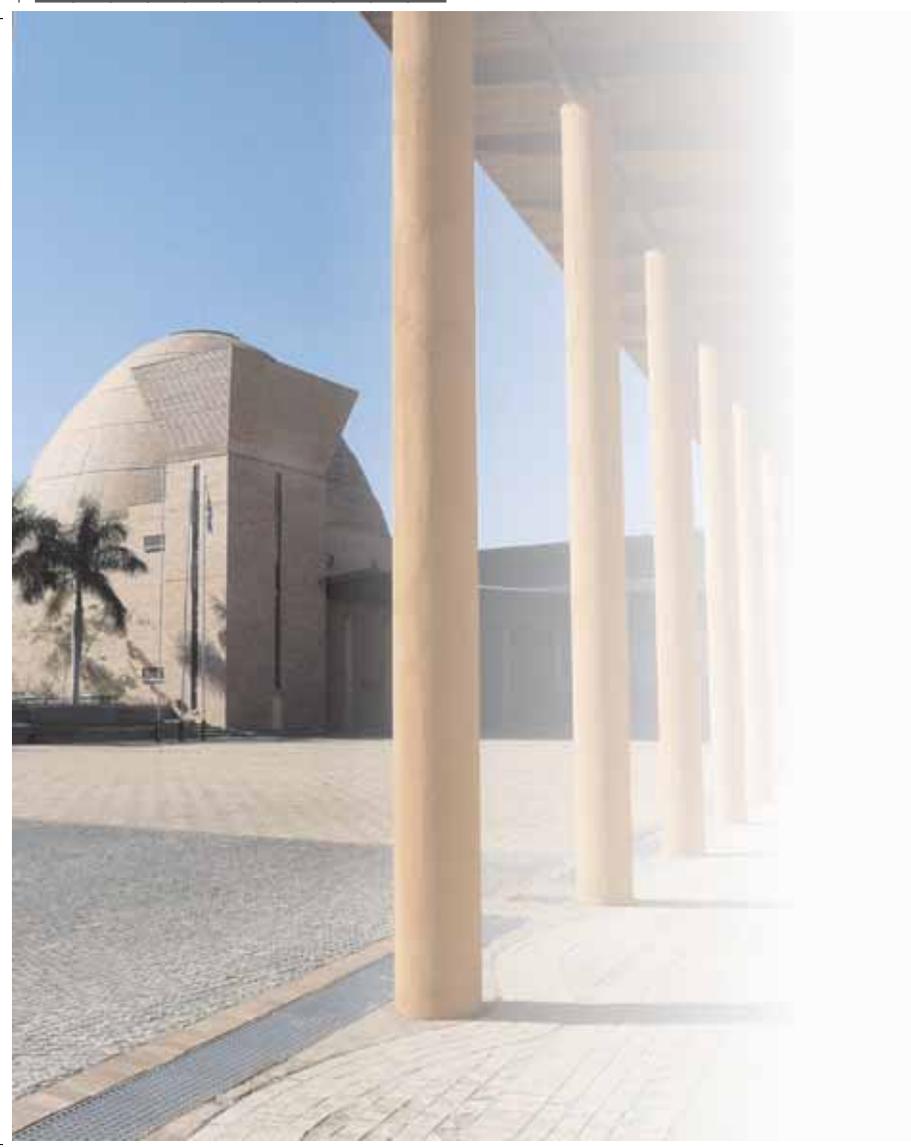


# POLITICAL INPUTS INTO THE FIVE-YEAR REPORT OF THE ANC CAUCUS IN THE MPUMALANGA PROVINCIAL LEGISLATURE



**Legacy Project for Harnessing the Legislature's Institutional Memory  
2004 - 2009**



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## 1. Introduction

The Constitution of the ANC, our movement, obligates us as committed and dedicated cadres, who hold elective office in this provincial sphere of governance, to be members of the Caucus and “to function within its rules and to abide by its decisions under the general provisions of this Constitution and the constitutional structures of the ANC”. It was in this context that, when The Chief Whip of the Legislature, who chairs the ANC Caucus, requested the Speaker of the Legislature to contribute into the envisaged Five Year Report of the ANC CAUCUS, it became not only a strategic but a political imperative to optimistically respond accordingly.

The response is also borne out of the firm realization that our powerful movement, necessarily provides a space and place in which diversity of views and experiences reside, and therefore these should be deliberately and politically harnessed to further strengthen the structures of the movement. I am optimistic that the envisaged report, will certainly solicit diverse views and experiences to ensure that our Caucus is better prepared to deal with the challenges of our dynamic society with its inherent historical contradictions.

## 2. Aim of the Document

The purpose of this document is to contribute inputs into the forth-coming ANC Caucus Five-Year Report (2004 - 2005).

### **3. Scope of the Document**

The scope of this document is confined only to inputs as they relate to the political matters of the Legislature relating to the ANC Caucus. The contributed inputs therefore do not necessarily constitute a comprehensive report of the Legislature during the period under review. However, it is inescapable not to make reference to some of the salient points in this regard for elucidatory purposes.

### **4. General Inputs**

#### **4.1 Putting the Constitutional Mandate of the Legislature into Perspective**

The Constitution of our movement correctly affirms the dual character of the ANC as both a liberation movement and a political party, which has successfully contested democratic elections and, now is in power through the overwhelming mandate of the people. As a political party in government, the machinery of the state, of which we constitute as the Legislature, needs to further contribute in advancing the demands of a developmental state. This is imperative for the attainment of the overarching goal of a better quality of life for all our people.

If this strategic task is not undertaken and achieved with the necessary results that benefit our people, the movement's future success at the polls might unnecessarily be put in jeopardy - we must therefore never retreat. We believe that over the years, the Mpumalanga Legislature as part of state machinery, has been at the epicentre of this strategic endeavour through its unflinching commitment to further advance the fulfilment of its constitutional mandate with people in mind.

The Constitution of our country enjoins the Legislature to execute the following functions:-

- amend, pass and repeal legislation;
- play oversight function over the Executive and state institutions in the province; and
- facilitate public participation and involvement in the legislative processes and activities of the Legislature.

These decisive obligations have constituted our core mandate over the years, and have underlined the sober reality that, the Legislature is not an end in itself, but a means towards an end. It was therefore of necessity that the Legislature, as an institution of the people, remains grounded and focused on contributing positively to improving the lives of our people.

#### **4.1.1 Law Making Efforts**

Since its inception, the Legislature has passed numerous pieces of legislation aimed at eradicating the remnants of apartheid draconian laws. This resulted into the enactment of new and progressive legislation which in the process, contributed towards the creation of a conducive space for the transformation of our province and its institutions of governance. We believe that through such progressive legislation, the Legislature has made a significant impact in changing the lives of our people, and also taking our province towards an accelerated trajectory of transformation.

We want to also highlight that most of the legislation we have passed as the Legislature, was mainly initiated by the Executive, who are necessarily members of the ANC Caucus in the Legislature. This has almost rendered the initiation of legislation as an exclusive domain of the Executive. This is despite the fact that in terms of the country's Constitution and the Rules and Orders of the Legislature, Members can also initiate legislation.

This is a challenge that will have to be arrested going forward. A possible solution in this regard, is to embark on a targeted capacitation drive for cadres deployed at the Legislature to ensure that they are able to initiate legislation when it becomes necessary to do so. This has to be complimented by an equally competent administration that has the requisite “tools” to initiate legislation. However, it should be an inspiration that one of the most important pieces of legislation we have recently initiated as Members of the Legislature, is the Mpumalanga Legislature Service and Administration Act, 2006, which essentially “de-linked” the Legislature as envisaged in the Constitution. The political support that was displayed by Members of the ANC Caucus regarding the successful finalization of this particular legislation was exemplary and progressive.

#### **4.1.2 The Oversight Efforts**

Through its resolution of the 51<sup>st</sup> National Conference, our movement instructed that there is a need to support the legislative sector to improve its capacity to exercise the constitutional oversight function. This had to be done by “developing protocols for assessing the performance of all organs of state and by providing them with sufficient resources to effectively carry out this role”. In tandem with this instructive resolution and, as required by the Constitution of our country, we are of the view that the Legislature has made significant strides in its efforts to oversee the implementation of our provincial government policies and programmes, aimed at not only the democratization and transformation of our province, but also at delivering services to our people.

We believe that these progressive developments have been made possible through the deliberate efforts of our Committees, which prioritized the following activities: -

- conducting of oversight visits;
- scrutinization of annual, quarterly reports and budget documents;
- posing oral and written questions to Members of the Executive including the Premier; and
- calling MEC's and senior government officials to appear in Portfolio Committee meetings to account.

It is a source of inspiration that our country, within its short 14 years of democratic transition, succeeded in establishing and entrenching democratic institutions and practices which among other things, have ensured checks and balances in our system of government. But, it is a spring of pride that our Legislature has been at the heart of this democratic milestone. As we forge ahead, it would be prudent that we continue to monitor and evaluate our efforts aimed at improving the oversight function of the Legislature. This will give the Legislature a better possibility to discover new and better ways of fulfilling its oversight role that will ensure that it further enhances its potential scope as an active partner in the provincial service delivery regime.

### 4.1.3 Public Participation Efforts

The 2002 National Conference of the ANC, resolved that our movement should “take active steps to promote participatory democracy by creating opportunities for the effective involvement and participation of men and women, of those not literate as well as those with literacy, the rural poor, the working people and people with disabilities and other targeted groups to gather and express themselves on matters relevant to their basic conditions”. In addition, the Freedom Charter has proclaimed that the “people shall govern”. All these realities compelled the Legislature to double its efforts and deploy resources for cultivating and facilitating public participation and involvement in issues of governance and transformation in general.

To this end, at the beginning of this Third Legislature, we committed ourselves to continuously strengthen public participation and involvement in the legislative processes and activities of the Legislature with people in mind. Among other things, through our Public Participation and Petitions Committee, and the Public Participation Unit, we have been developing and implementing a public participation and education programme to ensure that the Legislature does indeed:

- improve public participation in the legislative processes;
- enhance public involvement in the activities of the Legislature;
- encourage more public attendance of the Sittings of the House and its Committees;
- sustain its public visitors’ programme; and
- expand the public understanding and utilization of petitions.

As part of our unflinching commitment to enhanced public participation and involvement, the Legislature initiated an innovative and pragmatic mechanism of diverse “sectoral parliaments” which have become annual events in the political calendar of our institution. The sectors that have been targeted through these “parliaments” include, the youth, women, children, workers, people with disabilities, and the senior citizens. In these parliaments, our people converge to discuss pertinent matters under various annual legislative sector themes, and then make recommendations which are tabled in the House for adoption. These resolutions of the House are then referred to the relevant provincial departments for their attention.

Furthermore, we also successfully embarked on the project of taking the Legislature and its Committees to where the people are. In partnership with Parliament, we also participated and hosted two events: the “People’s Assembly”, and “Taking Parliament to the People” during the last two financial years. In addition, over the years we remained committed to the obligation placed on us by Section 115 (d) of our Constitution, which states that “a provincial Legislature or any of its Committees may receive petitions, representations or submissions from any interested persons or institutions”. In pursuance of this constitutional obligation, through our Select Committee on Public Participation and Petitions, we have been successfully dealing with the petitions that are presented for our attention as the Legislature and in the process, we assisted our people.

Considering the realities of the inhumane legacy of exclusion and marginalization bequeathed to our people by the apartheid regime, we believe that our engagement with the diverse people wherever they are, always gives us an opportunity and greater impetus for advancing participatory and representative democracy in our province. This is a promise of democracy that we need to sustain as we forge ahead. However, more financial resources will have to be secured and provided for such an important political objective. This has been a challenge over the years and the Caucus, through its political coordination and influence, can play a role in this regard.

The reality is that, without the support and co-operation of the cadres of our movement who are deployed in the Legislature and the Executive, and who are necessarily members of the ANC Caucus, the Legislature would have been unable to achieve high levels of success with regard to the fulfilment of its constitutional mandate. We therefore cannot retreat now.

As members of the movement, whilst we ought to deal with new challenges of our times, we have also a historic responsibility to defend the gains we have achieved over the years, here at the Legislature and beyond. This will ensure that the Legislature continues to contribute to the democratization and transformation of our society, which, are imperative for achieving the ultimate goal of a better life for all our people.

## **4.2 Transformation Within the Legislature**

During its 51st National Conference, our movement correctly noted that “the consolidation of the democratic order requires the transformation of institutions of governance to ensure that they are capable of facilitating the pursuit of the goal of creating a better life for all, the promotion of a culture of democracy and human rights, non-racism and a new patriotism...” It was therefore of strategic and political necessity that the Legislature deliberately pursues the transformation agenda not only outside of itself (exogenous transformation) but also within itself (endogenous transformation). However, we are fully aware that these efforts should not be treated as mutually exclusive, they are indeed, simultaneously significant in our effort of entrenching a democratic order characterized among other things, by institutions of governance that are sensitive and responsive to societal demands.

### 4.2.1 Gender Transformation

As we continue to pursue the struggle for women emancipation and empowerment in our institutions of governance, in our movement, and in our country in general, we are compelled to acknowledge the pivotal role that women have played, and continue to play in collectively contributing to the building of a common and unifying vision of a democratic, non-racial, non-sexist and free society. However, we also need to continuously assess the state of gender transformation so that we can accelerate the struggle for women emancipation and empowerment.

In the context of our Legislature, women parliamentarians constitute about 37%, whilst in the provincial cabinet, they stand at about 27%. It is also an achievement that our Caucus has a Deputy Chief Whip who is a woman. For the Legislature, this state of affairs means that we have indeed, surpassed the target set by our movement during the 2002 National Conference that women parliamentarians should constitute one-third of all Members in all legislatures. This is a milestone in the transformation agenda of this institution of the people. However, as resolved by our movement, it must be borne in mind that, one third representation of women in the Legislature, and in all structures of the movement, is a minimum to be “progressively increased in order to match the demographic profile of South Africa”.

In terms of the latest figures from the 2007 Community Survey conducted by Statistics South Africa, it is estimated that the current population of our country stands at 48.5 million, and that women constitute about 25 million of this total number, which represents about 52% of the total population. In this context, one-third representation cannot be enough to address the challenge of gender transformation in the Legislature in particular, and in all structures of the movement in general and the country at large. This is a challenge that has to be addressed going forward to ensure that transformation is accelerated so as to also give practical expression to the objective of a democratic and non-sexist society.

## 4.2.2 Management of the Legislature

Our movement has long identified a need for the transformation of management in all levels, not only to fulfil the needs of a developmental state but also to enhance capacity to deliver. The transformation of management in the Legislature has been our strategic and political preoccupation over the years. During the period under review, with regard to employment equity legislation, the Legislature has been able to strategically deploy in management, men and women who come from within the movement or who strongly identify with the strategic objectives of the movement. These include, the Secretary to the Legislature, Executive Managers and Senior Managers. This management cohort has been largely composed of Africans, mainly blacks who in the previous regime would have been denied these positions of management and leadership.

Having committed ourselves to respecting and promoting policies aimed at transforming our society, we have been closing the gap regarding Employment Equity Act compliance. Our top management (Executive managers) was composed of 50 – 50 gender representation. Even though this has recently been negatively affected by external career progression, we are of the view that women are well represented in the management of the Legislature. On the other front, we currently have one person with disability. Even though in terms of the general staff compliment, the Legislature has a preponderance of staff which is mainly African with a strong presence of blacks, other race groups are also represented and these include Indians, Whites and Coloureds.

It is our view that in pursuance of the transformation agenda, our recruitment and placement of people in management and other categories of staff have in general, has affirmed in favour of the previously disadvantaged groups, who would have been excluded in the previous apartheid regime. The challenge as we move forward is to enhance the skills and competencies of the personnel of the Legislature to ensure that they are better prepared to deal with the evolving demands of the Legislature in the context of a broader developmental agenda of our country.

### **4.2.3 “Institutional Democracy”**

In our commitment to advance and reinforce transformation in our Legislature, we have provided political leadership to ensure that the values of democracy are not only inculcated but are also practised in our institution. Staff members in general participate and are involved through their recognised labour union, in important matters of the Legislature. These include activities like strategic planning, institutional policies development processes and strategic initiatives like the “de-linking project”. We consider staff involvement and participation as necessary and significant in harnessing collective wisdom for the benefit of our Legislature. We are therefore delighted that our democratic dispensation has been able to manifest itself within the Legislature over the years. We believe that all these efforts will ensure that progressive and fundamental change does take place and continues to take place until we win the struggle for the total transformation of not only our institution of governance but our society in general.

### **4.3 Issues of Governance in General**

Governance can be conceptualised in different contexts, however, our understanding of the concept and practice of “governance” is that it is about the “processes and structures of decision-making and the process by which decisions are implemented (or not implemented)”. Furthermore, among other things, it is about the promotion and protection of fairness, transparency and accountability. Our movement has necessarily observed and noted that “governance is one of the foremost pillars of the present phase of the struggle in our country”. Certainly, this is true for institutions of governance, as it is true for all the structures of our movement.

#### **4.3.1 “Institutional Governance”**

Over the years, it has been our commitment to protect and promote our integrity as the Legislature whilst we also advance institutional effectiveness and efficiency to ensure that we fulfill our constitutional mandate. We subsequently put mechanisms in place so as to foster a true sense of accountability, transparency and honesty among and within internal and external stakeholders of our institution. In this regard, we were also guided by the PFMA and all progressive pieces of legislation that demand legislative compliance. In these deliberate efforts, we were indeed, driven by the desire and determination for good governance to prevail in the Legislature as an integral part of the integrity systems in our country.

To this end, we have established and continue to consolidate our institutional governance structures which include the following:

- The Legislature Service Board chaired by the Speaker, which in terms of our new Mpumalanga Legislature Services Act, includes the Chief Whip of the Legislature;
- The Presiding Officers' Forum chaired by the Speaker;
- Budget task team chaired by the Deputy Speaker.
- The Secretariat chaired by the Secretary to the Legislature;
- Management Committee chaired by the Secretary of to the Legislature;
- Audit Committee chaired by its independent Chairperson; and
- Outsourced internal audit function.

Other measures that we have put in place to protect and promote good governance at the Legislature include the following:-

- Implementation of the Member's Facility handbook which has been reviewed and updated; and
- Code of Conduct and Ethics for Members of the Legislature.

Over the period under review, the Legislature ensured that the dictates of corporate governance are adhered to by all stakeholders. This effort was underpinned by consistent application and implementation of all the relevant provisions of the PFMA in utilizing and deploying resources and services. The positive consequence of this effective corporate governance practice, is that the Legislature never received a qualified audit opinion from the Auditor General during the period under review. We believe that this success was a function of effective management of the Legislature, and political leadership respectively.

As we forge ahead, we need to continue to enhance our efforts towards good governance to ensure that we have an open, accountable and transparent institution that serves the interest of our people. Certainly, the Legislature as an institution of governance, has to remain responsive to present and future needs of our society. However, we are also cognizant of the fact that good governance is an ideal, which is not easy to achieve in its entirety, but all of us, must still work together towards the ideal of good governance and make it a reality.

### 4.3.2 “Political Governance” at the Legislature

We have highlighted earlier on in this document that the ANC is both a liberation movement and a political party that is in government. It therefore becomes imperative that a strategic and political conduit or link be established between the constitutional structures of the ANC and the institutions of governance. This will go a long way in the facilitation of effective political management of governance. In tandem with the resolution we took in our 52<sup>nd</sup> National Conference, we regard ANC Caucus in the Legislature as that strategic and political conduit for “coordinating legislative approaches to the ANC policy, and the oversight and monitoring of policy implementation”. Long before the period under review, the Office of the Chief Whip had been established under which the functioning of the ANC Caucus is being managed. We have been part of the ANC Caucus, and therefore have not abdicated our constitutional duty as members holding elective office in the Legislature.

Over the years, the ANC Caucus has been functioning, constituted of the Members of the Legislature and the Members of the Executive Council. It has been chaired by the Chief Whip and the Deputy Chief Whip. The Political Committee in the Legislature has recently been established during the year under review and is chaired by the Leader of Government Business. We must highlight that this is in line with our instructive Polokwane resolution that “political committees should be chaired by an Official who is also a public representative, so that there is a direct link between the elected leadership organs of the movement and caucuses”. This constitutes part of the implementation of the Polokwane resolutions.

The Speakership i.e. The Speaker and the Deputy Speaker of the Legislature have been part and parcel of the ANC Caucus. Together with the Chair of Chairs, and the Deputy Chair of Chairs, they constitute not only the Presiding Officers, but also the leadership collective of the Legislature. The Chief Whip, who chairs the ANC Caucus, is essentially part of this leadership collective.

Furthermore, The Premier and the Members of the Executive Council are part of the Caucus and they constitute the leadership collective from the Executive (provincial government). This scenario accentuates the dynamic nature of the configuration of the Caucus as a constitutional structure of the ANC in the Legislature, which has demanded, and will always demand a dynamic political management and leadership that will ensure that our movement achieves the objectives of the national democratic revolution. This is indeed, a surmountable challenge of the future that we need to confront head-on.

Our ANC Caucus, certainly has over the years under review, played a significant role in the coordination of issue relating to oversight, legislation, policy implementation, all in relation to ANC policies and programmes. It managed to develop its political programme focusing on Caucus meetings, political study schools and constituency work. All these efforts contributed to political management of governance to ensure that all energies and efforts are harnessed towards achieving the noble objectives of our movement without compromising the integrity and constitutional mandate of the Legislature an institution of governance.

Even though our Caucus has been generally successful, there are some few areas that would require further attention as we forge ahead towards the centenary of our movement. There has not been a clear and practical clarification of the distinctive roles and responsibilities of both the ANC Caucus and the ANC Political Committee in the Legislature during the year under review. This lack of role clarification created possibilities of diffusion and duplication of responsibilities - a situation that was, and is still not desirable for ensuring effective functioning of the constitutional structures of our movement. In future, there should be a review of these two structures with a view to establishing clear roles and responsibilities.

Furthermore, as required through their deployment, the Speakership has to provide political management and leadership in the Mpumalanga Provincial Legislature to ensure that it fulfills its constitutional mandate. The Speakership must also ensure that the Legislature does not only adhere, but also protects and promotes the principles and practices of good governance. This involves and includes adherence to policies, procedures and applicable compliance legislation. During the period under review there were instances where Legislature decisions necessitated and dictated by policy and legislation, and made by the governance structures of the Legislature, were questioned and undermined. We are therefore of the view that such tendencies constituted an unwarranted interference by the Caucus and political committee, in the administration and management of the Legislature as an institution of governance. However, we believe that this situation might have been created by the lack of specific and clear articulation of roles and responsibilities of the two political structures in relation to the Legislature as an institution of governance.

In addition, during the period under review, the Legislature shared strategic and political information with the Caucus. However, there were instances in which the Legislature was somewhat regularly compelled to account to the Caucus. In a context where there is no clarity of who is accountable to whom, how and on what specific issues, the practice of accountability might lose not only its meaning but also its purpose as a key principle of good governance. There is therefore a need to elucidate the form and content of the accountability regime that is desirable and appropriate in the context of the Legislature's political environment in general. This will go a long way in enhancing the effectiveness of not only our Caucus, but our Legislature as well.

We are of the view that the challenges that have been highlighted above are not necessarily unique and peculiar only to our institutional and political context - to a certain extent, they do cut across and transcend our immediate environment. We therefore believe that it is for this reason that in Polokwane, our movement noted that "the political management of the relationship between ANC constitutional structures and cadres deployed in governance needs ongoing attention".

However, we believe that we stand a better chance of successfully addressing our challenges if we consider the fact that

our movement, has already resolved in Polokwane that “the NEC should develop guidelines on how the ANC structures should interface with Caucuses and Executives, including:

- The kind of issues that need to be referred to the organisation before final decisions are made;
- Clarifying the role of Caucuses as the structures responsible for maintaining party discipline, unity and cohesion among ANC public representatives;
- Their role in overseeing the implementation of the Manifesto in a particular sphere of government;
- Reports by caucuses to the organisation through the Offices of the Regional and Provincial Secretaries and Secretary General; and
- Regular, mandatory meetings and communication between the Secretaries and Chief Whips”

Let us all seize the moment and do what we ought to do for the benefit of our structures, our institutions and ultimately, our people.

## 5. Conclusion

As we conclude, it is worthwhile to heighten the point that the inputs that have been contributed in this document are not exhaustive, they represent part of a circle that would hopefully be closed through synthesis that would culminate into the ANC Caucus Five-Year Report. However, the contributed inputs are a function of an instructive principle and perspective that the ANC, our movement, is the “strategic political centre that directs and guides its deployees in various centres”. It is therefore incumbent on us as members of this movement, to coalesce and work together to strengthen our structures here at the Legislature and beyond. This is our revolutionary task that demands our attention as we collectively seek to come closer to the realization of a democratic, non-racial, non-sexist, united and prosperous South Africa. We therefore want to reiterate the crucial point, that “by building a broad consensus on the governing strategy, we can confront the challenges we face over the next decade with confidence as a united movement with a clear vision of the road ahead”.

