



Friday, 30 October 2020

Open letter to the Parliament of the Republic of South Africa

For Attention:

Hon. Thandi Ruth Modise

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RE: Limited timeframes for public consultations on 2020 Medium Term Budget Policy Statement and Second Adjustments Appropriation Bill undermine participatory democracy

This letter is jointly written by various civil society organisations (CSOs) who are committed to strengthening participatory democracy by working to support more open and accountable parliamentary spaces.

The 2020 Medium Term Budget Policy Statement (MTBPS) which includes the Second Division of Revenue Amendment Bill and the Second Adjustments Appropriation Bill was tabled at 14h00 on Wednesday 28 October. This is in alignment with Section 6(1) and Section 12 of the Amended Money Bills and Related Matters Act No. 9 of 2009. On the same day, Parliament issued a call for ‘stakeholders’ and ‘interested parties’ to make written submissions to the Standing and Select committees on Finance noon on Monday 2 November. The public hearings are provisionally scheduled for 4 November.¹

This equates to only 2.5 working days for interested members of the public to engage with a complex budget proposal with far-reaching implications and to submit their inputs. While we acknowledge the real constraints imposed on the committees by the legislative calendar on public finance – the challenge is that it is simply not enough time to realise meaningful public engagement.

¹ Calls for public input were issued by Parliament on 30 October for the 2020 Second Division of Revenue Amendment Bill on 13 November and Second Adjustments Appropriation Bill on 20 November 2020: <https://www.parliament.gov.za/press-releases/media-statement-appropriations-committees-call-public-submissions-and-comments-2020-medium-term-budget-policy-statement>



For many members of the public there is scant information on which to engage and interact with the relevant decision-making processes before the documents are tabled in Parliament or in the nine provincial legislatures. We acknowledge Parliament's own admission after budget tablings earlier this year of the need to increase the public knowledge of parliamentary processes in general - and public finance decision-making in particular.

The current timeline of 2,5 days for the first set of submissions at best favours stakeholders and interested parties who are in positions that enable them to set aside the resources and time necessary to work on these highly technical and detailed documents. This includes 'reading between the lines', and cross-referencing a range of other government documents in order to make sense not only of the information in the documents, but importantly that which is left out.

Such an exclusionary process would be problematic at any point of our nation's life. However, it is particularly unfitting in the context of the massive hunger crisis our nation faces in the aftermath COVID-19.² Treasury's decision to fund a bailout for South African Airways by making cuts that will negatively impact the provision of essential services, alongside the decision to end the caregiver's top up grant are ones that call for more broad and meaningful participation, not less. Yet, timeframes of 2.5 days mean that the voices of grassroots activists and community based organisations working on health, food and safety issues - will not make it onto the table or into the room. And here we're still talking about members of the public who are connected to networks such as ours – the 'ordinary member of the public' is still far from frame. Making submissions to the Appropriations committees within the slightly longer timeframes allowed means that some of these bigger issues will no longer be on the table.

South Africa's public finance system through both the Constitution and the Money Bills legislation, includes necessary mechanisms for transparency and public involvement. But the value of these is limited by the tight timeframes in the legislation. Surely the point is not only that people are informed, and coupled with requirements for consultation, that people are empowered to use that information and potentially have influence on the decision-making related to public funds?

The current implementation of the Money Bills legislation, regardless of intent, undermines the Constitutional ideal of an *open society in which government is based on the will of the people and every citizen is equally protected by law*. It is implemented in a manner that suggests mere compliance with the requirements for participation and that favours some group's input and interests over others. The current timeframes - and lack of civic support from Treasury or the legislatures - make anything more substantive simply impossible for the majority.

We recognise, too, the inherent limitation to Parliamentary decision-making and oversight of such tight timeframes; a concern that committees themselves have referred to in past years.

Finally - some of the undersigned organisations and coalition representatives seek to engage the committees during public hearings to table inputs on the 2020 MTBPS.

In light of the limitations mentioned above - we request an extension for public inputs by a full working week from the day of tabling. This should apply to the current 2020 MTBPS proposals as well as future processes. It will provide an opportunity, not only for those civil society structures who attempt to

²<https://www.dailymaverick.co.za/article/2020-09-30-hunger-remains-a-crisis-in-sa-despite-new-survey-numbers/>;
<https://www.dispatchlive.co.za/news/2020-09-18-hunger-in-eastern-cape-at-war-zone-levels/>;



invest in this work, but for Parliament itself to actively reach out to communities with more limited knowledge of public finance but with as much at stake.

In the longer term, noting that this issue is repeatedly raised by civil society organisations and even by some MPs at times, we strongly urge that the legislative framework and overall systems for public engagement on decision-making related to public finance - at all stages of the process (not only the Parliamentary phases) be reconsidered to address the current exclusions and inequalities relating to who has access to these spaces.

This letter is supported by members of the Parliament Watch and Putting People in People's Parliament.

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Parliament Watch is a collective of independent organisations working towards the advancement of social justice, the realisation of human rights, and strong constitutional democracy in South Africa. Collaborators include the Dullah Omar Institute, UWC (DOI); Equal Education Law Centre (EELC); Heinrich Boell Foundation (HBF); Parliamentary Monitoring Group (PMG); Public Service Accountability Monitor (PSAM); The Right to Know Campaign (R2K); Social Change Assistance Trust (SCAT); Social Justice Coalition (SJC); and Women on Farms Project (WFP).

The Putting People in People's Parliament Project (PPiPP) is a collaboration between the Dullah Omar Institute, UWC (DOI); Heinrich Böll Foundation (HBF); the Parliamentary Monitoring Group (PMG); the Public and Environmental Economics Research Centre (PEERC); and the Public Service Accountability Monitor (PSAM) implement the PPiPP, in collaboration with a number of CSOs in the Eastern and Western Cape. This project seeks to provide resources and information to CSOs in both rural and urban Eastern Cape and Western Cape to support their engagement with legislative oversight, including on public finance.

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