

Working towards a corruption-free government and a better South Africa for all.

TIPS FOR MEMBERS OF PARLIAMENT
TO AID IN MORE EFFECTIVE & IMPROVED
OVERSIGHT DUTIES



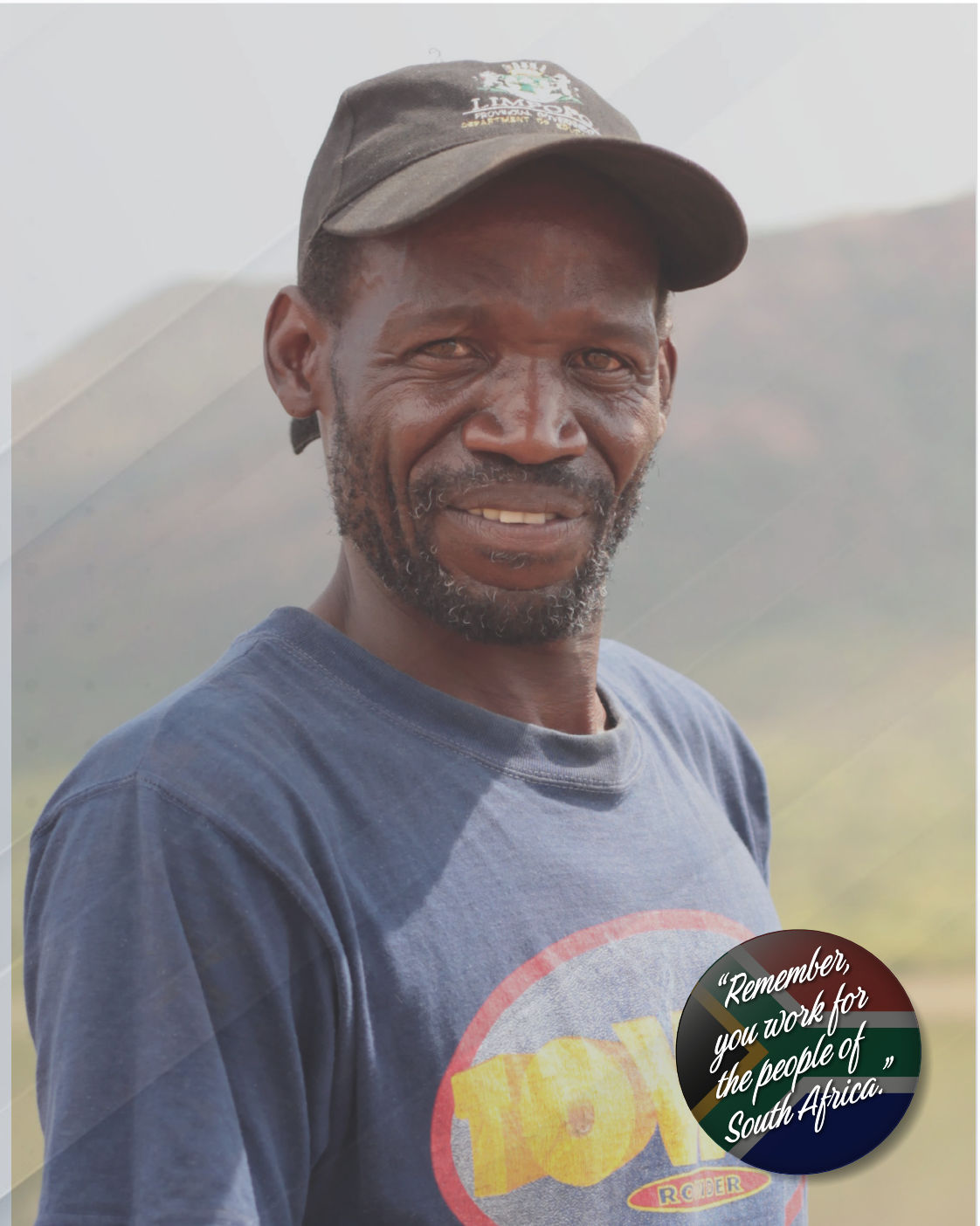
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Sworn to protect, uphold and serve.

A comprehensive guide for parliamentarians.

In this guide, we offer suggestions, tips and advice for MPs with regard to effective and improved parliamentary oversight functions, based on research conducted by PARI (the Public Affairs Research Institute) and the subsequent report, that you can read in full here. [LINK](#)



The role of Parliament

Parliament is required by the constitution to "scrutinise and oversee executive action". This is the key function of the system of separation of powers built into our democracy. The importance of parliamentary oversight cannot be overstated. In its "secret ballot" judgment, the Constitutional Court said that, "accountability is necessitated by the reality that constitutional office bearers occupy their positions of authority on behalf of and for the common good of the people. It is the people who put them there, directly or indirectly, and they, therefore have to account for the way they serve them. Members of Parliament have to ensure that the will or interests of the people find expression through what the state and its organs do."



"I, solemnly affirm that I will be faithful to the Republic of South Africa and will obey, respect and uphold the Constitution and all other law of the Republic; and I solemnly promise to perform my functions as a member of the National Assembly to the best of my ability. So help me God."

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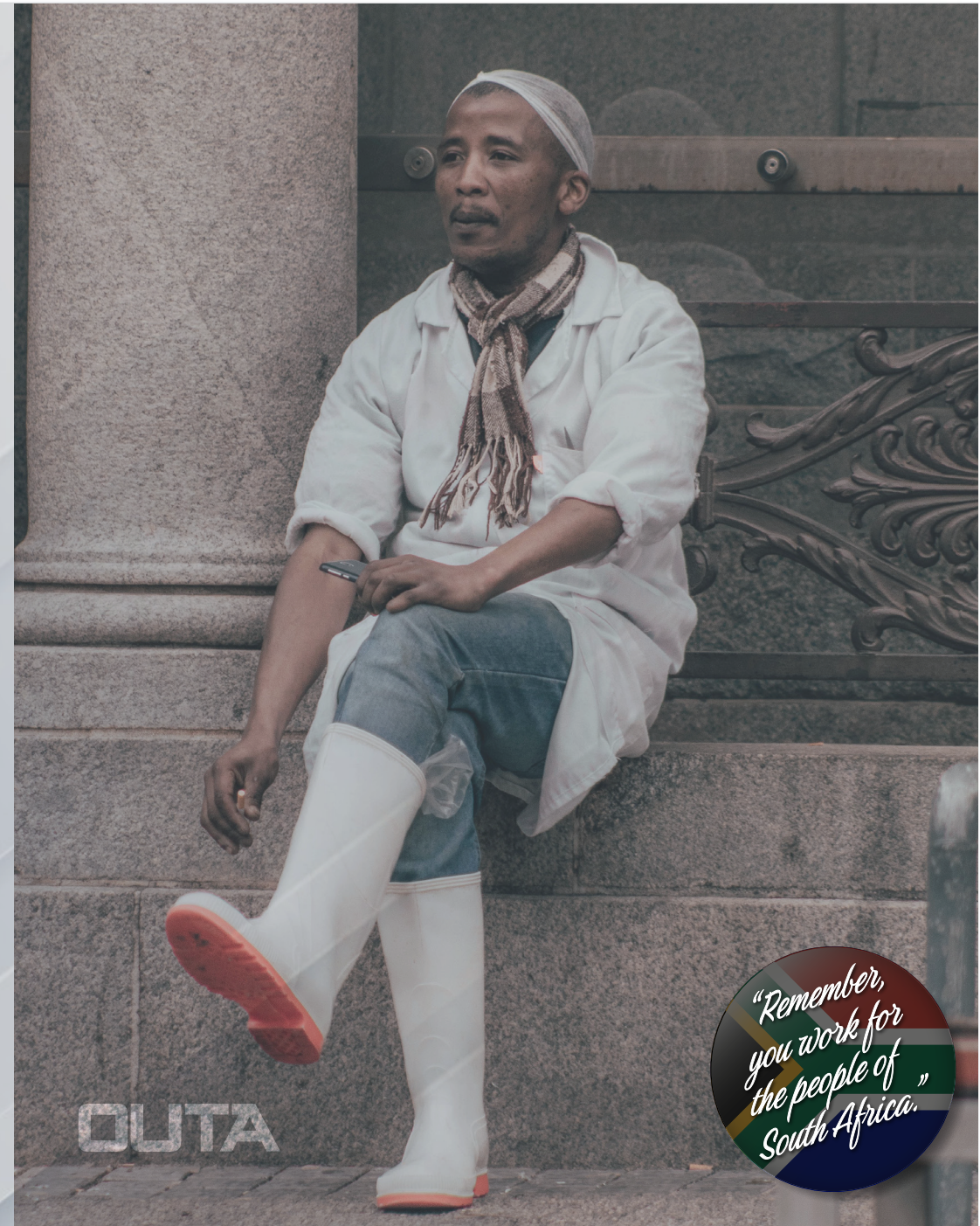
Role of oversight and accountability

Oversight involves legislatures monitoring the executive branch's actions, while accountability refers to justifying decisions and resource use. Both concepts are vital for South Africa's democracy, preventing the concentration of power and ensuring the executive is accountable to the people.

Constitutional mandate and importance: The Constitution mandates Parliament to oversee executive actions and hold the executive accountable. Oversight ensures policies are implemented, and decisions align with constitutional obligations. Accountability is essential for constitutional office bearers to serve the common good and express the will of the people.



*What our Constitution says about the National Assembly's role, Section 42(3):
"The National Assembly is elected to represent the people and to ensure government by the people under the Constitution. It does this by choosing the President, by providing a national forum for public consideration of issues, by passing legislation and by scrutinising and overseeing executive action."*



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Parliament's role in oversight: Parliament's role in oversight is crucial. It must scrutinise executive actions, ensuring accountability and proper resource utilisation. The Constitutional Court emphasises Parliament's responsibility to represent the people's interests and enforce accountability.

Parliament's understanding of oversight: Parliament recognises oversight as a test of democracy and a means to keep the government accountable. Its official oversight strategy, OVAC (Oversight and Accountability Model), defines oversight as structured scrutiny over laws, budgets, policy delivery, and government operations. The functions of oversight include preventing abuse, ensuring transparent resource use, and policy delivery.

Parliament's commitment to strengthening oversight: The Sixth Parliament (2019-2024) acknowledges the importance of strengthening oversight and accountability. It aims to increase government responsiveness and accountability by improving committee scrutiny and oversight. By enhancing oversight, Parliament aims to fulfil its constitutional mandate, accelerate service delivery, and build public trust.

By prioritising effective oversight and accountability, South Africa's Parliament can ensure government actions are aligned with the common good, prevent abuse of power, and promote transparency and trust in the democratic system.



Tips for effective Parliamentary Oversight in South Africa

Tip 1 - Prioritise accountability and common good

- Remember that constitutional office bearers serve on behalf of the people and are accountable for their actions.
- Uphold the people's interests and ensure their will finds expression through government actions.



Section 55(2) mandates the NA to provide for mechanisms to ensure that all executive organs of state in the national sphere of government are accountable to it and to maintain oversight of the exercise of national executive authority and any organ of state. The Constitution similarly mandates provincial legislatures to exercise oversight over the executive in Section 114(2).



Tip 2 - Understand oversight's importance

- Recognise that parliamentary oversight is a fundamental pillar of democracy, ensuring checks and balances over executive power.

Tip 3 - Distinguish Explanatory and Amendatory Accountability

- Understand the difference between these two oversight functions.

Tip 4 - Committee effectiveness

- Engage actively within committees, the primary platforms for oversight work.
- Scrutinise reports, summon executives, and conduct meaningful inquiries.

Explanatory Accountability

- Requires the giving of reasons and the explanation for action taken – as Section 92 of the Constitution, for example, requires the executive to do.
- The bulk of the oversight work done in Parliament falls under this category.
- Indicators of basic levels of oversight in this regard include: when parliament receives and examines reports, calls the executive to give presentations and answer questions, and scrutinises financial accounts.
- For this to constitute actual explanatory accountability, questions must be robust, well-informed, and the executive's responses should be rational and timeous.

Amendatory Accountability

- The "obligation to redress grievances by taking steps to remedy defects in policy or legislation." Therefore, to amend or to make amendments.
- The requirements for this form of oversight in action are more exacting. This requires members of the executive to accept that something has gone wrong and to take positive actions to remedy it.
- This means that remedial action could be instructed for errors, defects of policy or maladministration.
- Amendatory accountability is inherent in the concept of oversight and accountability.



Section 59(2) provides that NA may not exclude the public, including the media, from a sitting of a committee unless it is reasonable and justifiable to do so in an open and democratic society.

Tip 5 - Effective oversight meeting practices

- Distribute materials in advance and allocate minimal time for presentations, maximising time for questioning.
- Ensure attendees are well-prepared, encourage direct and in-depth questions, and allow follow-ups.
- Base discussions on past oversight activities, focusing on actionable recommendations.

Tip 6 - Cross-party collaboration

- Work collaboratively across party lines for meaningful oversight.
- Establish a strong committee chair to set the tone for robust discussions and effective engagement.

Tip 7 - Invest in research and expertise

- Recognise the importance of information and invest in content advisors, researchers, legal experts, and financial analysts.
- Develop specialised knowledge to enhance scrutiny and analysis.

Tip 8 - Enhance your capabilities as an MP

- Prepare thoroughly for oversight activities and engage with issues at hand.
- Acquire the necessary skills, understand sector mandates, and effectively use oversight tools.



In order to facilitate oversight, Section 56 of the Constitution empowers the NA (or any of its committees) to summon any person to give evidence, produce documents, or otherwise report to it, and to receive petitions, representations or submissions from any interested persons or institutions.



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Tip 9 - Focus on substance over procedure

- Prioritise substantive engagement over protocol and formalities.
- Concentrate on executive performance, impact assessment, and accountability in government.

Tip 10 - Promote Amendatory Accountability

- Encourage remedial actions for policy or implementation failures.
- Advocate for enforcing recommendations and holding the executive responsible.

Tip 11 - Advocate for political reforms

- Address political incentives hindering effective oversight.
- Support measures to improve accountability within the political system.



*"Speak out when things go wrong. The oath you will make today is to serve the country and its people – not your political party. Honour that."
Melanie Verwoerd, former MP.*



Tip 12 - Empower yourself for meaningful oversight

- Be well-versed in your portfolio, understand oversight mechanisms, and collaborate effectively.
- Promote a culture of accountability within Parliament.

Tip 13 - Recognise the role of electoral system

- Understand that while changing the electoral system might help, meaningful reforms are necessary to address underlying political incentives.

Tip 14 - Commitment to strengthening oversight

- Acknowledge that strengthening oversight requires a combination of institutional reforms and committed individuals within the political system.

By following these tips, members of the South African Parliament can enhance their oversight effectiveness, hold the executive accountable, and contribute to a stronger democratic framework.



Sections 92 and 93 provide that members of the Cabinet and Deputy Ministers are accountable collectively and individually to Parliament for the exercise of their powers and the performance of their functions; they must provide Parliament with full and regular reports concerning matters under their control. Sections 133(2) and (3) similarly provide that Members of the Executive council of a province are accountable to and must provide reports to the provincial legislature.



What does an effective (GREAT) MP look like?

- 1) Knows a lot about the topics their committee oversees;
- 2) Understands what the organisations they watch over are supposed to do and how they work;
- 3) Reads a lot and finds extra information when needed;
- 4) Gets along with people from different political parties and works well with them;
- 5) Stays in touch with important people related to the organisations they oversee;
- 6) Is good at thinking deeply and understanding complicated things;
- 7) Asks smart, direct, and important questions;
- 8) Knows the rules and powers of Parliament, especially for their committee;
- 9) Cares about making sure the government does its job well and is responsible.

In simple terms, a good MP for oversight should know their stuff, ask good questions, work well with others, and make sure the government does its job right.

There are certainly many excellent MPs who pursue oversight as rigorously as they can as they understand this is part of the job required by law under the Constitution, and is not merely a tick box exercise.



Public participation and citizen engagement in oversight matters

There are two ways in which the public can meaningfully participate in oversight and add weight to Parliament's oversight of the executive:

1. Engagement in oversight committees: Civil Society Organisations (CSOs), unions, and community groups can contribute valuable insights and raise critical issues within oversight committees. Committees should encourage and facilitate them to make inputs and submissions on oversight matters.

2. Monitoring Parliament's performance: CSOs, the media, unions, academic institutions, and others should closely follow Parliament's activities, particularly the work of portfolio committees related to their respective fields. This entails attending committee meetings, scrutinising MPs' performance (especially in influential roles), conducting research to assess oversight effectiveness, highlighting overlooked issues, using Parliamentary reports and resolutions to demand answers and accountability from the executive, and reporting on all the above in ways that are publicly available, accessible, and understandable.

Public involvement in oversight cannot be reduced to a superficial exercise, instead this important synergy must be fostered and supported by parliament to strengthen oversight functions, and ensure MPs act in due diligence. This will protect our democracy by allowing South Africans to participate in their democracy.





Theme	Recommendation	Who is responsible?	What MPs can do to commit to strengthening oversight?
Filling gaps in oversight	Establish a committee to oversee the Presidency	Parliament	Call for the committee to be established and persuade fellow members. In existing portfolio committees, highlight oversight matters directly concerning the Presidency that could fall through the cracks.
Enhancing the functioning of committees	Ensure that enough time, money and resources are dedicated to oversight and accountability specifically.	Parliament	Conduct a thorough review of the resources used in your committees for oversight, and what the committee would need to strengthen oversight activities.
	Strengthening research and content capacity	Parliament	Highlight the need for research support and advocate for strengthening capacity.
	Enhancing committee functioning	Parliament	Chairs can implement the recommendations made in this PARI report. Individual MPs can work together to call for these changes and attempt to implement some of them in their individual work.
	Opposition chairs	Parliament	Elect opposition chairs or chairs of sub-committees
Improving Amendatory Accountability	Tracking and monitoring system	Parliament – Speaker and administration	Conduct a review of what your committee would need to track and which methods would be most useful to you. In the absence of a Parliament-wide system, conduct your own tracking and dedicate time to following up matters.



Appoint- ment reform	ISD appointment and removal processes to be established	Parliament	Build upon best practices of former appointment/removal processes
Account- ability of MPs	Improve ethics & members' interests committee	Parliament	Rigorously call for timelines and timely updates on ongoing ethics processes. Demand transparency
Political environment	Presiding officers must not hold senior office in parties	Parliament	Call for implementation



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