



South Africa Brief: Post 2024 National and Provincial Elections
First Sitting of the National Assembly of the 7th Democratic Parliament



18 June 2024

1. Introduction

This brief provides an appraisal and synopsis of the outcomes and associated developments arising from the first sitting of the National Assembly of the 7th Democratic Parliament of the Republic of South Africa, convened by the Chief Justice of the Constitutional Court in accordance with the provisions of the Constitution following the holding of the 29 May 2024 National and Provincial Elections, to elect political parties represented in the National Assembly.

2. Establishing the 7th Democratic Parliament

On Friday 14 June 2024 in Cape Town, the 7th Democratic Parliament was formally constituted pursuant to the results of the 29 May 2024 National and Provincial Elections. Its establishment completes the second arm of state of South Africa's Constitutional democratic order and paves the way for the fulfilment of the third arm, namely the next 7th Democratic Administration.

Chief Justice of the Constitutional Court, Judge Raymond Zondo fulfilled the Constitutional requirement for the Chief Justice to convene the first the National Assembly after the election within fourteen days of the declaration of the election results, as announced by the Independent Electoral Commission (IEC) on 2 June 2024.

3. Powers of the Chief Justice in presiding over the First Sitting

By presiding over the sitting of the National Assembly, the Chief Justice oversaw the establishment of the 7th democratic Parliament by swearing in Members of Parliament to allegiance by an Oath of Office or Solemn Confirmation (as they may choose), according to the deployment lists of political parties approved by the Independent Electoral Commission, based on seats obtained from the election results.

PARTY	SEATS	% OF VOTES
 Africa National Congress (ANC)	159	40.18%
 Democratic Alliance (DA)	87	21.8%
 uMkhonto WeSizwe (MK)	58	14.59%

	Economic Freedom Fighters (EFF)	39	9.52%
	Inkatha Freedom Party (IFP)	17	3.85%
	Patriotic Alliance (PA)	9	2.05%
	Freedom Front Plus (FF+)	6	1.36%
	Action SA	6	1.19%
	African Christian Democratic Party (ACDP)	3	0.6%
	United Democratic Movement (UDM)	3	0.49%
	RISE Mzansi	2	0.42%
	BOSA (Build One South Africa)	2	0.41%
	African Transformation Movement (ATM)	2	0.4%
	Al Jama-Ah	2	0.24%
	National Coloured Congress (NCC)	2	0.23%
	Pan African Congress (PAC)	1	0.23%
	United African Transformation (UAT)	1	0.22%
	GOOD Party	1	0.18%

Thereafter the Chief Justice presided over the nomination and election of the following positions from among the members of the National Assembly:

- The presiding officers of the National Assembly i.e. Speaker and Deputy Speaker.
- The President of the Republic of South Africa.

4. Statement of Intent of the 2024 Government of National Unity

Minutes prior to the first sitting being convened, both the ANC and the Democratic Alliance (DA) pronounced that the two parties had concluded a “Statement of Intent of the 2024 Government of Unity” (GNU). This agreement paved the way for these parties agreeing on their first consensual act of cooperation by demonstrating mutual support for their respective nominations and voting to elect the Presiding Officers and the President, as a precursor to formation of the GNU comprising the ANC, DA and IFP at the core of its composition.

5. Election of Presiding Officers of Parliament

5.1. *Speaker of the National Assembly – Thoko Didiza*



Two nominations were received for the position of Speaker of the National Assembly. The ANC's nomination of outgoing Minister of Agriculture, Rural Development and Land Reform in the 6th administration, Ms Thoko Didiza trumped the Economic Freedom Fighters (EFF) nomination of its National Chairperson Ms Veronica Mente, by an overwhelming 284 votes versus 49. Ms Didiza is no stranger to deputising over sittings of the National Assembly and its inner workings, rules and procedures, having previously served as a House Chairperson of the National Assembly during the 5th Democratic (2014 – 2019).

The Speaker of the National Assembly is a powerful constitutionally enshrined position, in both constitutional and institutional terms, both of which entail the fulfilment of national, regional, continental and international duties.



Acting Minister for Agriculture, Rural Development and Land Reform

On 15 June 2024, President Cyril Ramaphosa announced that, in terms of Section 98 of the Constitution, he has appointed Minister of Water Affairs and Sanitation Mr Senzo Mchunu as Acting Minister of Agriculture, Land Reform and Rural Development. The appointment, which takes effect immediately, follows the election by the National Assembly of Minister of Agriculture, Land Reform and Rural Development Ms Thoko Didiza as Speaker of the National Assembly.

Constitutional Mandate of the Speaker

In the event of the unavailability of the President, such as vacancy, S90 (1)(d) of the Constitution of the Republic of South Africa, empowers the Speaker to act as the President until the National Assembly designates one of its other members to fulfil the position of President.

The Speaker is the leader of the National Assembly and is authorised to legislate on behalf of the state including amending the Constitution, entering into bilateral agreements, treaties and signing international Human Rights Instruments. As leader of the House, the Speaker must ensure that:

- These processes are in accordance with the Constitution.
- Public participation is facilitated in legislation making.
- The house oversees and monitors the performance of the executive arm of Government for effective implementation of legislation passed by the House.

The Speaker provides leadership to the National Assembly, which has constitutional standing to:

- Call members to vote on any bill irrespective of their origin in the country.
- Elect the President from its members and from which the President appoints the Deputy President and Cabinet Members
- Remove the President from office
- To be consulted by the President before appointing Judicial Officers

Institutional Mandate of the Speaker

As the leader of the House, the Speaker is responsible for providing political leadership and strategic direction to the House, and must exercise impartiality in fulfilling these, including:

- Being the custodian of and preserving parliamentary integrity.
- The decorum of the members of the House.
- Serving as the Executive Authority for the House
- Ensuring the smooth running of House business and its Committees.
- Providing quality support services to the House.
- Ensuring the development and management of the House programme.
- Presides over house meetings and maintaining order, including the strategic parliamentary committee, the Rules Committee and the Programme Committee.
- Preside over joint sittings of the National Council of Provinces with the NCOP Chairperson. The Speaker and the Chairperson of the NCOP jointly preside over, provide political leadership and ensure the development of the annual joint parliamentary programme framework for the following structures:
 - Joint Programme Committee
 - Joint Rules Committee
 - Executive Committee
 - Presiding Officers' Forum
 - Budget Committee
 - Forum of the legislative sector called Speakers' Forum.

The Speaker's Forum is a national structure comprised of the Presiding Officers of the National Assembly and NCOP; and the Speakers and Deputies from the nine Provincial Legislatures.

The Speaker represents the Assembly in matters before the courts, including being cited as respondent in matters brought against the National Assembly and initiates action against persons on the mandate from the Assembly.

As it relates to international engagements, the Speaker represents the National Assembly in the signing of international treaties, conventions and agreements that serves South Africa's global interests and positioning. This includes representing Parliament in multilateral and bilateral relations and forums through membership of:

- Pan African Parliament (PAP)
- International Board for Information and Communication Technology
- Southern African Development Community Parliamentary Forum (SADC-PF)
- Inter-Parliamentary Union (IPU)
- Commonwealth Parliamentary Association (CPA)

5.2. Deputy Speaker of the National Assembly – Dr. Annelie Lotriet



Two nominations were received for the position of Deputy Speaker of the National Assembly. The DA's nomination of the Deputy Chairperson of its Federal Council and longstanding MP, Dr. Annelie Lotriet, secured the majority of votes against the EFF's nomination of Mr. Vuyoletu Zingula – a returning representative of the African Transformation Movement (ATM) during the 6th Parliament prior to its dissolution before the 29 May elections.

5.3. President Elect of the Republic of South Africa - Cyril Matamela Ramaphosa



With the 7th Parliament having been fully constituted, the Speaker of the National Assembly presided over the nomination and election of the President.

The ANC nominated through its newly appointed Chief Whip Mr. Ndumiseni Ntuli incumbent President Cyril Ramaphosa . Mr. Ramaphosa's nomination was seconded by the IFP's President, Mr. Velenkosini Hlabisa.

The EFF nominated its President, Mr. Julius Malema, which was seconded by the United Democratic Front (UDM) Deputy President, Mr. Nqabayomzi Kwankwa.

The nominations were put to a manual vote by secret ballot, whereafter Mr. Ramaphosa emerged as the new President Elect of the Republic of South Africa, by an overwhelming majority of 283 votes to Mr. Malema's 44.

The provisions of the Constitution require a simple majority (50%+1) of the members of the National Assembly present to elect the President. With the MK Party's 58 representatives not in attendance, a successful election only required a simple majority of 172 votes to secure the position.

Upon his election as President elect, Mr. Ramaphosa's first duty was to resign and vacate his seat as a Member of the National Assembly in terms of the doctrine of the separation of powers between the executive and legislative arms of the state eschewed in the Constitution.

5.4. Presidential Inauguration – 19 June 2024

The Constitution stipulates that after the election by the National Assembly, the President Elect must be inaugurated within 5 days. Thus, Mr. Ramaphosa will be officially inaugurated as President of the Republic of South Africa by swearing allegiance to the Constitution and to be faithful to the republic, at the Presidential Inauguration to be officiated by the Chief Justice of the Constitutional Court, on Wednesday 19 June 2024 at the Union Buildings in Pretoria.

6. Formation of a Government of National Unity and Cabinet

Upon formally taking office, the President will have Constitutional prerogative to appoint a Cabinet of Ministers and Deputy Ministers comprising members chosen from the National Assembly. The President also has the option of exercising the Constitutional provision of appointing up to two Ministers who are not members of the National Assembly, if so desired.

The reconfiguration of the South African political landscape currently underway and the prevailing conditions which has resulted in the formation of the GNU, makes it desirable for the President to consult with all of the political parties constituting the GNU in the formation and organisation of the government and the appointment of the Cabinet.

While there is no legal requirement for the political parties forming GNU to reach an agreement by the time the inauguration of the President elect takes place, these political parties will clearly continue to engage in talks leading up to and beyond the Presidential inauguration, in the spirit of the tenets contained in the framework of intent for the formation of the GNU.

There is also no legal timeframe within which the President, after being inaugurated, must constitute and announce the composition of the National Executive through the appointment of Ministers and Cabinet Ministers. However, it is in the interest of the general public, markets and political parties themselves for certainty, predictability and expediency in the formation of the 7th administration and appointment of a Cabinet with political responsibility for key portfolios therein.

Furthermore, in terms of Clause 17 of the Statement of Intent “*Whilst recognizing the President’s prerogative to appoint Members of the Executive, such appointments should be done in consultation with the Leaders of the respective Parties of the Members considered for appointment*”.

At the time of publication, the following parties have agreed to be part of the GNU:



The ANC continue its attempts to pursue engagement with smaller political parties represented in the National Assembly, who not yet accepted its invitation to enter talks to form part of the GNU, in order to broaden its inclusivity and representativity and to increase the broadness of the counter balance of forces to the EFF and MK Party as the emerging opposition bloc in the country to the GNU.

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