

2010 Consultative Seminar: ‘*Strengthening Democracy through Global Collaboration of Legislatures*’ in the framework of the South Africa Legislative Sector and EU Dialogue process
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Speaking points

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- It is pleasure and an honour to be here today on the occasion of the first consultative seminar between the South African Legislative Sector and the European Union. This seminar is a new milestone in the long-term partnership between the South African Legislative Sector and the European Commission and is the fruit of a maturing and unique relationship.
- Before expanding on the South Africa Legislative Sector (SALS) and EU partnership allow me to dwell a bit on the importance of democracy for the EU’s integration process and how this has over the last two decades also increasingly influenced the EU external and development policies. I would also like to share a few thoughts on the place of parliaments in any democracy and our EC assistance in this field, before providing this distinguished audience with some of my reflections on the SALS and EU partnership – a now already 14 year long (success) story.
- **Democracy at the heart of EU integration and its external relations**
- Democracy and human rights, common values which unite the Member States of the European Union, have been integral to the process of European integration from the outset. In the 1970s and 1980s, the prospect of EU membership spurred moves towards democracy in Greece, Spain and Portugal, and contributed to the unique achievement of German reunification. Democracy has been crucial for bringing stability, economic, social and human development in the EU.
- It is therefore not a surprise that the first of the EU (Copenhagen) accession criteria relates to democracy. Hence the experience derived from successive enlargements confers on the EU a unique position in the promotion of democratic reform.

- The importance of democracy in the internal EU integration process and development is guiding the EU's policy and action beyond its borders. During the last decade in particular the place of democracy support in EU's development policies and external relations has been gaining in importance and the approach has become more comprehensive.
- Democratisation and good governance are after all not only ends in themselves, but also vital for poverty reduction and sustainable development, as the 2005 European Consensus on Development underlined.
- Not later than in the November last year did the EU adopt an *EU Agenda for Action on Democracy Support in EU External Relations*, underlining its centrality and the need to do more and better. It also reaffirmed the holistic nature of a democracy, being more than elections, including effective representative institutions, strong political parties, a vibrant media, and a rule of law with an accessible and effective justice sector.
- The EU's commitment to democracy and human rights does not assume the EU '*knows best*'. As Commission President Barroso put it, '*showing the way does not mean imposing the way.*' The diverse experiences and expressions of democracy within the EU itself, for instance, underline the absence of a single model, pointing rather to a multiplicity of models reflecting the traditions and specificities of numerous countries. That said, the EU firmly believes that a number of needs and desires are common to all human beings: the ability to speak your mind and have a say in how you are governed; confidence in the rule of law and the equal administration of justice; a government that is transparent and does not steal from the people; the freedom to live as you choose. These are not European ideas; they are universal human rights and have also guided South Africa's renaissance in the post Apartheid era. And that is why the EU supports them everywhere.
- The embedding of democracy and democratic processes in third countries offers also the best prospects for developing effective policies related to global issues which are also of concern to EU citizens. Democratic systems can, for instance, better combat transnational crime and human trafficking; protect the environment; maintain an open global trading system; and secure sustainable and competitive energy supplies.
- Moreover, to realise its vision as a responsible world partner, pursuing peace, stability and prosperity through effective multilateralism, the EU

also needs like-minded democratic third countries as partners, as much from among low and middle income countries as from the more industrialised world. South Africa is a key strategic partner in this context as was properly underlined by Ambassador Briet.

Parliaments at the centre of any democratic development

- In this storyline parliaments ought to play a pivotal role. The development of parliamentary institutions is synonymous with democratisation and their sound functioning is a fundamental requirement of democracy.
- It requires long-term and comprehensive efforts to build up and consolidate a representative and well-functioning parliament able to ensure sound implementation of its lawmaking and oversight powers. Transparency, accountability, mutual respect and a constitutional setting which allows for checks and balances are indispensable to this process. Weak and ineffective parliaments, on the other hand, can have disquieting implications for the long-term confidence of the public in both democracy and representative governance.
- (In an interdependent world characterised by global phenomena such as climate change and economic crises, much decision-making takes place outside the traditional national executive-legislative axis. The G20, UN Conferences, and the WTO are just a few of the many spheres in which far-reaching decisions are being taken among governments and where the influence of parliaments is not yet systematic. Therefore steps need to be undertaken to bring parliamentary democratic decisions in the emerging global governance architecture. To achieve this, we need to foster inter-parliamentary cooperation.)

EC Parliamentary assistance

- But how has the EC engaged in supporting parliaments in emerging and new democracies?
- The EC development support has traditionally been focused on health, education, infrastructure and rural development. Only over the last 15 years or so have governance issues gained in importance, but often it focused on public sector reform and PFM, and decentralisation and local governance, justice and security and civil society empowerment. As democracy support is concerned the EC has specialised itself in Electoral support with its two main complementary components assistance to countries in their electoral reform processes and Independent EU

observation missions Through its specific and powerful European Instrument for Democracy and Human Rights it is mainly assisting Civil Society organisations active in this field.

- In fact one could say that the EC support to parliaments is still something rather new and that the engagement with the South Africa Legislative sector is in a way pioneering work for the EC.
- Two years ago a decision was made to get a better grip on our work in this area and to develop knowledge and guidance for future support. Therefore a study reviewing our parliamentary assistance in the ACP regions over the last decade was launched in 2009 and is currently being finalized. Beyond the assessment a guide for our future parliamentary assistance work is being elaborated.
- **Some of the main findings from the study:**
- In total EC financial support that has been specifically earmarked to parliamentary development between 2000 and 2009 amounts to around €100 million in about 30 countries. The level of EC funding to parliamentary development projects across the country-level and regional programmes varied widely. Only five projects benefited from large scale multi-year funding exceeding EUR 5 million – three of these were in South Africa. Most often support was small in scope, duration and funding. Frequently it was a minor component of a larger governance programme.
- Overall this support has not fully reached necessary levels to meet the commitments of the European Union entrenched in the Cotonou Agreements and repeated in the EU decisions and policy agendas.
- There are a number of good practice examples of EC support to parliaments which are highlighted in the full assessment document which will be available for the public later this year.
- Successful programmes typically included:
 - **A longer term approach**
 - **An amenable environment for democratic development**
 - **Strong national ownership**
 - **Clearly defined programme objectives**
 - **Strong EU Delegation involvement including careful programme planning**
 - **Expert implementation partners whether national or international**

- What the study also shows is that policy changes need to be accompanied by appropriate tools to operationalize the change in practice and on the ground. We are currently reflecting on how we can deliver more effectively in this field. The guide and related training of EU staff is just one aspect of this. We are also considering implementation modalities such as parliamentary peer-to-peer support and partnerships with exemplary parliaments of the South.

EU and SA Legislative Sector Partnership – a best practice

- The long-term and relatively large scale collaboration between EC and the South African legislative sector has been a considerable success. In the recent review of EC assistance it is considered as a best practice with many useful lessons learned for EC work elsewhere.
- With the launch last year of the Legislative Sector Policy Support Programme the total EC support amounts to €41 million, the monetary value of our 14-year relationship with South Africa's legislative institutions. It is therefore also by far the biggest and longest EC engagement with any of its partner countries.
- The first of the three programmes, the Parliamentary Support Programme (PSP) started in 1996 and provided a €16 million grant, funded by the European Programme for Reconstruction and Development. While at that stage the EC did not have much track record in supporting parliaments it was considered extremely worthwhile to engage with the SA Parliament in the aftermath of the first democratic election after the end of the discriminatory system of apartheid.
- Since this initial engagement was felt useful by both sides, since it was decided to bring on board in the second phase also the provincial legislatures and planting then the seeds for a vibrant SA legislative sector, and since, as our own experience shows, strengthening democracy and its central institution, the parliament, is a long-term exercise, I am proud we confirmed our initial commitment with a second grant of €10 million in 2003 in the form of the EU Legislatures Support Programme and again in 2009 through a completely innovative way of cooperation on which I will talk a bit later.
- The **emergence of a legislative sector** where the National Parliament and Provincial Legislatures join forces and extensively collaborate, is a rather

unique phenomenon and an example for other federal countries or countries with significant decentralisation and local councils, including within the EU. Your approach in putting the legislatures as a strong self standing sector next to the executive and the justice sector, is commendable. It is a useful way to counter executive dominance and to ensure a clear positioning in state management.

- The **tools** you have developed to allow the legislative sector to flourish, such as the Speakers' Forum and The Secretaries' Association of the Legislatures of South Africa, but also the Sector Policy and Strategic framework, seem very effective in ensuring also a permanent and long-term development of the sector. Building a culture within the legislative sector in which norms and standards are developed and best practices readily shared is particularly important. I am convinced that many will continue to look at this development and well beyond South Africa.
- The inclusion also of larger **dialogue mechanisms** into your sector work such as this consultative seminar are very much welcomed by the EU. Parliaments around the world are faced with multiple challenges (media prominence and negative perception of parliaments, challenge to engage citizens in new ways, prominence of the executive, new technologies, global governance, etc.). Different parliaments around the world in both North and South have developed ways to tackle those challenges but opportunities to share those experiences are not abundant. We are delighted you have made this part of your sector work and are happy to contribute to this with relevant EU national parliaments, the EP, but also with other parliaments from the region, including the SADC Parliamentary Forum.
- Furthermore South Africa is probably unique among the world's democracies in the strength and breadth of its focus on **public participation** integrated within its democratic institutions. Your commitment to combine participatory democracy with representative democracy, with lots of opportunities for public input to parliamentary work, is a benchmark for many parliaments around the world. Too often parliaments fail to engage citizens in its daily work, therefore not fulfilling its real potential of representing the voice of the people in policy making and oversight.

The Legislative Sector Policy Support Programme (LSPSP) – a new way of working together

- The current LSPSP programme, the third EC grant to the legislative sector, differs from the previous two. In line with the **Paris Declaration on Aid Effectiveness and Accra Agenda for Action**, the European Union has agreed through the modality of sector budget support to provide €15 million to the legislative sector to support the implementation of its sector policy and strategic framework. With these funds, our aim is not to support specific activities that we have a particular interest in; it is to support the implementation of the policy and strategy of the legislative sector. In doing so, we respect the principle of ownership that is at the heart of our cooperation with the South African Government and beneficiaries such as this sector.
- Sector Budget Support respects the principles of country ownership, division of labour, use of country systems, predictability of aid and mutual accountability for results, including less conditionality, as well as the building of more effective and inclusive partnerships, and achieving (development) results.
- This programme is also the **first sector budget support programme to a legislative sector** supported by the European Commission worldwide, and is thus followed with great interest. As the LSPSP proceeds we will continue to follow closely this pilot in order to determine whether this is a suitable funding modality for other EC parliamentary support.
- **In conclusion**, we recognise the ground-breaking work of the South Africa Legislative Sector and I am pleased that the EU could contribute in some ways and support the activities and projects through its earlier project support and the new LSPSP. We are pleased that our cooperation and relationship with Parliament and the legislatures has contributed to the strengthening of the sector.
- We also look forward to **extend the partnership with the South African Legislative Sector (SALS) beyond South Africa** to allow other parliaments which also benefit from EC support, to benefit from the SALS experience and good practices. This will be particularly relevant in light of the EU's political will to enhance its democracy support with significant parliamentary assistance, and our interest in seeing South-South parliamentary development foster.
- I wish you further a fruitful seminar with lots of rich exchanges.