



26 May 2020

Mr M C Ramaphosa
President of the Republic of South Africa
Union Buildings
Pretoria
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With copies delivered to:

*The Chief Whip of the Official Opposition, Ms N W A Mazzone
The Leader of Government Business in Parliament, Mr D D Mabuza
The Speaker of the National Assembly, Ms T R Modise
The President's Parliamentary Counsellor, Dr G W Koornhof
The Deputy President's Parliamentary Counsellor, Mr A H M Papo*

Dear President Ramaphosa,

**EVASION OF EXECUTIVE ACCOUNTABILITY TO PARLIAMENT - NUMBER OF
UNANSWERED AND POORLY ANSWERED PARLIAMENTARY QUESTIONS**

A key mechanism of Parliamentary oversight of the Executive is parliamentary questions. This is the primary tool by which Members of Parliament obtain information from Members of the Executive.

I write to you to raise my growing concern that certain Members of your Executive are not respecting their duty to be accountable to Parliament through the mechanism of parliamentary questions. In addition, many who do answer questions do so evasively, and do not respect the expectation that replies should be full and frank.

The South African Parliament has a long history of respecting the requirement of the Executive to answer questions. During apartheid, predecessor parties to the Democratic Alliance (DA), and in particular the late Mrs Helen Suzman, used the mechanism of parliamentary questions effectively to expose the apartheid government to scrutiny.

The DA has consistently raised the issue of the Executive's poor performance in answering of parliamentary questions and attendance at oral question sessions for several years now, both at oral question sessions and through various Leaders of Government Business (LOGB) – including when you served in that role. There has not yet been any marked improvement. We have been told on numerous occasions that the relevant LOGB – as part of his assigned responsibilities - had raised the issue of unanswered questions with members of the Cabinet, that parliamentary responsibilities are regularly discussed at Cabinet meetings where the LOGB also presents a report of unanswered questions, and that the members of Cabinet are serious about fulfilling their responsibilities toward Parliament.

Yet timely and comprehensive answers to our questions remain the exception rather than the norm.

The trouble, it would seem, stems from the impression that Ministers are neither accountable to the LOGB for the performance of their duties, nor is the LOGB accountable to Parliament for the performance of Ministers' responsibilities.

However, Mister President, Ministers are accountable to you, both for the performance of their duties, and for the seriousness with which they take their responsibilities to Parliament.

The first issue I wish to bring to your attention is the number of Ministers who simply do not answer questions. We have collated our latest figures on unanswered parliamentary questions for your consideration, and can report that the following fifteen members of the Cabinet have the highest percentage of unanswered questions as of 19 May 2020:

MINISTER	TOTAL	UNANSWERED	% UNANSWERED	% ANSWERED LATE
Justice and Correctional Services	38	36	95	100
Small Business Development	8	7	88	
Health	39	34	87	80
Human Settlements, Water and Sanitation	34	29	85	100
Social Development	22	18	82	100
Finance	29	23	79	100
Public Enterprises	13	10	77	100
Transport	8	6	75	100
Communications	30	22	73	100
State Security	3	2	67	100
Defence and Military Veterans	14	9	64	40
Home Affairs	8	5	63	100
Minister in the Presidency	5	3	60	100
Trade, Industry and Competition	25	14	56	100
Minister in the Presidency for Women, Youth and Persons with Disabilities	4	2	50	

You will note that these Ministers also largely failed to table most of the answers they did respond to within the 10-working-days-provision set out by National Assembly Rule 145(5).

In total, 51% of our written questions (141 out of 305) remain unanswered, with many dating back to the first Question Paper of the Second Session of the Sixth Parliament on 13 February 2020.

The second issue I wish to bring to your attention is the poor quality of replies received from some members of the Cabinet. Ministers often undertake to collect information and furnish it once received. In nearly every case of this commitment having been made, this information has never been passed on. Other Ministers simply do not provide the information sought in any comprehensive or coherent manner, or clearly try to evade providing frank responses.

In this regard, I wish to draw your attention to one Minister whose disregard for the institution of Parliament stands out as especially egregious: the Minister of Cooperative Governance and Traditional Affairs, Dr N C Dlamini-Zuma. Minister Dlamini-Zuma shows scant respect for Parliament's oversight role. In every single one of our 24 written questions posed to her since 13 February 2020, the Minister has replied that "the information requested by the Honourable Member is not readily available in the Department". Just a few days ago, the Minister responded that "the information...is not readily available..." when questioned about the public submissions her Department received and relied on to make changes to the Government's Framework for the Risk-Adjusted Strategy for the easing of lockdown restrictions. This information clearly is readily available, especially since the Minister has said publicly that she used these submissions to make decisions on changes to the Strategy.

Last year, Minister Dlamini-Zuma "replied" with this standard response to 108 out of the 110 written questions we posed to her. So far, the Minister has only submitted 19 amended replies to these, and some of these are also of poor quality.

Her dismissive and perfunctory treatment of questions is a deeply worrying insight into her understanding of the Constitutional requirement that she account to Parliament. This approach to accountability is unacceptable, and should earn the Minister your reprimand at the very least.

It is also dishonest, since this standard response is clearly designed to ensure her Department does not appear in the LOGB's report to Cabinet. You would have noticed that Minister Dlamini-Zuma does not feature in the list above – by simply responding in her unacceptable manner, Minister Dlamini-Zuma fulfils in only the most perfunctory sense the obligations placed on her by the Rules of the National Assembly.

Mister President, in the immediate absence of another appropriate channel to follow through Parliament to address these issues, I would hereby request that you intervene in your capacity in terms of section 91(2) of the Constitution to assist us in addressing these issues. In this regard, I would like to make the following four proposals for your consideration:

1. Include certain clear performance expectations relating to the speed and quality of replies to parliamentary questions, and their regular attendance at Oral Question Sessions, as targets in the performance agreements concluded with each member of Cabinet. We understand that it is sometimes not possible for a member of Cabinet to attend to Oral Question Sessions due to prior work-related commitments, but it is unacceptable that members of Cabinet allow questions to remain unanswered for months and are allowed to even let some lapse at the end of an Annual Session of Parliament. The target should be that Ministers must answer 100% of the questions posed to them.
2. Reprimand the fifteen members of your Cabinet with the highest percentage of unanswered questions.
3. Delegate additional powers to the LOGB to empower him/her to enforce the National Assembly's Rule 145(5) to ensure that questions are responded to within the 10-working-days-provision, instead of just delivering a report to Cabinet on the number of unanswered questions.

We are aware that the National Assembly's Rules Committee recently undertook to revive a decision it took in October 2017 to establish a subcommittee that will regularly receive reports on unanswered questions, and that it will be empowered to call errant members of Cabinet to appear before it. This is a positive development. However, until such time as the proposed subcommittee is established, very little provision is made

to empower the presiding officers of Parliament to enforce compliance with the National Assembly's Rule 145(5).

We also understand that it sometimes takes longer than 10 working days to compile some answers, but Rule 145(5)(a) also makes sufficient provision in this regard by allowing for the responsible Minister to write to the Speaker to request "...for an extension not exceeding a further 10 working days on good cause shown". Few members of Cabinet make use of this provision, and should be encouraged to do so if they know that a reply will take longer to compile.

4. Institute disciplinary steps against Minister Dlamini-Zuma for failing in her responsibility to account to Parliament for the exercise of her powers and the performance of her functions by not responding meaningfully and honestly to any parliamentary questions. It is unacceptable that Minister Dlamini-Zuma should be allowed to shirk her accountability to Parliament, and she should be reprimanded and sanctioned.

I look forward to your favourable consideration of my proposals.

Yours sincerely,



Mr G G Hill-Lewis MP

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