

**Does Parliament Matter in
New Democracies?
The Case of South Africa
1994-2000**

Harald W. Mathisen
Elling N. Tjønneland

WP 2001: 1

**Does Parliament Matter in
New Democracies?
The Case of South Africa
1994-2000**

Harald W. Mathisen
Elling N. Tjønneland

WP 2001: 1



Chr. Michelsen Institute *Development Studies and Human Rights*

CMI Working Papers

This series can be ordered from:

Chr. Michelsen Institute

P.O. Box 6033 Postterminalen,

N-5892 Bergen, Norway

Tel: + 47 55 57 40 00

Fax: + 47 55 57 41 66

E-mail: cmi@cmi.no

Web/URL:<http://www.cmi.no>

Price: NOK 50 + postage

ISSN 0804-3639

ISBN 82-90584-80-6

Indexing terms

Parliament

Democracy

ANC

South Africa

Contents

SOUTH AFRICAN PARLIAMENTARISM – KEY FEATURES	2
<i>Powers</i>	2
<i>Institutional characteristics</i>	3
<i>Political context</i>	5
PARLIAMENT AND DECISION-MAKING	6
<i>Parliament and one-party dominance</i>	8
<i>Managing discipline</i>	9
CONCLUSION.....	11
<i>Literature</i>	12

Does Parliament Matter in New Democracies?

The Case of South Africa 1994-2000¹

The third democratisation wave has included a major growth in parliamentary democracies. We have witnessed a significant institutionalisation of legislatures in new democracies in the 1990s. Scholarly interest has also expanded, especially related to East and Central Europe (see e.g., Ágh 1995). These studies have concluded that legislatures have been important in the democratisation process with consequences for the political systems. However, most studies of parliaments are still focused on the Western experience, and more particularly the experiences of just two institutions: The British House of Commons and the U.S. Congress (Esaiasson and Heidar 2000). Few studies of parliaments in poor countries in the South are available (Norton and Ahmed 1999 is an important exemption). In particular, studies of parliaments in Sub-Saharan Africa are almost non-existent.

This paper provides a case study of the South African parliament from the first democratic elections in 1994 to the present. We will examine both the external environment and internal characteristics of parliament and provide a description of the institution. The second part of the paper discusses the role of the dominant ruling party in the evolvement of parliament. We also hope to be able to contribute to a further understanding of the role of parliaments in new democracies, particularly in poor African countries. South Africa may appear as a special case in an African context – it has more resources and a stronger parliament than most others – but it has been an important symbol and model for many African legislatures seeking to define a new role for themselves.

South Africa appears as a highly qualified democracy with a strong legislature and well designed political institutions and practices. Its Constitution is widely seen as a “state-of-the-art” constitution with innovative features and a range of independent watchdog agencies and commissions, guaranteeing the classic civil and political rights as well as an array of socio-economic rights, all guarded by a relatively strong Constitutional Court. South Africa has also run two national elections and two sets of local government elections, all largely peaceful and judged to be free and fair.

¹ Paper prepared for the Norwegian Political Science Conference, Hønefoss 10 – 12 January 2001

South African Parliamentarism – key features

The 1993 interim constitution – which paved the way for South Africa’s first democratic election in 1994 – and the 1996 final constitution prescribed the basic structures and powers of Parliament. Both constitutions outlined a parliamentary system with a sharp division of power between the legislature, the executive and the judiciary. The new legislature was also given a particularly strong role in the political system. For the incoming regime, the ANC and its allies, it became the symbol of popular participation and people’s power. For the outgoing *ancien regime*, it was important to introduce as much constraints on executive power as possible.²

The net result was the adoption of a strong Constitution anchored in the principle of separation of power and a Bill of Rights. Parliamentarism – the principle of parliamentary oversight and the election of government through elections to the legislature – was considered crucial. The system also included significant checks and balances, especially through the strong position given to the Constitutional Court. Presidentialism with its separate election of the head of government and a stronger executive was never considered a preferred option although it is common in most new African democracies. On the other hand: the South African President is in a powerful position compared with the norm for the executive in parliamentary systems of government, leading some to classify the South African also as “quasi-presidentialism” (Gloppen 1997).

The constitution also prescribed a bicameral parliament. In addition to the main National Assembly a National Council of Provinces (NCOP) was set up in 1996 (it replaced the Senate that existed under the interim constitution from 1994 to 1996). The role of the NCOP (90 seats) is limited to representing provincial interests at the national level. In many ways it is also an expression of the (weak) federal aspect of the South African constitution.

Powers

The National Assembly (400 seats) shall according to the Constitution pass, initiate or prepare legislation, ensure executive accountability and exercise oversight over organs of the state. The interim constitution was vague in specifying the meaning of “legislative authority”. This was taken further in the 1996 Constitution, which more strongly asserted their rights to exercise their oversight role of the executive. The new Constitution gave Parliament a wide mandate and extensive powers to influence public policy making (cf. South Africa 1996). The Constitution focused both on the legislative aspects of parliament – its role in shaping policy – and on its role in monitoring and controlling the executive’s implementation of policy.

The National Assembly elects the State President from among its members. The President selects the Deputy President and any number of Cabinet Ministers from the

² An important source of information on Parliament is emanating from the Parliamentary Monitoring Project of a South African NGO, the Institute for Democracy in South Africa. Much of this information is summarised in Calland (1999). See also Kotzé (1996) for an early discussion of the new Parliament. A good overview and introduction is provided in Lodge 1999 with supplementary aspects on policy-making in Centre for Development and Enterprise (1999)

Assembly. No more than two Ministers can be selected from outside the Assembly. The Ministers retain their seats in Parliament while serving in the Cabinet. The Assembly can, by simple majority, pass a vote of no confidence and force the President and any Cabinet Minister to resign. The President and Cabinet have no power to dissolve Parliament before the expiring of its term. The Assembly can only be dissolved after three years if supported by a majority of the members. (This is a strengthening of Parliament compared to the interim constitution, where the President had the right to dissolve Parliament and call an election if a vote of no confidence was passed against the Cabinet and the President.)

The President based on nomination from Parliament appoints a number of external statutory watchdog committees to protect the Constitution and monitor executive power. These include the Auditor-General, the Public Protector, the Human Rights Commission and others. Among them is also the temporary Truth and Reconciliation Commission. The Auditor-General and the Public Protector must be supported by 60 per cent of the members of the National Assembly (down from 75 per cent in the interim constitution) and by a simple majority in the case of the others.

The powers of Parliament can in principle only be over-ridden by the courts (although the external bodies created to support the Constitution may provide some complications here). Only the judiciary, and in the last instance the Constitutional Court, can review legislation and decisions and declare them null and void if judged to be unconstitutional. The Constitutional Court is given extensive powers and is an important body in South African politics. It can rule on all constitutional matters and all matters relevant to the constitution, and has the power to determine whether a matter is of such relevance. It is given the authority to decide that Parliament or the President has failed to comply with a constitutional duty, and to decide disputes between organs of the state. Its eleven judges are appointed for a period of 12 years (Cf. Gloppen 1997).

Institutional characteristics

The internal characteristics of South African Parliament are also important. Its mode of operation and procedures were completely revamped from 1994. At one level South Africa has a long and parliamentary tradition, largely based on the Westminster model, but it catered only for the small minority. The previous parliament was generally passive and plenary-oriented. It was also only in session during parts of the year. It changed almost overnight from a part-time, cynical rubber-stamp organ to a full-time vibrant place of work. It is now in session almost the whole year and the role of the committees have changed dramatically (Calland 1999).

The parliamentary committees have become the engine room of Parliament. Today, there are more than 50 committees made up of the 27 portfolio committees of the national assembly (which shadow government departments); 14 select committees of the NCOP; seven joint standing committees (covering issues such as finance and defence); two joint committees; and a fluctuating number of ad hoc committees. The committees vary in size, but normally count between 15 and 25, with members

appointed by party whips in proportion to the parties representation in the assembly, save that the smallest parties are entitled to at least one member per committee.³

The Parliament has also strongly emphasised that it wants to be an open and accessible institution. All meetings of the parliamentary committees are thus open to public. In consultation with Parliament the committee meetings are systematically monitored by NGOs. Unofficial summaries of the proceedings and copies of all documents submitted or presented are available on an NGO homepage. Through the committees Parliament has also strongly emphasised hearings as a way of securing public input from civil society and interest groups as well as from senior government officials.

Some institutional features – e.g. the role of the speaker or the party whip, or parliamentary questions and motions – may be rooted in the Westminster tradition, but as a whole procedures and mode of operation have moved rapidly away from the Westminster heritage.

The energy and enthusiasm that characterised the new Parliament in 1994 was not accompanied by the necessary staff, infrastructure or training. MPs as well as committees faced shortages of technical, research and administrative resources. This placed the legislature at a disadvantage both in terms of scrutinising legislation and in being able to develop the active role suggested by its constitutional powers.

The development of Parliament's institutional and procedural rhythm was disturbed twice. First, as the Constitutional Assembly, Parliament was required to complete the Constitution between May 1994 and May 1996. This took precedence over normal parliamentary work and absorbed much of the intellectual energy of many influential MPs. Secondly, following the adaptation of the final Constitution, the NCOP replaced the old Senate. Setting up the new structures and procedures for the second chamber proved time-consuming.

There was also an unsettling high turnover of key individuals. 122 of the 400 National Assembly members had left by the time the 1994 Parliament's term ended in March 1999. 13 of the original 27 National Assembly portfolio committee chairpersons had also resigned during the period. Such resignations were destabilising, particularly because the majority of MPs who left were leaders in the new Parliament. (Most left for senior positions in government, the private or the parastatal sector). 87 of the 266 (33 per cent) of the ANC MPs elected in the 1999 election were new (Calland 1999:77).

Another dimension to the role of Parliament is the physical separation and distance between the executive and Parliament. The government is located in Pretoria while the Parliament is in Cape Town, some 1500 km away. This may weaken the ability to monitor the executive, but it also has negative implications for the government. With Parliament in session almost all the time this implies that Cabinet Ministers and their senior officials commute frequently between the two cities. Often they spend two

³ Information on all the committees, unofficial summaries of their meetings and copies of all submissions are available from the homepage of the Parliamentary Monitoring Group, a joint project of three South African NGOs. See <http://www.pmg.org.za>

days a week in Cape Town. It is a public secret that the ANC leadership would like to move Parliament to Pretoria.

Political context

South Africa held democratic elections to Parliament in 1994 and 1999. They both confirmed the ANC's dominant position. The party captured nearly two-thirds of the votes in both elections. Almost all votes came from black Africans and from the two minority groups, Indians and Coloureds. The party got 62.65 per cent in 1994 and 66.35 percent in 1999. The other significant parties were the old apartheid party, the National Party (now New National Party) with 20.39 (1994) and 6.87 per cent (1999), the Democratic Party with 1.73 and 9.56 per cent, and the Inkatha Freedom Party (IFP) with 10.54 and 8.58 per cent. The NNP and DP get virtually all their support from whites and some from coloureds and Indians, while almost all IFP voters can be found among Zulu-speakers in the rural areas of KwaZulu-Natal. Party political support is thus clearly correlated with racial and ethnic identities (Reynolds 1999).

The voter support is translated into an almost identical distribution of seats in the Assembly. The interim constitution introduced a list-system form of proportional representation. This electoral system was retained in the new Constitution. The number of seats allocated to parties in the legislature is proportional to the number of votes each party wins in the election. The electoral model adopted has also implied that the Assembly has a number of very small parties. In the current Parliament there are 13 parties represented in the Assembly. Eight of these have fewer than 1.5 per cent of the votes behind them. The smallest (AZAPO) has 0.17 per cent of the votes and one seat.

The position of the political parties has been significantly strengthened by an anti-defection clause in the Constitution. MPs who resign or who are expelled from the party lose their seats. The parliamentary seats belong to the party, not the individual MP. This has emerged as a powerful mechanism to ensure party discipline.

The interim constitution provided for a coalition between all the main parties. The National Party later withdrew, but the IFP has opted to stay on, also after the 1999 election. Combined with a weak and fragmented party-political opposition in the Assembly and smaller parties allied to the ANC, this has tended to reinforce the ANC's dominant position in Parliament.

The electoral system has also had an important impact on the composition of the parliamentary groups and the profile of the MPs. It has probably led to more female MPs and, in the case of the ANC, to a stronger representation of the political left, than would otherwise have been the case. More importantly, it has probably had significant implications for the racial and ethnic composition of Parliament. The list-system has helped ensure that the parties include minority groups (and in the case of the "white" parties majority groups) among the candidates. The ANC, although supported predominantly by blacks, now has a significant "overrepresentation" of whites, coloureds and Indians in its parliamentary group. The "white" parties also have a few

“non-whites” among their MPs, and the IFP can count a significant number of “non-Zulus” among its parliamentarians.

A note should be made of the strong external interest and involvement in the new South African parliament. The end of apartheid also coincided with a rapidly growing interest among aid donors in democracy assistance. This also led to efforts to assist new legislatures. South Africa and the South African Parliament became a significant recipient of this new donor interest. Technical assistance, training programmes for MPs and parliamentary staff, infrastructure support, etc. became important tools. Even a small donor like Norway was involved. Through a South African NGO it provided administrative and research support to the portfolio committee on Foreign Affairs; it funded NGOs involved in parliamentary monitoring; and it hosted delegations of South African parliamentarians on study tours to Norway. As expected most donors tended to focus on aspects of the South African parliament which resembled the parliaments in their home country.

Parliament and decision-making

The Constitution has provided the South African Parliament with formal and substantive powers enabling it to play an important role both in overseeing executive power and in shaping public policy. This has also guided the institutionalisation of the Parliament. It has clearly wanted to play the role envisaged by the Constitution. In assessing Parliament, it is also important to re-emphasise that it had to determine its role at a time when the institution itself was being transformed. Any assessment of its role and performance must therefore take account of this rapid institutional change, the shortage of resources to accommodate such change, and an unsettling high turnover of key individuals (Calland 1999).

It is also important to keep in mind that decision-making within the executive branch traditionally has been centralised and closed. Government departments tend to be large and highly specialised, and the bureaucrats, although heavily politicised, have largely been subservient and loyal to the Minister and Cabinet. Following the 1994 election far-reaching public sector reforms had to take place. It was also important to merge and rationalise racially and ethnically divided departments, and – through a process of affirmative action – to alter the composition of the civil service, especially at the senior level. These changes have, however, not significantly altered the centralised nature of executive decision-making although the process may have become more transparent and open (Centre for Development and Enterprise 1999).

The role of the first parliament has by almost any standard been impressive. Most importantly, of course, was the 1994-1996 drafting of the new Constitution. In this work note must be given to the efforts to secure popular participation in the process (cf. the semi-official presentation in Ebrahim 1998). This Constitution, as we have pointed out above, was “state-of-the-art” and gave the legislature strong powers and contained a number of innovations intended to strengthen democratic control over the executive.

The new Parliament was also very active in passing new legislation. Some 530 acts were passed in the 1994-1999 period. This was perhaps not surprising – it tends to be

an important feature of parliaments in new democracies – but in South Africa new legislation was particularly important because of the need to abolish old apartheid laws. We also note that in some areas parliament was particularly active in shaping and in many instances also in drafting the new legislation. This was especially the case with the portfolio committee on justice, which amended more legislation than any other committee. Often they took the initiative and were responsible for major changes in the law. The Minister of Justice often trusted the committee to rewrite his legislation (Calland 1999, Lodge 1999: Ch. 6). Portfolio committees, such as defence and education, have also been particularly active along similar lines. Other committees were more passive and not able to clearly find a role for themselves in shaping legislation and policy.

This illustrates an important feature of Parliament's role in enacting new legislation. The committees and the Ministers/Cabinet worked closely together, sometimes seeing themselves as an alliance against the old bureaucracy and the opposition parties. The success of such alliances appears to have been based on technical skills within the committees and close personal relations between the Minister and the key people in the committee. In the case of the justice committee, its influence was based on the skills of the committee chair (Johnny de Lange) and another influential member (Willie Hofmeyer) who were prominent ANC lawyers and had established close relations with the Minister (Dullah Omar) in the pre-1994 period.

The parliament also gradually paid increasing attention to controlling policy implementation. This was a reflection both of the decrease of the function of legislation in shaping policies as well as perceived needs to more closely monitor executive administration and implementation. The means to do so were the traditional ones such as plenary debates, reports to Parliament, questions and interpellations and so on. Increasingly, the emphasis was placed on the committees and the use of public hearings, but also on the exterior organisations created by the Parliament/the Constitution (the Auditor General, the Public Protector, the Human Rights Commission and others).

In the area of executive oversight we also witness high activity and a parliament demonstrating its willingness to confront the executive arm. But again the experiences are mixed. To some extent this can be explained by the consequences of inexperience, but more importantly by the role of the senior leadership in the dominant party, which has put constraints on the MPs. This brings us to a discussion of the role of party groups in Parliament and the future of Parliamentarism in a one-party dominant system.

Parliament's ability to exercise its powers is, most importantly, dependent upon the control exercised by party groups. Fairly coherent party groups can be said to be a necessary condition for electoral accountability. Parties facilitate the aggregation of views within parliament and may provide some institutionalisation. However, if the party completely dominates parliamentary behaviour, the potential for independent action by MPs is limited. In the South African case the governing party has a very dominant position – it occupies nearly two-third of the seats. The Constitution also provides the party with additional statutory powers and the anti-defection clause, to maintain party discipline and cohesion.

The opposition parties are also weak and fragmented. Their support base is confined to specific minority groups and they have not succeeded in presenting a policy alternative to the government. For the foreseeable future it is unlikely that the opposition will be able to force the ANC out of office. This does not suggest that the opposition in Parliament is irrelevant or that it has no influence. Of particular importance is perhaps the opposition parties' ability to retain the support of powerful constituencies whose support the ANC needs. It is also important that the ANC does not generally pursue a policy of "delegitimising" the opposition parties (Friedman 1999, Butler 2000).⁴

Parliament and one-party dominance

Heidar and Koole (2000) draw attention to both macro and micro explanations in their study of variation in parliamentary party groups. At the macro level (the national political system) they identify three central factors: the Constitution, the party system and the political culture. We have already noted how the Constitution, supplemented by parliamentary rules and regulations, gives the party groups a particularly strong position in the South African Parliament. The second factor, the party system and the cleavages sustaining it, is also important. The ideological distance between the parties and the governing party's aim of radically changing and transforming the political system encourages top down decision-making and strong discipline.

Political culture is also important. South Africa may not have one political culture, but several, although overlapping – especially at the national level. The impact of poverty, underdevelopment and scarce resources, is a breeding ground for patrimonialism and clientelism with politics often appearing as a zero-sum game. The ANC has certainly also been affected by this and has attracted its share of members primarily concerned with the hope of getting access to positions and resources. This is evident at all levels of the organisation, but especially at local and provincial level, particularly in the former bantustan territories. This has been an important factor behind the call for party discipline.

There are also important explanations to the variation in parliamentary party groups to be sought at the micro-level (the party as a whole). In the South African context it is important to recognise the size, age and origin of the ruling ANC. The ANC is a large mass party with an external power base. It was established in 1912, but only got its parliamentary group in 1994. This has led to a stricter and more institutionalised regulation of group activities. The role of external organisations – in particular ANC's alliance with the trade union movement and the communist party, which sponsors a significant number of MPs – has also added to influence of the party over the parliamentary party group. A typical manifestation of this is the decision before the 1999 election that selection of ANC candidates for the position as Premier in the various Provinces, as well as the Mayor of the big cities, shall be made by the national leadership. Such decisions should no longer be made by the ANC caucus in the elected assemblies.

⁴ Not all academic observers agree with this. Some (e.g. Giliomee and Simkins 1999) argue that South Africa is a less benign type of one-party dominance. In contrast with dominant parties in advanced industrial democracies which serve as transition agencies towards more competitive party politics, the dominant ANC in South Africa is representing a bridgehead to authoritarian government.

The role of ideology is perhaps the most important factor in explaining the ANC's approach to work in parliament and the operation of its parliamentary group. Traditionally the ANC has had a rather dismissive attitude to the formal procedures of "bourgeois" democracy. This has often led to a willingness among central ANC leaders to blur the distinction between the party and the state and to view any opposition as counter-revolutionary attempts to frustrate transformation (Lodge 1999). This is changing with the emergence within the ANC of a cadre of professional parliamentary politicians exercising more and more weight and influence.

Managing discipline

The ANC exercises discipline over its MPs through several means. Most important is of course constitutional and parliamentary rules (e.g., the anti-defection clause and the role of party whips). This is intended to ensure that the MPs pursue party policy as defined by the ANC leadership through the National Working Committee and the National Executive. Formal channels and institutions have also been established to facilitate communication between the party and its parliamentary representatives.⁵

Within the parliamentary group the highest organ is the ANC Caucus which normally meets once a week when parliament is in session. This is the forum intended to ensure that the ANC MPs have a common view on the major issues to be discussed in Parliament, and to ensure that policies are co-ordinated and sanctioned. In practice the Caucus is more of a briefing session than a forum for policy debate. With 266 ANC MPs in the current Parliament (and 252 in the 1994-99 Parliament) it is simply too big. The study groups are more important in this respect. For each Parliamentary committee the ANC MPs have established separate study groups which discuss and formulate policy and relate to the ANC ministers and similar study groups established by the ANC outside Parliament.

There are no proper studies or analysis of the inner workings of the ANC parliamentary group, but it seems safe to conclude that two tendencies are discernible. On the one hand there is the emergence of a visible group of professional ANC parliamentarians with both a technical and political skills to make an impact at national policy making. This is achieved through the work in the committees, in the on-going dialogue with Ministers and senior government officials, and with civil society. This is evident in a number of policy areas such as justice, defence, trade and industry and others. The public hearings in the various committees appear to be particularly important in broadening and opening up the policy-making process.

On the other hand, and as expected given the context and the ANC's origin and ideological outlook, ANC MPs see themselves as party representatives whose primary allegiance is to the party at large. This is also regulated in the 1994 code of conduct for ANC MPs:

"All elected members shall be under the constitutional authority of the highest decision-making bodies of the ANC, and decisions and policies of the highest

⁵ This discussion is partly based on Mathisen (2000a). See also Kotzé (2000).

ANC organs shall take precedence over all other structures, including ANC structures in Parliament and government”. (Mathisen 2000a: 156)

The code of conduct further forbids the MPs from any

“attempt to make use of the parliamentary structures to undermine organisational decisions and policies” (Mathisen 2000a: 156).

This is also confirmed through interviews with ANC parliamentarians: “We have a PR-system where people don’t elect individuals, but the ANC”. (Mathisen 2000a: 156). The same is made clear from the parliamentarians’ reaction to the controversial economic policy programme GEAR, which shifted economic policy in a neo-liberal direction. It was formulated by the party leadership and was presented to the MPs as a fait accompli, but the ANC MPs voted in favour of it. ANC parliamentarian Ben Turok explains: “we as MPs voted for it because we had to”, and goes on to say: “I’m a disciplined member of the ANC and if the National Executive says to me “this is our policy”, even if I have not been consulted, I will support it” (Mathisen 2000b).

There is always a difficult balancing act for a dominant majority parliamentary group between implementing party policy and exercising control over the Cabinet and executive implementation. It has been further complicated by the rule that Cabinet Ministers should also be MPs. The ANC record is also a mixed one. One obvious shortcoming illustrating this is the parliamentary questions where ANC MPs only asked a small minority of the more than 3300 questions tabled in the 1994-1999 period.

A celebrated case of how ANC parliamentary behaviour has been constrained by deference to the party leadership is the Sarafina II furore. In 1996 the Department of Health contracted a music play as a part of their information campaign against HIV/AIDS. A number of financial irregularities were discovered in the department’s handling of the case, and the minister Nkosazama Zuma was called before the portfolio committee on health to give evidence. Initially the minister refused, and only after the deputy president, Thabo Mbeki, instructed her to meet, she made herself available. During the hearing the ANC MPs chose “not to rock the boat” and did not ask any questions in the first one and a half hour. According to reports they “wriggled with discomfort, but remained mute” (Jacobs & Ngewema 1997), and an ANC MP admits “we were more concerned with damage control than we were with parliamentary accountability”.

There also examples where the ANC MPs has shown great courage both in plenary debates, in committees and hearings, and in following up on reports from the Auditor-General, the Public Protector and other statutory watchdog institutions. The current effort by a number of parliamentary committees to investigate South African arm purchases is a prime example.

Following the election of Thabo Mbeki as the new President and leader of the ANC, there has been a growing centralisation of both administrative and party power. We have witnessed a reorganisation of the core executive, and efforts to undermine alternative sites of power within both the state and the ANC. Some argues that this represents a drift into both a one-party and authoritarian state, while others claim that

strong leadership is a requirement in South Africa and that this will necessitate a further centralisation of the state machine and stronger control of the ANC.

We do not subscribe to the view that South Africa is sliding into authoritarianism and runaway leadership. The parliamentary group is strong and active and the ANC's MPs still exercise weight and influence. There are significant formal and substantive checks on executive and personal power. It is also important to keep in mind that the ANC itself is also an effective constraint on the abuse of power. It has never had much organisational coherence and has always lacked effective internal discipline. Efforts to centralise have often promoted a spirit of rebellion rather than acquiescence. South Africa possesses well-organised interest groups and has a robust civil society. Its media, universities and religious institutions are powerful checks on leadership power. NGOs remain strong in oversight and critical policy review, and demonstrate both autonomy and the ability to shape policy-making.

Conclusion

The South African case confirms a general trend from new democracies in the North. Parliaments are important in the democratisation process and they have implications for the evolving political system. Institutionalisation has been an important feature of this development.

The South African Parliament's place in the new democracy was defined by the external environment culminating in the 1993 interim constitution. Here Parliament was given a prominent position in the democratic parliamentary system with substantial powers. These powers have been used by Parliament in putting their mark on democratic consolidation in South Africa. An important condition for its success is also the resources available to Parliament and its ability to rely on alternative expertise and knowledge available through universities, interest groups and others. These are resources not generally available in poorer African countries.

We would still argue that these factors are not sufficient to explain the role of the South African parliament and its impact on policy-making. We would subscribe to the conclusions made in a study of the experiences of Asian parliaments:

“the extent to which the legislature can influence public policy, or is permitted to, will be determined by elite and mass expectations of the institution” (Norton 1999: 186).

Political culture thus emerges as an independent variable in the Asian experiences. In the South African context this implies a particular focus on the ruling ANC party which dominates parliament and are likely to continue to do for the foreseeable future. How committed are they to parliamentary politics and institutions? Our study has indicated a mixed experience, but we have also pointed out that parliamentary politics, rules and regulations have helped shape ANC's approach. We have also witnessed the emergence of a strong cadre of professional parliamentary ANC politicians which can be expected to exercise more and more weight and influence in the future.

Literature

- Ágh, A. (1995): "The Experiences of the First Democratic Parliaments in East Central Europe", *Communist and Post-Communist Studies* Vol. 28, No 2, pp. 203-214
- Calland, R. (1999): *The First 5 Years. A Review of South Africa's Democratic Parliament*, Cape Town: Idasa
- Butler, A. (2000): "Is South Africa heading towards authoritarian rule? Instability myths and expectations traps in a new democracy", *Politikon*, vol. 27, No 2: 189-205
- Centre for Development and Enterprise (1999): *Policy-making in a new democracy. South Africa's challenges for the 21st century*, Johannesburg: CDE
- Ebrahim, H. (1998): *The Soul of a Nation. Constitution-making in South Africa*, Cape Town: Oxford University Press
- Esaiasson, P. & K. Heidar (eds.) (2000): *Beyond Westminster and Congress. The Nordic Experience*, Columbus: Ohio State University Press
- Friedman, S. (1999): "No easy Stroll to Dominance: Party Dominance, Opposition and Civil Society in South Africa", pp. 97-126 in H. Giliomee & C. Simkins (eds.) (1999)
- Giliomee, H. and C. Simkins (1999): "The Dominant Party Regimes of South Africa, Mexico, Taiwan and Malaysia: A Comparative Assessment", pp. 1-46 in H. Giliomee & C. Simkins (eds.): *The Awkward Embrace. One Party-Domination and Democracy*, Cape Town: Tafelberg
- Gloppen, S. (1997): *South Africa: The Battle over the Constitution*, Aldershot: Ashgate/Dartmouth
- Heidar, K. & R. Koole (2000): "Approaches to the study of parliamentary groups", pp. 4-22 in K. Heidar & R. Koole (eds.): *Parliamentary Party Groups in European Democracies. Political Parties behind closed doors*, London: Routledge
- Kotzé, H. (eds.) (1996): *Parliamentary dynamics. Understanding political life in the South African Parliament*, Stellenbosch: Centre for International and Comparative Politics
- Kotzé, H. (2000): "Backbenchers background and the role perceptions in the South African parliament", *Politeia*, vol. 19, No 1: 47-66
- Lodge, T. (1999): *South African Politics Since 1994*, Cape Town: David Philip
- Mathisen, H.W. (2000a): *Michels' oligarkitese i Afrika, en analyse av interdemokrati i ANC* Hovedoppgave, Institutt for Sammenliknende Politikk, Universitet i Bergen
- Mathisen, H.W. (2000b): "The ANC in Parliament 1994-1999", Paper presented at the Norwegian Association for Development Research (NFU) Annual Conference on "*The State under pressure*", CMI, 5-6 October 2000.
- Norton, P. (1999): "Conclusion: Making sense of diversity", pp. 183-191 in P. Norton and N. Ahmed (1999).
- Norton, P. & N. Ahmed (eds.) (1999): *Parliaments in Asia*, London: Frank Cass
- Reynolds, A. (1999): "The Results", pp. 173-210 in A. Reynolds (ed.): *Election '99 South Africa. From Mandela to Mbeki*, Cape Town: David Philip
- South Africa (1996): *The Constitution of the Republic of South Africa, 1996* (Act 108 of 1996)

Recent Working Papers

- WP 2000: 1 NORDÅS, Hildegunn Kyvik
Liberalization of trade in services and choice of technology in the Norwegian petroleum sector. Bergen, 2000, 22 pp.
- WP 2000: 2 GRANBERG, Per
Monetary variables in Macmod. A note concerning the introduction of monetary variables in the Tanzanian macro economic model: Macmod. Bergen, 2000, 32 pp.
- WP 2000: 3 RAKNER, Lise
The pluralist paradox: The decline of economic interest groups in Zambia in the 1990s. Bergen, 2000, 21 pp.
- WP 2000: 4 FJELDSTAD, Odd-Helge and Ole Therkildsen with Lise Rakner and Joseph Semboja
Taxation, aid and democracy. An agenda for research in African countries. Bergen, 2000, 11 pp.
- WP 2000: 5 NORDÅS, Hildegunn Kyvik
Patterns of foreign direct investment in poor countries. Bergen, 2000, 22 pp.
- WP 2000: 6 NORDÅS, Hildegunn Kyvik, and Ola Kvaløy
Oil-related producer services and productivity - the case of Norway. Bergen, 2000. 30 pp.
- WP 2000: 7 FJELDSTAD, Odd-Helge
Taxation, coercion and donors. Local government tax enforcement in Tanzania. Bergen, 2000, 19 pp.
- WP 2000: 8 HYDEN, Göran
Post-war reconciliation and democratisation: Concepts, goals and lessons learnt. Bergen, 2000, 21 pp.
- WP 2000: 9 JONES Bruce D.
The UN and post-crisis aid: Towards a more political economy. Bergen, 2000, 22 pp.
- WP 2000: 10 NORDÅS, Hildegunn Kyvik with Leon Pretorius
Mozambique - a sub-Saharan African NIC? Bergen, 2000, 26 pp.
- WP 2000: 11 OFSTAD, Arve
Economic growth, employment, and decentralised development in Sri Lanka. Bergen, 2000, 16 pp.
- WP 2000: 12 NATY, Alexander
Environment, society and the state in southwestern Eritrea. Bergen, 2000, 40 pp.
- WP 2000: 13 NORDÅS, Hildegunn Kyvik
Gullfaks - the first Norwegian oil field developed and operated by Norwegian companies. Bergen, 2000, 23 pp.
- WP 2000: 14 KVALØY, Ola
The economic organisation of specific assets. Bergen, 2000, 25 pp.
- WP 2000: 15 HELLAND, Johan
Pastoralists in the Horn of Africa: The Continued Threat of Famine. Bergen, 2000, 22 pp.
- WP 2000: 16 NORDÅS, Hildegunn Kyvik
The Snorre Field and the rise and fall of Saga Petroleum. Bergen, 2000, 21 pp.
- WP 2000: 17 GRANBERG, Per
Prospects for Tanzania's mining sector. Bergen, 2000, 23 pp.
- WP 2000: 18 OFSTAD, Arve
Countries in conflict and aid strategies: The case of Sri Lanka. Bergen, 2000, 18 pp.
- WP 2001: 1 MATHISEN, Harald W. and Elling T. Tjønneland
Does Parliament matter in new democracies? The case of South Africa 1994-2000. Bergen, 2001, 19 pp.

Summary

The role of parliaments is a neglected topic in the study of the democratisation in sub-Saharan Africa. This working paper provides a case study of the South African parliament from the first democratic elections in 1994 to the present. The paper examines the external environment and the internal characteristics of parliament and provides a description of the institution. The second part discusses the dominant party, the ANC, and its role in the evolution of parliament.

The paper concludes that the South African parliament has substantial powers. These powers have also been used by the new parliamentarians. An important condition for its success is the resources available to Parliament and its ability to rely on alternative expertise and knowledge available through universities, interest groups and others. However, it is also concluded that parliament's ability to influence public policy is critically dependent on the ruling ANC and their commitment to parliamentary politics, rules and regulations.