



**Codification of Cooperative Governance and
Intergovernmental Relations in the Delivery of Services
of Communities: Lessons and Advances
National Council of Provinces Workshop on
Cooperative Governance and Intergovernmental
Relations
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Outline

- Meaning of Cooperative Government
- Reasons to codify cooperative government in South Africa
- Challenges and lessons from South Africa
- Take away points

Meaning of Cooperative Government

- Early federations where states came together relationship states and national government often adversarial; competition; litigation: classical example USA
- Problems in early federations: scarcity of resources; duplication; complexity of service delivery; international obligations difficult to fulfil; demands from public for consistency; seamless services between states for people to move and do business; IGR lacks accountability and transparency because ad hoc and spontaneous
- Modern multitiered arrangements more focused on cooperation; partnership; joint resolution; joint planning; shared expertise: classical examples Germany (Bundestreue - trust) and India
- Problems in young states: centre dominates especially in young democracies when one party governs; suspicion towards regional parties; lack of tolerance towards regional differences; benefit of experimenting not used; one system for all leads to one failure for all
- Lessons from young states: better use resources; IGR more transparent and accountable; regularity of meetings and record keeping; cluster planning, not just meetings between single line function departments

Reasons to codify cooperative government in South Africa

- New provinces had to be demarcated
- Suspicion towards previous homeland system
- Young democracy, no tradition of cooperation between centre and provinces
- Negotiators impressed by close interaction in Germany while respect for separate spheres of governments
- Negotiators impressed with *Bundesrat* as key player in cooperative government
- Need for regularity of IGR; meetings; minutes; agreed outcomes; follow-up; implementation of decisions
- Emphasise role of NCOP to facilitate IGR; enhance IGR; be a voice of provinces; essential role in IGR
- Oil of the engine – separate parts, but smooth functioning

Challenges and lessons from South Africa (1)

- **10 year review (2003)**
- Dominance of single national party: IGR *within* party rather than between departments or government
- Lack of regularity of meetings: some ministers/DGs more keen to meet compared to others
- Lack of early involvement of provinces in policy formulation
- Confusion about status of IGR outcomes – recommendations or decisions?
- Lack of integrated planning vertically and horizontally
- Exclusion of local and traditional authorities

Challenges and lessons in South Africa

(2)

- **IGR Act 2005:** Codifies and regularises intergovernmental relations
- **Challenges**
 - Ongoing need to clarify roles since central departments dominate
 - Regular changes in staff and junior staff with no clear brief weakens cooperation
 - Complexity within IGR may delay policy since consultation can be ongoing
 - Lack of capacity of provinces and local governments to engage effectively with national departments due to training or limited knowledge-base
 - Lack of understanding of the philosophy of 'cooperative governance'
 - Lack of understanding by national departments of local needs and limitations
 - Must IGR have teeth – binding decisions or just recommendations?
 - How to separate party and state – senior gov official may be junior in party
 - Provincial-local IGR is poorly developed – both suffer capacity constraints
 - Good structures (on paper) do not necessarily give rise to good processes (in practice)
 - Audit IGR to ascertain if it works well

Challenges and lessons in South Africa (3)

Progress

- IGR has become part of everyday language and culture
- Universities teach as topic; scientific research and publications; and officials are aware
- No major breakdown in relations between governments
- Several court judgements to give guidance
- Principle of non-litigation respected
- MINMECs work in clusters for vertical and horizontal integration
- Regularity of meetings

Take away points

- IGR always a work in process – never perfect
- Ongoing training of public servants
- Ongoing awareness of importance of IGR by elected members
- Senior officials must attend meetings and be well briefed
- Regular reporting of IGR in annual reports of departments
- Audits of IGR: KPI of departments
- Reporting on compliance with recommendations of meetings
- NCOP an essential role to play – review; analyse; direct; coordinate; facilitate