

MPS DRAGGING THEIR FEET -
WHEELS ARE TURNING BUT WE
ARE GOING BACKWARDS:
OUTA 2021 REPORT ON
PARLIAMENTARY OVERSIGHT IN
SOUTH AFRICA

OUTA
ORGANISATION UNDOING TAX ABUSE

ADVOCACY BRIEF 4: PUBLIC INTEREST

Purpose:

The purpose of this Advocacy Brief is to provide a succinct overview of the section Public Interest in the 2021 Report on Parliamentary Oversight in South Africa as presented by OUTA.

Background:

In 2019, OUTA completed its first oversight report. That report reviewed the performance of the 5th Parliament, attempting to evaluate whether the Parliamentary portfolio committees addressed the issue of state capture.

Further, OUTA compiled an affidavit submission to the Zondo Commission of Inquiry into State Capture, motivated by our professional conviction that measurable impactful Parliamentary oversight is often lacking in South Africa.

In 2020, OUTA completed its second oversight report entitled "MPs asleep at the wheel". One key finding of concern was that MPs appeared to rely solely on the very departments that they are supposed to oversee for information.

PUBLIC INTEREST

It is noted that with the shift from offline to online operations, the results are positive. More citizens have been attending the Parliamentary Portfolio Committee meetings than before Covid-19. On the downside of online participation is the concern of accessibility. A substantial number of citizens are excluded from such engagements due to limited data and broadband provision, notwithstanding lack in trustworthy information and communication infrastructure. This discrepancy reinforces the already-existing digital divide in South Africa between those who are fortunate to have access and data provision and those that do not have it.

MPS IN ATTENDANCE

OUTA uses two indicators to measure whether MPs enact their duty to show up for work: 1) how many meetings were held and 2) how many Ministers have attended the meetings. The conclusion can be drawn that attendance equals interest. Covid-19 did impact the on site attendance of meetings, but it provided the opportunity to engage in virtual meetings. The average number of meetings across 9 portfolio committee increased from 38 in 2019/2020 to 48 in 2020/21. Sparse data of minister attendance reports, cabinet reshuffles and mergers of government departments does impact the finding. However, with parliament meeting virtually, Ministers have been attending meetings more frequently. It should be noted that attendance does not equal oversight. The performance of ministers should be measured against matters in the public's interest and the manner in which is aligns with matters raised in SONA. Based on the 2021 comparison to assess the executive alignment with SONA for a few of the committees, it appears that MPs did not specifically see the priorities outlined by the President at SONA as a specific focus for their oversight work.

BRRR AS AN OVERSIGHT MECHANISM

Parliament undertakes the process of compiling Budgetary Review and Recommendation Reports (BRRR) as part of conducting oversight and making recommendations to the executive, particularly informing the amendment of the national budget. Looking at indicators of accountability, in 2021 OUTA asked a number of questions to assess substantive accountability. Two Portfolio Committees were targeted: DPE and DMRE. These two were selected due to South Africa's current energy crises and the severe impact of Covid-19 on the economy. Although MPs do engage in these concerns by making comments and asking questions, there is little evidence of change being effected and lack of satisfactory outcomes.

PUBLIC INTEREST

MPS OVERSIGHT FUNCTIONS AS A MANIFESTATION OF POLITICAL PARTY INFLUENCE

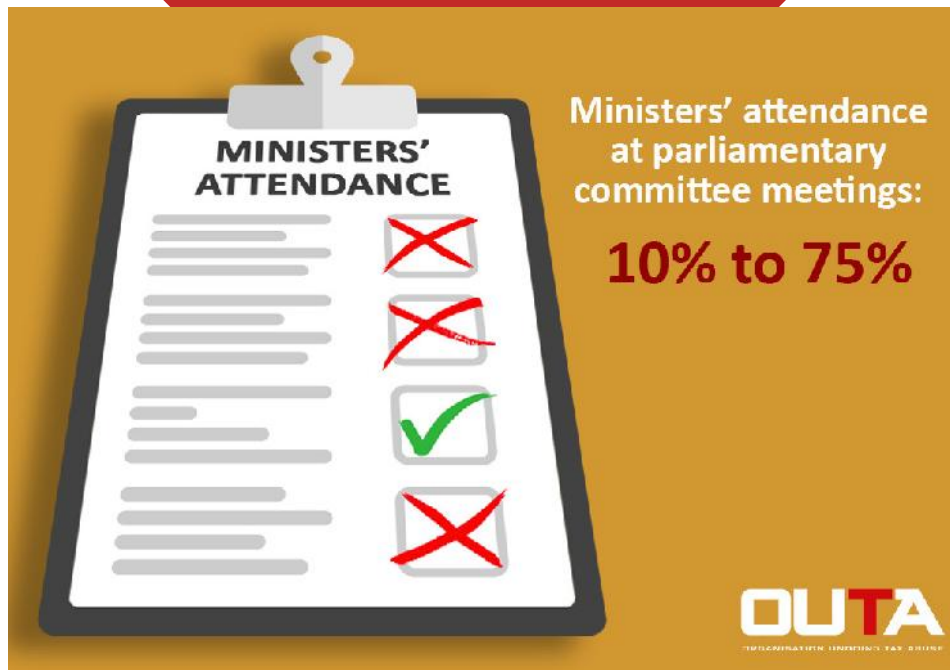
The Zondo Commission has shone a bright light into the practice of the ruling party in the way decisions are made. What has emerged from the testimony given at the Zondo commission is that political party agendas have been assumed to be in the national interests, and that if there is a situation where party interests are undermining the national interest, then loyalty to the political party trumps national interest. This is an outright dereliction of duty by MPs towards the citizens of South Africa. Parliament absolutely failed to hold those implication in State Capture, to account. If MPs undermine their own responsibility to assess each department's performance via the BRRR, this leads to the breeding ground of financial mismanagement of parliament's budget.

LACK IN TRANSPARENCY

Findings during the Zondo Commission include defending the practice of political-party deliberations taking place behind "closed-doors". Placing party interests above those of the public as should be prioritised by portfolio committee. There is also a lack in accountability for such deliberations and decisions due to the fact that not minutes or recordings are kept. This leads to the lack in transparency which also constrains civil society's ability to monitor and hold accountable some of Parliament's own internal accountability mechanisms, such as the Code of Conduct as championed by the Joint Committee on Ethics and Members' Interests.



"An educated, enlightened and informed population is one of the surest ways of promoting the health of a democracy"
- Nelson Mandela



KEY MESSAGES

OUTA's observation is that although MPs raise their frustrations and voice valid concerns in their committee discussion, this does not translate into any meaningful consequence management. Parliament is failing to exercise the powers it possesses to amend the budgets. There is a saying, "follow the money". If Parliamentary committees reduced department budgets as part of the consequences of failing to account, we would anticipate a rapid turnaround in the executive being accountable to Parliament. But that takes political will.

REQUIREMENTS

Civil society has legitimate complaints which must be considered by MPs and these should both be tabled in Portfolio Committee meetings as well as presented to the executive. The Joint Committee on Ethics and Members need to enact their duty to identify and then take to task MPs who act unethically. Together with this, there must be repercussions for those who MPs with serious, yet unresolved, allegations of corruption, bribery, treason, and general maladministration against them have been deployed in Parliamentary positions of power.

GENERAL EXPECTATIONS

There are expectations of parliament, which include:

- Representation of the public's interests
- Politicians and MPs must be active citizens themselves
- MPs must uphold the highest moral code and act with integrity
- MPs must oversee the executive



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