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ARE SADC PARLIAMENTS GETTING STRONGER OR JUST A DEMOCRATIC SHAM?

In SADC, parliaments are particularly weak and the executive branch is overwhelmingly strong. However, this relationship is dynamic and sometimes contested. In this second issue of Parliaments of the South, we examine two initiatives to reform and improve parliaments in Zimbabwe and Lesotho, respectively, as well as an important initiative taken by civil society in Namibia to strengthen engagement with parliament. The final article examines the role the South African parliament is playing in the African Peer Review Mechanism. Do these articles suggest a strengthening of parliaments in SADC? Is our representative democracy deepening, even in countries in crisis? Is there cause for optimism in SADC parliaments? We would like to hear your viewpoints and experiences of working in and with parliaments in SADC countries. Please write to the editor: Hughes@researchsa.com and we will share your views with readers throughout the region.

The editor wishes to express his thanks to SAIIA colleagues, Luleka Mangquku and Mirie van Rooyen, for their invaluable professional assistance.

Does Zimbabwe parliamentary reform provide reason for hope?

A leading Zimbabwe economist recently commented: "Whatever Mugabe can't control, he makes irrelevant - that's why he leaves parliament alone".

Apart from HIV/Aids, arguably no other issue has occupied as many column inches of southern African newspapers as the political, economic and human crisis that has unfolded in Zimbabwe since 2000. The Zimbabwe parliament has not been left unscathed. Indeed, parliament has been the site of intense and heated exchanges between the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) party and the official opposition Movement for Democratic Change (MDC). Parliament has also passed a raft of restrictive, repressive and indeed draconian legislation. But in the midst of this political maelstrom, the Zimbabwe parliament has also been engaged in a programme of parliamentary reform. John Makumure, Zimbabwe country head of the State University of New York-Centre for International Development (SUNY-CID) parliamentary support programme, reports on the activities of the parliamentary reform programme.



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<http://www.saiia.org.za>

The SUNY-CID has been assisting the parliament of Zimbabwe implement its ambitious reform programme since 1999. The United States Agency for International Development (USAID) funds the Institutional Strengthening of the Zimbabwe Parliament project. The major objective of the SUNY/CID programme is to enhance the effectiveness of Parliament in executing its constitutional mandate in the following areas:

- Streamlining and improving the law-making process
- Executive oversight
- Representative functions

The key aspects of Parliamentary reforms include the following:

1. Opening up parliamentary proceedings to the public.
2. Establishing an open system of portfolio committees shadowing all ministries. It was envisaged that the new committee system would provide effective and improved financial and administrative scrutiny of government ministries and departments as well as making the Executive more accountable to Parliament.
3. The provision of adequate time for parliament's involvement in the law-making process. The pre-reform era did not give Parliament enough time to deliberate on bills or allow for adequate public consultation and debate.
4. Improved conditions of work and other support facilities to members and officers of Parliament.
5. Reforming the budget process so that parliament plays a more effective role in the review and implementation of the budget.

The SUNY/CID programme has largely focused on the portfolio committee system since it is the heart and soul of parliamentary work. Technical assistance has been provided to the committees in the analysis of bills and policy issues. In many cases, technical and financial support has been provided in the conduct of public hearings, in line with the spirit of reforms of opening up the institution to public participation.

SUNY/CID is mindful of the importance of building sustainability in its work. This is being accomplished by introducing training programmes for the secretariat and chairpersons of committees in the areas of legal drafting and analysis, policy analysis, report writing, among others. These programmes are slowly bearing fruit as evidenced by the ability of some of the officers to analyse legislation and draft reports with minimal SUNY/CID involvement.

The technical support provided has also put committees in a better position to influence substantive amendments to bills. Parliament's participation in the budget has also become much more meaningful due to the technical

About the South African Institute of International Affairs

Established in 1934, the South African Institute of International Affairs (SAIIA) is a non-governmental think tank based at the University of the Witwatersrand in Johannesburg,

Its principal aims are:

- To conduct and publish relevant and accessible research on South Africa, Africa and its international relations.
- To provide a non-partisan platform to enhance the public debate on South Africa, Africa and its international relations.
- To contribute to the improvement of public policy in the fields of governance, foreign affairs, trade and security.



Parliaments of the South is made possible through the funding of the Royal Danish Embassy, Pretoria.

assistance provided. This was unheard of before 2000 when parliament was viewed only as a rubber-stamp institution. The strategy is to gradually withdraw the hands-on technical support so as to realise the sustainability objective.

SUNY/CID has also tried to sustain the reform efforts by assisting parliament to document the new practices and procedures brought about by reforms. The following documents have already been produced and approved by the Liaison and Coordination Committee (forum of chairpersons and the custodian of the reform agenda):

1. Committee Operations Manual
2. Public Hearing Guidelines
3. Legislative Analysis Checklist
4. Budget Analysis Guidelines

SUNY/CID has also assisted the parliament of Zimbabwe to periodically review the Standing Rules and Orders so as to align them to the reforms. Members are repeatedly reminded that the reform programme is a process and not an event and that the new practices must be captured in the rules for them to become part-and-parcel of the institution's culture.

All its good work notwithstanding, SUNY/CID has faced challenges in its work with parliament. The key challenges include the following:

- High staff turnover in the secretariat due to poor working conditions. This has negatively affected institutional memory.
- High turnover of members at every general election.
- A polarised political environment that has sometimes reduced the plenary session to a circus. This has tended to dilute some of the good work happening in committees where a non-partisan approach to business is mainly the norm.
- The passing of some bad pieces of legislation that has reduced democratic space.
- Slow pace of growth in knowledge among some of the members, despite increased technical assistance.

Any future programmes with the parliament of Zimbabwe are intended to deal with these challenges and consolidate some of the gains already realised.

The SUNY-CID web site is: www.cid.suny.edu

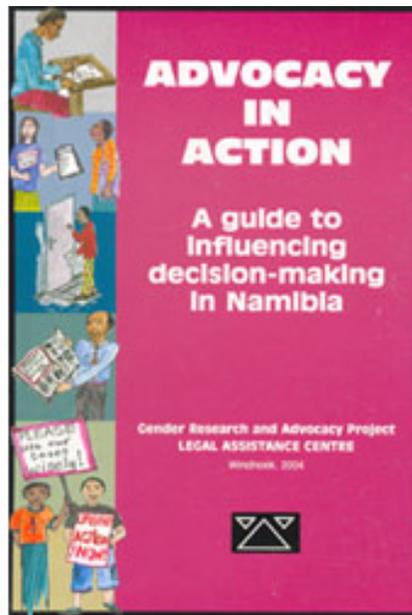
Advocacy guide launched

One side of the gap between parliaments and civil society is created by ignorance on how to engage with parliament. The Legal Assistance Centre in Windhoek Namibia has taken an important step in closing this gap through the production of a handbook entitled, 'Advocacy in Action – A guide to influencing decision-making in Namibia'. Although the second half of the handbook is written specifically for the Namibian context, the first eight chapters serve as an invaluable generic guide for civil society across the SADC region. The areas covered in the guide include:

- Explaining what advocacy is and its different forms;
- Planning and advocacy campaign;
- Meeting with decision-makers;
- Writing letters;
- Petitions;
- Public events and protests;
- Using the media; and
- Using computers and technology.

Although written for the Namibian audience and with an emphasis on gender issues and rights, the second half of the guide is also useful for all SADC civil society organisations because it details how government works (including national, regional and local government); how laws are made; tracking bills; how parliament works; how committees operate; and how to understand the national budget.

The guide is graphically illustrated and written in a clear, accessible style. Case studies of actual examples of legislation, letter-writing, data collection, campaigns and practical approaches to engaging with parliament and government are woven into each chapter. The guide is grounded on the principle of civil society making full use of the comprehensive rights and provisions enshrined in the Namibian constitution. In other words, helping civil society to help itself by making the constitution a living document for all Namibians, regardless of race, creed or gender.



Of particular relevance for civil society is the de-mystifying of parliament and its procedures, including the composition of parliament, questions, debates, the party caucus as well as whippyery. Of particular importance for the authors is to explain to readers how to engage with parliament, through attending sessions, radio, television or reading debates.

But perhaps the most valuable chapter in the guide is that on tracking bills. The core message of the chapter is contained in the following quote:

“If you want to influence the shape of a law or a policy, it is vital to make input at the earliest possible stage. As a draft policy or a bill moves forward, compromises between parties with competing interests are usually made all along the way. As a result, decision-makers often become less open to suggestions for change because they may be reluctant to disturb agreements that have already been reached. They are also increasingly likely to become worried about delaying the process and having to go back to the beginning ... It is never too late for advocacy, but ... you should try and give your input at the earliest possible stage, while ideas and proposals are at their most flexible.”

The guide provides detailed and practical steps on how to gain information before a bill is tabled by contacting the office of the departmental permanent secretary or director general. In this regard, it is vital that organised civil society establishes and maintains good communication with respective Ministries. Establishing such relations may also increase the likelihood that ministries will consult with civil society through public hearings, draft policy proposals and green papers in the preparation of draft bills.

For more details or to purchase a copy of the guide, please contact the Legal Assistance Centre, 4 Korner Street, P.O. Box 604, Windhoek, Namibia. Tel: 061 223356 or Fax: 061 234953; Email info@lac.org.na; Web site: www.lac.org.za

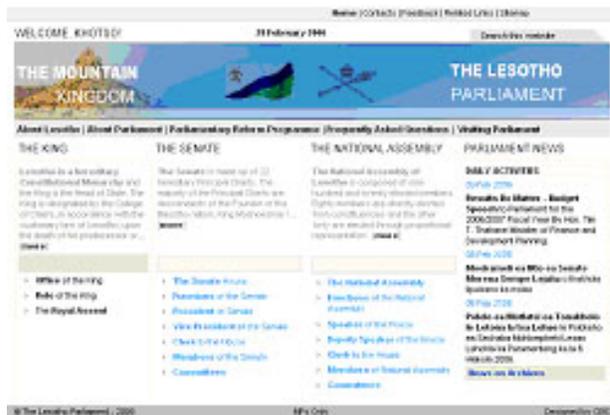
Better governmental parliamentary and civil society relations make for better

The Parliament of Lesotho and the United Nations Development Programme (UNDP) embrace ICT to strengthen the role of the Legislature in Lesotho

John Viner of the United Nations Development Programme in Maseru, Lesotho, reports. In the Kingdom of Lesotho, the current Parliament has embraced the role of ICT to strengthen the effectiveness and transparency of the Legislature and to improve access to Parliamentary information – thereby increasing public understanding of, and interaction with, Parliament.

In 2002 the Kingdom of Lesotho witnessed a general election that has been praised around the world for bringing about the most inclusive Parliament in the history of the country. Since this historic event, Parliament has taken dramatic strides to enhance the effectiveness of the Legislature, to deepen democracy and to raise the confidence of the people in the efficacy of elective representation as a vehicle of good governance.

The role of Information Communication Technology (ICT) has been embraced to strengthen the effectiveness of Parliament as well as facilitate openness and transparency through increased access to Parliamentary information.



Through the close partnership between the Parliament of Lesotho and UNDP-Lesotho, a dedicated parliamentary website was launched by the Speaker to the National Assembly, Honourable N. Motsamai, in November 2005. The website provides accurate and up-to-date information on the work of the Legislature and enables the public to interact

by addressing comments to Honourable Members on various aspects of public policy – allowing for the public to engage in the democratic processes.

The establishment of a website for Parliament opens up the nature and business of the national institution to the interested public, introducing a new level of transparency on the work of the people's elected representatives. In the process, this tool enables the public to play an active role in the debate of public policy that is so vital to the growth of democracy and strengthening of good governance.

The website has also been developed as part of a commitment by parliament to increase ICT competence and its use for more effective parliamentary processes. UNDP recently offered training on computers and the internet for

all Members of Parliament and Parliamentary staff, with 84 members of the National Assembly and 22 members of the Senate attending. In addition, specific training was offered to administration staff and this covered areas such as advanced word-processing and desk-top publishing for the Hansard section.

The support from UNDP has also led to the establishment of a modest computer research centre where MPs can use the internet to conduct research or communicate with the outside world through e-mail, as well as the installation of a computer network with permanent internet connections for use by administrative staff of both Houses, including wireless connectivity in both Chambers.

In a country such as Lesotho, where the majority of the population do not have access to electricity, the immediate impact of the website cannot, of course, be over-emphasised. Already, two-way communication between some Members of Parliament and their constituencies has taken place through the website.



Furthermore, it provides the impetus for Parliament itself to adopt other supportive public policies that will incrementally lead to technological advancement throughout the country.

Bold steps have, therefore, been taken to increase ICT competence in Parliament, to increase access to Parliamentary information and to assist in the clear separation of the role of Legislature from the Executive - an essential step in good governance and the deepening of democracy for the Kingdom of Lesotho.

For more information, visit:

www.parliament.ls

www.undp.org.ls

South African Parliament takes ownership of the African Peer Review Mechanism (APRM)

The African Peer Review Mechanism (APRM) is an initiative linked to the New Partnership for Africa's Development (NEPAD) falling under the auspices of the African Union (AU). The overarching objective is to improve African countries' overall governance. Participation in the APRM process is voluntary and to date Ghana and Mauritius have undergone review. The APRM Secretariat has appointed a panel of eminent persons to oversee the process across the continent. In turn, each country undergoing review appoints a governing council. In South Africa's case, the governing council is composed of five government members and 10 civil society representatives. Each country is responsible for the production of a self-assessment report and a programme of action. The report is based on a questionnaire covering four broad themes: democracy and political governance, economic management, corporate governance and socio-economic development.

Significantly, the South African parliament took the decision to convene, conduct and draft its own country self-assessment questionnaire response. To facilitate this, a parliamentary Joint Coordinating Committee on the APRM was established. The foreword of the report notes:

"In engaging with the African Peer Review Mechanism (APRM), it became evident that the role of Parliaments in this continental mechanism was not adequately elaborated. We believe that South Africa's contribution to the further development of the APRM has been an important consideration in defining our Parliament's role in our country process. It is hoped that using the South African context, where the independence of Parliament and its oversight of government are constitutionally mandated, to define the active and independent participation of Parliament in the peer review process will contribute significantly to strengthening other Parliaments in Africa".

This welcome initiative provided the opportunity for a wide body of stakeholders to make input into the drafting of the response through a series of public hearings and submissions. These hearings were widely advertised in the media and served as means of popularising the APRM process, as well as ensuring the voice of South African civil society was heard. Whilst this initiative is warmly welcomed, a number of shortcomings are noted in the report such as a lack of adequate time to hear submissions and to conduct research. The parliamentary report makes a number of key findings and recommendations:

- All structures of Government, as well as Parliament, should work to maintain public confidence in the democratic system of governance by promoting the Constitutional principles of accountability, transparency and inclusivity.
- Political parties are central to the promotion and entrenchment of democracy and should thus take responsibility for promoting democratic rule in the country.
- The Electoral Commission should be encouraged to continue its election outreach campaign, with a view to improving voter

registration.

- Parliament should monitor progress and the pace of transformation in the judiciary.
- Parliament should intensify its oversight role to ensure that the Executive is held accountable for service delivery, ratification of international instruments and reporting on progress with regard to obligations arising from such instruments.
- Parliament, the Judiciary and the Executive should respect, sustain and uphold the separation of powers as entrenched in the Constitution by subjecting it to ongoing scrutiny.
- Parliament should initiate a debate on the separation of powers, with particular reference to the relationship between Parliament and the Executive.

Consequentially, the question raised is what mechanisms and procedures will parliament put in place to give substance and meaning to these recommendations so that when the Programme of Action is reviewed in later years, substantial progress will have been made?

The full report can be accessed on the South African Parliament web site: www.parliament.gov.za

Our readers comments

Parliaments of the South received a number of emails and communications regarding the first issue. Thank you for all your comments, interest and suggestions, all of which are greatly appreciated and will always be read and considered.

We received the following email letter from the Chair of the South African Parliamentary Committee on Defence, Ms Thandi Tobias:

Your article, Media and parliaments – Cosy or Critical refers,

Your views in the South African context do not apply because members of the public do not rely on the media for information. Firstly, our committee meetings are open to the public, our gallery is also available during debates in the chamber and through the National Council of Provinces, and parliament does meet the people.

On the issues of state-owned media, I suspect that South Africa is the only country that does not have state-owned newspapers and the South African media engages from a level of independence. There is also transparency and freedom of expression. Independent TV stations in South Africa hardly ever cover positive state activities and the majority of the captions used are negative. This leaves an un-balanced impression.

Kind regards,

Thandi Tobias M.P.

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Sir,

Congratulations on your newsletter. It is much needed, but I have a few comments, particularly for the South African context:

- Proximity has very little to do with how Parliaments interact with the public.
- The Proportional Representation system without a Constituency-based system is useless at representing the interests of the public;
- Citizens do not know their Member of Parliament; I do not know who mine is.
- In the South African Parliament questions are not even responded to; no one, except opposition, holds the government accountable;
- The media can play a better role by devoting columns to submissions of diverse organisations to Portfolio Committees; that is the only way we learn why a Bill is desirable or not. They could interview the NGOs or civil society actors on why they oppose or approve a bill; and
- Parliament should stop being a spectacle; it should be a vibrant interactive place where MPs have researchers and secretaries, etc. It should move away from being a place of ridicule to a place of authority, a place that attracts young career politicians and interns who might be interested in pursuing a career in politics.

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