

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 6: STRUCTURAL REFORM

## **Purpose:**

The purpose of this Advocacy Brief is to provide a succinct overview of the section Structural Reform 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 Portfolio Committees in the National Assembly addressed the issue of state capture.

Further, OUTA compiled an affidavit and submitted it to the Zondo Commission of Inquiry into State Capture, motivated by our professional conviction that measurable and 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.

# STRUCTURAL REFORM

The digital divide concern has two prongs: 1) it reinforces structural inequalities and 2) it highlights MPs' and government's failure to attend to the pressing ICT needs such as affordable broadband roll-out. It is a vicious cycle which keeps the underprivileged members of society trapped in socio-economic and techno-political poverty. Structural reform also necessitates greater efforts to improve transparency of political party funding allocations, access to internal documents and information in the public's interest, and the inclusive implementation of accountability mechanisms like Parliament's Oversight and Accountability Model (OVAC).

## TRUST IN PARLIAMENT

It is difficult for the public to have any trust in the institution of Parliament when it is populated by those who have serious allegations of corruption hanging over them. Members of Parliament have a five-year term. They may then depart or return on the whim of their political party leaders. For some MPs that hold powerful positions such as Whips or Chairpersons, any progressive ways of functioning that may be put in place during their term, can be reversed by their successors. Alternatively, some politicians in influential positions have retained these positions for more than a decade and under their watch, there has been almost no meaningful progress in realising the constitutional obligation to involve the public in its deliberations. It is recommended that all committee reports, final or draft, compiled by the research section and committee section are made available on the Parliamentary website.

## OVERSIGHT & ACCOUNTABILITY MODEL OF PARLIAMENT

The annual reports of organs of state and the Auditor-General's reports must be considered by Portfolio Committees. According to the OVAC, the current practice of committees is as follows: to evaluate the work of government from a broader perspective, committees may invite experts from outside government to provide background knowledge and analysis on relevant issues. In addressing public participation, the OVAC refers to the Constitution but suggests that there needs to be a separate model on public participation. The OVAC provides insights into how Parliament believes oversight and accountability should function, and given that this is the guiding document referred to on Parliament's website – it is assumed that this is the current model of oversight and accountability.



## KEY MESSAGES

The OVAC model has gone through 3 Parliaments since 2009 and it has still not been fully operationalised. It is difficult to escape from the perception that Parliament has been hollowed out and filled with unethical people, and until that is addressed, we cannot expect any perceived accountability. However, Parliament has taken the opportunity provided by the global pandemic to institute increased communication with its voters. Communication is not participation, but OUTA hopes that going into next year, Parliament will once again open its doors and operate a hybrid system of physical attendance and virtual inclusion. This will strengthen civil society organisations' ability to engage with Parliamentary processes.

## CHALLENGES

Civil society makes regular submissions to Parliament. By way of example, to put forward our views on how funds should (or should not) be allocated to Departments and entities, but research has shown that none of these submissions have resulted in any material change to the national budget. Civil society is consolidating its efforts to demand visible links between public engagement and budgetary decision-making.

## 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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