Strengthening intergovernmental relations for improved service delivery in South Africa: Issues for consideration

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Abstract: Fifteen years after South Africa’s first democratic elections in 1994, a significant percentage of the population is yet to access basic services and infrastructure because of government’s slow pace of service delivery. Following the recent elections in April 2009, various forums have placed the debate on good governance and issues of service delivery high on their agendas. This has led to an increasing call for the present government to speed up service delivery and improve the living standards of majority of the people of South Africa. In this regard, government must seriously consider all mechanisms that have hindered delivery and other issues (that have contributed to government’s slow delivery pace) must be revisited. Amongst other challenges is the issue of managing intergovernmental relations (IGR) in a more effective and efficient manner. The paper reconsidered the extent to which IGR could be maximised as a facilitative element in governance and argued that what needed to be earnestly pursued are integrated and improved administrative processes, as well as coordinated and aligned governmental systems. This paper therefore sought to position IGR as a possible opportunity for the improvement of service delivery. It further reflected on some of the pertinent challenges that impact on IGR, as well as presented some pointers for the future.

Key words: intergovernmental relations; intergovernmental policy; intergovernmental governance

1. Introduction

With the first South African democratic government formed after the 1994 elections and the establishment of a democratic system of government through a peaceful process, constitutional mechanisms were put in place that enabled a truly democratic government. The South African Constitution (Act 108 of 1996) has been hailed as a masterpiece that sought to advance the achievement of governmental goals, through an intergovernmental relations mechanism (provided in Chapter 3 of the Constitution and termed cooperative government) that would improve coordination and alignment of governmental activities.

It was important to note that there were huge expectations that the post apartheid South African government would ensure that basic services were delivered to millions of South Africans who were previously excluded or provided substandard services. To this end, the new democratic government committed itself to improving the quality of services, the accessibility, efficiency and accountability of public goods and services to all recipients. While there are pockets of excellence in government delivery, the challenge, fifteen years after the first democratic election in 1994, still remains—how to best ensure basic services are delivered to millions of South Africans with the aid of an outcome-oriented intergovernmental relations framework. This is particularly
challenging in view of the fact that the issues and players in IGR are different and the situations complex (Kuye, 2006, p. 6). The complexity of the challenge places a huge emphasis on the quality of leadership and emphasizes the responsibilities of all (particularly administrative and political leaders) to find synergy and interface between political and administrative processes and work together to serve the citizens better.

2. South Africa: A country overview

South Africa was a country torn by racial divisions as a result of the apartheid system of government that promoted the interests of a few at the expense of the majority of its people. The South African liberation struggle, like most other liberation struggles, had an underlying class issue although this class struggle was distinctively along racial lines with majority of the white population being economically stable and the blacks, poor. However, in an attempt to attain complete freedom, an intrinsic part of the struggle was to emancipate previously oppressed groups through a participatory democracy. One of the aims of the new democracy was to address the class and racial divisions, hence it can be said that the removal of political and socio-economic inequalities was primary and overriding in the South African state (Ile, 2000, p. 16). While the removal of political inequalities has been attained, the state still faces huge service delivery challenges in its attempt to remove socio-economic inequalities and level the playing field. This emphasizes the responsibilities of all to work together in order to achieve desirable societal goals in the vast South Africa nation state, with nine provinces (see Figure 1 below).

Figure 1  Map of South Africa

3. Intergovernmental relations—An opportunity for service improvement?

According to Opeskin (1998, p. 11), the term “intergovernmental relations” is commonly used to refer to relations between central, regional, and local governments that facilitate the attainment of common goals through cooperation. Used in this sense, mechanisms for intergovernmental relations may be seen as employing consensual tools for the mutual benefit of the constituent units of the state.

For Van der Waldt and Du Toit (1997, p. 162) intergovernmental relations refer to the mutual relations and interactions between government institutions at horizontal and vertical levels. This is in line with Thornhill’s (2002, p. 8) definition that “intergovernmental relations consist of all the actions and transactions of politicians and officials in national, sub-national units of government and organs of the state”. All of which are in line with Adamolekun’s (1999, p. 53) position that it deals with the relationships between government and sub-national units, hence Ademolekun (1986, p. 89) defines intergovernmental relations as the interactions that take place among the levels of government within a state. Crucial to this relation amongst spheres of government are statutory bodies (legislative backing) and non-statutory bodies (constituted by government for a specific task) as these can promote intergovernmental relations in the form of committees, boards or a range of other bodies (Kuye, Thornhill & Fourie, 2002, p. 45).

An intergovernmental relation system therefore, consists of facilitative systems and relationships that enable the units of government to participate effectively and carry out mandates so that governmental goals are achieved. This includes executive mechanisms, coordinating mechanisms, cooperative agreements, judiciary and legislative mechanisms that all facilitate delivery by government machinery. Intergovernmental relations can thus be defined as the “glue” that holds them together. In other words, it is the interactions, relationships and the conduct of officials between governmental activities. It seeks the achievement of common goals through mutual relationships between and across vertical and horizontal governmental arrangements, alignment and cohesion across all spheres of government. The aim of intergovernmental relations therefore, is to enable governmental activities (primarily service delivery), through synergy, efficiency and effectiveness in delivering services, to sustain democracy and strengthen delivery capacity across all spheres of government for the common good.

4. Key elements of the South African cooperative system

Chapter 3 of the Constitution of the Republic of South Africa (Section 40) outlines the structure of government into three distinctive, interdependent and interrelated bodies or spheres, each with its own areas of operation. They consist of national, provincial and local governments. In the national government, legislative authority is vested in the National Assembly (Parliament which includes the National Assembly and the National Council of Provinces) which could be considered as “… the primary legislative body in South Africa” (Kuye, et al., 2002, pp. 33-38) and executive authority in the Cabinet (Botes, Brynard, Fourie & Roux, 1996, pp. 100-108).

At the provincial government, a total of nine provincial governments were created, with the legislative authority vested in the provincial legislatures. The authority of the provincial legislature is only applicable in the specific territory of each province (Botes, et al., 1996, pp. 189-190). The provincial governments also have executive authority, which is vested in the Premier. The local government is made up of municipalities that are closest to communities. The local government sphere has to recognize legislation passed by the other two spheres.

Venter (1998, pp. 171-202) describes each sphere of government in South Africa as autonomous but interlocked with the other spheres and must operate in unison with them in the delivery of public services. Each
sphere is distinctive from the others and although they are interdependent and interrelated, each has relative autonomy to perform its functions and exercise its powers. This implies some level of parity between and amongst the spheres, as they are equal with regard to their importance in service delivery. However, each sphere has the responsibility of ensuring that the other spheres perform their functions adequately and constitutionally—the national sphere to the provincial and the provincial to local sphere.

According to Levy and Tapscott (2001, p. 5), “the decision to describe the different levels of government as spheres rather than tiers was a conscious attempt to move away from the notion of a hierarchy with all the connotations of subordination”. The aim was to seek cooperation rather than competition. This will ensure that spheres commit to assigned roles, although critics may argue that excessive emphasis on harmony and cooperation can mean intergovernmental agreements that are the lowest common denominator, or that are too weak to be effective. And it can lead to excessive delay as governments work towards agreement. The challenge then, is for each system to find balance between autonomy and interdependence, competition and consensus. Both sides of the coin are essential to the broad goal of ensuring that governmental systems can respond and adapt to the changing societies in which they are embedded, and which they serve. The three important adjectives (distinctive, interdependent and interrelated) which describe the South African cooperative model of intergovernmental relations are reflected on briefly.

(1) Distinctive

The 1996 Constitution of Republic of South African, Section 41(1) (e), dictates that there should be respect for the constitutional status of institutions and the powers and functions of government in other spheres of governance. This suggests that each sphere of government has its own status with a clear mandate. Hence Section 41(f) adds that spheres must “not assume any power or function except that those conferred on them in terms of the Constitution”. Section 41(e) notes that spheres “must exercise their powers and functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere”; and lastly Section 41(g) spells out the manner in which it is to be achieved, which is “co-operate with one another in mutual trust and good faith ...”.

Distinctiveness therefore suggests specificity or particularities that ensure that roles are best executed at a selected sphere of government. According to Levy (1999, p. 7), “each sphere has distinctive legislative and executive competencies”. While, this is in line with the current understanding of the concept, it is important to add that these competencies have been allocated on the assumption that the particular interest is best served by a particular sphere given their unique location, characteristics and peculiarities.

(2) Interdependent

The 1996 Constitution of Republic of South African, Section 41(h) stipulates that spheres must cooperate with each other if the goals of the nations are to be achieved. These could be done through communication, consultation, coordination, assisting and supporting each other in varieties of ways. Powell, in Levy & Tapscott (2001, p. 258) notes that the “interdependence of the spheres is the degree to which one sphere depends on another for the proper fulfillment of its constitutional functions”.

The term “interdependent” means that no sphere can operate in isolation. All spheres are inter-reliant, mutually dependent and supportive with each other, especially in terms of capacity support for provincial and local government. They should be closely supervised and monitored to ensure that national objectives are met through effective oversight by appropriate institutions.

(3) Interrelated
The 1996 Constitution of Republic of South African, Section 49(a) submits that spheres must “preserve the peace, national unity and the indivisibility of the Republic” through the provision of “effective, transparent, accountable and coherent government for the Republic as a whole”. This implies that spheres are crucial parts that collectively form the government of the country and if they are parts of a whole then, for the whole to function effectively as required, the parts must relate amicably. This term (interrelated) means that spheres are parts of a holistic system of government and that through these interrelated spheres, a solid and unified government can evolve.

Having discussed the important elements in which the South African cooperative government is embedded, it can be stated that, co-operative government requires mutual respect and the building of relationship among all spheres of government for the primary purpose of achieving government’s agenda, including improving the pace of service delivery.

5. Challenges and opportunities for strengthening intergovernmental relations

Firstly, in South Africa, as with all countries, the need for quality leadership is critical as the public service faces a range of challenges, some of which include issues of motivation, ethics, systemic challenges as well as capacity limitations. This leadership quality is further weakened by a competitive rather than a complementary relationship between the administrative and political class. Given the above, there is a need to re-energize political and administrative leadership and explore opportunities for alignment. In this regard, ways must be sought to galvanize synergy amongst IGR role players and continually promote and sustain such liaison. More importantly, the leadership interface sought must be outcome-oriented and must seek to improve the current levels of service delivery. This requires the ability to organize, learn and act with one another to construct more complex social, economic and political relationships which are necessary for development to occur (Wunsch & Olowu, 2000, p. 79). Leadership, at all spheres of government must, therefore, actively promote strong intergovernmental relations and move beyond “compliance” or a “cosmetic” approach to one that is more result-driven and outcome-oriented.

Secondly, the quality of planning has been less than desirable. Over the past few years, there has been an attempt at institutionalizing the planning activity across spheres of government with the integrated development plans (IDP) and provincial growth and development plans (PGDP). However, the extent to which both the IDPs and PGDPs strike a balance and help coordinate delivery in terms of attaining the desired outcomes still needs to be seen. The IDPs and PGDPs are plans that contain the strategic goals of the provinces as well as those of the municipalities. Over the years, these plans have taken cognizance of the political pronouncements from the president’s state of the nation addresses as well as the premier’s addresses. These speeches in turn, have borrowed their philosophical stance from the manifesto of their political parties. However, it would appear that, in terms of utilizing these plans as effective management tools, the three spheres of government have struggled to sustain a shared focus. This planning problem has also been complicated by the fact that, in some instances, de-concentration was made without an adequate policy framework as the IGR Framework Act Number 13 of 2005 only came into being, eleven years after the attainment of democratic governance.

Thirdly, the inability of “core” departments to service their internal as well as external clients at the implementation phases has led to a complex multi-faceted delivery blockage. Given that some departments play a core (primary) and pivotal role in government’s ability to deliver, every effort should be made to improve their delivery capacity. For instance, with regard to most social services, people require identity documents to be able to
access the available services (such as health, housing, child support grant, old age grant and voting rights). This means that the web of IGR that services such “core” departments must be strengthened to ensure an outcome-oriented result. This is critical because the other departments that rely on the core departments may fail in their role if the core departments are not identified and targeted for IGR strengthening. In this regard, political and administrative leadership efforts must seek to address complexities that will unblock the functionality of the “core” departments.

Fourthly, the issue of coordinating and synergizing policies also deserves attention. The ability of leadership to effectively coordinate ad-hoc and existing IGR structures impacts on government delivery. An analysis of the legislative provisions and existing structures of intergovernmental relations, from a coordinating point of view, suggests that much more still needs to be done. In certain instances, the existence of some structures, especially ad-hoc structures, that have been constituted by government to iron out some delivery issues, has been misconstrued as a ploy to witch hunt and therefore resisted because they seem to warrant suspicion on the part of one of the role players involved in a particular activity. In terms of coordination, over the years, the results have been somewhat mixed with South Africans, becoming increasingly impatient with the pace of service delivery. As a result of the fragmentation in the delivery approach, vertically and horizontally (both within and across spheres), the task of synergizing remains a huge challenge for the South African government. Weak coordination has exacerbated the problems of non-compliance, non-adherence to the existing sectoral framework, weaknesses in the oversight function, lack of monitoring and evaluating of progress as well as poor communication.

Lastly, there are weaknesses relating to issues of delegation of responsibilities. This has to be thoroughly considered to ensure that the sphere expected to execute an activity has the appropriate capacity to deliver. This suggests that the issues of monitoring and providing remedial support to various stakeholders in the process of delivery have been less than satisfactory and need to be improved. For instance, housing is a national competency, but this cannot be delivered directly by the National Department of Housing. Therefore, the National Department uses the Provincial Departments as delivery agencies and gives them mandate as well as conditional grants to deliver on the Departmental objective. However, this may not be enough; they must continually monitor progress and evaluate readiness of a sphere to deliver, and where possible, render appropriate support to ensure the objective is met. To this end, the issue of delegation (with due consideration of capacity, improving monitoring and providing remedial support to various stakeholders in the process of delivery) is vital.

6. Concluding remarks

Poor service delivery is seen as a challenge that can be better managed through a stronger intergovernmental relations system. Ways must be sought to continually promote and sustain liaison with governmental stakeholders. In the promotion of strong intergovernmental relations, attempts must be made to move towards an outcome oriented (purposeful) intergovernmental relations which seek to create opportunities for genuine negotiations and the development as well as sustainability of a shared vision. Without an integration of multi-sectoral, cooperation among the spheres of government and creating the right balance, the tensions that arise in these relationships will continue to create systemic blockages and weaken government’s delivery capacity further.

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