



## **OPINION: Opposition parties do make a legislative difference**

A paradox of parliamentary democracy is that we hail its multiparty nature while lamenting that opposition parties have a minimal positive effect on legislation

LEE PADAYACHEE, ABDUL PATEL and MUHAMMAD SAYED  
Published: 2012/02/01 08:47:29 AM

A PARADOX of parliamentary democracy is that we hail its multiparty nature while lamenting that opposition parties have a minimal positive effect on legislation. Yet practical experience shows us otherwise.



Photo: Sunday Times

On November 16, Parliament's standing committee on finance was finalising the Tax Administration Bill — a new law that will overhaul SA's tax system. The bill was being forwarded to the National Council of Provinces for concurrence when proceedings were halted by a parliamentary legal adviser, who drew attention to a provision he believed to be unconstitutional. South African Revenue Service officials disagreed with his interpretation, but the adviser's case was compelling. The committee faced a dilemma. Amending a bill at this late stage would require deviating from parliamentary procedure and a concerted effort by committee members that would likely delay the passing of the bill. The committee decided to err on the side of caution.

Parties, whips and parliamentary officials were consulted. All parties agreed with the speaker of Parliament that the bill should be halted and referred back to the committee for amendment.

This case illustrates that opposition parties can individually and collectively work together with the ruling party to extract maximum benefit from parliamentary procedures in the broader national and public interest.

Opposition parties can command the respect of the ruling party by exerting credible and informed influence in law-making, possibly winning concessions and bringing to the fore otherwise obscure issues. Their input can contribute to more thoroughly contemplated legislation.

Post-2009 developments in Parliament point towards opposition parties sharing increasingly similar policy positions. Three parties — the Democratic Alliance (DA), the Congress of the People (COPE) and the Inkatha Freedom Party (IFP) — have emerged as leaders among the opposition. Together, they hold 115 seats in Parliament. Like the DA, the IFP supports free-market economics. In parliamentary deliberations, the IFP has often argued for far less state intervention in the economy than the DA.

Recently, the IFP Youth Brigade has met regularly with the DA Youth and they have found common ground in their opposition to the National Youth Development Agency, which is dominated by the African National Congress (ANC) Youth League.

COPE, too, is evolving. Its policies no longer mirror those of the ANC, nor is animosity towards the ANC a defining characteristic. Instead, COPE is carving out a space in the middle ground between the DA and ANC. The resignation of COPE MPs with ANC roots has boosted the prominence of members who have little or no ANC involvement. With the ANC's elective conference looming, it is possible more COPE members will return to the ANC, creating further space for co-ordination with opposition parties.

Nine parties hold five seats or fewer in the National Assembly. These smaller parties tend to represent focused interest groups based on culture, religion or ideology. The greatest threat faced by small parties today is, ironically, the consolidation of the opposition in Parliament. A fragmented opposition is a weak opposition, particularly in a country with one dominant ruling party. It is logical then that opposition

voters would gravitate towards parties showing the most potential for growth.

The smallest nine parties hold only 21 seats between them. Their power is tenuous. With dozens of committees in Parliament, small parties cannot attend to more than a sliver of the broad programme of work. Their best hope for survival is to raise their visibility by prioritising legislation and lobbying for issues most of concern to their supporters.

A vocal opposition, contrary to popular belief, is beneficial to the ANC. Constructive engagement can create the public image of an ANC that takes its policy agenda seriously. Issues such as the arms deal, when highlighted by the opposition, have the potential to stimulate democratic debate within the ruling party and encourages concrete remedial steps.

When critically engaged by opposition parties in Parliament, ANC leaders are given a platform from which they can display their often high levels of sophistication on policy issues.

- Padayachee is the head of Business Unity SA's parliamentary office. Patel and Sayed are MD and parliamentary practice leader respectively at Ethicore.

