

Rules Committee of the National Assembly  
Attn: Perran Hahndiek  
Houses of Parliament  
Plein Street  
Cape Town  
8001

2 November 2012

Dear Sir or Madam:

**Re: Comments on the rules of the National Assembly**

I am pleased that you have initiated a comprehensive review of the rules of National Assembly, and have solicited public input as part of the process. Herein is my sole comment in this regard: the House needs a set of principles in addition to and complementary to the rules.

Allow me to elaborate.

Rules are brutal and limited instruments. They are the red and green lights to the traffic that is human behaviour. They can tell you what you should and should not do, but cannot tell you what to aspire to or the ethos you should embody. Principles are better at fulfilling this role because once adopted, they become an intrinsic way of being.

From observing the proceedings in the National Assembly, I have come to believe that the House needs a set of guiding principles covering the spirit in which sessions are convened, values members are expected to embody in the House, and the values guiding the deliberations.

Part 1 of Chapter 5 of the current rules might at first sight appear to be these principles, but it is not. Principles are loftier and less prescriptive, and certainly not likely to be subject to summary ruling by a presiding officer.

My input to your process is not intended to be prescriptive either, so I have not included my thoughts on what these principles should be. This I'll leave to the committee to deliberate, should you agree with my input. I would, however, like to mention that in addition to the Constitution, the members' oaths of office and the other documents you might look to to develop these principles, African customs and traditions of mutual respect, collaboration and community must not be forgotten.

And finally, there may be a need to consider a mechanism to resolve whether members have acted counter to the principles and what recourse there is.

Regards,  
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