

Att: Speaker of the Kwa-Zulu Natal Provincial Legislature

Hon. N.N Boyce

Per Email: TembeB@kznleg.gov.za

5 May 2020

Dear Speaker Boyce

RE: OVERSIGHT AND PARTICIPATORY DEMOCRACY DURING THE NATIONAL STATE OF DISASTER

Your letter dated 20 April 2020, responding to our open letter to the Presiding Officers of the National Parliament and the nine provincial legislatures refers. We acknowledge and commend the legislature on its swift response to our letter and assurances contained therein that the business of the legislature is continuing, albeit virtually.

We fully appreciate that the Covid-19 pandemic has undoubtedly placed strain on and created numerous implications for the functioning of your legislature and fully empathise during this time. In addition, we note and are encouraged that there has been a commitment by the legislature to “continue to deliver on its constitutional mandate in the context of the restrictions occasioned by the outbreak of Covid-19”.

A critical part of the legislature's constitutional mandate is to provide readily accessible information about and access to committee meetings as well as to perform oversight. This is highlighted in the best practices of various legislatures globally and by the National Parliament during the lockdown.

We would like to bring to your attention some of the adaptations that the National Parliament and the Eastern Cape Provincial Legislature have been able to achieve in the last few weeks.

It is our opinion that these undertakings can assist you in thinking about ways to continue doing your work during this trying time:

- The rules of Parliament were adapted to allow for virtual meetings and all changes were communicated in an ATC by the Speaker of Parliament dated 15 April 2020.
- Links to committee meetings have been provided in media briefs on a daily basis on Parliament's [website](#).
- The public has been able to access meetings that have been streamed online and uploaded on its YouTube channel.

We note with concern the following:

1. Details of previous and upcoming meetings of the Kwa-Zulu Natal Legislature are not currently available on the legislature's web or social media sites. In addition, recordings of or links to access the previous meetings have not been made available to date.
2. Members of the public have not received notification of meetings in line with the media campaign highlighted in your response dated 20 April 2020.
3. Delays in uploading schedules containing links and details of when the meetings are scheduled to take place continues to inhibit members of the public from participating in the work of the legislature.
4. Budget hearings with implications on how the legislature undertakes its mandate have not been published from 20 April 2020 to date.

As such and in line with the legislature's media campaign, we urge the legislature to:

- Provide an outline of when all relevant information will be provided and uploaded on its website. This is a critical step in ensuring that meaningful public access and engagement occur. Further delays will continue to affect right to participate in the legislature's meetings.

- Draw from and replicate the lessons from the Standing and Select Committees on Finance in Parliament which successfully held and broadcast a joint meeting on 23 April 2020 with presentations that were made available to the public.
- Upload any relevant documentation or presentations by the various committees of the Kwa-Zulu Natal legislature during the lockdown.
- Consider the use of zero-rated platforms to ensure a wider reach and long term access.
- Encourage the use of Twitter accounts which were created to enable committee members to engage with members of the public. This is especially important during the committee constituency week.

While we welcome the legislature's commitment to engage with vulnerable groups and workers, should these engagements be streamed online and broadcast on the legislature's social media platforms and websites, they would benefit the general public as they pertain to matters affecting most South Africans. Various interest groups such as civil society organisations and public interest groups are working closely with our communities during COVID-19 and the legislature would benefit greatly from inviting these groups to participate in or provide input in these discussions.

We note the legislature's support of the use of Constituency Offices as channels of communication between the community and their elected government and commend the Kwa-Zulu Natal legislature on leading a constituency awareness campaign in the fight against Covid-19. We draw your attention to a recent [op-ed](#) by My Vote Counts¹. The challenge of access to Constituency Offices has been long standing and have been previously raised by civil society organisations, including ourselves, prior to the pandemic. We have attached a copy of that op-ed referred to as Annexure A in this letter for ease of reference.

¹ This op-ed focuses on the challenges that they faced with accessing these offices across the country, including, but not limited to the link between elected officials and the public especially in these crucial times and the need for these offices to support national government through relaying information at a local level.

We thank you for and note your support that a task team of stakeholders from the national and provincial legislatures, including CSO's, be convened at the level of the Speakers' Forum.

We appreciate your continued willingness to collectively engage and find solutions during this difficult period in our nation.

Yours Sincerely

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ANNEXURE A: MY VOTE COUNTS OP-ED

Where are Constituency Offices in the fight against COVID-19?

Letlhogonolo Letshele

17 April 2020

The coronavirus crisis is the moment where our elected officials through constituency offices should be showing relevance and leadership. Most people do not even know who their MPs (Member of Parliament) and MPLs (Member of Provincial Legislature) are, or where their MPs constituency offices are situated. Even though the election was last year in May, by early March 2020, the Parliamentary Monitoring Group had been able to get the details for constituency offices from only 9 of the 14 political parties represented in the National Assembly. Three parties, the DA, EFF and IFP provided partial or outdated information, while the ANC, ATM, and the PAC had not provided any of the information. So currently, the three largest parties have not provided this critical information.

As the first point of contact for people on the ground, constituency offices should have measures in place to distribute reliable information and facilitate provision of essential services to the communities they serve. The constituency office system, like other government mechanisms, should be assisting communities in a time of dire need. We trust that the importance of constituency work during the disaster period will prompt these parties to make this information available immediately. The public urgently need information on how they can contact their constituency MPs during this period.

Pursuant with the constitutional imperative for an open and accessible national legislature, the provision of public funds for political parties represented in Parliament to run constituency offices is intended to enable parties to perform this function. The constituency office system thus, serves as a direct link between elected officials and the public, and functions as a critical organ of “an activist Parliament” for citizens to raise issues. MPs are assigned to constituencies by their political parties, even though they are not elected from geographic areas in the way that ward councillors are in local

government elections. MPs are meant to use constituency offices to provide the public with assistance in accessing services such as social grants, housing, health etc., as well as a mechanism to report back to the communities on what is happening in Parliament. Most areas in the country should have one or more constituency offices where citizens can directly contact their MPs.

South Africa is particularly vulnerable to this pandemic. With an already stressed healthcare system, high incidence rates of HIV and tuberculosis, millions of people living in densely populated informal settlements, and concerning levels of poverty and unemployment, the potential impact on the country and its people is immense. Every effort should be taken to mitigate the impact and a whole of society, and a whole of government response is required. Constituency offices therefore have a critically important role to play, in particular, in protecting the most vulnerable people and communities because the damage will be far greater in areas that are least resourced to deal with coronavirus. So how have constituency offices been keeping the most marginalised and those who really need the information and assistance informed during this time?

Before the lockdown, the KwaZulu-Natal Legislature led the constituency awareness campaign where MPLs from every district and their respective party constituency offices distributed knowledge on containing the spread of the virus. The Secunda Parliamentary Constituency Office in Mpumalanga also launched a community outreach and awareness campaign. The Eastern Cape Legislature made information available at the different constituency offices throughout the province. While in Gauteng, Members of the Mayoral Committee, councillors and officials went all over the province encouraging people to take precautionary measures against the virus. These campaigns targeted densely populated areas, which was very effective in getting the message to reach the most marginalised who are not always able to access this information.

Constituency offices can and should be supporting government responses by providing information for maximum effectiveness in each local context. Through coordinated efforts, they can help distribute reliable information and facilitate essential services to

communities and also assist in identifying areas of need that can be referred for intervention.

Ultimately, hundreds of millions of rand of public money is allocated towards the constituency office system each year, yet there is no proper monitoring of how these offices operate and whether political parties are spending their allocations correctly and providing services as they should be. Moreover, neither Parliament nor political parties make it easy for the public to find elected representatives. This poses questions over the institutional oversight of the system.

The constituency office system is intended to be a mechanism for the government to be able to pick up grievances timeously or to intervene with the affected government departments so that they deliver the required services to communities. Currently, the necessity for this type of information sharing and action is of far greater significance than in ordinary circumstances. The extraordinary position we find ourselves in should not be an excuse to abdicate this responsibility. Our leaders also need to adapt and to develop ways to reach out and engage with those who they serve where the usual avenues are not available or practical. Where programmes have been run to raise awareness of coronavirus this should be commended for making use of the constituency office system to distribute information on the pandemic. However, this has not been happening in a coordinated manner across the country and there has not been adequate communication about what plans are in place to address this. The coronavirus crisis illustrates why an effective and proper functioning constituency office system is an essential element required to respond to challenges such as this.

My Vote Counts NPC is a non-profit company founded to improve the accountability, transparency and inclusiveness of elections and politics in the Republic of South Africa. We work to ensure that the political and electoral systems are open, fair and accountable to the public and that they remain relevant in the changing South African socio-political context.