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EFFICACY OF OVERSIGHT BY THE LEGISLATURE IN LIMPOPO PROVINCE

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A research report submitted to the Faculty of Management, University of the Witwatersrand, in 50 per cent fulfilment of the requirements for the degree of Master of Management (in the field of Public and Development Management)

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Abstract

This study examines legislative oversight practice within the Limpopo Legislature (subnational government) in South Arica, over a specific historic period. Legislative oversight and executive accountability are constitutionally mandated responsibilities. This study is focused on the fourth term (2009-2014) of the government of Limpopo, when financial management and policy implementation challenges resulted in five departments being placed under national administration. Semi-structured interviews and document analysis was utilised to understand the practice of legislative oversight and explore the challenges embedded in securing executive accountability. Drawing on the literature, a conceptual framework was used to guide the process for establishing the areas for detailed exploration. These included the legal and institutional framework for oversight; the capacity availed and utilised for oversight; and the informal institutional incentives and challenges that influenced the performance of oversight.

The study revealed that oversight by the legislature and accountability by the executive are intertwined mandates and there are numerous contingencies embedded in the relationships they embody. The manner in which mandates unfold and oversight is exercised is affected by the underlying political dynamics within the dominant party. These dynamics impact on the autonomy of the legislature, shape the power relations between the executive and the legislature and creates incentives for practices that impact on legislative oversight and executive accountability. Members of the legislature were junior in party structures and did not have political authority which influenced the extent to which members of the legislature held the executive answerable as well as the extent to which the executive would account. In addition, the capacity of the institution and budget were insufficient to perform adequate oversight effectively and timeously and enable the legislature to develop into an efficient and successful institution. Furthermore, the legislature relied on the executive for information which was not always credible or reliable. This combination of factors led to oversight at times not being effective.

The lessons derived from this study can be used to improve oversight effectiveness at a subnational and national governance level. However, given the role that the party plays in the governance system, there is a need for further research on party functioning, party incentives and internal democracy within the party.

Key words: legislative oversight, executive accountability, parliamentary system, proportional representation, electoral system, Limpopo

Declaration

I declare that this report is my own, unaided work. It is submitted in partial fulfilment of the requirements of the degree of Master of Management (in the field of Public and Development Management) in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination to any other university.

Shahidabibi Shaikh

(February 2017)

Dedication

To my deceased Father and Sister, who lived as they believed, even if it meant defying the grain of convention,

To my family and friends,

With thanks!

Acknowledgment

I am grateful to my supervisor for his guidance throughout the research process; the Limpopo Legislature for making information available, and selected Members of the fourth term of the Limpopo Legislature for availing themselves to be interviewed. Without their assistance, this research would not have been possible.

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List of Abbreviations

AG	-	Auditor General
ANC	-	African National Congress
AU	-	African Union
COPE	-	Congress of the People
DA	-	Democratic Alliance
EXCO	-	Executive Council
HOD	-	Head of Department
MEC	-	Member of the Executive Council
NEPAD	-	New Economic Partnership for Africa's Development
NCOP	-	National Council of Provinces
OECD	-	Organisation for Economic Cooperation and Development
OSD	-	Occupation Specific Dispensation
OVAC	-	Oversight and Accountability Model
PEC	-	Provincial Executive Committee
PFMA	-	Public Finance Management Act
PMU	-	Project Management Unit
PR	-	Proportional Representation
PSC	-	Public Service Commission
SCM	-	Supply Chain Management
SCOPA	-	Standing Committee on Public Accounts
SIU	-	State Investigation Unit
SOM	-	Sector Oversight Model

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CHAPTER 1: INTRODUCTION AND SCIENTIFIC ORIENTATION

1.1 INTRODUCTION

This study is premised on a perspective that Legislatures at all governance levels have a responsibility to ensure Executive accountability through their oversight role. The oversight performed is an essential part of combating corruption and promoting good governance. Legislatures are functionally responsible for citizen representation, development and approval of laws and the exercise of oversight. They are often strategically positioned as institutions of countervailing power in that they are expected to play a critical role in facilitating horizontal accountability across government agencies and vertical accountability to citizens (Barkan, 2009). This places Legislatures as the key engine for the deepening and consolidation of democracy (Fish, 2006) and the promotion of good governance (Pelizzo & Stapenhurst, 2014a). Oversight, as a broad concept, refers to the crucial and necessary role of Legislatures in monitoring, scrutinising and reviewing the actions of the Executive and other organs of state (Corder, Jagwanath, & Soltau, 1999:2).

Democracy and good governance have been identified as central to addressing the serious challenges of the eradication of poverty and the fostering of socio economic development in Africa (NEPAD, 2002). In support of democracy and good governance, the African Union's New Partnership for Africa's Development (NEPAD) obligates African countries to adhere to the separation of powers (NEPAD, 2002:4) and to safeguard the effective functioning of Legislatures and other accountability institutions, including Legislature's committees (NEPAD, 2002:5). Despite this recognition and commitment from the African Union (AU), there has been only slight improvement in legislative oversight in Africa. This is evident in the 2005, 2009 and 2013 African Governance Reports. These reports conclude that Legislatures rarely performed their duties and obligations with efficiency and effectiveness (UNECA, 2005:22), there were deficiencies in the use of power and the exercise of oversight by Legislatures coupled with a lack of cooperation by the Executive (UNECA, 2009:6) and the need to enhance the

institutional capacity of Legislatures and meet citizen's demands for accountability from political leadership (UNECA, 2013:1). The South African chapter of the 2013 African Governance Report concludes that governance in South Africa is affected by the failure of oversight and accountability and that this may lead to a diminishment of citizen's trust in their leaders and the electoral framework itself (IDASA, 2012:7).

There is limited literature and research on the performance and oversight capabilities of Legislatures within Africa and South Africa. Available studies focus at the national parliamentary level and provide very basic insights into the functioning of parliament. Most research in South Africa largely focused on the relationship between Executive and Legislature, between Legislature and civil society, the effectiveness of the committee system and parliamentary opposition (Hasson, 2010; February, 2006; Nijzink, Mozaffer and Azevedo, 2006; Southall, 2000). Many of these raise concerns about the gap between the constitutional aspirations of Legislatures that explicitly and ambitiously spell out the structures, powers and duties of Legislatures, and how the Legislatures and its committees have fulfilled their mandates (February, 2006).

The South African studies tend to focus on the national parliament with limited reference to sub-national Legislatures which operate broadly in the same political setting, but are substantively different. These differences are reflected in the institutional capacity, local political culture and levels of socio-economic development. Sub-national subtleties can influence legislator behaviour and performance of effective oversight. This study will explore the exercise of legislative oversight within a subnational sphere of government.

1.2 CONCEPTUALISING THE STUDY

South Africa's first democratic elections in 1994 symbolised the end of formalised and legislated apartheid and ushered in a Constitution that laid the foundation for an open society based on democratic values, social justice, fundamental human rights; and the establishment of institutions to support and safeguard our democracy (Republic of South Africa, 1996). South Africa is a representative parliamentary democracy with *de jure* separation of

powers between the legislative, executive and judicial branches. Within this system, the Executive is established from the Legislature. The legislative sector is constituted of Parliament, in the form of the National Assembly and National Council of Provinces (NCOP); and nine Provincial Legislatures (Republic of South Africa, 1996). The NCOP represents provincial interests in the national sphere and serves as the connection between the provincial and national governments. In addition, the NCOP approves and must regularly review any national Executive intervention to assume unfulfilled provincial responsibilities (Republic of South Africa, 1996).

National elections are held every five years, using a Proportional Representation (PR) system which incorporates a closed party list (Republic of South Africa, 1996). The PR system was advocated by the African National Congress (ANC) to enable sectoral groups from diverse cultural, social and economic backgrounds to be adequately represented in decision making (Lodge, 2003). Limpopo can be considered as a one party dominant system with overwhelming popular political support for the African National Congress (ANC). Within the first fifteen years of democracy, the ANC received 92 per cent, 88 per cent, 89 per cent and 85 per cent in the 1994, 1999, 2004 and 2009 national elections, respectively (ANC Limpopo, 2014:1). Though in 2014, there was a slight decline in ANC support to 79 per cent. In the fourth term of the Limpopo legislature, the ANC occupied 41 seats, with Congress of the People (COPE) 5 seats and the Democratic Alliance (DA) 3 seats (ANC Limpopo, 2014:1).

In line with the doctrine of separation of powers, legislative oversight and Executive accountability, at national and provincial level, are constitutionally mandated in South Africa. The Legislature is mandated to scrutinise and oversee Executive action and the Executive is similarly duty bound to account to the Legislature on their exercise of power and performance of their functions. Furthermore, the Public Finance Management Act (PFMA), (Act 1 of 1999) requires both national parliament and provincial Legislatures to hold national and provincial Executives accountable for management of public finances and non-finance service delivery performance (National Treasury, 2005). However, the nature of the parliamentary system of

governance wherein the Executive is constituted from Members of the Legislature, does not give full expression to the notion of the separation of powers.

The Constitution grants the committees of the Legislature the power to exercise an oversight role and enables the legislative sector to make rules and orders concerning its business (Republic of South Africa, 1996). Committees are established in terms of the Constitution and rules of the Legislature and are considered the engine rooms of Legislatures. Limpopo has nine portfolio committees that mirror provincial departments, a public accounts committee, several other standing committees as well as procedural and governance committees (Limpopo Legislature, 2014). During the fourth term, the portfolio committees and public accounts committee consisted of nine members, eight of which were ANC members and one from the opposition, with members serving on more than one committee. The majority party also maintained a caucus or study group for each portfolio committee where matters were discussed from a party political perspective (ANC Parliamentary Caucus).

During the first decade of democracy, parliament largely concentrated on ensuring the transformation of the country's legislation landscape and in this process, the oversight function of parliament received inadequate attention (South African Parliament, 2009). From the second term of parliament, there were initiatives towards greater emphasis on oversight. The Parliamentary Oversight and Accountability Report, also known as the ‘Corder Report’ (February, 2006:138), assessed the existing oversight mechanisms and procedures for Executive accountability and made recommendations to improve the efficiency and effectiveness of such mechanisms (Corder, Jagwanath & Soltau, 1999). The report proposed, amongst other things, that parliament introduces legislation to establish standard oversight practices and ensure the independence of institutions supporting democracy (Corder, Jagwanath, & Soltau, 1999:23). The report was found to not adequately deal with all of the Constitutional provisions relating to oversight. Parliament then embarked on a process to address this and in 2009 developed an Oversight and Accountability model to emphasise Parliaments oversight role in

enhancing democracy (South African Parliament, 2009). Furthermore, the Legislative sector, in 2012, developed a Sector Oversight Model which sets a standard for the practice and conduct of oversight in this sector (Legislative Oversight Support, 2012) and in pursuit of good governance, places oversight as 'a central component in the Public Service delivery machine' (Legislative Oversight Support, 2012:6). This refocuses the oversight system from 'institutional and political confrontation' to Legislatures bearing 'some responsibility for overall government performance', thus placing legislative oversight as 'a central component in the Public Service delivery machine' (Legislative Oversight Support, 2012:6). The ruling party, the African National Congress (ANC) at its 2007 Conference in Polokwane, emphasised strengthening caucus' role for robust oversight and mutual accountability (ANC, 2007). In this context, Legislatures were increasingly accorded recognition and impetus to their role in oversight and scrutiny of the Executive. Parallel to this, it should also be noted that nearing the end of the first and beginning of the second term of parliament, there was an identifiable shift in behaviour of parliamentarians due to the positioning of members of parliament within party structures and pressures towards reciprocity to party seniors. This was evident in the Standing Committee of Public Accounts (SCOPA) investigations into the arms deal, which brought to the fore the importance and effectiveness of political pressure that affects individual agency and party position in obeying parliamentary rules and performing oversight (Hasson, 2010, February, 2006).

Despite the growing impetus on improving legislative oversight, on 5 December 2011, National Cabinet intervened and took formal authority for five Limpopo line function departments, in terms of section 100(1)(b) of the Constitution of the Republic of South Africa (1996). This was due to the Province having incurred over R2.7 billion in unauthorised expenditure in the 2008/09 to 2010/11 financial years and a 1.7billion overdraft. This was amongst the reasons that culminated in intervention by the national administration as it directly affected policy implementation and service delivery in the departments of Provincial Treasury, Education, Health, Roads and Transport and Public Works (GCIS Limpopo, 2012). The intervention

implied that the leadership and management of the said departments revert to national government until such time as the service delivery and management challenges experienced by these departments had been resolved. The fact that this intervention occurred is partly indicative of the failures of accountability and the exercise of oversight over these departments and forms the rationale of this study.

Limpopo is one of nine sub national governments in South Africa, found in the northern part of the country and borders Botswana, Zimbabwe and Mozambique. In 2011, Limpopo had 5.5 million people, which amounted to 10.4 per cent and the fifth highest provincial population in South African (Limpopo Provincial Government, 2014). The province had low levels of economic activity, a relatively youthful population with approximately 48 per cent under the age of at 20 and a majority of the population living in the rural areas (Limpopo Provincial Government, 2014). Limpopo was amongst three provinces with the highest number of poor people, with the level of poverty at 63.8 per cent and just over half, 50,9 per cent, of all households were living below the poverty line. The majority of the people in the Province live in abject poverty and 35 per cent of population are within 0-14 years and 7 per cent in the 65+ category (Statistics South Africa, 2014). This implies that the majority of the citizens require support from government in terms of social services. The average annual growth rate of Limpopo from 2001 to 2011 was at 3.2 per cent which was below that of the South African average of 4 per cent and unemployment had not improved significantly from 2009. The province is rich in natural resources and has potential for development and economic opportunities in mining agriculture and tourism (Limpopo Provincial Government, 2014).

Limpopo, with its socio economic challenges and being placed under national government intervention in the fourth term of government, represents an interesting study. The intervention was a result of financial maladministration which had a direct bearing on policy implementation and service delivery in these departments. The Legislature has a legal responsibility to exercise oversight over the Executive and should implement this through continuous monitoring, scrutiny and review of the activities of the Executive. Effective

oversight is necessary for the accountable exercise of Executive power in the management of finances and implementation of public policy. Poor oversight further undermines the trust of citizens, good governance and democracy.

This research is focused on the exercise of oversight during the fourth term of the Limpopo Legislature. The intention of the study is to understand and explore the challenges and limitations embodied in the implementation of the oversight frameworks and instruments in Limpopo. It is envisaged that important lessons can be learnt and perspectives be provided which will result in more efficient legislative oversight at a sub-national government level.

The primary aim of the study is to explore the ability and effectiveness of the Limpopo Legislature in its oversight responsibility over the Executive, during its fourth term, in light of five provincial departments being placed under national administration. The study will centre on both internal and external factors that influenced the functioning of the Legislature to perform effective oversight.

1.2.1 Problem Statement

Effective legislative oversight over the Executive is needed for deepening democracy, promoting good governance and improving the lives of citizens. While the literature supports the importance of legislative oversight, much of it is focussed on legislative operations or legislative capacity as opposed to overall legislative oversight performance. Furthermore, there is limited literature and research on African and South African Legislatures. The available studies also tend to emphasise the national Legislature with limited reference to sub national (provincial) Legislatures.

The Constitution of South Africa (1996), the Public Finance Management Act, 1999 (Act 1 of 1999) and Standing Rules and Orders of Legislatures govern legislative oversight and Executive accountability. Effective oversight is important for good governance and improving service delivery (National Treasury, 2005) and ultimately the lives of citizens. Though much of the oversight work done in Legislatures is conducted through committees, there

is concern in relation to what committees are legally mandated to do and the actual performance of effective oversight.

Within the parliamentary system of governance, members of the Executive are drawn from the Legislature and generally come from the higher leadership ranks of the party which may pose a challenge in the Legislature's autonomy and scope of influence. With the proportional representation electoral system, Members of the Legislature are elected through party lists which may further pose a challenge for the Legislature in terms of where accountability resides and incentives for individual members to perform oversight. It is suggested that success in holding the Executive to account is ultimately dependent on the extent to which committees and individual members of Legislatures actively exercise their oversight role as well as political will (South African Parliament, 2009; February, 2006) on the part of the individual members to optimally use the oversight mechanisms and the array of tools at their disposal.

Regardless of the oversight role played by the Limpopo Legislature, the Province was placed under Section 100 (1)(b), due to maladministration of finances. It would have been expected that the Legislature, in exercising effective oversight, would have noticed early warning signs leading to maladministration of funds, raised the necessary alarms and possibly reduced the impact or prevented this situation from reaching such proportions.

The intervention of national government in the management of five Limpopo government departments is indicative of the failure of the Legislature to exercise appropriate oversight that could have prevented this downward spiral and hence pre-empted such an intervention.

1.2.2 Purpose of the Research

The purpose of this research is to explore and understand the exercise of legislative oversight over the Executive in the fourth term of the Limpopo Legislature and to develop a substantive appreciation of the challenges embedded in securing accountability in the implementation of public policy

and management of public finances. It is anticipated that the research will contribute to a better understanding of the performance of legislative oversight at a subnational sphere of government.

The overall goal is to develop a deeper and more appreciative understanding of the role played by the Limpopo Legislature in its oversight and the challenges encountered in relation to the institutional capacity as well as the incentives that influence behaviour and the political will of members, to perform effective oversight. Both the internal and external factors that influence oversight will be explored. The study will seek to derive conclusions that enhance legislative oversight and Executive accountability at a sub national sphere of government and contribute to the body of knowledge with respect to the Limpopo Legislature.

1.2.3 Research Questions

To focus the study, the research will be guided by an overall question and a set of sub-questions. These questions are directed at shaping the areas that would be explored and the methodologies that would be appropriate for the study.

This study poses the overall research question as: What level of legislative oversight was exercised during the fourth term of the Limpopo Legislature to obtain Executive accountability in departments where management and implementation failures resulted in the need for national intervention?

This overall research question requires consideration of both institutional and contextual factors and lends itself to the following sub-questions:

1. What are the legal and institutional levels of legislative oversight authority and how are these understood by those who have to exercise oversight?
2. What internal and external supportive capacities are there for the exercise of oversight by the Legislature and its relevant committees and how was oversight performed?
3. What are the internal and external drivers, incentives and pressures that influence the exercise of oversight?

In addressing the research questions and sub-questions it is expected that an in-depth understanding of the extent to which legislative oversight was embarked on during the fourth term of the Limpopo Legislature and the challenges embedded in performing oversight and securing Executive accountability will be arrived at.

1.3 CHAPTER OUTLINE

The research report has six chapters. The chapters are outlined as follows:

Chapter 1 introduces and provides a background to the study. In addition the scientific orientation of the study is presented in relation to the problem statement, purpose of the research and the research questions.

Chapter 2 provides the literature reviewed in relation to legislative oversight. The literature reviewed provided the critical issues for consideration in this study.

In Chapter 3, the conceptual framework which flows from the literature review is presented in relation to the research questions or areas for further exploration. Furthermore, the research methodology in terms of the research paradigm and design; sampling; data gathering and validation; limitations and significance of the research and ethical considerations are outlined.

Chapter 4 presents that data gathered from both document analysis and interviews in relation to the practice of oversight within the fourth term of the Limpopo Legislature. This data is analysed in Chapters 5 and conclusions for the research provided in Chapter 6.

CHAPTER 2: LITERATURE REVIEW

2.1 INTRODUCTION

Governance and democracy have been a focus of global attention in the developmental discourse for some time (Mkandawire, 2007; Weiss, 2000; Sen, 1999a). The determination to improve human wellbeing, to create a better life and an equitable and just society has been central in finding better systems of governance and more inclusive modalities for decision making. Governance systems that build upon democratic theory have been postulated to advance development. Democracy on the one hand gives people a voice to shape society which is an essential component in the process for development (Sen, 1999a:7); and on the other hand, promotes accountable and responsive management of a country's socio economic resources for development (World Bank, 1992:5). The greater part of democratic governments in the world are considered to have effective governance (Platner, 2013:25) as democracy provides opportunity to create accountable institutions (Fukuyama, 2011:22) and involve civil society in demanding accountability (Barkan, 2009:19).

Despite governance and democracy being embraced globally, there have been many reversions from democratic to autocratic regimes over the last century as observed in Huntington's (1991) analysis of waves of democratisation. According to Huntington (1991), the failure of democracy to consolidate itself has been attributed to democratic institutions embarking on repressive practices. This has led to a renewed focus on democratic political institutions of governance and has stimulated deeper investigations into the constitutional choices of the type of democratic and the electoral system as well as model of democracy (Novak and Retter, 1997), whether majoritarian or proportional representation, that would be appropriate for countries embarking on in a process towards democracy.

The notion of good governance requires states to be capable, accountable and responsive, placing legislatures at the core of the governance debate. There has been growing consensus that inclusivity through participation in representative legislatures is central to ensuring that democracy and

democratic governance is promoted, realised and sustained. As a product of democratic universal suffrage these structures are deemed to be representative of society's will and interests, thereby contributing to responsiveness of the governance system (Hudson and Wren, 2007:44). As a state institution entrusted with the exercise of oversight over the executive and tasked to make laws, they are responsible for ensuring transparent and accountable government and making laws in line with the needs and conditions of the society that they represent and improving state capability (Hudson and Wren, 2007:44). Good governance and state accountability requires a system of checks and balances on state institutions through the doctrine of separation of powers in structural and functional authority between the executive, legislative and the judicial branches of state (Labuschagne, 2004:39).

This study places emphasis on the oversight function of the legislature at a sub-national level. The ability of the legislature as a key institution of democracy to provide effective oversight over the executive to ensure executive accountability on the implementation of public policy, the use of public finances and responsiveness to the needs of society, is the premise on which this study is based.

The purpose of this literature review is to undertake a substantive analysis of the knowledge and related literature as it pertains to legislative oversight at a sub-national government level. This literature review provides an outline of the key knowledge areas in terms of the wider national systems of governance within which the legislature operates as these may have an impact on the level of independence, power and functioning of the legislature.

The first part of the review will address some of the challenges identifiable from the literature on emerging African democracies. The second part will focus on the democratic and electoral systems and political institutions as these determine the type of power relationship between the structures of the legislature and the executive. Incentives generated by both the systems and the power relationships are emphasised as these may influence the behaviour of parliamentarians in performing their role. The third part locates

political party influence on political incentives that may further influence the behaviour of parliamentarians in performing their role. The fourth part looks at the institutional capacity issues that may affect the ability of the legislature to perform its constitutional role effectively and efficiently.

2.2 LIMITATIONS OF SCHOLARLY LITERATURE OUTLOOK

The absence of shared scholarly literature on legislatures and democracy in Africa has been raised by various scholars (Barkan, 2008; Barkan, 2009; Nijzink, Mozaffer & Azevedo, 2006; Mezey, 1983). Mezey (1983) observes that scholarly work on legislatures was initially led by historians and political scientists and focused on the relationship between the legislatures and political change. This was followed by scholars interested in socio-economic development, emphasising the legislature's contribution to the process of development. As a result, the conclusions arrived at by these scholars was considered in the narrowest policy terms and often rendered legislatures as inconsequential political actors (Mezey, 1983:542) and projected Africa's parliaments in newly independent states as powerless (Nijzink, Mozaffer & Azevedo, 2006:312). In addition, the literature on these legislatures was less coherent than those of western structures and since the studies were done on a case by case basis, the findings were not generalisable (Mezey, 1983:543).

Despite the renewed interest in legislatures as an institution of governance in developing countries at the time of Huntington's (1991) third wave of democratisation, there was no systematic cross referenced exploration of the relationship between the development of legislatures in Africa and third wave democratisation (Barkan, 2008:124) nor a cross national comparative approach for conceptualising and measuring legislative strength and effectiveness in Africa (Nijzink *et al*, 2006:312). Further to these deficiencies, Barkan (2009:4) notes that between the two communities of scholars, those students of democracy and democratisation and those who focus on the legislative process within comparative political science, there is a disconnect as these groups rarely addressed each other's concerns, and largely ignored each other's work.

The bulk of literature on legislative studies is on established democracies in the United States or European experience within the context of advanced industrial societies rather than in emerging democracies in poor agrarian and often divided societies (Barkan, 2008:124). Furthermore, tested theories on legislatures were derived from the study of the United States experience on other political systems (Barkan, 2009:5).

This brief assessment of shared scholarly work on emerging African democracies indicates that our understanding of emerging African legislature development and legislative impact on democracy is still at an early stage, notwithstanding the effectiveness of legislative oversight over the executives at a sub-national level.

2.3 DEMOCRACY AND DEMOCRATIC SYSTEMS OF GOVERNANCE

The type of democratic tradition adopted by a country sets the parameters for the constitutional powers of the executive and legislative branches of the state. This is important for the study as it provides the broader context within which the legislature in democratic countries is located and frames the power relationship between the executive and the legislature. This section provides a brief focus on the concept of democracy, the different prevalent democratic mores embraced by countries, the electoral system and democratic political institutions.

2.3.1 Democracy

The word democracy originates from two ancient Greek words, *demos* the people and *kratos* to rule, and translates roughly into 'government by the people' (Ober, 2007:2). The idea of democracy, where it was shaped and put into practice was in ancient Greece (Sen, 1999b), but the practice of democracy predates Greece and has roots in pre-colonial Africa where, in public meetings, issues were freely debated and consensus on community issues was reached, although the practice was not perfect nor inclusive of all sectors of society (Sopova, 1999). This represents the earliest forms of parliament and reflects direct democracy in that all citizens of the population were involved in making laws and policies. As societies evolved into nation states, the direct involvement of all citizens was not possible. This led to

initial systems of governance which were autocratic, however, effective government and efficient economic systems required consent thus democratic representative systems evolved resulting in citizens being indirectly involved through their representatives of government (EuropeAid, 2010:102).

2.3.2 Democratic System of Governance

The choice of a democratic system of governance determines the power relationship between the legislature and the executive. It influences how the legislative structures and the executive structures relate and the power relationship between the two. This is important as it has inferences for the extent to which the legislature is able to perform its functions and to what extent they can independently perform oversight. This section will look at the principal democratic systems that are prevalent in democratic countries.

Principally, three types of democratic systems have been focused on in the literature, parliamentary, presidential and semi-presidential systems. Semi-presidential systems are also called hybrid models comprising a combination of both parliamentary and presidential systems (Fish, 2006:6). In an attempt to determine which type of system is superior, scholars have compared the contribution of the type of institutional design on the success of democratic consolidation. Though there is no consensus on the superiority of either model, there is acknowledgment that each has strengths and weaknesses. These are outlined below.

The major differences in the parliamentary and presidential systems lie in how the executive is constituted, where accountability resides and the separation of powers. Within parliamentary systems, the executive is formed from members of the legislature; the president serves a fixed term, is accountable to the legislature and can be dismissed by the legislature (Fish, 2006:5). The lack of clear separation of powers between the executive and legislature is seen as reducing effective oversight over the executive. (Esau, 2008:98). In presidential systems, the president is directly elected and enjoys weighty prerogatives as the president appoints the executive that is accountable to the president. This clear separation of powers can lead to

more effective oversight by the legislature over the presidency (Fish, 2006; Esau, 2008).

Another major difference in the two systems relates to the processing of policy. It is contended that because the legislature and executive share the electoral mandate or political identity in parliamentary systems, transformation and change can be ensured more readily. The policy initiatives from the executive are more likely to be passed by parliaments as a defeat of the executive can result in resignations from cabinet or dissolution of the legislature (Olson & Mezey, 1991:8). In presidential systems, it is postulated that the president elect can represent the will of the nation better than any legislature and as a unitary actor can effect decisive action more rapidly (Fish, 2006). However, as the president is elected separately, this can result in a more contested relationship with the legislature majority and more difficulties in getting parliamentary approval for policies. (Olson & Mezey, 1991).

Hybrid systems combine mixed arrangements of presidential and parliamentarian systems. The president is directly elected but there is a prime minister that is accountable to the legislature. This allows for mutual, and often contested, control by the legislature and the president of the prime minister and the government as a whole. As the president is elected, some separation of powers is provided for (Fish, 2006). These mixed arrangements often emerge to avoid giving too much power to a president and to build the consensus needed in dealing with complex economic and social reforms (Vladimir, Charles & Trevor, 2002).

The models of constitutional design adopted in post-colonial Africa after gaining independence, were initially largely influenced by the model from the colonialist country, parliamentary systems were adopted by most former British colonies whereas presidential models were adopted by most former French and Portuguese colonies (Nijzink *et al*, 2006). However, post-independence, where parliamentary systems were in existence, these were supplanted by presidential systems with extensive authority vested in the

presidents except for South Africa, Botswana and Mauritius (Nijzink *et al*, 2006:318).

In as much as some emerging African democracies have moved away from parliamentary models, Stepan & Skach (1993) provide evidence that supports parliamentary models of governance in emerging democracies of the Organisation for Economic Cooperation and Development (OECD) countries. They illustrate that this model leads to a more stable and less fragmented government, minimal legislative standoffs, unlikely support for military coups and better representation of regional interests. This in their view is because parliamentary systems are more inclined to enable opportunities for the important tasks of economic and social restructuring while attempting to consolidate their democratic institutions whereas the separate electoral mandates in presidential systems are viewed as impeding democratic consolidation (Stepan & Skach, 1993). Support for parliamentary systems in new democracies in relation to institution building is also demonstrated by the Polish experience, a former communist regime. Wiatr (1997) reveals that democratic process in the parliamentary system of governance had given the Polish parliament the space to mature and reach a point where they were able to perform the role that was intended in their constitution.

Whether parliamentary or presidential systems performed better for democratisation, Yong-Choul & Sangmook (2009) looked at constitutional designs of ninety three developing countries and found that that both have weaknesses but were unable to conclude which performed better for democratisation. They propose that the significance of constitutional designs for democratisation is less obvious than some scholars have suggested and indicate that political institution designs seem to be an outcome of political process rather than a causal factor of democratisation and that democracy does provide better opportunity to create accountability institutions Yong-(Choul & Sangmook, 2009). Furthermore, Nijzink *et al*, (2006) looked at the role of legislatures in enhancing the quality of democracy in a sample of sixteen African countries and established that pure presidential and pure parliamentary regimes tend to fall into categories with lower levels of

democracy and higher democracy levels, respectively, whereas hybrid regimes seemed not to be clearly related to an explicit level of democracy.

These conventional democratic systems do not specify where power resides (Fish and Kroenig, 2009) and this has the potential to create conflict between these political institutions which can have an impact on the stability of the regime (Vladimir, Charles & Trevor, 2002). Furthermore, Vladimir, Charles & Trevor (2002) using the Russian and Polish experience, promote that the focus of the debate among political leaders must be refined from the choice of institutions to the distribution of powers between institutions, and finally to questions of policy within an agreed to institutional framework.

It should be noted that these models rest on a foundation of party politics and since the political party role is more prevalent in parliamentary systems, this could further impede the extent to which the legislature acts against the executive. This is discussed below.

The type of democratic system has different implications for legislative oversight and executive accountability. For new or emerging democracies, there are advocates for parliamentary systems of governance in terms of consensus building and advancing democracy, however, the debates should focus attention on the importance of the separation of powers for effective legislative functioning and thus oversight over the executive. The political party plays a prominent role in parliamentary systems and party dynamics can influence how legislative oversight and executive accountability occur.

2.4 ELECTORAL SYSTEMS

The type of electoral system adopted has implications for legislative oversight as it can have an impact on the behaviour and conduct of parliamentarians. The electoral system influences how elected representative, political parties and citizens relate, which may lead to incentives that drive parliamentarians to behave in a particular manner. This may affect the extent to which they perform legislative oversight and hold the executive to account.

Elections and electoral systems serve as important indicators of the degree of democratic consolidation (Mottiar, 2005). Through elections, citizens

reward or sanction elected representatives and the holding of elections more regularly may generate strong incentives for representatives and the opposition to act in citizen's best interests (Jelmin, 2012).

Conventionally the two categories of electoral systems are majoritarian and proportional representation (PR) systems. These differ in the type of representation their institutional designs encourage and the mechanism through which citizens express their interests (Cho, 2012:618). In majoritarian systems, candidates are elected directly in single seat districts and the candidate that receives the most votes wins (Mottiar, 2005:3). This system produces legislative bodies that reflect the wishes of the majority; is likely to bring about single party government with a clear opposition but may exclude smaller groups from being represented; and votes cast for candidates that have lost, are wasted (Cho, 2012). Individual accountability is emphasised in this system as re-election of representatives is dependent on voter assessments of the individual candidates' performance (Cho, 2012).

PR systems promote representativeness as voting takes place in multi seat districts using party lists and there is proportionality between the share of the total number of seats in parliament relative to the number of votes for that party (Cho, 2012:618). Proportional distribution of legislative seats ensures broader representativeness; including multi-party and minority party representation, in the legislature (Mottiar, 2005:9) and all votes are counted. Since voters cast their votes for political parties; the chances for candidate re-election depends mainly on the party (Cho, 2012).

The type of electoral system provides incentives for certain behaviour by the parliamentarian. In majoritarian systems the direct link between voters and policymakers and a relatively independent relationship with a parliament which has limited means to monitor their actions, can result in the behaviour of parliamentarians towards promoting the populist demands of a few voters, being involved in clientelism and corruption (Jelmin, 2012), and patronage with citizens being reduced to dependent clients (Heller, 2009). Furthermore, policy decisions can be influenced by ethnic as opposed to issue based arguments (Jelmin, 2012). In PR systems, the lack of a constituency element

(Cho, 2012) and dependence on the political party for re-election can divert accountability to the political party and promote partisan practices towards ensuring a position on the party list. Within parliamentary systems, this can further affect the extent to which members of parliament hold the executive accountable as most members of the executive tend to come from the higher echelons of the political party and members of legislatures may be more inclined to agree with the views of the executive, hence reducing incentives for parliamentarians to act in the best interests of the electorate (Jelmin, 2012).

In addition to the behaviour of parliamentarians, the role of voters in the democratic governance system is important. Cho (2012), attempts to understand the legitimacy of African legislatures in Sub-Saharan African countries from the point of view of ordinary citizens. Her findings indicate that because these citizens prioritise representation above accountability when evaluating their legislative institutions, within emerging democracies, PR systems were better at enhancing public trust, electoral legitimacy and effectiveness of democratic government. However, Booysens (2014) posits this as a notable paradox in South Africa as there is continuous support for the ruling party despite the electorate being dissatisfied with service delivery. Bratton (2007) indicates that the formal rules that mandate public accountability in Africa are persistently weak, which have resulted in other standards being utilised to judge the extent of democratic growth with personal or informal ties of trust in the “Big Man” type president who personifies the regime (Bratton, 2007:109). As long as loyal clients are rewarded by the distribution of material benefits, informal ties can assist in generating legitimacy for a democratic regime. Furthermore, Mottiar (2005) points out that even in the local level electoral system in South Africa which has a constituency element, there is a lack of voters engaging actively enough with their political representatives and holding them to account (Mottiar, 2005). These types of public trust as well as citizen’s inability to participate actively can reduce the accountability expectation from citizens towards their political representative and entrench behaviour that may not be in the interest of citizens. Moreover, Jelmin (2012) specifies that voters not

basing their decisions on performance can in the long run reduce the effectiveness of elections as a channel for accountability.

The type of electoral system can have an effect on the incentives that drive the behaviour of members of the legislature to hold the executive accountable and the extent to which they will fulfil their oversight responsibility. The trust by the electorate in the electoral system impacts on the level to which the electorate holds their representative to account and can further impact on incentives for politicians to work in the citizen's best interests.

2.5 DEMOCRATIC POLITICAL INSTITUTIONS

The legislature is one of three political institutions of state, the other two being the executive and the judiciary. Within the democratic context, the legislature performs the role of horizontal accountability in holding the executive to account through oversight over the executive. This section locates the legislature within the democratic context and the role played by the legislature through oversight in enhancing democracy.

Of the three political institutions of government, parliaments are closest to the people in that through elections they represent societies diverse interests in government and thereby promote vertical accountability to society at large (Barkan, 2009:1). Horizontal accountability refers to checks and balances or procedures for institutions of government to hold each other to account and the legislature through its oversight function holds the executive to account (Jelmin, 2012:12; Barkan, 2009:1). The legislatures perform a pivotal role in linking vertical accountability to horizontal accountability to ensure that the wishes of citizens, on whose behalf they act, are realised through holding the executive to account. It is through playing this pivotal role that parliaments can contribute to effective and democratic governance (Hudson & Wren, 2007) and the overall process of democratisation (Barkan, 2009).

Fish (2006) examined the powers of legislatures and the level of democratisation in post-communist countries. He measured the power of specific institutions based on 32 items that cover a parliament's ability to

monitor the president and the bureaucracy, parliament's freedom from presidential control, parliament's authority in specific areas, and the resources that it brings to its work. He established that stronger legislatures are more reliable in ensuring horizontal accountability than weaker legislatures as they are able to have a more substantial ability to keep presidents in check (Fish' 2006). Murray and Nijzink (2002) indicated that it is difficult to measure the autonomy of a legislature in terms of formal constitutional powers, where executive and legislative powers are fused rather than separated. Even though Legislatures in parliamentary regimes may have the power to censure or dissolve the executive, this is not seen as a power that one branch of government has over the other as the calling of a new election affects both branches of government. Hence other measures apart from the censure and dissolution provisions within constitutional provisions are required in relation to autonomy (Murray & Nijzink, 2002).

Furthermore, Fish (2006) postulates that stronger legislatures coaxed more investment in the party, thereby providing stronger incentives to party building and a strong party. He provides evidence that indicates that stronger parties were better able to link the electorate with their representatives than weaker parties, thus strengthening vertical accountability which in turn strengthens democratisation (Fish, 2006).

The role of the legislature as a representative body in ensuring both vertical and horizontal accountability can enhance the quality of democracy. Ensuring oversight over the executive is part of the horizontal accountability role that it performs. However, the institutional capacity of the legislature is vital for the legislature to effectively perform this role (Nijzink *et al*, 2006). This will be discussed below.

2.6 POLITICAL PARTIES AND POWER POLITICS

Political parties play an intermediary role in parliamentary systems, between the electorate and their representatives in the legislature and between the legislature and the executive. Hence, the disposition of the political party can have an impact on the political space given to the legislatures to effectively perform its function as well as incentives for parliamentarians to behave in a

particular way. This can have an effect on the manner and the extent to which the legislature and parliamentarians perform oversight over the executive.

Political parties are traditional instruments of representative democracy; they are intermediates between citizens and the state as well as the party system and government and play an important role in the overall functioning of democratic governance systems (Renée, 2012:3). Political parties function to unite the individual legislators behind common policy goals and perform a role in organising the legislature's agenda and determining its procedures. Within parliamentary systems where the executive and legislature share the same party allegiance, this can have implications for legislatures to resist or modify policy set by the executive (Olson & Mezey, 1991), but can ensure the predictability of the outcome of the vote. The legislature can be incapacitated by a highly fragmented party system, leaving the legislature incapable of making decisions. Furthermore, party cohesion with tight discipline will ensure voting along party lines even if preferences of individuals are not favourable (Pelizzo and Stapenhurst, 2014a).

Parliamentary seats are owned by the political parties that contest elections and the party nominates their candidates using party lists. Through party discipline, political parties can influence the incentives that drive parliamentarians to perform their responsibilities. Barkan (2008) indicates that strict party discipline within the legislature is generally much stronger in parliamentary systems where closed list PR is used and this gives the party leadership leverage against parliamentarians who challenge the executive by punishing them with removal or demotions in future lists. Furthermore, members of parliament are usually subordinate in the leadership structure of the political organisation to the executive (Olson & Mezey, 1991; Saalfeld, 2000) which may lead to incentives for members to toe the party line in order to secure a position on the party list or to secure their careers that are in the hands of the party. Mattes (2002:27) indicates that within South Africa, the ruling party has on several occasions invoked party loyalty or expelled members from the party to prevent Parliament from conducting effective oversight of executive action.

Prempeh (2008) proposes that political parties need to become more internally democratic for the balance of power to be restored in legislative-executive relations. He suggests that intraparty democracy could be contained in provisions of the constitution as is provided for in the Ghanaian and Ugandan constitutions, though he indicates that the provisions therein are vague and toothless (Prempeh, 2008).

In addition to intraparty democracy, Saalfeld (2000) directs that political parties should ensure at least a certain degree of incentive compatibility between executives and legislators. In this way both the parliamentarians and the executive will be in the same boat and know that their fates are tied so that if voters reject their party, they all go down together.

Political parties require resources to perform political work which includes amongst other things contesting elections, maintaining a party structure and capacity to contribute to policy. The source of party funding is important as this may influence the setting of the policy agenda. February (2013) indicates that the source of party funding is important for purposes of transparency and accountability and to ensure that voices of the poor and marginalised are not drowned out.

Party funding can be provided by the state. In some instances this is provided according to the system of proportionality to the votes that the political party attains. Funding on an equitable and proportional basis has been criticised as it entrenches past electoral performance over equitable considerations as well as over the possibility of responding to changes in voter preference (Mottiar, 2005).

The expectation and manner in which political parties operate provides incentives for parliamentarians to behave in a certain way. Furthermore, strong political parties are required for a healthy democracy especially in parliamentary systems where their role is more prominent.

2.7 INSTITUTIONAL CAPACITIES OF LEGISLATURES

In constitutional democracies, legislatures derive their existence, formal powers and mandate from the Constitution. For legislatures to perform their

constitutional responsibility, they require a certain level of institutional capacity including relative powers and autonomy from the executive. This is important in levelling the playing field with the executive and enhancing their ability to efficiently perform oversight over the executive.

The country's constitution and the rules of procedure of parliaments define the legislature's formal powers. Legislatures can either be given broad formal powers which allow the institution to introduce legislation or more restricted powers such as amending or rejecting legislation (Johnson, 2005). Legislatures in presidential systems appear to have more power than parliamentary systems; parliamentary systems however have oversight mechanisms not found in presidential systems such as public accounts committees and question periods (Johnson, 2005).

Besides power being distributed horizontally, the Constitution determines the distribution of power vertically between national, sub-national and local governments. The political rationale for such decentralisation has been to improve democratic governance through enhancing local democracy, increasing government efficiency by taking services closer to citizens and promoting transparency and accountability in the management of public affairs (Escobar-Lemmon, 2006). Escobar-Lemmon (2006) point out that decentralisation in South American countries such as Argentina, Venezuela, Bolivia and Colombia, was driven by the need to rebuild the legitimacy of government and restore citizen's trust in government through ensuring greater accountability and citizen participation.

In decentralised systems, the jurisdiction of the functions devolved to lower levels of government, can overlap as concurrent responsibilities with higher levels of government. In these instances, a mechanism for cooperative policymaking and governance needs to be sustained and monitoring the performance of subnational governments by central government (Escobar-Lemmon, 2006).

In as much as governments embark on decentralisation of power intent to bring government closer to the people, in a sample of case studies from various countries, Jelmin (2012) discloses two divergent views on the

consequence of decentralisation on accountability and service delivery. The decentralisation process is believed to have made politicians more responsive to citizens' demands with service provision improving. However, poor capacity in finance and administration at decentralised levels as well as poor accountability in monitoring and coordination increased opportunities for corruption (Jelmin, 2012). Providing authority to subnational governments that lack capacity or are not responsive to their local populations will not achieve outcomes required by decentralisation. In addition to the capacity of formal institutions, Heller (2009) indicates that the capacity of citizens and civil society to engage in governance processes is essential for effective development of public policy.

The three core roles that legislatures in democracies perform which distinguishes them from the other political institutions are, representation, oversight and law making (Barkan, 2008; Barkan, 2009; Fish, 2006), however, Barkan (2009; 2008) also identifies constituency services as a core role. Legislatures are the institutional mechanism where competing interests, representing society as a whole, are expressed in an attempt to advance various objectives in the policy making process (Barkan, 2009). Legislatures pass laws or policy and may either rubber stamp legislation handed down by the executive or develop legislation in partnership or independent of the executive (Barkan, 2009; Prempeh, 2008). Constituency services are more prominent in constituency based systems where citizens are represented on a shared place of residence (Barkan, 2008).

Barkan (2009) directs that these core roles exist in tension both functionally and in real time by competing for the time and resources that an individual member devotes to each role. Depending on which role time is spent on indicates how much of their power the legislatures would yield. Neglecting their shared duties can result in the legislature existing in name only (Barkan, 2009). As legislatures evolve expanding their roles, they struggle with increased workload which further compounds the demands on time allocation to the various roles. (Johnson, 2005). Barkan (2009) points out that the Legislature need to find a way to restructure incentives so that members can

devote time to the various responsibilities of the legislature as these balances out executive power.

Oversight is crucial in a democracy as it ensures that there is vertical accountability of representatives to the citizens as well as horizontal accountability of government agencies to the legislature. Legislative oversight is exercised on the executive branch to ensure that policies agreed upon and passed into law are actually implemented by the state (Barkan, 2009), that state resources are used effectively and efficiently, spending decisions are in line with national priorities (Hudson & Wren, 2007) and essential to combat corruption and promote good governance (McGee, 2002). The type of oversight inspection of the executive requires a measure of transparency in government operations (Barkan, 2009) as well as a certain level of institutional capacity in the legislatures (Nijzink *et al*, 2006). Nijzink *et al* (2006) confirmed that in presidential regimes in sub-Saharan Africa, weak parliaments usually have low levels of parliamentary resources and the institutional capacity to hold strong presidents to account and influence over policy-making, law making or exerting oversight is fairly limited.

The capacity constraints that need to be addressed in legislatures must take into account the historical and structural problems faced by these institutions. Prempeh (2008) specifies that in emerging legislatures with colonial backgrounds, legislatures, unlike the executive branch, lack a history of institutional continuity and therefore have little experience with autonomy and no clear concept of their institutional prerogatives. In addition the executive branch has been accustomed to operating without a credible counterbalance, implying that this executive dominance is likely to persist in the absence of explicit constitutional limits on presidential power (Prempeh, 2008). Furthermore legislatures have been dependent on the executive for adequate resources (Prempeh, 2008) which poses another challenge. Where legislatures have a free hand in determining their own budgets they are in a position to increase salaries as well as cultivate an effective institution. (Barkan, 2009).

Most observers agree that a strong committee system is seen as key to whether or not a legislature is both powerful and effective in performing the core legislative responsibilities including oversight (Barkan, 2009) and McGee (2002) points out that an active committee system allows members to scrutinise below the surface of government administration, promoting direct interaction between elected legislators and the civil service, thereby making accountability real. Furthermore, active committees with strong oversight ensure candid separation of powers as they play a vital role in exercising inter-branch checks and balances (Strom, 1998). Committees that are permanent and run parallel to the executive structure are more likely to become a source of expertise outside the executive and more likely to subject the activities of the executive to more scrutiny and improve the policy making role of the legislature (Olson & Mezey, 1991; Murray & Nijzink 2002). Members of the legislature are important human resources in that they offer their skills and time to fulfil the collective responsibilities of the institution, with more members implying more resources to fulfil responsibilities of the legislature (Murray & Nijzink, 2002).

Murray and Nijzink (2002) also pointed out that institutional resources as well as state resources available for developing institutional capacity are generally a low priority amongst African legislatures. Within the South African context, the committee system in parliament is under resourced and where it is functioning well, it is pressured to maintain party discipline (Southall, 2000).

Barkan (2009) indicates that increasing committee and research staff and establishing a parliamentary budget office will enable legislatures to perform their core responsibilities. The composition, technical competence; behaviour and discipline of committee members (Johnson, 2005:4), addressing the capacity of committee chairperson, (Esau, 2008:103), managerial and technical staff and ensuring that legislatures maximise use of their constitutional powers (Johnson, 2005) are important, to enable them to pursue effective oversight and are some of the institutional capacity issues that should be addressed. Likewise, utilising hearings and investigations by legislative committees (Prempeh, 2008:115), use of information and analysis from independent state institutions (Johnson, 2005:5) as well as more

effective use of party caucuses (Mottiar, 2005:6) could be used more effectively to strengthen oversight and ensure accountability.

Desposato (2004) indicates that the nature of oversight within a political system is directed by the formal institutional framework that determines the type of authority, the informal institutional incentives to use that authority, and the capacity of the legislature to engage in effective oversight activities, though he points out that legislators do not create capacity without incentives and that these are linked to the type of electoral system. Arter (2006) points out that most of the literature has focused on legislative operations or legislative capacity as opposed to legislative performance, its potential policy power rather than output.

With regard to oversight effectiveness, Pelizzo & Stapenhurst (2014a) indicate that there are two basic approaches in research. One approach indicates that there is a causal relationship between oversight effectiveness and oversight capacity, where capacity is measured as the number of tools, and by increasing oversight tools automatically translated into greater oversight effectiveness. They indicate that the most common oversight tools were identified as hearings in committees, hearings in the plenary assembly, inquiry committees, parliamentary questions, question time, interpellations, an ombudsman, auditors general, and the public account committees. These tools were further regarded as internal and external, with questions, question time, interpellations, hearings; public account committees as internal tools, whereas ombudsmen and auditors general are external tools (Pelizzo & Stapenhurst, 2004:13). Other studies note that oversight tools are a necessary but insufficient condition for effective oversight as they posit that effective oversight depends on contextual factors such as the legislative oversight powers, powers to modify legislation, whether legislators are given proper information to perform oversight adequately, individual MPs and committee chairs roles, the saliency of issues, and performance of the opposition (Stapenhurst, Jacobs & Pelizzo, 2014). Taking this further Stapenhurst *et al* (2014), include a third dimension referred to as facilitating conditions and supporting factors in addition internal oversight tools and external factors. External factors concern tools that are outside of the control

of the legislatures but are used by the Legislatures to promote government accountability such as supreme audit institutions, anticorruption agencies and ombuds' offices. Facilitating conditions help strengthen legislative oversight capacity and concern contextual factors which shape executive legislative relations generally such as the level of democracy, social legitimacy, party cohesion and form of government as well as research capacity, access to information, amongst others (Stapenhurst, Jacobs & Pelizzo, 2014).

In relation to empirical measures for oversight, The Stapenhurst Index for Legislative Oversight was developed to measure capacity. This index was further modified and simplified by Pelizzo and Stapenhurst (2014b:108) to address methodological criticisms. They take into account both internal and contextual factors. The internal factors refer to the presence or absence of some tools, their method of appointment and their institutional responsiveness to parliament. The external factors refer to the level of democracy and the level of legitimacy that a country enjoys using democracy as a measure that takes into account several characteristics of the political system. They developed the Stapenhurst Pelizzo Index of Legislative Oversight (SPILO), which when tested specified that while internal oversight capacity has an impact on oversight effectiveness, taking contextual conditions into consideration, enhanced oversight effectiveness, with their explanatory power increasing from 22.6 per cent to 77.6 per cent, respectively (Pelizzo & Stapenhurst, 2014b), implying that legislative oversight capacity accounts for more than three quarters of the variance in legislative oversight effectiveness. They indicates that the remaining unexplained portion that goes beyond capacity may be found in willingness to perform oversight.

In addition, Pelizzo and Stapenhurst (2012) posit a new theory of effective legislative oversight based on the strategic interaction between members of the ruling elite and society. They indicate that there are three intervening factors that mediate oversight, the oversight mandate, the resources available to a legislature, and political will (Pelizzo & Stapenhurst, 2014b), notwithstanding incentives linked to the democratic system of governance and electoral system. With regard to resources needed for oversight, they

point out that several studies have suggested the availability of staff, information, adequate financial, human and technical capabilities to conduct independent research and investigation. In terms of political will, Pelizzo and Stapenhurst (2012) suggest that agency must be brought back into the analytical framework of legislative oversight as they indicate that the tools for oversight are used effectively only if there is a demand for good governance which will influence the political will to adopt and use oversight tools effectively. Hence they indicate that the ruling party will respond to effective oversight if there is popular demand for good governance and effective oversight. The issue of political will is further emphasised in literature on West Africa (Stapenhurst, Jacobs & Pelizzo, 2014) and Pelizzo & Stapenhurst (2012) further argue that political will is closely linked with legislatures' reasonable expectation of deriving benefit, be it material or symbolic, from engaging in the oversight activity. Oversight tools and contextual factors comprise legislative oversight and together influence the efficacy of oversight. Pelizzo & Stapenhurst (2014a) within their framework indicate that contextual factors are driven more by the socio-political history of a country and public trust is important.

While there is a small but growing body of empirical work that supports the importance of oversight, the results are conflicting and the literature on legislative oversight is confused as there is no consensus even on the definition of oversight and are largely descriptive regarding oversight tools and how they are exercised (Stapenhurst, Jacobs & Pelizzo, 2014). In addition, if there is no political will to perform effective oversight, irrespective of the internal, external and facilitating conditions, oversight will not be performed effectively.

Institutional strengthening and building the capacity of office holders in the legislature restores confidence and trust in these institutions. Addressing the capacity of both the parliamentarians as agents of oversight and the legislature as an institution will work towards ensuring the roles of the legislature are performed. While strengthening the parliamentary committee system and capacity is important to ensuring effective oversight over the

executive, the political will of legislators to perform effective oversight is a key driver.

2.8 CONCLUSION

This review has provided an overview of the context that affects legislative functioning as part of building a foundation for this study. However, the lack of comparative scholarly literature on emerging African legislature development limits our understanding of legislative functioning in such settings and oversight over the executive at a sub-national level.

The challenges posed by the different democratic mores on the power relationship between the executive and legislature were highlighted as well as the influence of the electoral system and the political party on incentives that may affect the behaviour of parliamentarians in the performance of their responsibilities. Finally the institution has been looked at in terms of internal, external and contextual factors and has been linked to effective oversight; empirical studies indicate that the will to perform oversight is a factor. Political will has been linked to both the incentives generated by the party as well as pressure from civil society. These have implications for legislative functioning as well as on the extent to which effective legislative oversight over the executive will be performed.

Notwithstanding the constraint of the lack of relevant and specific literature regarding the chosen field of study, the issues outlined in this literature review will contribute to the understanding of the political and institutional environment that affects legislative functioning which in turn influences legislative oversight at a sub-national legislature.

CHAPTER 3: RESEARCH METHODOLOGY AND APPROACH

This section provides an overall approach to the research methodology that will be employed to answer the research questions. It begins with the conceptual framework followed by the research paradigm, research design, data gathering, data validation and limitations of the study.

3.1 CONCEPTUAL FRAMEWORK

This study is located within the broader framework of democracy and democratic systems of governance which is intended to give people a voice, include society in decision making; and ensure accountable, transparent and responsive government. Emphasis is on the oversight function of Legislatures to effectively oversee the Executive and ensure Executive accountability on the implementation of public policy and the use of public finances.

The literature review provided a broad perspective of critical issues for consideration in a study of legislative oversight and contributed to the understanding of the political and institutional environment that affects legislative functioning and legislative oversight. The issues as extracted from the literature that affect oversight are summarised in Table 1.

Table 1: Summary of Oversight considerations from the Literature

Themes, Concepts & Theories	Authors	Central terrain of focus – Legislative Oversight
Democracy	Fish (2006), Esau, (2008), Olson & Mezey (1991), Nijzink,Mozaffer & Azevedo (2006), Stepan & Skach (1993), Yong-Choul & Sangmook (2009), Fish &	Facilitating Conditions • The democratic governance system and electoral system determine the power relations between the executive and legislature and the level of legitimacy or public trust by citizens respectively. This influences where accountability resides thus providing facilitating conditions for oversight and can influence oversight capacity. Informal institutional incentives

Themes, Concepts & Theories	Authors	Central terrain of focus – Legislative Oversight
	Kroenig (2009), Vladimir, Charles & Trevor (2002), Wiatr (1997), Jelmin (2012), Cho (2012), Mottiar (2005), Heller (2009), Bratton (2007), Booysens (2014), Barkan (2009), Hudson & Wren (2007)	• Where society prioritises representation for immediate distribution rather than overall oversight performance, this can reduce the demand for accountability and oversight. • Where accountability resides and the demand for accountability by citizens can result in informal institutional incentives that influence the political will or the extent to which the authority and capacity is utilized by individual public representatives to perform oversight
Political parties and power politics	Renée (2012), Olson & Mezey (1991), Barkan (2008), Saalfeld (2000), Prempeh (2008), February (2006), Mattes (2002), Pelizzo & Stepenhurst (2014)	Facilitating Conditions • Political parties play an intermediary role between their representative in the legislature and the executive, between the citizen and the state, between the party system and government Informal institutional incentives • Parties control the party lists, are responsible for party discipline, set the legislatures agenda and generally legislators fall in the lower ranks of the party can have an impact on the space given to the legislature as well as the incentives to individual legislators to perform oversight over the executive.
Institutional capacity of legislatures	Johnson (2005), Escobar-Lemmon (2006), Jelmin (2012), Heller (2009), Barkan (2008) , Barkan (2009), Fish (2006),	Formal institutional framework • Formal institutional framework determines the type of authority of the legislature and formal powers between the executive and legislature as well as distribution of power between spheres of government. Institutional capacity

Themes, Concepts & Theories	Authors	Central terrain of focus – Legislative Oversight
	Hudson & Wren (2007), McGee (2002), Desposato (2004), Strom (1998), Nijzink, Mozaffer & Azevedo (2006), Mottiar (2005), Prempeh (2008), Olson & Mezey (1991), Esau (2008), Arter (2006), Pelizzo & Stapenhurst (2012), Pelizzo & Stapenhurst (2014), Stapenhurst, Jacobs & Pelizzo (2014), Hasson (2010), Southall (2000)	• Institutional capacity refers to the ability of legislatures to exert influence over the executive (constitutional) as well as their ability to perform their roles including oversight. Internal supporting factors • Internal supporting factors are those factors that help strengthen legislative oversight capacity. Institutional oversight capacity- committees system, internal oversight tools, time, human resources (research/professional and support staff), financial resources, technical capacity, information, role of party caucus to engage in effective oversight External supporting factors • External supporting factors are those institutions that are outside of the control of the legislatures but are used by the legislatures to promote government accountability and can help strengthen the legislative oversight capacity. Contextual factors • Political Willingness to do oversight driven by popular demand for good governance and oversight as well as individual members deriving benefit from doing oversight

In developing the conceptual framework, the links between the literature review and the terrains of exploration as identified in the above table is further elaborated in relation to the research sub-questions. The conceptual framework is outlined in Table 2.

Table 2: Conceptual Framework

Research Sub-Questions	Terrains of exploration
What are the legal and institutional levels of legislative oversight authority and how are these understood by those who have to exercise oversight?	Formal institutional framework: The constitutional and legal parameters for legislative oversight and executive accountability. The manner in which these are interpreted and understood. Facilitating conditions: The relative power and autonomy and ability of legislature to influence the executive and how these are interpreted and understood. Influenced by the broader system of governance and electoral system.
What internal and external supportive capacities are there for the exercise of oversight by the legislature and its relevant committees and how is oversight performed?	Institutional Capacity: Level of actual available capacity for the exercise of oversight. Including individual knowledge and capacity for role. Internal Supporting factors: The capacity (knowledge and skills) of the legislature to engage in effective oversight activities. Including the oversight tools, committee system, the human, financial, technical factors, availability of credible information for oversight. External Supporting factors: The support that is available from the external environment and the knowledge and capacity to draw on these. This includes support from the party, government structures (i.e. Auditor-General) and non-governmental support structures (civil society lobby organisation).
What are the internal and external drivers, incentives and pressures that influence the exercise of	Facilitating conditions: This includes 1) Accountability facilitating: The internal executive reporting modalities and societal reporting modalities, and the manner in which these encourage or preclude the exercise of oversight. 2) The socio-economic and political factors that impact on individual exercise of oversight. Including how these serve to constrain or shape the exercise of oversight

Research Sub-Questions	Terrains of exploration
oversight?	Informal institutional incentives/contextual factors: This includes 1) Political facilitating: The political drivers or constraints in the effective exercise of oversight and the manner in which these shape individual behaviour (actions-or-inactions in the performance of oversight). Including the system of decision-making and related party structures. 2) Social facilitating: The wider societal drivers for the exercise of oversight. Including demands from citizens and individuals. The manner in which this responsibility is interpreted and unfolds.

Consistent with the purpose of this research and the areas that have been identified to be explored in this study, it is essential that a credible and appropriate research paradigm and research design be identified.

3.2 RESEARCH PARADIGM

A research paradigm refers to a set of fundamental assumptions and beliefs as to how the world is perceived which then serves as a thinking framework that guides the behaviour of the researcher (Jonker and Pennink, 2010). The research paradigm can substantially influence the practice of research (Creswell; 2009) as certain paradigms are associated with certain methodologies (Wagner, Kawulich & Garner, 2012).

Generally the difference between qualitative and quantitative research approaches is distinguished in the use of words as opposed to numbers and the use of open ended as opposed to closed ended questions. Furthermore, the approach to theory, basic philosophical assumptions, research strategies and methods employed add to the degree of differences between these research approaches (Creswell, 2009).

Concerning the orientation of the role of theory in research, the qualitative research approach emphasises an inductive approach which is the development of theories whereas quantitative research emphasises a reductive approach, that is, the testing of theory (Bryman, 2012). The philosophical assumptions include the ontological and epistemological paradigm that relate to how reality is perceived and the nature of knowledge

and truth, respectively (Wagner *et al*, 2012). With regard to the philosophical orientations, quantitative research strategy views social reality as an external objective reality and incorporates the practices and norms of the natural scientific model and positivism in particular (Bryman, 2012). Whereas, a qualitative research approach embodies social reality as constructionist, where individuals understand reality as being socially constructed and there is more than one meaning of individual experiences, and an interpretivist approach is emphasised in which individuals interpret their social world (Bryman, 2012, Creswell, 2009).

According to Creswell (2009), certain types of social research problems call for specific approaches. Qualitative research is a means for exploring and understanding the meaning individuals or groups ascribe to a social or human problem. Within this study, Members of the Legislature have different backgrounds, experiences and may hold different diverse perspectives or constructs on legislative oversight, supporting that social reality is constructionist. To answer the research question and understand the research problem requires an in-depth exploration of the diverse perspectives and experiences of members of the Limpopo Legislature and this would require interaction and dialogue with the research participants and the use of open ended questions. The detailed account from participants will be subjected to a narrative form of analysis on which knowledge claims will be based on a constructivist perspective to identify factors that influenced an outcome. The researcher will apply own interpretation of collected data to make conclusions and recommendations. In this regard, the constructionist and interpretivist approach thus underpins the philosophical basis of this study. This study will therefore rely on qualitative research data collection methods.

3.3 RESEARCH DESIGN

Research methods can be and are associated with various designs. The research design is a framework for the collection and analysis of evidence that is suited to a certain set of criteria and to the research question (Bryman

& Bell, 2015). Criteria for establishing and assessing the quality of research include reliability and validity which is discussed below.

This research sought to explore and understand the extent of the exercise of legislative oversight over the Executive in Limpopo. The circumstance for this study was unique in South Africa as no other province, since the dawn of democracy, had been placed under national administration at this scale nor under Section 100 1(b). Addressing the purpose of this research, required a holistic and in-depth exploration of the formal institutional frameworks, facilitating environmental factors, institutional capacity, internal and external institutional support factors, the informal institutional frameworks as well as the performance of oversight by individual members of the Limpopo Legislature. According to Merriam (2002), a basic interpretive study seeks to discover and understand a phenomenon, a process, the perspectives and worldviews of people involved, or a combination of these. In this study, a basic interpretive qualitative design was undertaken to explore and understand the context, the practice and perspectives on the exercise of oversight in the Limpopo Legislature.

3.4 DATA GATHERING

Qualitative research includes several research methods. To answer the research question, data was collected through qualitative interviews and qualitative analysis of documents.

Individual members of the Provincial Legislature were interviewed using semi-structured interviews which allowed the interviewer some latitude to ask further questions in response to what were considered as significant replies (Bryman & Bell, 2015) so as gain a deeper understanding of the issues. The diverse insights and perspectives from members contributed towards an understanding of the research problem.

Furthermore, document analysis contributed to providing further information and enhanced understanding of the research problem and answered the research question. Documents included public available data, the legal frameworks, archival records, annual reports, committee reports and other

related reports of the Legislature. A summary of the data sources as it links to answering the research questions are outlined in Table 3.

Table 3: Data sources

Research Questions	Data Sources	
	Legal and formal documents	**Interviews and observations**
What are the legal and institutional levels of legislative oversight authority and how are these understood by those who have to exercise oversight?	• Legal and related documents explaining the authority, structures, functions of the legislature and accountability mandate of the executive. • Legal and related documents outlining the broader governance structure and electoral system, institutional power relationship between the executive and legislature	• Individual understanding of mandates of the legislature, its committees and executive accountability • Perspectives on the broader governance structure and electoral system, enablers and constraints for oversight and accountability /level of autonomy between the executive and legislature
What internal and external supportive capacities are there for the exercise of oversight by the legislature and its relevant committees and how is oversight performed?	• Related document outlining the oversight mechanism, methods and procedures • Documents and committee reports related to the committee performance, committee recommendations, debates, questions posed by MPLs, information provided and commitments by the executive • Related document outlining internal support capacities, oversight tools, committee system, financial, human and technical resources, time allocation, internal capacity to	• Perspectives on the institutional mechanisms, rules and processes for oversight and its exercise • Perspective of internal capacities and the value of support provided – or lack thereof • Perspectives on the usefulness of information provided by executive and extent of implementation of committee resolutions • Perspectives on party funding and party support • Perspective on utilisation and adequacy of external

Research Questions	Data Sources	
	Legal and formal documents	Interviews and observations
	review information/research and shape critical oversight, frequency of meetings • Related documents on party funding and party support • Brief analysis of documents on use of information from external sources in oversight activity	information
What are the internal and external drivers, incentives and pressures that influence the exercise of oversight?	• Brief analysis of secondary literature on unique factors that shape the exercise of legislative oversight • Analysis of documents on forms of engagements with the executive and society • Analysis of documents on issues raised by political and social actors and media • Analysis of documents on critical issues raised by individual MPLs	• Perspectives on the constraints that impact on them – re- economic and socio cultural factors • Individual understanding and experience of political and social engagement • Perspectives on the economic and political factors that shape action • Perspectives on Individual initiatives and interventions • Individual perspectives and experience with political party influence on legislative oversight • Individual perspectives and experience with societal influence on legislative oversight

Data sourced through document analysis was used to complement the data sourced through interviews. Analysis of both sources of data focused on

information and themes relevant to the questions of the study. This allowed the researcher to make informed interpretations.

3.5 SAMPLING

Purposive sampling was applied in this study. In purposive sampling, participants are chosen in a manner that is representative of the population and selected on criteria based on the researcher's judgement to be identified as most suitable participants (Wagner, Kawulich & Garner, 2012) and that will enable the research question to be answered (Bryman & Bell, 2015).

There were 39 members of the fourth term of the Limpopo Legislature that were responsible for oversight. Members were allocated to more than one committee and committees consisted of nine members. The study sample was selected on the basis of members that were overseers of the various portfolio committees of line departments placed under national administration as well as members of the Standing Committee of Public Accounts (SCOPA). SCOPA was included amongst the committees as it had the responsibility to ensure the effective management of fiscal resources. The sample was drawn to ensure that at least four members that served on each committee were selected, including members from the opposition parties. Given that this study was located in the fourth term of the Limpopo Legislature and not all fourth term members were current serving members of the Limpopo Legislature, availability of members to be interviewed was considered. In addition, members that were Chairpersons of these committees and were not currently serving were not excluded from the sample.

A preliminary analysis of the sample indicated that of the 13 members that were currently serving, 4 were members of the Executive, 1 served on the NCOP and 3 were from the opposition parties. To reduce bias in responses, members currently serving in the Executive were excluded. Given the time constraints and the fact that current serving members are readily available, they were prioritised in the sample. The 6 chairpersons of the affected committees were not currently serving but were included in the sample. The targeted sample thus included 15 members, of which, 1 member served on 4 committees, 2 members served on 3 committees, 6 members on 2

committees and 4 members served on 1 committee. This thus represents 6 members that served on SCOPA, 6 on health, 4 on education, 6 on roads and transport, 5 on public works and 4 on treasury. It should be noted that these members also served as overseers on committees where line departments were not placed under national administration.

3.6 DATA VALIDATION

Data validation was considered to ensure that the research was of good worth and high quality. The trustworthiness of this research was established through the criteria of credibility, transferability, dependability and conformability (Bryman, 2012, Bryman & Bell, 2015).

Credibility deals with whether the findings accurately reflect the observed social phenomenon. To ensure credibility of this research both qualitative interviews and document analysis were embarked on in accordance with the standards of good practice. Interviews were taped, transcribed and stored. To assess the quality of documents used, documents were gauged against the criteria of authenticity, as well as credibility in terms of whether the evidence is free from error and distortion, representativeness in terms of whether the evidence is typical or the extent of typicality of its kind, and meaning in terms of whether the evidence is clear and comprehensible (Bryman & Bell, 2015). Most documents used were government records.

Transferability, or the applicability of research findings to other settings, may not be possible for qualitative data, but through the provision of detailed accounts or descriptions on data collected, it may possibly provide others with a database for making judgements about possible transferability of findings to other settings (Bryman & Bell, 2015). To ensure conformability, data collected from both interviews and documents were cross checked or triangulated to ensure that the researcher did not allow personal values or theoretical inclinations to interfere with the research findings (Bryman & Bell, 2015). With dependability, or whether findings are replicable or repeatable (Bryman & Bell, 2015), the researcher ensured that complete records were kept of all phases of research, and in an accessible manner so as to enable other researchers to follow a similar framework.

3.7 LIMITATIONS OF THE STUDY

There may be limitations with regard to the generalisability to other situations. Even though the context of the study is unique to Limpopo within democratic South Africa, the practice of oversight occurs in all other eight Provinces. It is expected that the findings of this study will contribute to important lessons and practices with regard to the performance of legislative oversight at a sub-national level.

3.8 ETHICAL CONSIDERATIONS

Ethical issues arise in the course of conducting research and should be considered to ensure the professional credibility of the researcher and the protection of research participants (Wagner, Kawulich & Garner, 2012). Significant issues that need to be considered include whether participant can be harmed, informed consent, invasion of privacy and deception (Bryman & Bell, 2015).

Participants in this research are public representative of political parties. Their views, if it is against the party position, can be career limiting and hinder their contribution to the study. As a result, their identity in the interviews and the write up remained confidential. Furthermore, participants were informed of the purpose of the research and the research process and their consent to participate in this research was obtained.

The questions posed to them relate to the performance of oversight during the fourth term of the Legislature which occurred in the public domain, hence there was minimal invasion of privacy. However, through their informed consent, invasion into their privacy was further minimised.

While undertaking this research, the researcher was a member of the Limpopo Legislature, but not a member of the Legislature in the fourth term. The researcher could be prone to bias in the course of the research process. However, the re

searcher undertook this project as an independent researcher, furthermore, as indicated above, data collected from both interviews and documents were

cross checked or triangulated to ensure that the researcher did not allow personal bias to interfere with the research findings.

3.9 SIGNIFICANCE OF RESEARCH

Research on legislative functioning has been concentrated at a national level in South Africa and there has been a lack of research at the sub-national levels. There has been even less work done on the oversight function of Legislatures as opposed to the law-making responsibility. With the growing emphasis on legislative oversight in South Africa, this study is aimed at contributing to the body of knowledge on legislative oversight in South Africa and possibly helping to strengthen oversight and accountability in South Africa and across Africa. It will further assist the legislative sector to come-up with strategies that can be used to enhance oversight. Due to the scarcity of legislative oversight literature in the public domain, the current study will be shared with the entire legislative sector and research community through publication in a peer reviewed journal.

3.10 SUMMARY

The conceptual framework links the broad perspective of issues identified through the literature review and the research sub-questions of this study. To explore these identified areas, this study utilises a qualitative research paradigm using a basic interpretative study design. Purposive sampling is applied in this study and data collected through document analysis and semi-structured interviews. The research methodology further addresses data validation and ethical considerations.

CHAPTER 4: OVERSIGHT FRAMEWORK AND PRACTICES

To develop an in-depth understanding of the level of legislative oversight that was exercised during the fourth term (2009-2014) of the Limpopo Legislature, data was collected from available public records, documents of the Legislature and face to face interviews. The interviews served to provide details on the experiences, views and perspectives of a carefully selected sample of Members of the Limpopo Legislature during the fourth term. Public records and documents provided added empirical evidence and information on the context within which oversight was practiced and served to complement and corroborate data generated from interviews. This chapter presents a summary of the data collected and collated.

The data is broadly presented according to key themes associated with the research sub-questions as outlined in the conceptual framework. The first key theme relates to the legal and institutional framework that provides the authority for legislative oversight and Executive accountability and frames the institutional relationship between these structures. The second key theme relates to the capacity for and practice of oversight. Included in the capacity for oversight are internal institutional support capacity and external support capacity that adds value to the performance of oversight. The third key theme relates to the internal and external drivers, incentives and challenges that influenced the exercise of oversight.

The first part of the chapter presents the sources of data, followed by data presented according to the key themes. The second and third part of the chapter covers the framework for accountability, the support capacity for the exercise of oversight and lastly, oversight drivers and challenges. Where relevant, both the data from documents and interviews are integrated. Interviewees are referred to as respondents. Where appropriate, data presented incorporates the actual words of respondents.

4.1 OVERVIEW OF DATA SOURCE

The overview of the data sources provides the basis on which data was generated. It outlines the interview process, provides basic information on respondents and a summary of documents from which data was analysed for this study. The sources of data are in accordance with the research methodology and approach established for the research.

4.1.1 Interview Process

Interviews were held between December 2015 and February 2016. Purposive sampling was used in this study. Only twelve of the fifteen targeted respondents in the sample were interviewed, as two declined and one was not available despite numerous attempts to arrange the interview. This did not affect the initial criteria of having at least four or more respondents that served on the relevant committees that exercised oversight over Departments that were placed under national administration.

Face to face interviews were held on dates, times and venues that suited the respondents. Interviews were conducted through open ended questions (Annexure A). To ensure that the questions were understandable, this was tested on the first respondent. The respondent found the questions comprehensive and was able to understand and respond to these. The data generated was then appropriately considered under relevant thematic areas.

4.1.2 Document Analysis

Legislative oversight and Executive accountability are constitutionally mandated responsibilities and the practice of oversight occurs within regulated frameworks of government. Documents selected for this study were derived from official and public records. The documents selected and data analysed are reflected in Table 4. The reviewed public records and documents provided information on the legal and political context within which oversight occurs, the mechanisms for the execution of oversight and the exercise of oversight during the fourth term of the Limpopo Legislature.

Table 4: Documents analysed and Data extracted

Documents selected	Data extracted
Legal Documents: Constitution of the Republic and other legislation including the Electoral Act (1998), Limpopo Political Party Fund Act (2008)	• Mandate of the Legislature • Legislative oversight and Executive accountability • National intervention in Provinces • Parliamentary and electoral system • Political party funding
Standing Rules & Orders of the Limpopo Legislature	• Committees system • Executive responsibilities • Resolutions management
Oversight models, National Treasury Guidelines	• Mechanisms and tools for oversight
Hansard or verbatim proceedings of the 4th term of the Legislature (2009-2013)	• Tabling of reports • Debates • Questions • Specific issues raised on oversight
Availed Committee reports for portfolio committees on Treasury, Education, Health, Public Work, Roads and Transport and SCOPA	• Committee engagements with departments, discussions and recommendations
Annual Reports and other reports of the Limpopo Legislature	• Performance of the Legislature and committees
Section 100 diagnostic review	• Context of implementation of Section 100 (1)(b)
Reports of the Auditor General (2009-2013)	• Performance of the 5 government departments: Treasury, Education, Health, Public Work, Roads and Transport • Recommendations on oversight
ANC Constitution and Documents	• Party caucus and party support

It was expected that data analysed from documents would be used to augment questions for the interview. This was not always possible as the

Legislature went into recess and not all committee reports were readily available. As a result, both processes ran in parallel and where possible, data from documents were used to validate interview data. Furthermore, extracting data from the Hansard, which contained the verbatim proceedings of the Legislature, was almost impossible as the documented proceedings did not have a table of contents and information contained therein was dependent on how the Speaker and Members of the Legislature presented matters.

4.1.3 Respondent Information

Basic information was collected on respondents in relation to gender, political affiliation, education qualifications and experience in the legislature sector and committees. This was to initially place respondents at ease during the interview and to broadly ascertain causality between educational knowledge and or experience required to engage in effective oversight. The respondents consisted of five males and seven females, nine from the ruling party and three from opposition parties. Other basic information on respondents is presented in Table 5.

Table 5: Basic information on Respondents

Respondent	Highest qualification	Nr of terms served	Nr of 4th term committees	Relevant portfolios served on					
				Provincial Treasury	Education	Health	Public Works	Roads & Transport	SCOPA
1	Honours	2	3		√				
2	Postgraduate Diploma	4	3				√	√	√
3	Diploma	2	>5	√	√	√			
4	Diploma	3	3	√					
5	Honours	1	5		√	√	√		
6	PhD	4	3					√	√
7	Honours	1	>5			√		√	√
8	Degree	2	4	√	√		√		√
9	Honours	4	3					√	
10	Degree	1	4				√	√	
11	Honours	1	5			√			
12	Honours	1	4	√		√		√	√

Seven respondents served two or more terms in the legislative sector whereas five were serving their first term. Two respondents previously served in national parliament. All respondents have tertiary qualifications and served on three to more than five committees. In relation to portfolio committees that mirrored departments placed under Section 100 (1(b)), four respondents served on the portfolio committee of provincial treasury, four respondents served on education, five respondents on health, four on public works and six on roads and transport. Moreover, five respondents served on the Standing Committee on Public Accounts. The sample consisted of four chairpersons of committees.

The sample thus comprised of 31 per cent of the population and 25 per cent of respondents were from the opposition. At least 40 per cent of members that served in each of the six committees were represented and 33 per cent of the respondents were chairpersons of committees.

4.2 LEGAL AND INSTITUTIONAL FRAMEWORK FOR OVERSIGHT & ACCOUNTABILITY

The legal and institutional levels of legislative oversight authority and how these are understood by those who have to exercise oversight was explored. On this matter, the power and autonomy of the legislatures apropos to the parliamentary system of governance, the electoral system and the political party was considered. Furthermore, the formal legal framework for oversight and accountability and the national intervention in Executive function was considered.

4.2.1 Power and Autonomy of the Legislature

How the executive is constituted can determine the degree to which the legislature can act independently of the executive and to what extent the legislature can influence the executive. In this respect, the broader parliamentary system of governance and the electoral system which frames the accountability relationship between the legislature and the executive were considered. The legal basis for these, the manner in which they were interpreted and understood was explored in this section. Being a representative democracy, the relationship between Members of the Legislature and their political party was explored.

4.2.1.1 Parliamentary and Electoral System

Section 1 of the Constitution of the Republic of South Africa (1996), specifies that South Africa is a democratic state founded on values that include the 'supremacy of the constitution and rule of law, universal adult suffrage, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness'. The Constitution gives effect to the democratic doctrine of the separation of powers in that, legislative authority is vested in Parliament and the Provincial Legislatures, Executive authority is vested in Cabinet and the Provincial Executive Councils and Judicial authority is vested in an independent Judiciary. The Constitution further stipulates that 'every adult citizen has the right to vote in elections for any legislative body' established by the Constitution (section 19). Legislative bodies are elected for a five year term to represent the will of the people, to ensure government by the people and to elect the President or Premier (Republic of South Africa, 1996) from amongst its members (section 128) and may on specific grounds as stipulated in the Constitution, remove a Premier (section 130). The Premier appoints Members of the Executive from amongst Members of the Legislature, assigns them executive powers, and may dismiss them (section 132). The Executive is thus constituted, derives its democratic legitimacy from the Legislature and is accountable to the Legislature. Within this doctrine of separation of powers as outlined in the Constitution, South Africa has a parliamentary system of governance.

To give effect to the founding provision of a 'multi-party system of democratic government', the Constitution (1996) requires the use of an electoral system that amongst others is prescribed by national legislation and results in proportional representation in Parliament and Provincial Legislatures (section 105). Consistent with Section 27 of the Electoral Act 73 of 1998 (Republic of South Africa, 1998), a party may contest elections and must nominate candidates and submit a list/s of those candidates for elections. Furthermore, Section 236 of the Constitution stipulates that 'to enhance multi-party democracy, national legislation must provide for the funding of political parties participating in national and provincial Legislatures on an equitable and proportional basis' (Republic of South Africa, 1996). On this matter, the

Limpopo Political Party Fund Act 4 of 2008 provides for funding for political parties participating in the Limpopo Provincial Legislature (Limpopo Provincial Government, 2008).

Most respondents interviewed did not clearly separate their understanding of the parliamentary system and electoral system and gave a conflated response emphasising the electoral system. Respondent 1 made reference to the majority party being the leader of both the Executive and Legislature: "…there is always a relationship between the two bodies based on the party being the leader of the two … arms of government". In relation to the electoral system, respondents pointed out that it was based on a party system and or proportional representation. Respondent 2 stated the system provided for party lists from which "the party … forward people to the National Assembly in terms of the list that they prepare before the elections".

With regard to party funding, respondents indicated that annually parties are proportionally allocated funds from the Legislature so that parties can strengthen their capacity and fulfil their political responsibilities. Moreover, respondents from the opposition or smaller parties pointed out that the financial support they received was insufficient.

4.2.1.2 Political Party

Within the ruling party, members of the ANC were required to be members of caucus and were bound to abide by the rules and decisions of caucus (ANC, 2012a). The 2007 ANC Conference resolutions indicate the ANC caucus functions as the link between 'the constitutional structures of the ANC and government', as well as 'coordinating legislative approaches to ANC policy, and the oversight and monitoring of policy implementation'. In this regard the resolutions further indicate that the ANC structures should strengthen caucus as an instrument 'for robust oversight, mutual accountability, collective leadership and discipline among cadres' (ANC, 2007). Moreover, the 2012 conference resolved that the Chief Whip's office 'should be the centre of decision-making and should be appropriately resourced' (ANC, 2012b:31). ANC MPs are allocated study groups which are established in line with portfolio committees (ANC Parliamentary Caucus). Study Groups ensure that

ANC policies find practical expression through the ‘political work they do on the legislative programme before the Committee, political oversight in respect to matters coming before it, and formulate ANC policy for the relevant focus area’ (ANC Parliamentary Caucus).

With regard to the relationship with the party, respondents indicated that they are representatives of their party and there is a mutual relationship as they are mandated by their party and account to their party (respondents 1, 3, 4, 5, 6, 7, 8, 11, 12). Respondents from the opposition moreover indicated that they also build relationships with the ruling party (respondents 3 and 8).

ANC respondents referred to Party Caucus under the leadership of a party Chief Whip, where interaction takes place between representatives in the Legislature and the party (respondents 2, 4, 5, 9). The Chief Whip served as the link between the party structure and Members of the Legislature (respondent 4) and caucus ensured “… unity and cohesion of the members of the ANC” (respondent 2) is maintained. The party allocated constituency offices to members where they represented the party and accounted to communities (respondents 1, 2, 4, 5, 7, 9, 11), thereby taking Parliament to the people (respondent 4). Two respondents indicated that through study groups, members of the party addressed the policies of the political party (respondents 9 and 11).

4.2.2 Legal Framework for Oversight and Accountability

The legal framework provides the legal parameters within which legislative oversight and Executive accountability took place. In this regard, the authority of the Legislature, the accountability responsibilities of the Executive and the authority of National Government in executing Provincial Executive obligations was reviewed.

Both legislative oversight and Executive accountability are constitutionally mandated in South Africa. In addition to representing the will of the people and choosing the President and Premiers respectively, the National Assembly and Provincial Legislatures are required to provide ‘a forum for public consideration of issues … passing legislation and … scrutinising and

overseeing executive action'. Furthermore, the National Assembly (section 55) and Provincial Legislatures (section 114) are given the power to 'provide for mechanisms to ensure that all Executive organs of state are accountable to it'; and to maintain oversight of both 'the exercise of Executive authority including the implementation of legislation; and any provincial organ of state'. Additionally, the Constitution (1996) provides for committees of the Legislature to be established in terms of the rules and orders of the Legislature (section 116) and must enable public involvement in the processes of the committees (section 118).

Executive authority is vested in the President (section 85) and Premiers (section 125) and exercised together with other Members of Cabinet and the Executive Council (EXCO) respectively through implementing legislation, policies, and programmes and may initiate legislation. In terms of section 133 of the Constitution (1996), members of the EXCO are responsible for executive functions assigned to them and are 'accountable collectively and individually to the Legislature for the exercise of their powers and the performance of their functions'. They must 'act in accordance with the Constitution' and 'provide the Legislature with full and regular reports concerning matters under their control'.

Respondents were asked about the legal mandate of the Legislature and its committees. Generally, respondents had a substantive understanding in line with the Constitution. As indicated by respondent 1, "The Legislature has three mandates as per the Constitution … law making … oversight … public participation ..." and "the committees of the Legislature are an instrument through which oversight is conducted over the Executive". Only respondent 8 excluded the public participation role of the Legislature.

All respondents stated that the Executive is constitutionally obligated to account to the Legislature. Respondent 4 and 6 further explained that the Executive can start legislation and make policies or develop plans which the Legislature appropriates funds for, and the Executive accounts to the Legislature on implementation of these policies or plans and the use of funds appropriated to them. In addition, respondent 11 referred to the financial

accountability of the Executive as stipulated in the Public Finance Management Act, that "… the Executive authority … must account in terms of the (departmental) expenditure …". Three respondents made reference to individual and collective accountability of the Executive to the Legislature (respondents 2, 4 and 6) and respondent 6 further commented that "… the collective part …. was not really that emphasised … but when the administration was put in place, the resistance was collectively done".

4.2.3 National Intervention in Provincial Administration

Government within South Africa is 'constituted as national, provincial and local spheres of government which are distinctive, interdependent and interrelated' (section 40), where 'each sphere must exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere' (section 41). However, section 100 of the Constitution (1996) provides for national intervention in a Provincial Administration 'when a Province cannot or does not fulfil an Executive obligation'. The intervention may occur by 'issuing a directive to the Provincial Executive'; or in terms of Section 100 (1)(b), assuming 'responsibility for the relevant obligation in that province to the extent necessary to maintain essential national standards or meet established minimum standards necessary for rendering of a service'.

The Constitution (1996) provides for two houses of Parliament in the national legislative sector, the National Assembly and the National Council of Provinces (NCOP). The NCOP ensures 'provincial interests are taken into account in the national sphere of government' (section 42). If the National Executive invokes Section 100, they must submit a 'written notice of the intervention to the NCOP'. The NCOP must 'review the intervention regularly and make appropriate recommendations to the national Executive' and can end an intervention if it disapproves of the intervention. Moreover, Section 100 (3) stipulates that 'national legislation may regulate the process established by this section'.

Limpopo was placed under Section 100 (1)(b) of the Constitution (1996) in 2011. This intervention was prompted by the Province having an overdraft of

R1.7 billion and would have failed to pay its employees, honour payments of suppliers and provide for goods and services. There was unauthorised expenditure if R 2.7 billion, poor cash management, poor contract and supply chain management (SCM), the use of Project Management Units (PMU) to avoid SCM processes and some departments like Health and Education had implemented the occupation specific dispensation (OSD) without an available budget (Limpopo Provincial Treasury, 2012:4).. Moreover, Provincial Treasury's inability to provide support and exercise its duty of effective oversight over the provincial departments resulted in systematic failures posing significant risks for service delivery in the Province. This led to the national intervention in the departments of Provincial Treasury, Education, Health, Public Works and Roads and Transport (Limpopo Provincial Treasury, 2012:6).

Broadly, the intervention had legal implications in that the relevant national Ministers assumed all duties that were vested in the Members of EXCO (MECs) and they appointed national administrators to perform the functions of Accounting Officers of these departments (Limpopo Provincial Treasury, 2012:6). However, there was a need for clarity and serious attention with regard to the legal gaps as to the status of administrators in the Legislature and tabling of budgets in the Legislature by MECs on behalf of the Ministers (Limpopo Provincial Treasury, 2012:12).

Section 100 (1)(b) intervention in Limpopo was lifted on 31 January 2015 and replaced by Section 100 (1)(a) resulting in the authority of Accounting Officers being reinstated. The closure report on the Section 100 (1)(b) intervention in Limpopo was not available at the time of completing the data gathering exercise in April 2016.

In response to a question directed towards determining respondents understanding of Section 100(1)(b) of the Constitution, all respondents referred to Section 100(1)(b) as an intervention by the National Government in the Province. There were nuanced views on the reasons for the national intervention to have occurred. The views ranged from the inability of the Executive to execute some of its Constitutional mandates (respondents 1 and

3) to “corruption” (respondent 9), “the worst performing departments” (respondent 10), “where (national) deemed necessary” (respondent 7) and to address “a problem that will affect the whole country negatively” (respondent 2). Respondent 3 further clarified that the intervention “came as a result of the overdraft that the Provincial Government was applying from the National Treasury … to the tune of over R 2.7 billion.”

Some respondents moreover specified that such an intervention implied that there was a takeover of the mandate or powers of the Provincial Executive (respondents 5, 6, 11, 12) or administrative duties (respondents 8 and 9). Other respondents pointed out that in line with the Constitution, legislation (respondents 1, 4, 6), or some mechanism (respondent 3, 7, 12) should have been in place to guide such an intervention.

4.3 CAPACITY FOR THE EXERCISE OF OVERSIGHT

The Legislature’s institutional capacity and the internal supporting environment provide the facilitating mechanism and support that enables the Legislature to perform and engage in oversight over the Executive. The institutional capacity is looked at in terms of the mechanism for oversight and accountability. These and external institutions that may assist and add value to the performance of oversight are explored.

4.3.1 Mechanism for Oversight and Accountability

The authoritative capacity for oversight and the Executive responsibilities as it relates to institutional capacity are addressed. The authoritative capacity contained in relevant legal and procedural documents are sketched out and perspectives on the institutional mechanism rules and processes for oversight are indicated. The responsibilities of the Executive in the oversight process are also outlined.

In line with the Constitutional requirement that the Legislature establishes rules and orders, these must provide for the establishment, composition, powers, functions, procedures and duration of its committees and minority party representation in committees (Republic of South Africa, 1996). Furthermore, the Constitution provides that the Legislature or any of its

committees may (section 115) ‘summon a person to appear before it to give evidence or produce documents, require any person or provincial institution to report to it and receive petitions, representations or submissions from any interested persons or institutions’. In this regard, the Limpopo Legislature had adopted Standing Rules & Orders of the Limpopo Legislature (2014:42), which provide for the establishment of committees in respect of EXCO portfolios to deal with oversight, bills and other matters concerning the affairs of government within its portfolio. Moreover, the committee must ‘monitor, when appropriate investigate, inquire into and make recommendations relating to, the legislative program, budget, rationalisation, restructuring, functioning organisation, structure, personnel, policy formulation or any other matter it may consider relevant, of the provincial departments … and may for that purpose consult and liaise with those departments’. The rules further stipulate that the portfolio committee may ‘require an MEC to appear before it to answer questions relating to the portfolio concerned.’ (Limpopo Legislature, 2014:106)

The Executive is required to table strategic and annual plans in the Legislature as per the provisions of the Public Finance Management Act, 1999 (Act 1 of 1999). Additionally, and the rules require EXCO to table the annual reports and any other report that may be demanded by the committee concerning matters under their control as well as submit departmental quarterly reports on a date to be determined by the Speaker (Limpopo Legislature, 2014).

Committees, in terms of the rules, were to be composed of between five and ten members and established for the duration of the Legislature unless the House determined otherwise. The Chairperson of the committee had the responsibility to propose the agenda and could act on behalf of the committee on certain matters when the committee could not meet. Reports of the committee were to be presented to the house. Resolutions of the House that affect the EXCO had to be communicated to the Premier and the relevant MEC by the Secretary and thereafter followed up by the relevant portfolio committee during its regular oversight functions (Limpopo Legislature, 2014).

The Limpopo Legislature in the fourth term did not develop its own model for oversight but used parliament's 2009 Oversight and Accountability Model (OVAC). OVAC defined oversight as 'a constitutionally mandated function of legislative organs of state to scrutinise and oversee Executive action and any organ of state' (South African Parliament, 2009:4). In 2012 the legislative sector developed a framework, the Sector Oversight Model (SOM), aimed at a coordinated and common approach to oversight practice in South Africa. The SOM attempts to introduce an oversight regime based less on 'institutional and political confrontation but to redefine the legislative oversight as a central component in the Public Service delivery machine' (Legislative Oversight Support, 2012:4) in the pursuit of good government, hence Legislatures will bear 'some responsibility for overall government performance' (Legislative Oversight Support, 2012:6). However, SOM was not implemented in Limpopo in the fourth term.

In terms of the OVAC, the tools for oversight by committees include departmental briefing sessions, study or oversight site visits, annual and departmental budget analyses, calls for submissions and petitions from the public, the consideration of strategic plans and annual reports, and public hearings. Other tools identified that could be used for oversight were committee reports, questions for oral or written reply to the Executive, notice of motions on issues for debate or decision and plenary debates (South African Parliament, 2009).

The Hansard or verbatim proceedings of the Legislature, indicates that committee reports related to the APP and budgets, quarterly performance reports were tabled, debated and adopted throughout the fourth term. In addition, some responses by the Executive to questions, both oral and written, during the fourth term of the Legislature are reflected in Table 6. Details of the questions for written responses are not captured in the Hansard whereas the question for oral reply was reflected if the relevant MEC made reference to the actual question in the response, which was seldom the case.

Table 6: Executive Council responses to questions

Date	Portfolio	Question type
17th November 2009	Health, Roads and Transport	Oral
24th November 2009	Public Works	
1st June 2010	Public Works	Written
28th September 2010	Treasury, Public Works	
15th March 2011	Roads and Transport	
23rd March 2011	Health	
21st June 2011	Health, Public Works	

In response to the institutional mechanisms, rules and processes that were availed for oversight, generally respondents indicated the use of the committee system, referred to as the "engine room" of the Legislature (respondent 6), where portfolio committees were established to mirror portfolios of the Executive. Departments tabled strategic and annual performance plans. These and quarterly performance reports were referred to relevant portfolio committees. Committees engaged departments through briefing sessions and tabled reports on these engagements which were debated and adopted as resolutions of the House. Committees also embarked on site visits to confirm delivery of services (respondents 6 and 10) and could request for additional information as well as through oral or written questions in the Legislature (respondents 1, 2, 12).

Committees of the Legislature did not commission independent research as indicated by most respondents, however, they indicated that most research was conducted by state agencies and the Auditor General was requested to conduct specific investigations. Respondents specified that assistance was requested of the AG to undertake certain investigations. These included "allegations of irregularities in the department (education) … which … helped the committee to do its work" (respondent 1) and SCOPA requested further investigations concerning "… issues which were emanating from their (AG) reports" (respondent 12). Respondent 12 added that there were some "issues that were referred to the SIU … the issue of the buildings, lease agreements".

Some respondents raised the lack of funds as a factor to commission investigations. As indicated by respondent 4 that “towards the intervention, we had requested the Legislature to do forensic audit. … but you will not get money from the Treasury” whereas respondent 12 indicated that “…we would have wanted to engage such services, but we were told that we should actually stay within the state institutions because … it is going to be at an extra financial cost” (respondent 12). However, respondent 11 pointed out that even when there was a need for investigations or forensic audits, these were not commissioned and stated the case of issues raised in the media such as “lack of medicine in our health facilities and … lack of provision of textbook to our learners …” (respondent 11).

The information received from the Executive was pointed out by respondents as important in that oversight activities and decisions were based on this information. Respondent 1 specified that reports received from the Executive were “fairly complying” with required templates and members were entitled to ask for additional information “both orally and in written form”. Some respondents pointed out that at times the Executive provided information that was selective, inaccurate or misleading (respondents 6, 7, 11, 12). Respondent 6 indicated that the departments under administration “… information given to committees was not helpful... actually, if the issue was in the right side, they would tell you to look on the left hand side and then you get nothing (wrong) there”. Moreover, respondent 12 indicated that in some reports “… certain very critical information … is omitted deliberately, knowing that if they expose this information, obviously there is going to be very critical questions that are going to follow …”. As a result respondents also indicated that there was a need to verify this information through oversight visits (respondents 7 and 11).

With regard to resolution implementation, some respondents indicated that the lack of a resolution tracking mechanism in the Legislature had an impact on follow ups on resolutions. As indicated by respondent 11, “we did not have a mechanism that will help us to make follow-up on the recommendation as to whether … they being implemented or are they being ignored”. However, respondents indicated that members of the Executive would at times comply

with the recommendations of committees. Some of the reasons for not implementing resolutions were pointed out as internal resource or budget constraints resulting in inability to implement some resolutions (respondent 1) or as observed by respondent 8 that a greater number of resolutions were not implemented in departments with “a lot of turnover (political and senior staff)” or the Executive perception that “committees cannot dictate to the Executive” (respondent 6). Respondent 4 pointed out that there was a level of intimidation which affected members follow up on resolutions “… in other terms, the committee decision were implemented … but with fourth Parliament you talk, you go”.

The role of the Chairperson of Committees was also highlighted as a factor in both the implementation of resolutions and the type of reporting and information received from the Executive. Respondent 12 indicated that departments do not take resolutions of committees seriously when “…the attitude of the person who is presiding over a particular committee … is … very much accommodative”. Whereas respondent 8 pointed out that the type of reporting from the Executive is also dependent on the resolve of the chairperson of a committee “… if you have got a chair … that truly wants to hold the department accountable, you see great transparency ... where you do not, you see selective reporting …”. In addition, respondent 1 indicated that “committees of the Legislature … need very decisive and competent committee chairpersons and members of the committee to be able to sharply raise relevant questions and demand answers from the Executive and the administration”.

4.3.2 Internal Support

Internal support concerns the resources that the Legislature provides to enable engagement in effective oversight activities. These include financial, human and other resources. The annual performance reports of the Legislature during the fourth term provided an indication of the state of the institution and the support capacity that the institution provided for committees to do oversight. In this regard, a summary of relevant information from the annual reports of the Legislature is presented.

The fourth term annual performance reports of the Limpopo Legislature (Limpopo Legislature, 2011; 2012; 2013; 2014), gives an indication of the performance and the challenges experienced by the Limpopo Legislature. These reports contain the Auditor General's (AG) and Audit Committee's Reports on the Limpopo Legislature. Throughout the fourth term of the Limpopo Legislature, the institution received an unqualified audit opinion with findings from the AG. Included in the findings were matters related to performance against the institution's predetermined objectives in the 2009/10 and 2012/13 financial year on issues related to the framework for predetermined objectives and reliability of information, respectively. The Audit Committee's findings concurred with the AG on performance information.

The programmes of the Legislature that largely support committee work included research report output and committee services. On the whole, the targets were largely met for the fourth term, however, within specific financial years there were delays in achieving targets due to reduction in number of researchers, addressing backlogs from the previous term, elections and the recess period. In 2009/10, the Board of the Legislature resolved that each committee should have a researcher and two committee coordinators. However, the institution only managed to fill 4 out of 7 targeted posts in 2010/11 and none in the 2011/12 and 2012/13 financial years. Posts were not filled as a result of budget constraints.

To address the issue of budget allocated to the Legislature, the Limpopo Legislature passed the Financial Management of the Limpopo Provincial Legislature Bill 2009 on the 24th November 2009 (Limpopo Legislature, 24 Nov 2009). The Bill promoted 'good governance and utilisation of resources allocated to the Legislature' and 'put into context the notion of separation of powers'. The Premier of Limpopo challenged the Bill on the grounds of the competence of the Province to pass this bill and the constitutionality of the Bill. The Limpopo bill was found unconstitutional by the Constitutional Court as 'provinces do not have the authority to pass legislation with respect to their own financial management. This was because Financial Management of Parliament Act had not expressly assigned this power to Legislatures. Nor

did any provision in the Constitution 'envisage' the enactment of this legislation.' (Khambepe, S., 2012). This action by the Premier led to the relevant amendments that resulted in the Financial Management of Parliament and Provincial Legislatures Act (Act 10 of 2009). This Act regulates the financial management of Parliament and Provincial Legislatures in a manner consistent with its status in terms of the Constitution, particularly the doctrine of separation of powers. This Act was to be implemented in Provincial Legislatures in 2015.

Respondents indicated that committees were provided with a Committee Coordinator and Committee Researcher for administrative support and technical or research capacity. As indicated by a respondent 1, the Committee Coordinator and Researcher "… complement each other to provide that kind of an administrative and technical support to the committee". Respondents also indicated that A budget is allocated for committee work and committees are provided with transport and individual members with IT equipment. Furthermore, committee staff were trained by the institution. However, most respondents indicated that the human resources, finances and time allocated to oversight work was not adequate and affected the quality of oversight. Respondent 8 pointed out, "because we are hamstrung on the financial point of view, human resource point of view… and time to do oversight mechanisms" impacted on "improved oversight and more vigorous portfolio meetings". These resulted in the focus of oversight on the planning process of government but not "on the quality of those outcomes".

4.3.3 External Support

Members of the Legislature responsible for oversight can receive support from external institutions. These include the political party support to its members to perform their political and legislative duties. In addition, the Legislature receives reports from independent oversight institutions such as the Auditor General (AG) and Public Service Commission (PSC) that could be used by committees to augment oversight over the Executive. Information

from non-governmental organisations and support from these external bodies are explored in this section.

4.3.3.1 Party support

With regard to support that was provided by the party to do oversight, respondents from the ANC stated that support was provided through party researchers, study groups, party caucus, constituency work and workshops. As pointed out by respondent 1, parties have been hiring “researchers who … support party members in their study groups … to fulfil their responsibilities”. However, respondents also that raised there were challenges in the support expected from the party which are further discussed below.

4.3.3.2 Non-government bodies

Most respondents indicated that information was not sourced from non-governmental bodies to do oversight except issues raised from civil society formations through normal public participation or consultation processes in the Legislature. However, respondent 11 alluded to the fact that that they did create opportunity to listen and carefully consider an issue raised by an NGO, Section 27, on text books and learning materials for schools. Respondent 6 made reference to the importance of programs in government being “based on research” and pointed out that the two universities in Limpopo were not being fully utilised.

4.3.3.3 Independent Oversight Institutions

To strengthen constitutional democracy the Constitution establishes institutions that are ‘independent, and subject only to the Constitution and the law”. These institutions are accountable to the National Assembly and are required to ‘report on their activities and the performance of their functions to the Assembly at least once a year’ (Section 181). With regard to Provincial Legislatures, the Constitution (1996) makes provision for the Auditor General and Public Service Commission (PSC) to submit reports to the Legislatures.

All respondents referred to the AG as the oversight body that reports to the Legislature, though some made reference to the PSC. However, respondent

4 pointed out that that these institutions are not being adequately funded, resulting in them not having “the research capacity” to assist Members of the Legislature and reducing them to “institution without teeth”. Reports of the AG and PSC that were tabled in the Legislature are discussed below.

There is no requirement for the Public Protector to table reports in the Limpopo Legislature; however, due to remedial action required by the Public Protector, two reports were tabled in the Legislature. These reports related to two MECs and were referred to the Ethics Committee of the Legislature to report back to the house in terms of how the house should proceed.

i) Auditor General reports

The Auditor-General in terms of section 188 of the Constitution (1996), audits the ‘accounts, financial statements and financial management” of provincial state departments and administrations. Furthermore, these audit reports must be submitted to the “Legislature that has a direct interest in the audit…’.

The Limpopo General Audit outcomes reports of the AG were tabled in the Legislature annually and the AG also made presentations to the Legislature on these reports. In addition, the Hansard or verbatim proceedings of the Limpopo Legislature indicated other reports of the AG tabled on 16 June 2009 and 12 November 2013 on government employees doing business with departments and Performance Audit of the Use of Consultants at selected departments of the Limpopo Provincial Government, respectively. These reports were referred to the Portfolio Committee on Treasury and SCOPA. The Committee Report on government employees doing business with departments was adopted in the Legislature on 24 November 2009. Amongst the recommendations of the committee were that disciplinary action be taken against those relevant officials and moneys be recovered from employees doing remunerative work outside the public service without relevant approval.

Some respondents indicated that they found the reports of the AG useful in oversight work. Respondent 6 pointed out that this was “because AG had a specific cycle and followed a specific system”. Respondent 5 indicated that SCOPA would also have sessions with the AG where the AG briefed them to prepare for engagement with departments. Whereas respondent 11 pointed

out that AG "… was spot on with regard to some of the maladministration that took place in terms of expenditures of various departments, in particular these five departments that were put under administration".

ii) Public Service Commission reports

The Public Service Commission, in terms of section 196, has the powers and functions within the public service to 'investigate, monitor and evaluate the organisation and administration, and the personnel practices' and 'to propose measures to ensure effective and efficient performance within the public service'. At least once a year, the PSC is expected to report to the Legislature on 'its activities and the performance of its functions, including any finding it may make …' (Republic of South Africa, 1996).

The PSC reports were tabled throughout the fourth term of the Limpopo Legislature and the reports were referred largely to the Portfolio Committee on Provincial Administration. More than 24 reports of the PSC were tabled in the Legislature covering various aspects of public service and delivery. After considering the PSC reports, the Provincial Administration portfolio committee tabled recommendations on these reports in the Legislature. These are outlined in table 7. All departments were expected to implement the recommendation of the Public Service Commission.

Table 7: Tabled Committee Reports on Public Service Commission recommendation

Committee report	Date adopted
Report on Assessment of financial misconduct for financial year 2007/08	1 June 2010
Public Service Commission report on financial misconduct for the 2009/10	1 June 2010
Report on the analysis of performance agreements as an effective performance management tool, Dec 2008	23 June 2011
Report on evaluation of SCM practices within the 200 000 threshold	23 June 2011
Assessment of the status of professional ethics in Limpopo Provincial Government, March 2009	23 June 2011

Respondent 2 pointed out that the PSC reports were useful in that they do research "in terms of the public service regulation … their reports do come with recommendations … and committees utilise these reports". Pertaining to

PSC recommendations, respondent 12 recalled the report on financial misconduct for the financial year 2007/08, where the committee took resolutions that action must be taken and "… reluctantly … (the Executive) had to implement…".

4.3.4 Oversight Procedures and Practices

The practice or performance of oversight by the SCOPA, and the Portfolio committees on Provincial Treasury, Education, Health, Public Works and Roads and Transport are presented based on available documents and reports from the Legislature and the AGs audit reports. The SCOPA developed a self-introspection report on the status of its work; however, such a report from the other portfolio committees was not availed or did not exist. Most committee reports were not signed and differed in approach and content. The recommendations in the reports were not always useful as they were generally repeated without a clear indication of actual progress that was made on implementation of the recommendations. Furthermore, the debates in the Legislature would not always speak to the recommendations of the committee reports. A summary of findings on oversight procedures and practice is presented below.

4.3.4.1 SCOPA

The SCOPA self-introspection report reflects the implementation of resolutions for the financial years 2008/09 to 2011/12 (Limpopo SCOPA, 2012). The report indicates that of the 102 resolutions were sent to the provincial departments, 34 per cent were not implemented, 35 per cent were partially implemented, 28 per cent were fully implemented, and 3 per cent were not responded to. This reflects that most of the resolutions were not implemented.

Reasons for departments not implementing resolutions were identified as a failure of the departments to take appropriate action against officials who did not comply with rules and regulations, lack of appropriate evidence to support their responses, lack of recovery of money earned irregularly, fruitless and wasteful expenditures, tendency to institute lengthy investigations, shifting of responsibilities to implement resolutions to other departments and a lack of a

sense of urgency when dealing with resolutions within specific timeframes. The tight programme of the Legislature further made it difficult for SCOPA to conduct its activities. This was compounded by replacing members that served in SCOPA as well as inadequate training and capacity building for committee members and staff.

Regarding implementation of SCOPA resolutions by departments, one respondent indicated that "…if the department did implement the committee's resolutions, I think you would have seen progress" (respondent 8). Respondent 12 indicated that towards the end of the fourth term, SCOPA had a system where departments were called to explain to the committee when they did not implement resolutions.

In addition to resolutions, the performance of SCOPA in terms of tabling of reports in the Legislature is summarised in the table 8 below. For the purpose of this research report, only the Departments of Treasury, Education, Health, Public Works and Roads and Transport are highlighted where relevant:

Table 8: Tabled Standing Committee on Public Accounts reports

Date	Description
26/11/09	Tabling and adoption of SCOPA reports from 2008 (Limpopo Legislature, 26 Nov 2009)
2/10/12	Tabled committee reports on report of the Auditor-General on unauthorised expenditure 2010/11 (Limpopo Legislature, 2 Oct 2012).
2/10/12	Tabled committee reports on the AG on financial statements and performance information 2010/11 (Limpopo Legislature, 2 Oct 2012).
27/06/13	Tabled committee reports on the report of the Auditor-General on the Financial Statements and Performance Information 2012 (Limpopo Legislature, 27 Jun 2013)
27/06/13	Tabled committee reports on the report of the Auditor-General on the unauthorised expenditures 2012 (Limpopo Legislature, 27 Jun 2013).

The AG raised the matter that in the 2010/11 financial year, there was a breakdown in the accountability cycle as SCOPA was a year behind with its review of annual reports and two years behind in the tabling of resolutions

regarding corrective action. However, in 2012/13 SCOPA was able to be up to date with its programme (AGSA, 2012, 2014).

4.3.4.2 Portfolio Committees

There was no consolidated report on the implementation of resolutions from the five relevant portfolio committees. However, based on the committee reports that were availed and or debates contained in the verbatim proceedings of the fourth term of the Limpopo Legislature, the following can be presented on the performance of the relevant portfolio committees.

All portfolio committees dealt with the APP and budgets, annual reports and quarterly reports and relevant national Bills. The Portfolio Committee on Treasury processed reports as per the requirements and timelines stipulated in the PFMA with regard to the Appropriation Bill, the Appropriation Adjustment Bill and Division of Revenue bill. The Committee also processed the Unauthorised and 2nd Unauthorised Expenditure Bills for 2010 and 2012. In terms of public hearings, the Portfolio Committee on Public Works put on hold the disposal of 40 redundant government properties as the committee held public hearings with occupants, who complained to the Legislature.

Since the national intervention took place in Limpopo in December 2011, where information was available, the dates when departments were engaged on their 2011/12 quarterly reports and when committee reports were tabled in the Legislature are highlighted. Information on dates when the 2011/12 quarterly reports were processed is provided in the table 9. The table indicates that engagements with departments were either not done timeously and or the committee reports were not tabled in the Legislature on time.

Table 9: Tabled Portfolio Committee Reports on 2011/12 quarters

Committee Report	Date met department	Date tabled in Legislature
Treasury Portfolio		
1st Quarter 2011/12	18 August 2012	15 May 2012
2nd Quarter 2011/12	Report not availed*	15 May 2012
3rd Quarter 2011/12	12 April 2012	09 October 2012
4th Quarter 2011/12	Report not availed	11 October 2012

Committee Report	Date met department	Date tabled in Legislature
Health Portfolio		
1st Quarter 2011/12	Report not availed	09 October 2012
2nd Quarter 2011/12	Report not availed	09 October 2012
3rd Quarter 2011/12	12 April 2012	30 October 2012
4th Quarter 2011/12	Report not availed	30 October 2012
Education Portfolio		
1st Quarter 2011/12	25 April 2012	18 October 2012
2nd Quarter 2011/12	25 April 2012	18 October 2012
3rd Quarter 2011/12	Not indicated in report	18 October 2012
4th Quarter 2011/12	Report not availed	18 October 2012
Public Works Portfolio		
1st Quarter 2011/12	14 October 2011	18 October 2012
2nd Quarter 2011/12	24 November 2011	18 October 2012
3rd Quarter 2011/12	3 May 2012	18 October 2012
4th Quarter 2011/12	24 August 2012	18 October 2012
Roads and Transport Portfolio		
1st Quarter 2011/12	01 November 2011	29 November 2012
2nd Quarter 2011/12	Report not availed	29 November 2012
3rd Quarter 2011/12	Not indicated in report	29 November 2012
4th Quarter 2011/12	Report not availed	29 November 2012

* the committee report was not availed to the researcher

In addition, respondent 12 also points out that committees were not paying particular attention to finances but relied on SCOPA but SCOPAs engagement "comes after the fact … by that time literally things have fallen apart, … all committees … could have … scrutinised the budgets of the department properly, monitored the spending consistently, quarterly as required … we should have made the intervention and made it on time." Respondent 9 indicated that "we were just doing it for the sake of meeting our compliance … maybe, we don't even monitor our departments, we leave them loose …".

4.3.4.3 Major Oversight achievements

The Hansard or verbatim proceedings of the Limpopo Legislature (18/08/2009) indicates that the Legislature won a case against the Municipal Manager of Blouberg, who resisted the Legislatures attempts to address a grievance of a civil society structure that had petitioned the Legislature. The outcome of the case was seen as setting a precedent and victory for oversight and gave credence to section 115 of the Constitution relating to evidence of information before provincial Legislatures.

In addition, respondents elucidated the major achievements of oversight as compliance in ensuring that the Executive accounts regularly to the Legislature (respondent 1) and committees were able to process issues, table reports and ensure that backlogs were addressed (respondent 11). Respondent 12 referred to the implementation of SCOPA recommendations on public servants doing business with government in addition to positive AG and NGO feedback which showed confidence in the work of some committees of the Legislature. Respondent 5 and 6 indicated that two departments got clean audits amid 2009 to 2011 and the Legislature ensured that parastatals began to account for appropriated funds, respectively. Other respondents specified that they were able to identify challenges and needs in various communities and address issues of service delivery (respondent 3, 4, 7, 9, 12).

4.3.4.4 AG observations

A summary of the AGs reflections on both accountability by the Executive and oversight by the Legislature are outlined. Emphasis is furthermore made on performance information against predetermined objectives as this largely forms the basis on which the Legislature did oversight.

The Auditor General's audit opinions and findings on performance against predetermined objectives are reflected in Table 10 and Table 11 respectively. Table 10 indicates that only Treasury remained unqualified throughout the four financial years and there were largely regressions in the other four departments. The AG moreover indicated that in 2011/12 there were only small movements in audit outcomes, "due to frequent leadership changes

resulting in disruption in the implementation of commitments" (AGSA, 2013:4). This also contributed to the overall regression in the provincial administration moving further away from the desired clean audit outcomes. This regression continued for the second consecutive year in 2012/13, though there was increased commitment to deal with the problem areas due to new political leadership in these departments (AGSA, 2014).

Table 10: Auditor General's Audit opinions

	Financial Years			
Departments	**2009/10**	**2010/11**	**2011/12**	**2012/13**
Treasury	Unqualified	Unqualified	Unqualified	Unqualified
Health	Qualified	Disclaimer (R)	Disclaimer	Disclaimer
Education	Disclaimer (R)	Unqualified	Disclaimer (R)	Disclaimer
Public Works	Qualified	Qualified	Disclaimer (R)	Disclaimer
Roads and Transport	Unqualified	Qualified (R)	Qualified	Unqualified

(R – Regression)

Source: AGSA (2011, 2012, 2013, 2014)

The AG also pointed out that there were misstatements in the financial statements and at times these were material. In 2009/10, eight (8) of the departments had material misstatements in the financial statement. This increased to twelve (12) departments in 2010/11. While in 2011/12, the AG was still concerned about material misstatements, in 2012/13, these were corrected in the audit of the departments of Education, Health, Public Works, and Roads & Transport.

The AGs findings on performance information against predetermined objectives, reflected in table 11 indicate improvements in information provided by one department; however, there were no improvements in three departments where information provided was unreliable. The AG also raised the lack of leadership attention and taking of responsibility for reporting on predetermined objectives in 2009/10 and 2010/11. There were improvements in 2011/12, except for the disclaimed departments (Health, Education, Public Works) which had findings. Furthermore, Education, Health, Public Works and Roads and Transport were among five departments that did not achieve substantially all of its targets and this negatively impacted on service delivery.

In 2012/13 Nine departments did not achieve 20 per cent or more of their planned targets which was a downward trend from the previous year (AGSA 2011, 2012, 2013, 2014).

Table 11: Auditor General's findings on performance against predetermined objectives

	Financial Years			
Departments	**2009/10**	**2010/11**	**2011/12**	**2012/13**
Treasury	No findings	No findings	No findings	No findings
Health	Not reliable	Not reliable	Not reliable	Not reliable
Education	Not reliable	Not reliable	Not reliable	Not reliable
Public Works	Not reliable	Not reliable	Not reliable	Not reliable
Roads and Transport	Not reliable	Not reliable	No findings	No findings

Source: AGSA (2011, 2012, 2013, 2014)

In relation to oversight, within the 2010/11 financial year, the AG indicated that the portfolio committees could derive benefit from interacting with the audit committee as they "provide assurance on a quarterly basis regarding all in year monitoring reports" (AGSA, 2012:7). In 2011/12 financial year the AG alluded to the need for more concentrated efforts to improve collaboration between SCOPA and portfolio committees as this would "continue to weaken the effectiveness of oversight." (AGSA, 2013:5). The need to strengthen the collaboration was repeated in the audit of 2012/13 financial year and the AG indicated that the oversight role played by the various portfolio committees of the Legislature had limited impact on the outcomes (AGSA, 2014).

With regard to the national intervention AG indicated that the lack of regulations and conflict with other laws and regulations "had a negative impact on the effectiveness of quarterly monitoring and evaluation of the stability and sustainability of internal controls" and late or non-submission of required documents resulting in the audit opinions for Education, Health and Public Works being disclaimed (AGSA, 2013:15). Though, the AG also indicated that the intervention had a positive effect on reducing unauthorised expenditure (AGSA, 2013).

4.4 OVERSIGHT DRIVERS AND CHALLENGES

The formal institutional and support environment that provides the framework and facilitating factors for oversight to occur have been explored above. This section focuses on the informal institutional incentives and challenges that influenced and affected the practice of oversight, notwithstanding individual drive or benefits to do oversight. The informal institutional incentives are looked at from a political, societal and individual perspective. Furthermore, specific challenges that were experienced by respondents in the exercise of oversight are presented.

4.4.1 Political Drivers

Political drivers centre around respondents perceptions on how the broader governance systems enabled or inhibited oversight performance. In addition the role and influence of the political party on legislative oversight and Executive accountability is focused on.

Some respondents raised that proportional or multi-party representation resulted in broader representation of society and a role for the opposition (respondents 3, 6, 10). Respondents 6 pointed out that “without proportional representation, the aspiration of some people would never be known”. Respondent 10 specified that the system allows for an opposition that performs “oversight over the … governing party…” and ensures that the governing party “… fulfils the Constitution”.

Members of the Executive constituted from the Legislature and from the same party were raised as weakening of the separation of powers (respondents 1, 2, 4, 8). Respondent 1 referred to both the Executive and Legislature take instructions from the party which is led largely by members of the Executive. This resulted in Members of the Legislature, who are junior leaders in the party being “bound to hold their own political principals accountable” which “unintentionally make the Executive to be more powerful than the Legislature”. Respondent 4 indicated that this resulted in Members of the Legislature defending Executive action even on matters where there was disagreement with the Executive. Respondent 8 pointed out that the ruling party having received overwhelming support and electing the President

could have created a "… one party system". Furthermore, respondents 8 and 2 indicated that the separation of powers was weakened by the President determining "… who actually heads that chapter 9 institution" and the Executive determining the budget allocation to the Legislature and other Chapter 9 institutions to "police them(selves)", respectively.

Respondents further pointed out that accountability is built into the system of governance and existed between Executive and Legislature, between party and citizens and between party and its members (respondents 1, 2, 4, 5, 11). Respondent 1 specified that the constitutional requirement for accountability by the Executive was "not affected to the extent that the Constitution was being violated" whereas respondent 2 cautioned that if the Legislature does not assert their legal responsibilities, "anybody can undermine it". Respondents 11 pointed out that since the electorate votes for a party based on the party's policy, the party must hold individuals accountable "with regard to the policy perspective of that … party". Respondent 4 indicated that it is through those individual members that the party "account to constituencies" however, respondent 5 also pointed out that members being public representatives, have "an obligation to go and report back to our constituency…"

With regard to the political party's influence on oversight, respondent 1 indicated that since the party is instituted to "provide leadership and guidance to its deployees … there has been relative intervention by the party. At times the party would strongly feel that members of the committees are too harsh on members of the Executive and the party would from time to time whip its members to try to be reasonable and accommodating". Some respondents raised that the seniority of the Executive in party structures and individual political ambition, resulted in accountability to the party superseding accountability to citizens (respondents 1, 2, 7, 9, 12). Respondent 2 pointed out that these junior members require "courage to hold them (the Executive) accountable" and respondent 11 indicated that even if members held a different view, "… we begin to want to pursue our political career as individual politicians at the expense of the people". Other respondents indicated that "if you were to be too critical, you run the risk of being dealt with differently…

and sometimes you constrained by a caucus position …" (respondent 12). Respondent 4 further pointed out that the Executive displayed arrogance and intimidated Members of the Legislature and "… as we ask questions, then we are removed, some of us, as the … chair … they even remove you from committees."

Despite this, respondents indicated that they challenged the Executive through committee work, debates and questions on various issues. Respondent 1 pointed out that "we challenge the Executive every time there is an interaction …". The issues that the Executive was challenged on included accounting for the use of public resources and cases of fraud and corruption (respondents 1, 2, 10, 12). Pertaining to this, some respondents indicated that they got the cooperation of the Executive to act on some issues (respondents 1, 2, 5, 6, 7, 12). Respondent 1 pointed out that there were several cases of fraud or corruption and "… we have been getting the cooperation of the Executive to act on such allegations … " and respondent 12 indicated that "uncomfortable resolutions" were taken on public servants doing business with government and "some officials were fired …". At the level of committee work, respondent 4 indicated that they would expel departments from meetings when the committee found "that the report does not even talk to those targets and objectives that were presented to the Legislature". Challenging the Executive on the powers of the Legislature was pointed out by respondent 2 when the Executive was unhappy with SCOPA's handling of its oversight issues and summoned SCOPA, however, SCOPA rebuffed the Executive and indicated that "it is only the standing committee that represents the Legislature that can summon them (the Executive)".

Respondents also raised that at times, they were constrained by the party position or fear of not toeing the party line in their oversight work (respondents 4, 9, 11). Respondent 9 pointed out that "we are tightened by the rules of the party that you cannot just challenge your colleague in front of the opposition … sometimes we reserve our knowledge … because of fear" (respondent 9). In addition there were incidents of the Executive complaining to the party when being challenged. This was pointed out by respondent 11 who indicated that after raising tough questions with an MEC on corruption,

“after the meeting she went to the political party” and members “were being accused of wanting positions and trying to outsmart other MECs”. Respondent 2 referred to an MEC that was challenged in terms of what was in the existing law in relation to the establishment of the PMU and “the provincial secretary and chairperson called to question involvement (of the member) in the committee”.

Furthermore, the demand for Executive accountability by the party was raised. Given the positions and powers that the Executive holds in the party, the Executive was not held accountable by the party, which “… affected the party from making sure that the interest of the party is being taken care of …, one of the priorities (of 2009 manifesto) … was to fight corruption and … we have seen elements of corruption under that particular era…” (respondent 11). Respondent 4 points out that the Executive did not “… implement those issues ... raised in their caucuses” nor “… come to portfolio committee meetings … because there is no oversight of the party to its own members”.

Respondents from the ANC stated that support was provided through party researchers, study groups, party caucus, constituency work and workshops, though they indicated that there were challenges. As pointed out by respondent 1, parties have been hiring “researchers who … support party members in their study groups … to fulfil their responsibilities”. However, respondent 2 and 6 indicated that party researchers were not capable, “… we never had researchers who are adequate and who can do research”, and “I would put (party research) as zero... in terms of skills …”, respectively. Respondent 4 complained that while the party in public meetings insisted on “robust oversight”, this was not demonstrated in the allocation of budget or performance, instead “… you are being run by the party caucus” where the chief whip “… does not have freedom of doing the work ... you find that the Legislature is being run by the secretary … seated in the office of the ANC”.

Party caucus provided a platform to discuss issues raised by constituencies, however, respondent 7 pointed out that this was not always the case, “in party caucus most of the time, we will not be discussing”. In addition the incident of premier taking the Legislature to court concerning the Legislature

attempt to develop financial management legislation was raised by respondent 11 as an indication that "… the party is having challenges". With regard to study groups, respondent 9 said that while the study groups enable the party to include external party members with the relevant "experience and the know-how", study groups were not effective as there was no link with the Provincial Executive Committees (PEC) …, hence "… this right hand doesn't know what the left hand is doing …". Respondent 11 further points out that "weak study groups result in the policies of the political party being ignored and … the interest of the communities … not being given a priority".

Concerning constituency offices, respondent 12 pointed out that while the ANC provided and staffed constituency offices, the organisation did not ensure "… that it's deployees do their work … and …, give reports officially to the ANC". Respondent 4 indicated that while the model of allocation of constituencies was to bring "… parliament next to the people", the challenge had been that those constituency offices "were not integrated within the system of parliament, nor of making sure that assist the effective oversight …" (respondent 4). Furthermore, respondents 4 and 9 also pointed out that not all service delivery issues raised by constituencies and referred to the Executive were addressed by the Executive.

4.4.2 Social Drivers

Social drivers center on the Legislature's responsibilities towards citizens. In addition the demands from civil society and their perceptions towards the Legislature are indicated.

Respondents stipulated that citizens elect public representatives who are in turn accountable to citizens after holding the Executive to account (respondents 1, 3, 11). Members engage citizens through oversight outreach work through public engagements, public participation in the law making process or through constituency work (respondents 1, 2, 3, 5, 7, 9, 12). Through those engagements, the citizenry is informed of government programmes and they raise their concerns or service delivery issues which are forwarded to the Executive or tabled in the Legislature as resolutions for the Executive to address (respondents 1, 2, 5, 7, 9, 12).

All respondents indicated that there has been demand for oversight by communities, lobby groups and media. Respondent 1 specified that "members of the public want services from the Executive or the administration and they always … make demands and it is for us to persuade the Executive to serve the public better". Respondent 8 stated that they received "request(s) by lobby groups, NGOs in the social sector, media groups, in order to drive certain issues …". Respondent 3 referred to the committee of public participation and petitions where members of the public "are always writing petitions to the Legislature to say … we have got this problem, we want you to come and look into these issues". Some respondents referred to marches that took place in the province. Respondent 3 saw these marches as "... one way of a demand … for oversight" though respondent 2 pointed out that "…they (organised formation) did not demand that people be held accountable but they were demanding that some leaders be removed from government ..." whereas respondent 4 indicated that the marches took place due to irregular tenders that resulted in "national to pay attention in the province … unfortunately, national government took long to intervene ... (and) the province collapsed to that level." Furthermore, respondent 7 pointed out that that "after the administration issue … some of the voices made sure that they reached the ANC leadership and the ANC took decision to disband the PEC and the Executive and appoint a new premier…".

In response to their opinion on the attitude of the public towards the Limpopo Legislature, most respondents indicated that there is an expectation or confidence from the public that the Legislature will address their challenges (respondents 1, 2, 4, 7, 8, 9, 11, 12). A respondent specified that members of the community see Members of the Legislature as "… their messengers who can listen to them and communicate their messages to the Executive better … because they think the Legislature is a body that can somehow help in mitigating some of the challenges experienced as members of the community" (respondent 1). However, respondent 9 feels that the Legislature is not reaching out to some people "we are not visible enough, we are not actually pulling our hand to reach them". Respondent 7 points out that not all

sectors of society are aware of the services they can access from the Legislature, "… Legislature is known more by young people, but old people … do not know about Legislature …" (respondent 7). Another indicated that the Legislature has not occupied the public space well "… when we execute our responsibilities properly, we will occupy that public space, people will know that … this particular portfolio committee on our behalf demands answers and then the public would know that we are actually taking the Executive to task on those issues… " (respondent 12). However, respondent 4 pointed out that there was a "missing link between Legislatures and people on the ground" because ANC members were constrained in raising certain critical and topical society issues that affect society thus resulting in the party being "…out of touch of society".

Some respondents indicated that the public does not differentiate between the Executive and the Legislature and this affects public perception of the Legislature (respondents 2, 4, 5 and 8). Respondent 8 indicated that "… they see government in one picture ..." and respondent 5 specified that the merging of the two arms of government affected expectations from the public and resulted in problems generated by the Executive also being attributed to the Legislature: "their concern is that sometimes we go to them and listen to them … but we do not implement what we have promised them …". As a result of this, respondent 4 pointed out that "we are not even trusted by communities" and were seen as part of the corruption that was happening in the province. However, respondent 2 saw this as "(the Legislature) has not asserted itself so that people can understand that … the Legislature is the highest decision making in the province".

Three respondents indicated that based on the voter turnout, there is a negative perception by the public (respondents 3, 6, 10). Respondent 3 pointed out that "… the number of people who turn up for these elections to vote, it's always less than 50 per cent and I think that on its own is an indication that the public is beginning to lose confidence", whereas respondent 6 and 10 related this to disappointment in not receiving services. The implications of the Legislature being unable or not performing its oversight mandate was pointed out by respondent 1 as "… a betrayal of the

people … a betrayal of the electoral mandate … it is only through a vote that such Members of the Legislature can suffer the consequences of their actions or inactions in the next cycle of elections".

4.4.3 Individual Drivers

Most respondents indicated they did not experience external economic or social constraints that may have impacted on them to perform oversight. In response to benefits derived from performing oversight, respondents had varying responses. Most responses related to selfless fulfillment in serving the country or citizenry (respondents 1, 7, 8, 9 and 12), "I derive joy from fulfilling my constitutional obligations … serving my government and my people" (respondent 1). Some respondents raised ensuring service delivery to reduce poverty and improving people's lives (respondents 2, 3, 6, 12), "I believe I will derive service delivery and competent government that will be able to deliver services and therefore take a lot of people out of poverty" (respondent 2) and "… desire to serve and try and improve the lives of our people" (respondent 12). Other responses included deriving benefit from understanding the public service (respondent 4) and engaging or understanding the needs of our people (respondents 5 and 9).

4.4.4 Oversight Challenges

Respondents indicated that they experienced challenges to perform effective oversight. These are discussed in terms of financial and human resources, time, resolution tracking, information from the Executive and challenges posed by the national intervention in Limpopo.

4.4.4.1 Insufficient financial resources

The Legislature was not allocated sufficient budget by the Executive, which was indicated as a challenge for committees to perform adequate oversight and or embark on oversight site visits (respondents 1, 4, 5, 6, 8, 9, 10, 11, 12). Respondent 4 pointed out that the Legislature "was the worst funded institution in the province". Respondent 1 specified that budgetary constraints did not affect the "regular reporting and the scrutiny of the work of the departments" but affected oversight site visits and technical support.

Respondent 11 also referred to the lack of resources resulting in inability “to … meet with communities and … have feedback from the communities … or encourage our people to utilise the Legislature committees to register their own concerns”.

To address the issue of finances, the Legislature “tried … to lobby the Executive” (respondent 5) or “treasury” (respondent 12). The Legislature also initiated a bill to address this but the bill was challenged by the Premier (respondent 4, 11), though this triggered “… the national assembly to then come up with a process to review the policies to allocate budgets to provincial Legislatures” (respondent 11).

4.4.4.2 Capacity of members

Capacity of Members of the Legislature to perform their responsibilities was raised as a challenge for oversight (respondents 1, 2, 3, 5, 7, 8 and 12). Some respondents pointed out that there was no academic requirement to be a member of the Legislature and “anybody who’s a South African, who has a green barcoded ID, who’s above 18 can be a member of parliament” (respondent 1) nor were there academic qualifications offered by academic institutions in this regard (respondent 2 and 5). In addition, it was said that members “exposure to issues,… and level of experience in government” impacts on the time it takes for members “to comprehend the work at hand...” (respondent 1).

Other issues raised related to members not having the requisite understanding of committees which resulted in them “not adding any value” (respondent 12), or being “equal to the task, … so that when we talk of finances, we are all on the same page, …” (respondent 3). However, the committee as a collective was seen in a positive light in that “… one person will carry the weight of three or four individuals in order to make things happen” (respondent 8). Though respondent 12 also indicated that members from the ANC had strength in numbers and should have done more even with limited resources “… I don’t think we have lived up to … the expectation where we should be as deployees of the ANC… we … can do even more...”.

Respondent 12 also points out that deployment by the party to committees should “take into cognisance … the capacity to execute that responsibility”.

Some respondents indicated that training offered by the Legislature was not adequate in that “the training that will take only two days and … is not enough time for training” (respondent 5) and that the training was not geared towards building expertise in a certain field “… we are trying to create a jack of all trades, have a broader understanding of how the public service works …, but not … focused on your portfolio” (respondent 8). Other respondents indicated that the Legislature intervened in training and empowering members to enable them to do their work (respondents 1, 5, 7). Members were taken on “financial management trainings, budgeting, oversight” and through the “… programme of Palama (Public Administration Leadership and Management Academy) … went for … training at Wits (University of Witwatersrand) and we got some certificates and even the Master’s degree …” (respondent 5).

4.4.4.3 Inadequate human resources

There was lack of sufficient, capacitated and skilled researchers and committee administrators that were needed to provide support to committees (respondents 1, 4, 6, 7, 8, 9, 11 and 12). It was pointed out that researchers did not have the necessary capacity or were shared by more than one committee resulting in the research produced being of poor quality and limited. Researchers limited themselves to the reports received (respondents 2, 7 and 12) and respondent 12 indicated that they did not extensively cover those reports nor “further … get information which will actually empower members of the provincial Legislature to hold the department answerable …”. Whereas respondent 7 pointed out that you cannot rely on the quality of the research reports as there “are a lot of things that are left out …” (respondent 7). Respondent 12 further indicated that while the information provided by the Executive was “not necessarily correct ... the capacity to get further information is not even there”. In addition, information provided by departments and used for research reports were not verified through site visits, “we were given reports by researchers without us as committees and

also as Members of the Legislature going down on the ground to verify … the real situation …" (respondent 11). The consequence of poor research capacity and research reports was pointed out as defeating the purpose of oversight as it resulted in more reliance on the Executive for research and information (respondents 4, 11, 12).

There were insufficient researchers to specialise in the specific field of a committee. Respondent 6 indicated that "a committee must have more than one researcher, not a researcher servicing five to six committees... that's when you become a jack of all trades …". Respondent 6 pointed out that the need for researchers has been a long standing battle, "you cannot for four terms make the same submission about human resource and it feels like you talking to a dead wall".

4.4.4.4 Time allocated to oversight

Time for oversight was raised as an issue which affected the timeous tabling of reports in the Legislature, a respondent indicated that at times work would accumulate due to "time pressures" (respondent 1). Furthermore, some MECs not availing themselves to account to committees led to delays and at times result in committees having only "two or three meetings with the departments" in a year (respondent 5). Respondent 12 pointed out that insufficient time for oversight visits resulted in the interaction with people of the province deficient.

4.4.4.5 Resolution tracking mechanism

Role of Legislature was weakened by the poor tracking of resolutions or lack of a resolution tracking mechanism, "what I think was not done adequately was to track the resolution. I don't remember the Legislature coming with a proper resolution tracking mechanism. …" (respondent 6) and whether "they being implemented or are they being ignored " (respondent 11). Respondent 3 alluded to debates in the Legislature where critical issues are raised but "there won't be any specific resolution taken at the Legislature to say this debate … has identified one, two, three and this is resolution number one, two, three …" (respondent 3).

4.4.4.6 Executive information credibility

Most respondents referred to the credibility of information provided by the Executive on which committees did oversight (respondents 1, 2, 3, 4, 6, 8, 11 and 12). Respondent 6 indicated that “committees were working on the basis of information put before them …the Legislature … cannot take pre-emptive action without the cooperation of the departments...” and respondent 2 specified that “what the committee can do is based on the information put before it by the department… like the leadership at that time said there was nothing wrong … but (national) treasury could see that there was something going wrong in the province”. Respondent 8 indicated that “…you would not get very honest reporting, so there was not enough checks and balance and sign-offs on the actual reports …. which would have picked up on warning signs much quicker. And we could have prevented Section 100 …”.

Others indicated that some issues were not dealt with by the Legislature or the Executive guarded information (respondents 3, 8). In this regard, respondent 3 made reference to the public protectors report “especially in cases … wherein there has been corruption … I raised that in the Legislature … let us debate these things, but the ruling party was not ready, … we raised a number of questions, but there would not be any direct response, it would be just more of a political statement”. Whereas respondent 8 pointed out that the space given to operate in was challenging, the respondent referred to the textbook issue within the department of education that “, … the Executive knew that certain things were wrong, but there were clear instructions to say, do not talk about the wrongs”. On oversight visits you would encounter district staff that would not be able to provide the information that was provided to the committee by the provincial staff or they would provide contrary information (respondent 9). Respondent 8 also pointed out that province is quite big which makes the task of oversight visits difficult.

With regard to national intervention, respondent 10 pointed out that the intervention “… was all about finance”. Some respondents indicated that the Legislature was taken by surprise by the intervention (respondents 2, 3, 11), “… we were declared bankrupt, it took everybody by surprise … we always

scrutinise reports of various departments and we should have detected this things ourselves even before the intervention … we were always given information that everything is fine" (respondent 3). While some respondents indicated that oversight was being performed and there was relative compliance (respondents 1, 3, 5, 9, 11, 12), the Legislature should have been in a position to "… have been the first body to assist the provincial government to prevent that kind of a major blow" (respondent 1). The intervention was seen by some respondents as a weakness in either the accountability reports that the Executive submits or a weakness in kind of oversight that was performed (respondent 9 and 11).

4.4.4.7 National intervention oversight challenges

The lack of legislation or a framework that guides interventions in the provincial sphere of government by national was raised as a gap and created a vacuum for accountability (respondents 1, 3, 4, 6 and 12). As pointed out "Limpopo … was the first province in the country to experience section 100(1)(b) in the absence of a detailed legislation or regulations to govern how such intervention should be managed" (respondent 1). Respondent 6 specified that "we were not sure how far national goes and what then becomes the responsibility of the province" whereas respondent 12 indicated "we did not know … what purpose is that intervention going to serve…. what we will do within this period to make sure that we correct the administrative systems".

The removal of Executive powers from the MECs and national ministers not liable to account to the Provincial Legislature, impacted on the Legislature's ability to perform adequate oversight (respondent 1, 7, 8, 9, 10, 11 and 12). A respondent explained that: "because … ministers that came to fulfil Executive responsibilities …, they're not accountable to the provincial Legislature and that created a vacuum (for accountability to the Legislature) … and the Legislature was not empowered sufficiently by previous experience or the law … to oversee section 100 in the province…" (respondent 1). This resulted in "… confusion of knowing who is supposed to account to the Legislature…" (respondent 5) and "no one wanted to take responsibility of what happened

… MECs, HODs will say we do not have powers" (respondent 7). Respondent 12 indicated that "at times we … would be told that an administrator is not in talking terms with the HOD … not going to account to the province…". That paralysed the provincial administration even further and "compromises service delivery…" (respondent 7). Respondent 11 and 10 indicated that "MECs … were trying to contest what the national department is saying" and "claimed they were being targeted", respectively. The Legislature took the view that oversight "… cannot be hindered ... that administrators have to be held accountable by oversight committees in the Legislature" (respondent 12) even though as pointed out by respondent 1 with regard to R 9 billion unauthorised expenditure in the department of education "nobody was willing to explain how was the unauthorised expenditure incurred because the administrators said they were not accountable to the provincial Legislature … and in itself presents some weaknesses in terms of the functionality of the Legislature".

Respondent 8 points out that "still today, portfolios are seeking reporting on what the administrator picked up during that time, … eventually you going to find a report that's going to be four, five years old, …will have no bearing or influence on what you can change …" (respondent 8). Respondent 3 indicated that "… after the withdrawal of Section 100 (1)(b) … we are not given enough information as to how we have actually improved as a province, what were the major weaknesses and how we are preparing to prevent such kind of occurrences in future …".

CHAPTER 5: REALISING THE OVERSIGHT CHALLENGE

This chapter presents an analysis and discussion of the consolidated outcomes of documents reviewed and interviews held. The analysis is undertaken in line with themes that emerged in Chapter 4 which are linked to the questions outlined in the conceptual framework.

This chapter begins with an analysis of the legal and institutional frameworks. This is followed by the capacity for oversight and finally the drivers and challenges that influenced and affected the practice of oversight during the fourth term of the Limpopo Legislature.

These are examined, considered and evaluated with reference to the nature and exercise of oversight during the fourth term of the Limpopo Legislature. Where relevant, literature is used to support the analysis.

5.1 LEGAL AND INSTITUTIONAL FRAMEWORK FOR OVERSIGHT

Legislatures exist within a broader political system. In democratic systems, Legislatures are the key engine for the deepening and consolidation of democracy (Fish, 2006) and promoting good governance (Pelizzo and Stapenhurst, 2014a). Within the political system, their position and function enables them to perform a pivotal role in ensuring horizontal and vertical accountability (Hudson and Wren, 2008; Barkan 2008, 2009; Jelmin 2012). Legislatures ensure vertical accountability in that they are products of universal suffrage and are accountable to society. They ensure horizontal accountability through oversight over the Executive thereby maintaining checks and balances to safeguard transparent and accountable government and ensure the wishes of the electorate are realised. The practice of oversight gives effect to the doctrine of the separation of powers essential for deepening democracy and promoting good governance.

Desposato (2004) stated that within a political system, the form of oversight over the Executive is dependent on the formal institutional framework and capacity as these create authority for oversight and ability to engage in effective oversight, respectively. He also indicated that informal institutional frameworks influence effective oversight as it generates incentives for using

authority and creating capacity for oversight and that these are partly shaped by preferences of the electorate and the electoral system. In addition to the constitutional choice of the electoral system, other scholars have indicated that the choice of the democratic system of governance also creates informal incentives that have an influence on the practice of oversight (Fish, 2006; Esau, 2008; Jelmin, 2012; Cho, 2012).

The legal and institutional framework for oversight is analysed in relation to the parliamentary system of governance; the party based electoral system and the authority for oversight and accountability. The incentives that the institutional framework poses for effective oversight are discussed below. Given the subnational context of this study, national authority in relation to national intervention in a subnational sphere of government is included in the analysis.

5.1.1 Parliamentary System of Governance

Legislative oversight and Executive accountability in South Africa occur within a representative democracy with a parliamentary system of governance and an electoral system that promotes proportional representation using party lists. Members of parliament and provincial Legislatures are elected for a five year term to represent the will of the people, ensure government by the people and are accountable to the electorate. As indicated by Fish (2006), in a parliamentary system, the Executive is formed from Members of the Legislature; the president is accountable to the Legislature and can be dismissed by the Legislature. Within a sub national South African context, the Legislature elects a Premier who then constitutes the Executive from amongst member of the Legislature.

The Executive thus derive their democratic legitimacy from the Legislature, are accountable to the Legislature and remain as Members of the Legislature. In Limpopo, the Executive was composed of the Premier and nine (9) MECs who were allocated functional responsibilities by the Premier. The parliamentary system of governance does not specify where power resides (Fish and Kroenig, 2009) and has the potential to create conflict between these political institutions (Vladimir, Charles & Trevor, 2002). Olsen

and Mezey (1991) indicated that the overlap between the Executive and Legislature has implications for Legislatures to resist or modify policy set by the Executive, as a defeat of the Executive can result in resignations of Cabinet or dissolution of the Legislature. As pointed out by a respondent the relationship between the Executive and Legislature is influenced by the party that is the leader of both arms of government. The overlap between the Legislature and Executive thus affects autonomy and obscures the power relationship between the two structures. Murray and Nijzink (2002), posit that the autonomy of the Legislature is difficult to measure where the constitutional powers between the Executive and Legislature are fused rather than separated, even the power of the Legislature to censure or dissolve an Executive cannot be seen as the power of one arm of government over the other, as both are affected in a parliamentary system. While the legal framework provides the Legislature with the power to remove a Premier on specific grounds and a substantive resolution of the Legislature, during the fourth term of the Limpopo Legislature there was no evidence that indicated that this was tabled as an option neither was it alluded to by respondents; however, they were constrained by the control and stance of the ruling party through its caucus.

5.1.2 Party Based Electoral System

Political parties are traditional instruments of representative democracy and play an important role in the overall functioning of the democratic governance system considering they serve as intermediaries between the citizen and the state and between the party system and government (Renée, 2012). The PR system promotes representativeness of parties in legislative bodies (Cho, 2012). This study revealed that South Africa has a PR electoral system that promotes a multiparty system of democratic government. The multiparty system is a founding principle of the Constitution of the Republic of South Africa to ensure accountability, responsiveness and openness of government. This system was advocated to enable adequate representation of diverse sectoral groups in decision making (Lodge, 2003). In this regard, smaller parties with little support compared to the ruling party were represented in the Limpopo Legislature, thereby promoting broader

representation of society and an opposition. This suggests that the views of diverse sectors of society in Limpopo were brought to the fore and the opposition played a role to ensure effective oversight.

Elections are contested by political parties on the basis of their policy positions and the electorate votes for a party. The party is thus expected to be accountable to the electorate. The support that a party receives in an election translates into seats allocated to the party, giving the political party power over the Legislature. In the fourth term of South Africa's democratic government, the ruling ANC received 85 per cent electoral support in Limpopo. Of the 49 seats in the Legislature, forty one (41) seats were occupied by the ANC, five (5) by Congress of the People (COPE) and three (3) by the Democratic Alliance (DA). Given the margin between the ruling party and opposition parties, Limpopo can be considered as a dominant one party province. While there was a discernable opposition, the size of its representation affected their influence rendering them ineffective in their oversight role. In addition the ruling party has consistently performed well with electoral support in the previous terms ranging from 92 per cent to 88 per cent. Even though there has been a decline in support, this can suggest overwhelming public confidence in the ruling party.

The data indicates that the ruling party through its own internal mechanisms, nominates candidates, develops its party lists and submits party lists of those candidates for elections. The seats allocated to the party translate to positions on the party list. The party also allocates constituency offices where representatives report to and receive feedback from communities and in this way the party is able to keep contact with the electorate between elections and in so doing deepen democracy.

Olson and Mezey (1991) point out that the political party functions to unite the individual legislators behind common policy goals. A respondent indicated that a party caucus served as a platform where the party held its representatives accountable with regard to the party policy perspective. The data further indicates that the party caucus is used by the ruling party as an internal mechanism through which its representatives in the Legislature

interacted with the party and where legislative approaches to ANC policy, oversight and monitoring of policy implementation were coordinated. The minority parties appeared to have had an unstructured approach to how they engage with their party in the province, with COPE liaising and receiving support from the Provincial Executive structure and DA receiving support through national engagement within their party structures. The data suggests that members of the ruling party were politically managed and confined to caucus positions, however, the platform for policy discussion and alignment between the Executive and Legislature was lacking.

For the party to perform its political responsibilities, it requires funding. This study showed that political parties receive state funding in a proportional and equitable manner to improve multi-party democracy. As pointed out by February (2013), the source of party funding is important to entrench transparency and accountability. Fish (2006) further contested that stronger parties were better able to link their representatives with the electorate than weaker parties, thus strengthening vertical accountability. The data suggests that the ruling party given its representation received a bigger proportion of funding compared to other minority parties and was able to have constituency offices in all sub-districts; thereby entrenching its presence and ability to link with the electorate. Opposition parties on the other hand did not receive sufficient funding for party work and this hindered their capacity to engage with all constituencies as well as limited their ability to demand accountability. Hence, the effectiveness of opposition parties was affected by both their limited presence and funding which reduced their influence and affected their ability to perform their legislative responsibilities. Unlike the ruling party, their physical presence and hence influence in society appeared inadequate.

5.1.3 Legislature Authority and Executive Responsibility

Scholars have pointed out that legislative oversight is exercised on the Executive branch to ensure that policies agreed upon and passed into law are implemented by the state (Fish, 2006), that state resources are used effectively and efficiently (Hudson & Wren, 2007) and to combat corruption

and promote good governance (McGee, 2002). The data indicates that the legal parameters for legislative oversight and Executive accountability are contained in the Constitution of the Republic. The Legislature is entrusted with the functional responsibility of oversight and is expected to develop mechanisms for the Executive to account to it and maintain oversight on the executive use of power. The Limpopo Legislature developed Standing Rules and Orders, which gave effect to the establishment of committees and public involvement in legislative processes. The Constitution further demands individual and collective accountability by the Executive to the Legislature, on the exercise of their powers, performance of their functions and provide full and regular reports to the Legislature. While Executive members are individually accountable for their portfolios, they are collectively responsible for collective executive decisions and have a duty to make available and be transparent in the information they provide to the Legislature. As indicated by Fish (2006), the oversight inspection of the Executive requires a measure of transparency in government operations. A respondent further said that the Executive accountability provision of the Constitution has not been affected to the extent that the Constitution has been violated.

While the Constitution upholds the separation of powers between the spheres of government in the exercise of their powers and functions, the Constitution also provides for national intervention in a provincial sphere when the Executive fails to fulfil its obligations in terms of Section 100 of the Constitution. Decentralisation of government is expected to increase government efficiency by taking services closer to citizens, promote transparency and accountability (Escobar-Lemmon, 2006) and with concurrent responsibilities, mechanisms for cooperative policymaking and governance need to be sustained with Central Government monitoring performance of subnational governments (Mottiar). However, providing authority to subnational governments that have poor capacity or poor accountability increases opportunities for corruption (Jelmin, 2012) and will not achieve outcomes required by decentralisation. During the fourth term of government, the Limpopo Provincial Administration was placed under Section 100(1)(b) – referred to as national administration in this analysis -

where National Government intervened and assumed Executive responsibilities in five Provincial Government departments. The intervention was prompted by the Executive having failed to effectively execute some financial responsibilities. The Province had an overdraft in the 2011/12 financial year and would not have been in a position to ensure service delivery. In addition, Provincial Treasury was unable to support and exercise its oversight responsibility over provincial departments. Procedurally, the NCOP that was involved as it had the responsibility to review or disapprove or end such an intervention. The Constitution makes no reference to the role of provincial Legislatures in this process but stipulates that national legislation may regulate such a process.

The data indicates that while respondents understood the constitutional provisions of section 100, they emphasised the lack of Legislation or a framework for implementing such an initiative nor was there any precedent in this regard and had nuanced views on the reasons for the intervention. There was no formal interaction or report tabled in the Legislature concerning the intervention; this may have resulted in respondents having their own interpretations why such an intervention occurred. The exclusion of the Legislature from the national intervention process also implied that its Constitutional prerogatives of oversight over the Executive were rendered redundant.

5.2 CAPACITY FOR OVERSIGHT

The core roles of the Legislature in democracies have been identified as representation, law making, oversight (Barkan, 2008; Fish, 2006), and constituency services (Barkan 2009). Nijzink *et al*. (2006), indicated that, in addition to the legal authority, the capacity of the Legislature is important to perform effective oversight. The Legislature is expected to provide mechanisms and resources for maintaining oversight and ensuring Executive accountability. Furthermore, external sources such as support from the party and other independent oversight institutions established to promote accountability by government can support legislative oversight. This section

discusses capacity in relation to the institutional or internal resources availed for oversight, external support and the practice of oversight.

5.2.1 Institutional Capacity

Barkan (2008) indicates that a strong committee system is key in the performance of oversight and as specified by McGee (2002), makes accountability real as it promotes direct interaction and allows elected legislators to scrutinise below the surface of government administration. Furthermore, Strom (1998) points out that active committees give effect to the separation of powers as they ensure inter-branch checks and balances. Murray and Nijzink, (2002) and Olson and Mezey (1991); further specify that committees that are permanent and run parallel to the Executive structure can subject the Executive to more scrutiny, be sources of expertise and improve the policy making role of the Legislature.

This study showed that the Limpopo Legislature used the committee system for its functional responsibilities of law-making, public participation and oversight. The committees in the Legislature served as engine rooms and were established to mirror the portfolios of the Executive. Committees were composed of between eight to ten members and included representation of opposition parties, thus supporting greater representation and transparency in the oversight process. Furthermore, committees were given powers to investigate, inquire into, make recommendations and could request a member of the Executive to appear before it to answer questions related to the portfolio concerned.

The most common oversight tools are pointed out by Pelizzo and Stapenhurst (2004), to include question time, interpellations, hearings; public account committees and the auditor general. In addition, Prempeh (2008) raised investigations by legislative committees as another tool to conduct oversight. The data indicates that committees engaged the Executive using various tools for oversight including departmental briefing sessions, oversight site visits, plenary debates and written and oral questions. There was also evidence of the use of auditor general reports and engaging civil society through petitions and public hearings. In terms of investigations, the data

indicates that funding was insufficient to commission external investigations however; SCOPA used state agencies, such as the AG and SIU. Some respondents did point out that in some areas such as the school textbook issue and incidents of corruption, where they could have instituted investigations, they did not.

The Executive was required to table reports in relation to their plans, annual and quarterly performance and any other report demanded by the committee. This study showed that the Executive tabled reports as required and furthermore, these reports formed the basis for oversight activities. The quality and accuracy of these reports were raised as an issue of concern by respondents and the AG found information not reliable. Committees further engaged the department in briefing sessions, developed reports out of these engagements, which were tabled, debated and adopted as resolutions of the Legislature. These resolutions were expected to be communicated to the Premier and relevant MEC and followed up by the relevant Portfolio Committee during its regular oversight functions. This process was referred to in the data as a resolution tracking mechanism; however, respondents indicated that the resolution tracking mechanism was not functional. This suggests that the Legislature failed in its responsibility of tracking resolutions.

5.2.2 Internal Support

Pelizzo and Stapenhurst, (2012) suggested that resources such as the availability of staff, information, adequate resources, adequate financial, human and technical capabilities to conduct independent research and investigation and establishing a parliamentary office (Barkan 2009) are required for effective oversight to happen. In addition, Johnson (2005) points out that the ability of the Legislature rests to some degree on the managerial and technical staff. The data indicates that the Legislature provided financial, human and technical resources to committees to enable them to perform their oversight responsibilities. Committees were provided with a Committee Coordinator and Committee Researcher. However, some committees were not allocated their own Researcher. Financial resources were allocated for the committees to function, though it appeared to be only adequate for

departmental briefing sessions and insufficient for oversight site visits and expanding research capacity. Furthermore, time to do oversight work was raised as insufficient.

Murray and Nijzink (2002) stipulate that Members of the Legislature are important human resources in that they offer their skills and time to fulfil the collective responsibilities of the institution, with more members implying more resources to fulfil responsibilities of the Legislature. The data indicates that there are no academic requirements to be a member of the provincial Legislature. While Members of the Legislature were trained, respondents indicated that the level of qualifications, the level of exposure to processes of the Legislature or government and understanding the relevant portfolio assigned to members does impact on the time needed to build the capacity of members to deal with the legislatures responsibilities. In addition, respondents raised that the training was not sufficient and did not address issues related to the portfolio that members were assigned to. However, the committee as a collective were able to carry some of the individual members that did not have the requisite capacity. Some respondents also referred to the leadership and determination of the chairperson of the committee which played a role in ensuring implementation of resolutions as well as the type of information demanded from the Executive. There were also incidents of removing or replacing chairpersons of committees and committee members which affects capacity of committees. As pointed out by Johnson (2005) and Esau (2008), the composition, technical competence and addressing the capacity of committee chairpersons are important for effective committees. Even though the ruling party had larger number of members in the Legislature, one respondent indicated that this strength was not displayed in their oversight performance. In this regard, the ruling party had more members to engage in legislative processes, and was able to have a wider network of constituency presence through constituency offices.

The data further indicates that the period when members don't have the requisite understanding of committee portfolios and capacity to perform their tasks affected oversight work. Furthermore, changes in committee chairpersons and committee members affect committee capacity which

interrupted oversight performance. This suggests that parties should therefore take into consideration capacity of members when deploying members to committees and in various responsibilities.

5.2.3 External Support

Institutions that are outside the control of the Legislature but can strengthen legislative oversight capacity include the political party and institutions established to strengthen constitutional democracy and promote accountability. As pointed out by Johnson (2005) the use of information and analysis from independent state institutions could be used more effectively to ensure more accountability; as well as more effective use of party caucus (Mottiar, 2005).

5.2.3.1 Party support

The ruling party has a 2007 resolution which states that party caucus must be strengthened to ensure 'robust oversight, mutual accountability, collective leadership and discipline' among deployees and a 2012 resolution that states the Chief Whips office, which is the centre of decision making, should be appropriately resourced. Furthermore, parties receive party funding from the state to perform their political work and improve democracy.

This study showed that members of Legislature received support from their party in performing their political responsibilities. Through ANC party caucus, Members of the ruling party were allocated to caucus study groups which were set up in line with portfolio committees. The study groups were expected to provide a platform where issues related to party policy would be addressed. Within the various study groups, research support was provided to support the work of the study group. However, the data indicated that there were challenges with the support provided by the party especially in terms of research capacity where a respondent said there was no research capacity. Furthermore, study groups were not functioning to deal with policy matters and caucus did not provide the platform for engagement with the Executive on issues raised by constituencies, matters related to oversight and accountability as well as dealing with pertinent political and social issues.

Hence the data suggests that the political parties resolve to ensure robust oversight was not supported.

5.2.3.2 Other oversight bodies - AG and PSC

The Auditor General and the Public Service Commission are established to strengthen constitutional democracy and are constitutionally required to submit reports to the Legislature. This study showed that both the AG and the PSC tabled reports in the Legislature. These reports were referred to relevant committees to process them. The Legislature utilised reports from both the PSC and the AG to strengthen their oversight work. Respondents however, indicated that they found the AGs reports most useful, especially SCOPA members.

The data indicates that the Legislature passed resolutions on the AGs report on government employees doing business with departments and these were implemented by the Executive. The data thus suggests that relevant committees utilised reports from both the AG and PSC to strengthen their oversight work.

5.2.4 Practice of Oversight

The Legislature received unqualified audits from the AG throughout the fourth term. Some of the major achievements, as pointed out by respondents, were compliance in ensuring regular accountability by the Executive and the ability of the Legislature to process its work including addressing backlogs from the previous term. Service delivery issues in various communities were addressed and the Executive implemented SCOPA resolutions on public servants doing business with government. in addition, there was positive feedback from the AG and NGOs and some departments received improved audits in 2009 and 2010. Furthermore, the Legislature won a case related to section 115 of the Constitution which relates to providing evidence or information before a committee. This case was seen as setting a precedence and a victory for oversight.

The annual reports of the Legislature indicate the targets for the term as a whole were met, however, within the term there were challenges to achieve

certain target. With regard to committee performance, the data indicates that five Portfolio Committees and SCOPA were able to clear outstanding reports from the third term of the Legislature. There was a delay in SCOPA processing their 2010 and 2011 reports of which the AG raised as a breakdown in the accountability cycle. The lack of collaboration between Portfolio Committees and SCOPA was raised by AG as an area that needed attention to address effective oversight. While in the 2012/13 financial year, SCOPA was able to catch up on its program; there was not much improvement in the collaboration between the Portfolio Committees and SCOPA. Furthermore, the AG in 2012/13 indicated that the oversight performed by Portfolio Committees had limited impact outcomes of government. The AG as early as 2010/11 recommended that the Portfolio Committees could derive benefit from engaging with the Audit Committees as the Audit Committee provides assurance on a quarterly basis regarding in year monitoring reports which are reports on performance against budget. Had this occurred, the Portfolio Committees would have been in a better position to assess the financial position of the departments and possibly have picked up early warning signs of financial maladministration.

Stepan and Skach (1993) indicated that with a shared electorate mandate or political identity enables opportunities in new democracies for economic and social restructuring. This was not directly raised by respondents; however, the data indicates that the relevant Portfolio Committees tabled their reports on budget and APPs within the prescribed timeframes, implying a policy pact between the Executive and Legislature. However, with the processing of quarterly reports in the 2011/12 financial year, these appeared not to have been processed by committees within reasonable time. Committees engaged the departments on their 2011/12 quarterly performance reports later than expected and many of the committee reports were tabled in 2012. This suggests that the timing of engagement with the Executive would have rendered the oversight activity ineffective.

The Legislature did not maintain a resolution tracking mechanism. However, SCOPA was the only committee that developed a self-introspection report that assessed implementation of SCOPA resolutions by the Executive. By

2011/12 most of the resolutions were not fully implemented by the Executive. One of the reasons for non-implementation was a lack of sense of urgency by the Executive to implement SCOPA resolutions within a specific timeframe. With regard to the five Portfolio Committee reports, these did not clearly stipulate any progress of resolution implementation and committee recommendations appeared to be repetitive. Furthermore, the extent to which issues that led to the national intervention were being addressed could not be verified. However, respondents indicated that not all resolutions were implemented by the Executive and some issues that were raised in constituencies that were referred to the Executive were not attended to by the Executive. Furthermore, the AG does allude to changes to political leadership in 2011 that led to disruptions in implementing audit outcomes and overall regressions in audit outcomes for the Provincial Government for the 2011/12 financial year. This suggests that the Executive was not always being held accountable by the Legislature on their quarterly performance and there were political changes in the Executive before National Government intervened in the Province.

Furthermore, before the intervention, respondents indicated that oversight was performed, but they point out that the information provided by the Executive showed that the Province was in good financial health, hence they were taken by surprise that the Province was bankrupt or had service delivery challenges. Respondents blame the credibility of reports received from the Executive; however, they admit that the intervention does indicate that there were weaknesses in the type of oversight performed due to the incapacity of the institution to do adequate research and inadequate checks and balances to confirm information. A respondent pointed out that Portfolio Committees relied on SCOPA to deal with financial management which happens after the financial year and Portfolio Committees should have monitored financial management in the quarterly engagements. Another respondent indicated that the Legislature did not have access to the financial systems that National Treasury had and was thus not in a position to see the actual financial status of the Province.

The national intervention had implications for oversight in Limpopo as the Executive responsibilities were performed by national ministers and administered by national administrators who were not required to account to the Province. With the lack of legislation to regulate such an intervention, it is not surprising that respondents were not clear on the reasons for the intervention and felt that there was an accountability vacuum in the Province. At the time of the intervention, the Legislature struggled to get responses from MECs, provincial officials or the National Administrator on particular issues. This created a vacuum for accountability and the Legislature was unable to perform adequate oversight at the time.

Furthermore, in line with the definition and approach as outlined on OVAC, oversight appears more as a reaction to executive action. Unlike the new approach that is promoted by SOM, which sees oversight as a proactive interaction between the Legislature and the Executive.

The data suggests that there was an element of compliance in terms of implementing responsibilities by both the Legislature and the Executive. However, given that information provided by the Executive was not credible and the Legislature processing reports later than expected, points to an element of malicious compliance by both the Executive and the Legislature.

5.3 INTERNAL AND EXTERNAL DRIVERS, INCENTIVES AND PRESSURES

In addition to the mandate for oversight and resources available to the Legislature, Pelizzo and Stapenhurst (2012) expressed that political will or the legislators' reasonable expectation of deriving benefit will also facilitate effective legislative oversight. They further indicated that it is dependent on the level of interactions between members of the ruling party and society and that public trust is important for political legitimacy. Stepenhurst *et al.* (2014) indicated that the ruling party will respond to effective oversight if there is popular demand for good governance and effective oversight. Mattes (2002) pointed out that the ruling party has on several occasion invoked party loyalty to prevent Parliament from conducting effective oversight of Executive action. This section is discussed in terms of the informal institutional incentives and the capacity challenges encountered in performing oversight.

5.3.1 Informal Institutional Incentives

Inherent to South Africa's parliamentary system of governance and party based electoral system, is party control which may influence the behaviour of the legislative sector in performing their oversight responsibilities and the Executive in complying with its accountability responsibilities. The electoral system influences how elected representative relate to citizens and the party. Social pressures for party accountability can also influence oversight and accountability. Informal institutional incentives are discussed in terms of both political and social drivers.

5.3.1.1 Political drivers

Though the Constitution gives expression to the separation of powers between the Executive and Legislature, within the parliamentary system of governance, the separation of powers is not absolute. The fusion between the Executive and the Legislature can result in institutional and political tension in the structural and functional relationship that impacts on the ability of the Legislature to perform its function (Labuschagne, 2004) and reduce effective oversight over the Executive (Esau, 2008).

While the Legislature is accountable to the electorate, the party likewise holds the Legislature to account. This study indicated that the party, through its internal processes, determined the party lists and this can result in Members of the Legislature being more accountable to the party than the electorate. Moreover, the Premier and members of the Executive tend to come from higher structures of the political party. They influence the party lists, hold members accountable to the party, are responsible for party discipline and determine committee chairpersons and committee members.

Scholars point out various reasons for reduced incentive to hold the Executive to account and work in the best interests of the electorate. Being subordinate in leadership structures may lead to incentives for members to toe the party line and agree with views of the Executive and result in partisan practices (Cho, 2012). This is also a consequence of members wanting to secure a position on the party list or promote their careers that are in the hands of the party (Olson & Mezey, 1991; Saalfeld, 2000; Jelmin, 2012)

Furthermore, scholars point out that party cohesion with tight discipline will ensure voting along party lines even if preferences of individuals are not favourable (Pelizzo & Stapenhurst, 2014) and removal or demotion in future lists for those who challenge the Executive (Barkan, 2008).

It is shown in the current study that Members of the Legislature held junior political positions in the party as compared to members of the Executive and were affected by party politics. In as much as respondents indicated that they were driven by selfless fulfillment to improve lives of the electorate and ensure service delivery in the Province, they also indicated that being junior in party structures affected power relations between the Executive and the Legislature and limited Members of the Legislature being too critical for fear of being dealt with by the party. One respondent indicated that challenging the Executive resulted in being removed as a Chairperson of a committee and also alluded to members being removed from committees and another Chairperson being replaced. A respondent pointed out that political ambition can result in members being more accountable to the party than to citizens. Furthermore, the position of the party caucus, of which both the Executive and senior party leaders are part of, at times limited the extent to which Members of the Legislature would hold the Executive to account. In addition to being constrained by a Caucus position, a respondent pointed out that they could not confront members of Executive in front of the opposition and it was expected that this be done in Caucus which is politically managed, however, another indicated that the Caucus platform was not always used for discussing such matters. No reference was made of members being subject to party discipline and it would appear that members did toe the party line and those that did not were subject to either being recalled or redeployed from certain positions or portfolios.

With regard to Executive members, the data indicates that the Executive displayed a level of arrogance or confusion on the role of the Legislature as well as complained to the party when being subjected to vigorous oversight. The Executive confused its powers when it tried to summon SCOPA and appeared to have had an attitude that committee could not tell them what to do and saw oversight as undermining the authority of the Executive or

competing for Executive positions. This limited challenging the Executive even in instances where party interests or policy positions on issues such as corruption were being violated. Furthermore, the Executive being senior in the structures of the party, they did not hold themselves to account and there was no oversight over the Executive by the party. Whether the Executive, as pointed out by respondents, compromised party policy on corruption, or not implement decisions of Caucus or Portfolio Committees nor attending committee meetings, there was no recourse by the party. It appears that there was a perception of intimidation by the Executive and the party, which affected insistence by the Legislature on implementing resolutions.

Despite these experiences, respondents did challenge the Executive during their interactions through committee work, debates and question time. Though, questions in the Legislature were predominantly asked by members of the opposition. Accounting for public resources, fraud and corruption were included in the issues that respondents engaged the Executive on. Some respondents indicated that the Executive had acted on allegations of fraud and corruption and on public servants doing business with government. Action was taken by committees against the Executive especially when reports were not to the expectation of the committee and the department was expelled from committee meetings. It was furthermore specified that at times the Executive did not implement all resolutions due to resource constraints. An indication of the Legislature acting independent of the Executive occurred when the Legislature developed its own legislation with regard to funding of the Legislature. The Bill promoted ‘good governance and utilisation of resources allocated to the Legislature’ and ‘put into context the notion of separation of powers’. The Premier of Limpopo challenged the Bill on its constitutionality and the bill was found to be unconstitutional.

The Constitution provides powers to the Legislature in relation to the appointment and removal of the Premier, however, when encountering challenges with the Executive, the option to remove the Premier was not raised by respondents, instead they made reference to Caucus or Caucus positions. The data suggests that the party plays a prominent role in

representative democracies and may limit the Legislature to invoke the constitutional prerogative of removing a Premier.

Respondents also raised that the separation of powers was weakened due to the sharing of a party identity and taking instructions from the party. They alluded to the strong emphasis on accountability within the Constitution and party structures. It was also indicated that accountability between the Executive and the Legislature and between the party and its representatives, if practised appropriately would not affect accountability.

To ensure consistency between mandate from the electorate and policy implementation of the Executive, functional structures of Caucus such as study groups for policy development and oversight of policy implementation are required as well as functional constituency offices for report back to the electorate. In this way the party deepens democracy. Parties get elected based on their policy positions and receive funding for enhancement of multi-party democracy. It would appear from the analysis that Caucus was dysfunctional and this can be inferred from the inadequate support given to party members. As indicated by respondents, there was poor or no research capacity to support study groups and the study groups were not functional. This resulted in party policy issues not being dealt with nor provision of a platform for engagement between party members in the Executive and Legislature. Furthermore, issues raised through constituency offices were not dealt with in Caucus nor raised with the party. The case of the Premier challenging the Legislature on the constitutionality of the bill, can also indicate that that party caucus was not functional even if the premier may not have seen fit to deal with the matter through Caucus, it would have been expected that the matter be raised and resolved there. Furthermore, the party resolved at its 2007 conference on robust oversight, but this study revealed this is not reflected in the focus of the party Caucus nor the allocation of budget to the Legislature to perform its oversight role. A respondent pointed out that in public the party insists on robust oversight, but this is not reflected in the support given to perform oversight. The support provided by the party was deemed as inadequate and this has implications for both the oversight function and the deepening of democracy.

Some scholars propose that for the balance of power in the relationship between the Executive and the Legislature to be restored, political parties need to become more internally democratic (Prempeh, 2008) or ensure that at least a certain degree of incentive compatibility between executives and legislators so that the fate of both are tied in voter preferences for the party (Saalfeld, 2000). Prempeh (2008) also suggests that intraparty democracy be contained in provisions of the Constitution. Parties should thus be more transparent in terms of the type of intraparty democracy it practices and incentives it provides so that the electorate is aware upfront in terms of what extent the party will balance its executive and legislative responsibilities to ensure good governance and service delivery.

While the Constitution entrenches accountability within the systems of governance and representation of society, the data indicates that the dynamics within a party affected the power relations between the Executive and the Legislature and had an influence on the performance of effective oversight.

5.3.1.2 Social drivers

The role of voters is important in a democratic governance system and can influence the behaviour of elected representatives. Jelmin (2012) indicated that regular elections create strong incentives for elected representatives and the opposition to act in the best interests of citizens. However, Cho (2012) specified that citizens can prioritise representation rather than accountability and this can boost public trust which increases legitimacy. However, in the long run, as pointed out by Jelmin (2012), it can reduce the effectiveness of elections as a channel for accountability.

Accountability to the electorate is tested through elections, where elected representatives are held accountable for their actions. On the other hand, declining voter turnout as pointed out by a respondent can be seen as an indication of lost confidence or disappointment in not receiving services. Despite the fact that people question the underperformance of public institutions, Booysens (2014) points out a notable paradox as these acuities have not filtered into their feelings about the ruling party. The ruling party in

Limpopo has consistently performed well with strong electoral support and this can suggest overwhelming public confidence in the ruling party combined with loyalty to the ruling party.

There is an expectation or confidence from the public that the Legislature will address their challenges. Through the public participation programs of the Legislature as well as petitions, the public raises issues with the Legislature. However, respondents perceived that the Legislature was not visible enough and did not occupy the public space as it should. Furthermore, there were demands through marches in the Province and a public outcry around corruption in the Executive. It would appear that the Legislature did not address these concerns, however, it was indicated that there was no demand made on the Legislature and that the Executive and Legislature representing the same party also resulted in some sectors of the electorate not differentiating between these structures of government. Hence problems generated by the Executive were at times attributed to the Legislature as well. Some respondents indicated that the marches were about removing people rather than service delivery and that ANC members were constrained in raising certain critical issues that affect society. However, it was indicated that these incidents led to the national intervention and at a later stage removal of the Premier and political disbandment of the provincial structure of the ANC. This public outcry or demands for good governance seemed to politically get a response from the ruling party in terms of the removal of the Premier and disbandment of the provincial party structure.

Mottiar (2005) pointed out that even in the local level electoral system in South Africa, which has a constituency element; there is a lack of voters engaging actively enough with their political representatives and holding them to account. Public trust in electoral representatives as well as citizen's inability to participate actively can reduce the accountability expectation from citizens towards their political representative and entrench behaviour that may not be in the interest of citizens. This study indicated that the Legislature attempted to reach out to citizens but was constrained by budgetary issues, though respondents felt that the Legislature could still do more in terms of

entrenching its presence in society so that it is distinguished from the Executive.

5.3.2 Oversight Practice Pressures and Challenges

As indicated by Prempeh (2008) and February (2013), due to historical circumstances, the Legislature does not have institutional continuity and was more of a shadow to the Executive and this has resulted in the institution inheriting limited research capability and a weak committee system. This affects the capacity of the Legislature in terms of their institutional privileges and experience with autonomy. Murray and Nijzink (2002) also pointed out that institutional resources as well as state resources made available for developing institutional capacity is generally low amongst African Legislatures. Southall (2000) specifies that the committee system on the whole is under resourced and where it is functioning well, it is pressured to maintain party discipline.

Major oversight challenges raised by respondents ranged from information provided by the Executive, financial resources and research capacity, resolution tracking and time to do oversight. Respondents indicated that internal resources were insufficient as research capacity was lacking and not all tools could be sufficiently utilised due to insufficient funds and time to do oversight. The SCOPA self-introspection also indicated challenges as time allocated for SCOPA to conduct its activities, shifting of SCOPA members to other committees as well as inadequate training and capacity building for committee members and staff.

With regard to information provided by the Executive, respondents pointed out that at times information was insufficient, incomplete or misleading. They also indicated that with regard to issues that resulted in national intervention, the information provided by the Executive was not credible and the impression created was that all was well. Due to the lack of research support capacity to committees, there was strong reliance on the information provided by the Executive which informed oversight activities of committees, hence affecting the outlook of oversight. While respondents indicated that there was a need for the committees to verify information through oversight

site visits, there was insufficient budget and time to do this, hence affecting the ability of the Legislature to verify information and do proper oversight.

It is important to note that the AG findings on the five departments in relation to performance against predetermined objective as this is the same information that is tabled in the Legislature annually and is informed by quarterly reports that committees engage the Executive on. The AGs audit also happens a few months after the financial year end whereas oversight engagements are done at least quarterly. The AG found that information was not reliable and this implied that the reported information or evidence provided on performance was not accurate, valid and complete. AG also found material misstatements in the financial statements. Besides this, some respondents pointed out that during oversight visits, information on site was contrary to information received in the committee meeting or they were intentionally misled on site visits to create the impression that departments were doing well. In spite of the Constitutional requirement that the Executive is obligated to provide full and regular information as well as be transparent in their reporting, the findings of this research suggests that the information that oversight was being performed on may not have been transparent and reliable.

The budget allocated by the Executive to the Legislature was insufficient and respondents raised that the Legislature was the worst funded institution compared to other government departments. The budget largely catered for oversight engagements in departmental briefings sessions, which did not require much budget. The budget was insufficient for oversight site visits which were needed to verify information as well as to address other challenges or concerns of communities through public participation programs thus not sufficiently representing service delivery concerns of communities or the electorate. Interactions with citizens were thus deficient. This approach also restricted focus on planning and progress in relation to plans and not on outcomes or quality of services. Furthermore, the institution was unable to build research capacity which was needed to provide technical support to committees. Consistent with the literature, insufficient budget affects performance of the Legislature (Barkan 2009) and the Executive was able to

control the Legislature by keeping budget low for the Legislature. The Executive controlling the budget for the Legislature was also raised as a weakening of the separation of powers. Barkan (2009) also indicates that the establishment of a parliamentary budget office and research capacity can increase the power and autonomy of the Legislature in that the Legislature will be able to build capacity to perform its core responsibilities and as raised by Johnson (2005) to allow them to maximise their constitutional powers. Barkan (2008) points out that where Legislatures have a free hand in determining their own budget, they are able to increase salaries and cultivate an effective institution. As specified by the annual report of the institution, the lack of funds was one of the reasons for not appointing researchers and resulted in some of the planned targets not being met by the institution. The data suggests that insufficient funding for the Legislature and oversight activities resulted in the Legislature not performing adequate oversight as there was deficient verification of information due to oversight site visits not being performed and research capacity not being expanded.

The institution did not seem complacent in addressing challenges of financial resources. In addition to confronting Treasury for increased budget which was not successful, they attempted to pass legislation in this regard, however, the bill was found to be unconstitutional.

Researchers were shared by some committees and this impacted on them specialising in the relevant field. Research produced by researchers was of poor quality as they limited research on information provided by the Executive without verifying the validity of the information; hence oversight resulted in overreliance on information submitted by the Executive which defeated the purpose of oversight. As indicated by Barkan (2009), increasing parliamentary research capacity and more professional staff will ensure that Members of the Legislature have access to specialist knowledge to enable them to debate more authoritatively. The need for researchers seemed to be an on-going battle. The data indicates that the challenges related to researchers could not be addressed due to budget constraints. Furthermore, the lack of funding was indicated as the Legislature not commissioning external research, however, the Legislature used state agencies to conduct

investigations such as the AG and SIU. Outside normal engagement with civil society formations, no information was specifically sourced from non-governmental bodies to assist in oversight. The two universities in Limpopo were not utilised either.

Opposition parties indicated that some issues were not dealt with by the Legislature such as requests to debate Public Protector reports on corruption or the Executive guarded information such as not allowing opposition party members access to schools without textbooks. Furthermore, questions asked by the opposition was said to not receive a direct response from the Executive.

The necessary support by the Legislature in tracking resolutions was not provided. Only SCOPA developed a report in relation to assessing resolution implementation by the Executive. No other committee of the Legislature produced such a report. However, the format and content of committee reports that are tabled in the Legislature do not indicate whether resolutions were implemented by the Executive or progress with regard to the resolution. These reports should be improved so that the information contained therewith should be transparent and informative.

Time was raised as an issue in that the work of the Legislature would at times accumulate and this affected timeous tabling of reports in the Legislature. As indicated by Barkan (2009), the core roles of the Legislature may exist in tension both functionally and in real time by competing for the time and resources that an individual member devotes to each role. Depending on which role time is spent on indicates how much of power the Legislatures would yield and as pointed out by Barkan (2008), neglecting their shared duties can result in the Legislature existing in name only. Reasons for time delays included the tight program of the Legislature, unavailability of the Executive for committee engagements, or the need for more information from the Executive. Furthermore, members served on between three to more than five Portfolio Committees which affected their time and availability. The election periods and recess also affected the program and availability of committee members for committee work. The lack

of time on oversight affects the quality of oversight that can be undertaken. There were delays in addressing the quarterly performance reports and this implies that oversight may have taken place at a later stage, possibly rendering the oversight exercise ineffective.

This research affirms that there was a gap between the constitutional prerogatives for legislative oversight and the capacity that was availed by the Legislature to perform that mandate as indicated by February (2006). This was largely due to the lack of funding to ensure that the Legislature is able to build its capacity as an institution, the timeous processing of Executive reports and the lack of sincere accountability by the Executive. As a result the Legislature performed oversight in an ad hoc manner resulting in ineffective oversight.

CHAPTER 6: CONCLUSION

The purpose of this study was to explore and understand the exercise of legislative oversight over the Executive in the fourth term of the Limpopo Legislature and the challenges embedded in securing accountability. The data presented and analysed in chapters 4 and 5 provides detailed insights into the legislative and institutional frameworks, oversight capacity and the drivers and challenges that influence the practice of oversight.

This study sought to understand the source of failures of Executive accountability and legislative oversight in the fourth term, as was reflected in the need for national level intervention in the administration of five departments. These departments were placed under national administration due to maladministration of funds that compromised on policy implementation and service delivery. The focus of this research was not on validity of the national administration intervention but oversight practice of the Limpopo Legislature. It is anticipated that the conclusions derived from this study will contribute to reflection and efforts directed at enhancing legislative oversight and Executive accountability at a sub national sphere of government and contribute to the body of knowledge with respect to sub-national Legislatures in general and the Limpopo Legislature in particular.

The conclusions for this study are presented in line with the research question and sub-questions. The limitations as well as future paths for research that can be further pursued are revealed so as to enable the understanding of oversight and accountability.

6.1 LEGISLATIVE OVERSIGHT IN LIMPOPO

Legislative oversight and Executive accountability are constitutionally mandated in South Africa and give effect to the separation of powers and promotion of good governance. Towards the end of the second term of government, impetus began to be placed on legislative oversight nationally. Furthermore, robust oversight was emphasised in 2007 within the policy perspective of the ruling party. However, during the fourth term of government, five departments in Limpopo were placed under national

administration due to financial maladministration even though they were subject to the scrutiny of oversight by the Limpopo Legislature.

This study explored and understood the practice of legislative oversight at the time and posed the overall research question: What level of legislative oversight was exercised during the fourth term of the Limpopo Legislature to obtain Executive accountability in departments where financial management and policy implementation failures resulted in the need for national intervention?

Consistent with the overall research question, the analysis provides insights into the practice of legislative oversight within Limpopo Province. The analysis further reveals that the practice of oversight is complex, even with strong Constitutional imperatives and broad powers for legislative oversight, the institutional arrangement dictated by the institutional frameworks related to the governance and electoral system poses challenges and incentives outside of the control of the Legislature. In essence, the realities of political power and party politics cloud the issue and with insufficient institutional capacity to perform oversight, both have a bearing on the effective practice of oversight.

Furthermore, oversight and accountability are intertwined mandates and the role of the Executive in fulfilling its constitutionally assigned mandate is critical within a reality of the Legislatures lacking capacity and being poorly resourced. There were weaknesses in Executive accountability with limited party correction. Hence the extent to which oversight took place cannot conclusively be determined. However, it can be concluded that oversight was not appropriately practiced and was thus ineffective. These are further summarised below and relate to the findings, conclusions and lessons for oversight at a subnational level.

6.1.1 Legal and Institutional Framework

The formal institutional framework supports and promotes legislative oversight and Executive accountability and emphasises transparency and accountability within the system of governance. The Executive is constituted

from the Legislature and is accountable to the Legislature. The legal framework places an obligation on the Legislature to perform oversight over the Executive and the Executive is also obliged to account to the Legislature. These obligations are expected to ensure accountable and transparent government, improve service delivery and give effect to the separation of powers.

The proportional representation (PR) electoral system enabled broader representation of society and positions opposition parties to demand accountability. While the PR system enabled representation of discernible opposition parties, the proportion of representation between the collective opposition and the ruling party, rendered opposition parties ineffective. The ruling party further received the bulk of political party funding which enabled it to sustain its party caucus and entrench its presence with the electorate through constituency offices, thereby strengthening the party. Limpopo can be considered a dominant one party province with consistent popular support and confidence of the electorate in the ruling party.

The Legislature operates in an environment where it is not devoid of party influence. The PR electoral system accords political parties power and influence over its representatives in the Legislature. Voting for a party also reduces the direct accountability link between representatives in the Legislature and the electorate and the responsiveness of elected representatives towards the electorate. The system promotes conflation between the Legislature and the Executive in that it encourages a common vision for both arms of government but reduces the separation of powers between the Legislature and the Executive. If the party promotes party loyalty ahead of citizens' interest, it can divert accountability from the electorate to the party and promote partisan politics. Legislators are thus constantly faced with the need to balance their legal mandated responsibility with their partisan affiliation. Party control and the overlap between the Executive and the Legislature affected the autonomy of the Legislature and obscured the power relationship with the Executive.

The failure of the Executive to fulfil some of their mandated responsibilities led to national administration in five provincial department and executive responsibilities being assumed by National Government. The lack of legislation to regulate such an intervention and the exclusion of the Legislature in such a process created a vacuum for accountability and had a bearing on the practice of legislative oversight and Executive accountability within the Province.

The Constitution gives substantive powers to the Legislature in terms of law making and explicitly entrusts the Legislature with the responsibility of oversight. The Constitution also provides that the Executive accounts to the Legislature. While there is a strong legal framework for oversight and accountability, the dominant one party control of the Legislature without a significant opposition influenced legislative oversight and Executive accountability in Limpopo. Furthermore, the underlying political dynamics within the party shaped power relations between the Executive and the Legislature and generated incentives that impacted negatively on legislative oversight and Executive accountability. These are elaborated further below.

6.1.2 Oversight Capacity and Practice

The Legislature has a strong committee system where committees mirrored the Executive portfolios. Committees used an array of oversight tools including departmental briefing sessions, plenary debates, question time, oversight site visits, petitions, public hearings, investigations and were empowered to summon the Executive. The Legislature provided committees with financial, human and technical support. Each committee was provided with a Committee Coordinator and Researcher, though some researchers were allocated to more than one committee and research capacity was considered weak.

Individual Members of the Legislature served as a resource, however it depended on their individual capacity, experience and time required to be capacitated to perform Legislature responsibilities. As a collective, committees were able to overcome individual capacity limitations and the

leadership and capacity of chairpersons played a role in ensuring appropriate reporting and resolution implementation by the Executive.

Committees utilised reports from the Auditor General and Public Service Commission to augment effectiveness in overseeing the Executive. Support from the party appeared minimal in terms of party policy support and coordination as well as consolidating matters raised by constituencies and civil society.

The Legislature as an institution appeared to be in good health as indicated by the unqualified audit opinions it received throughout the fourth term of the Legislature. In general, it appeared that the Legislature achieved performance of its overall targets and attempted to assert its constitutional responsibilities.

However, there were delays in Portfolio Committees overseeing quarterly performance of the Executive and SCOPA processing reports of the AG. There was poor collaboration between Portfolio Committees and SCOPA and no interaction between committees of the Legislature and the Provincial Audit Committee. Furthermore, the Executive did not provide credible information nor implement some of the portfolio and SCOPA committee resolutions. There were thus weaknesses in the structural arrangements between committees and programming of committee work within the Legislature.

6.1.3 Oversight Drivers and Challenges

Oversight drivers and challenges relate to incentives that influence the practice of oversight and challenges that were experienced in the practice of appropriate oversight. These are discussed in relation to informal institutional incentives and capacity challenges.

6.1.3.1 Informal institutional incentives

It is perceived that respondents were driven in their legislative responsibilities by noble and selfless gratification to serve and improve lives. However, party dynamics and being subject to caucus positions, influenced the extent to which Members of the Legislature held the Executive to account as well as the extent to which the Executive would account.

Party control influenced the power relations between the Executive and the Legislature and hindered the practice of oversight to some extent. Executive members held senior positions in the party giving them greater access to the structures and processes of the party and control over party representatives. At times they appeared to confuse their power in the party with their authority in government and questioned the oversight role and power of the Legislature. Furthermore, it would appear that the Executive was not held to account on implementing their responsibilities by both the party, which was composed largely of Executive members, and Party Caucus, where the Executive and senior party members of the party are represented. In addition, when being subject to robust oversight by the Legislature, they would at times complain to the party and the party would intervene in their favour. Hence while there was interference by the party in Legislature work, there was no recourse for executive failures. It appears that in the first two years of the term there was activity and progress. Oversight practice seemed more affected in 2011. This also coincided with redeployments in the Executive which may have been a result of internal dynamics within the ruling party. Members of the Legislature being junior in the party structures, to some extent feared being disciplined, demoted or removed from positions in the Legislature. Generally, it would appear that members toed the party line, though at times they challenged the Executive and the Executive was responsive. However, some members that challenged the Executive were removed or redeployed.

The Legislature attempted to exercise its independence and autonomy when they developed legislation around funding for the Legislature though it was challenged by the Premier and found to be unconstitutional. Hence the Executive maintained control over the budget allocation to the Legislature which impacted on the ability of the Legislature to develop into an effective and efficient institution and perform adequate oversight. The Legislature thus still appears as a shadow to the Executive.

Parties get elected based on their policy positions and receive party funding to enhance multi-party democracy and perform functions in the Legislature effectively. Not much support was received from the party in Legislature

oversight work. Thus the expectation of party policy positions finding expression in both the work of the Legislature and Executive was not entirely supported nor was the platform to address issues raised from constituencies provided. Furthermore, the ruling party's 2007 resolution on robust oversight was not adequately addressed. The party caucus was dysfunctional and this affected the role that the party was required to play in strengthening democracy.

The consistent overwhelming electoral support can be seen as a vote of confidence and public trust in the ruling party, however the declining voter turnout, can indicate a level of dissatisfaction with the ruling party. Given that party support is still overwhelming could imply a degree of party loyalty by the electorate. With a weak opposition and the electorate basing their vote on party loyalty rather than performance further entrenched partisan practices and diverted accountability from the electorate. The fact that there were marches by civil society indicated that the party in the province did not take into account what civil society was demanding.

There is an element of trust by society in the Legislature however, when there was a public outcry in the province in relation to corruption, it would appear that the Legislature was not approached to address this issue. This was attributed to the political party identity which displaced the public understanding of the different responsibilities between the Executive and Legislature. In a dominant one party province with weak opposition, the inability of the Legislature to be more publicly visible or determining its own identity and platforms for engagement with civil society, resulted in the institution being conflated with executive action and associated with executive problems. The Legislature needs to entrench its role so as to build public confidence in the governance system and restore trust in government. If not, the Legislature as an institution that performs oversight will lose its identity as an institution that enhances vertical accountability, promotes good governance and entrenches democracy.

Not having political clout and being able to hold the Executive to account makes oversight ineffective and can be construed as a subversion of its

constitutional oversight obligation and principles of separation of powers. In a party based system with weak opposition, the political dynamics within a party can render the practice of oversight and the Legislature as a formal institution of representative democracy, less effective. The lines of accountability need to be honoured, and there is a need to align representation and party interests. To ensure democracy and good governance the party needs to ensure incentive compatibility for both its representatives in the Legislature and Executive, and ensure intra-party democracy in relation to how it deals with these structures in a transparent manner.

6.1.3.2 Capacity challenges

While the Legislature appears to have a strong committee system, resources provided to committees did not bear credence to the role that was expected of committees and affected committees to fulfil their mandate effectively. The time, budget and research capacity allocated for oversight was insufficient. The availed research capacity in terms of personnel and research output was inadequate and poor. Budget allocated to the institution was only sufficient for departmental briefing sessions but inadequate for oversight site visits, public participation, building research capacity and commissioning external research.

There were shortcomings in the committee system that had a bearing on oversight practice. The Legislature was in contravention of its own Rules and Orders in that the resolution tracking mechanism that was necessary to support Portfolio Committees, was not functional. The Legislature depended on information provided by the Executive, which was not always credible, and based their oversight outlook on that information, resulting in limited oversight which defeated the purpose of oversight. Due to the institution not being adequately funded, affected committees to embark on oversight site visits and build adequate research capacity. Training provided by the institution did not address capacity in relation to the portfolios that members were allocated.

The Executive is obligated to provide full and regular information and this required them to be transparent in their accountability responsibilities, however, performance and financial information provided by the Executive was raised by respondents and found by the AG to not always be credible or reliable even with regard to issues that prompted national intervention. The implementation of national intervention without a regulatory framework created a vacuum for accountability as executive powers were removed from the province and the Legislature was unable to get information from the Provincial Executive for plans and budgets approved by the Legislature. This affected the Legislature's constitutional prerogative of performing oversight over the Executive.

It would thus appear that oversight at times was done in an ad hoc and ineffective manner. The Legislature processed quarterly performance reports but not timeously. The Executive provided information but not in line with its constitutional prerogative of providing full and transparent information. This thus indicates that oversight and accountability was at times conducted inefficiently and for malicious compliance.

Timeous engagement of the Executive is required so that necessary corrective action can be taken by the Executive in instances where there have been any violations. Issues raised by the AG to improve effective oversight must be taken seriously by the institution with regard to the coordination between Portfolio Committees and SCOPA to improve oversight effectiveness as well as between the committees and the audit committee to enable the Portfolio Committees to be in a better position to assess the financial status of the Province. This can only augment the effectiveness of oversight performed by the institution.

Legislative oversight and Executive accountability are intertwined mandates. The Legislature given its capacity can be considered as a weak institution, which resulted in the Executive not taking it seriously or the Executive not responding adequately. Until the financial constraints are addressed, the Legislature will not be in a position to address its institutional challenges and

fulfil its constitutional prerogatives and ensure the performance of its core responsibilities. Neither will it increase its autonomy from the Executive.

The financial resources allocated to the Legislature as an institution requires political intervention so that the institution is able to build the requisite capacity to perform its mandated functions. The ruling party needs to ensure that its 2007 conference resolution to improve the Legislature's capacity must be implemented and demonstrated in influencing the allocation of budget to the Legislature and streamlining the party expectations from both the Executive and the Legislature. Furthermore, the party should consider capacity and skills of its members when allocating their representatives into different responsibilities in the Legislature and committees and address political incentives that influence the legislators to act on oversight. Strengthening of the Legislature is important to ensure that it does not remain a shadow of the Executive.

6.2 LIMITATIONS AND THE FUTURE

This research sought to address the level of oversight performed by the Limpopo Legislature and attempted to address oversight from the various approaches that appear in the literature. However, the literature does indicate that there is insufficient scholarly work on oversight and there are gaps in the empirical measures of effective oversight which bears testimony to the argument which suggests that the results in the literature are conflicting and there is no consensus on the definition of oversight. Much focus has been on the potential for oversight in terms of oversight tools and institutional capacity and whether the constitutional choices supported oversight, as opposed to the actual output of oversight. Furthermore, the discourse on legislative oversight has largely been at a national level and within South Africa there has been limited focus on oversight. Oversight is a field that requires further in-depth research and needs to move beyond conditions for oversight to oversight output in terms of measuring effectiveness. It is hoped that the extensive approach as backed up by literature can form the basis for further investigations into legislative oversight, not only at a sub-national level but at a national level as well.

This research points out that resolutions of the Legislature were not always implemented by the Executive. However, this research was unable to assess the level of resolution implementation due to the lack of a resolution tracking mechanism in the Legislature and the poor quality of committee reports. There is a need for development of a system to track the implementation of house resolutions and improve committee reports which are public documents.

This research did not also go into depth with regard to the internal functioning of the ruling party and barely focused on opposition parties. Given the role that the party plays in the governance system, there is a need for stronger emphasis on the role of the party, party functioning and incentives for effective oversight and power separation within the party.

While this research focused on the fourth term of the Limpopo Legislature, certain processes have overtaken this period in that there has been a shift in oversight approach from the more reactionary institutional and political confrontation as outlined in the OVAC to the more progressive, coordinated and common approach as outlined in SOM. With the new approach, both the policy development role of the Legislature and the oversight role are emphasised in terms of oversight practice as well as both institutions being responsible for service delivery in pursuit of good governance and democracy. Furthermore, there has been a shift in the financing model of the Legislature. The Financial Management of Parliament and Provincial Legislatures Act (Act 10 of 2009) regulate the financial management of the legislative sector in a manner consistent with its status in terms of the Constitution, particularly the doctrine of separation of powers. The Legislature will thus be more involved in determining its own budget allocation. Of importance is that the Act assigns Treasury responsibilities to the Speaker of the Provincial Legislatures. Both these initiatives are likely to have an effect on the practice of oversight in terms of responsibility, control and autonomy.

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ANNEXURE A: INDIVIDUAL INTERVIEW QUESTIONS

A) What are the legal and institutional levels of legislative oversight authority and how are these understood by those who have to exercise oversight?

1. *What is your understanding of the legal mandate of the legislature and committees?*
2. *What is your understanding of the accountability mandate of the executive?*
3. *What is your understanding of the parliamentary system and electoral system? What challenges or enablers do these pose for legislative oversight?*
4. *What is your understanding of the Section 100(1(b) of the Constitution?*

B) What internal and external supportive capacities are there for the exercise of oversight by the legislature and its relevant committees and how is oversight performed?

1. *What are the institutional mechanisms, rules and processes for oversight and how is oversight exercised?*
2. *What internal capacity i.e. financial, technical and human resources are available for the oversight work of committees? Is this adequate?*
3. *What support is provided by the party to do oversight? Is the support adequate? Elaborate*
4. *Was the information provided by the executive sufficient to enable the committee to do proper oversight? Elaborate*
5. *What independent research or investigations did the committees conduct/commission? Please expand*
6. *Were tabled recommendations of the committee implemented by the executive? Elaborate*
7. *What other oversight bodies report to the legislature and what support do they provide? Were their reports useful for oversight? Elaborate.*
8. *Was information sourced from other non-governmental bodies and how was this used for oversight?*
9. *What have been the challenges, limitations or weaknesses associated with the exercise of legislative oversight over the executive and what measures were put in place to overcome these challenges?*
10. *What have been the major achievements of oversight?*

11. *What oversight challenges arose before and after the implementation of section 100 (1)(b)? What role could the legislature have played to prevent this intervention, if any?*

C) What drivers, incentives and pressures are there for the effective exercise of oversight?

1. *How do you/members of the legislature relate to their Political Party?*
2. *How do you/ members of the legislature relate to citizen*
3. *What benefits do you derive from performing oversight?*
4. *How have you challenged the executive in your oversight role and what was the response, expand*
5. *Has there been popular demand for oversight/accountability by citizens or lobby groups or media? Elaborate on the issues raised and the responses by members of the legislature?*
6. *What in your opinion is the attitude of the public towards the Limpopo Legislature?*
7. *What external economic and social constraints were there that impacted on you performing oversight?*

D) Any other information you think is relevant to this study?