizen engagement by providing a visual representation of complex information, fostering collaboration among stakeholders, and facilitating the development of innovative solutions to public problems. Case studies across the globe have emphasised the international best practices to promote large-scale citizen engagement around urban issues through models and frameworks (Balestrini et al., 2017; Msenge & Nzewi, 2021; Elelman & Feldman, 2018; World Bank, 2021). The World Bank (2021) argues that participatory frameworks and models help to

promote citizen engagement in policy planning and implementation of projects by government institutions and other stakeholders across communities. For instance, Balestrini et al. (2017) build on this idea by proposing a framework that enables large-scale citizen engagement in urban issues such as planning and decision-making in European cities. The authors propose a model for citizen engagement called “City in Common”, which involves three stages: imagining, debating, and deciding. The model provides a structured way to involve citizens and combines different tools and techniques to promote citizen engagement, including online platforms, physical spaces, and participatory budgeting. The framework emphasises the importance of designing technologies that are accessible, inclusive, and easy to use to enable a diverse range of citizens to engage with urban issues. For example, the framework was used in a project in Barcelona to engage citizens in redeveloping a public square. Citizens were encouraged to share their opinions and ideas using an online platform, which helped to identify the most popular ideas and guide decision-making.

In addition, a study by Elelman and Feldman (2018) also discusses the Council of Citizen Engagement in Sustainable Urban Strategies (ConCensus), a model designed to promote citizen engagement in European cities. The study proved how the ConCensus model effectively involved citizens in decision-making processes, focusing on sustainability issues. Through utilising principles of co-creation and collaborative governance and promoting dialogue and cooperation between citizens and local governments, the model successfully engaged citizens of Barcelona to advance the development of a new urban plan. These ideas enlighten mechanisms that can shape strategies to mainstream citizen engagement. In light of this, each provincial legislature in South Africa should actively create models that help to advance citizen engagement in policy implementation. For instance, Msenge and Nzewi (2021) provide an interesting proposal for efforts to improve citizen engagement in South Africa. They highlighted the importance of citizen engagement, particularly in service delivery, where citizens are vested in the quality and accessibility of services. Their proposal for a citizen participation-public trust model in addressing service delivery protests in local government provides significant insights into the efforts needed to mainstream citizen engagement. The model emphasises trust-building between citizens and local governments in promoting citizen engagement. It also identifies different levels of citizen engagement, such as consultation, collaboration, and co-

production. It highlights the need for local governments to adopt an inclusive and participatory approach to service delivery.

These above-discussed examples were essential in reflecting on ideas that can guide the advancement of citizen engagement in the local context. The scholarly insights and sentiments gleaned from global and local literature helped unpack a comprehensive understanding of citizen engagement frameworks and practices worldwide. It is evident that effective citizen engagement is crucial for citizens to be involved in national, provincial, and local development decisions and processes. This literature review reflected on best practices in citizen engagement, shaping the understanding of ideas, roles, and perspectives that can promote effective citizen engagement approaches in South Africa's key government decision-making platforms. It unpacked barriers and opportunities for ensuring urban and rural community voices and ideas are well represented in relevant decision-making platforms. Thus, it played an essential role in guiding the perspectives of this paper to unpack key ideas that can be reflected upon mainstream citizen engagement in PPCs, and the highest institutional policy-making bodies at both national and provincial levels, ultimately contributing to more effective and inclusive governance.

Discussion of Findings

Lack of Allocated Funds and Resources

Limited resources available for public engagement can also impact the effectiveness of public participation in the NAPL. For instance, the Inter-Parliamentary Union (IPU, 2022) outlines a lack of clarity on the precise budget and staff resources allocated to public engagement. However, the initiatives are typically integrated into the regular activities of the parliament. Hence, this has created inconsistencies and inadequate planning in other relevant participation and citizen engagement programs. For instance, Van Rensburg, Modiba, Mphunga and Zantsi (2022) established that there has been inadequate funding for civic education and awareness-raising campaigns and limited opportunities for citizens to engage with their representatives. These aspects reflect the need to mainstream citizen engagement to promote clear budgeting and investment towards relevant public participation efforts and measures for increased investment in civic education and awareness-raising efforts, as well as the provision of

resources to facilitate meaningful public engagement (Samtani et al., 2023; IPU, 2022).

Advancing Responsiveness

The state's unresponsiveness and citizens' lack of engagement with democratic norms of participation pose significant challenges to developing and consolidating democratic governance in South Africa. The Constitution (1996) mandated the enforcement of citizen participation as a means of addressing the various challenges facing marginalised communities, including unequal distribution of resources, limited access to social services like healthcare, lack of access to productive resources like land and capital, and a dearth of employment opportunities (Naidoo & Ramphal, 2018). However, South Africa has faced a significant challenge of unresponsiveness towards democratic developmental processes. The state has gained a reputation for failing to address citizens' development concerns and priorities submitted through the integrated development plans, leading to dissatisfaction and discontent among the citizens. This lack of responsiveness has been a recurring issue since the first protest under democracy in 2004 in Diepsloot (Matebesi, 2017; Msenge & Nzewi, 2021; Umoh, O.A., 2022; Visagie, Turok & Swartz, 2021). Citizen participation in policy or developmental consultation processes is essential to democratic governance, but it is not enough for citizens to merely participate. They must see their voices being heard and implemented in decision-making processes. The absence of such recognition has resulted in citizens' protests and disregard for democratic processes. Unresponsiveness has also been observed among citizens in adhering to democratic norms of participation. The decline in voter turnout, which began to emerge in 2009, is a testament to this trend of voter apathy (Runciman & Bekker, 2021; Zvaita & Tshuma, 2019).

The history of apartheid underscores the need for more inclusive and representative political decision-making processes, which devolved participation platforms can provide. Advancing greater representation in key decision-making processes such as PPCs can promote greater political participation in a devolved manner through PPCs allowing citizen consultation, co-creation, collaboration and empowerment to ensure responsiveness to citizens' needs (De Lange & De Waal, 2017). This can help political leaders at NAPL, citizens and relevant institutional stakeholders to prioritise and integrate planning for specific development needs, provide relevant budgets,

design policies and programs and provide a clear implementation strategy per citizens' unique needs, circumstances, and interests.

Building Trust

Lack of trust by the citizens in the government remains a critical challenge hindering the advancement of citizen engagement in South Africa (Umoh, O.A., 2022; Nzimakwe, Zondi & Naidoo, 2021). Evidence reveals that high levels of corruption and lack of accountability crisis have resulted in the deterioration of government trust by the citizens. Pillay (2018) and Gumede (2021) confirm that holding cabinet ministers, directors-general of government departments, and executives of state-owned entities responsible for the actions and decisions they make can promote a culture of responsible governance can be established. Such a culture would encourage leaders to prioritise the common good, make decisions based on evidence and best practices, and act in a manner consistent with the public's interests. While this would deter others from engaging in corrupt or negligent behaviour and ensure that those who do so face the consequences, it would be more significant in promoting citizen engagement. More so, engaging citizens towards such measures in portfolio committees can help restore public trust and promote sustainable public participation at the NAPL. Hence, Nzimakwe, Zondi and Naidoo (2021) argue the need for greater transparency and accountability in the decision-making process to build trust between citizens and their representatives as the platform of citizen engagement.

Citizen Training Workshops

This study established that while the South African government recognises the importance of public participation in policy-making and has existing mechanisms to promote public engagement and participation, such as public hearings, written submissions, and online platforms for feedback (Kabingesi, 2021; Thungo & Mavee, 2021; Umoh, O.A., 2022). It is important to note that citizens face various dilemmas when trying to participate effectively. Nzimakwe, Zondi and Naidoo (2021) note that citizen participation in the legislative process at the provincial and local government levels in South Africa is often limited by a lack of awareness and understanding of legislative processes. Hence, NAPL has an important role to

play in promoting citizens' engagement and participation. Kabingesi (2021) emphasises the importance of citizen education and engagement in the law-making process, noting that this can help to promote participation, transparency, and accountability in the legislative process. Citizen training workshops could provide citizens with the knowledge and skills they need to engage with PPCs, understand the legislative process and how they can participate effectively and hold their elected representatives accountable.

Conclusion

In conclusion, this chapter provides valuable insights into the importance of mainstreaming citizens' engagement in public participation in promoting effective governance and policy-making processes at the NAPL in South Africa. The chapter began by highlighting the importance of public participation in national and legislative processes, citizen engagement in PPCs, and the role of devolved parliament and public participation lenses in mainstreaming citizen engagement in South Africa. The literature review explored various best practices and frameworks for citizen engagement in PPCs across the globe. The review identified barriers to citizen engagement in PPCs in South Africa, including limited resources, political will, lack of awareness, and structural barriers. However, it also highlighted opportunities for promoting effective citizen engagement, including training workshops, capacity building, and awareness campaigns. Finally, the chapter discussed and emphasised the need for South Africa's PPCs to mainstream citizen engagement, especially in decision-making processes that affect the lives of citizens. It underscores the importance of promoting effective citizen engagement practices, building the capacity of citizens to engage in policy-making processes, and creating a conducive environment for effective citizen engagement. The information presented in this chapter can guide policymakers, civil society organisations, and citizens in promoting and mainstreaming effective citizen engagement in PPCs and other decision-making platforms in South Africa.

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Chapter 3

Parliament Oversight of the Executive: Key Issues, Challenges, And Insights

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“The executive is the power, but the legislature is the mirror; it reflects and scrutinizes every part of the executive.”
— Edmund Burke

Abstract

The South African Parliament faces significant challenges in its oversight role of the Executive in the post-COVID-19 era. The deadly pandemic has accentuated the imperative role of solid and effective governance, transparency, and accountability in responding to crises. Nevertheless, the South African Parliament has wriggled to exercise its constitutional mandate of holding the Executive accountable, resulting in a waning in public trust in the establishment. This chapter seeks to examine the fundamental issues, challenges, and insights linked to the Parliament’s oversight of the Executive. Firstly, the chapter will provide a synopsis of the constitutional context that articulates the prerogative of Parliament in superintending the Executive, as well as the various mechanisms accessible to hold the Executive liable. Secondly, the chapter will scrutinise the challenges facing the Parliament in fulfilling its oversight mandate, including the dominance of the ruling party in Parliament, inadequate resources, and the lack of political will to hold the Executive accountable. Thirdly, the chapter will offer insights and recommendations for enhancing the Parliament’s oversight role. These include strengthening the impartiality of the Parliament, increasing resources, enhancing the oversight capacity of committees, and promoting public participation in the oversight process. Generally, the chapter contends that the Parliament’s oversight role is vital in ensuring accountability, transparency, and good governance in the post-COVID-19 era. Conversely, addressing the challenges

encountered by the Parliament in fulfilling its oversight obligation will need concerted efforts from all stakeholders, comprising the Executive, the legislature, civil society, and the public.

Keywords: Parliament Oversight, Parliament Challenges, Parliament Insights

Introduction

In any democracy, parliamentary oversight of the Executive is a key instrument that is used in keeping the Executive in check. Consequently, in the post-COVID-19 era, one must agree that public trust and perception of key institutions and leadership is of great significance, hence parliamentary oversight is of great importance. Focusing on the rainbow nation, in South Africa the oversight role or function of Parliament has been queried most importantly as a result of dwindling citizens' trust in the institution which has been necessitated by identified or observed incompetence in holding the Executive to account. The chapter focuses on the constitutional arrangements that dictate the prerogative of Parliament in monitoring and keeping the Executive in check. It will further delve into numerous systems that are at Parliament's disposal to hold the Executive accountable. Consequently, the chapter will also look at the problems confronting the Parliament of South Africa in satisfying its oversight obligation. These challenges consist of issues to do with the African National Congress (ANC) dominance in Parliament, insufficient resources, corruption, negative citizen perception of Parliament and a lack of political desire to hold the Executive liable. To improve the efficacy of parliamentary oversight in South Africa, the chapter will provide some perceptions and recommendations to fortify the neutrality of Parliament, expand and prioritise Parliament oversight resources, improve the oversight capacity of parliamentary thematic committees and as well as encourage and foster citizen participation and involvement in parliamentary oversight processes. Finally, this chapter underscores the significance of parliamentary oversight in accelerating and promoting accountability, transparency, and good governance in the post-COVID-19 era and reiterates the demand for collaborative efforts to boost its effectiveness in conducting oversight.

Contextualising Oversight

While opposition political parties and politicians may appear to be the primary forces behind oversight in certain situations, it's crucial to acknowledge that Parliament's oversight function is primarily centred on ensuring that the executive branch adheres to authorised public expenditures. According to Barnett (2009), Parliament's role is not to govern, as that responsibility falls to the Executive. Instead, Parliament is there to represent the views and views of the people, constrain and influence government actions, ask for justification for those actions, and confer legitimacy upon them. The Parliamentary Reform Committee (Parliament of Zimbabwe, 1998) recognised the correct responsibility of Parliament as defined by Mills (1861):

Instead of the function of governing, for which it is radically unfit, the proper office of a representative assembly is to watch and control the government; to throw the light of publicity on its acts; to compel a full exposition and justification of all of them which anyone considers questionable; to censure them if found condemnable.

In this chapter, we will use the definition of oversight provided by the Global Parliamentary Report (GPR, 2017:13), which defines it as “the mechanism by which Parliament and parliamentarians, acting on behalf of the people, hold the government accountable between elections”.

Constitutional Context of Parliamentary Oversight

In the context of parliamentary oversight in South Africa, the role of Parliament is firmly established in the country's Constitution, which was adopted in 1996. The Constitution provides a clear mandate for Parliament to hold the Executive accountable, and Chapter 4 outlines the specific tools available to Parliament to fulfil this role, including parliamentary questions, motions, debates, and oversight committees (RSA, 1996).

Furthermore, while the National Assembly is responsible for passing laws, revising the Constitution, and scrutinising the Executive, the Constitution also recognises the role of the National Council of Provinces (NCOP) as the second chamber, responsible for supervising the Executive at the provincial level (RSA, 1996). Section

55 of the Constitution outlines the National Assembly's three crucial roles: legislation, representation, and oversight of government operations (RSA, 1996). This same section further allows Parliament to maintain oversight of state organs. Consequently, Section 92 of the country's Constitution also gives Parliament the power to hold the Cabinet accountable (RSA, 1996). This is to say Parliament has the prerogative to oversee the Cabinet at an operational level including all organs of state at the national level as well as ministers and their departments. Oversight involves ensuring that the Executive, comprising of the President and Cabinet, remains accountable to the public, as well as overseeing state institutions such as the Auditor-General. Parliament employs various mechanisms, such as parliamentary questions, debates, and proposing and voting on motions, to ensure accountability. The Executive and state institutions are required to report regularly to Parliament, ensuring that they remain accountable and transparent.

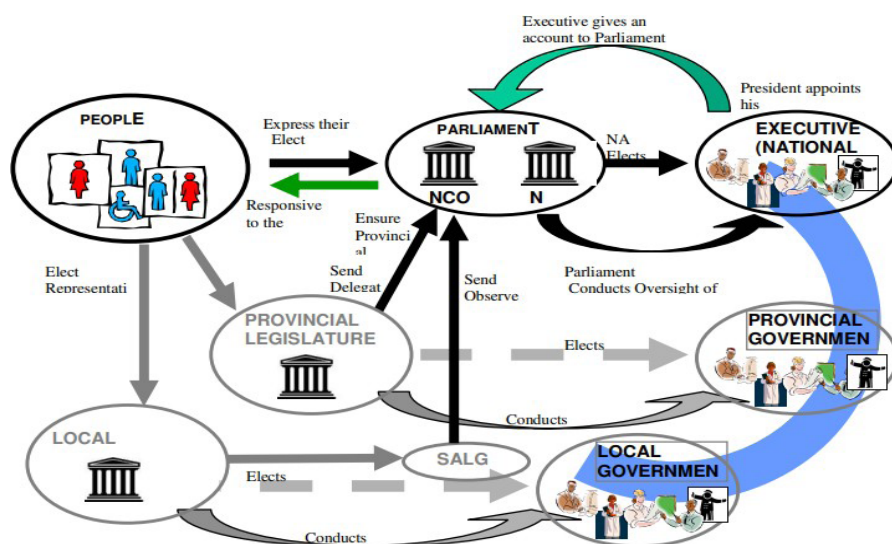


Figure 3.1: An illustration showing the linkages leading to oversight and accountability.

Source: Parliamentary Monitoring Group (PMG).

Oversight Mechanisms

The South African Parliament has established a model for oversight and accountability that employs various mechanisms to uphold the

executive branch's responsibility. A key feature of this model is the establishment of the Joint Parliamentary Oversight and Governance Assurance Committee. The Committee's duty is to monitor all promises, actions, and commitments made by ministers during their speeches in Parliament, and to assess the extent to which they have been fulfilled. Through these oversight mechanisms, the model ensures that the Executive is held accountable. Parliament employs a range of tools, including committee meetings, oversight visits, budget votes, questions for the Executive, member statements, notices of motion, public issue debates, and constituency work, to carry out its constitutional obligations. A detailed explanation of these mechanisms is presented below:

- *Parliamentary questions* provide a mechanism for members of Parliament (MPs) to hold the government accountable for their actions. For instance, the Minister of Finance is responsible for overseeing the affairs of the National Department of Finance. MPs can use parliamentary questions to inquire about the department's activities and demand a detailed response. As parliamentary proceedings are public, ministers are mandated to respond, and this serves as a vital way of ensuring that the Executive is accountable to the public. These questions can be asked in either written or oral form and, in exceptional cases, MPs can seek the Speaker's permission to ask a critical question. However, it is worth noting that these questions are often used for political purposes. For example, opposition MPs may use them to criticize the government, while ruling party MPs may use them to highlight a minister's achievements. Despite this, the primary aim of parliamentary questions is to bring attention to current issues and keep the public informed (House of Commons, 2013).
- *Parliamentary debates* are a valuable tool that can be used to carry out oversight work. According to Proksch and Slapin (2014), debates are an integral part of democratic law-making. In Parliament, a variety of debates are held, including ones that occur after the President presents the State of the Nation Address (SONA), the annual budget is presented, and certain bills are approved. Government departments may also present white papers, which are debated once they are tabled in Parliament. If there is a matter of national or provincial importance, a quick debate may be held. During these debates, the Speaker of the House ensures that all political parties represented have equal time to make speeches, and there is time allowed to discuss the issues raised. It is important to note that debates promote transparency

and accountability of the Executive and decision-making process. They provide the government with an opportunity to justify and defend its policies in the face of opposition and criticism from parliamentarians.

- *Parliamentary privilege*: Parliament's potency relies significantly on the mechanism of parliamentary privilege. According to Mohanty (2021), parliamentary privilege refers to the rights and immunities that enable each House of Parliament and its committees, as well as its individual members, to effectively carry out their duties. Consider a scenario where an ordinary citizen with crucial information is unable to share it publicly due to legal repercussions. However, unlike the general public, members of Parliament in South Africa have the freedom of speech in Parliament, as stated in Section 58 of the Constitution (RSA, 1996). They can say, produce or submit anything within the boundaries of Parliament without facing legal consequences. Therefore, parliamentary privilege is a vital instrument that allows MPs to raise issues and hold the Executive accountable without fear of legal retribution.
- *Oversight committees*: The engine room of Parliament's oversight and legislative work is its oversight committees. As per the Government of South Africa (South African Government, 2023), Parliament has the authority to establish various committees with specific powers and duties. These committees are specialised in different areas and are responsible for facilitating oversight and monitoring the government's activities. Therefore, they are required to keep the House informed regularly and to offer suggestions for debate and decision-making. Moreover, they are mandated to conduct Parliament's business, report on matters referred to them, and submit their findings to the appropriate House at least once a year. Moreover, these oversight committees have the power to call upon any government official(s) and demand that they give evidence and make suggestions for remedial action. It is evident that oversight committees are indispensable mechanisms in any democratic system that provide executive oversight. Their primary mandate is to enable elected MPs to critically analyse government policies and actions and hold the Executive accountable for its decisions. Oversight committees are instrumental in ensuring that the Executive operates within the law, acts in the best interests of the public, and adheres to the principles of good governance.

- A *Motion of no confidence* is a powerful tool that ensures accountability and oversight of the executive branch. This legislative system allows members of Parliament to express their lack of support for the government or its leader. According to Dube (2016), a motion of no confidence serves as a moral test for the government, revealing its ability to govern effectively. South Africa's Constitution, in Section 102(1), permits this type of motion, aligning with the country's values of democracy, transparency, accountability, and openness (RSA, 1996). By holding the Executive accountable and examining their operations, a motion of no confidence plays a critical role in providing effective oversight. However, it is important to note that the adoption of this oversight tool may lead to the resignation of the Executive or the termination of Parliament. Nonetheless, it is not a panacea to the country's governance problems. Other measures must be taken to ensure good governance and effective leadership.
- *Budget votes*: For the government to allocate its resources for the year, the Minister of Finance must first present the national budget in Parliament, outlining each line ministry's allocation. Once presented, Parliament must approve the budget through official parliamentary voting. During this process, each budget vote is debated, which allows Parliament and the general public to receive updates on the activities and performance of various government departments. Through these debates, Parliament ensures that it plays its oversight role and gains deep insights into how public resources are being utilised.

Challenges Facing Parliamentary Oversight

The chief foundation of any democracy is effective parliamentary oversight which puts an eye on the Executive's actions and works. With the growing concentration of power in many different countries and with the increase in corruption-related stories in South Africa as was witnessed during the COVID-19 peak period, coupled with issues of state capture, parliamentary oversight has become critical. International bodies such as the Inter-Parliamentary Union and the United Nations Development Programme have, for a long time, been making calls for national parliaments to make their oversight function "a top priority" which they should always make use of (GPR, 2017). While the South African Parliament has an oversight and accountability model that is made up of various oversight

tools discussed above, it should be noted that some challenges are affecting and hindering parliamentary oversight, and these include ruling party dominance, lack of technical knowledge, inadequate resources, absence of research and content capability, negative citizen perception, and lack of political will. These challenges are discussed in detail in this section.

Limited Financial Resources

One issue that has been affecting the South African Parliament in conducting its oversight work is the issue of limited financial resources (Mpani, 2021). Conducting oversight work requires a well-resourced Parliament so that critical activities such as public hearings and visits to remote provinces for parliamentary site visits can take place. It is important to note that these activities are crucial for Parliament's oversight work as they provide parliamentarians with a chance to obtain citizens' input concerning the making and execution of public policy (Mpani, 2021). The inadequate resources available to Parliament have often impeded its ability to effectively oversee the Executive, as evidenced by numerous examples in the literature. For instance, the investigation into Eskom of 2018 was hindered by the Portfolio Committee on Public Enterprises' lack of funding for legal and forensic services, resulting in an unsuccessful inquiry. Similarly, in 2017, Parliament was unable to conduct the inquiry ordered by the constitutional court into the social grants crisis due to resource constraints. The Zondo Commission of Inquiry investigating state capture has also faced significant resource constraints in carrying out its legal and forensic services. This financial constraint is a clear oversight challenge that the Parliament is facing.

Capacity Constraints

For Parliament to effectively carry out its oversight role, it is crucial to have both support staff who can provide technical assistance to parliamentarians and competent parliamentarians who possess knowledge of constitutional rights (Mpani, 2021). However, other oversight committee chairpersons pose a risk to useful committee oversight due to their lack of leadership training, which hinders their ability to direct their committee's outcomes in the quorate of Parliament. The quality of a committee chairperson is vital in improving the effectiveness of oversight committees, and it is essential to choose them based on competence rather than party lines. Training these chairpersons is also important to enable them to

accurately deliberate and steer committee concerns, national budgets, and other monetary and economic instruments (Mpani, 2021).

Effective oversight and accountability functions are crucial for the Parliament of South Africa, especially when it comes to issues like the national budget and fundamental government economic programs. An oversight committee chairperson who can thoroughly investigate such matters can provide objective, well-informed proposals for consideration by the Executive. However, the Parliament is confronted with problems in developing its institutional capacity owing to limitations in oversight and accountability roles. There is an indication that implies that Parliament lacks the capacity to effectively observe government implementation and ensure the implementation of policies and programs that align with constitutional principles. For instance, state-run businesses such as Eskom and South African Airways have faced corruption, maladministration, and financial volatility, and Parliament has been criticised for its failure to take proactive measures to address these issues (Madonsela, 2019).

In addition, the selection and quality of candidates chosen by political parties to become parliamentarians are also contributing to capacity constraints, making effective oversight of the Executive by Parliament challenging. Some elected parliamentarians lack the necessary skills and training to carry out their duties effectively. While training and capacity-building workshops are provided, they may not be enough. It is unrealistic to expect some parliamentarians, who do not even have a matric qualification, to oversee national budgets worth millions of rand (Mpani, 2021). Unfortunately, political parties often prioritize loyalty over competence, and this has resulted in many incompetent individuals being elected to serve party interests rather than public interests (Mlambo, Zubane & Thusi, 2022). This has become a problem which has significantly affected parliamentary oversight.

Ruling Party Dominance

Parliamentary oversight in South Africa has been facing a significant challenge due to the dominance of the ruling party – the ANC – which has controlled both politics and Parliament for the past two decades. Unfortunately, this power has been used to block oversight work, particularly in investigating cases involving either the party officials or their President. The ANC has been heavily criticised for abusing

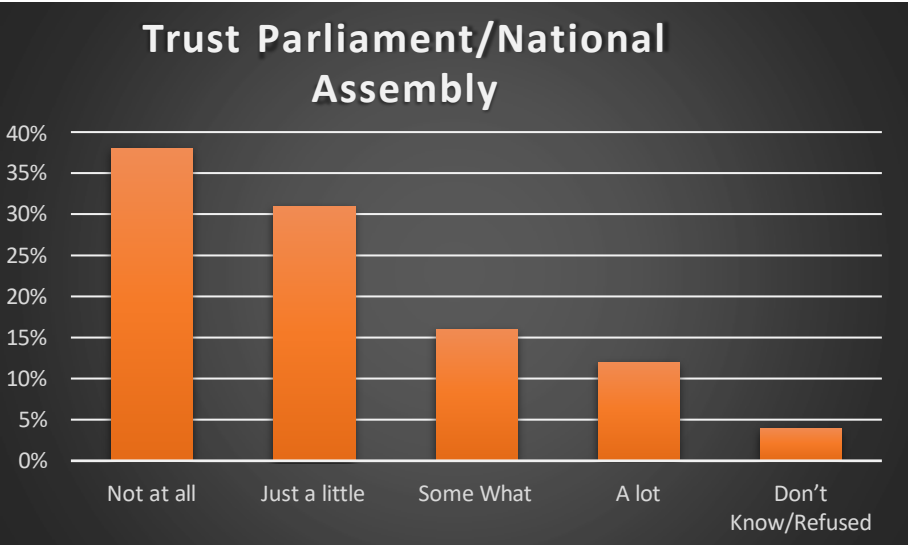
its parliamentary majority to prevent the formation of committees tasked with investigating corruption scandals. According to a letter by former President Thabo Mbeki dated March 29, 2023, the ruling party's dominance has acted as an impediment to effective oversight (Macupe, 2023). In the blistering letter, Mbeki confirms that the ANC had twice blocked the formation of a multi-party committee to investigate the Phala Phala scandal, on December 13, 2022, and March 22, 2023. Moreover, Mbeki notes that the ANC also voted against the formation of a similar committee to investigate Eskom's corruption scandal involving criminal cartels. The fact that the ANC blocked the formation of the parliamentary multi-party ad-hoc committee to investigate these matters after an independent panel found that President Ramaphosa had a case to answer raises suspicions about what the party is trying to hide.

In addition to blocking the formation of committees to investigate the Phala Phala scandal and the Eskom corruption scandal, the ANC also did the same in the corruption case involving former President Jacob Zuma's Nkandla matter (Mokone, 2018). The ANC only acted after the Public Protector took remedial action, which forced the party to comply with the investigation. These actions by the ANC suggest a pattern of behaviour that raises concerns about the party's commitment to transparency and accountability. The ANC's abuse of its parliamentary majority has been a significant obstacle to effective parliamentary oversight, and it undermines public trust in the democratic process and exposes the lack of political will by its members to hold the Executive accountable.

Negative Citizen Perceptions of Parliament and Parliamentarians

The perception of the South African Parliament and its members by the public has been consistently negative due to instances of corruption among parliamentarians and the institution's perceived lack of action on critical issues. Additionally, the frequent fights and disruptions during important events like the SONA have contributed to the view of Parliament as a circus. The Afrobarometer Round 8 Survey (below) conducted between 2019 and 2021 supports this negative perception, with 37% (Figure 3.1) of South Africans expressing distrust in Parliament. This goes against Lawteacher.net's (March 2023) position which states that "for democracy to sustain itself, it must earn and maintain the trust of its citizens".

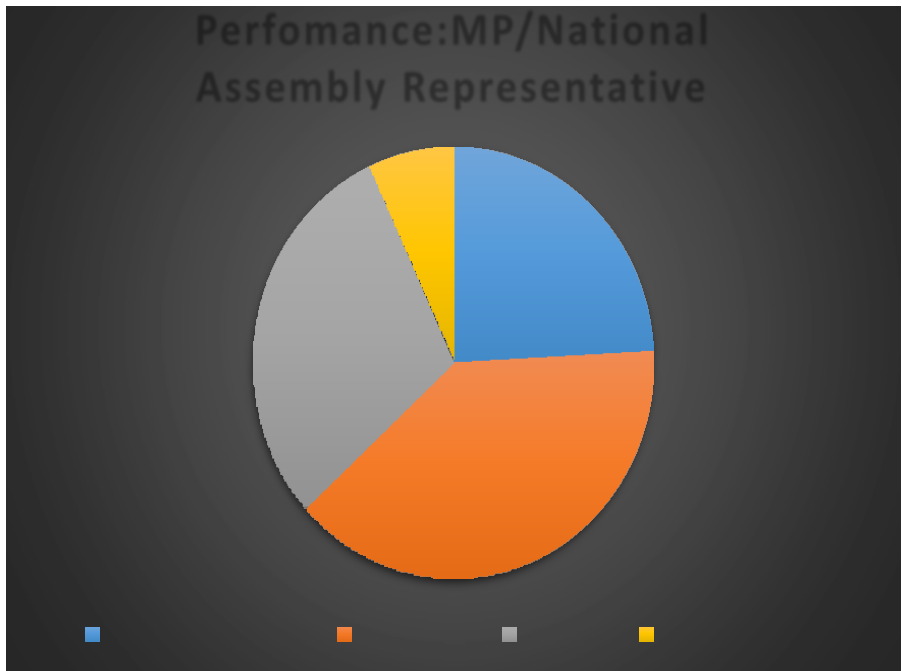
Furthermore, almost 63% (Figure 3.2) disapproved of their performance, and 60% (Figure 3.3) felt that parliamentarians do not listen to them. Shockingly, the negative perception of Parliament and its members is further compounded by the fact that a large majority of citizens view parliamentarians as corrupt.



Respondents were asked: How much do you trust each of the following, or haven't you heard enough about them to say? [Parliament]

Figure 3.2: Perception of trust over the Parliament/National Assembly.

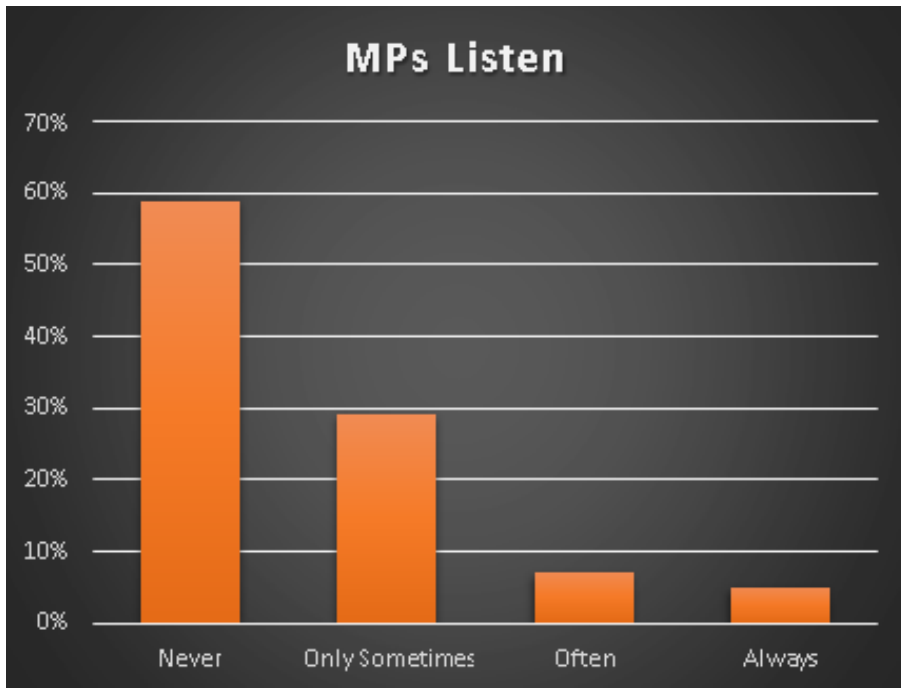
Source: Afrobarometer (R8 2019/2021) South Africa.



Respondents were asked: Do you approve or disapprove of the way that the following people have performed their jobs over the past 12 months, or haven't you heard enough about them to say? Your member of [Parliament]

Figure 3.3: Perception of the Performance of the MP/National Assembly.

Source: Afrobarometer (R8 2019/2021) South Africa

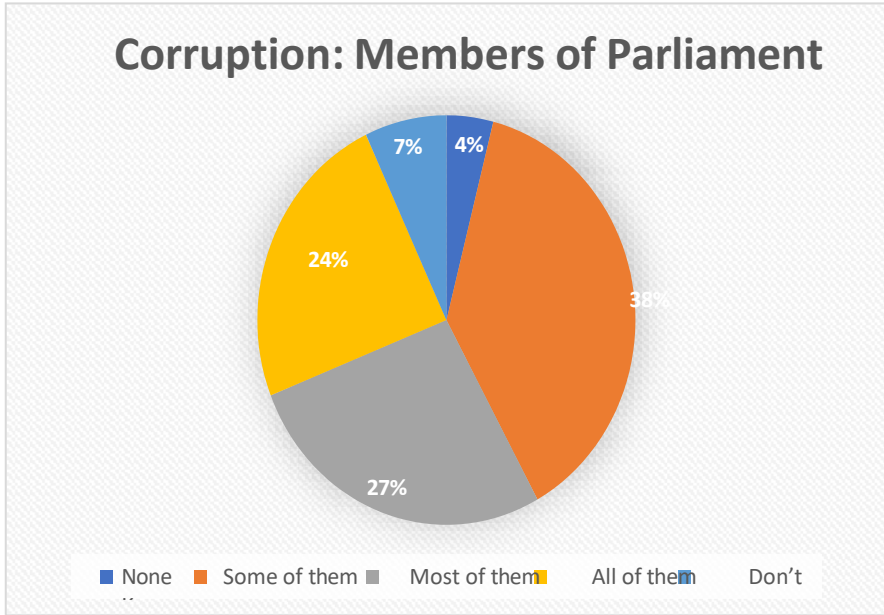


Respondents were asked: How much of the time do you think the following try their best to listen to what people like you have to say? Members of [Parliament]

Figure 3.4: Perception of MPs Listening.

Source: Afrobarometer (R8 2019/2021) South Africa

According to Figure 3.5 below of the Afrobarometer Round 8 survey, a staggering 89% of South Africans believe that parliamentarians engage in corrupt activities. This widespread perception of corruption among parliamentarians only serves to deepen public distrust and disapproval of the institution, making it even more challenging for parliamentarians to carry out their oversight role effectively. This negative perception poses a significant challenge to the oversight role of parliamentarians, as a lack of public trust and approval makes it difficult to effectively carry out their duties. Improving public perception is therefore crucial for facilitating effective oversight work of Parliament (Transparency International, 2022).



Respondents were asked: How many of the following people do you think are involved in corruption, or haven't you heard enough about them to say? Members of [Parliament]

Figure 3.5: Perception of corruption by MPs.

Source: Afrobarometer R8 (2019/2021) South Africa.

Inadequate Enforcement Mechanisms

Parliamentary committees in South Africa face challenges with their enforcement mechanisms to ensure compliance from witnesses when issuing summons and requesting information. One example of this challenge is the Eskom parliamentary inquiry in 2018, where the Parliamentary Portfolio Committee on Public Enterprises encountered numerous obstacles in summoning witnesses to provide evidence (Dentlinger, 2018). Minister Sisulu also refused to appear before the portfolio committee to respond to the merger of Brand South Africa and South African Tourism, citing legal advice and challenging the committee's decision to issue summons (Ferreira, 2022). These challenges limit the effectiveness of parliamentary oversight in holding the Executive accountable. Although the committees can issue a subpoena, witnesses who decline to obey are not subject to any legal mechanism that can compel them to appear before the committee. This leads to non-cooperation and disrespect

for the legislature, making it difficult for Parliament to assert its claim on parliamentary privileges and demand accountability from the Executive.

Considering the challenges faced by parliamentary committees in South Africa, it is crucial to acknowledge that Parliament encounters numerous obstacles in executing its oversight function. It is therefore necessary to address these challenges to ensure that parliamentary oversight in South Africa is effective and contributes to the strengthening of the country's democratic system. The following section provides recommendations and insights that can enhance parliamentary oversight considering the challenges discussed above.

Insights and Recommendations for Enhancing Parliamentary Oversight

Effective parliamentary oversight is crucial for the proper functioning of any democratic system. As discussed earlier, in South Africa, parliamentary committees indeed play a fundamental role in holding the Executive accountable through safeguarding transparency and accountability in governance. Conversely, as reviewed earlier, parliamentary committees in South Africa are facing various challenges in fulfilling their oversight function. These challenges include unlimited financial resources, capacity constraints, ruling party dominance, negative citizen perception of Parliament and parliamentarians and inadequate enforcement mechanisms such as limited enforcement mechanisms and non-compliance from witnesses. This section provides insights and recommendations that can be used to improve parliamentary oversight in South Africa and address the challenges discussed above. These recommendations focus on adequate funding for Parliament, strengthening the capacity of parliamentary committees, addressing ruling party dominance, improving citizen perception of Parliament and parliamentarians, putting in place adequate enforcement mechanisms, enhancing public participation, and promoting a culture of accountability and transparency in governance. By fulfilling these recommendations, South Africa can improve its democratic system and make sure that parliamentary oversight successfully attends to the interests of its citizens.

Adequate Funding for Parliament

Sufficient funding is a prerequisite for effective parliamentary oversight. Parliament must be properly funded to carry out its oversight function effectively. The Treasury should ensure that Parliament is adequately resourced to facilitate public hearings and provincial visits, which are essential for the oversight committees to gather citizen input and enhance their oversight work. In addition, given the vastness of South Africa and the remote areas that some committees need to reach, the funding allocated may not always be sufficient (Munzhedzi, 2016). This inadequacy makes it difficult for parliamentary committees to perform their oversight duties effectively. Therefore, the allocation of adequate funds is critical in deepening democracy (Transparency International, 2022). It is important to ensure that the allocation of these funds is done transparently and is subject to public scrutiny to prevent misappropriation of public funds.

Strengthening the Capacity of Parliamentary Committees

Strengthening the capacity of parliamentary committees is essential for effective oversight. This involves providing training, support, resources, and staffing to ensure efficient functioning. However, in South Africa, capacity constraints have been identified as one of the challenges faced by parliamentary committees in carrying out their oversight function. Many committees lack the technical knowledge required to provide policy and legal expertise on various issues, which hinders their ability to hold the Executive accountable (Mpani, 2021).

To address this challenge, committees should receive training in areas such as legislative scrutiny and design, policy and budget scrutiny (including gender-responsive budgeting), and report writing. Access to in-depth expert and policy proficiency on an expansive range of legal, political, economic, and social issues should also be made available to enhance the capacity of oversight committees to influence the enactment of good laws and policies. Moreover, members of oversight committees should be equipped with monitoring and tracking tools, including social accountability tools, to effectively carry out their oversight role and deepen democracy.

It's worth noting that some oversight committee chairpersons lack leadership training, leading to ineffective management of their committee's resolutions in the Parliament plenary. Therefore, training is essential in improving the efficiency of oversight

committees. Additionally, some committee chairpersons are chosen based on political affiliations rather than competence, highlighting the need for training to enable them to factually deliberate and lead committee issues, national budgets, and other financial and economic instruments. Having an oversight committee chairperson who can meticulously dissect issues such as the national budget and key government economic policies is critical as it offers well-informed, balanced, and impartial proposals for contemplation by the Executive (Mpani, 2022).

Low educational backgrounds and limited use of evidence by elected officials have also been a challenge impeding Parliament oversight work. To address this, it is recommended that political parties and Parliament encourage MPs to further their education and incentivise those who take the initiative to do so (Mpani, 2022). Parliament can also develop programs aimed at capacitating MPs to understand the importance of evidence use and how to make effective use of it in their oversight work. Partnerships between Parliament, development agencies and civil society can be beneficial in providing the necessary technical support and breaking down technical aspects into simpler terms for MPs to understand (Mpani, 2022).

Investing in the capacity of oversight committees through proper training and access to technical and policy expertise will enhance their capacity to influence policy and ensure effective oversight of the Executive. This will strengthen the democratic system and promote accountability and transparency in governance.

Addressing Ruling Party Dominance

To ensure effective oversight of the Executive, it is necessary to address the dominance of the ruling party in Parliament. Mpani (2022) stresses that Parliament must resist any attempt to weaken, marginalise or render it ineffective due to the ruling party's domination. Parliamentary leadership should remain objective and support the Constitution's demand for accountability and transparency above their political party's interests. Upholding the Constitution and prioritising love for the country should be the focus of parliamentarians, rather than protecting their political parties from accountability. All parliamentarians, including those from the ruling party, should uphold Parliament's role as an essential arm of government that champions accountability and transparency.

Parliamentarians should investigate any wrongdoing regardless of who is involved and should not shield political members from parliamentary scrutiny by resisting the establishment of committees tasked with investigating corruption scandals. This resistance is detrimental to democracy, and Parliament should demand that such committees be created without fear or favour to enable MPs to hold the Executive accountable. Parliament must prevent any abuse of parliamentary dominance, and all MPs, regardless of their political affiliation, should keep the government in check. By doing so, Parliament can strengthen democracy and promote accountability and transparency in governance.

Improving Citizen Perception of Parliament and Parliamentarians

Improving public trust and confidence in Parliament and its members is crucial for a healthy democracy. Transparency, accountability, and citizen engagement are key factors that can help achieve this. However, negative perceptions of Parliament and its members have been fuelled by the practice of “cadre deployment” by political parties in South Africa.

Cadre deployment involves political parties appointing members who may be unqualified or lacking in skills to serve in Parliament. This can lead to challenges such as corruption, poor procurement systems, and wasteful expenditure, which further erodes public trust in Parliament and parliamentarians. Political parties and Parliament should essentially take a strong stance against MPs implicated in corruption scandals and those who neglect their representative duties. By doing so, meritocracy can replace cadre deployment and enhance citizen perception of Parliament.

Research studies by Tshishonga (2014) and Shava and Chamisa (2018) have highlighted the negative impact of cadre deployment on Parliament and parliamentarians. This policy has implications for the oversight role of Parliament and the level of impact its committees will have in enhancing accountability and transparency. Therefore, it is recommended that political parties prioritize meritocracy when selecting members to serve in Parliament. This will not only lead to better governance but also positively impact citizens’ perception of Parliament and its members.

Putting in Place Adequate Enforcement Mechanisms

Parliament must crucially have effective means of ensuring that individuals summoned to appear before committees comply with the summons. This may involve enhancing the authority of committees to impose sanctions on those who refuse to cooperate. However, recent cases such as those involving Sisulu and Eskom have demonstrated that parliamentary tradition and procedure do not allow Parliament to compel the Executive and its branches to collaborate with committees or to use parliamentary privilege to address contempt. Nevertheless, in carrying out its oversight responsibilities over Executive activities and initiatives, Parliament faces several obstacles that can be overcome by establishing appropriate enforcement mechanisms and adopting a persuasive rather than an adversarial approach, as suggested by Zvoma (2010).

Conclusion

The Parliament's oversight role is crucial in ensuring transparency, accountability, and good governance in the post-COVID-19 era. However, addressing the problems faced by the Parliament in fulfilling its oversight mandate requires concerted efforts from all stakeholders, including the Executive, the legislature, civil society, and the public. By strengthening the impartiality of the Parliament, increasing resources, enhancing the oversight capacity of committees, and promoting public participation in the oversight process, the Parliament can fulfil its constitutional mandate and restore dwindling public trust in the establishment.

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Chapter 4

The Role Of Opposition Parties In Promoting Political Accountability: Challenges And Lessons Learnt

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Abstract

The entrenchment of good governance in any system is dependent on the partnership between opposition parties and the ruling party. South Africa is a democratic state whose ruling party is currently the African National Congress (ANC). There are opposition parties within the system whose actions influence some of the decisions of the ruling party thereby promoting the culture of good governance. Generally, the governing party is answerable to the Parliament and the people of the state for their actions and activities in power. However, opposition parties by virtue of their criticism of unpopular policies by the Executive, have helped to ensure proper political accountability. Some of the activities of the opposition parties may include probing the government's actions, criticising their incompetencies, providing alternatives to government policies, debating bills and working with committees that examine important national issues. However, there are challenges encountered by opposition parties such as harassment, victimisation, imprisonment and murder. This chapter therefore focusses on the role of opposition parties in promoting political accountability and their engagement in Parliament (both in the Provincial and the National Assembly). Data and information are sourced from the Internet, books and online literature on the role of opposition parties in promoting accountability in South Africa. It also examines the challenges and key drivers of relationship strain between legislature leadership and opposition parties and how to promote cordial relationships between them.

Keywords: accountability, role, challenges, political party, election, transparency, South Africa.

Introduction

South Africa is a democratic republic and a multi-party state whose ruling party has been the African National Congress (ANC) since the end of apartheid (Akiyama, 2021). The South African government consist of three arms, which are the Executive, the legislature and the judiciary, and the executive arm consists of the President and his Cabinet while the legislature arm consists of the House of Senate and House of Representatives (Scutariu & Fedur, 2020). Lastly, the judiciary comprises the Federal Courts and the Supreme Court (Scutariu & Fedur, 2020). During the 2019 national parliamentary election 2019, the Independent Electoral Commission of South Africa (IEC) declared that there are about 48 registered parties in South Africa (Southall & Szeftel, 2019; Schulz-Herzenberg, 2019). The ANC won 8 of the 9 provinces with about 57% of the total vote in the 2019 general election and also had about 62% of the popular vote in the 2011 municipal election (Matlosa, 2005). The major opponent party to the ruling party, that is, the Democratic Alliance (Afrikaans: *Demokratiese Alliansie*, DA) has been governing the Western Cape since the 2009 general election and won about 20% of the total vote in the 2019 election (Matlosa, 2005). Other parties include the Economic Freedom Fighters (EFF) and the Inkatha Freedom Party (IFP) representing Zulu voters (Reddy & Litt, 2022).

The former New National Party later merged with the ANC during the tenure of Jacob Zuma, the former President of South Africa (Reddy & Litt, 2022). Cyril Ramaphosa, who is a member of the ANC, the ruling party replaced Jacob Zuma and has been the President to date (Reddy & Litt, 2022). Other parties such as the DA govern provinces and municipalities, in conjunction with other smaller parties. The governing party is answerable to the Parliament and the people of the state for their actions and activities in power (Kotze & Bohler-Mulle, 2019). They need to give an account of every activity they carry out and decisions they make on behalf of the people. Political accountability is the answerability of the governing council to the public (Kgobe & Mamokhere, 2021). Political accountability provides an enabling environment for the realisation and promotion of human rights (Ozoemena, 2021; Da Silva, 2022). During political accountability, the ruling party decides on behalf of the people, and the people can either praise or sanction them based on the decision made on their behalf. In representative democracies, power is assigned to elected officials by the citizens during periodic elections in order to represent or act in their interests (Da Silva,

2022). Accountability can be divided into two: answerability accountability and enforcement accountability (Fombad, 2014, Kgobe & Mamokhere, 2021). In answerability, the accountable party make known their decisions to the Parliament while enforcement is centred on punishing misconduct. Accountability can also involve both answerability and enforcement. Political accountability aims to control and curb the abuse of political power by developing mechanisms that will help those in power to justify their actions (Naidoo, 2012; Fagbadebo, 2019).

Political officials or public officials are subjected to sanctioning which enables them to operate in transparency (Dadwal, 2023). However, opposition parties encounter some challenges which make it difficult for them to effectively challenge the ruling party and bring about political change (Mnikati, 2020). Despite these challenges, opposition parties have made significant contributions to promoting political accountability. They expose corruption, advocate for the protection of civil rights, and pressure the ruling party to address pressing social issues. There can also be a cordial relationship between legislature leadership and opposition parties, however, some factors such as policy disagreements over specific policies or legislation can strain the relationship between the legislature leadership and opposition parties (Mnikati, 2020). Different parties may have contrasting views on issues such as economic policy, social reforms, or governance, leading to heated debates and contentious interactions. When there is a lack of consensus on important matters, it can hinder cooperation and strain relationships. This chapter addresses the role of opposition parties in promoting political accountability and their engagement in Parliament (both the provincial and national assemblies). It also examines the challenges and key drivers of relationship strain between legislature leadership and opposition parties and how to promote cordial relationships between them.

Types of Political Accountability

South Africa is a multiparty state whose constitutional power is shared among the Executive, judiciary, and Parliament. South Africa held a credible election in 2019, where the ANC, which is the ruling party, won about 58% of the vote and 230 of 400 seats in the National Assembly, under the regime of President Cyril Ramaphosa. During political accountability, political leaders give account to citizens

during periodic elections based on their actions. In this form of accountability, citizens play a direct role in holding the government to account (Khambule, Nomdo, Siswana & Fokou, 2019). Political accountability can be grouped into three types: vertical, horizontal and diagonal (Lührmann, Marquardt & Mechkova, 2020). During vertical accountability, citizens hold their government accountable during elections and it is associated with the electoral mandate. Vertical accountability also connects the government to its citizens while horizontal accountability is the accountability of one government institution to another. It occurs when other state organisations scrutinise the activities of the government by questioning officials, demanding facts, and punishing inappropriate actions (Lührmann, Marquardt & Mechkova, 2020). This form of accountability is the checks and balances between different branches or institutions of government (Lührmann, Marquardt & Mechkova, 2020). It also prevents the concentration of power and ensures that different branches of government act within their defined roles and limits. Diagonal accountability is the concept that combines elements of both vertical and horizontal accountability. It emphasises the idea that multiple actors, including citizens, civil society organisations, and institutions, can hold each other accountable in a networked manner. They make use of informal tools such as investigative reporting to improve accountability both vertically and horizontally (Lührmann, Marquardt & Mechkova, 2020).

Political Parties in South Africa and Their Roles

The Independent Electoral Commission of South Africa announced that there were about 48 registered parties in South Africa during the 2019 national parliamentary election (Southall & Szeftel, 2019). Voters were left with the choice between the top three parties: the ANC, the DA and the EFF parties (Fölscher, De Jager & Nyenhuis, 2021; Joseph, 2022). The smaller, newer parties such as the African Transformation Movement (ATM) have different aims and are church-based (Fölscher, De Jager & Nyenhuis, 2021) and they are also particular about human rights (Joseph, 2022). Other parties centre on traditional political views, despite their varying opinion, they have one thing in common, which is dissatisfaction with the political situation. The ATM headed by Vuyo Zungula, claimed partnership with the ANC party did not bring about the transformation they desired, so they decided to be independent through the South African Council of Messianic Churches in Christ. Zungula is another party

which has to do with the pro-gay-rights claiming South Africans do not understand the concept of service (Joseph, 2022). They did not want to change existing laws which support abortion, so they decided to form their own party (Joseph, 2022).

The governance of South Africa before 1994 was characterised by an oppressive and discriminatory system of apartheid, which denied basic rights and freedoms to the non-white majority and concentrated power in the hands of the white minority government. This system was eventually dismantled with the end of apartheid and the advent of democracy in South Africa. The political system during this time was characterised by the dominance of the National Party (NP), which advocated for apartheid policies. The government was structured as a parliamentary system, with executive power held by the State President, who was also the leader of the NP. The State President was not directly elected by the people but was chosen by a parliamentary electoral college (Jones, 2021).

Political parties in South Africa play a critical vital in promoting accountability and transparency in government. By overseeing government institutions, advocating for transparency and public participation, holding elected officials accountable, and promoting ethical standards. They also help to ensure that the government is accountable to its citizens and that public trust in the democratic process is maintained. Other roles of political parties include probing bribery and misconduct in government, significant unemployment, crime, lack of infrastructure, and poor government service delivery to poor citizens (Jones, 2021). They also help to analyse politics in developing countries, particularly in the analysis of democratisation, and specifically the consolidation of democratic political regimes. The following are the roles of political parties:

Political Parties contest elections, organise and persuade voters to elect their candidates to office, form and run a government and bring people together to achieve control of the government. They also put forward policies and programmes that will help in law-making and developing policies favourable to their interests and the supporting groups (Olson, 2015). In promoting accountability, political parties use their parliamentary oversight role to hold the government accountable for its actions. Government officials are also questioned to bring to light any wrongdoing by the government and corrective measures are put in place (Mayhew, 2014). They can also advocate for transparency in government decision-making by advocating for disclosure of information related to government activities. This can

help to prevent corruption and ensure that decisions are made in the best interest of the public. Political parties engage citizens by educating them on their rights and the importance of accountability. They also provide a platform for them to voice their concerns and grievances, and use this feedback to hold the government accountable for its actions. Alternatives in policy decisions are offered to the ruling government to help promote healthy competition and better policy outcomes for citizens (Mayhew, 2014).

The Role of Opposition Parties in Promoting Political Accountability

In South Africa, several opposition parties operate alongside the ruling ANC. These opposition parties play a key role in the South African political landscape by providing alternative policies, and viewpoints, and holding the government accountable. Some of the opposition parties include:

- The DA party is the main opposition party in South Africa. It positions itself as a liberal party that advocates for non-racialism, a market-oriented economy, and good governance. It has gained significant support from various segments of the population (Farole, 2021).
- The EFF is a political party that advocates for radical economic transformation, land redistribution, and the nationalisation of key industries. It appeals to a younger demographic and has made significant gains since its formation in 2013 (Farole, 2021).
- The IFP is primarily based in KwaZulu-Natal and has a strong support base among Zulu-speaking communities. It promotes regional autonomy, cultural diversity, and traditional leadership.
- The Freedom Front Plus (FF+) is a conservative party that primarily represents the interests of Afrikaners and other minority groups. It focuses on issues such as language rights, property rights, and self-determination.
- The United Democratic Movement (UDM) is a centre-left party that emphasises social justice, inclusivity, and the fight against corruption. It was founded by former ANC member Bantu Holomisa (Booyesen, 2014; Farole, 2021).

All the opposition parties play a crucial role in promoting accountability politically. They act as a check on the ruling party, holding them accountable for their actions and policies (Holm,

2000). The effectiveness of opposition parties in promoting political accountability can vary depending on the political context, institutional framework, and the commitment of all actors involved. Nonetheless, a vibrant and active opposition is vital for a healthy democracy as it ensures checks and balances, fosters transparency, and holds the ruling party accountable to the citizens they serve. Below are some of the roles of the opposition party in promoting political accountability in South Africa:

- *Scrutinising the government:* Opposition parties closely monitor the actions and decisions of the ruling party. They act as watchdogs of government actions, scrutinising policies and decisions made by the government to ensure they are in the best interest of the public (Farole, 2021). They also raise questions, initiate debates, and demand explanations for government policies and actions. This helps to promote accountability and transparency in the government's decision-making processes (Matebese-Notshulwana, 2019).
- *Providing alternative viewpoints:* Opposition parties offer alternative policy proposals and perspectives. By presenting different ideas and solutions, they foster healthy political debates and discussions. This not only allows for a more comprehensive evaluation of policies but also prevents the ruling party from becoming complacent or acting without proper scrutiny (McLaughlin, 2012).
- *Exposing corruption:* Opposition parties often play a crucial role in exposing government corruption, scandals or misconduct. This is done by conducting investigations, gathering evidence, and bringing such issues to public attention. By doing so, they help ensure that those responsible are held accountable for their actions, fostering a culture of transparency and integrity (Matebese-Notshulwana, 2019).
- *Holding the government to account:* Opposition parties utilise various mechanisms available to them, such as parliamentary debates, questions, and motions, to hold the ruling party accountable. They challenge the government's decisions, demand transparency, and seek redress for any perceived wrongdoing. This helps to maintain the government's responsiveness to the needs and concerns of the public (McLaughlin, 2012; Holm, 2000).
- *Mobilising public opinion:* Opposition parties have a significant role in mobilising public opinion against the ruling party's actions or policies. They engage with the public through rallies, campaigns, and media outreach, highlighting the government's failures or

shortcomings. By mobilising public support, they put pressure on the ruling party to address public concerns and improve accountability (McLaughlin, 2012; Holm, 2000).

- *Ensuring electoral competition:* The mere presence of opposition parties in the political landscape ensures electoral competition. Parties in power are aware that they need to maintain public support to remain in office, which motivates them to act accountably. Opposition parties also provide a viable alternative for voters, giving them the authority to sanction the ruling party through the electoral process (McLaughlin, 2012).
- *Participating in oversight and decision-making:* Opposition parties often participate in parliamentary committees and other oversight mechanisms. They contribute to the scrutiny of legislation, budgetary decisions, and government appointments (Holm, 2000). This involvement ensures that decisions are not made unilaterally and encourages a more inclusive and accountable decision-making process (McLaughlin, 2012).

Political Accountability in the Post-COVID-19 Era in South Africa

The COVID-19 pandemic had a significant impact on countries around the world, including South Africa. It exposed the inequalities within South African society and showed how successive South African public sectors had failed to deal with corruption which had become the order of the day in every sector of society. However, as the government were occupied with the effort to reduce the spread of the virus, some officials saw this as an opportunity to get rich, which compounded South Africa's ability to curtail the spread of the virus (Mashilo & Kgobe, 2022). The pandemic also exposed vulnerabilities in governance systems and highlighted the need for effective accountability mechanisms. It has also heightened public awareness, increased demands for transparency, and exposed challenges such as corruption and mismanagement. The government, independent institutions, civil society, and the media must crucially work together to ensure accountability, rebuild trust, and foster good governance in South Africa. South African politicians were confronted with unprecedented challenges during the COVID-19 pandemic (McLaughlin, 2012).

In the post-COVID-19 era, the South African Parliament, politics, and democratic governance face several challenges. Some of the challenges are:

- *Public health crisis:* The pandemic has highlighted the importance of effective public health systems and crisis management. South Africa, like many other countries, faced the challenge of containing the spread of the virus, providing healthcare, and managing the economic fallout. The Parliament must address the lessons learned from the pandemic and strengthen public health infrastructure and emergency preparedness to handle future health crises (Anyanwu & Salami, 2021).
- *Economic recovery:* The COVID-19 pandemic has caused significant economic disruption, leading to job losses, business closures, and increased poverty levels. South Africa was already facing economic challenges before the pandemic, and the situation has been exacerbated. The Parliament needs to prioritise economic recovery measures, such as job creation, support for small businesses, and investment in key sectors to stimulate growth and address inequality (Anyanwu & Salami, 2021; Mashilo & Kgobe, 2022).
- *Social inequality:* The pandemic has highlighted and deepened existing social inequalities in South Africa. Access to healthcare, education, and basic services has been uneven, with marginalised communities being disproportionately affected. The Parliament must work towards addressing systemic inequalities, ensuring equitable access to resources and opportunities, and promoting social cohesion (Mashilo & Kgobe, 2022).
- *Rebuilding trust:* Rebuilding public trust in political institutions and leaders is essential for fostering political accountability. Governments need to demonstrate integrity, responsiveness, and a commitment to addressing public concerns. Engaging with citizens, listening to their feedback, and taking appropriate action are key steps toward rebuilding trust in the post-pandemic era (Mashilo & Kgobe, 2022).
- *Anti-corruption measures:* The pandemic has created an environment where corruption risks are heightened due to emergency procurement processes and increased public spending. Strengthening anti-corruption measures, enforcing existing legislation, and ensuring the prosecution of those engaged in corrupt practices are crucial for political accountability (Mashilo & Kgobe, 2022). The establishment of specialised anti-corruption

units and the involvement of civil society organisations can contribute to these efforts (Anyanwu & Salami, 2021).

- *Citizen engagement and participation*: Active citizen engagement and participation are essential for political accountability. Civil society organisations, media, and the general public should have the freedom to voice their concerns, ask questions, and hold elected officials accountable. Transparency in decision-making processes, public consultations, and access to information can facilitate citizen engagement (Anyanwu & Salami, 2021).

It is worthy of note that political accountability is an ongoing process and should extend beyond the immediate crisis. Public vigilance, institutional reforms, and the commitment of both government and citizens are necessary to ensure sustained accountability in South Africa.

Challenges of Opposition Parties in South Africa

Opposition parties in South Africa face several challenges which make it difficult for them to effectively challenge the ruling party and bring about political change. Some of these challenges include:

- *Limited resources*: Opposition parties in South Africa often have limited financial resources compared to the ANC. This makes it difficult for them to campaign effectively, organise rallies, and reach out to voters in remote areas (Mnikati, 2020).
- *Limited media coverage*: The media in South Africa is often accused of being biased towards the ruling party, which means that opposition parties struggle to get their message across to voters (Mnikati, 2020).
- *Oversight of government institutions*: Political parties in South Africa have a responsibility to ensure proper accountability of the government to its citizens. This means that they must oversee government institutions, such as Parliament, the executive branch, and the judiciary, and hold them accountable for their actions (Mnikati, 2020).
- *Advocating for transparency*: Political parties can promote accountability by advocating for transparency in government operations. This includes pushing for access to government information, financial records, and other documents that allow citizens to monitor government actions (Mashilo & Kgobe, 2022).

- *Electoral system:* South Africa's electoral system is based on proportional representation, which means that small parties have a disadvantage. This is because they need a certain percentage of votes to secure seats in Parliament, and this can be difficult to achieve (Mngomezulu, 2019).
- *Lack of resources and access to information:* Opposition parties may not have the same resources as the ruling party, such as access to government documents, financial resources, or media outlets. This can make it difficult for them to gather and disseminate information to the public
- *Limitations in implementing policies:* In many democratic systems, the ruling party holds the majority of seats in the legislature, making it difficult for the opposition parties to pass their policies or block those of the ruling party (Mngomezulu, 2019).
- *Political fragmentation:* Opposition parties in South Africa are often divided and fragmented, making it difficult to form a strong and unified opposition (Mngomezulu, 2019).
- *Voter's loyalty:* Many South Africans remain loyal to the ANC, despite the party's shortcomings. As a result of this, the opposition party may not be able to influence the voters against the ruling party. This means that opposition parties have to work harder to win over voters (Mngomezulu, 2019).
- *Perceptions of racism:* Some opposition parties have been accused of being racist or promoting white interests, which can be damaging to their image and electoral prospects (Mnikati, 2020).
- *Limited policy differentiation:* Some opposition parties struggle to differentiate themselves from the ANC, particularly on issues such as economic policy and land reform.
- *Dominance of the ruling party:* The ANC has been the ruling party in South Africa since the end of apartheid in 1994. This dominance makes it difficult for opposition parties to gain significant support and challenge the ANC despite their shortcoming (Mnikati, 2020).
- *Lack of internal democracy:* The concentration of power in the hands of a few ministers gives rise to internal conflicts.
- *Promoting public participation:* Political parties can promote accountability by encouraging public participation in the democratic process. This includes promoting voter registration and participation in elections, as well as supporting the formation of citizen-led watchdog groups and advocacy organisations.
- *Holding elected officials accountable:* Political parties have a responsibility to hold their own elected officials accountable for their actions. This means that they must investigate allegations

of misconduct or corruption and take appropriate action to address any wrongdoing (Mnikati, 2020).

- *Advocating for ethical standards:* Political parties can promote accountability by advocating for ethical standards in government. This includes promoting the adoption of codes of conduct for elected officials and government employees, as well as supporting anti-corruption measures (Mnikati, 2020).

How to Promote Cordial Relationship between the Parties and the Parliament

Building a cordial relationship between parties and the Parliament can be very difficult but some measures can be adopted to promote such a relationship. By adopting these approaches, parties and parliamentarians can build a stronger, more productive relationship that promotes the interests of all stakeholders. Here are some of the ways of promoting a cordial relationship between the parties and the Parliament:

- *Dialogue and communication:* Parties should establish open lines of communication with the Parliament, and dialogue regularly to promote mutual understanding and trust. This could be achieved through regular meetings between party leaders and parliamentary officials, or more informal channels like social events (Roya & Ngcobo, 2023).
- *Respectful engagement:* Parties and parliamentarians should engage with each other respectfully, even when there are disagreements. Criticism should be constructive and focused on issues rather than personal attacks (Roya & Ngcobo, 2023).
- *Involving other parties:* All parties must be included in the decision-making process. Allowing every party to have a say in parliamentary decisions can help to promote a sense of ownership, responsibility, and accountability.
- *Collaboration:* Parties should work collaboratively with parliamentarians to address issues of mutual concern. This could involve joint initiatives or consultations on legislation (Roya & Ngcobo, 2023).
- *Transparency:* Parties should be transparent in their dealings with parliamentarians. This includes providing relevant information and responding to requests promptly (Roya & Ngcobo, 2023).
- *Consensus-building:* Parties should strive to build consensus with parliamentarians whenever possible. This could involve finding

common ground on issues or compromising on certain points to achieve a shared objective.

- *Reconciliation*: This can be a useful tool to resolve conflicts and disagreements between parties. It is important to have a neutral third party mediate the discussions to ensure that both parties are heard and that a fair resolution is reached (Roya & Ngcobo, 2023).
- *Accountability*: Parties should hold themselves accountable for their actions and decisions, and be willing to explain and justify them to parliamentarians.
- *Public Participation*: Parties should encourage public participation in the legislative process by soliciting feedback from citizens and engaging with civil society groups. This can help to build public support for legislative initiatives and increase the legitimacy of the Parliament.
- *Building relationships*: Building relationships between parties and parliamentarians is essential. Social events, such as dinners or informal gatherings, can be arranged to promote interaction and create an atmosphere of camaraderie. This can help to reduce tension and promote a cordial relationship between the parties and the Parliament (Roya & Ngcobo, 2023).

Lesson Learnt from the Role of Opposition Party in Promoting Accountability.

One lesson that can be learned from the role of opposition parties in promoting political accountability is the importance of building coalitions. Opposition parties can work together to create a united front against the ruling party (Speijcken, 2011). This can be particularly effective when opposition parties share common values and goals. Another lesson is the importance of grassroots organising. Opposition parties can mobilise their supporters and create movements that pressure the ruling party to be accountable. This can be particularly effective when there is a groundswell of public support for a particular issue (Speijcken, 2011).

In conclusion, opposition parties play a crucial role in promoting political accountability in democratic systems. They act as a watchdog, holding the ruling party accountable for their actions and policies. However, they face significant challenges which can be overcome by building coalitions and mobilising grassroots support. By so doing, opposition parties can be more effective in their efforts

to hold the ruling party accountable. Likewise, cordial relationships can exist between the legislature leadership and opposition parties through effective communication. This is an important factor for building and maintaining healthy relationships in any political system. If there is a breakdown in communication between the legislature leadership and opposition parties, misunderstandings and conflicts can escalate to relationship strain which can hinder proper political accountability.

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Chapter 4

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Chapter 5

Bridging the Gender Gap: Promoting Gender Equality in the National Assembly and Provincial Legislatures

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Abstract

The level of participation of South African women in politics has increased greatly since the end of apartheid. The increased rate of abuse experienced by women and girls coupled with the slow response to victims of abuse by the appropriate authorities has jarred women from participating in politics. This will enable them to fight for the rights of their fellow women and promote gender equality in the National Assembly and Provincial Legislatures (NAPL). The promotion of higher education for women, the eradication of gender discrimination practices against women, and the protection of women's rights by the constitution, and legislative provision have contributed greatly to bridging the gender gap and enhancing gender equality in South Africa. Although gender equality is promoted in the NAPL in South Africa, there is still a need for the participation of more women in Parliament to create a conducive political environment. Despite the effort made by the President, the Southern African Development Community (SADC) and other non-governmental organisations, to support women, there are still some factors militating against the active participation of women in politics. This chapter, therefore, focuses on exploring the history of women's participation in politics pre- and post-apartheid era; the participation of women in the NAPL in South Africa; the roles of the Executive and judiciary in promoting gender equality in the NAPL; factors militating against active participation of women in politics; and how gender equality can be promoted in the NAPL in South Africa.

Keywords: gender gap, women, equality, discrimination, politics, parliament, South Africa.

Introduction

The gender gap in the political arena exists in many countries of the world including South Africa resulting in an underrepresentation of women in politics (Cuberes & Teignier, 2014). Promoting gender equality in the South African Parliament is very critical in that it guides against gender bias and ensures women's voices are heard in the political space. Active participation of women in politics in South Africa dates back to the period of apartheid when women engaged in the struggle against the apartheid government (Geisler, 2000). This struggle led to political representation and promotion of gender equality by women; it also created platforms for the entrenchment of gender equality agenda in governance (Geisler, 2000). Promoting gender equality in the National Assembly and Provincial Legislatures (NAPL) requires a multifaceted approach. Some women have developed strategies to enhance the feminist agenda in some parliaments, but this seems to be a stronger task for most women to do in view of existing cultural norms which makes it seemingly impossible (Palmieri, 2018).

In South Africa where the election cycle is every five years, members of the Parliament are responsible for oversight functions, law-making, and international cooperation among other important duties (Manona, 2015). It is however surprising to note that despite the population of women in South Africa (51.2%) according to Statistics South Africa, they still constitute the least in the Parliament (People's Assembly, 2021). This has necessitated the review of some laws by the Speakers' Forum representing the body of the South African legislative sector in 2017 (People's Assembly, 2021).

Globally, the pursuit of a functional democracy has contributed significantly to the advocacy for gender equality which is equal rights, opportunities, identical treatments of dignity and respect for individual treatment without considering gender identity. Interestingly, a woman is the face of democracy (Umar & Mashi, 2019; Zungura, Nyemba, Mutasa & Muronza, 2013) and in Africa, women have always been involved in politics with or without acknowledgement (Geisler, 2004). The global advocacy for gender equality is not commensurate with the current participation of women in public life and political domains (provincial legislatures and National Assembly). There has been a gender gap – gender inequality – in South Africa which has endured for decades, and women are frequently excluded from political involvement and

processes of decision-making (Cold-Ravnkilde, 2019; Waylen, 2014). Nevertheless, since apartheid collapsed, an enormous amount of work has been done to encourage women to get involved in politics, especially in the NAPL (Khine & Langkulsen, 2023; Cold-Ravnkilde, 2019).

The report has shown that South Africa is the country with the third highest representation of women in Parliament. After the 2019 elections, women's representation at the provincial level increased from 30% to 43% with the highest and lowest representation domiciled in Limpopo and the Western Cape provinces respectively (People's Assembly, 2021). Despite this achievement, South African women are still underrepresented in the Parliament. This underrepresentation of women has snowballed into a low number of women occupying top government positions and led to many challenges currently working against the full participation of women in political activities (Khwela, Derera & Kubheka, 2020).

Gender equality ensures good and versatile parliaments which ensure that there are mechanisms and processes in place to make it binding on the government to be committed to gender-related matters (Beveridge, Nott & Stephen, 2000). Parliaments perform most of their duties through oversight functions. These oversight functions ensure government are accountable and committed to democratic processes. Gender equality is a product of a quality democratic process, and its adoption will sustain democratic practices (Beveridge, Nott & Stephen, 2000).

This book chapter sheds light on South African women's participation in politics post-apartheid; the gender gap in NAPL, and the roles of the Executive and judiciary in promoting gender equality in these structures with a particular focus on practical strategies for gender gap bridging therein based on empirical research and case studies. In addition, insights on the factors militating against the active participation of women in politics and how gender equality can be promoted in NAPL in South Africa were emphasised.

History of Women's Participation in Politics: Post-Apartheid Experience

There has been a notable improvement in the participation of women in South African politics in post-1994 democratic elections (Mathur-Helm, 2005). According to Bauer (2008), South Africa is

among the top 26% of countries that have 25–50% women in their national legislature. In addition, to promote gender equality and bridge the gap between men's and women's political participation, the Government of South Africa established several laws to promote gender equality, and this includes the Gender Equality Bill, which aims to prohibit discrimination against women in all aspects of life (Lues, 2005; Romany, 1995). The Constitution (RSA, 1996) assures women the same opportunities and rights as men. These initiatives have led to a consistent rise in the number of women serving in NAPL throughout time, while at the local government platform, the Government of National Unity (GNU) was established to also give women equal representation in politics and decision-making (Joseph, 2022a).

The notable accomplishments include:

- The appointment in 2021 of Dr Nkosazana Dlamini-Zuma as the female deputy head of state after President Cyril Ramaphosa (Afrika, 2021; Mashau & Kgatle, 2021).
- The observation of a gender balance of 50/50 at the nine provincial legislatures (Muriaas, Mazur & Hoard, 2022; Nkala & Ogunnubi, 2015).
- The recording, in 1994, of 27% women participation in the National Assembly with this number increasing to 45% in 2022 (Nwafor & Amusan, 2022).

Despite these women's political engagement advancements, there is still an array of issues requiring attention to be resolved.

The political parties in South Africa emphasise that gender equality and women's rights are important, but no party is exclusively for women. The Women's League of the African National Congress (ANC), which has been in power since the end of apartheid, focuses on the empowerment and visibility of women in politics (Makhunga, 2014). The socialist opposition party, the Economic Freedom Fighters (EFF) also has a Women's Command that promotes the rights of women and equality between men and women (Börjesson, 2019), while another opposition party, the Democratic Alliance (DA), has a Women's Network that seeks to encourage women to get involved in politics and address issues that impact women (Majola, 2022). They all share the common objective of women's political organisations and the larger democratic movement. Despite this common objective, women are still under-represented and face discrimination. Their political engagement with women continues to be significantly

hampered because of cultural stereotypes, patriarchal views, and restricted access to resources and education. In addition, women are frequently excluded from political structures and decision-making processes, thereby making it challenging for them to make progress in their political careers.

Political organisations for women have significantly influenced and been influenced by the larger democratic movement. Women's organisations such as the National Women's Organisation in South Africa, formed in the early 1990s by South African women activists and exiles (Britton, 2006), have on the one hand supported women's voting rights and other political rights, and worked to broaden the definition of democratic participation to include women. Their national plan of action has ultimately influenced constitutional negotiations and, subsequently, South Africa has one of the most gender-progressive constitutions in the world today.

Participation of Women in the NAPL in South Africa: Benefits

The promotion of gender equality and ensuring that the many perspectives and demands of women are taken into consideration in the country's decision-making processes depend heavily on the representation of women in South Africa's NAPL. Women's involvement in politics can support the advancement of women's rights, combat discrimination based on gender, and establish laws that better meet the interests of women and their communities. Additionally, studies demonstrate a positive correlation between better governance, economic growth, and better health and educational outcomes when women are represented in political institutions. Therefore, encouraging and ensuring women's participation in South Africa's political institutions is crucial for the nation's overall growth and progress. It also matters for fairness and social justice.

The deliberate encouragement of women's participation in the NAPL will promote gender equality, i.e., making the political institutions women-sensitive and friendly for women of any colour or race. Their political inclusion and active participation in the NAPL will have an impact on the decision-making processes, and guarantee that they can sustain the fight for the good cause of gender discrimination and that their voices and concerns are heard for the advancement of women's rights, and their needs met through the development of laws (Dar & Shairgojri, 2022; Hornset

& de Soysa, 2022; Mulat, Mao, Bharali, Balkew & Yamey, 2022). Having more women in political institutions usually births improved economic growth, better governance, and accomplishments in the fields of education and health services (Hornset & de Soysa, 2022; Ansoms & Rostagno, 2012; Mathur-Helm, 2005; Littlefield, Morduch & Hashemi, 2003). In South Africa, the significance of women's involvement in the NAPL in South Africa and the development of gender equality in South Africa are as follows:

- *Better representation:* Women's perspectives, experiences, and needs are more likely to be taken into account in policy and decision-making when they are represented in the NAPL. This may result in more egalitarian and inclusive laws and policies that benefit the entire community, not just women (Joseph, 2022b; Mhlongo, Gumbo & Musonda, 2022).
- *Diverse perspectives:* Women bring a distinctive viewpoint to politics and can provide insights and ideas that differ from those of their male colleagues. This variety of perspectives can aid in the development of more creative and successful policies and tactics (Barkhuizen, Masakane & Van der Sluis, 2022; Kooijman, Clancy & Cloke, 2023).
- *Greater gender equality:* More women in politics can aid in eradicating traditional gender roles and advancing gender equality in society at large. This may open additional doors for women in various spheres of society, including work, education, and leadership positions (Barkhuizen, Masakane & Van der Sluis, 2022).
- *Better health results:* Women and children may have better health outcomes because of the inclusion of women in the NAPL. With the involvement of women in politics, policies that address women's health issues, such as maternal and child health, can be designed and implemented more successfully (Cooper et al., 2004; Westfall & Chantiles, 2016).
- *Strengthened democracy:* By ensuring that a variety of viewpoints and perspectives are reflected in decision-making processes, women's full political participation serves to strengthen democracy. As a result, there may be a rise in public participation in politics and a rise in public trust in the administration (Krishna, 2002; Dahlerup, 2005).

In South Africa, women's representation in the NAPL is crucial for advancing gender equality, creating a more inclusive society, and establishing policies that are advantageous to all.

Roles of the Executive and Judiciary in Promoting Gender Equality in the NAPL

The Constitution protects political and civil rights; thus, the Executive and judiciary can play significant roles in promoting gender equality in the NAPL of South Africa by contributing in the following ways (RSA, 1996):

Executive involvement:

- Making efforts to reduce violence and discrimination against women in society at large, as these issues can profoundly impact women's capacity to engage effectively in politics (Gumede, 2008).
- Appointing women of different colours and races who are capable candidates for political office. The Executive can also advocate for policies which promote women's political participation (Kemp, Madlala, Moodley & Salo, 2018; Ndinda & Okeke-Uzodike, 2012).
- Providing funding and assistance for campaigns, mentorship opportunities, and training programmes that advance gender equality in the political sphere (Goetz, 1998; Dahlerup, 2005).

Judiciary involvement:

- Giving women who are survivors of gender-based violence or discrimination legal support and advocacy, as well as striving to guarantee that they have a right to justice and may fully engage in democratic political processes (Rustin, 2021).
- Prohibiting discrimination and gender-based violence by maintaining and implementing laws that safeguard women's rights (Enaifoghe, Dlelana, Durokifa & Dlamini, 2021).
- By seeing to it that political organisations are deemed responsible for advancing gender equality and guaranteeing that women have equal access to men to political opportunities (Vyas-Doorgapersad & Shava, 2022).

The Executive and judiciary may play a significant role in advancing gender equality and building a more inclusive and equitable democratic system in South Africa by engaging with one another.

Strategies for Promoting Woman Representation in the NAPL in South Africa

To bridge the gender gap and promote gender equality in the Parliament, the following strategies are encouraged:

- *Encouragement for women:* Political parties should support and empower women through workshops and training to assist them in vying for political positions. It is on record that some political parties such as the ANC have made frantic efforts to ensure adequate representation of women in party affairs. The DA is also doing well in this regard by supporting and organising training for female candidates. More of this encouragement is expected to be sustained (Mabokela & Magubane, 2022). Create gender-sensitive policies: there should be gender-related policies in the interest of women (Morris, Greene & Healey, 2019). The Parliament should ensure such policies come to fruition so that men and women can have equal representation. This is necessary to avoid over-dominance of the men in political and leadership positions.
- *Adequate support:* Most women do not have a financial base and support that can boost their performance in the political field. Political parties should make adequate provisions for women and should ensure they are adequately shielded from harassment and intimidation. Financial support for women can promote their involvement in political activities (Mlambo & Kapingura, 2019).
- *No to gender-based violence:* Gender-based violence is very rampant and has discouraged most women from participating in politics. If more women are in the Parliament, policies and laws must be sponsored to protect women in this regard (Puente, Maceiras & Romero, 2021).
- *More seats for women in leadership positions:* There has been a gradual improvement of women in positions of authority, and more are still expected in the coming days through various interventions at different levels to encourage the participation of women in leadership positions. There should be more opportunities for women to encourage them in political activities (Smith, 2015).
- *Awareness:* The public needs to be properly guided about the importance of gender equality and the benefits of engaging women in leadership positions. This is expected to reposition the disposition of the populace on the cultural inclination that often serves as a barrier against women's participation in politics (Leal Filho et al., 2022).

- *Regular monitoring:* There should be a mechanism in place that regularly monitors and identifies areas that need improvement. This will ensure that desired progress is made towards ensuring gender equality in the South African political space, especially regarding the NAPL (Matsiliza, 2012). These strategies are expected to bridge the gaps and promote gender equality in the Parliament and South African politics if implemented.

Factors Militating Against the Active Participation of Women in Politics

All over the world, women do not participate in political activities as much as their male counterparts. In Africa, South Africa is one of the beacons of democracy due to its giant stride in guaranteeing non-discriminatory policies and gender equality. Even with this testimony, women are still facing a lot of political challenges which range from cultural to societal barriers. These are some of the factors working against the active participation of women in South African politics:

Cultural and societal barriers

Women in politics have a lot to overcome to be relevant in the political space. One such barrier is cultural and societal. These factors work against women's activities in politics. Beliefs like women must not compete with men; women are meant to stay at home; women are too proud to vie for electoral offices; and women are inferior to men in intelligence and capacity delivery, are among the many impediments against South African women in politics. These attitudes affect the involvement of women in politics as women are viewed as unsuited for leadership positions and are expected to play subordinate roles to men.

These cultural and social attitudes also manifest in gender-based violence and harassment, which can deter women from entering politics. Women who do enter politics often face discrimination and gender-based violence, which can make it difficult for them to participate fully in political life (Kiamba, 2008; Johnson & Thomas, 2012).

Institutional Barriers

Another factor that militates against the active participation of women in politics is institutional barriers (Kiamba, 2008). Many political institutions were designed in a way that favoured men and disadvantaged women. For example, electoral systems that require candidates to have significant financial resources, as well as party systems that prioritise candidates with established political networks can make it difficult for women to enter politics.

In addition, many political institutions have historically excluded women from political decision-making processes. For example, women were not given the right to vote in many countries until the early twentieth century, and many countries still have laws that limit women's participation in politics (Berkovitch, 1999).

Lack of Access to Education and Resources

Lack of access to education and resources is another factor that militates against the active participation of women in politics (Shvedova, 2005). Women who do not have access to education are less likely to have the skills and knowledge necessary to participate in politics effectively. Similarly, women who do not have access to financial resources may find it difficult to run for political office or to participate in political campaigns (Chimucheka & Rungani, 2011).

Economic Factors

Economic factors also play a significant role in limiting women's participation in politics. Women are often paid less than men for the same work, which means that they may have less disposable income to devote to political campaigns or to support their own political careers. In addition, women are often responsible for caring for children and other family members, which can make it difficult for them to balance the demands of politics with the demands of their personal lives (Kivoi, 2014).

Lack of Support and Role Models

Finally, the lack of support and role models is another factor that militates against the active participation of women in politics. Women who do enter politics often face isolation and may struggle to find support and mentorship from other women. In addition, the

lack of female role models in politics can make it difficult for women to envision themselves as political leaders (Agbalajobi, 2010).

Pre- and Post-COVID-19 Era: Promoting Gender Equality in the NAPL

Before the advent COVID-19 pandemic, there were processes in place geared towards the promotion of gender equality in the NAPL. The South African Constitution guarantees equality and prohibits unfair discrimination on various grounds, including race, gender, and religion (Jegade & Shikwambane, 2021). In terms of gender equality, South Africa has been proactive in promoting women's participation in politics. The country has implemented a 50/50 policy, which requires political parties to strive for equal representation of men and women on their candidate lists. Although progress has been made, achieving full gender parity has been a gradual process (Mkhatshwa & Genc, 2022). Prior to the pandemic, the National Assembly consisted of 400 members, elected through a proportional representation system (Alence, 2004). Political parties nominated candidates, and the seats were allocated based on the proportion of votes received by each party in the national elections. This system aimed to ensure fair representation of different political parties and promote diversity within the legislature.

The COVID-19 pandemic, which began in early 2020, had a significant impact on the functioning of the NAPL in South Africa. To comply with public health measures and limit the spread of the virus, several changes were implemented. These changes included limitations on physical gatherings and the introduction of remote or virtual parliamentary sessions (Zhen et al., 2020). The shift to virtual proceedings posed some challenges to achieving equality. Access to reliable internet connections and technology may have been limited for some legislators, potentially affecting their ability to fully participate. This situation could have disproportionately affected individuals from marginalised communities who may face greater barriers to access. However, efforts were made to accommodate and ensure the participation of all members (Motala & Menon, 2020).

In terms of gender equality, the pandemic's impact on women's representation in the NAPL is not yet fully understood. However, it is important to note that gender disparities in political representation and decision-making processes are long-standing issues that extend beyond the COVID-19 era. It is crucial for South Africa, like other

countries, to continually assess and address barriers to equality in political institutions. Efforts should be made to ensure equitable representation, accessibility, and meaningful participation of all individuals, regardless of gender, race, or socioeconomic background. This includes addressing the specific challenges that emerged during the COVID-19 pandemic to ensure that the democratic process remains inclusive and representative.

Conclusion

The advancement of women's rights, the development of inclusive policies, and societal progress, at large, are linked to the improvement of gender equality in the political arena. To advance gender equality in the NAPL, the executive and judicial branches of government must play crucial roles. The leadership can promote qualified female candidates, lessen violence and discrimination against women, and help through funding, mentoring, and training initiatives. On the other side, the judiciary can provide legal assistance, prohibit discrimination and violence against women, and hold political parties responsible for gender equality. The factors that militate against the active participation of women in politics are complex and multifaceted. Addressing these factors will require a concerted effort on the part of governments, political parties, civil society organisations, and individual citizens. By working to overcome cultural and social attitudes towards women, addressing institutional barriers, providing access to education and resources, addressing economic factors, and providing support and role models, we bridge the gender gap that exists in the South African NAPL. South Africa could progress toward a more equitable and democratic future by tackling the gender gap and promoting women's representation in the NAPL.

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Chapter 6

Examining the Dynamics of the Relationship between South Africa's National Assembly and the Pan-African Parliament: Prospects, Challenges and Lessons Learnt

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Abstract

In this chapter, the author examines the rapport between South Africa's national Parliament and the African Union's Pan-African Parliament (PAP) that the former hosts in Midrand, a mere 30 minutes away from its administrative capital, Pretoria. This rapport is examined bearing in mind that the latter elected, in 2022, its first Southern African president with overwhelming support from South African members of Parliament. Assuming the new PAP leadership understands South Africa and the region better, there is room to presuppose that the tabling of issues of mutual interest will be visible in both parliaments. Therefore, this chapter unpacks the need to understand the commonalities and differences between socio-economic and political debates at a national and continental level. The PAP was hailed at its 2004 launch as the beacon of democracy and Pan-Africanism. It is the only continental and intergovernmental institution where African countries' opposition political parties have a say in the African Union. South Africa's ruling and opposition political parties continue to be represented at PAP, thus, sharing their ideologies with other AU member states. In that regard, the chapter concludes by considering a few ways in which PAP can enhance championing democracy and human rights issues in South Africa in its Parliament whilst having the South African Parliament do the same for the continent.

Keywords: African Union, constitution, democracy, Pan-African Parliament, parliament, South Africa.

Introduction

The dynamics of the relationship between the Pan-African Parliament (PAP) and the South African Parliament is complex yet buttressed by the latter's government hosting the continental legislative body. The PAP was inaugurated in 2004 as a multinational African Union (AU) Parliament with the mandate to represent Africa's people and promote cooperation and integration among African states. South Africa is one of the AU's member states and has played a significant role in the operations of the PAP.

In its infancy, the PAP received varied reactions from analysts across the continent about its ability to carry out its mandate effectively. Cilliers and Mashele (2004) argued that, on paper, the idea behind the establishment of the Parliament was noble without regard to the political will required from AU member states for sustainable and effectual implementation.

The chapter seeks to understand the dynamics of the PAP's relationship with its host's legislative body. What are the PAP's values and actions that influence South Africa's Parliament and vice versa? Moreover, if these are unpacked and examined, what route could mutually beneficial experience-sharing and capacity-bolstering take?

The first part of this chapter reflects on the role of Parliament and national assemblies in Africa's democracies. It also analyses the terms "National Assembly" and "Parliament", essential terms used throughout the chapter.

The second part aims to discuss the PAP's mandate and describe its role and function within the broader AU system. This section also critically analyses the ideology behind legislature for AU member states.

The third part of the chapter analyses the perceptions around the PAP's presence in South Africa and the value placed on multilateral institutions that enhance fair legislature.

Finally, the fourth part of this chapter looks at the state of the legislature in South Africa. Sebake (2015) asserts that in South Africa, as elsewhere in countries aspiring to effective democracy,

the Parliament aims to deliver fitting legislative frameworks for harmonised policies and objectives in conformity with the Constitution. Therefore, this chapter examines the dynamics of critical constitution-related issues such as human rights adherence. It identifies distinct cross-learning prospects between the South African Parliament and the PAP.

Overall, this chapter seeks to contribute to understanding legislature in the African context as dubbed in the Constitutive Act of the African Union (AU, 2000) and the importance of inter-institutional cooperation in promoting regional integration, human rights and the rule of law. This rapport is examined bearing in mind that in 2022 the PAP elected its first Southern African president with overwhelming support from South African members of Parliament. According to analysts such as Mntambo (2022), Southern African delegates of the PAP, led by South African members of Parliament, handpicked the Zimbabwean nominee to be the first to represent the region. Assuming the new PAP leadership understands South Africa and the region better, there is room to presuppose that the tabling of issues of mutual interest will be visible in both parliaments. Therefore, this chapter unpacks the need to understand the commonalities and differences between socio-economic and political debates at a national and continental level.

At its launch in 2004, the PAP was slated by AU member state leaders to be a pillar of Africa's democracy and continued Pan-Africanism. It is the only multilateral institution where African countries' opposition political parties have a say in the AU. South Africa's ruling and opposition political parties continue to be represented at the PAP, therefore, sharing their ideologies with other AU member states. In that regard, the chapter concludes by considering a few ways we might begin to think about how the PAP can enhance championing democracy and human rights issues in South Africa in its Parliament whilst having the South African Parliament do the same for the continent.

The Role of National Assemblies and Parliaments in Africa

Parliamentary systems of government are standard worldwide, with various names and structures. Two of the most common terms used to describe the legislative branches of government are "Parliament" and "National Assembly". However, these terms often need clarification, as they are used in different contexts and countries.

Laforest and Lecours (2016) note that the National Assembly is the name given to a legislative body in countries with a presidential system of government. This system has a president as the head of state, elected directly by the people or through a college of electors. The National Assembly is the legislative branch of government in these countries and is responsible for making laws, overseeing government activities, and approving the budget.

In most countries, the National Assembly is a unicameral body with only one chamber. However, some countries, such as Bolivia, have a bicameral legislature, with a Chamber of Deputies and a Senate. The citizens elect members of the National Assembly, although the electoral system varies from country to country. South Africa is a parliamentary representative democratic republic, wherein the President of South Africa, elected by Parliament, is the head of government, and a multi-party system still refers to its governing body as a National Assembly. It is a bicameral legislature comprising the National Assembly and a National Council of Provinces (NCOP).

Bishop and Raboshakga (2014) agree that the primary purpose of a National Assembly is to make laws. Law-making requires careful consideration of conflicting interests and competing claims. Legislators must also consider the practical implications of their decisions and their impact on individuals or groups in society. Though the procedures for passing laws vary from country to country, they involve a series of debates, consultations, and voting procedures.

The Parliamentary Monitoring Group (People's Assembly, 2014) reinforces that the National Assembly is essential in allocating government funds. The budgetary process is one of the most critical functions of a National Assembly. The budget determines the country's economic stability, infrastructure and public services investment, and ability to respond to emergencies. Members of the National Assembly must propose and approve a budget that adequately funds government programs.

The National Assembly is also responsible for overseeing the work of the executive branch. The National Assembly must ensure that the government spends the country's funds efficiently and effectively. Members of the National Assembly are also responsible for holding the Executive to account, which means scrutinising the government's policies and decisions to ensure they align with the people's interests.

The National Assembly plays a crucial role in democratic societies. It is essential to ensure that citizens' interests are represented in the legislative process, promoting transparency and accountability and upholding the rule of law. Ultimately, the National Assembly's success in representing and serving the people's interests is a measure of the health of a democratic society.

As asserted by Laforest and Lecours (2016), a parliament is an assembly of elected or appointed representatives of the people responsible for making laws and overseeing government activities. In parliamentary systems, the Parliament is considered the supreme legislative body. It comprises two houses, the lower house and the upper house, also known as the Senate. The citizens typically elect the lower house members, while the upper house members are appointed or elected indirectly.

In a parliamentary system, the head of government is usually the leader of the political party that has the support of the majority in the lower house. The head of state is often a ceremonial figure, such as a monarch or president, who represents the country but does not hold significant political power. Like the National Assembly, Parliament is responsible for passing legislation, scrutinising government activity, and approving the budget. Pelizzo and Stapenhurst (2007) reinforce this assertion by maintaining that parliaments promote good governance by acting as a watchdog for the executive branch.

The significant difference between the Parliament and the National Assembly is the political system in which they operate. Parliaments are part of a parliamentary system of government, where the head of government is the leader of the political party with the support of the majority in the lower house. The head of state is a ceremonial figure, and the Parliament is responsible for making laws, scrutinising government activity, and approving the budget. On the other hand, national assemblies are part of a presidential system of government, where the president is the head of state and head of government. The National Assembly is responsible for making laws, scrutinising government activity, and approving the budget.

While both the Parliament and the National Assembly are legislative bodies, they can operate in different political systems; despite parliaments being part of parliamentary systems of government and national assemblies being part of presidential systems, they can constitutionally be enforced in a single country.

Understanding this is essential for this chapter as it further unpacks the case of the South African Parliament.

Since the beginning of the democratic era in Africa in the 1990s, parliaments have played a vital role in the continent's democratic transformation. Today, African parliaments encompass a range of political ideologies, and ethnic and religious backgrounds representing the diversity of their populations. Over the years, African parliaments have extensively promoted democratic governance, human rights, and social justice.

Parliaments provide a platform that ensures that the voices and opinions of marginalised groups and individuals are heard. They provide an avenue for public participation and deliberation in decision-making processes. As aforementioned, parliaments perform legislative, oversight, and budgetary functions essential for ensuring accountability, transparency, and the rule of law.

Parliaments are also crucial in pushing for progressive issues such as gender equality, human rights, and social justice. In the past decade, African parliaments have developed and implemented legislation to protect vulnerable groups such as women, ensure a fair and just society, and ensure civil liberties.

African Parliaments continue to face significant challenges in promoting good governance and democracy. Political instability, corruption, and weak institutional capacity have contributed to the decline of some parliaments. For example, in 2022, Guinea-Bissau's President Umaro Sissoco Embalo dissolved the West African nation's Parliament, citing corruption and other issues among members. Additionally, the interference of executive branches in parliamentary affairs is often a severe issue, resulting in an undue influence on the parliamentary proceedings.

The lack of professionalism among parliamentary staff and members is a severe impediment. Parliamentary staff recruitment, training, and development often must be laxer and more well-structured. In some AU member states, parliamentarians often need to be better compensated, leading to a primary focus on financial conquests.[■] To ensure that African parliaments fulfil their critical roles in good governance, they must have streamlined structures and effective decision-making frameworks. Comprehensive training programs for parliamentary staff should be implemented to increase their skills in the different areas relating to legislative and budgetary decision-making. The development of accountability systems and

frameworks should be put in place to ensure transparency and ethical conduct in parliaments. Addressing these challenges and implementing robust frameworks to enhance their functionality is crucial to the success of democracy and good governance in Africa and, thus, the role of the AU's PAP.

The Pan-African Parliament and its function in the African Union

In Africa, parliamentary politics has emerged as a critical component of the democratisation processes in the continent. Nijzink, Mozaffar and Azevedo (2006) argue that citizens across the continent do not believe that parliaments are the best tool to enhance democracy in Africa. Instead, they state they could be more effective and serve as platforms for dialogue with more hope of implementing change. As such, questions about the usefulness of African parliaments are critical to understanding the socio-political landscape of the continent. This section explores the usefulness of parliaments in Africa and the subtleties of the PAP's role within AU member states.

There are 54 sovereign countries in Africa and two disputed areas: Western Sahara and Somaliland; 52 of the 54 have parliaments. Only two countries, Eritrea and Somalia, do not. Most African countries have unicameral parliaments, except for four countries with bicameral parliaments: Cameroon, Ethiopia, Nigeria, and South Africa.

The usefulness of parliaments in Africa is a topic of substantial debate. Critics like Barkan (2005) argue that African parliaments are rubber stamps for authoritarian regimes with little power to hold governments accountable. On the other hand, proponents such as the Office of the United Nations High Commissioner for Human Rights (OUNHCHR, 2018) maintain that parliaments are essential for promoting democracy, human rights, and good governance.

Despite these debates, there are several examples of parliaments in Africa making a positive impact. For instance, around 1990, in South Africa, the Parliament played a crucial role in dismantling apartheid and promoting democratic governance. In Ghana, the Parliament has been instrumental in ensuring that the Executive remains accountable (Lindberg, 2010; Brenya et al., 2014). While the usefulness of parliaments in Africa is a topic of debate, the positive impact of African parliaments in promoting democracy, human

rights, and good governance cannot be overlooked. Therefore, African governments must continue to strengthen the functionality of their parliamentary institutions to help promote democracy in the continent.

The PAP is a continental legislative body aiming to promote democracy, unity, and economic development in Africa. In 2001, the AU was established to replace the defunct Organisation of African Unity (OAU). Among the new institution's goals was establishing a continental legislative body that would serve as a forum for African countries to collaborate on issues of mutual interest. The idea behind creating an African Parliament dates back to the Abuja Treaty, signed by AU member state leaders in Abuja, Nigeria, in 1991, coming into force in 1994. Following this treaty, the fourth extraordinary session of the Assembly of Heads of State and Government of the OAU held in Sirte, Libya, in September 1999, adopted the Sirte Declaration, calling for the speedy establishment of the institutions provided for in the Treaty Establishing the African Economic Community signed earlier in Abuja, Nigeria. Later, the 36th ordinary session of the Assembly that the OAU held in Togo in July 2000 adopted the Constitutive Act of the AU with the Pan-African Parliament as one of the organs of the AU. The process took a giant step forward when the fifth extraordinary session of the Assembly of Heads of State and Government of the AU, held in 2001 at Sirte, Libya, adopted the Protocol to the Treaty Establishing the African Economic Community relating to the PAP. This Protocol reinstated the significance of a legislative body to safeguard Africa's democracy, and hence the PAP was successfully established due to these efforts.

The Parliament has several functions geared towards promoting African unity and development. Firstly, it can pass laws binding on all African countries. The laws passed by the PAP cover many issues, including trade, human rights, and governance. Secondly, the Parliament has the power to oversee the activities of other AU bodies, including the AU Commission and the African Court of Human and Peoples' Rights. This oversight function ensures that these bodies are accountable to the people of Africa and that their activities align with the AU's goals and objectives.

Lastly, the Pan-African Parliament also has a consultative role, advising other AU bodies on issues of mutual interest. This function makes the Parliament a vital resource for the AU, providing policymakers with valuable insights and perspectives from different African countries.

The PAP's significance lies in promoting African unity and development. As aforementioned, the Parliament serves as a platform for African countries to collaborate on issues of mutual interest, breaking down colonial, regional and tribal divides that have hindered Africa's development. The PAP has initiated several policy measures to promote African integration and development through its legislative, oversight, and consultative functions. For instance, the Parliament has passed laws promoting intra-African trade, harmonising investment laws, and ensuring that African countries adhere to good governance and democratic principles. The Parliament has also played a crucial role in promoting African peace and security. Its oversight function has ensured that the AU peace and security architecture is robust and effective in preventing and resolving conflicts across the continent. Establishing the PAP was a significant milestone in Africa's quest for unity and development. The Parliament's legislative, oversight, and consultative functions are crucial in promoting African integration and development. As the Parliament continues to evolve and grow, it is poised to become an essential mechanism for promoting democracy, security, and economic development in Africa.

The Principle of 'Host Country': The Pan-African Parliament in South Africa and The Significance of Multinational Legislatures

The PAP is headquartered in Midrand, South Africa. The country is the economic powerhouse of Africa, with a highly developed infrastructure and a relatively stable political environment. It has one of the most advanced economies in Africa, and it is home to the largest stock exchange on the continent. Since its political system is regarded as having a strong tradition of respect for human rights and the rule of law, and that it offers a conducive environment for the institution's functioning South Africa is preferred for the PAP.¹

Furthermore, South Africa played a significant role in renaming the OAU to the AU in Durban on 9 July 2002. It was one of the founding members of the AU, and its leaders played an active role in the negotiations leading to the institution's formation and transition from the OAU. Locating the PAP in South Africa can be

1 Interview with South African-based political analyst, April 2023.

seen as recognising South Africa's contributions to the pan-African integration process.²

Multinational parliaments have become increasingly popular in recent years, providing a forum for representatives from multiple countries to come together and discuss issues of mutual interest. Africa's current integration landscape contains an array of regional economic communities, including eight recognised as the building blocks of the African Union: the Arab Maghreb Union (AMU), the Community of Sahel-Saharan States (CEN-SAD), the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), the *Economic Community of Central African States* (ECCAS), the *Economic Community of West African States* (ECOWAS), the Intergovernmental Authority on Development (IGAD) and the *Southern African Development Community* (SADC). While such institutions have been established in several regions worldwide, including Europe, South America and Asia, there are few examples in Africa including the East African Legislative Assembly under the EAC, the Economic Community of West African States Parliament under ECOWAS, and the Southern African Development Community Parliamentary Forum under SADC, thereby making the existence of the South Africa-based PAP unique.

Several benefits are associated with establishing multinational parliaments in African countries. Firstly, such institutions can facilitate greater cooperation and dialogue between countries, promoting regional integration and development. Multinational parliaments could facilitate the exchange of ideas, best practices and innovative solutions for everyday challenges across the continent. Secondly, a multinational parliament could promote greater accountability and transparency in governance, reinforcing democratic values and principles. A multinational parliament could serve as an independent check on the executive branch, ensuring that the interests of all member countries are represented and protected. Thirdly, a multinational parliament could provide a platform for addressing cross-border issues such as migration, security and environmental concerns, which affect all African countries.

Despite the potential benefits, significant challenges are associated with establishing multinational parliaments in Africa. Firstly, there are practical challenges, such as the logistics of organising regular meetings and accommodating representatives

2 Interview with Pan African Parliament secretariat personnel, April 2023.

from multiple countries. Secondly, political challenges include ensuring fair representation for all member countries and avoiding domination by more significant or influential countries. Thirdly, there are cultural and linguistic challenges, as representatives from different countries may speak different languages and have different cultural norms and expectations.

The idea of a parliament representing multiple African countries gained traction by establishing the PAP and the regional East African Legislative Assembly in Arusha, Tanzania. Despite its lofty goals, the PAP has been criticised for its limited powers and lack of impact on regional governance. The PAP struggles with being popular amongst citizens in AU member states as its representatives are often controversial personalities at home.³ They are appointed to the PAP by national parliaments rather than being directly elected, leaving room for member state control over representation. Each member state can nominate five members, two from the opposition, with two of all the nominees being women.

Since 2004, lawmakers from all African regions have occupied the PAP's presidency, save for the south and north. This led to verbal and physical altercations in a 2021 parliamentary session. Here, MPs disagreed with the proposal by the Southern Africa caucus to have Zimbabwe's Chief Charumbira lead after Cameroon's Roger Nkodo Dang. The highly publicised incident revealed fault lines in the idea of integration within and by the PAP. Chief Charumbira is now president of the PAP after overwhelming support from the Southern African region led by the members from the host country, South Africa.

The leadership of a Southern African lawmaker presents an opportunity to table issues critical to the region to the PAP. These include issues dominating South Africa's socio-political landscape, such as state capture, migration, and corruption. The region is relatively peaceful compared to the rest of the continent but is marred by subtle conflict spurred by a lack of good governance. Such a social ill is meant to be addressed with the help of a legislative body like the PAP. This could also enhance cooperation between South Africa, the PAP, and the SADC.

3 Interview with South African-based political analyst, April 2023

The Legislature in South Africa's Politics

The South African Legislature plays a crucial role in the country's politics. The legislative branch is responsible for enacting laws and overseeing the executive branch's work, ensuring accountability and transparency in the government's operations. The legislative branch of the South African government is bicameral and comprises two houses: the National Assembly and the NCOP. The people directly elect the National Assembly, which comprises 400 members. The NCOP, on the other hand, consists of 90 delegates, ten from each province in the country.

The primary function of the National Assembly is to make laws, oversee government actions, and hold it accountable. Conversely, the NCOP represents the provinces and participates in the legislative process by debating, scrutinising, and approving laws that affect the provinces' interests.

The South African Parliament is vital to the country's democratic system. The Parliament is responsible for enacting laws that govern different aspects of society, including social, economic, and political issues. The laws passed by the Parliament reflect the South African people's aspirations, beliefs, and values. It also exercises oversight over the executive branch, ensuring it adheres to accountability and transparency principles. Additionally, it represents the interests of South African citizens and their communities. Parliamentarians are elected by the people to represent their views and interests, making the legislature an essential tool for democracy. The legislature has a significant role in the budgetary process. It scrutinises the government's allocations and ensures that the funds are spent effectively, efficiently, and in line with the needs of the people.

Despite its crucial role in South African politics, the Parliament faces several challenges. The ruling party dominates the legislature. This dominance undermines the legislature's oversight role, leading to legislative capture, which benefits the ruling party.⁴

One of the opportunities available to the Parliament of South Africa is its constitutional oversight function. The Constitution of South Africa mandates that the Parliament oversee the activities of the government, including the executive branch. The oversight function allows members to hold the government accountable,

4 Ibid.

promote transparency, and ensure that public resources are used correctly (RSA, 1996).

Through the oversight function, the South African Parliament can investigate corruption allegations, monitor government spending, and evaluate the effectiveness of government programs. The legislative body can regain citizens' trust and promote good governance by exercising its constitutional oversight function.

Another opportunity available to the Parliament of South Africa is public participation. The Constitution mandates the Parliament to facilitate public participation in the legislative process (RSA, 1996). Public participation can take many forms, including public hearings, stakeholder consultations, and social media engagement.

By involving citizens in the legislative process, the Parliament of South Africa can ensure that its laws reflect citizens' needs and concerns. Public participation also fosters transparency and accountability and enhances the legitimacy of the Parliament.

Electoral reform is another opportunity available to the Parliament of South Africa. The current electoral system, a proportional representation system, has been criticised for promoting political polarisation and leading to a lack of accountability. An electoral system combining the proportional representation system with a constituency-based system might be more effective in promoting accountability and responsiveness to citizens' needs.

Prospects of Cross-Learning?

The PAP comprises representatives from all AU member states and is supposed to be a platform for discussing issues and making decisions concerning the continent. On the other hand, the South African Parliament is the legislative body of an AU member state. It is responsible for creating laws, approving the budget, and monitoring the government's activities. This section explores what the PAP can learn from the South African Parliament and vice versa, paying particular attention to human rights issues and the rule of law.

Human rights are universal rights inherent to all human beings, regardless of nationality, race, religion, or sex. They are enshrined in various international instruments, including the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights (ACHPR), and the International Covenant on Civil and Political Rights. The PAP and the South African Parliament are

responsible for promoting and protecting human rights. One lesson the PAP can learn from the South African Parliament concerning human rights is the importance of inclusive and participatory processes. South Africa is known for its robust public participation mechanisms that allow citizens to engage with parliamentarians and other decision-makers during the legislative process. This approach ensures that all citizens' concerns, aspirations, and perspectives are considered when making laws and policies. The PAP can adopt similar mechanisms to ensure that the voices of all Africans are heard when discussing human rights issues.

Similarly, the South African Parliament can learn about prioritising implementing human rights from the PAP. The ACHPR provides comprehensive guidance on various human rights issues, including the right to life, liberty, and security of persons, the right to equality before the law, and the right to access to justice. By prioritising the implementation of these provisions, the Pan-African Parliament can ensure that human rights are promoted and protected throughout Africa. The South African Parliament can adapt and implement these provisions into the country's laws.

The rule of law is a fundamental principle of democratic governance that requires that laws be applied equally to all citizens without discrimination. It also requires an independent judiciary, an impartial justice system, and a transparent and accountable government. The PAP and the South African Parliament are crucial in upholding the rule of law.

Another lesson the PAP can learn from the South African Parliament concerning the rule of law is the importance of checks and balances. The Constitution provides for a system of checks and balances that allows different branches of government to exercise control over one another (RSA, 1996). The Parliament, the Executive, and the judiciary are designed to ensure that every branch becomes equal. The PAP can adopt similar mechanisms to prevent the concentration of power in any institution.

Similarly, the South African Parliament can learn from the PAP concerning the need for a continental approach to the rule of law. The African Charter on Democracy, Elections, and Governance provides comprehensive guidance on various aspects of the rule of law, including the independence of the judiciary, the fight against corruption, and the protection of human rights. By adopting these provisions, the South African Parliament can contribute to promoting

the rule of law throughout its provinces and avoid potential conflicts of interest.

By learning from each other, these parliaments can adopt best practices and contribute to promoting and protecting these principles throughout Africa. The PAP can learn from South Africa regarding inclusive and participatory processes. In contrast, the South African Parliament can learn from the PAP concerning the need for a continental approach. Through collaboration, these parliaments can ensure that the principles of human rights and the rule of law are upheld throughout Africa.

According to Neunreither (2005), both parliaments need more investment in civil society engagements, creating more platforms for discussing contemporary thematic areas and proactively engaging with other regional and national parliaments.

The Impact of COVID-19 on the Pan-African Parliament and the South African Parliament

COVID-19, the disease caused by the novel coronavirus, has affected every aspect of society, including governmental bodies such as parliaments. African parliaments have faced unique challenges during the pandemic due to the continent's economic and social inequalities. The outbreak of COVID-19 had a significant impact on every aspect of human life, including political and parliamentary activities. Parliaments worldwide have been forced to adapt their way of operating due to the pandemic's impact, which included social distancing and remote working.

Akintola (2020) argues that the pandemic also affected Parliaments' legislative functions. The attention shifted from regular parliamentary business to emergency measures to address the pandemic. The pandemic pushed parliaments to prioritise emergency relief measures, such as approving stimulus packages for the economy and new healthcare policies. One of the most notable impacts of COVID-19 on the PAP was the suspension of all parliamentary sessions at the height of the pandemic in March 2020. All committee meetings and bureau sessions were postponed. This delay had severe consequences, as critical legislation initiatives were left unattended.

To adapt to the pandemic, the Parliament refocused its attention on initiatives related to COVID-19. On 29 May 2020, the

PAP launched a petition seeking the suspension of debt repayments to improve Africa's COVID-19 preparedness, health, and socio-economic recovery. This change in focus saw the Parliament move from its traditional legislative functions towards advocacy for policy changes related to the pandemic's impact on the African continent. Partnerships became vital for the continental body. The PAP partnered with international organisations such as the World Health Organisation (WHO) and the United Nations Development Programme (UNDP) to combat the pandemic. The WHO provided technical support on COVID-19 mitigation measures, while the UNDP helped its member states develop a framework for budgetary oversight (Finestone, 2021).

In South Africa, the Parliament was also suspended due to COVID-19. The Parliamentary Monitoring Group (PMG) asserts that suspending parliamentary activities was initially procedural (People's Assembly, 2020). Lawmakers sought legal advice on the Parliament's legal jurisdiction when confronted with lockdown regulations. A few weeks later, the Parliament adjusted to a virtual setting, holding committee meetings and plenary sessions from 12 May 2020.

The transition to virtual parliamentary activities for both parliaments posed challenges, including technological difficulties, internet connectivity issues, and lack of direct engagement among members of Parliament. Bachmann (2020) states that both parliaments also dealt with non-compliance with safety protocols when conducting parliamentary business. COVID-19 significantly impacted the South African government, which was already facing an economic crisis. The pandemic threatened several government initiatives, necessitating a shift in focus to stay in line with set objectives. Again, the PMG argues that lockdown restrictions challenged the parliamentary cycle, slowing the law-making process and making it difficult to achieve the goals set in the National Development Plan (People's Assembly, 2020).

Conclusion

The PAP and the South African Parliament operate on different levels of governance and have different functions, but there is significant overlap in their work. Through a critical analysis of the PAP and South African Parliament's roles and responsibilities, this chapter outlined the potential areas for collaboration. It argued that the

two parliaments could work together to promote good governance, democracy, and human rights on the continent.

The AU established the PAP to promote African integration and give African people a voice in the continent's affairs. The PAP is tasked with promoting good governance, democracy, human rights, peace, and security on the continent. As an advisory body to the AU, the PAP has limited powers and operates consultative. On the other hand, the South African Parliament is a legislative body with the power to make laws and scrutinise the actions of the executive arm of the government. It is mandated to represent the South African people's interests and ensure government transparency and accountability. Although these two parliaments serve different functions, there is significant overlap in their work. The following areas of collaboration can complement each other's efforts towards promoting good governance, democracy, and human rights in Africa.

One area where the two parliaments can collaborate is promoting good governance. The South African Parliament is responsible for passing laws that govern the country. At the same time, the PAP can use its advisory role to ensure that these laws align with African values and promote the interests of the African people. By working together, the PAP and South African Parliament can influence each other's work to ensure that governance practices in Africa are tailored to the needs of the people.

Another area of collaboration is promoting democracy. The PAP oversees the election processes in Africa, while the South African Parliament is responsible for conducting elections in South Africa. The two parliaments can promote free and fair elections on the continent by sharing best practices and expertise. Additionally, the PAP can use its advisory role to ensure that democratic principles are upheld in South Africa. At the same time, the South African Parliament can share its experiences building solid democratic institutions with other African countries.

Lastly, the PAP and the South African Parliament can collaborate in promoting human rights on the continent. The PAP has an advisory role in promoting human rights, while the South African Parliament is responsible for ensuring that the human rights of South African citizens are protected. By working together, the two parliaments can develop policies and initiatives that promote human rights with a focus on marginalised communities. Through collaboration, both parliaments can share best practices, expertise, and experiences

to promote good governance, democracy, and human rights on the continent. Ultimately, this will lead to the realisation of African integration and sustainable development.

The COVID-19 pandemic has had a significant impact on both the Pan-African Parliament and South African Parliament. The safety measures implemented necessitated the suspension of parliamentary activities, while the shift towards virtual activities posed technological and engagement difficulties. Despite eventually adapting to online settings, the delay and postponement of parliamentary activities significantly affected policy-making and new legislative initiatives. As the world transitions to post-pandemic normalcy, it is critical to incorporate lessons learned into future policymaking.

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Chapter 7

E-Parliament, Citizen Engagement and Democratic Representation in South Africa: Challenges and Prospects

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Abstract

Representative liberal democratic governance requires a well-functioning and credible legislature. The legislature's standing as the sovereign organ of state authority reflects its primacy as citizens' representatives. Legislators around the world are now utilising information and communication technology (ICT) to improve previously strained citizen-representative interactions. In an era of citizen dissatisfaction with democratic institutions, the paper contends that parliaments, as a democratic cornerstone, are constantly striving to create enticing services while considering the difficulty of achieving accessibility and transparency in citizens' e-participation. To this extent the paper observes that legislative institutions in many African countries, including South Africa, are ineffective at informing and interacting with their constituents, resulting in significant citizen-representative disengagement. It is noted that in South Africa, ICT has been identified as having the potential to increase Parliament's involvement and collaboration. Findings also show that, in contrast to most African countries' challenges such as inadequate infrastructure and capacity building, South Africa's exponential growth of ICT has aided in strengthening interactive deliberation between citizens and their representatives, reducing citizens-representative estrangement, and making democratic processes more inclusive and transparent. Hence this paper argues that the South African Parliament, like other modern parliaments in emerging countries, must be considered as a body capable of delivering meaningful contact with citizens via credible and universally accessible means, such as e-parliament foreshadows.

Though the full potential of e-parliament in South Africa has yet to be realised, the paper concludes that with effective ICT strategic planning, e-parliament offers a ray of hope for responsive and accountable governance in Africa. To weave the argument articulated, the paper adopted desktop methodology, it leaned heavily on existing pieces of literature such as journals, textbooks and archival material.

Keywords: e-parliament, citizen engagement, democracy, representation, governance.

Introduction

In the modern world, the national legislature serves as the primary point of interaction between the government and the governed. The legislature is critical in informing the public about how successfully the government is handling these issues at the national level. To fulfil these holy duties, legislators must maintain continual discourse and engagement with the constituents they serve (Oni, Oni, Gberevbie & Ayodele, 2021). The legislature, according to Fish (2006), is the acknowledged political entity that mediates between public concerns and governmental policies. The legislature, as the citizens' representative, is the key institution of popular sovereignty, ensuring that the diverse interests and differences in multicultural and subnational societies are represented in governance and is in charge of bringing this diversity and differences into the realm of policy-making (Mattes & Barkan, 2012; Gerber, 2006). When the legislature's representational competence is poor, it poses a severe threat to the progress of democracy (Fish, 2006).

Several nation-states have unquestionably been transformed by information and communication technology (ICT). Despite its unfortunate excesses, ICT has proven to be an indispensable component of our lives. The Internet has had a tremendous impact on several industries, including but not limited to health, education, business, aviation, and government. According to Campbell, Harrop and Thompson (2015), nation-states should embrace the concept of a digital revolution since ICT has a positive impact on politics and governance. The COVID-19 outbreak has publicly exposed the ICT weaknesses of governments that previously downplayed the importance of ICT. This has underlined the need for ICT in parliaments to facilitate online interactions with government officials, virtual committee meetings, e-voting, e-legislation, e-petitions, and e-consultations (Abdullahi & Mustafa, 2021). Since

improvements in ICT, most institutions now have portals and web apps, which are useful since they can be used anywhere there is a reliable internet connection.

In this day and age, parliaments make great use of ICT to provide more readily available, effective, and productive services to the population while also modernising their administrative procedures and processes. ICT has shown to be a critical enabling and facilitative factor for parliaments to successfully carry out their constitutional obligations and responsibilities. In this regard, parliaments should leverage the benefits of ICT to carry out the functions of legislation, representation, and inspection more effectively, to connect with the public, to put the concept of public participation into practice, and to improve the public's perception of politics in general and parliaments (Sobaci, 2012).

The use of ICT in interactions between lawmakers and the public (e-parliament) is one of the key characteristics of any democratic institution in the current world. In light of Africa's governance challenges and extraordinarily high levels of corruption in public institutions, e-parliament holds out hope for the future (Matlosa, 2008). This is because, in addition to ushering in a paradigm of openness, e-parliament supports effective public service delivery, improves social inclusion, allows for transparency in the public sector, and facilitates cost savings in the government's effort to include citizens in its governing processes. E-parliament promotes a new type of engagement and collaboration in the political process by providing new and many communication linkages, making democratic processes more inclusive and transparent (Global Centre for ICT in Parliament, 2008).

Therefore, the ability of governments to effectively engage citizens is dependent on their understanding of information access as a vital precondition, consultation as a critical component of policymaking, and public engagement as a partnership. In an era of citizens' discontent with parliamentary democracy and a general perception that public opinion is not properly considered by governments, many national legislatures are working to implement e-services that will pique citizens' interest and actively involve them in parliamentary processes (Papaloi, 2012). Because of the unprecedented amount of engagement they provide, new ICT has the potential to expand the depth, breadth, and scope of government discussions with citizens and other relevant stakeholders throughout policymaking. E-parliament has been trying to build the link

between politicians and the people they serve, to improve their commitment to democratic values (Oni, Oni, Gberevbie & Ayodele, 2021; Bwalya, 2012).

As noted by Unwunchola, Adinlewa and Udeh (2017), Elliott (2016), and Vesnic-Alujevic and Nacarino (2012), e-parliament has been crucial in reducing barriers that exist between legislators and the constituents they serve. These scholars argued that the use of ICT has helped to overcome the democratic deficit: a decrease in citizen loyalty and commitment to the government, as well as the public's mistrust of political institutions. In light of this, parliamentary websites around the world have lately been modified to make it simpler to access legislative data and other parliamentary resources (Salgado, 2016). Many legislatures use ICT tools in their online portals to boost citizen engagement, such as e-petitioning, e-polling, blogs, forums, and chat. Apps, open data technologies, tracking tools and notifications, and multiple search choices are among them (Leston-Bandeira & Thompson, 2013). This can be found on the websites of, for example, South Africa's National Assembly and National Council of Provinces.

The Republic of South Africa is a parliamentary republic with a three-tiered government structure and an independent judiciary. South Africa, like other developing countries, has established an online presence for its legislature and begun to use ICT to distribute information about its actions. They provide information on how to access their parliamentary buildings, schedule educational tours, attend plenary sessions, and learn about the history and duties of their individual legislatures' committees and commissions (Oni, Oni & Ibietan, 2016). According to Leston-Bandeira (2007), e-parliament is more than just having a website; it is also about how that affects legislative activity. South Africa is not immune to the democratic use of e-parliament technology. In light of this, the essay discusses South Africa's democratic representation, citizen participation, and the nature of e-legislation.

Problem Statement

Given the lack of trust in Parliament, the efficacy of representative democracy in South Africa is called into question. The level of ICT adoption in a country can have a considerable impact on the successful implementation of e-parliament for a more accessible, transparent, efficient, and representative legislative process. This underscores

the need for parliaments to embrace ICT and digital development for citizen engagement. Despite the rapid advancement of technology and the development of new means for people to connect and exchange information, not all civilisations and industrialised countries are seeing the same level of technological revolution. Despite the numerous ostensible benefits of e-parliament, South Africa and other African countries are still in the early stages of implementing this technology (Abdullahi & Mustafa, 2021). Without a doubt, the most significant barriers to South Africa's successful adoption of e-parliament are a lack of a key ICT regulatory framework, poor ICT infrastructure, and insufficient ICT knowledge. Similarly, South African politicians are difficult to reach, and they rarely connect with their constituents. As a result, voters and parliamentarians are disengaged, and little or no effort is made to maintain political stability and long-term growth in the country (Mustafa & Sharifov, 2018; Segun & Oni, 2014).

E-Parliament and Citizen Engagement

There are a few essential rules that stay true regardless of how different the cultures and traditions of parliaments are. The ability of a democratic Parliament to put these core ideals into action is its distinguishing feature. Dadwal (2018) defines a democratic parliament as one that is effective, accessible, accountable, open, and transparent. The legislature is widely regarded as the sovereign organ of state power, the site of sovereignty, the first of the "political trinity", the realm of representation, and the expression of the people's will (Orluwene, 2014). Legislators' responsibilities as citizens' representatives include attending to their constituents' needs, listening to them, educating them on policy issues, gathering their opinions and demands, and expressing them in legislative chambers (Oni, Olanrewaju & Deinde-Adedeji, 2019). In its function as the people's representatives, the legislature needs access to information as well as continual communication, interaction, and debate with the populous. As a result, people will be able to communicate their needs to legislators through established channels and actively participate in decision-making that affects them (Niebel, Kopp & Beerfeltz, 2013). As a result, e-parliament incorporates ICT into government value chains, encouraging widespread citizen engagement across a wide range of socioeconomic sectors.

As noted by Dai and Norton (2007) and Ferber, Foltz and Pugliese (2005), ICT can foster new forms of engagement and collaboration by providing new and numerous communication links in the political process, and they can also strengthen deliberative and interactive dialogue between citizens and their representatives. This can contribute to more inclusive and transparent democratic processes. Digital technologies have the potential to improve public participation and strengthen democratic institutions. Furthermore, they may help to bridge communication gaps between representatives, legislatures, and the general public (World Bank, 2016).

Parliaments nowadays are seeking to maintain this two-way connection by implementing initiatives akin to the legislative function of the Parliament. Furthermore, the advancement of ICT has enabled those initiatives to be strengthened to advance participatory democracy. Because low public trust in elected officials and parliamentary institutions is a permanent feature, parliaments have turned to ICT for increased visibility to promote greater transparency, more effective representation, and increased citizen engagement in the democratic process (Leston-Bandeira & Thompson, 2013).

E-parliament, according to Bwalya, Du Plessis and Rensleigh (2012), entails integrating ICT into government value chains to promote widespread citizen engagement across different socioeconomic sectors. According to the United Nations Development Program (UNDP, 2006), e-parliament entails the establishment of a virtual network that will serve as a forum for legislators to exchange knowledge and experiences, as well as relevant information, on social, economic, and political issues such as the environment, human health, democracy, and conflict. According to Loukis (2011) and Leston-Bandeira (2007), modern parliaments, particularly in developed democracies, have used ICT to strengthen the relationship between the legislature and the people by providing an additional channel of communication that encourages citizens' participation and collaboration in the political process (Chadwick & May, 2003). Citizen engagement is the process of involving citizens in decision-making. This is true in terms of political decision-making (Steiner & Kaiser, 2017). In essence, e-parliament refers to the use of ICT to carry out legislative functions such as legislation, representation, and oversight. The diagram below shows how ICT improves parliamentary functioning.

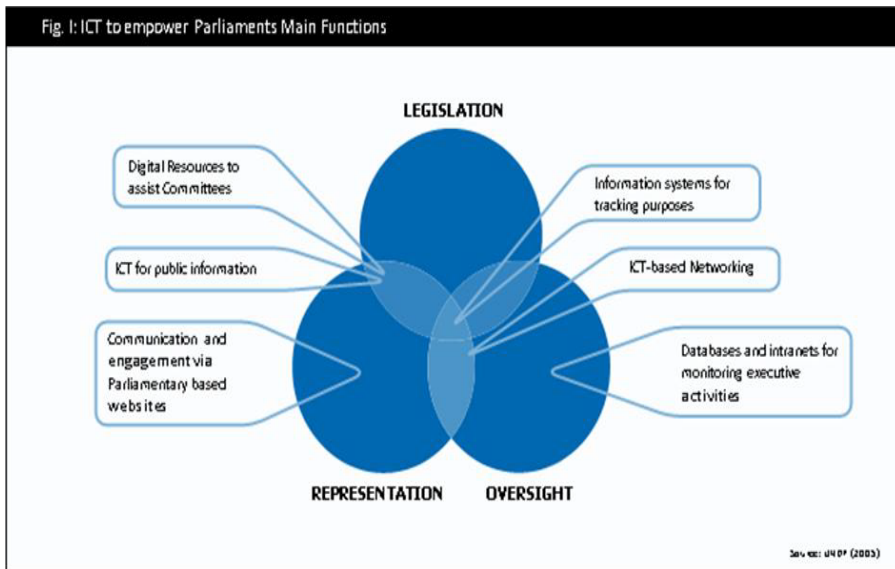


Figure 7.1: ICT empowers parliamentary functioning.

According to Ballington (2008), e-parliament has been found to promote parliamentary connection with their constituents because it provides a variety of communication linkages between the two sides. E-parliament is defined in this sense as the use of ICT by legislators and the general public to engage and communicate with one another to share ideas regarding national governance. With the institutional structure for the e-parliament completely created, the focus is expected to change to include not just communication between citizens and parliamentarians, but also cooperation between parliaments from various nations (Sobaci, 2012).

An e-parliament is a legislature that is empowered by ICT to be more open, transparent, and responsible. According to the Global Centre for ICT in Parliament, "It is an organization where stakeholders use information and communication technologies to more effectively carry out their primary functions of lawmaking, representation, and oversight." E-parliament services fall into the following categories:

1. *Parliament-to-Members-of-Parliament (P2MP) services:* Parliamentarians can employ ICT tools to help them do their work more efficiently by utilising P2MP services.

2. *Parliament-to-Parliament (P2P) services*: P2P services are technology solutions that can be used to facilitate information exchange between parliaments.
3. *Citizens-to-Parliament (C2P) services*: This category covers programs that allow citizens to contact their legislators and provide further feedback.
4. *Parliament-to-Citizen (P2C) services*: This category includes new initiatives that legislatures can implement to increase public interest in and participation in parliamentary activities.
5. *Parliament-to-Media (P2M) services*: The European Parliament's Hotline-Newsdesk service is an example of a P2M service because it provides journalists with useful information on a variety of European Parliament programs, projects, briefings, and activities (Staiou, Papaloi & Gouscos, 2010).

The above depicts the most advanced e-services that have previously been implemented, as well as the global evolution of e-parliament services. In light of Africa's governance challenges and widespread corruption in public institutions, e-parliament catalyses promoting openness, effective public service delivery, social inclusivity, transparency, accountability, and citizens' participation in public decision-making (Bwalya, Du Plessis & Rensleigh, 2012; Leston-Bandeira, 2012). As a result, e-parliament helps to reawaken a sense of civic responsibility in those who have not previously participated in legislative decision-making. Alternatively, by utilising information and communication technologies, the legislature can provide data required for controlling and monitoring governmental affairs (Nebel, Kopp & Beerfeltz, 2013). However, African legislatures have not made adequate use of the Internet as a tool for giving citizens a voice, involving them in decision-making, and carrying out oversight functions. This is also stated in the Global Centre for ICT in Parliament research (2012).

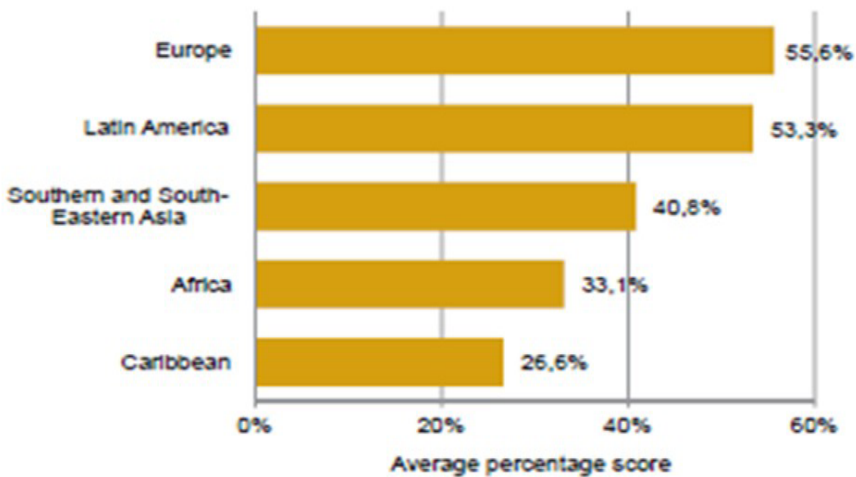


Figure 7.2: Average total e-parliament scores by region.

Source: Global Centre for ICT in Parliament (2012).

E-parliament enables good constituent representative connections and, in the end, can build public trust in their institution of governance by allowing the Parliament to be more sensitive to the interests and diverse opinions of their constituency in a democratic state.

Strengthening Parliament through ICT in South Africa

Members of Parliament (MPs) are the foundation of South Africa's representative democracy. Act 108 of the Constitution established the current bi-parliamentary structure in South Africa (RSA, 1996). The Parliament is made up of the National Assembly and the National Council of Provinces. The Constitution delegated authority to Parliament and established the framework for MPs' tasks, which included oversight, legislation, and accountability (RSA, 1996). The Constitution reaffirms Parliament's right to amend the Constitution and pass laws under Section 44 of the Constitution (RSA, 1996; Seedat & Naidoo, 2015). The South African Parliament, which has 400 elected members, is headquartered in Cape Town.

Parliament is an important institution in democratic government systems because it protects constitutional values in the political system and forges links between the government and its constituents. Only recently has the full potential of ICT for improving modern parliaments' operational and political efficacy been realised.

As a result, many parliaments have prioritised ICT, with increased planning and implementation efforts, as well as investments in the ICT instruments at their disposal. The legislature – a critical component of democratic governance in any country – provides an interactive, participatory, and consultative platform for citizens' input in the decision-making process by utilising ICT tools to enhance parliamentary processes, services, and functions (Mustafa & Sharifov, 2018). In this regard, ICT serves as an enabler by enabling lawmakers and legislative staff to carry out their democratic duties more effectively by constructing a solid platform for faster access to legislative documents, business information processing, and document management that is effective, transparent, accountable, easily accessible, and provides results-based representation. Parliaments have begun to recognise the critical links between their legislative goals and obligations and the technology that may be used to help them fulfil them while understanding that ICT is only a tool, albeit a very important one if used correctly.

Although information and communication technologies are thought to “attract only a small minority of voters who are generally already politically active and privileged”, they have the potential to increase public participation (Lusoli, Ward & Gibson, 2006). The use of ICT in parliaments can encourage and promote public participation in decision-making, opening up new possibilities to boost efficiency and, as a result, legitimising the Parliament by allowing it to profit from popular input. ICT enable information to be shared quickly and economically, and they also provide opportunities for citizen engagement. By using ICT to manage legislative papers and other internal information resources, parliaments can create a knowledge resource that improves their ability to function more effectively, enact more effective legislation, and provide the public with the information they need to hold their elected officials accountable.

Parliaments in developed countries use ICT to modernise legislative operations and interact with the outside world (Kanjor, 2012). E-parliaments, especially in the United States and Europe, show how legislators have effectively used ICT to establish new connections, engage the public in the execution of legislative functions, combat corruption, and promote representative democracy. Because they improve the free flow of information, ideas, and knowledge, the use of ICT in democratic processes has recently received support from both developing and developed countries. Thanks to the tools and opportunities provided by ICT, parliaments have been able to

streamline and integrate their administrative procedures, as well as include citizens in legislative processes (Sobaci, 2012).

The South African Development Community (SADC) Parliamentary Forum is a regional organisation that brings together 12 parliaments in Southern Africa, each with 1 800 members. Its purpose is to develop into a regional parliamentary body to involve parliamentarians from member states in SADC activities, thus increasing the SADC's potential. The UNDP assisted the SADC Parliamentary Forum in preparing the MP's Orientation Handbook, *Professional Performance and Development for Parliamentarians*. This has serious implications for Southern African democracies. Many of the unstable and struggling democracies could restore people's hope if they worked hard to ensure that the population is always informed and has the means to participate in democratic processes long after elections. In this context, the SADC Parliamentary Forum has made numerous critical proposals, including making sure that institutional procedures and structures are evaluated to allow for effective coordination and integration of ICT across sectors, and establishing open and uniform standards and regulations at the national level in the following areas:

- Because these costs are directly tied to Internet and ICT access, it is critical to take action, and it is also critical to incorporate the ICT component in budget allocation (both government and Parliament) (Hagen, 2000).
- Some have portrayed ICT as the solution to problems with democracy, the legislative process, and citizen participation. This is due to changes in information collection, storage, processing, and distribution as a result of ICT. In South Africa, ICT has been acknowledged for its capacity to improve Parliament's collaboration and engagement with citizens by building new and numerous communication linkages in the political process, thus increasing the inclusion and transparency of democratic processes.
- Because they encourage participation and openness, ICT serves as a driving force for democratic transformation. ICT initiatives aid in the democratic processes of emerging nations and the opening of parliaments. The knowledge offered by the legislature empowers the population, who likewise contribute (Ahmed, 2008). However, the benefits of ICT can be fully realised when managing legislative information in legislatures.

- Because people are more likely to accept laws when they are informed about them, citizen participation in the legislative process allows us to learn from stakeholders how to develop more palatable laws. However, using online resources creates new responsibilities and necessitates a significant amount of work following the consultation. The parliamentary law is the result of a very sophisticated decision-making process, and the necessity to improve the grade of legislation and the law-making process has gained growing attention over the last ten years (Ojo, 2014). The advent of e-parliament in South Africa has provided legislatures with opportunities to develop novel approaches to improving interaction with citizens; however, legislatures face ICT challenges such as legislators and staff being unfamiliar with new technology, citizens being unaware of the legislative process, and limited access to a high-speed internet connection (Arter, 2012).

E-parliament improves citizen engagement and successfully fosters public trust in political institutions through interaction with constituents (Leston-Bandeira, 2012). It provides a solid framework for lawmakers and legislative staff to analyse business information, manage papers for enhanced efficiency, optimise processes, and save expenses. The majority of parliaments, particularly those in emerging economies with low resources, will gain from this (Campbell, Harrop & Thompson, 2014). South Africa sees e-parliament as an ecosystem in which citizens play a critical role because Parliament is intended to represent the ideas and interests of the electorate. This implies that e-parliament is viewed as citizen-centric.

Citizen Engagement and Democratic Representation in South Africa

Citizen participation is commonly viewed as an essential component of democratic citizenship and decision-making. It gives citizens a stronger voice, gives minority and individual citizens a voice, improves civic virtues and skills, leads to logical judgements based on public thinking, and increases support for the process and the outcome (Michels, 2020). Citizens become more competent as a result of civic involvement networks (Akkerman, 2006). Democratic participationists believe that participation gives citizens a voice in decision-making and, as a result, influence over it. They also believe

that in a democratic society, engagement serves a variety of other goals (Mutz, 2006).

A functional democracy requires a responsive state, an informed people, and governance systems that are open, transparent, and inclusive of all legitimate interests. Working to promote state responsiveness and efficacy, citizen empowerment, and the accountability of elected officials and council members all at the same time will strengthen citizens' connections with their government. Employees and experts in government do not have exclusive access to governance. Government decision-makers must be more accessible to make responsive and transparent decisions. Without transparency, public participation is unproductive and misinformed. Those in positions of authority are free to disregard the will of the people if there is no accountability.

Challenges of E-Parliament in South Africa

Few impediments impede African countries in general, and South Africa from reaping the full benefits and potential of e-parliament. Two of these concerns that stand out are the lack of a strategic strategy and access to best practices in ICT. As a result, most African governments cannot establish suitable infrastructure for the implementation of e-parliament, especially when combined with challenges of inadequate governance, accountability, and transparency. Citizens' limited access to the ICT tools they need to take advantage of the variety of political participation opportunities provided by e-parliament, and the government's inability to fully implement e-parliament due to insufficient resource allocation are two factors contributing to insufficient infrastructure (Oni & Oni, 2014; Bwalya, Du Plessis & Rensleigh, 2012).

Reluctance to change, a lack of funding, a lack of digital literacy, citizen perceptions of the utility of technology, enabling conditions, and insufficient policy interventions to support the initiative are other factors mentioned in the literature and related to the adoption of digital transformation (Gupta, 2018; Solis, 2017). According to the World E-Parliament Report (IPU, 2016), one of the barriers to global e-parliament implementation is insufficient staff capability. E-parliament requires a skilled secretariat as well as knowledgeable ICT technical staff. However, the majority of African parliaments, including South Africa's, lack adequate and good ICT knowledge

and skills, making it difficult for them to implement ICT in their legislative environment.

Conclusion

This article provides an overview of South Africa's e-parliament, public engagement, and democratic representation. Initiatives to employ ICT for development have made tremendous headway, but e-parliaments have not. One could conclude that parliaments in affluent countries have largely used ICT tools to better their legislative and oversight roles. South Africa, for example, cannot be compared to developed countries. Parliaments as an institution have not been designated as a major priority in national ICT for development projects or e-government programs. The study examined the possibility of these assertions for South Africa's local participatory policymaking projects, focusing on how citizens and politicians interact in a democratic setting using ICT. The findings reveal that people's participation is limited and that their primary role is to provide information to the government on which to base decisions. The research described above underlines the importance of enhancing citizens' relationships with the Parliament to close the current gap between citizens and their representatives and avoid a crisis of democratic legitimacy and accountability for South Africans. Using ICT, e-parliament holds great promise for promoting democratic representation by increasing citizen engagement, deliberation, and other forms of inclusion, thereby preventing political apathy, public mistrust, and hostility toward elected officials. Because of e-parliament, the South African Parliament will be more accessible to the public and accountable. Without a doubt, e-parliament can improve the internal operations of Parliament. A legislative website also has the potential to promote citizen engagement and democratic openness, making the legislature more accountable to the people.

E-parliament has been touted as a game-changing innovation that will allow MPs to engage with their constituents all around the world. This provides people with a say in decisions that affect them, which aids in the resolution of societal challenges (Waters, Hackley & Woodside, 2006). The website of the Parliament facilitates virtual communication between the public and its lawmakers. However, whether or not this is feasible will be determined by how useful, accessible, and useful the website is for providing information and, more importantly, for facilitating communication between citizens

and their legislatures. The accessibility of a website allows users to engage with their legislators online and obtain information about the legislative process. Offering a general feedback mechanism and channel of communication between politicians and citizens increases conversation and knowledge sharing. According to Mustafa and Sharifov (2018), the parliamentary website is a veritable treasure trove of uncensored information on the legislature and legislative process. The usefulness, usability, and accessibility of a website, according to Monaco, Lackey, Skawinski, Stanley and Young (2012), allow citizens to access parliamentary information. The growth of informed individuals is unquestionably necessary for democratic administration and long-term development.

As a result, the South African Parliament must appear to be serious about adopting ICT in its official representative functions. Importantly, African parliaments must embrace personal ICT acquisition, and governments must implement ICT skill training and development programs for administrative staff because capacity building is critical to successful e-parliament implementation. As predicted by e-parliament, the South African Parliament, like modern parliaments in emerging countries, must be viewed as a body capable of enabling meaningful engagement with citizens through dependable and easily accessible means. Furthermore, with ICT's rapid adoption, growth, and use in South Africa, it has the potential to be further developed into a platform for legislators to actively engage their constituents. This would improve the quality and effectiveness of their representation while also increasing public trust in them.

It is critical to take note of when opportunities for citizen representation fail to influence governmental policy or when people perceive that public institutions do not represent them. The availability of multiple channels for citizen interaction and the broadcasting of information services online are critical improvements to re-engage citizens and relevant stakeholders for improved accountability and representation. Although the full potential of e-parliament in South Africa has yet to be realised, the paper concludes that it provides a ray of hope for responsive and accountable governance in Africa through effective ICT strategic planning and management to wisely utilize available resources, as well as a mechanism for ICT skill training and development for all stakeholders.

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Concluding Remarks

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The post-COVID-19 era has presented the South African Parliament, politics, and democratic governance with a myriad of challenges, as well as insights and possibilities for positive change. The pandemic has not only tested the nation's resilience but also exposed weaknesses and inequalities within the system as well as unearthed potential and possibilities that the nation could harness. This book has examined the South African Parliament, politics, and democratic governance in the post-COVID-19 era and highlighted the various challenges, insights, and possibilities. It accounts for the strategies adopted to circumvent the effect of the pandemic as well as assess the roles of the opposition parties, devolved parliament, gender and technology in facilitating parliament politics and democracy in the post-COVID-19 era. The book also provides valuable insights into areas that require improvement and highlights possibilities for a more inclusive and responsive government. The South African government's ability to respond swiftly to the crisis while balancing public health measures with safeguarding civil liberties has been critical in shaping the nation's response to the pandemic.

Notwithstanding the progress made in facilitating inclusive politics and democracy in South Africa, the book acknowledges the persisting challenges. It highlights that these challenges are not only organisational but also systemic in nature. Additionally, it expounds that factors militating against the active participation of women in politics are complex and multifaceted. Therefore, recommends numerous strategies towards inclusive and gendered parliament, politics and democratic governance in South Africa. It highlights the crucial role of the executive and judicial branches of government in advancing gender equality in the National Assembly and provincial legislatures. Proposes addressing these factors in a concerted effort on the part of governments, political parties, civil society organisations, and individual citizens. Likewise, it captures the potential of using technology in facilitating inclusive politics and democracy by drawing insights from the e-parliament experiences during and post-COVID-19 scenario. Therefore, the South African

parliament is urged to be serious about adopting ICT in its official representative functions. Technology and e-parliament specifically provide a ray of hope for responsive and accountable governance in South Africa.

