
Where to for Parliament?

One year after Zondo ‘very little has happened’

By Moira Levy

Moira Levy is Media Manager at the Institute for African Alternatives (IFAA) and the Production Editor of its flagship journal, *New Agenda: South African Journal of Social and Economic Policy*.

Decode, or Defend our Constitutional Democracy, is the name of a project initiated by IFAA in support of the movement for parliamentary reform as the country turns its attention to the 2024 elections. MOIRA LEVY reports back on the project’s first workshop, where panelists from the Parliamentary Monitoring Group, Unite Behind, and the Council for the Advancement of the South African Constitution (Casac) addressed the current crisis within our politics – starting with the most obvious question: ‘Where to for Parliament?’ Reports on the presentations are included in this feature spread.

“Where was Parliament?” That’s what Chief Justice Raymond Zondo asked at the Commission of Inquiry into State Capture. “Where indeed, and where

is it now?”. That’s what it said on the invitation to the first workshop of IFAA’s Defend our Constitutional Democracy (Decode) project. And that’s what we set out to answer at the workshop, which was held in Cape Town on 21 June 2023.

The launch event did not only look backwards at how our “People’s Parliament” has arrived at where it is now. Titled “Where to for Parliament?”, the workshop was forward looking, trying to find the way to the Parliament we were promised, and for a short while cherished, back in 1994.

Those who filled the boardroom of the Catholic Parliamentary Liaison Office – and we thank the Southern African Catholic Bishops Conference for generously making it available – on a cold and wet winter morning seemingly came together with exactly that question in mind: Where to for Parliament?

The participants, who came from a number of civil society organisations (such as OUTA and Judges Matter), the broad Cape Town Left and, importantly, from Parliament itself (it should be made clear that they were managers, researchers and support staff from Parliament’s administration, and not MPs), shared a common purpose:

They were there not to engage in “Parliament bashing” – the IFAA team made that clear from the start – but to ask what would a Parliament be that meets the requirements of the

Constitution. And a Parliament able to rise to the challenge laid out in the findings and recommendations in the final volume of the State Capture Report, which pinpoints how the legislature failed to live up to its constitutional mandate.

Parliament did not get off scot-free. Inevitably the discussion led to the topic of state capture. Panellist and Executive Secretary of the Council for the Advancement of the South African Constitution (Casac) Lawson Naidoo criticised the response from Parliament to the Zondo Report, calling it “underwhelming” and “a mechanical process-driven response from Parliament. There’s no urgency. The progress has been very, very slow.

“Nothing’s changed, there’s no political will to do anything differently. The political leadership don’t seem to understand or accept the magnitude of the problem and is hoping that it will simply go away. There has to be political accountability from the institution.”

He reminisced about the early days of South Africa’s democratic Parliament when he was Special Advisor to the first Speaker, Frene Ginwala. “I used to be responsible for the schedule of who presided in the House and I would always make sure that there was an adequate representation of opposition MPs to give the sense that this was a parliament of the people—we’re all part [of it] because



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*Lawson Naidoo, Casac, gives a presentation at the Decode workshop.
Photo by David Southwood.*

it is a political party system.

“However, the political culture of Parliament has changed. What has happened since 2014 is that the ANC dominates everything. The will of the ANC carries the day all the time. Can we really say that the institution is executing its constitutional mandate as the national forum for debate of issues of importance? I don't think it does. Those are some of the things that begin to undermine the credibility and integrity of the institution [of Parliament].”

“Aside from the Guptas and the other villains, the biggest culprit in state capture was that building over there,” he said, pointing to the parliamentary precinct across the road.

This is exactly what Zondo himself has made clear. At the Commission hearings he stated that Parliament,

specifically its Committee system, allowed state capture to happen. Parliament failed in its constitutional duty to conduct effective oversight and hold elected representatives to account.

The IFAA workshop was held exactly one year after the outgoing Commission Chair Raymond Zondo handed the final volumes of the Zondo Report to President Cyril Ramaphosa.

Said Naidoo, “One has to ask the question, what has happened in that year? And the answer is unfortunately very, very little.”

Chief Justice Zondo addressed a Human Sciences Research Council (HSRC) symposium the next day, where he referred again to Parliament's failure to perform its constitutional duty.

“State capture places our democracy at risk, state capture is about greed, selfishness and criminality.” He then went on to elaborate on the role Parliament has played in state capture: “What demonstrates beyond any doubt that state capture places our democracy at risk is when one deals with the role of the National Assembly.

“Parliament, the National Assembly, failed to take steps that would have made sure that the state capture was exposed early” and that would have made sure that it was stopped before South Africans lost billions of Rands.

“The reason why it failed is well known. It is because the majority party refused to agree to the establishment of an inquiry to investigate the allegations. There were a number of instances where there was an opportunity for the majority party in Parliament to agree, but it did not, and therefore the Guptas continued with their project.

“I have said before that if another group of people were to do exactly what the Guptas did, Parliament would still not be able to stop it. That is simply because I have seen nothing that has changed. The question that then arises is, if Parliament won't be able to protect the people if there were another attempted state capture, who will?”

Zondo replied to his own question, and it is worth quoting him at length as he dwelt on themes that emerged at the workshop and reflect the spirit of IFAA's Decode project.

“I can only think of two answers. One is if certain electoral reforms are made which allow people to have more power over Members of Parliament [through their] constituencies there may be a chance that there would be a number of Members of Parliament who know what the right thing is to do, who would be prepared to say no to their own parties when their parties want them to do something that is against the interests of the people

“The other possibility is that there should be a standing anti-state capture and anti-corruption commission which works the same way as the Commission I was honoured to chair, which can call anybody to answer questions where there are allegations of corruption and state capture. So that even if the majority in Parliament do not want certain questions to be asked or want to protect Ministers or the President from certain questions there would be opportunities to explore evidence and the answers would be given in the open so nothing can be swept under the carpet.”

Zondo's concluding comments echoed a refrain that came up repeatedly in the workshop, about the importance of civil society and its role in calling to account Parliament and the political leaders who have failed South Africa.

“We have to trust the citizens of this country,” Zondo said. “I believe in active citizenry. I believe that the people of South Africa are the ones who must take their destiny into their own hands. They are the ones who must say we have had state capture, but it is not going to happen again. They must be the ones who say never, never and never again.

“My belief is that when everything else fails, it is you, the people, that give me hope. It is you the people who will make sure that this country is turned around.” **NA**