

Transcript of an interview with Max Sisulu, 15 April 2015, Johannesburg

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Role of the Chief Whip

TT As background to Nelson Mandela's interaction with Parliament, could you explain the role of the Chief Whip?

MS Parliament borrowed quite a lot from the British Parliament, one of the oldest parliaments. They also had a Chief Whip who is one of the most important people in the institution. In our case the Chief Whip of the ANC is the Chief Whip of the Majority Party because we're the majority in Parliament. Therefore the Chief Whip of the Majority Party, and indeed the Chief Whips of the other parties, are involved in managing the programme, the programme for the day, and the programme for the week.

The Chief Whip of the party also puts together the list of speakers and is also responsible broadly for decorum and discipline in the House. The Chief Whip is a senior person in Parliament and is consulted on all issues. The Speaker will have to consult the Chief Whips of parties if there is a motion or any issue that needs to be debated or tackled, and the final say is with the Chief Whip of the Majority Party. Until now the ruling party has also been responsible for the running of the institution of Parliament.

The Chief Whip of the Majority Party in the national Parliament becomes also in a sense the chairperson of what is called the Speakers' Forum, which brings together the provincial legislatures, because ANC is the majority in most provincial legislatures. The reason we came up with the idea of the need for a Speakers' Forum was because we are not a federal state, we're a unitary state: we wanted to bring all the speakers together so that we could decide collectively about the role and functions of Parliament, and most importantly could talk about issues of interest to all. These would include the, training of MPs

which is also co-ordinated by the Speakers' Forum, and the Speaker of the national Parliament is the main co-ordinator of these training programmes.

We are able to liaise with Speakers of provinces when Parliament is taken to the people, to the provinces, one of the functions of the National Council of Provinces [NCOP]. So the head of the NCOP and his task team would co-ordinate with the province where the meetings are going to take place.

But generally, it's to have a coherent approach to legislative issues; to issues of party discipline; issues of delivery on the ground, issues of talking to municipalities and the provinces.

In the National Assembly, apart from liaising with the provinces, the task of the Chief Whip is simply to make sure that there is discipline and accountability, and the Chief Whip is also responsible for attendance.

TT What part does the Chief Whip play in co-ordinating and driving the legislative programme, or does that just happen ad hoc?

MS It doesn't happen ad hoc. It's driven by the Chief Whip of the Majority Party, in consultation with the Speaker because at the end of the day the Speaker has to sign off on the legislative processes and co-ordinate with the ministers who draft the legislation, and bring it to Parliament. So these are also scheduled.

If there are problems with any legislation, the Speaker will liaise with the minister concerned and say, 'Your ... whatever ... is not in line with the Constitution ... for whatever reason... and therefore we need to amend it.' So you then have a situation when there may be disagreement between the Chief Whip of the Majority Party and a particular minister around some aspects of the legislation. More often than not ministers want their legislation to be a priority; they assume they are the only ones and then there is a competition: the other minister says, 'My legislation is a priority.'

The question is: how do you make sure that the legislative process runs smoothly? As I said, it's done in consultation between the Chief Whip of the Majority Party and the Speaker, but there is also a platform where we bring in the leaders of other parties, so that the programme in Parliament is one that is adopted more by consensus and not simply driven by the majority party. And we have found that Parliament works better when things are done through consensus.

Concerns about attendance

TT Mandela at times expressed concern about attendance – is that something he took up with you?

MS There are two parts to it. One is the attendance of ordinary Members of Parliament; the other is members of the executive. The decision by the ANC

was that everybody who can attend, must attend Parliament, particularly when Parliament is in session and the executive is in Cape Town. So attending Parliament, is compulsory for the ANC. It's not an option. The reason it is compulsory is because you are an elected representative and to do your work you must be in Parliament - unless you're out of the country or doing some official work in which case you will get the permission from the Chief Whip not to attend certain meetings.

It's also important for Members of Parliament to attend because sometimes there are votes. There are cases where the ANC was not fully represented and legislation could not be passed because there was no quorum. It is the majority party that is responsible for holding the quorum. Minority parties don't have to hold the quorum because it is sometimes not in their interest to pass certain legislation. So attendance is compulsory because there is legislation to be passed; it's your job to be there.

Thirdly, there are Bills that need to be passed that can only be passed when the majority of members vote for them. Sometimes there is a split vote. When the opposition sees there are not enough ANC members, they can call for a division in the House. It's quite embarrassing when there is a division in the House and the majority party becomes the minority party. There is also the perception of people out there watching on television that these Members of Parliament should be in Parliament but they are not there.

So it's a political issue and Mandela was, rightly so, concerned that we have to maintain the dignity of the House, the decorum of the House, and the House must be well represented unless special circumstances make it impossible for the majority of Members to be in Parliament.

TT Did he ever take action on that?

MS Well he would take action because he would discuss this, and he would discuss this with the Cabinet, to say, 'I would like to see you people more often there.' And he also led by example. When he had time he would go and sit in the House. And of course the good thing about that is that all ministers know he is in the House therefore they have to be there.

TT So he would go even when he's not participating in the debate?

MS Yes, yes. Even when he was not participating.

TT Did he do that quite often?

MS In the first year, yes. He did quite often in the first year. Later on he relaxed a bit but in the first year, yes. He wanted to prove a point.

TT You talk about co-ordination. He also said he's asked the Whips to give him a report on attendance at the end of every month. That was in 1996.

MS Well it wouldn't really be the Whips. It would be the Chief Whip. The Chief Whip would then co-ordinate with the Whips because for every number of MPs you are entitled to a Whip. So they would have a Whips meeting and then the Chief Whip would then report either to the Speaker or to Mandela about whatever. Because there were several Whips. I don't think he would go to each one of those if he simply wanted a report from the Chief Whip of the Majority Party which was the ANC.

TT He stressed the implications of the failure to attend and of lack of discipline.

MS Like I said, your job as a Member of Parliament is to be in Parliament, to be responsible for drafting legislation, looking at legislation, passing the legislation. And also, as a Member of Parliament you have your own constituency office and there is a need for views of your constituency also to filter through to Parliament. So being a Member of Parliament has got all these responsibilities. You've got to attend; you've got to be serving on committees, more often than not more than one committee. There are other activities that are being kept by Parliament - debates and discussions and also taking Parliament to the people, bringing people to Parliament, constituencies to Parliament, and making sure that the legislative process is carried out thoroughly without any hindrance. So the quality of the debate was important as much as the quality of the legislation carried out in Parliament. There's nothing as bad as your legislation being struck down by judges to say it is unconstitutional.

Multi-party ethos

TT There's a remark he made it in many places. In his notes for one caucus meeting he writes, 'We did not win through military victory where we dictate terms to a conquered enemy.' And you were mentioning just now how it's important sometimes to get cross-party assent to legislation.

MS Well we were the majority party in Parliament because of the votes we got, because of the confidence of our people. But we also understood that you can't run roughshod over other, smaller parties. So each party represents a constituency. They are in Parliament because they represent a constituency. And therefore their views have to be taken into account and respected. It can't be that the ANC's the only one that's got the right to have views and because it's a democracy, it's important to listen to those views and also find accommodation. More often than not you can have the majority vote but the rule of thumb is that you want consensus.

So Parliament is also a platform for consensus building, unless there are major issues where there can't be any consensus – such as disagreements over the death penalty. But with other issues of delivery to the people, representing South Africa globally and in Africa, you need a consensus. And it's worked well. As a majority party we listen to the minority parties, and sometimes you take on

board their views and sometimes, not all the time, you might not agree with them but certainly listen to them as part of your parliamentary procedures and processes.

Madiba was very, very careful about this because he kept on reminding us that although we are the majority party, there must be as much as possible a consensus so that you are sending a message out there to the people that this is a national consensus and that way you get everybody on board rather than simply some people and not all the people.

TT Would that be something he emphasised right through the five years or just during the Government of National Unity period?

MS The first years were important because we had never been to Parliament before so it was a new thing for all of us. We had to learn the rules, which is why there were training programmes about the rules. We even had rules about the attire, what you wear.

Mandela was one of the first people to relax the dress code. Most parliaments' dress code is very formal. But in our Parliament in the first few years, we managed to relax the dress code, thanks to Madiba because he also came in with his own style and that allowed everybody to relax the dress code. Not that you do away with it completely, but you relax the dress code. And the relaxation of the dress code was done by agreement and consensus. You can be less formal, like the safaris and those kind of things, but of course you've got to be neat. Because you represent your constituency.

TT You spoke of training. When the new Parliament started the opposition mainly had experienced parliamentarians. We didn't. Did that have an impact?

MS They were Members of Parliament before and therefore they knew all the rules of Parliament. They knew the procedures. We had to be taught about the rules and procedures and everything connected to Parliament. So for them this wasn't something new. But for us, the majority, we had to make those changes.

Also when we came to Parliament there were many things that we found strange and had to change. As the majority party or course we had first preference about offices and that kind of thing. But we found it quite interesting that in the first Parliament there were no toilets for women. There was only one toilet for Helen Suzman. So we had to change all that and make toilets for women because we had a lot of women parliamentarians. So simple things like those.

The other thing was that the old Parliament would meet for six months and then the MPs were six months somewhere else. And so the issue of schooling wasn't a problem for them. But we had children so we had to have schools in Acacia Park to cater for kids of Members of Parliament. Because we spent months

down in Cape Town and therefore there had to be decent housing and there also had to be schools and teachers and those kinds of things. And because some Members of Parliament were young, we had not just growing kids but also kindergarten, which the older Members of Parliament in the past didn't need. So we had to have a special arrangement for small kids and babies. We had to commission some of those buildings that were used in the past for whatever. Those were turned into places for people studying, for children. So it had implications for accommodation, office accommodation but also school accommodation. Public Works had a hard time either building new things or changing old ones to suit a new set of conditions and also the numbers were much greater than in the past. So they had a full-time job catering for Members of Parliament.

Training in the early years

TT Did the system evolve over those five years? There was training by people from the Labour Party in Britain and we adopted a lot from their system – did that change over time?

MS When I became Chief Whip for the ANC, I attended the Labour Party conference which elected Tony Blair. I was the first foreign person allowed to attend the meeting of the Labour Party Whips in Parliament. Normally it's just for the party members. They said it afforded me an opportunity to learn how they organise their debates, how they plan, how they run Parliament. And we borrowed that from them too.

We had a meeting of the Whips. We meet regularly, every day in fact. Every day we meet to plan for the day. Sometimes you meet overnight to plan for the following day, but again in the morning you've got to fine-tune that programme: who are the speakers, the list of speakers and you know who follows what, and what are you asked to speak on? So that it's not left arbitrary and random. With the ANC speakers' list, your task is to identify who will deal with this or that. And it worked very well for us. And then you also have those who are not very good at writing.

Then we got support on how you present yourself, and how you stand and talk. You mustn't have your hands in your pockets and so forth. It's simply the discipline of the House. And the Whips are responsible for everything. The noise level in the House has major problems – it's the Whips' responsibility to reduce the noise level so that your own speakers can be heard. There's no point in making so much noise that your own speakers can't be heard. And when you heckle the opposition, it must be done in a dignified manner. You have to maintain the decorum and dignity of the House at all times.

Caucus interventions

TT Were there particular issues or moments in caucus, where Madiba was present? Was he at the very first caucus meeting when the presiding officers were elected?

MS He was still a Member of Parliament and he did attend the first meeting. Later he was not just president of the country but the leader of the ANC, so he could attend the ANC caucus meetings even though he was no longer a Member of Parliament. In fact he was invited to attend the caucus meetings but due to time pressure he wasn't always able to. I think he attended just a few. And the advantage of having Madiba there was that he was a powerful, charismatic figure and he was not only able to ensure that decorum and discipline in the ANC were maintained, but he also came up with ideas about how he thought certain things should be debated or heard.

Remember that there was lots of debate around economic policy at the time, about Gear. That was even before Thabo's time. And so Madiba was the one who had to pilot this, push this issue about economic policy; and those points of compromise – not everyone in the ANC agreed with Madiba's accommodating spirit. Some of us younger ones felt that we had to push our own hard line. Madiba was the one who would come and push the line.

And at the end of the day Madiba could also be rough and say, 'This is the ANC policy position,' and so draw the line. And that was understood. But he would do that after discussion. He would never stand up and just impose himself. It was only when there were issues that were becoming problematic that he had to step in as president of the ANC and say, 'This is the ANC line.' He was also able to find time to listen to people.

But also he had some of his comrades. Remember in the first Parliament there were a lot of old people who were on Robben Island, senior in Parliament, not only Kathy, senior ANC people in Parliament, and therefore there was this respect. He would also call them aside, to discuss with the senior people, caucus them. He was good at it. When they come to talk to ordinary Members of Parliament, the young people, it was a caucused position.

TT At the venue or before?

MS No, no, before.

TT And do you remember, apart from Gear, other issues, for example the seat of Parliament?

MS There was of course the seat of Parliament. There was also the issue - initially it was controversial but later it wasn't - the death penalty. The ANC never believed in the death penalty and we had to enact a law to say you can't have the death penalty in South Africa. The death penalty was quite popular in

the country because of the levels of crime and also there were those who had executed our own people, and people said, what about those ones who had carried out crimes not just against our people but crimes against humanity? So it was a bit of a heated debate but eventually the ANC took a position: no death penalty. So a lot of those senior leaders of the ANC were initially lobbied around most of these potentially controversial issues.

TT And you think he lobbied on that one, the death penalty?

MS Oh yes, oh yes, oh yes. Already the leadership I'm sure had already agreed, you can't have the death penalty. You can't have it under apartheid and then have it in a democratic dispensation.

Another issue was that of 50:50 gender representation. It didn't seem quite practical in Parliament where women were not 50 percent of the representatives. But the principle of 50:50 remained. So you had to have leaders, like the Whips, more or less 50:50 and Frene was elected the first Speaker and then Baleka became the deputy so they forgot about 50:50.

TT But then the Senate was two males. How was Kobie Coetsee elected? Was there an agreement?

MS There was an agreement to have Kobie Coetsee, yes. It was brought to the caucus, which we all accepted without question because Kobie Coetsee came from the other party – in the National Assembly we had ANC and so the other House was to have Kobie Coetsee from the National Party

Language

TT One issue I understand Madiba raised in Caucus concerned a discussion in the Portfolio Committee on Defence, relating to integration of the defence force and the use of language, where the ANC was pushing that it should be only English.

MS Regarding the issue of language, all of us had broadly accepted that although English would be the main language spoken, for convenience, it wouldn't be the only language spoken. Part of the problem was that we didn't have professional interpreters. Once you have people speaking in any of the official languages, you needed interpreters and translators, and that meant added cost, more staff. Eventually it was accepted in principle, but it was applied gradually.

Until now there's no issue. People can speak any of the official languages. You just warn ahead of time that you'd rather be speaking in this language so that interpreters will be there. But essentially it's not a particularly controversial issue.

As you know, Madiba was very keen that the Afrikaans language should be protected and respected. Growing up under apartheid we didn't like Afrikaans

but Madiba insisted that Afrikaans must be there and must remain. It was a gesture to the Afrikaners but also Madiba in his own person believed in some kind of fairness – if part of the white population and coloured population spoke Afrikaans then they should not be penalised because of the wrongs of apartheid

Caucus and committees

TT In a note for one caucus meeting he says, 'Caucus is the main engine for our parliamentary work.' Did it serve that purpose? It's a very big body, and some commentators say the committees were the engine, not the caucus.

MS The ANC committee members were part of the caucus. You can't do anything that has not been agreed to by caucus. Caucus was the main body that brought all the ANC members together - National Assembly and NCOP. That's where we debated. We had it on Thursday mornings and it was always well attended. It was where the party line was communicated, where the secretary general could come, as the ANC, to Parliament, or the treasurer or whoever. So it was the main engine, driving the whole Parliament.

But it is the committees that make things work. Once there is a decision by caucus of ANC, there's a line, then all the committees, or chairpersons of the committees, members of the ANC, know what the line is. You can't have caucus meetings every day, only once a week, on Thursdays, where the party line is given and then the Whips will have to make sure that the party line is carried through with the instruction of the Chief Whip, and these meet every day, every morning, under the leadership of the Chief Whip.

TT Parliament has many functions. It's the legislative machine but also a platform for accountability.

MS Law making is an important part of Parliament but then there is also accountability, you have to account to the people which is why we bring people to Parliament on special days - Women's Day, Youth Day - so that they can see how Parliament works and then also participate in some of the discussions. We relaxed the rules of Parliament to allow people to come to Parliament. In the past coming to Parliament was a nightmare but we made it possible for ordinary people to come to Parliament. How did we make it possible? By providing transportation for people, those in Cape Town, wherever, because Parliament is far from where people live. You've got to provide refreshments. Some people are elderly and you've got to provide some food, catering. So it is an important part of governance.

Then you also have the traditional chiefs coming to Parliament because Parliament also represents chiefs, in the National House of Traditional Leaders. We don't have a separate building in Parliament for the House of Traditional Leaders. They are catered for in a sense under the National Council of

Provinces. But they do from time to time come to Parliament. We have ceremonies for them and they also have to be bussed in and flown in from different parts of the country.