



**MOVING ONLINE, OPENING THE
(VIRTUAL) DOOR: PUBLIC ACCESS TO ONLINE
COMMITTEE MEETINGS IN NATIONAL PARLIAMENT
DURING LOCKDOWN** APRIL 2020 TO MARCH 2021

RESEARCH REPORT



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Samantha Waterhouse, Monique Doyle, Vivienne Mentor-Lalu, Dalli Weyers, Motlatsi Komote, Rashaad Alli, Laura Wellen, and Sabelo Ndlovu.

This research has been produced by the Dullah Omar Institute, University of the Western Cape and the Parliamentary Monitoring Group as part of the: Putting the 'People' in People's Parliament Project (PPiPP).



The PPiPP is a project jointly implemented by the Dullah Omar Institute, UWC (DOI); Heinrich Boell Foundation Southern Africa (HBF); Parliamentary Monitoring Group (PMG); Public and Environmental Economic Research Centre, UJ (PEERC); and Public Service Accountability Monitor, RU (PSAM).

The project works to increase the direct political participation of CSOs in order to increase legislatures' capacity to fulfil their constitutional mandates to oversee executive performance, develop law and respond to the public.



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INTRODUCTION



Background

Legislatures are central to our democracy and play a crucial role in ensuring Executive accountability, being a forum for public debate, representation and public participation.

While increased public attention to debates and events in the National Assembly is evident over the past few years, the work of parliamentary committees generally falls outside of public scrutiny. Committees are the engine rooms of the legislatures, and are tasked with the processing of laws; the detailed work of performing oversight to interrogate the performance of the Executive; and facilitating public participation.

In 2014 a group of organisations, with a shared vision to protect and strengthen democracy, set up Parliament Watch (ParlyWatch) as a collaborative project to strengthen constitutional democracy in South Africa through a coordinated work focused on the legislatures. Since then, ParlyWatch sustained engagements with National Parliament and some of the provincial legislatures. These engagements have been informed by monitoring legislatures' performance in terms of the requirements placed on them by the Constitution. ParlyWatch is comprised of the Womxn and Democracy Initiative, Parliamentary Monitoring Group, Public Service and Accountability Monitor, Social Justice Coalition, Women on Farms Project, Right to Know Campaign, Equal Education Law Centre, Social Change Assistance Trust, and Witzenberg Rural Development Centre. Notably, ParlyWatch has held a longstanding position that the limitations of geographic access to legislatures should be addressed by the legislatures in a number of ways. ParlyWatch has also specifically argued that legislatures should, given the constitutional requirements, do more to capitalise on online platforms and technologies and the public broadcaster to increase the reach into the public. ParlyWatch has integrated strong arguments that consideration must

be given to ensuring that public access to these platforms are free (in terms of data costs of broadcaster service charges).

The National State of Disaster (NSoD), announced early in 2020, brought with it fundamental changes to the manner in which legislatures conduct their business. Parliament was relatively swift in responding by instituting online 'virtual meeting' platforms for committee meetings, and it quite quickly achieved great improvements in broadcasting meetings to the public through online platforms such as YouTube. [The Womxn and Democracy Initiative \(WDI\)](#) and the [Parliamentary Monitoring Group \(PMG\)](#) undertook monitoring of the information that was available regarding National Parliament committee meetings from April 2020 through to 31 March 2021. Covering the first year after the announcement of the NSoD.

The purpose was to assess the extent to which committees succeeded in their obligation to be open and transparent, and to support public access under the conditions of the pandemic. WDI and PMG were further motivated to monitor the extent of public access to and the openness of National Parliament to ensure that the gains to access and openness enjoyed in terms of Parliament's physical meetings were not eroded as Parliament moved its main functions online. An important motivation was to observe if the challenge of the Covid-19 situation also presented an opportunity to test if these online measures were workable for the future and could improve on the standards for openness and public access beyond the period of the Covid-19 pandemic and associated lockdowns.

While we have examined the performance of Parliament over the first year after moving to online meetings, further improvements in communications and systems to increase public access that we witnessed over the second year are not addressed in detail in this report.

In this report we share our experiences, insights and learnings in the hope that it will serve the purpose of contributing to our democracy, while providing an opportunity to support legislatures efforts to increase their reach, and facilitate meaningful public engagement on these questions of transparency and public access to legislatures going forward.

Despite this report's focus on National Parliament, we believe that our findings and recommendations are of direct relevance to the Provincial Legislatures.

Covid-19, the Constitution, and the legislatures in South Africa

In March 2020, the World Health Organisation (WHO) declared the novel coronavirus (Covid-19) a global pandemic. Following this announcement, and in consultation with the Executive, President Cyril Ramaphosa announced that a National State of Disaster (NSoD) had been declared in South Africa in terms of the Disaster Management Act, 2002 on 15 March 2020.

With the declaration of the NSoD, at the height of the uncertainty and crisis, and amidst strong criticism from civil society organisations for stepping away at a time of increased public crisis,¹ Parliament suspended the legislature's business "until further notice". Three weeks later, Parliament announced that it would resume its functions in a press release on 05 April 2020,² and resumed business on 13 April 2020. In a statement on that day, Parliament said:

"[t]he Constitution requires Parliament to scrutinise and oversee Executive action, to pass legislation, to provide a forum for public consideration of issues and to facilitate public involvement in its legislative and other processes. In this regard, it must be emphasised that the role of Parliament remains indispensable, during this period of national lockdown and the extended period of social distancing, which is expected to continue for months".³

At first, Parliament prioritised virtual committee meetings of the range of committees whose scope of oversight were considered to be directly related to government departments driving Covid-19 response measures. This was soon expanded to other parliamentary business.

Sections 59 and 72 of the Constitution of the Republic of South Africa oblige both the National Assembly (NA) and the National Council of Provinces (NCOP) to facilitate public involvement in their processes. Central to public involvement and to the promise of an open and democratic society, is that **the Constitution requires legislatures to ensure that their business is conducted in an open and transparent manner and that the public have access to the proceedings**. Given the critical value to democracy of the legislatures conducting their work in the public eye, the Constitution only allows a very narrow scope for exceptions to these requirements, that is where these exceptions are reasonable to the context and are justifiable "in an open and democratic society".⁴

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¹ Waterhouse S. 'Now is not the time to suspend parliamentary oversight', Daily Maverick. OpEd 07 April 2020. Accessed at <https://www.dailymaverick.co.za/article/2020-04-07-now-is-not-the-time-to-suspend-parliamentary-oversight/>.

² Parliament of the Republic of South Africa. 05 April 2020. Press release: Constitutional Obligations of Parliament during the Covid-19 Pandemic. <https://www.parliament.gov.za/press-releases/constitutional-obligations-parliament-during-covid-19-pandemic>.

³ Parliament of the Republic of South Africa, 13 April 2020, [Press release: COVID-19 Coronavirus](#).

⁴ Section 59(2) of the Constitution of the Republic of South Africa. 1996.

The courts have given more direction and deeper meaning to these requirements. Writing for the majority in the Judgement on *Doctors for Life International v Speaker of the National Assembly and Others*, Justice Ngcobo, stated:

“... the Constitutional Assembly, in framing our Constitution, was not content only with the right to vote as an expression of the right to political participation. It opted for a more expansive role of the public in the conduct of public affairs by placing a higher value on public participation in the law-making process.”⁵

Even though this case deals specifically with the question of public participation in the law-making function of Parliament, the position of the court on these issues would, we believe, apply equally to Parliament’s oversight and accountability roles. This is because the Constitution has the same requirements for public involvement in the law-making and ‘other functions’ of Parliament.

The Supreme Court of Appeal notes that public participation extends from making information available to the public through to providing platforms for participation in decision making.⁶ Similarly, the Constitutional Court indicates that “public involvement may be seen as ‘a continuum that ranges from providing information and building awareness, to partnering in decision-making.’”⁷ The Constitutional Court has also clearly stated that Parliament must “provide notice of and information about the legislation under consideration” and regarding the available opportunities for participation.⁸ However, the court opts not to specify guidelines on the format or timeframes that should be used.

Due to these critical functions, the Disaster Management regulations of 25 March 2020 explicitly identified Parliament as an essential service whose operations could, and indeed should continue throughout the pandemic. Parliament’s importance and constitutional obligations were highlighted, given South Africa’s marked inequalities and the persistence of widespread poverty and structural exclusion which left many living in South Africa vulnerable to the virus and its socio-economic impact.

Our approach

Given PMG’s key role in supporting the public with information on the schedules and proceedings in Parliament, and given numerous requests to WDI from CSOs for help to access information on whether meetings were taking place and how to access them, PMG and WDI collaborated to develop a tool to monitor access to information on committee meetings when Parliament resumed its work remotely towards the end of April 2020.

The information we captured included, but was not limited to, the number of days’ notice given for meetings; if links to the virtual online meetings were available ahead of time; if the meeting was live-streamed online and on which platform; if the proceedings of a meeting were uploaded online after the start of the meeting; whether meetings went ahead as scheduled, were cancelled, or were closed to the public.

⁵ [Doctors for Life International v Speaker of the National Assembly and Others SA 416 \(CC\) \(17 August 2006\)](#).

⁶ King and Others v Attorneys Fidelity Fund Board of Control and Another 2006(4) BCLR 462 (SCA).

⁷ DfL. Ibid. Para 129. Quoting States National Park Service, Director’s Order No 75A: Civic Engagement and Public Involvement, 17 November 2003, available at <http://www.nps.gov/policy/DOrders/75A.htm> [accessed 24 July 2006] at section V. See also United States Code of Regulations, Title 40 (Protection of Environment), 40 CFR 25(1)(a), (b) and (d), National Wildlife Federation v Burford 835 F.2d 305, 322 (D.C. Cir. 1987). Section V.

⁸ DfL. Ibid. Para 131.

This information was captured daily on a shared spreadsheet. Most of the information was drawn from Parliament's committee meeting schedules, known as Z-lists, that are updated daily, and which provide information on the scheduled dates, times and agendas of committee meetings. In addition to monitoring if, when and where the notice of a meeting was provided, we monitored if the meeting was live-streamed, or if the video of the meeting was uploaded to online platforms at a later stage.

Despite having put data capturing systems in place, both organisations recognise that the quantitative approach of measuring openness and access during these challenging times might have some limitations. Parliament's and specific committees' performance are likely to have been affected by

many factors in 2020/2021 including members and support staff adjusting to remote work themselves. We have not, however undertaken interviews with staff or members from the legislatures to assess these factors.

A number of people contributed to this research, including concept and design; project coordination; data capturing; analysis; and writing from Sam Waterhouse, Monique Doyle, Vivienne Mentor-Lalu, Motlatsi Komote, Rashaad Alli, Laura Wellen and Sabelo Ndlovu. Dalli Weyers came on board as a consultant to support the final processes of data analysis and writing the first draft report. Overall, this research is influenced by the positions, work, and advocacy of the broader ParlyWatch alliance over the past seven years and during the year under review.

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FINDINGS AND DISCUSSION



Overview

During National Parliament’s 2020/2021 financial year, 1 874 committee meetings were listed on Parliament’s Z-List (Figure 1 shows the breakdown by month of the year). The details of each of these meetings were subsequently captured, tracked and monitored by the researchers. Of the 1 874 committee meetings listed, 1 450 (77%) went ahead as scheduled. The other 23 percent of meetings were either cancelled (18%), rescheduled (2%) or were closed to the public (2%). The status of one percent of meetings listed are unknown. See Figure 2 for a breakdown of the status of meetings.

We have categorised cancelled meetings to include those that were removed from Parliament’s Z-list without any communication or explanation, and meetings where the cancellations were communicated directly to people who’d shown an interest in attending the meeting. Where there was communication to the public or directly to interested parties that a meeting was to be postponed, we have categorised these as ‘rescheduled meetings’.

“Of the total 1 874 number of meetings listed, 1 450 (77%) went ahead as scheduled.”

Meetings Scheduled vs Meetings Held as Scheduled

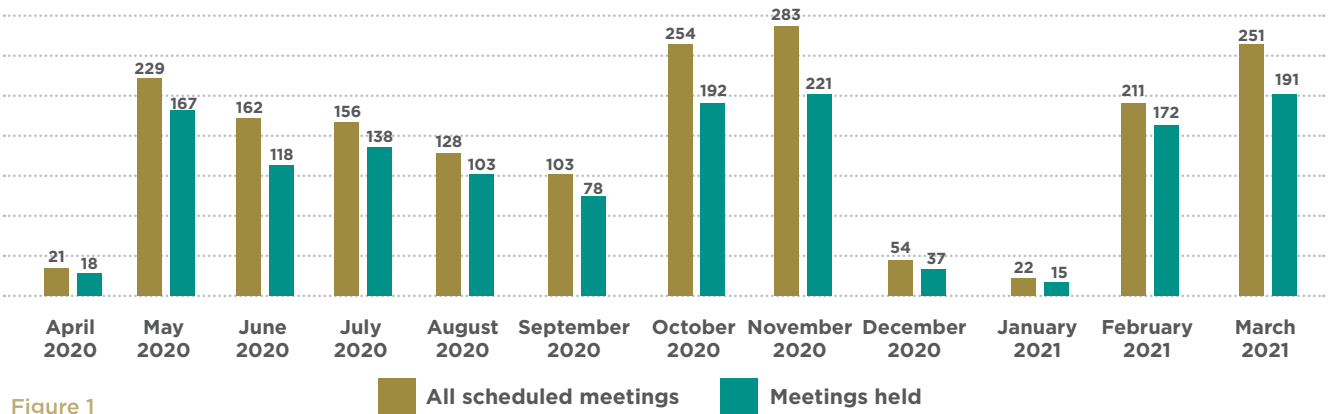


Figure 1

Status of Meetings

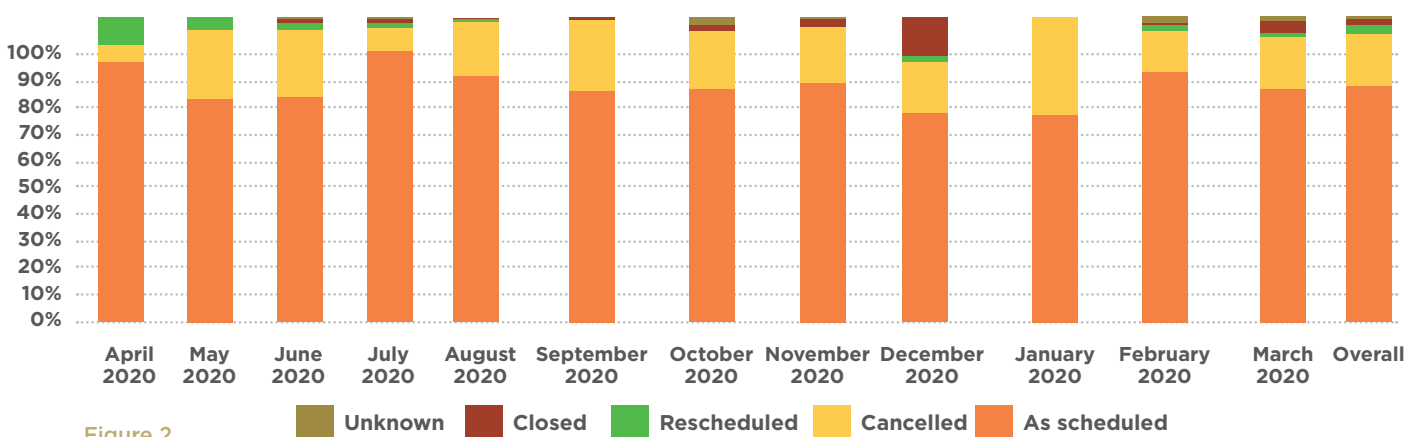


Figure 2

Analysis of the information captured for all meetings that were scheduled in the year reveals marked inconsistencies and problems with openness and public access. The inconsistencies we identified included:

- the period of notice given for meetings,
- the systems and channels used to communicate and share links to virtual meeting platforms, and
- whether or not meetings were live-streamed or broadcast on social media platforms, when they were uploaded, and on which social media platforms they were broadcast.

These inconsistencies have an impact on public access. While we highlight them in this report in relation to Parliament's move online, they are not new. ParlyWatch has previously highlighted similar inconsistencies and shortcomings in Parliament's functioning that negatively impacted on public access long before the Covid-19 pandemic.⁹ These include short notice, last minute changes to schedules, and venues for meetings being changed but not communicated to people attempting to attend the meeting.

We note that the systems for providing information and facilitating public access to committee meetings prior to moving the business of the legislatures to virtual platforms was already not optimal. **The effects of moving meetings to virtual online meeting platforms and broadcasting the proceedings on internet sites such as YouTube is nuanced.**

There are many gains to those people who have the infrastructure and resources to stream online video content that result, but people with fewer resources continue to be excluded. The question we asked is if Parliament has made the most of the available technologies to fulfil its Constitutional mandate to ensure the maximum possible openness and public access?

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⁹ [Parliament Watch National Parliament Report 2016 - 2018](#).

Committee meeting schedule or “The Z-list”

Given Parliament’s role to ensure that ours is a participatory democracy, it has a duty to ensure that the general public, the media, and all interested parties are aware of the work undertaken by our elected representatives. As confirmed by our Courts, the most basic requirement to achieve this is to clearly communicate the agendas, dates, times and venues of committee meetings so that the public are able to attend and where appropriate, contribute.

Parliament’s Z-list is the primary means through which details of scheduled meetings are shared, it includes valuable information on the title and planned issues for discussion, the time and venue of a meeting, and it provides contact details for each committee secretary at the end of the document. The Z-list is updated at least once a day sometimes twice during term time. The Z-list includes a table meant to contain the details and reasons for cancelled committee meetings. Unfortunately cancelled meetings are often not listed or reasons for cancellations not noted. **Parliament can do more to make the Z-list more widely accessible and to update its standard content.**

For a start, the name “Z-list” fails to communicate the purpose of the document. **Overall, the Z-list is relatively inaccessible to activists and the public** - most are unlikely to know what the Z-list is, or that it even exists, and many don’t know where to look or exactly what to look for in order to find the details. The Z-list is available on Parliament’s website, and here it is clearly titled ‘committee schedules’ however it is not prominently displayed, and quite difficult to notice on the busy web page.

Parliament’s Paper Stores’ staff member, circulates daily (sometimes more frequent) updates to the Z-list to his mailing list. Another way to access the

Z-list therefore, is to request to be added to this mailing list. However, it requires that people know that it is possible in the first place - the advice to make contact with the individual is generally shared by word of mouth among CSOs. For CSOs who do receive these daily updates, the information is extremely useful and up to date. **The email service provided by Parliament’s staff member is of great benefit to transparency and access, and has great potential to be expanded to the public.**

In addition, while it was previously standard to include the ‘venue’ for meetings on the Z-list, since the move to virtual online meetings, the document only states that the meeting will take place on a ‘virtual meeting platform’. **No indication is provided on 1) how the public may access that meeting through the virtual platform,** and even though the Z-list does helpfully include contact details for committee secretaries, this information is at the end and thus easily missed, and 2) the Z-list is not being used to inform people if and where the meetings will be live-streamed or broadcast. Importantly, Parliament does provide relatively comprehensive information on how and where to access meetings in media alerts for some meetings. The scope is limited, a relatively small proportion of meetings are advertised via media alert, and these are, by their nature not targeted to the public broadly. The information currently contained in media alerts should be standardised in the committee schedules ‘Z-list’ for all meetings.

During the first two months, the systems for CSOs (or the public) to access virtual platform links were varied and inconsistent. The go-to contact people for committees - committee secretaries - did not, at that stage, always have the link, and CSOs were referred by secretaries or journalists in our networks to the communications contacts for different committees. Many CSOs, let alone the

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public, did not know how to access these people. Both the PMG and the DOI received many requests for help at that stage. While there are still some instances where committee secretaries don't respond to a CSO's requests, and those CSOs reach out to PMG for assistance to obtain a meeting link, this is not the norm. Overall, the system settled relatively soon, and it is now more consistent that the majority of committee secretaries can and do provide the link to the virtual meeting platform when requested by CSOs or it is obtained through access to a single WhatsApp group for journalists administered by Parliament's communication division. On the whole it is primarily people with insider knowledge, and existing contacts, or the time and resources to track the latest version of the Z-list and the additional time to contact committee secretaries or track the links to the online meetings down who were able to access these.

By not consolidating all the information required to attend committee meetings online into a single, widely circulated and easily accessible document, **Parliament fails to capitalise on existing technology and infrastructure and indirectly it favours certain sectors of society and unnecessarily limits the public's access to meetings.**

Parliament must make greater efforts to inform the public that there is a schedule, and that it is referred

to as 'the Z-list'. **The committee schedule and updates must be made more widely accessible** through Parliament's social media, and the website should include an automatic sign up process, so that the public can access the daily email updates. Parliament should also improve communications through local radio stations, to provide the public with regular (weekly) information on the meetings that are scheduled and where people may access these. Z-lists must provide clear information to the public on who they must contact to access the virtual meeting platform, as well as provide information on where the meeting will be live-streamed or broadcast.

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Notice period for meetings and cancelled meetings

Beyond providing the information on how and where to attend committee meetings online, the **number of days' notice given for meetings also impacts on the openness and accessibility of Parliament and its committees.**

The issue of notice is complicated, it can be overly simplistic to express a single period of time as a requirement for notice for meetings. Where the issue is raised by the Constitutional Court, in the Rules of Parliament, or in the Public Participation Framework¹⁰ it is only addressed in terms of public participation opportunities, not in terms of notice regarding the ongoing meetings of committees. In addition, as much as the Courts have stressed that adequate notice is critical to public participation, the Constitutional Court opted not to be directive in this regard, similarly, the Rules of Parliament indicate that notice must be given, but don't specify how much. Parliament's Public Participation Framework (2013), includes a specific and relatively generous, timeframe of five weeks for notice to be given for any public participation in both law reform or oversight processes.¹¹ None of the laws or framework documents give any direction on notice periods to enable public access to ordinary meetings.

For various reasons, but in particular given the importance of every committee meeting, **we consider it reasonable to expect two-weeks' public notice for all ordinary meetings** (i.e. those

that are not expressly set as public participation exercises), these notices must include a clear agenda for the meetings. Two weeks' notice will enable the public to plan their attendance, to engage with committees regarding any information they'd like to contribute, and even to contact public representatives (MPs) prior to the meeting to make their inputs. Given that committees adopt their programmes for an upcoming term by the start of that term or earlier, this two week period should be achievable.

We recognise that **there may be reasonable grounds for exceptions to a requirement of at least two-weeks' notice for meetings.** As was further demonstrated by the declaration of the NSoD, legislatures need flexibility to address urgent issues of serious public importance. **Meetings at short notice should be the exception, not the norm, and the reasons for holding a meeting, despite providing less than two-weeks' notice, should be provided** in writing by the committee to the appropriate structures in Parliament and be made available to the public. Further, **Parliament should implement additional measures to communicate meetings scheduled at short notice.**

Figure 3 below shows that in 2020-2021, for a significant 12 percent of meetings, notice was only given on the day of the meeting and for the majority of meetings (54%) between one and seven days' notice was provided. Thus, taken together, for a huge 66 percent of meetings, less than a weeks' notice is given. Only 21 percent of meetings were scheduled two or more weeks in advance.

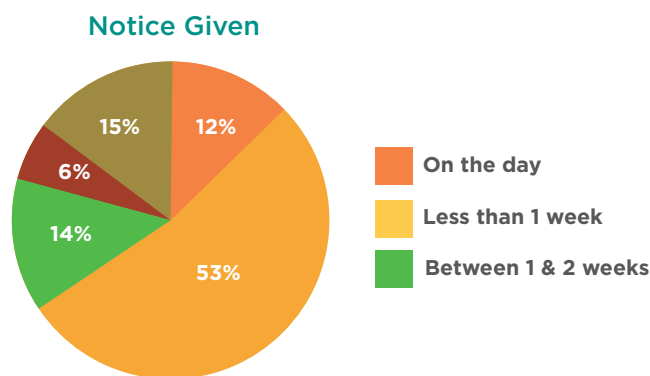


Figure 3

¹⁰ Public Participation Framework for the South African Legislative Sector. 2013. (PPF).

¹¹ PPF. 2013. *Ibid.* P52.

This pattern, where for the most part, less than a weeks' notice is given, is not only true for this year in which Parliament went online; it is an issue that the public and ParlyWatch members have raised repeatedly over the years. Providing notice of only one day, or even two to three days, significantly limits people's ability to observe or participate in committee meetings. For a start, the shorter notice may mean that people cannot reschedule existing commitments. While the online platforms cut out the need for the majority of people who do not own their own transport to make at times complicated and expensive arrangements to travel to Parliament, people who do not have access to stable internet connections and data, still require forward planning to make the necessary arrangements.

Further impacting on the scenarios outlined above, where two or more weeks' notice had been given, Figure 4 illustrates, these meetings were also the most likely to be cancelled – just over one third (36%) of meetings that were scheduled more than three weeks in advance, were cancelled. In these cases where people had made arrangements to attend a meeting, those arrangements and any resources that went into making them, become null and void. The consequences of cancellations prior to the move to online meetings were more significant as some people would have incurred significant costs linked to making travel arrangements. Nonetheless, activists, the public and CSO staff still allocate time and resources to attend the online meetings and meeting cancellations generally still have an adverse effect on participation, those negative effects are more deeply felt by people with fewer resources.

Likelihood to be Cancelled

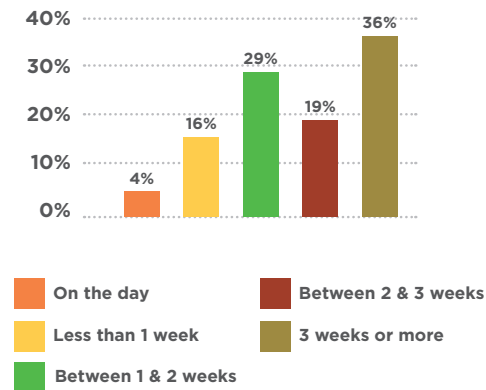


Figure 4

It is not necessarily surprising that the further in advance a meeting is scheduled, the greater the chance that it may be cancelled. This however does not mean that advance notice should not be provided, it means that we need a better understanding of the reasons why those meetings that are planned well in advance do not proceed. We note there may be legitimate reasons why some meetings cannot proceed as planned. However without any understanding why, it leaves the impression that Parliament itself is not committed to its own scheduling, and it suggests strongly that scheduling for the purpose of transparency and public access is not the primary consideration. We recommend that where meetings are cancelled, clear reasons should be provided on the Z-list. Currently the meeting just disappears from the Z-list, without being reflected in the 'cancellations' section.

“ meeting cancellations generally still have an adverse effect on participation, those negative effects are more deeply felt by people with fewer resources. ”

Changing agendas

Closely linked to the issue of providing notice for meetings, is the agenda that is communicated for each meeting. A clearly set agenda allows the public to determine whether the meeting is relevant to them and if it is, to plan to attend the meeting, to share research or other information with the committee, or to plan other activities related to that meeting's agenda. We note that **only a small number of agendas, 87, out of all of the meetings in the period were changed over the course of 2020-2021.** We note that, as with the points raised regarding short notice above, changing an agenda may at times be necessary for Parliament to be responsive and flexible to important issues, however these changes have negative impacts on those who chose to attend a meeting or not based on the previously communicated agenda.

The fact that the Z-list itself states that it is "subject to frequent updating" and suggests that those wanting to attend committee meetings should contact committee secretaries "to ascertain whether the agendas for the meetings have been amended" illustrates that Parliament itself appreciates that the changing of agendas has an impact. Placing the onus on the public to ascertain whether an agenda has been amended, places an additional hurdle in front of individuals wanting to attend meetings. Parliament must establish stronger mechanisms to notify the public of changed agendas for meetings. For example, the regular "Happening in Parliament this week" media releases that are provided by Parliament, include information on committee meetings scheduled for the week ahead. These could include a section clearly highlighting if scheduled meetings or agendas for meetings have been changed,

similarly this information should be easy to identify in the committee schedules.

A clear example of how changing an agenda, especially at short notice, can impact on openness is reflected in the meeting scheduled by the Portfolio Committee on Transport for 17 November 2020 from 09:00 to 13:30. Notice for the meeting was given 5 days prior and the indicated agenda for the meeting was:

"Responses by the Department of Transport on written and oral submissions on the Economic Regulation of Transport Bill [B 1 – 2020]; Consideration and adoption of draft minutes of proceedings"

On the day of the meeting this agenda was changed to include:

"Briefing by the Passenger Rail Agency of South Africa (PRASA) on its 2019/20 audit outcomes"

Given the complexity and immense challenges faced by PRASA, and the public interest in the questions of its governance, and coupled with the reliance of many people in South Africa on PRASA to get to and from work safely and affordably, Parliament's failure to communicate timeously that PRASA was going to appear before the Committee is problematic. Not communicating timeously that the Committee would exercise its oversight role over PRASA, undermined the transparency required of Parliament. It is also likely to have impacted on if, and if so, which civil society structures attended the meeting, and would have limited public engagement with what was discussed. In these ways changing agendas of meetings, especially with late notice has a negative impact on public involvement and thus, as with short notice should be avoided as far as possible.

“Parliament must establish stronger mechanisms to notify the public of changed agendas for meetings.”

Transparency and public access to virtual meetings

Parliament's virtual meetings that are held on dedicated meeting platforms such as Zoom or Microsoft Teams, are mostly also live-streamed or uploaded onto social media platforms such as YouTube or Twitter. These live-streamed meetings are distinct from the virtual meeting. **Although live-streaming has greater public reach, the public should also have access to, and be able to attend meetings in real time, via the virtual meeting platform,** as was the case (at least in principle) with meetings held physically 'in-situ' in Parliament before the Covid-19 lockdown.

The first aspect, accessing the virtual meeting platform, is dealt with in the section on the committee meeting schedules above. In short, for the most part, many of the difficulties that CSOs initially faced in accessing the links to these meetings from committee secretaries have settled down. However there is a critical gap in terms of the general public who may not know how to access the information.

*It is self-evident that virtual committee meetings must include MPs, parliamentary staff, and individuals making presentations in a meeting. However, participation via these platforms should not be limited to the above only. **Having the public, civil society and interested parties in the physical venue, or in the virtual space, plays a valuable role for transparency and in increasing the quality of 'access' for potential engagements.***

Notably, in media alerts for committee meetings the message has been standardised to suggest different levels of access – that journalists (using their official, not private, emails) may access the virtual meeting platform and members of the public may follow the meeting on Parliament's broadcast platforms – DStv, YouTube and Twitter. Creating a distinction between journalists and the public is complex ground to enter. Notwithstanding the above, we note practices have developed whereby, for the most part, when CSOs

request access to the virtual meeting platform this is granted.

The move to virtual online meetings should not reverse the advantages to democracy that result from the public attending meetings physically. As a starting point, these include that having members of the public in the 'venue', whether it is physical or virtual, serves as a reminder to Members and Parliament's staff that they are there to serve the public interest, that they are accountable to the public, and reminds them that the public is observing and is invested in what is being discussed. It enabled MPs to be made aware that these stakeholders were attending for specific reasons, and as representatives of specific communities. Secondly, members of the public could, when attending a meeting physically, observe exactly who was present and which members were communicating with each other in asides. This provided subtle cues that are lost in most virtual platforms. Thirdly, by attending meetings physically, members of the public were able to build their familiarity and relationships with members of a committee simply through seeing familiar faces, and being regularly seen by members, this also enabled networking and valuable exchanges with chairpersons, committee members and committee staff over refreshment breaks.¹² Given the breakdowns in the constituency system, this has been a valuable alternative for engagement on social justice issues.

Finally on this point, stakeholders being present in committee meetings, has enabled the development of good practices which, while not widespread, we argue should be expanded. In particular there have been some instances in physical meetings where a chairperson has called on civil society structures to engage in the discussions in the meetings. When this has been done, it is typically in the meetings following public hearings and is permitted following a proposal by the chairperson to the committee members.¹³ This allows for a more layered exchange between MPs, department- officials and

¹² Pam Saxby, 2 September 2021, Those were the days my friend... remember when Parliament was an open book and you could browse its pages?, Daily Maverick.

¹³ Dullah Omar Institute staff direct observations in processes linked to the Child Justice Bill, the Traditional Courts Bill, and Money Bills Amendment Bills between 2008 and 2021. It is more common that representatives from traditional leadership structures participate in committee discussions due to their particular constitutional standing; while unusual for civil society structures, there are more instances of trade unions being invited to participate in these ways.

public stakeholders regarding often complex or highly technical issues. It can also assist in balancing the range of interested parties who access committees, while also - very importantly, facilitating that this takes place in the open. These opportunities for more informal participation and engagement, that take place in the open, have not been extended into the virtual space. These are the **benefits to public engagement that have developed over the past 27 years that we risk losing in the move online, but which need not be lost, and which can be protected.** As with *in situ* meetings in Parliament, we appreciate that **access to the virtual meeting platforms should include reasonable controls to ensure that all who are present in the virtual meeting are identifiable, to help to prevent disruptions,** and to ensure that the committee can conduct its business efficiently and effectively. Thus insofar as the public are required to register on entering Parliament's buildings, public access to the virtual meeting platforms can include requirement for pre-registration. These platforms include that the meeting 'host' has control over microphones and cameras and can also remove a person from the virtual meeting as would be the case if a person disrupted a physical meeting. Together these **existing measures provide reasonable tools for Parliament to control meetings, similar to those available in relation to physical meetings.**

Meetings on the virtual platform add a layer for communications between people present in the platform that was not possible in the physical meetings - the chat function. These chats are being used by members to engage substantively and for 'meaningful participation'¹⁴ [of Members] on the

topic under discussion without necessarily verbalising them. As such the chats between committee members in online meetings must be part of the public record of the meeting and thus be visible to members of the public.

As far as possible, all committee members should have their cameras on and be visible to the public during meetings, and norms must be in place so that all **members' names and political parties are displayed** on the platform. We note that the online environment, as with the public, may present challenges to members of committees. We anticipate that elected representatives are not excluded due to the same challenges the general public face of the high cost of data, or devices that are not capable of the functionality needed for these meetings. Nonetheless some members will be living in areas where there is weak internet connectivity. In those cases committees may opt not to use cameras, however this should be an explicit decision, and not a default.

These various measures would protect the standards for practice and rules that have been developed previously, and capitalise on the online platforms in order to increase transparency and public access.

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chats between committee members in online meetings must be part of the public record of the meeting

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¹⁴ Presiding Officer, NCOP Plenary, 'Questions to the Deputy President: Hybrid meeting platform 18th November 2021 at 2pm. Statement at 4min 25 secs. accessed at <https://www.facebook.com/ParliamentofRSA/videos/185316213720551> on 20 November 2021.

Live-streaming and broadcasting meetings

The move to virtual online meetings has largely been coupled with live-streaming or delayed broadcasting of meetings on social media platforms.

Parliament moved quickly to increase its utilisation of existing social media platforms in April and May of 2020. Over time it has significantly strengthened its systems and regular use of these platforms and tools to livestream and broadcast meetings. The platforms that Parliament uses include, YouTube, iONO radio streaming, Twitter's Periscope tool, Facebook, and DSTV channel 408. In addition to this range of platforms, at times, in the first months before systems were settled, our researchers found the meeting streamed on the SABC News YouTube channel. These measures mean that where a member of the public is not able to access the link to the virtual meeting platform, they may observe meetings that are broadcast online. Furthermore the use of online platforms creates an archive of meetings for people who are not able to join the virtual meeting platform or observe the live-stream at the time.

During the first six to eight weeks, given the newness of the systems, CSOs experienced serious problems in accessing meetings streamed online. This was particularly problematic at that stage because, as discussed above, obtaining the virtual platform links for the meetings was also difficult. In addition to some meetings not being streamed at all, our researchers experienced streams starting significantly later than the meeting started, or only short snippets being available, and the title of the stream or broadcast being incorrect and so misleading. However these kinds of problems have become fewer in the months that followed.

After settling down, the majority of meetings are streamed live or broadcast later on YouTube and iONO radio. Helpfully, the 'listen' and 'watch' tabs are easy to find on the home page of Parliament's website and the tabs include information on the programme schedule of the paid to view DSTV channel, any meetings currently streaming, and the link to the YouTube channel.

Despite all of these measures for broadcasting live-online, **not all committee meetings are live-streamed and/or uploaded later for broadcast on these platforms.** Our researchers checked daily to see if meetings on the Z-list were available on YouTube or other platforms, where a meeting was found at the time of the meeting or later that same day, we have categorised as 'live-streamed' and where the meeting could only be found online at a later stage we have included it as being available online. In addition we went backwards monthly to check if the links that had been uploaded at the time were still available. Over the course of the year, 67 percent of meetings that were held were also broadcast online, most of these were live or uploaded on the same day –

thus one third of meetings are not livestreamed or broadcast, despite the technology being available to do so.

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The platforms that Parliament uses include, YouTube, iONO radio streaming, Twitter's Periscope tool, Facebook, and DSTV channel 408.

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Live-Streamed & Broadcast Online later

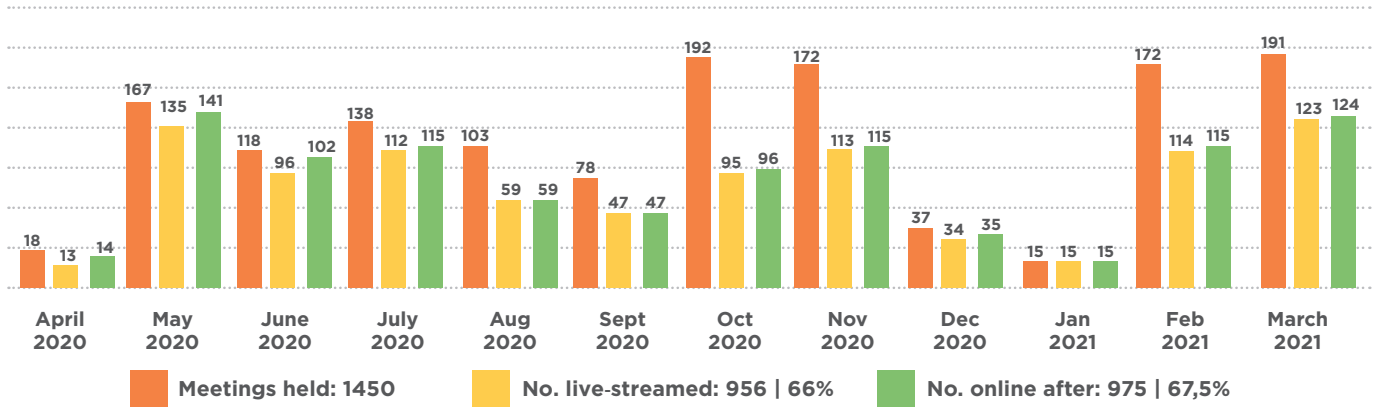


Figure 5

% Livestreamed or Broadcast Online

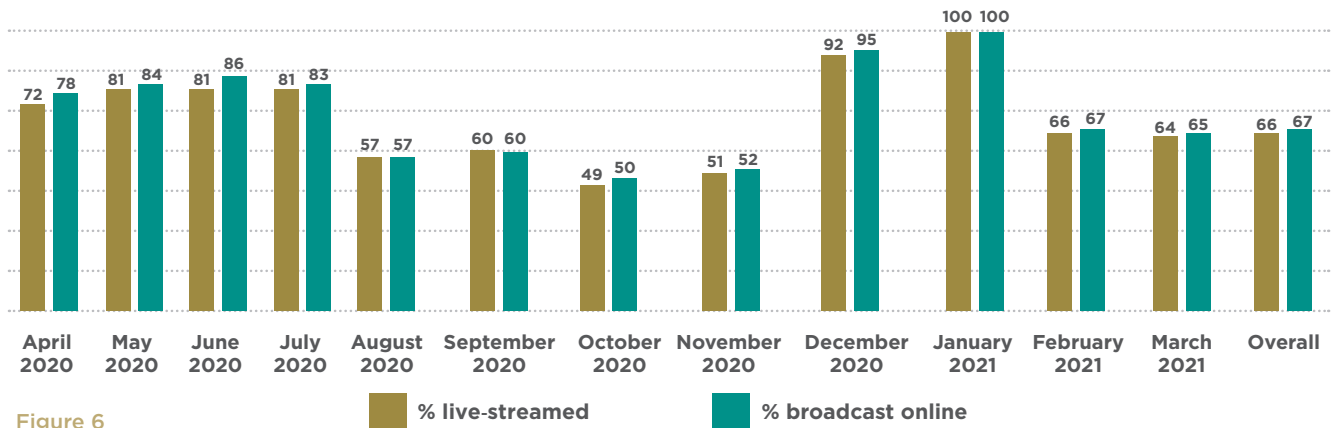


Figure 6

The extent to which meetings are now broadcast on YouTube (video) and iONO (audio) is really encouraging, noting the relative speed with which the communications unit adapted, given the enormous number of meetings, and that they take place simultaneously. But, in spite of these measures, one third of Parliament's meetings were not broadcast in the year, and this must be addressed. It is unclear why Parliament is not able to broadcast all meetings. If there are technical or financial reasons, this must be clarified as well as

plans and targets on how the Legislature plans to achieve 100 percent broadcast.

YouTube is the main platform used to livestream/broadcast, but for a few exceptions in the first two months, the broadcasts that we find on iONO, Facebook, Twitter and DSTV are now almost entirely repeat or duplicated broadcasts. This is not in and of itself a problem and we can see the benefit to using multiple platforms. Despite it being possible for a single YouTube user to create up to

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in spite of these measures, one third of Parliament's meetings were not broadcast in the year, and this must be addressed.

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50 channels, Parliament is currently limited to ten.¹⁵ On busy days we see anywhere from 25 to 40 meetings scheduled, fortunately these do not all take place simultaneously, hence our finding of two thirds of the meetings over the year being live-streamed or broadcast on YouTube. However due to limitations, on some of the very busy days only 35 to 40 percent of meetings can be live-streamed.

In the short term **Parliament must pursue increasing its number of YouTube channels** to ensure that all meetings are broadcast live and subsequently available to the public. In the longer term, to ensure that Parliament is not dependent on foreign companies to deliver on this Constitutionally-required mandate, and to ensure sovereignty and is not subjected to the decisions of these structures that are not governed by our Constitution - Parliament or the South African Legislative Sector must invest in the development of an independent platform for the purpose of live broadcasting video of all committee meetings.¹⁶

Despite the current limits on live-streaming there is no reason why meetings cannot be uploaded to online platforms after the fact. Our findings show that when meetings weren't live-streamed -

Parliament failed to ensure that all meetings are uploaded for the public record by utilising mechanisms for delayed broadcasting.

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Parliament or the South African Legislative Sector must invest in the development of an independent platform for the purpose of live broadcasting video of all committee meetings.

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Regardless of where it is live-streamed or broadcast, **Parliament must archive all video on a single platform and all audio on a single platform – these platforms should be non-commercial and controlled by Parliament or the South African Legislative Sector and should incorporate a logical archive structure so that meetings are easily found.** The current systems on both YouTube and the iONO platforms for organising the archives of meetings can be improved. On YouTube, it is haphazard, however there are monthly ‘playlists’. The iONO categorises audio by committees and makes finding recordings possible, however many meetings are not available on the platform.

The live-streams, both video and audio, don't include information to the public on who is in attendance, this **failure to clearly state who is and is not in attendance limits the public accountability of both individual MPs and of political parties.** Another issue, which is relevant to both forms of broadcast, but which is much worse on the audio stream is that speakers are not identified and the public cannot always understand who is talking. For video it is possible that the **members' names and political parties should as a rule be displayed when they speak**, and at the very least for audio broadcast purposes, committees need to develop strategies to identify themselves every time they speak.

As committees have incorporated the use of the chat function as a part of the substantive discussions, we argue that **in order to meet the Constitutional requirements for transparency, these chats between committee members must reflect on the public record, and as such, the chats must be incorporated into the video broadcast;** further the main points raised through the chats could also be summarised verbally for listeners on audio platforms. By ensuring that the public viewing the meeting see the substantive chats, enables more meaningful engagement on the issues if needed.

¹⁵ Information reported to the Portfolio Committee on Communications. 16 March 2021. accessed at: <https://pmg.org.za/committee-meeting/32572/>.

¹⁶ We note a recent situation in which a political party withdrew support for Parliament discussing the regulation of Facebook due to concerns of retaliation.

The most significant issue, is that despite the increase in the reach of Parliaments' committee meetings by using these broadcast mechanisms, **on their own, the online broadcast measures do not adequately address the inequalities of access that have bedevilled our legislatures** over the past two and a half decades. In particular income inequality and inequality of access to resources. Legislatures and some civil society organisations have (with varying levels of success) put measures in place to try to ensure that a broader range of the public and civil society, i.e. not only those who have the resources, or that are located physically close to legislatures can attend, observe, and participate in Parliament's meetings. The move online assists to cut through some of the geographical barriers, but in South Africa, data and internet access remain extremely expensive.

The use of iONO audio streaming platform is somewhat helpful as it requires less data for people to follow meetings. While Parliament uses it regularly and it includes a good number of meetings, its archive is not as extensive as the meetings available on YouTube. **Parliament should increase the use of online audio streaming to ensure all meetings are broadcast in this way.** While it requires less, it still requires data and an adequate device to stream audio. Parliament must explore possibilities of regularly using the public broadcaster and community radio stations or radio frequencies of its own to broadcast meetings. Similarly a free to air channel on the public broadcaster system is needed to broadcast video to the public. **Finally Parliament's website and other online platforms used for broadcasting must be 'zero-rated' and thus be free for the public** to access both the video and audio of meetings.

In our opinion, **because of the possibilities that are presented by available technology, and the relatively low resources required, Parliament can do more to meet the constitutional requirements for transparency and broader public access.** Despite not being designated officially as 'closed', where meetings have not been broadcast, live or after the fact - and coupled with

the barriers to accessing Z-list information and the links to virtual platforms - those meetings are in practical terms, inaccessible. As a result they are unnecessarily and we go so far as to argue, unjustifiably, closed to the majority of the public. **Not broadcasting all meetings given the technology and range of platforms that are available is not justifiable.**

Parliament can do more to capitalise on the possibilities for public engagement on online broadcast platforms. While in the early stages the YouTube 'comments' function was enabled for a handful of meetings, this appears now to be mostly turned off for committee meetings. We understand that this is due to 'trolling' and 'bots' that were offensive. While we understand the need to manage this, **Parliament can still ensure that the online broadcasting platform provide contact details for committee secretaries and invites the public to share their views** on the issues with committees via email. We note that the Facebook comment function, which is easier to police, is active and this is encouraging, however relatively few meetings are available on this platform. **Parliament must develop systems, and committees must undertake to engage with the feedback or comments that members of the public provide.**

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Parliament must explore possibilities of regularly using the public broadcaster and community radio stations or radio frequencies of its own to broadcast meetings.

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Not broadcasting all meetings given the technology and range of platforms that are available is not justifiable.

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Closed meetings

The Constitution places a high value on Parliament conducting its business in an open and public manner,¹⁷ thus further to our comments in the above section about meetings that should be available to the public which aren't, we will briefly comment on the issue of meetings that were officially designated as 'closed' during the period. In addition to the Constitution's requirement that the public or media may only be excluded if it is 'reasonable and justifiable to do so in an open and democratic society',¹⁸ the Rules of the National Assembly require that decisions to exclude the public may only be taken 'after due consideration' by a committee, and Parliament have indicated that they do undertake this due consideration.¹⁹ Implicit in the constitutional requirement is that committees provide this justification to the public. The requirements in the Rules that committees' should give the question 'due consideration' is poorly defined, and generally detailed reasons are not placed on the public record.

Closing meetings undermines the critical principle that the National Assembly provide a national forum for public consideration of issues. It was therefore notable that two percent (34) of the 1 874 meetings scheduled in the period were designated as closed in the Z-list. In the period under review, the Z-list did not provide any justification or explanation to the public regarding why a decision to close, or partially close a meeting was taken.

The majority of **meetings closed to the public for the period were of the meetings held by the Joint Standing Committee on Intelligence and the Joint Committee on Ethics and Member's Interests in 2020/2021.** This follows the tradition of the past 25 years that these committees' meetings are automatically closed to the public. Despite the fact that both committees address issues of significant interest, as has become the norm, no justification is provided to the public regarding these decisions.

While we expect that there would be reasonable grounds for some, possibly the majority, of the Joint Standing Committee on Intelligence's meetings to be closed, this cannot automatically apply to all meetings of the Committee. For example, following media reports, regardless of their veracity, in the wake of the civil unrest, predominantly in KwaZulu-Natal and Gauteng, in July 2021; points to the need for greater transparency of and oversight over the intelligence community, its focus, composition and budget. Similarly, for the Joint Committee on Ethics and Member's Interests, where no reasonable grounds for closing all the committees have been provided, **members of Parliament are ultimately accountable to the public and subsequently, for the most part, questions of ethics and members' interests should be open and transparent.** We acknowledge that both committees publish reports on their activities, and that these include basic information. However, a report produced by a closed committee cannot be assumed to meet the standards of transparency. In the absence of any justification, we are of the view that the fact that all Joint Committee on Ethics and Member's Interests meetings were closed in 2020-2021 cannot be reasonable.

ParlyWatch has previously raised this issue and these requirements with Parliament.²⁰ Despite the fact that it is not explicitly spelt out in the Constitution or the Rules, **the justification of why a meeting is closed should be placed on the public record and the failure to provide such reasonable justifications to the public is, in our opinion, at odds with the requirements for transparency and accountability.**

Officially Closed Meetings

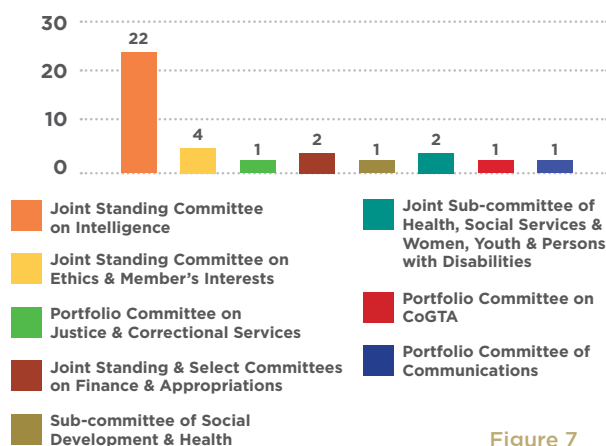


Figure 7

¹⁷ Section 59(1)(b). The Constitution of the Republic of South Africa. 1996.

¹⁸ Section 59(2). The Constitution of the Republic of South Africa. 1996.

¹⁹ Rule 184(2). Rules of the National Assembly.

²⁰ Parliament Watch, 25 October 2018, [Letter to the Speaker of the National Assembly](#) linked to the increasing number of closed meetings in Parliament.

CONCLUSIONS



“the Constitution is located in a history which involves a transition from a society based on division, injustice and exclusion from the democratic process to one which respects the dignity of all citizens, and includes all in the process of governance.”

Constitutional Court ²¹

The quote above, and many others, emphasise the critical importance of redressing the inequalities that were embedded through colonialism and apartheid in South African society, not only in the redistribution of resources, but also in ensuring a redistribution of power and political agency. With legislatures located as central institutions in our democracy to achieve this, the move to online streaming and broadcasting platforms made use of pre-existing technology and resources and impressively extended the reach of Parliament’s committees’ work from what was available to the public prior to the Covid-19 pandemic. The purpose of our research is to link transparency and access, critical for democracy in their own right, to the realisation of intended levels of democratic oversight of the state for accountability to the public, that should be achieved through the legislatures.

We have been acutely aware of the gains achieved by Parliament moving online, and also of what has been lost, and what requires further investment and solutions. **Parliament’s fast paced developments over 2020 demonstrate that it was possible to take many more steps to include ‘all’ in the country’s governance. It is clear that there are still significant possibilities that are presented by these platforms that should be capitalised to continue to increase Parliament’s reach to the broadest possible range of the public, and to address some of the persistent gaps.**

While additional measures may require some adjustments to Parliament’s current budget priorities, the additional resources invested in the staffing of relevant communications, ICT and public education units are unlikely to be prohibitive. These investments would be strongly justifiable on the basis of the increased reach to the public that would result. **Thus we argue that Parliament can invest in further strategies and use existing resources and mechanisms to give meaning to realise a standard of transparency and public access that are both required by the Constitution and that are well within reach.**

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The fast paced developments over 2020 demonstrate that it was and is possible to take many more steps to include ‘all’ in the country’s governance. There are still significant gaps that must be addressed, and possibilities that are presented by these platforms that should be capitalised to continue to increase Parliament’s reach to the broadest possible range of the public.

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²¹ Constitutional Court. *United Democratic Movement v Speaker of the National Assembly and Others* [2017] ZACC 21 Para 29, quoting Constitutional Court in *Investigating Directorate: Serious Economic Offences v Hyundai Motor Distributors (Pty) Ltd In re: Hyundai Motor Distributors (Pty) Ltd v Smit NO* [2000] ZACC 12; 2001 (1) SA 545 (CC); 2000 (10) BCLR 1079 (CC) (Hyundai) Para 21.

The range of challenges we address in this report are not new. In a 2018 ParlyWatch report submitted to the Speaker of the National Assembly and the House Chairperson, based on 3-years of monitoring access to committee meetings, a number of key issues were identified.²² That report went on to argue that despite the measures in place, Parliament was “fulfilling only the very basic requirements of openness and public access.” and posed a number of recommendations to expand on this using available resources and technology. Those recommendations, and others made to the legislatures by CSOs in April and May 2020,²³ align with those reflected in this report. We are encouraged by the initial strides made by Parliament in this regard in response to the Covid-19 lockdown.

This report has made clear that openness and access has continued to be impeded by inconsistencies that are within Parliament’s reach to address. We have noted that for more than half (54%) of meetings less than one weeks’ notice is given, and in a significant 12 percent of meetings, notice was only given on the day of the meeting. We’ve also indicated that for both the majority of CSOs and for the broader public, the process of obtaining the information needed to enable public involvement in democratic oversight is opaque and fraught with barriers.

*The reality both prior to Covid-19 and now, under a virtual Parliament, is that **openness and access can be significantly improved by Parliament demonstrating intention and then addressing questions of planning and coordination. The strides made under Covid-19 show what can be achieved when there is political will to do so.***

We don’t doubt, given the imperative, that the teams of staff working in the relevant sections of Parliament during 2020 faced a mammoth task, they have demonstrated tremendous strides forward in a short time, while using technology and resources that were available, to address the

question of ensuring Parliament was open to the public during the Covid-19 lockdowns. The task is not yet complete.

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This report has made clear that openness and access has continued that are within Parliament’s reach to address.

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Parliament’s move to virtual meetings has also impacted on benefits of ‘being in the room’. Having the public in the physical venue, or in the virtual meeting, plays a critical role for transparency, and fostering a spirit of accountability of elected representatives to the public. It also presented, often intangible benefits, in terms of opportunities for more informal participation and engagement that openly took place. These have not been adequately considered or extended into the virtual space, where we have found practical limitations on who is able to access the virtual platform and where the active participation of stakeholders, in less formal parts (before, at the start, and at the end) of the meeting is not enabled or encouraged. These are the **benefits to transparency, public engagement and public accountability of MPs that have developed over the past 27 years, that we risk losing in the move online, but which need not be, and which must be protected by ensuring public access to virtual meeting platforms.**

Moving meetings to virtual meeting platforms and broadcasting the proceedings on internet sites has had a mixed impact. Overall the impact is positive, it cut through geographical barriers, and increased access to people who have the infrastructure and

²² Parliament Watch National Parliament Report 2016 - 2018.

²³ 20 May 2020 open letter: CSOs call for dialogue with Parliament on public participation mechanisms.

resources to stream online video content. This brought particular benefits for people who were previously excluded on the basis of being located far from legislatures prior to the move online.

“ Moving meetings to virtual meeting platforms and broadcasting the proceedings on internet sites has had a mixed impact. Overall the impact is positive, ”

However, on their own the current online broadcast measures do not adequately address the inequalities of access that have bedevilled our legislatures over the past two and a half decades. Additional barriers include the high costs of data; weak internet coverage; inadequate tech, computers or phones; people in homes without electricity infrastructure (as well as load shedding for those with electricity). **The dependence on these resources for participation exacerbates existing inequalities and means that people who do not have these resources continue to be excluded.** Whereas legislatures and civil society organisations such as ParlyWatch had attempted measures prior to Covid-19 to increase the range of public who are able to attend committee meetings, these relied on increasing access to information, and on supporting people to physically attend meetings. Under Covid-19 conditions, mechanisms for transport and travel to meetings could not be applied. Thus for many people who had previously developed systems to observe committee meetings and engage, access regressed.

Despite all of the measures for broadcasting online, 33 percent of meetings were not broadcast. In our

“ the current online broadcast measures do not adequately address the inequalities of access that have bedevilled our legislatures ”

view, by not broadcasting all meetings for the public record, when considering the current technology and range of available platforms and when coupled with the inaccessibility of the virtual **meeting space, means that those meetings that are not broadcast (live or delayed) are not on the public record and as such despite being officially ‘open’ practically, and unjustifiably, they are closed to the public.**

The global Covid-19 pandemic has created a new normal and has forced a rethink of how communities, work colleagues, constituents and their representatives can stay connected. It has presented Parliament with the motivation to address many of the weaknesses in access and reach that have been identified by CSOs and independent panels previously. Parliament has taken up the challenge, and we have noticed further improvements, in systems and communications, over the course of the second year of having moved to online meetings. Parliament must commit to the public that the improved levels of openness developed through moving online, will be protected beyond the State of Disaster. It must commit to undertake all measures possible to address the inequalities that continue to exclude the people who are most marginalised in our society from accessing and engaging with legislatures to achieve democratic direction and oversight over the executive.

“ Parliament must commit to the public that the improved levels of openness developed through moving online, will be protected beyond the State of Disaster. It must commit to undertake all measures possible to address the inequalities that continue to exclude the people who are most marginalised in our society from accessing and engaging with legislatures to achieve democratic direction and oversight over the executive. ”

RECOMMENDATIONS



Many of the challenges identified were previously identified by CSOs and through other evaluations of Parliament before the lockdown created the motivation for Parliament to finally take steps to improve virtual access. Thus, many of the recommendations below were made in previous reports and correspondence. This, perhaps more so than any of the findings in this report, reflects poorly on Parliament. It shows a lack of responsiveness to these submissions and the public appeals to Parliament to increase access to address inequalities, as such it demonstrates a disregard for what a participatory democracy requires of Parliament itself.

We recommend that Parliament immediately moves to adopt and implement the following to improve openness and public access to all meetings.

Notification and meeting schedules

The first step towards transparency, democratic oversight, and accountable government is ensuring access to information. Parliament must improve on what is communicated, to whom, by what means, and when, including:

- Proactively, regularly, and widely sharing the committee meetings' schedule (Z-list) on multiple public platforms. Including more prominently on Parliament's website and social media, and utilising community radio networks to share information on the schedule and where people may access it.
 - Expand the current email update service to the public by including an automatic sign-up option so that people can easily opt in for daily updates on the schedule.
- **Commit to scheduling meetings with set agendas with two weeks' notice.**
 - **Ensure that it is an exception to hold a meeting at shorter notice**, or change committee agendas, not the norm. Where it is considered necessary, **provide justification and make this public** where a meeting is added to the schedule with less than two weeks' notice or the change in agenda.
 - Establish stronger measures to proactively and broadly **notify the public of late scheduled or changed agendas for meetings.**
 - The existing **content of Z-lists must be improved** by the following additions:
 - Provide clear information on how to RSVP in order to access a virtual meeting.
 - Provide information on where the meeting will be live-streamed or delayed broadcast, and where possible, active links to the broadcast platform.
 - The contact details of the relevant committee secretary must be included in the notice for each meeting, and not only be at the end of the Z-list.
 - Where there are reasonable grounds for declaring a meeting closed, justification must be included.
 - Late notice or changes to the agenda must be clearly reflected and easily identifiable.

Transparency and public access to virtual meetings

The move to virtual online meetings should not reverse advantages to our democracy that result from the public attending meetings physically - such as the reminder of their duty to be accountable to the public, and the possibilities of informal engagements between members of the public and elected representatives, taking place in the open.

- **Members of the public who choose to attend must be given access to the virtual meeting** - with note taken of the constitutional standards by which the public may be excluded.
- **Chairpersons must ensure that meetings are conducted in a manner that fosters accountability and where those observing are able to follow.** This includes:
 - explaining meeting procedures,
 - verbally confirming who is present and who has tendered apologies,
 - members being visible and/or otherwise identifiable to the public, and
 - members' name and political party to be displayed on the platform.
- Committees must **uphold good standards for openness, access and public engagement with members of the public in virtual meetings**, while they may utilise reasonable controls, as provided by the platforms, to ensure they can conduct their business effectively.
- **Typed chats between committee members in online meetings must form part of the public record** and thus be visible to members of the public who are present in the meeting.

Live-streaming and delayed broadcasting

These measures present excellent opportunities to increase the reach of Parliament across South African society. Parliament must continue the trajectory of the first year of the lockdown to broaden public access to live broadcasting of all meetings so that the current exclusions and inequalities of access can be addressed. This includes:

- Commit to the **ensuring live-streaming/ broadcasting of all meetings on a non-commercial online platform that is controlled by Parliament or the South African Legislative sector** irrespective of whether those meetings are in-person, virtual, or hybrid.
- **In the interim, immediately increase the number of YouTube channels** to which it has access to enable one channel per committee and ensure that all meetings are broadcast live.
- Regardless of capacity to live-stream/broadcast, ensure that all meetings are uploaded for delayed broadcast, and are available and accessible to the public.
- Archive all video and all audio on a single non-commercial platform.
- To **foster accountability, committee attendance and apologies at virtual meetings must be announced** and included in broadcasts.
- **Members' names and political parties should be displayed/announced** when they speak as a rule.
- To meet requirements for transparency, **chats between committee members must reflect on the public record**, and be displayed in video broadcasts.

- Explore possibilities of regularly using the **public broadcaster’s television and community radio** or explore establishing a radio frequency of its own to broadcast meetings.
- Parliament’s **website and other online platforms must be ‘zero rated’** or free for public access.
- To capitalise on the possibilities for public engagement, **the contact details of committee secretaries must be provided on the online** platform.
- Committees must systematically engage with the comments and inputs provided by the public.

Closed meetings

While the Constitution provides for circumstances where some of the business of Parliament may be conducted outside of the public eye, it sets a high standard for this.

- Parliament’s Rules must be amended to clearly stipulate that in the event of a meeting or part thereof being closed:
 - The justification that follows the due consideration of the question of public interest prior to designating a meeting as closed to the public must be provided to the public along with;
 - Reasonable prior notice of and justification for the closure of a meeting.

