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PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

National Assembly

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Offices of the United Democratic Movement

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Parliament

Cape Town

12 April 2021

Ms Thandi Modise

Speaker of the National Assembly

Parliament of the Republic of South Africa

PO Box 15

Cape Town

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Dear Honourable Modise

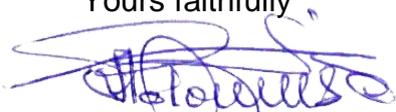
The composition of the Section 194 Committee on the fitness of the current Public Protector to hold office, and a proposal for a weighted voting system to promote fairness and democracy

1. On 16 March 2021 the National Assembly voted in favour of going ahead with an inquiry into the fitness of the current Public Protector to hold office. Subsequent to that you sent out a memorandum, dated 17 March 2021, outlining the process to be followed in the composition of this Section 194 Committee.
2. According to your letter to Mr Narend Singh, MP and Chief Whip of Inkatha Freedom Party (IFP), dated 31 March 2021, this Section 194 Committee is comprised of eleven voting and fourteen non-voting members.
3. In the same letter you further state that the voting component follows the same structure as that of a portfolio committee. As a result, *“the “other parties” must agree on which party amongst them should take-up the voting seat. The members nominated by the parties that have been given these seats would receive the voting mandate from their respective parties.”*
4. This proposition is self-contradictory and unconstitutional for reasons I outline here below:

5. You will agree that ad hoc and section 194 committees are by their very nature different from portfolio committees, in that their *raison d'être* and subject matters are of equal importance to all political parties, and that they discuss and handle matters of national importance. Therefore, all parties should have an even stake in participation, processes and voting.
6. You will recall that as elected representatives that represent various constituencies we operate in an environment where we act on the explicit instructions of our constituencies. Naturally, on issues under consideration in Parliament and elsewhere parties are likely to hold different positions in accordance with the instructions from their respective constituencies and that it is important for these positions and divergent views to be reflected in all the decision-making processes of Parliament, starting with the committee process.
7. Furthermore, the fact that there are fourteen political parties represented in Parliament is an expression of the will of the people of the Republic of South Africa. The so-called large parties must stop this false and arrogant thinking that they are “doing us a favour” by “allowing us to participate” in Parliamentary processes in a manner that is determined by them, and not in a manner that respects the will of the people. It is the sheer hubris of those who claim to be democrats and fighters for democracy care so little for the will of the people.
8. In light of this, I find it problematic, wholly undemocratic and unconstitutional for Parliament to take away the right of smaller parties to vote in the aforementioned Section 194 Committee. I do not understand how the IFP and the Freedom Front Plus, political parties which carry disparate and different mandates from their respective constituencies are expected to vote on behalf of the eleven smaller parties. This practice both undermines the role of smaller parties in Parliament and violates their right to participate fully in all the decision-making processes of Parliament. The current “system” of merely satisfying the letter of Parliamentary processes, but not honouring the spirit of democracy and participation is flawed and smaller parties cannot be treated as mere tokens.
9. For these reasons, I would like to propose that Parliament uses a weighted voting system for all ad hoc and section 194 committees.
10. In a weighted voting system, each political party in a section 194 committee will have a weighted vote as determined by the percentage of the electorate they represent. This system will ensure that parties will not have a disproportionate influence over voting outcomes.

11. We expect to receive your considered response to have the so-called smaller parties included as voting delegates, within seven days, failing which we will seek other courses of remedy.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Bantu Holomisa', with a large flourish above the name.

Mr Bantu Holomisa, MP
President of the United Democratic Movement