UNIVERSITY OF CAPE TOWN

CENTRE FOR
SOCIAL SCIENCE RESEARCH

EMERGING LEGISLATURE OR RUBBER STAMP? THE SOUTH AFRICAN NATIONAL ASSEMBLY AFTER TEN YEARS OF DEMOCRACY

Joel Barkan

CSSR Working Paper No. 134

Centre for Social
Science Research

D·A·R·U

CENTRE FOR
SOCIAL SCIENCE RESEARCH

Democracy in Africa Research Unit

EMERGING LEGISLATURE OR RUBBER STAMP? THE SOUTH AFRICAN NATIONAL ASSEMBLY AFTER TEN YEARS OF DEMOCRACY

Joel Barkan

Joel D. Barkan is Professor Emeritus of Political Science at the University of Iowa in Iowa City, and a Reagan-Fascell Fellow at the National Endowment for Democracy in Washington. He was a Research Fellow at the Democracy in Africa Research Unit within the CSSR at the University of Cape Town in 2004.

Emerging Legislature or Rubber Stamp? The South African National Assembly After Ten Years of Democracy[1]

Abstract

This paper examines the role of the South African National Assembly in comparative perspective by discussing the experience of the Assembly since 1994 in comparison to the development of legislative institutions elsewhere in Africa. The paper thus begins with an overview of seven sets of variables that seem to drive the process of legislative development across the continent, and then turns to the South African case. The "conventional wisdom" (CW) on the National Assembly—usually by observers who have spent little time at Parliament—is that the body is little more than a rubber stamp of the ruling African National Congress. The paper explores the validity of this view concluding that it is not inaccurate—to a degree. The combination of ANC's supra majority, its organisational culture and modus operandi, and South Africa's system of proportional representation all reduce the independence of the legislature. The paper then examines five dimensions of the legislative process and argues that the CW reflects only part of the reality. The National Assembly is not a mere rubber stamp. More interesting from a theoretical perspective, the same variables that facilitate or undermine the emergence of the legislature as an institution of countervailing power elsewhere in Africa, apply to the South African case as well.

The Puzzle: Explaining Legislative Capacity and Autonomy

Consistent with "conventional wisdom" that the holding of multiparty elections does not guarantee a transition to *liberal* democracy (Karl 1989, Zakaria 1997, Joseph 1998, Carothers 2002, Ottaway 2003, etc.), recent research on African legislatures finds that such elections, even when "free and fair," do not guarantee the emergence of a strong and autonomous national legislature (Barkan *et. al.* 2004). Yet an autonomous directly elected legislature is a hallmark of *all* liberal democracies. When fully developed, in terms of its capacity to perform its collective functions, the legislature is an institution of countervailing power that facilitates both horizontal accountability across governmental agencies, and downward accountability to the public. The holding of multiparty elections is thus a necessary but insufficient condition for the establishment of such an institution.

In addition to elections, seven sets of variables appear to determine the extent to which legislatures in emerging African democracies become institutions of countervailing power—especially vis-à-vis the executive branch. These are: (1) *The pressures of patron-client politics*. These pressures, which are particularly strong in the context of agrarian and plural societies, constitute a set of incentives for individual legislators to spend most of their time on constituency service. Conversely, they constitute a set of *dis*incentives for legislators to devote equal or greater time to the collective functions of legislatures, which when performed effectively, contribute to the autonomy and relative power of the institution. These include the examination of existing and prospective public policy, responding to the demands of civil society, the deliberation and crafting of legislation, involvement in the budgetary process, oversight of the executive branch, etc. (2) *The formal rules*, both constitutional and legislative, that specify the scope, power and procedures of the legislature. (3) *The level of legislative salaries*. Where parliamentary pay is low, MPs are far more vulnerable to becoming dependent on political bosses, especially the heads of neo-patrimonial regimes and their immediate entourage, than where salaries are high. (4) *The collective resources and capacity of the legislature* including the level of its overall budget, its autonomy in setting its budget, the quality and experience of parliamentary staff, the level of support for parliamentary committees, the level and quality of physical infrastructure, etc., (5) *Whether there is parity or near parity in terms of the number of seats held by government and opposition parties.* (6) The *type of electoral system* for converting votes into seats. (7) *The presence of a coalition of "reformers" and/or "opportunists"* that seeks to overcome the disincentives for collective action cited under (1) and raise the level of resources available to

parliamentarians described under (3) and (4) (Barkan *et. al.* 2004).[2] The presence or absence of civil society organisations that lobby members of the legislature as well as support provided by foreign aid organisations also contributes to the institutional development of these bodies.

These tentative findings were derived from four case studies of African legislatures conducted by the author and his collaborators in 2002—the National Assemblies in Benin, Ghana, Kenya and Senegal. The studies were conducted to assess how these legislatures functioned following the reintroduction of multiparty politics in the early 1990s,[3] and an alternation of government that had occurred in three of the four countries included in the study.[4] These conclusions, however, are at best hypotheses that require data from additional cases to confirm or reject. Though highly suggestive, the findings "explain" the emergence of the legislature in terms of too many variables given the small number of cases considered. Do these conclusions hold up upon examination of the legislative process elsewhere in the continent? And do they hold up in the context of South Africa, a country whose political history and demography is very different from the four cases considered in the initial study?

The South African National Assembly: Another Instance of South African Exceptionalism?

As is well-known to even casual observers, the structural context of South African politics is markedly different from the rest of Africa in two important respects. First, its politics remains a legacy of the Apartheid era when a government elected by roughly 11 percent of the population monopolised political and economic power. Since 1994 when a government dominated by the African National Congress (ANC) came to power on the basis of one person

---

[2] The study cited was conducted between March and August, 2002 with support from several departments at the World Bank including the Public Sector Reform Unit of the Africa Region, the Development Research Council, the World Bank Institute and the Poverty Reduction and Management unit. The conclusions reached by the researchers involved in this study do not represent the views of the World Bank, but only the authors.

[3] Senegal resumed a qualified form of multiparty politics in 1976 which limited the number of parties to three. This limitation was removed in 1980.

[4] Benin achieved an alternation of government in its first multiparty election held in 1991. In Ghana (2002) and Kenya (2002), alternation did not occur until the third multiparty election. In Senegal, the opposition won in the sixth multiparty election held in 2000.

one vote, *the* overriding political issue[5] has been "How to overcome the inequalities bequeathed by Apartheid while keeping the country on a prudent course of macroeconomic policy to increase economic growth?" While this question has faced other post-colonial regimes in Southern Africa, it is a salient issue in only four countries of the sub-continent.

Second, as the only industrial and urbanised society in Africa,[6] South Africa's politics does not resemble that of the agrarian societies to its north. South Africa is not a country whose peoples are mobilised politically on the basis of their local community of residence or ethnicity, but rather on the basis of race and class.[7] Patron-client structures are therefore not the dominant form of political organisation as they are elsewhere on the continent. Although clientelist relationships certainly exist in South Africa, the dominant form of political organisation are those normally associated with industrial and urban societies, i.e. political parties with clear programmatic agendas, and interest groups such as trade unions, professional and business organisations, etc. formed to address the economic concerns of their respective members. Although different political parties certainly draw their supporters from different types of communities and different neighborhoods—a clear reflection of residential patterns established during the Apartheid era—geography *per se* is not the principal basis of political cleavage. Whereas "left-right" politics is barely visible across the rest of the continent, it is very prevalent in South Africa.

However, one should not—as South African social scientists are prone to do—dwell excessively on these factors and assert that South Africa is an exception to the politics of the rest of the continent in most respects. Notwithstanding its unique history, South Africa is in the midst of its own transition from authoritarian to democratic rule. And like the other 43 countries of the continent that returned to some measure of *electoral* democracy during the 1990s, the South African National Assembly faces several challenges that are similar to the challenges faced by legislatures to the north. Several of the independent variables that appear to advance or retard the development of legislatures across Africa (or at least in our four initial cases), appear to have the same impact on the process in South Africa depending upon the ordinal values of these variables in the South African context. It is therefore instructive to consider the South African case of legislative development in comparison with

---

[5] Actually, a basket of overlapping sectoral issues, e.g. education, health, urban planning, land and agricultural policy, public works and infrastructure, trade and industry, macro-economic policy, etc. embracing nearly all aspects of South African life.

[6] Nearly 60 percent of South Africa's population is now classified as urban.

[7] Ethnicity has been, at times, the basis for political mobilisation as in Kwazulu Natal.

a sample of legislatures drawn from elsewhere on the continent *precisely because* the conditions in South Africa are so different. Examination of the South African case facilitates a comparison and a theoretical understanding of what drives the development of the legislatures, because it provides us with a greater range of variance with respect to each key independent variable that appears to drive the process.

Testing the Conventional Wisdom: A Rubber Stamp Legislature?

Few systematic studies exist of the South African National Assembly. In marked contrast to the South Africa's constitution and electoral system, the national legislature has attracted little scholarly attention. A major exception to this generalisation will be   Nijzink's forthcoming dissertation (Nijzink 2006). A review of the first five years of the National Assembly following the historic 1994 election was published by the Institute for Democracy in South Africa (IDASA) in 1999 (Calland 1999), and the Institute's Parliamentary Monitoring Group (PMG) continues to report the proceedings of the National Assembly and the National Council of Provinces, the upper house of Parliament.[8] Nijzink (2001) has discussed the role of the opposition in the National Assembly. Murray and Nijzink (2002) also examined the constitutional powers for both houses and for South Africa's provincial legislatures, while Nijzink and Piombo (2005) assess the performance of the National Assembly. However, none of these reports explain the quality of performance by the National Assembly in comparison with the performance of other legislatures in other emerging (and especially African) democracies.

The "conventional wisdom" among students of South African politics is that the National Assembly is a weak legislature and little more than a rubber stamp for the ruling ANC. Though it has all the formal accoutrements of a modern legislature—detailed rules of procedure, an extensive committee system, a professional staff, an elaborate physical infrastructure, etc., the Assembly cannot be regarded as an autonomous branch of government and certainly not an institution of countervailing power capable of checking the executive.

---

[8] The Parliamentary Monitoring Group is a project of IDASA, the Institute for Democracy in South Africa. Its purpose is to monitor the activities of parliament and all key committees by disseminating periodic reports to subscribers seeking to track the progress of pending legislation. See www.pmg.za

A cursory review of the Assembly and the political context within which it operates, leads many observers to this conclusion. Indeed, the combination of six factors or tendencies support this view.

(1) *South Africa is a one-party dominant political system*, and has been such since the country's transition to majority rule in 1994. The number of effective electoral and parliamentary, as calculated by the Laakso-Taagepera index is 1.97 (Laakso-Taagepera 1979). The ANC won 62.5 percent of the vote in 1994, 66.4 percent in 1999 and 69.7 percent in 2004. It currently holds 279 seats to 121 for the combined opposition. The opposition is also fragmented. In the most recent election, the largest opposition party, the Democratic Alliance (DA), won only 12.5 percent of the vote, and 50 seats or one eighth of all MPs. The remaining 71 seats were divided amongst ten parties. The domination by the ANC is compounded by the fact that the DA draws most of its support from white voters while the ANC, notwithstanding its commitment to non-racialism, is supported mainly by African South Africans. Put differently, there is no credible alternative to the ANC that draws significant support from South Africa's African population.

(2) *Members of the National Assembly are elected via the Droop method of list PR* which is implemented at two tiers. At the national level, 200 members are elected from competing national party lists, while at the provincial level, 200 are elected from a series of nine sets of competing provincial lists. The number of members elected from each province varies in relation to the percentage of South Africa's population living in the province. Voters thus cast a single ballot for the party of their choice, and do not have the option of indicating their candidate preference. The use of the "closed list" system means that leaders of all parties, and especially ANC leaders, control the rank order of their candidates on both the national and provincial lists. This in turn means that the leadership exercises considerable leverage over ANC MPs to be highly disciplined and "tow the line" when it comes to defending the party's positions in parliament.

Failure to accept party discipline may result in a lowering of one's position on the ANC's list at the next election, denial of renomination, or to one's immediate "redeployment" to another position deemed important by the party— i.e. sitting ANC MPs can be summarily dropped from parliament in the middle of their elected term.[9] While the number redeployed during any one parliamentary session is relatively small (five or less per year), the threat of redeployment is a weapon the leadership has not been reluctant to use. This is

---

[9] "Redeployment" can also mean a promotion out of the National Assembly to a cabinet position or other high position in government.

especially true since Thabo Mbeki became the party's leader and President of South Africa in 1999. The threat of redeployment has had its intended effect, particularly on those ANC MPs who have few opportunities for employment in the private sector at salaries approaching those they receive as MPs. MPs with limited formal education—usually African members who owe their seats to their involvement in the armed struggle against Apartheid—are particularly vulnerable. Highly educated MPs and professionals, a disproportionate number of whom are white, are less susceptible to this pressure.

(3) *The ANC is a highly centralised organisation where power has become increasingly concentrated in the hands of President Thabo Mbeki and the party leadership.* As president of the ANC, Mbeki chairs the party's highest two organs, the National Executive Committee, and the National Working Committee which makes day-to-day policy. The Working Committee thus sets the agenda for both the cabinet of the South African government of which Mbeki is also president, and the ruling party's agenda for parliament.

Although the ANC is historically a centralised organisation modeled on the soviet example, the ANC leadership was forced to grant considerable autonomy to local party cells and community groups during the 1980s when the fight against apartheid played out in South Africa's urban townships while the party's top leadership was in exile or jail. Nelson Mandela accepted such autonomy after becoming president of both the ANC and South Africa in 1994, but Mbeki reasserted central control following his ascension to the presidencies of both party and state in 1999. That said, it is important to appreciate that the ANC is very different from most political parties elsewhere in Africa. Unlike such parties it is *not* a patronage based organisation dominated by the head of government that comes to life solely at the time of national elections to mobilise rural voters. Instead, but like parties in industrial democracies, the ANC is a party with a clear ideology and programme. It is also a party that maintains a grassroots organisation between elections. Similarly, Thabo Mbeki is not a neo-patrimonial party leader in the manner of a Mobutu, Moi or Mugabe. Despite some scandals, most notably the recent allegations of bribery against former Deputy President Jacob Zuma, South Africa is relatively free of corruption. Most important, corruption and patronage are not the bases of its political control.[10] However, Mbeki's centralisation of power does mean that he clearly regards Parliament as a subordinate branch of government–both to the executive and to the highest organs of the ANC.

---

[10] Indeed, Mbeki made this very distinction by firing Zuma from his post as South Africa's deputy president in July 2005 along with 30 ANC MPs who supported his retention. Zuma, who was the leader of government business in the National Assembly, continues in his position of deputy president of the ANC.

With respect to the Parliament, this means that the ANC leadership expects that it is the decisions of the National Working Committee sitting in Pretoria, not Cape Town (where the National Assembly is located) that calls the shots in terms of setting the parliamentary agenda, determining which legislation shall be passed, etc. The Working Committee communicates this agenda via weekly meetings of the ANC Parliamentary Caucus that last up to three hours.[11] The Caucus is usually chaired by the Deputy President. Following initial announcements, selected ministers take turns discussing the issues to be addressed by legislation that they will introduce or which will be read for the second time during the following week. Party whips are present. Questions from the floor follow and the discussion is sometimes quite extensive, even spirited. But it is also clear who is in charge and what is expected of the rank and file. As one long-time participant described it to this author, "The process is democratic, but it is not 'bottom-up.'" He further observed that the relationship between ministers and the ANC rank and file, including chairs of portfolio committees is mixed. Some ministers develop a very cooperative and reciprocal relationship with committees and their chairs, while others are prone to dictate.

Other parties also caucus weekly thus emphasising the importance of party for the manner in which the National Assembly transacts its business. In addition, each party maintains a caucus or "study group" for each portfolio committee. Given the ANC's large majority, it is within the ANC committee study groups that the details of most legislation are trashed out. Committee meetings of the whole are open to the public including the press, but meetings of the study groups are not. ANC committee study groups are thus viewed by the executive and by the Working Committee as the arenas within which the will of the leadership is implemented. This means that while meetings of the entire committee exhibit considerable debate between parties, and while the same occurs on the floor of the National Assembly as a whole, the decision making process occurs largely behind closed doors—in the Working Committee, in the ANC parliamentary caucus, and in the ANC committee study groups prior to the meetings involving all parties. Not surprisingly, this frustrates some members of the opposition though others contend that much genuine business, i.e. the deliberation and crafting of legislation, is also conducted in the multiparty forums.

The Working Committee further asserts its authority by appointing the chairs and members of all portfolio committees in the National Assembly as well as

---

[11] The Parliamentary Caucus meets every Thursday and consists of all ANC members of both the National Assembly (the lower house) and the National Council of Provinces (NCOP). Over 300 members are usually present at the caucus.

the chairs of the Rules Committee, the Committee on Committees, the Speaker and the Deputy Speaker. The Working Committee is also the dominant voice in committee assignments though MPs are given opportunity to state their preferences. During the "first" parliament which sat from 1994 to 1999, committee assignments were based more on MP's preferences than they are today while committee chairs were elected by the members of the committee. The control of assignments and chairships by the Working Committee is perhaps the main indicator of increased control by the ANC leadership since Mbeki became president. Yet another indicator was the decision by the ANC following the 2004 elections to name the chair of the Standing Committee on Public Accounts (SCOPA), a position historically chaired by a member of the opposition.[12]

(4) *The nature of "the ANC project,"* and its impact on relations between the ANC and "the loyal opposition." The raison d'etre of the ANC, since its inception in 1911, has been to reverse 300 years of racial domination by South African whites over African and other non-white citizens. As enshrined in the *Freedom Charter* of 1955 and in subsequent documents since 1994,[13] the elimination of political, economic and social inequality between the members of different classes and racial groups, remains the guiding policy of the organisation fifty years hence. This in turn shapes the ANC's relations with other political parties, and how especially it judges and interacts with the Democratic Alliance, the largest opposition party and the "official opposition" in the National Assembly.

Given its formal commitment to a "democratic South Africa," the government and the ruling party have, with few lapses, scrupulously respected the rights of the opposition.[14] But there is a clear tension between respecting the formal rights of the opposition and engaging the opposition; or putting it more

---

[12] Notwithstanding the trend towards centralization, several MPs have served as chairs of their committees since the first parliament, e.g. Rob Davies of Trade and Industry.

[13] In the run-up to its assumption of power in 1994, the ANC published its policy of RDP, the Reconstruction and Development Programme, which was intended as the blueprint for realising the goals of the Freedom Charter within the context of the 1990s. However, the macro-economic realities facing South Africa meant that RDP was soon replaced by GEAR, the Growth, Employment and Redistribution programme, a less ambitious programme of poverty reduction consistent with the Washington consensus. Not surprisingly, there is much debate within the ANC as to whether GEAR is in fact consistent with the historic goals of the ANC.

[14] One such lapse was the decision by the ruling party to assume the chairship of SCOPA, the Standing Committee on Current Accounts, a committee that has historically, both in South Africa and across the Commonwealth, been chaired by a member of the largest opposition party.

accurately, letting the opposition engage the ANC.   In fact, there is a significant philosophical and social distance between the ANC and the Democratic Alliance that is unlikely to be bridged in the near term.   This leads the ANC to keep the DA at arms length and view the party with suspicion.   Why this approach?

The answer lies in both the ANC's "project" and the manner in which the DA approaches its work.   With respect to the first, the ANC is prepared to listen to and work with those opposition parties who accept the ANC's main agenda.   In other words, those parties that may oppose the ANC yet provide useful criticism regarding how to best achieve true equality in South Africa by reversing the legacies of apartheid, are treated with respect and engaged.   Conversely, those parties that are perceived as opposing the project itself, and who are intent on "scoring points" by opposing the ANC on nearly every issue and every piece of proposed legislation for the purpose of "keeping the government on its toes," are loathed

The relationship between government and opposition is also coloured by style and tradition.   On the one hand, the ANC regards itself as a "non-racial" party, one whose supporters are predominantly African in terms of race and culture, but a party that includes the members of all racial groups.   By contrast, it perceives the DA as not only a "white" party, but one that is mired excessively in the traditions of the British House of Commons in Westminster.   The preponderance of DA MPs are English-speaking whites, and the style of many and especially the party leader, Tony Leon, is regarded as unnecessarily argumentative for argument sake, i.e. that the DA emphasises debate over substance and thus does not contribute to better legislation or, by extension, to a "better South Africa."

The ANC's relationship with other opposition parties is arguably more cordial. ANC MPs frequently remark that much to their initial surprise, they get on well with Afrikaans-speaking whites, regardless of their party and including those who are members of the Democratic Alliance.   The reason given is that Afrikaans-speaking politicians understand "the ANC's project", because they once pursued a similar project on behalf of their community—the use of state power to uplift a subordinate group.

(5) *The Role of the Speaker in the evolution of the National Assembly.*   A key individual in the development of the National Assembly during the first ten years of the post-Apartheid era was the Speaker, Frene Ginwala who served in that capacity from 1994 to 2004.   Regarded by many MPs as somewhat

imperious and autocratic,[15] she was also highly respected for the commitment and professionalism she brought to the operations of the Assembly. Having served as the head of the ANC's policy research office, Ginwala's charge following the 1994 elections was to "make the Assembly work" in a manner that reflected the political transition. This meant that on the one hand, she had to take control of an operation and staff (largely Afrikaaner) inherited from the Apartheid era; orient more than 300 MPs who had not previously served in any legislature[16]; coordinate with ANC Working Group, and coordinate committee chairs and with leaders of the opposition; and most importantly, pass an unusually large volume of legislation required to restructure the legal framework bequeathed by Apartheid.[17] At the same time, the Assembly had to change into a more representative and popular body reflecting the sea-change in the political system. This meant that during the second parliament (1999 to 2004), and especially in respect to oversight matters, committees were often kept on a tight leash which was resented by some committee chairs. While regarded as "nurturing" by some ANC MPs in terms of helping them learn the skills of being a legislator, she was also regarded as an over-demanding task master who could have presided with a lighter hand and less controlling manner.

(6) *The political culture of the ANC*. ANC MPs emphasise the unique political culture of their party and its impact on the way the party governs including its approach to parliamentary practice. Several considerations are relevant here. The first, as its name implies, is that the ANC is a Congress and hence a "big and diverse tent." Though it draws the preponderance of its supporters from the African population, it has never waivered from its commitment to non-racialism, and includes a significant non-African minority, i.e. whites, Coloureds and Asians, within its leadership ranks. It is simultaneously the party of urban workers, intellectuals, non-white professionals, and the rural poor. It is also a party that operates in close association with the South African

---

[15] In the words of one long-time ANC MP, "While I have no doubt that the Speaker is committed to democracy, the problem is that she has difficulty getting round to being a democrat."

[16] The National Assembly elected in 1994 included several dozen white and coloured MPs who had previously served in one of the three chambers of parliament that existed prior to the end of Apartheid, including members of the National Party and the Democratic Party, the predecessor to the DA.

[17] While the most onerous Apartheid laws such as the Race Classification Act, the Group Areas Act and the Suppression of Communism Act were all repealed in 1991, much of the technical legislation that buttressed the Apartheid state remained. This was especially true in respect to legislation pertaining to labour and social welfare legislation, and to the structure and operations of local government. The justice system also had to be completely overhauled.

Communist Party (SACP) and the Congress of South African Trades Unions (COSATU). Most fundamentally, and given its long-term objectives, many ANC leaders still regard the party as a "liberation movement" whose goal is to transform society rather than to govern society towards a more narrow set of policy goals.

The tensions between key constituencies within the ANC are well-known, and a perennial question in South Africa is "How long will the movement remain intact?" Precisely because it is "a big tent", its members cannot be expected to forever march in lockstep with the leadership or with each other. Thus, while the value of "democratic centralism" is still very much alive amongst ANC cadres, and while the practice of "redeployment" is accepted as a strategy for maintaining party discipline and utilising the individual talents of its diverse membership, there is also strong sentiment among many MPs that the leadership should loosen the reins. Within the National Assembly, this sentiment is articulated most frequently by younger MPs, i.e. those in their thirties, by those who are better educated, and by a few "old timers" who express the view that centralised control has been taken too far, because it is no longer necessary for the ANC to pursue its agenda. This in turn produces both a loyalty to the leadership and an internal dynamic of debate that shapes the party's approach in the National Assembly.

More Than a Rubber Stamp?

The picture presented above appears to confirm unambiguously the conventional wisdom that the National Assembly is a rubber stamp of the ruling party, and therefore not an autonomous body. The reality, is both more complex, and more hopeful if indeed an autonomous legislature is a hallmark of liberal democracy. The case for autonomy can be summarised in terms of *five* arguments.

(1) *The National Assembly is an active body that amends most legislation.* Between 75 and 80 percent of legislation introduced by executive is amended, often significantly, before the legislation becomes law.[18] This is particularly true of "major" legislation, i.e. legislation that involves major changes in government policy and/or includes controversial proposals. Although the executive introduces all but a handful of bills, and private members' bills rarely

---

[18] This estimate was provided by the senior unit staff member for managing legislation and procedures at the National Assembly.

become law, the final text of most legislation is crafted by the legislature.[19] Bills are first introduced in the National Assembly by the cabinet minister responsible for the policy in question. This is the "first reading" of the bill after which it is referred to the appropriate portfolio committee for review and amendment. Bills reported out of committee for the "second reading" before the Assembly as a whole are considered ready for passage, and if passed are forwarded to the upper house, the National Council of Provinces (NCOP), for its assent. Some bills are referred back to committee for further amendment before a formal vote, including amendments desired by the minister. In contrast to other Commonwealth legislatures there are only two official readings, or considerations of each bill.[20] The process, however, is anything but swift as legislation often takes up to two years to be refined before final passage.

During the "first parliament" following the assumption to power by the ANC in 1994, the National Assembly passed 494 bills—an unusually high volume driven by the party's desire to reverse or amend most legislation (and thus the legal framework of South Africa) passed during the Apartheid era. The volume dropped significantly during the "second parliament" which sat between 1999 and 2004 when the Assembly passed roughly 313 pieces of legislation. The volume is expected to drop still further during the current parliament elected in 2004. Nevertheless, the sheer volume of legislation considered by the Assembly coupled with the high percentage amended suggests that the National Assembly is a very active body compared to most other legislatures in Africa, and, for that matter, when compared to the legislatures of many established democracies. Short of coding each piece of legislation introduced to the Assembly to specify the extent and nature of the amendments to each bill (an effort beyond the scope of this study), it is impossible to quantify with greater precision, the actual "autonomy" and "power" of the National Assembly. Many amendments were no doubt "minor" especially with respect to the overall policy of the legislation considered. The Assembly did not reverse or significantly alter the thrust of the legislation intended by the ANC leadership. The impact of the Assembly, however, was still impressive.

---

[19] Roughly a half-dozen private members' bills are introduced each year. Half are introduced by the opposition parties, particularly the DA while the remainder are introduced by ANC MPs. Of the latter, most are introduced on behalf of the ANC caucus for a particular parliamentary committee as a mechanism for expediting the introduction of legislation that would otherwise be introduced by the relevant minister. Such bills are introduced with the knowledge and support of the ANC's Working Committee and parliamentary caucus.

[20] Legislation forwarded to the National Council of Provinces must be passed in identical form or reconciled with the version passed by the National Assembly if amendments are made—in which case there is the equivalent of a "third reading" when both houses meet together to pass the final bill.

(2) *A system of portfolio committees of varying capacity.* Modern and autonomous legislatures that impact on the policy-making process are invariably legislatures with a well developed system of portfolio or ministerial committees—committees that shadow the ministries, departments and agencies (MDAs) that comprise the executive branch of government. A feature of weak legislatures is that the committee system is either non-existent or lacks any genuine capacity to participate in the crafting of legislation or oversight of the executive. By contrast, a hallmark of autonomous legislatures is that their system of portfolio committees has developed an institutionalised capacity for performing these functions. Emerging legislatures in fledgling democracies fall somewhere in between—their committee systems are not fully established, but they have developed some observable capacity to contribute to the legislative process. Although the committee system may still be at an early stage of development, the trendlines are clear. South Africa falls within this middle category in a pattern that is very similar to emerging legislatures elsewhere on the continent.

The South African National Assembly has 25 portfolio committees plus several standing committees including the Rules Committee, the Committee on Committees and the Standing Committee on Public Accounts (SCOPA). Most committees have roughly 20 to 25 members of which 15 to 18 are ANC MPs. Given its large majority, ANC MPs serve on only one committee while MPs of the Democratic Alliance usually serve on two in order to make their presence felt on all committees. MPs from smaller parties, however, must pick and choose, and not all parties are represented on all.

What does this "capacity" at the committee level consist of? At its most basic level, capacity consists of a "critical mass" of a committee's membership that is capable of participating fully in the committee's work. This means they understand the issues addressed in the legislation under consideration, they have developed at least a layman's expertise on these issues, and they are sufficiently motivated that they devote the expected amount of time to committee work (e.g. they attend all or nearly all committee meetings, they prepare for such meetings by reading all documents to be considered, they make an effort to learn about the general policy area and major issues that fall within the committee's responsibility, etc.). Interviews with more than two dozen MPs, including members of the opposition, the chairs of six committees, and the outgoing Speaker, suggest that a "critical mass" for a typical committee is from between one third and one half of its members. Yet when asked how many committees have such a membership, the answer was consistently "only between one quarter and one third", i.e. between six to eight of the portfolio committees. Indeed, there was little variance in the assessment of the committee system.

Up to one third of the committees were deemed as doing "an effective" or "very good" job, one third were rated as average, and a third were rated as "not effective" or "below average." There was also a general agreement that a major challenge for the National Assembly was to increase the proportion of committees that could be rated as "effective" by upgrading and training their members. This may be easier said than done, because a large number of ANC MPs, perhaps as many as 200 or 220 are individuals of limited educational background and/or professional experience. These are individuals who gained their seats in parliament on the basis of their historical commitment to the ANC, especially during the armed struggle prior to 1994. Indeed, the proportion of ANC MPs with professional experience was arguably less in the second parliament than in the first as a result of a high turnover of MPs following the 1999 elections.[21]

Committees that are regarded of having developed "capacity" also share the following characteristics. First, the committee is invariably chaired by a highly motivated and knowledgeable MP who is intent that his or her committee performs its expected role. In most, albeit not all cases, such chairs have a professional knowledge of the subject matter of the committee, or they have committed themselves to learning the policy area of their committees in detail. Second, the chair is surrounded by between a half dozen to a dozen committee members who share his or her interest in the committee's work. Such members are more than likely to also have a professional or personal interest in the policy area of the committee. Whether or not a critical mass exists in a particular committee is also a function of the chair's ability to motivate his colleagues, and some are clearly more skilled at rallying the troops than others.

Third, the committee has succeeded in recruiting a small staff, often no more than one or two individuals, who are knowledgeable about the subject matter before the committee and/or who can facilitate the administration of the committee. This includes, among other skills, the ability to reach out and consult with (and manage) key interest groups that weigh in on most legislation. Fourth, the committee has an adequate budget that enables it to recruit specialised staff and to pursue such investigations as it deems appropriate and necessary for fulfilling its role, e.g. it has a travel budget. Fifth, committees have assigned space where they can regularly meet as well as office space for its staff. Sixth, and perhaps most important, the committees is respected by other

---

[21] A significant number of MPs with high or relatively high education and experience left parliament. A large proportion of those that left were in fact promoted to senior governmental positions. Others left because they decided to seek more remunerative or interesting employment in the private sector. A few others were also dropped from the ANC list. Whatever the reason, the quality of the present ANC membership is regarded by many observers as less than it was during the first parliament.

legislators, by the presiding officers of the National Assembly, by the ANC's leadership, and by organisations outside legislature that are concerned with the same area of public policy. This results in the committee being lobbied periodically by these outside organisations, because they have concluded that the "committee matters." Committees that exhibit these features in the National Assembly are also committees that from time to time may develop tensions with the ANC leaderhip including the cabinet minister whose ministry the committee shadows. When the minister and the portfolio committee disagree, especially when the committee chair does not support the minister's perspective, there are tensions.

Another factor that determines the quality and capacity of committees is the volume of important legislation directed to the committee. Committees such as Justice, Finance, Trade and Industry, Local Government, Transport and Social Development (and sometimes Health) are consistently rated as among the best in part because they dealt effectively with a large flow of legislation dropped in their laps by the executive. This volume meant that the ANC assigned some of its most talented MPs to chair these committees, a critical factor in the development of the committees themselves. Put differently, some committees have failed to develop significant capacity, because they have not had to—they could "coast" while others could not.

Finally, it is important to note that because the most talented committee chairs are individuals with higher than average education and professional background, that a disproportionate number of committees deemed "effective" are those chaired by white members of the ANC, or members of other racial minorities. Six of the seven committees mentioned in the previous paragraph fall within this category. Not surprisingly, this situation generates its own tensions within the the ranks of the ruling party though these tensions are rarely acknowledged in public.[22]

(3) *The legislature functions within a pluralistic society that has given rise to a well- organised civil society.* If there is one aspect of South Africa's "exceptionalism" that *is* significant for the autonomy of its legislature, it is the fact that the country is a highly urbanised and informed society with a much larger civil society than most African countries. Civil society across Africa is overwhelmingly an urban phenomena organised mainly by professionals though in some countries (as in South Africa) labor unions are an important component. Indeed, a major constraint on the democratisation of many African

---

[22] However, privately, several of the MPs interviewed by this author candidly noted that this is a problem, though they were also quick to acknowledge that those who held the chairships of key committees certainly deserved their posts.

countries is that their civil society is weak to non-existent outside the major cities. South Africa does not suffer from the problem. In fact, one aspect of South Africa's civil society that is matched by only a few other African countries is that there are many civil society organisations that seek to lobby government about relatively narrow economic issues with which they are concerned. For example, in 2004, the national association of pharmacy proprietors, were very vocal in their opposition to a government bill that sought to regulate the prices pharmacies could charge for prescription drugs.

There are several hundred such organisations which weigh in on legislation addressed to their primary interests by contacting the appropriate portfolio committee. Portfolio committees have become a sounding board for civil society with the result that the most proactive committees are those that seek to preempt criticism by inviting representatives of these organisations to testify before these committees. Such consultation in turn limits the degrees of freedom open to the executive on any one piece of proposed legislation. Put differently, the chairs and active members of the most effective committees know that part of their duty is to canvass relevant civil society organisations *before* writing the final version of a bill. Such consultation might be viewed by some as a powerful constraint on the National Assembly, but the real constraint created by these organisations is on the executive because it is via the deliberations of the legislature that bills that displease civil society are modified and adjusted to balance the desires of the government with the concerns of those most affected by the proposed legislation. One should hasten to add that the relations between civil society and government is not necessarily adversarial. This is because the most effective ANC chairs reach out to organisations with large African memberships and/or a presence in the townships or rural areas in order to balance lobbying by wealthier groups that are often fronts for established and white business interests. Civil society thus strengthens the role of parliament vis-à-vis the executive, and because South Africa is a large and pluralistic society, the contribution of civil society to the development of the legislature is greater than in most states to the north.

(4) *There is a free press that covers parliament* closely and informs the citizenry. Although some observers argue that the South African press is less provocative today than during the final years of the Apartheid era, and that the press has been "dumbed down" like the media worldwide, the South African press is pretty much free to print what it wants—and does. Though it is attracted to the sensational, e.g. the Arms Deal scandal of 1999-2000, it covers the major stories emanating from the National Assembly, e.g. the changes of key personal such as the presiding officers and chairs of the most important committees, the progress of controversial legislation, the investigations by the Standing Committee on Public Accounts.

The press corps assigned to cover parliament numbers approximately 45. Senior members contend that although meetings of the portfolio committees are open to the public, that the Assembly has become a more "opaque" institution since 1999. They state that during the first parliament (1994-1999), relations between the press and key committee chairs were more informal than it is today. The press also had greater access. Two reasons are given. The first is that under Thabo Mbeki, the ANC is less forthcoming to the press than under Mandela—there is a studied coolness towards the press, and younger African journalists are subject to quiet pressures to not be too aggressive in their questions and investigations.[23] The second is the departure from parliament of committee chairs and other "stars" who got on well with the press. Still, the press is a force to be reckoned with. And given that its coverage of parliament informs civil society, it contributes to the mobilisation of those organisations that seek to hold the National Assembly to account. Conversely, when the press is highly critical of the performance of the National Assembly, as it was over the ANC's handling of the controversial arms deal in 1999 (and especially the party's reining in of SCOPA), the press probably undermines public confidence in the institution. The long-term impact of the press on the evolution of the National Assembly is hard to estimate though the relationship is certainly more open today than it was before 1994.

(5) *A high level of financial and other resources.* A major finding from earlier work on both African legislatures (Barkan *et. al.* 2004) and the development of legislatures in other countries, including the United States (Squire 1992 and 2005), is that resources count. Legislatures that cannot acquire or otherwise generate adequate resources to support their members and their operations are unlikely to become autonomous and powerful bodies. The level of salaries is especially important, particularly where MPs, are elected from single member districts and thus confronted by a series of incentives to devote more time to constituency service than to the collective functions of the legislature. While that pressure does not exist in South Africa to the extent elsewhere in Africa, salaries and other personal emoluments as well as staff and physical infrastructure together form a critical package of resources without which the legislature is likely to develop. That said, resources alone, do not make a legislature.

Both the National Assembly and the National Council of Provinces are well endowed compared to most African legislatures. Only in Kenya does an African legislature provide resources for its members on a level that that approaches that of South Africa. MPs are well endowed in three important

---

[23] Mbeki himself appears before the National Assembly for questions only quarterly whereas Mandela is reported to have done so monthly.

respects.   First, MPs receive a basic salary of R30,000 or per month.   This translates to a monthly take-home pay after taxes and other deductions of $3,000.   In addition, MPs receive health and pension benefits, a daily per diem while parliament is sitting in Cape Town, and travel allowances, including airfares, back to their places of residence when parliament is in recess.

Second, *all* MPs are provided with a personal assistant, as well as a private office with internet access.   Indeed, the physical complex of buildings for both houses of parliament is impressive by any standard. In addition to the chambers for each house and individual offices, there are meeting rooms for parliamentary committees, larger offices for the presiding officers, office space for staff, plus an attractive visitors centre.   The entire complex is IT friendly and dotted with flat screen TVs announcing scheduled committee meetings and other events or broadcasting the proceedings of the house.   Banners outside the main parliamentary buildings trumpet the role of parliament in South Africa's democracy.   The surrounding grounds are impeccably kept—a quiet city park adjacent to the centre of Cape Town's business district.   Apart from supporting MPs, the maintenance of these facilities projects an image of parliament to the public that is arguably "more important" than what it is in terms of its actual political impact.   Put differently, "the rhetorical image" exceeds its "political clout" while at the same time nurturing clout.

Third, beginning in the second parliament, MPs have been provided R5,000 ($780) a month to support constituency service work.   Although MPs are elected via PR with the result that there are no formal parliamentary constituencies in South Africa, the ANC initiated a practice of defining geographic constituencies for each of its members and assigning MPs to these areas.   ANC MPs are expected to visit their "constituencies" whenever parliament is in recess, hold public meetings, meet with individual constituents to help them with their problems (e.g. obtaining pension payments), and to hire and keep in frequent contact with a personal representative in the constituency when they are not there.   ANC MPs are also graded on constituency work, a rating that is supposed to be considered when determining their position on the party's list when seeking reelection.   Constituency allowances are paid to each party based on their number of MPs and not directly to the MPs themselves. Smaller parties not only receive far less, but have far fewer MPs to cover all of South Africa.   As a result, only the DA and IFP maintain serious constituency efforts.

The overall impact of constituency work is difficult to assess and beyond the scope of this study.   Interviews with ANC members, however, suggest that the party views this as an important aspect of each MPs job, and that such work enables the party to better understand the particular needs of different types of

communities and economic interests.   For example, one informant cited how his regular visits to a canning factory in his "constituency" taught him how pending legislation on labour relations would play out in that facility, the largest employer in that area.   Notwithstanding this support, Mattes reports that compared to African countries that elect their legislatures via single member district systems, the percentage of South Africans that have ever met their MP is among the lowest, approximately .2 percent (Mattes 2002).

In addition to the support provided to individual MPs, Parliament has an extensive and qualified staff to facilitate the operations of both the National Assembly and the National Council of Provinces.   Several key members, including the Secretary to the National Assembly, and the unit manager of legislation and procedures are holdovers from the Apartheid era.   These officials, both of whom are Afrikaaners, reported that Parliament is a far livelier and important institution than it was prior to 1994 when the executive kept the legislature on a tight leash and the committee system was very weak.   By contrast there are now approximately 90 staff assigned to facilitate the work of the committees alone.   A major constraint, however, is the absence of specialised staff who can provide either individual MPs or the portfolio committees with adequate research support.   Committee chairs were particularly vocal on the need for better research support even though Parliament staffs a unit for this purpose.   One explanation for this seeming contradiction is political—committee chairs and the leaders of the opposition parties desire control over research done on their behalf.   They want staff dedicated to their needs and their committees rather than sharing a pool of researchers with other committees and the MPs of other parties.   The ANC tends to rely more on its party headquarters in Johannesburg for policy research, while the DA hires its own research assistants. Neither regards present practice as satisfactory. MPs of both parties suggest that research staff should be assigned to committees as a way of providing more specialised expertise.

Conclusions

This review of the South African National Assembly ten years after the end of Apartheid presents a mixed yet fascinating picture of the evolution of this legislative body. This in turn provides additional comparative experience from which to understand the development of emerging legislatures in emerging "Third-Wave" democracies generally, and particularly in Africa.   We can summarise these as follows.

First, in respect of our initial question of whether the National Assembly is a rubber stamp or an autonomous and significant body, the answer is ambiguous.

It is like the proverbial glass of water that is either "half-full" or "half-empty" depending on one's perspective. Because it is nearly impossible to quantify or otherwise measure the degree of legislative autonomy or power, we are left to rely on "thick description" that suggests the National Assembly falls somewhere in between. One might also ask whether the South African National Assembly would have produced different outcomes in its first ten years as a popularly elected body had procedures that would have granted the legislature greater autonomy been in place? To this, the answer is most likely "no."

For example, had Thabo Mbeki with his inclination towards centralisation and control not become president of the ANC and of South Africa, would the legislative output of the National Assembly been significantly different? The answer is clearly "no." While there may have been greater initiative taken by the Assembly itself, the nature of the legislation passed and the overall thrust of that legislation—to overturn the legal framework inherited from the Apartheid era—would have been the same. Moreover, the volume of legislation passed was greatest during the first parliament (1994-1999) when Mbeki was not president.

Would the committee system have functioned differently? Here too, the answer is probably "no." Committee chairs may have had more autonomy and been elected by committee members, and there would have been fewer constraints imposed by the Speaker, but the overall functioning of the committee system in terms of legislative would have been arguably the same with respect to its content. Moreover, had the Speaker not been in charge, it is quite possible that the Assembly would have performed less well than it actually did. And despite her controlling tendencies, and those of the Working Committee, the fact remains that debate within the portfolio committees and within the ANC study groups is often intense as a true bargaining amongst MPs and between committee members and the responsible minister responsible occurs in these groups.

If the National Assembly has a major weakness, it is in its capacity and modalities for performing its oversight role. It is still feeling its way, especially in the wake of the reigning in of SCOPA's investigation of the Arms Deal in 1999-2000.[24] Many ANC MPs felt burned and/or intimidated by that exercise

---

[24] The Arms Deal was the biggest scandal involving allegations of corruption since the ANC took power in 1994. The allegations focused on the Minister of Defense who supposedly received kickbacks for contracts to a German supplier of corvettes to the South African Navy and aircraft by a British aerospace firm. At the recommendation of the Auditor General, SCOPA aggressively pursued the matter only to be shut down by the ANC Working Group with the assistance of the Speaker and the ANC Chief Whip. The leading ANC member of the Committee was forced to drop off the committee and eventually left the National

while opposition MPs regard it as an unambiguous failure of the National Assembly to fulfill its constitutional role. The former Speaker also acknowledged that the handling of this particular inquiry had complicated if not compromised the Assembly's capacity in this area. Several key ANC chairs also expressed the view that now that most of the ANC's legislative programme has been translated into law, there is a need for the National Assembly to expand its oversight role. One might add that given the dominance of the ANC, and the fact that it is now into its second decade in power (with the likely tendencies towards corruption that occurs when one party is in power for a long time), the need for are more systematic and expanded effort at oversight is manifest. It is also clear that neither SCOPA or the individual portfolio committees will become more proactive in this task unless given the green light by the Working Committee. The same can be said in the role of the National Assembly in approving major appoints made by the executive such as the appointment of ministers, judges, heads of state-owned corporations, commissions of inquiry etc. So long as the President has the unfettered authority to make such appointments on his own, the power of the legislature is diminished.

Fulfilling its oversight role also involves the capacity and opportunity of the National Assembly to question executive policies. The Government of South Africa's policy on HIV/AIDS is perhaps the biggest and most controversial issue in this regard. Many ANC MPs are extremely disappointed with the government's approach, and indeed have said so within the study group for the portfolio committee on health. Here again, if the ruling party is determined to clamp down on or contain "dissent", it is in a position to do so.

By all accounts the National Assembly is also a marginal player with respect to the budgetary process. While the Finance Committee is highly respected, it does not impact on the budget because the executive is firm in its pursuit of prudent macro-economic policy, and thus insists on maintaining the Commonwealth tradition that the executive alone sets the budget. While one sign of an independent legislature is its ability to both set its own budget and reallocate the budget prepared by the Ministry of Finance, such independence is unlikely to occur in South Africa anytime soon. This is in marked contrast to Kenya and Uganda where the legislature has established a parliamentary budget office for this purpose, and in Ghana and Tanzania where the idea of establishing such an office is gaining support among members of the backbench.

Assembly. The case is regarded as a major failure on the part of the ANC to respect the work of the Assembly.

22

A final observation about the autonomy of the National Assembly regards the composition of the Assembly itself, especially the ANC's delegation. When discussing the work of the Assembly with the chairs of the most successful committees, all of whom are ANC, it is clear that one of the greatest constraints in raising the capacity and effectiveness of the Assembly is the quality of the ruling party's MPs. After all, more than two-thirds of the membership are ANC. Not surprisingly, interviews with leading opposition MPs confirmed this assessment. The diversity of the ANC parliamentary caucus has already been discussed, and in this regard the basic dilemma is as follows. While the ANC is a non-racial party it is also the party of the majority and thus of the African population of South Africa. It's most educated and experienced MPs, however, are either white or members of Africa's other minorities. The leadership of the party in the Assembly, the group that carries the load are disproportionately non-African. This situation exists not only because African ANC MPs are generally of lower professional backgrounds, but also because the best African MPs have been creamed off and promoted to positions in the executive—to become ministers or deputy ministers. Still others have left for the private sector to take advantage of the many opportunities that were previously non-existent. What remains for parliament is decidedly the "second team." "Black empowerment" at a societal level may have resulted in a measure of relative disempowerment within the National Assembly.

A challenge to both the Assembly and to the ANC is to therefore recruit university educated and talented Africans to become MPs. This would be a highly controversial and sensitive move for the ANC leadership, because it will require their assigning lower rankings to some sitting MPs when setting the party's list prior to the next election, or dropping some entirely. This will be very difficult given the historical loyalties and the contributions of some in this group who sacrificed greatly during the fight against the former Apartheid regime. But there departure is inevitable—either by design or by attrition. So long as the Assembly remains a one-party dominant legislature, the greatest prospect for raising the capacity of the Assembly lies with the evolution of the ANC cadre in the legislature. It is something that the party leadership may or may not want to hasten. Indeed, the present situation gives them greater control. The level of turnover between the first and the second parliaments and between the second and the third have been high—between one third and one half of all members. High turnover generally retards the development of legislatures, but in this context the reverse may be true.

Looking forward to subsequent parliaments five to fifteen years in the future, we can also conclude that the capacity and autonomy of the National Assembly is likely to rise, albeit incrementally, over time for two reasons. First, the pool of potential African MPs with high or relatively high educational

backgrounds—for the ANC and for the opposition—will surely rise. Indeed, it is already happening. Second, at some point a credible opposition party to the ANC will emerge that will reduce the dominance of the ANC or displace the party as the ruling party. Once parity or near parity is achieved between the parties, it is very likely that the Assembly will become a more open, and less controlled branch of government—a pattern already apparent in other African countries (e.g. Ghana, Kenya).

Similarities with the Rest of Africa and Beyond

Returning briefly to the seven factors that have contributed to the development of the legislature elsewhere in Africa, we find that notwithstanding the very different societal and political context within which the National Assembly functions, none of the explanatory variables relevant for the development of other African legislatures are questioned here. On the contrary, the findings drawn from the South African case are consistent with those drawn from our previous case studies. Put differently, if one holds the unique features of the South African example constant, the factors present in the other countries are present here as well. Conversely, to the extent that the South African case provides a very different value for a key independent variable than those found in other countries, the results are in the expected direction.

We therefore find (1) that the absence of the pressures of patron-client politics present in most other African countries coupled with the PR electoral system, means that MPs are not diverted from performing the collective functions of the legislature by spending excessive amounts of time on constituency service. (2) The provisions of the South African constitution and Procedures of the National Assembly are not unusually restrictive or permissive with respect to the scope of the legislature when compared to the legislature elsewhere. (3 and 4) The high level of resources available to the National Assembly, in the form of the level of MP salaries, and the level of collective resources (staff and infrastructure) contribute to the capacity of the institution. Conversely, (5) the absence of parity between government and opposition in combination with (6) South Africa's form of electoral system, contributes to the subordination of the National Assembly to the leadership of the ruling party.

Where the National Assembly falls with respect to (7), the presence or absence of a coalition of reformers and/or opportunists seeking to expand the power of the legislature is less clear. A core group of "reformers" certainly exists, but consists of two distinctly different groups of MPs. One group, consisting almost totally of ANC proactive MPs certainly consider their mission as one of reform, but the meaning of reform is largely limited to translating the "ANC's

project" into law and reality. This group is itself divided between the chairs of the most active committees and their active rank and file, and the presiding officers of the Assembly, i.e. the Speaker and Deputy Speaker, Chief ANC whip, etc. The former is probably more inclined than the latter to expanding the power of the legislature, particularly with respect the Assembly's capacity for effective oversight of the executive branch because effective oversight is a mechanism to insure the implementation of legislation passed. This group is also more likely to decentralise power within the Assembly to the portfolio committees. Conversely, the inclinations of the presiding officers are to focus more on the passage of laws than on oversight, and less likely to challenge the executive.

A second and smaller group of "reformers" are those activists within the opposition who believe that accountable government and the future of South African democracy require a more powerful legislature. Their perspective of the executive is inherently adversarial, and they seek to check its power. In sum, and as true elsewhere, e.g. Kenya and Ghana, the evolution of the legislature into an institution with the potential for exercising countervailing power will most likely occur when there is a coalition for such that bridges the divide between the ruling and opposition parties. That coalition has yet to emerge in South Africa as a cohesive group. The basic elements are there, but when such a group comes together, it will be a function of the realignment of South Africa's political parties, the outcomes of future elections, and thus the changing composition of Parliament itself.

References

Barkan, Joel D., with Ladipo Ademolekun, Yongmei Zhou, Mouftayou Laleye and Njuguna Ng'ethe (2004), "Emerging Legislatures: Institutions of Horizontal Accountability" in Brian David Levy and Sahr Kpundeh (eds.), *Governance and Public Sector Management in Africa.* Washington: The World Bank. pp. 211-56.

Calland, Richard, ed. (1999). *The First 5 Years: A Review of South Africa's Democratic Parliament.* Cape Town: IDASA.

Carothers, Thomas (2002), "The End of the Transition Paradigm," *Journal of Democracy.* 13(1): 5-21.

Joseph, Richard (1998), "Africa, 1990-97: From Abeatura to Closure," *Journal of Democracy.* 9(2): 3-18.

Karl, Terry (1989), "Imposing Consent, Electoralism and Democratization in El Salvador," University of California, San Diego.

Laakso, Markku and Rein Taagepera (1979). "Effective' Number of Parties: A Measure with Application to Western Europe," *Comparative Political Studies* 12: 3-27 (April).

Mattes, Robert (2002), "South Africa: Democracy Without People," *Journal of Democracy*, 13(1): 22-36 (January).

Murray, Christina and Lia Njizink (2002), *Building Representative Democracy: South Africa's Legislatures and the Constitution.* Cape Town: Parliamentary Support Program.

Njizink, Lia (2006 forthcoming), *Institutional Development in Emerging Democracies: The Case of South Africa's National Assembly.* Ph.D. Dissertation, University of Stellenbosch.

Nijzink, Lia (2001), "Opposition in the New South African Parliament," in Roger Southall, ed., *Opposition and Democracy in South Africa* (London: Frank Cass), pp. 53-68.

Nijzink, Lia and Jessica Piombo (2005). "Parliament and the Electoral System: How Are South Africans Being Represented?" in *Electoral Politics in South Africa* ed. by Lia Nijzink and Jessica Piombo. New York: Palgrave, St. Martins Press.

Ottaway, Marina (2003), *Democracy Challenged: The rise of Semi-Authoritarianism.* Washington: Carnegie Endowment for International Peace.

South Africa, Parliament of the Republic of (2004), *National Assembly Guide to Procedure 2004.* Cape Town: Creda Communications.

Squire, Peverill (1992), "The Theory of Legislative Institutionalization and the California Assembly," *Journal of Politics* 54(4): 1026-54.

Squire, Peverill and Keith Hamm (2005) *101 Chambers: Congress State Legislatures and the Future of Legislative Studies*. Columbus. Ohio State University Press.

Zakaria, Fareed (1997), "The Rise of Il-liberal Democracy," *Foreign Affairs.* 76(6): 22-43, November-December.

The Centre for Social Science Research
Working Paper Series

RECENT TITLES

Seekings, J. 2005. *The Colour of Desert: Race, Class and Distributive Justice in Post-Apartheid South Africa.* CSSR Working Paper no. 126.

Meintjes, H. Bray, R. 2005. *'But where are our moral heroes?': An analysis of South African press reporting on children affected by HIV/AIDS.* CSSR Working Paper no. 127. (A Joint Working Paper of the Children's Institute and the Centre for Social Science Research).

Mattes, R. and Shin, D. 2005. *The democratic impact of cultural values in Africa and Asia: The cases of South Korea and South Africa.* CSSR Working Paper no. 128.

Klasen, S. Woolard, I. 2005. *Surviving unemployment without state support: Unemployment and household formation in South Africa.* CSSR Working Paper no. 129.

Collins, D. 2005. *Financial instruments of the poor: Initial findings from the Financial Diaries study.* CSSR Working Paper no. 130.

Cichello, P. 2005. *Hindrances to Self-employment Activity: Evidence from the 2000 Khayelitsha/Mitchell's Plain Survey.* CSSR Working Paper no. 131.

Wittenberg, M. 2005. *Testing for a common latent variable in a linear regression: Or how to "fix" a bad variable by adding multiple proxies for it.* CSSR Working Paper no. 132.

Burger, R. and Woolard, I. 2005. *The State of the Labour Market in South Africa after the First Decade of Democracy.* CSSR Working Paper no. 133.

The Centre for Social Science Research

The CSSR is an umbrella organisation comprising five units:

The **AIDS and Society Research Unit** (ASRU) supports innovative research into the social dimensions of AIDS in South Africa. Special emphasis is placed on exploring the interface between qualitative and quantitative research. By forging creative links between academic research and outreach activities, we hope to improve our understanding of the relationship between AIDS and society and to make a difference to those living with AIDS. Focus areas include: AIDS-stigma, sexual relationships in the age of AIDS, the social and economic factors influencing disclosure (of HIV-status to others), the interface between traditional medicine and biomedicine, and the impact of providing antiretroviral treatment on individuals and households.

The **Data First Resource Unit** ('Data First') provides training and resources for research. Its main functions are: 1) to provide access to digital data resources and specialised published material; 2) to facilitate the collection, exchange and use of data sets on a collaborative basis; 3) to provide basic and advanced training in data analysis; 4) the ongoing development of a web site to disseminate data and research output.

The **Democracy in Africa Research Unit** (DARU) supports students and scholars who conduct systematic research in the following three areas: 1) public opinion and political culture in Africa and its role in democratisation and consolidation; 2) elections and voting in Africa; and 3) the impact of the HIV/AIDS pandemic on democratisation in Southern Africa. DARU has developed close working relationships with projects such as the Afrobarometer (a cross national survey of public opinion in fifteen African countries), the Comparative National Elections Project, and the Health Economics and AIDS Research Unit at the University of Natal.

The **Social Surveys Unit** (SSU) promotes critical analysis of the methodology, ethics and results of South African social science research. Our core activities include the overlapping Cape Area Study and Cape Area Panel Study. The Cape Area Study comprises a series of surveys of social, economic and political aspects of life in Cape Town. The Cape Area Panel Study is an ongoing study of 4800 young adults in Cape Town as they move from school into the worlds of work, unemployment, adulthood and parenthood.

The **Southern Africa Labour and Development Research Unit** (SALDRU) was established in 1975 as part of the School of Economics and joined the CSSR in 2002. In line with its historical contribution, SALDRU's researchers continue to conduct research detailing changing patterns of well-being in South Africa and assessing the impact of government policy on the poor. Current research work falls into the following research themes: post-apartheid poverty; employment and migration dynamics; family support structures in an era of rapid social change; the financial strategies of the poor; public works and public infrastructure programmes; common property resources and the poor.