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LEGISLATIVE OVERSIGHT AND EXECUTIVE ACCOUNTABILITY IN THE

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DECLARATION

I, Ramoshidi Piet Ramogayane, declare that this research report is my own, unaided work. It is submitted in partial fulfilment of the requirements for the degree of Master of Management in Public Policy at the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination in this or any other university

_____
Ramoshidi Piet Ramogayane

_____ day of _____ 2009

DEDICATION

This research report is dedicated to my little daughter, Tiego Ramogayane, and my late grandparents, uncle and aunt.

ACKNOWLEDGEMENTS

I would like to extend special thanks to my supervisor, Prof. Susan Booysen, for solid guidance and support throughout the research process.

Words of gratitude also go to Raenette Taljaard for her motivation and guidance at an early stage of this research.

I am also grateful to my whole family, especially my wife, for love and support.

Lastly, sincere thanks to the members of the Gauteng Provincial Legislature for making time out of their busy schedules for the interviews.

ABSTRACT

This study examines legislative oversight and executive accountability in the Gauteng Provincial Government. Legislative oversight forms part of the constitutional obligations of the Gauteng Provincial Legislature. The study is based on a premise that Gauteng Provincial Legislature is, as a representative institution and the custodian of the will of the people of the province, constitutionally enjoined to perform oversight over the provincial executive (cabinet) to ensure effective public policy implementation (public service delivery) and management of public finances. The executive is also constitutionally obligated to account to the legislature.

The study begins the analysis by first doing international comparative analysis of the British and United States case studies to draw parallels and differences, and more importantly, to project key lessons relevant to South Africa with regard to the exercise of legislative oversight and executive accountability. The study then goes further to analyse legislative oversight and executive accountability in South Africa to provide a broader national perspective and background to the empirical analysis of Gauteng Provincial Government as a case study. The analysis unpacks fundamental issues such as key approaches, methods and instruments used to conduct legislative oversight over the executive, the institutional relationship (power politics) between parliament and the executive, the influence of both the electoral and party politics on legislative oversight and executive accountability, etc.

The empirical analysis of legislative oversight and executive accountability in the Gauteng Provincial Government also deals with these fundamental issues. Overall understandings, insights and lessons from this study are then projected into the domain of recommendations, which, among others, include the electoral reforms, investment in institutional capacity of the legislature, the strengthening of the legislature's monitoring and evaluation systems, the enforcement of oversight sanctions, legislative measures to enable the legislature to amend money bills, shift in approach to opposition politics, etc.

KEY DEFINITIONS

This summary of key definitions aims to facilitate easy understanding of some of the key concepts used in this thesis. Some of the key concepts are further explained in detail in section 1.5 of Chapter 1, which deals with conceptual framework for this study.

Chief Whip:	A party political functionary in parliament whose main function is to assist in the management of parliamentary business and party political affairs (including party discipline) in parliament (and provincial legislatures) (see Parliament of the Republic of South Africa, 2004; Taljaard and Venter, 2006: 25).
Congress:	A term used to refer to the parliament of the United States of America, which is made up of the House of Representatives and Senate.
Executive accountability:	A constitutional obligation of the executive to report and account to parliament or provincial legislatures on public policy implementation (public service delivery) and management of public finances (see Republic of South Africa, 1996; Murray and Nijzink, 2002).
Executive:	A branch of government that implements public policy and the laws of the nation. In South Africa, the executive (commonly known as cabinet) is made up of the

president or deputy president and ministers responsible for different executive portfolios and is accountable to parliament (see Republic of South Africa, 1996; Venter and Mtimkulu, 2006: 44). The executive also includes government departments which are collectively known as bureaucracy (see Burns, Peltason, Cronin and Magleby, 1997: 362).

Legislative oversight: A term used to refer to parliamentary supervision or scrutiny of the executive to ensure accountability on public policy implementation (public service delivery) and management of public finance (see Ginsberg, Lowi and Weir, 1999: 481; McKenna, 1998: 233; Murray and Nijzink, 2002: 87; Patterson, 1999: 367). It is sometimes referred to as parliamentary oversight. In South Africa, legislative oversight is a constitutionally-sanctioned function of parliament and provincial legislatures (see Republic of South Africa, 1996).

Majority party: In the context of the prevailing electoral system of proportional representation in South Africa, majority party refers to a political party which has majority of representatives (i.e. a party in power) in relation to other political parties represented

	in parliament (and the provincial legislatures) (see Parliament of the Republic of South Africa, 2004; Republic of South Africa, 1996). It is often called a ruling party.
Minority parties:	In the context of the prevailing electoral system of proportional representation in South Africa, minority parties refer to political parties which have few representatives (i.e. opposition parties) in relation to the majority party in parliament and the provincial legislatures (see Parliament of the Republic of South Africa, 2004; Republic of South Africa, 1996). The main role of minority (opposition) parties is to keep the majority party (i.e. the party in power) in check usually by exposing wrongdoing and advocating alternative policies.
Parliament:	A branch of government that passes laws and exercises oversight over the executive (see Republic of South Africa, 1996). It is sometimes referred to as the legislature (Laundy, 1989:65). In democratic countries, parliament is made up of democratically elected representatives. In South Africa, parliament consists of the National Assembly and National Council of Provinces whose members are

	democratically elected through a party-based electoral system of proportional representation (see Republic of South Africa, 1996). .
Party caucus:	A parliamentary political structure of political parties represented in parliament and provincial legislatures. This informal parliamentary party political structure is used by political parties to discuss and coordinate their party strategy and policies which members must pursue and defend in parliament (see Taljaard and Venter, 2006: 25-26).
Party discipline:	Political party's organisational code of conduct to which its members of parliament and the provincial legislatures must adhere. This includes abiding by the decisions of their political parties in parliament or the provincial legislature, including voting in line with them.
Portfolio committees:	Committees of the National Assembly of the South African parliament (and provincial legislatures), which deal with the detail of legislation and oversight over the executive, including government departments (see Parliament of the Republic of South Africa, 2004).

Proportional representation:	An electoral system in which political parties are allocated seats in parliament in proportion to the number of their votes (Burns, Peltason, Cronin, & Magleby, 1997: 187; Ginsberg, Lowi and Weir, 1999: 363; Hague, Harrop and Breslin, 1992: 192). This electoral system is used to allocate parliamentary seats to political parties in both the National Assembly and provincial legislatures in South Africa (see Republic of South Africa, 1996).
Provincial Legislatures:	Parliaments of the nine provincial governments in South Africa whose constitutional mandate is to pass provincial legislation and exercise oversight over their provincial executives (see Republic of South Africa, 1996).
Standing committee on public accounts:	A committee of the National Assembly of the South African parliament (and provincial legislatures) tasked with a mandate to exercise oversight over public finances of government departments and other state institutions (see Parliament of the Republic of South Africa, 2004; Taljaard and Venter, 2006: 19).

ABBREVIATIONS

AFP:	Alliance for Free Democrats
AG:	Auditor General
ANC:	African National Congress
APC:	African People's Convention
DA:	Democratic Alliance
IFP:	Inkatha Freedom Party
ID:	Independent Democrats
MEC:	Member of the Executive Council
MP:	Member of Parliament
MPL:	Member of the Provincial Legislature
PFMA:	Public Finance Management Act
U.S.	United States of America
SCOPA:	Standing Committee on Public Accounts

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