

Legislative Oversight in the Democratic South Africa: An Analysis of the Effectiveness of Portfolio Committees

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Abstract: The legislative sector in the democratic South Africa continues to receive more attention in the public discourse. It has become a subject of interest from various sectors of society not limited to civil society, academics and the media. This interest recognises the importance of the work of the legislature, especially in holding the executive accountable amid an emerging tendency of lack of accountability. In the midst of the attention that the legislative sector receives; questions come to light about its effectiveness. This is mainly regarding whether legislatures have the ability and capacity to hold the executive to account. This paper argues that questions on the effectiveness of legislatures should be directed to the work of committees. Committees are central to the work of legislatures, and they are regarded as the engine rooms. Recently, the work of committees, particularly in the South African parliament, has been on the spotlight, with various inquiries hosted. Yet, questions on the effectiveness of committees persist. Hence, the article provides an empirical analysis on the effectiveness of portfolio committees at the Gauteng Provincial Legislature (GPL). The study has employed a qualitative approach, with the data collected utilising semi-structured interviews, participant observation and document analysis. The findings of this article suggest that to a certain extent, oversight is performed better in committees of the legislature. There are improved relations between the Gauteng government departments and committees. The departments are responsive; yet there are still challenges leading to the illusion of accountability, with limited or no consequences. The study recommends inter alia, follow-up on oversight activities; action against the executive's reluctance; and strengthening the role of research.

Keywords: Accountability, Committees, Democracy, Legislature, Oversight

1. Introduction

Since the advent of democracy in 1994, South Africa has embarked on a process of rebuilding to effect proper governance institutions and systems for the democracy to function. Democracy in the country was introduced through multi-party elections. The multi-party elections have allowed majority of the previously disenfranchised people to vote for the first time to choose their own representatives in a form of political parties. It is for this reason that multi-party elections continue to be associated with democracy as it allows the people to participate in the choice of representatives. This is as compared to other political party systems, particularly a one-party system in which either one party exists or allowed to exist; a system associated with autocratic governments. To contextualise the study, it is argued that the link of multi-party elections to democracy does not represent a complete definition of democracy (Malapane, 2016). It is important to note that while democracy is broadly defined

around voting for a preferred representation (political parties), it should not be confined to voting. Hence, Cheru (2012:267) states that:

"...the fact that the hold of power by undemocratic rulers through the ballot box is fashionable, particularly in the African continent serve as a sobering reminder of the tentative and fragile nature of democracy when the basic conditions such as vibrant legislatures, an independent judiciary, diverse political parties, free press and strong accountability institutions are weakened, and thus unable to act against an often-powerful executive branch of government."

The foregoing alludes that democracy in some countries has not moved beyond holding multi-party elections. It is because holding elections is one thing, while building institutions is the other. After many years of such elections, democracy is fairly stable in some African states than others; Mauritius, South Africa and Ghana are stable as compared to

Kenya, Zimbabwe and Cote d'Ivoire (Emanuel, 2012). Di Palma (1990) in Kiwuwa (2013:272) argues that the good of a democracy is echoed on its institutions, because when a nation builds democracy, it builds institutions. Democratic institutions are basic conditions to ensure stability. This makes the institutions of democracy such as electoral institutions, political parties, civil governments, independent judiciary, and legislatures important as argued in this article. These institutions should assist to promote the rule of law and procedures that constrain abuse of powers and to foster transparency and accountability in government.

In a democracy, it is expected that "the government's action is subject to scrutiny and control, the probability that a government is democratic should be influenced by the legislature's potential to oversee the government" (Pelizzo & Stephenhurst, 2006:2). The assertion stresses the need for strong institutions of accountability; and in this context a strong legislative branch of government. A strong legislative branch as empowered through various sections of the Constitution of the Republic of South Africa, 1996, especially section 55 and 114, empowering the national and provincial legislatures to exercise their powers. It is argued in the article that the legislature's ability and capacity to hold the executive accountable should be evaluated through the work of its portfolio committees. Portfolio committees are central to the work of legislatures; they are responsible for the day to day work not limited to oversight but include public participation and law-making. However, with scant empirical studies and recent events dominating the public discourse sowing doubt on the work of committees, questions around their effectiveness seem not to subside.

This article provides an empirical analysis of the effectiveness of portfolio committees drawing from experiences of the GPL. The article seeks to respond to the question of legislature's ability and capacity to effectively perform the oversight role. Having discussed the introduction and background, the following section outlines the research methodology and approach adopted in this study.

2. Research Methodology and Approach

The study has focused on portfolio committees responsible to oversee key priority departments in the Gauteng province. It is exploratory and

a qualitative methodology was adopted, with semi-structured personal interviews, observation and document analysis utilised to collect both primary and secondary data. With regard to the interviews as the primary data instrument, participants interviewed were purposively selected mainly comprised of committee support staff and Members of the Provincial Legislature (MPLs). As a result, 34 semi-structured personal interviews were conducted. The population comprised 24 support staff and 10 MPLs (current and former). The objectives of the study were to: assess the legislature's ability and capacity to promote transparency through holding the executive accountable; and examine the executive-legislative relations. The Principal-Agent theory was used to define and analyse the relationship between the executive and the legislature in relation to the argument of this paper.

3. Principal-Agent Theory

The utilisation of the Principal-Agency (PA) theory is premised on studies that analyse relationships, in particular between the executive and the legislature. The theory is one of the dominant and extensively used paradigms of analysing public accountability (Gailmard, 2012; Schillemans & Busuioac, 2014). The Principal-Agent (PA) theory derives from economics (Miller, 2005), utilised in the insurance sector and later became useful in other disciplines. The PA theory can be traced back from Max Weber, who is among the first scholars to clearly define the theory in relation and applicable to social, political and related fields of study. In his definition of the theory, Max Weber emphasised the issue of the information asymmetry between the principal and the agent. The information asymmetry is an important aspect in the relationship between two parties. The PA relationship is an asymmetric relation where authority and information are placed in the opposite sides (Miller, 2005:203). This is a situation where the party with authority does not have information to exercise such authority.

According to Waterman and Meier (1998:176), the assumption has been that the bureaucrats and the executive have the advantage regarding information and expertise over elected representatives. Based on this information asymmetry, the authority may be in the hands of the expert, where it is not supposed to be at the first place. The information advantage is also emphasised by Leruth and Paul (2006:8) when stating that "... the agency problem

may arise from the diverging interests of the principal and the agent, and the latter's information advantage". The information advantage may lead to the executive being reluctant to respond to the preferences of the principal. Accordingly, applying the theory in the context of this study, the legislature is regarded as the principal while the executive is the agent (Kofmand & Lawarree, 1996). In this regard, the legislature is required to oversee the executive, and in turn the executive must be accountable and transparent to the legislature in the implementation of government policies and programmes. In relation to the information asymmetry, the executive should be able to provide the required performance information to the legislature. Conversely, Leruth and Paul (2006:192) argue that "... a principal-agent perspective would conceive the accountability problem of unelected governance as one of the potentially drifting agents, where the executive agents are prone to withhold information, serve their own interests and generally eschew accountability". Yet, the focus has been on drifting principals at the neglect of agents; it has always been about principals who neglect their oversight responsibility intentionally or unintentionally.

Developing legislatures in general have always been accused of abandoning their oversight role and have been categorised as weak due to their institutional capacity and limited decision-making role (Abellera, 2011). This suggests that there are serious doubts on whether legislatures have the ability and capacity to carry out their oversight role to hold the executive accountable relating it to the South African context.

4. Systems of Governance in the South African Democracy

Systems adopted have an influence on how a country is governed (Malapane, 2015, 2016). The systems include among others the political party, forms of government and electoral systems. They are crucial in the formation of government. As a premise, the country's democracy was introduced through the adoption of a multi-party system.

4.1 Party Systems – Multi-Party and the Dominant Party System

South Africa has adopted a multi-party system. However, Lanegran (2002) argues that the country has not practiced a multiparty system where at

least two parties enjoy enough share of support to warrant competition to control power. This is because the National Party (NP) and African National Congress (ANC) have dominated government in two different regimes. Apartheid regime was dominated by the NP, while the ANC has dominated the past two decades since the inception of democracy. This has resulted in the country incidentally experiencing a dominant party system. Nkwokora and Pelizzo (2015:460) write that dominant party system takes place where one party wins three or more consecutive elections. Sadie (2011:207) states that dominant party systems are regarded as not conducive to democratic health in any system. This is for the following reasons, among others: without rotation in office, dominant parties find it increasingly difficult to distinguish between party interests and state interests; a dominant party system damages democracy because it may limit the accountability and responsiveness that are created through the key threat of re-election; and dominant parties may also be tempted to concentrate power increasingly in the executive as well as in the central party structures. Furthermore, the study argues that the electoral system might also exacerbate the issues contributing to illusion of accountability.

4.2 Influence of the Electoral System

Popescu (2013:214) states that "... the electoral system in its various forms can cause a mismatch between the expressed will of the electorate to the polls and the distribution of mandates to the representatives". This underlines that the electoral systems have an influence on the behaviour of MPLs and incentivises them to behave in a certain manner. Andre, Depauw and Martin (2006:51) argue that MPLs are well aware of incentives of the electoral system adopted. The wish of MPLs to be re-elected or to sustain their career in the legislature provides a leeway for electoral systems to shape their strategic behaviour (Andre *et al.*, 2014:485). The authors argue that different systems have different incentives whether majoritarian and Propositional Representation (PR). MPLs respond positively to such incentives, motivated by the desire to remain representatives in the legislature. Stoffel (2014:79) writes that in the closed-list PR systems espoused by the country, MPLs rely on their political parties that have the prerogative to decide on odds for re-deployment according to rankings on the party lists. It incentivises legislators to be attached to partisan electoral tides as opposed to gaining personal

support as the electorate vote for parties instead of individuals. This also makes it simple to recall MPLs in the legislature who do not show loyalty to the party when the executive account.

4.3 Executive-Legislative Relations in Parliamentary System

In the parliamentary system, legislatures are central to the process of forming government (Cheibub, Martin & Rasch, 2015:969). It is however cautioned that the levels of influence by legislatures vary from country to country as others vote for a candidate and others for a party, whereas others endorse an already selected candidate. According to Chang (2015:4), the parliamentary system has the President and a cabinet both accountable to the legislature, and they emanate from the majority. In addition, they are sitting MPLs (Venugopal (2015:671) and categorised as the executive branch of the state. The executive owes its existence on the confidence of the majority in the legislature. This however presents both advantages and disadvantages. Kim and Lee (2009:153) on the one hand, state that the advantage of the system is unified power between the executive and the legislature, which enables the legislature to work effectively and provide direct policy response to the changing state of affairs. On the other hand, Shugart and Carey (1992:44) in Siaroff (2003) argue that accountability and transparency are absent due to protective relationships as the majority in the legislature are responsible to form government, and committees of the legislature.

5. The Effectiveness of Committees

Legislatures need to be thoughtful of the central role and powers of parliamentary committees, that is, if they are to effectively carry out their oversight mandate (Nijzink & Piombo, 2004:6). Committees exist in various types of legislatures (Ahmed, 2011:11) and in the parliamentary system they become representative in non-partisan composition worldwide. This enables them to perform their oversight function better. In the parliamentary system the executive emerges from the majority in the legislature, which in terms of the executive-legislative relations, it may somehow lead to protective relations. Hence, the composition of committees should take into account the total number of all MPLs, with the rights of minorities in mind when establishing committees, propositional to the

number of seats won during elections. Ziobiene and Kalinauskas (2010:29) argue that much of the work of legislatures takes place in committees, and for this reason, committee composition is according to legislative work and specialisation. Committees deal with details of legislation and policies, and this lays the groundwork for potential decisions of legislatures. The important role played by parliamentary committees cannot be discarded; instead it needs to be elevated.

Ahmed (2011:12) argues that for the legislature to be strengthened without compromising the executive, committees need to be fully utilised. Conversely, Madue (2013:42) stresses that the work of legislatures is extensive and requires more time, yet committees perform most of this work. For example, with the limited time, committees reduce the workload of legislatures by providing a platform to deal with details of reports, thereby make direct contribution to policies. This suggests that committees are fully utilised, perhaps the issue may be on whether they are effectively used. Fashagba (2009:454) states that "...committees, it should be noted, are the centres of action and engine rooms of modern legislatures; in fact, oversight appears largely better handled and performed by committees". They provide for avenues to enable legislatures to interact with the public and external tools of oversight, and to engage the executive directly. However, Yamamoto (2007:15) argues that not all committees perform oversight. This allows to further state that various legislatures establish a committee system, and for this cause, each legislature has its individual system.

Since the parliamentary system is emphasised as a bone of contention in this article, Madue (2013:42) argues that it may be categorised into two kinds of committees which are standing committees and portfolio committees. The functioning of these committees is dependent on various factors. The size of a committee is one of the distributional and institutional factors for effective oversight, and is noted as a root of committee power together with tenure, jurisdiction, assignment process and level of staff (Khmelko & Beers, 2011:503). In addition to these factors, Obiyo (2013:105) cites the 2005 Griffith report that effective parliamentary oversight committee requires the basic elements, including among others, committees' independence from the executive's influence; sufficient powers to call for and examine witnesses and articles; adequate

information to render the agency accountable; resources commensurate with the functions the committee is required to perform; and implementation of the committee's recommendations for reform by the executive.

The elements are considered as determining factors for the success or rather the effectiveness of committees when they are executing their day to day work, in particular the oversight role. This oversight role entails the legislature's ability and capacity to promote executive transparency and accountability. The elements underline the complexity surrounding the relationship between the executive and legislatures, which committees have to confront in the performance of their oversight role. The relationship is rooted on the legislature's independence, powers, information asymmetries, capacity, and shared decision-making as outlined by Johnson (2005). Therefore, the basic elements for ensuring the effectiveness of committees are important.

The foregoing also underscores the significance of committees in parliamentary oversight, and in turn with the afore-mentioned basic elements parliamentary committees might be effective. In addition, Burnell (2002:294) asserts that:

"...Information dissemination, monitoring and reviewing the actions of government to hold it accountable, and playing a key role in policy making as well as taking government to the public are among the functions of parliamentary committees".

Friedberg (2013:306) writes about oversight centres on a vigorous committee system, but affirms that, while professional staff in committees may advance its work, members of legislatures serving in many committees weaken them. The latter is because members of legislatures may have little time to spend on the work of all those committees and may have to prioritise some committees at the expense of others. This is mentioned as one of the parameters for oversight potential of committees, which may lead to poor attendance of members (absenteeism) in some committees. The parameters to examine oversight potential include among others, members in several committees simultaneously; sources of information relied on in the discussions; professional adversary staff; seniority of members; and professional background of

members (Friedberg, 2013:530). Although most of the literature emphasises the importance of parliamentary committees, Burnell (2002:292) argues that committees have little effect when stating that:

"...Committees have minimal effect in making government accountable, notwithstanding their hard work and the commencement of a programme. Effective accountability demands not just that the executive is required to give account of its conduct but that the structures of bodies that should hold government to account are enforceable. It is in the matter of enforceability that committees are most deficient".

The foregoing assertion does not abate the standing of parliamentary committees; however, it questions its effectiveness, whose impact, as revealed by the literature, is difficult to measure. Burnell (2002) concedes that committees do play a part in influencing the conduct of the executive in various ways. It should be noted that there is a gap in the universal scholarship in terms of the effectiveness of committees. When studying committees in Bangladesh and Zambia, Ahmed (2001) and Burnell (2002) pointed out that in the two countries and elsewhere, the origins of committees are owed to constitutions of respective countries, which make their role central. In the South African context, the aforesaid is a reality. The Constitution, in Section 56 outlines that committees have powers to summon any person to appear before it, and give evidence on oath or to produce documentation on its actions or lack thereof.

6. The Gauteng Legislature as the Representative Body

The GPL upholds representative democracy which is ushered through a form of democratic national and provincial elections held by South Africa (SA) every 5 years to allow the people to elect their representatives.

Table 1 on the following page illustrates how different political parties have been represented in the GPL since 1994 to 2014. This shows the multiparty system adopted and the dominance of the ANC since 1994, which is a feature of a dominant party system as alluded to by Nkwokora and Pelizzo (2015). In addition, Table 1 depicts party system change, with the ANC slowly losing its dominance in the legislature towards entrenching the

Table 1: Representation of Political Parties in the GPL

Event	Date	ANC	DP / DA	NP / NNP	COPE	EFF	IFP	VF / VF+	ID	ACDP	UDM	Others
1994 election	27 April 1994	50	5	21	—	—	3	5	—	1	—	1+
1999 election	2 June 1999	50	13	3	—	—	3	1	—	1	1	1
2003 floor-crossing	4 April 2003	50	12	3	—	—	3	0	1	1	1	2
2004 election	14 April 2004	51	15	0	—	—	2	1	1	1	1	1
2005 floor-crossing	15 Sept 2005	51	12	—	—	—	2	1	1	1	0	5
2007 floor-crossing	15 Sept 2007	51	13	—	—	—	2	2	2	1	0	2
2009 election	22 April 2009	47	16	—	6	—	1	1	1	1	0	0
2014 election	7 May 2014	40	23	—	0	8	1	1	—	0	0	0

Source: https://en.wikipedia.org/wiki/Gauteng_Provincial_Legislature

multiparty system as adopted. The weakening in representation of the dominant party has changed representation. In the 2014 elections the ANC was reduced to 40 representatives in the GPL; and in turn, it had to appoint the Premier and 10 members of the Executive Council (MECs) among its MPLs. As a result, it remains with 29 members versus 33 from opposition parties to take care of the day to day business of the legislature. The reduction implies that the ANC is now overstretched when it comes to allocating MPLs to the 17 committees responsible to oversee the Gauteng Provincial Government (GPG) Departments. This means that the ANC no longer enjoys the overwhelming majority and on average, each committee is served by 6 members. The ANC continues to ensure that it leads committees, with most if not all, chairpersons belonging to it. This is one of the factors discussed in the literature that weakens legislatures as committees become smaller in size, and also leads to absenteeism. As observed, MPLs from all parties prioritize attendance of some committees at the neglect of others.

6.1 The Nature of the Executive-Legislature Relations on Oversight

The findings of this article revealed that participants are of the view that the legislative-executive relation remains complex due to the systems of governance prevalent in the South African legislative sector. The systems have unintentional consequences, which create a rather dominant executive over the legislative branch. This is in reference to the party system, electoral and form of government as discussed in the literature. The PR system adopted gives political parties the authority to decide on who should represent them. To some extent, this weakens the legislature as most if not all representatives deployed

as MECs by the ANC are senior party members. One of the participants said that "imagine the MEC Paul Mashatile who is the chairperson of the ruling party in the province and the MEC for Human Settlements expected to be held accountable by the chairperson who is a junior in the party". Nevertheless, most of the participants are of the view that the relationship between the executive and committees has improved. There is a good working relationship between the GPG departments and committees. This pertains to departments appearing before committees to account, since previously there was reluctance from the executive. As discussed in the literature, the executive's reluctance to cooperate is one of the challenges facing legislatures. Currently, the relationship has moved to become reciprocal in which the executive further takes initiatives to inform committees about their programmes outside the quarterly and annual reporting.

6.2 The Executive's Responsiveness to the Requests of the Legislature

The findings suggest that there has been an improvement in the responsiveness of the GPG departments and their agencies to questions, resolutions and requests for information. This is positive as the PA theory suggests that where the executive is prone to withhold information, there is lack of accountability. One participant said that "there is an improvement in committees as they used to struggle to receive responses although I may say, there is little improvement noting the challenges". The participants allude that the quality of the responses and complying with the timeframes set by the legislature and its committees remain a challenge. On the one hand, the information provided to committees and responses are sometimes vague, and may not be

a true reflection of the events that took place. On the other hand, the delays in responding obstruct committees to hold the executive to account as committees mostly depend on the information provided to ensure effective oversight (Obiyo, 2013). Thus, when the information requested is received late, issues may have been overtaken by other events and in some instances, situations could have worsened when responses are received.

6.3 Actions Taken for the Executive's Reluctance to Cooperate and Respond to Requests

Most of the participants are of the view that while acknowledging the improvement in the responsiveness of the executive, there are areas requiring attention. The grey areas are exacerbated by lack of actions taken for the executive's reluctance to account for its performance. This is a grave challenge as discussed in the literature. Committees are most deficient in matters of enforceability (Burnell, 2002). The executive's reluctance in relation to the improvement discussed, mainly consists of the delays in providing responses and vague responses provided to committees, although this is not to discard the fact that there are some instances where the responses to requests, questions and resolutions are not provided at all. Most of the participants agree that this is a serious concern facing committees of the GPL, which has been emphasised over the years. One participant said that "the only time I remember a portfolio committee taking action for a GPG department's unwillingness to provide the required information was on the Portfolio Committee of Social development. When it appeared before the portfolio committee, the Gauteng Department of Social Development (GDSD) was not allowed to continue with its reporting, and was instructed to go back and prepare what is required".

6.4 The Influence of Partisanship in the Decisions of Committees on Oversight

As discussed in the literature, the participants agree that committees offer a suitable platform for MPLs to work together without political grandstanding and competition, something that happens in the house plenary in debates and oral questions. Committees always strive to reach decisions through consensus to eliminate partisan views. Interestingly, there is a good working relation between the parties mostly

represented (ANC & DA) based on the results of the last elections. Some of the participants however caution against some support staff who seem to forget that they are supposed to serve committees in non-partisan ways. One participant said that "the staff go to the extent of aligning to certain political offices, and this obstructs oversight in committees".

6.5 Protective Relations Between Committee Chairpersons and the Executive

The participants stress the importance of the relation between Committee chairpersons and MECs, which is central to holding the executive to account. At most, MECs enjoy a senior status over the chairpersons who are from the same party; because of the systematic issues. As discussed in the literature, this is because in the closed-list PR system adopted, deployments are done based on rankings in the party lists. One participant stressed that "the MECs have a senior status over the chairpersons of committees, and being an MEC is viewed as a promotion that is desired by chairpersons". The nature of the relation results into a cosy relationship where chairpersons protect MECs to evade being accountable to committees. This manifests through MECs absence in consecutive meetings and attempting to sway MPLs against asking certain questions as well as sometimes responding on behalf the executive. This protection of the executive by the Committee chairpersons obstructs the exercising of effective oversight.

6.6 Available Capacity to Support the Work of Committees of Legislatures

Most of the participants highlight that there is capacity and professional support to committees coming from various units and role players. The participants put an emphasis on the available capacity and support committees receive from committee researchers. The committee researchers provide committees with objective analysis and verification of the performance of the executive. It has been discussed in the literature that sources of information, professional staff and MPLs' professional backgrounds are some of the parameters to determine oversight potential. Over the years, the GPL has built capacity and support; this is with reference to various units providing professional support, among others, Committees Support, legal and Information officers. Committees have on average of 8 support staff. There is also capacity among the

MPLs in general. However, the participants stress that there is a need for continuous capacity building programmes since there are MPLs and support staff who are lacking capacity. One participant further said, "not all parties deploy MPLs based on their interests and specialisation", and this is to recognize DA's efforts. Furthermore, while the GPL has built institutional capacity to address capacity challenges, it still does not match the capacity, in particular the expertise, skills and resources in the hands of the executive.

6.7 Views, Opinions and Experience on the Effectiveness/Usefulness of the Oversight Role and Oversight Tools Utilised by Committees

The participants believe that the tools of oversight utilised in committees are effective than those used in the house. As discussed in the literature, the emphasis is on the nature of oversight that exists in committees. Committees in their nature endeavour for low partisanship, while it is the contrary in the house where partisanship and politicking is the order of the day. There are however varied responses in terms of the effectiveness of the oversight role of committees as most of the MPLs interviewed are of the view that it is effective, while most staff it is not. Yet, after further probing, most support staff are of the view that it is effective, while a few continue to hold a view that it is ineffective despite saying some of the field-based oversight tools such as oversight visits are effective.

6.8 The Legislature's Ability and Capacity to Generate Own Information

As discussed in the literature, the legislature requires detailed information in order to demand for accountability; and in turn it depends on the executive's willingness to provide timely, accessible and adequate information when requested. To a certain extent the executive is still reluctant or intentionally withhold information (Leruth & Paul, 2006). The legislature should be able to generate its own information; and most of the participants assert that the legislature has that ability and capacity. There are different tools and mechanisms utilised by committees to generate their own information. Such tools and mechanisms include fieldwork research, independent verifications and oversight visits, as well as external reports from research institutes and Chapter 9 institutions. Although, the

participants assert that the tools and mechanisms have proven to be effective, they are not utilised to their full potential when conducting oversight. Conversely, one participant believes that "the usefulness of the information collected depends on various factors, particularly the chairperson of the committee". The mechanisms however give the GPL information advantage to bridge the gap relating to information asymmetry, where the executive is dominant. Therefore, the executive has to verify and ensure that performance information and reports submitted to the GPL committees are accurate and transparent. This has positive effects to attaining transparency and accountability and to foster improved performance information.

7. Factors Contributing to Weaknesses in the Oversight Role

The participants allude to time constraints; bureaucratic internal processes and procedures; and lack of understanding of roles and responsibilities by some in the support provided to committees. As discussed in the literature, time constraints have been stressed as the main factor. Committees have to ensure that they consider all the reports and bills referred to the legislature and at the same time, implement their own plans. On average, committees have four meetings in a quarter. There are two days for committee work in a week and the other days are constituency days for MPLs, among others. Committees are clustered to avoid conflicts in the programmes of MPLs and to ensure that various committees have the required number of MPLs to function effectively. The second major factor is that MPLs are overstretched as most serve in more than one committee, depending on the number of seats a party won in elections. As discussed, this weakens the legislature. In addition, MPLs have party work and serve other sub-committees in the legislature or in their caucuses. The foregoing is compounding the time limits because when committees deal with the programme, they have to also consider MPLs' busy schedule. One of the participant said, "party work and conflicting schedules are the main reasons given for MPLs' absence in committee engagements".

8. Conclusion and Recommendations

The systems of governance espoused in our democracy have much influence on the legislature and MPLs. Yet, they have less influence on the work of committees as compared to the house. Committees

perform their oversight work well and they are a suitable platform for MPLs to exercise oversight over the executive. The relationship between GPG departments and committees has improved, and is reciprocal. Committees have the ability and capacity to perform their work and generate their own information. As the legislature continues to build capacity to ensure that it is independent from the executive's dominance in performing its oversight role, the influence of systems espoused cannot be easily discarded. Furthermore, committees are smaller in size and MPLs are overstretched; this is exacerbated by time constraints. While committees might be effective, there are challenges related to delays and vague responses by the executive, with limited or no consequences. The study recommends follow-up on oversight activities; committee action against the executive's reluctance to be responsive; strengthening the role of research, relying on empirical studies and collaboration with external research institutions; and regular interactions between the executive and the legislature, outside quarterly reporting. In addition, there should be regular training and development for MPLs and support staff; strengthen collaborations with other oversight institutions; and finding a balance between the utilisation of field-based oversight vis-à-vis in-house oversight mechanisms. Furthermore, MECs should always be available when departments appear before committees, and they should be accountable.

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