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# OVERSIGHT AND ACCOUNTABILITY IN THE SOUTH AFRICAN PARLIAMENT: THE EVOLUTION OF CONSTITUTIONAL, LEGAL AND PROCEDURAL INSTRUMENTS

Secretary General Xolile George



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# BACKGROUND



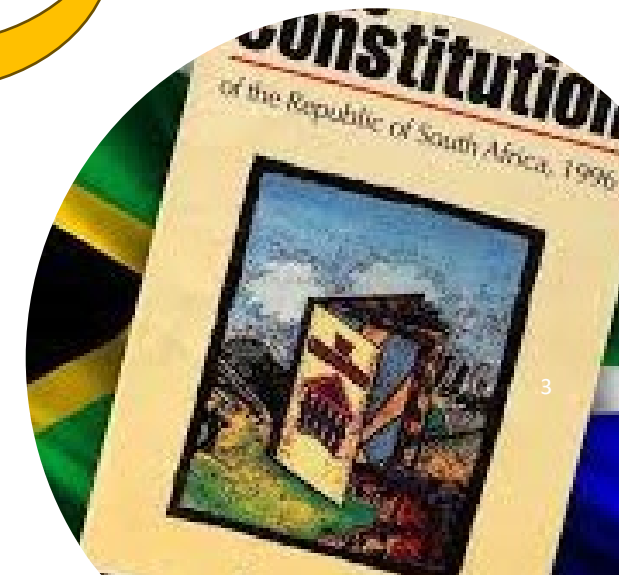
First Democratic  
Elections in 1994  
Democratic  
Election

Transition from  
oppressive  
apartheid regime to  
a democratic state

Adoption  
of the 1996  
Constitution

## Bi-Cameral Parliament

SA Parliament is a bi-cameral parliament with two Houses, namely the National Assembly (NA) and the National Council of Provinces (NCOP)



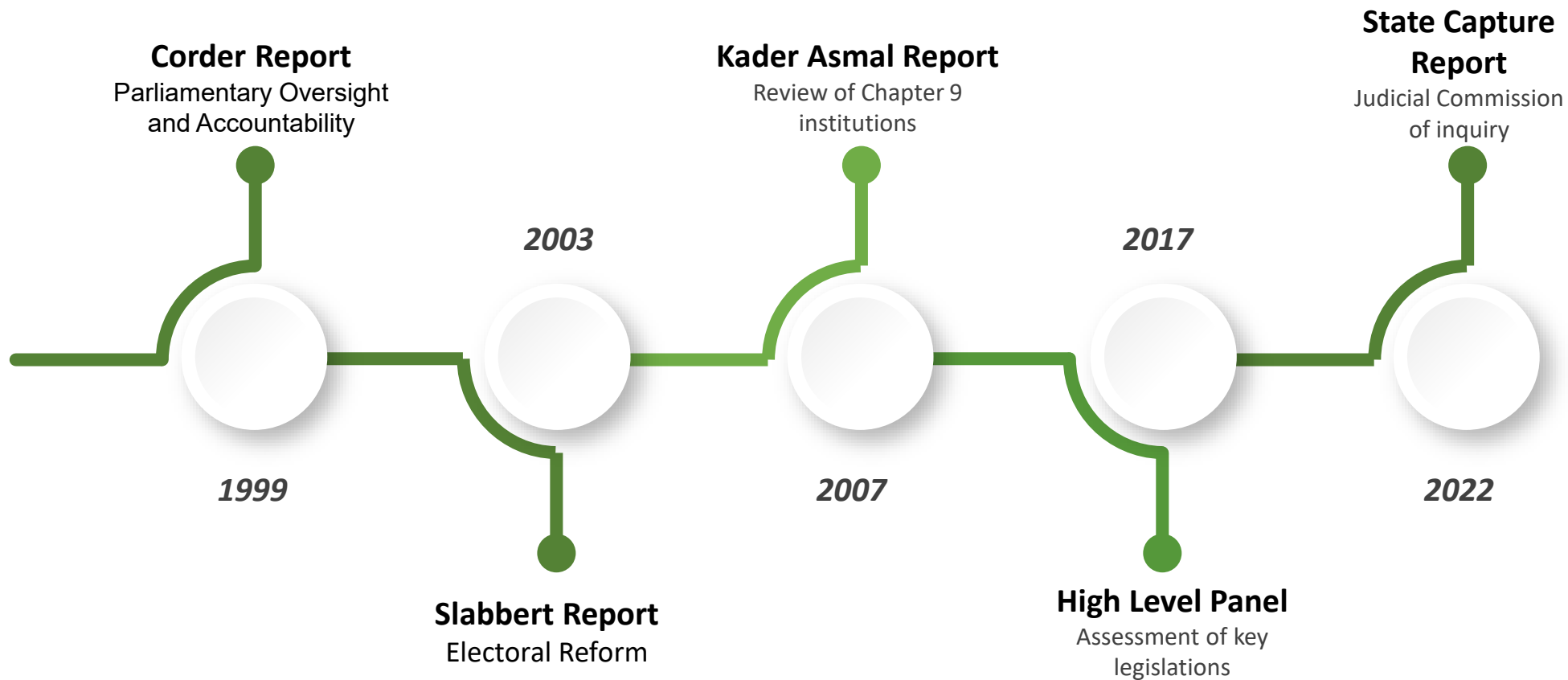
# STATUTORY FRAMEWORK FOR OVERSIGHT AND ACCOUNTABILITY

First years of democracy, Parliament considered a number of statutes and regulations to foster oversight and accountability. These included:

1. *Powers, Privileges and Immunities Act*: Empower Parliament and its members and ensure that the executive could not escape scrutiny.
2. *PFMA*: Regulate the public service and state finances, and
3. Consolidation of independent institutions to support the system of checks and balances, such as the Human Rights Commission, Commission for Gender Equality, Public Protector and Auditor-General.



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# REFORMS TO REINFORCE ACCOUNTABILITY



*OVAC Model:* Defines oversight and accountability in the context of South African law and members' responsibilities, identifies and examine weaknesses in the regulatory framework and the capacity of the Legislature to hold the Executive to account.

*Money Bill Act:* Provides Parliament with the means to amend the budget and enforce accountability. The Act also establishes the PBO.

# REFORMS TO REINFORCE ACCOUNTABILITY

## Section 44(2) of the Constitution

Parliament may intervene, by passing legislation in accordance with section 76(1), falling within a functional area listed in Schedule 5, when it is necessary—

- (a) to maintain national security;
- (b) to maintain economic unity;
- (c) to maintain essential national standards;
- (d) to establish minimum standards required for the rendering of services; or
- (e) to prevent unreasonable action taken by a province which is prejudicial to the interests of another province or to the country as a whole.

# CURRENT INSTITUTIONAL MECHANISMS FOR OVERSIGHT AND ACCOUNTABILITY





# CONCLUSION

1. South Africa's democracy and Parliament have evolved markedly. Since 1994, there have been six national elections, the last in 2019. Over this period, Parliament has consolidated its status and procedures in respect of its obligations to hold Government to account, and examples of best practice have emerged.
2. Challenges: unemployment and inequality.
3. **Shift to a more outcomes-based approach to oversight, with a focus on qualitative, impact-making interventions and service delivery.**
4. **Over-arching indicators against which progress can be measured.** The evolving regulatory framework together with renewed necessity for change is expected to serve as a firm foundation for enhanced legislative oversight and Executive accountability.

# CONCLUSION Continued

Shortcomings in the oversight processes have been attributed to various factors, including -

- The challenges inherent in PR systems – that of party dominance. In 2023, the Electoral Act was amended to allow independent candidates to contest elections. Independents will have implications for political dynamics.
- This will mean that Parliamentarians will potentially not be as dependent on the dictates of political parties in the future, which may lead to a change in political dynamics between the legislature and the executive.