

Advancing the Role of the NCOP to Address Structural Tensions for effective Cooperative Governance and Intergovernmental Relations in South Africa: A Provincial Perspective

Honourable Chairperson and Deputy Chairperson

Honourable Minister of Cooperative Governance and Traditional Affairs

Honourable Deputy Minister of Finance

Honourable Special Delegates

The Chairperson of the Municipal Demarcation Board

The Acting Secretary to Parliament

The Secretary to the NCOP

Distinguished Guests

The Constitution (chapter 3) bestows a very special role on the National Council of Provinces, namely that of championing the principles of cooperative government and strengthening intergovernmental relations. This can be argued that it was partly envisaged to accommodate the three spheres government which are local, provincial, and national government. Some of the principles cite above include the following:

- To secure the well-being of the people of the Republic;
- To provide effective, transparent, accountable and coherent government for the republic as a whole;

- To be loyal to the Constitution, the Republic and its people;
- To respect the constitutional status, institutions, powers and functions of government in the other spheres;
- To exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere; and,
- To co-operate with one another in mutual trust and good faith by assisting and supporting one another, co-ordinating their actions and legislation with one another.

Chairperson , cooperative governance is the heartbeat of our system of multilevel governance. Its main purpose is to provide for coherent and seamless delivery of services. In the context of the NCOP, its main purpose is to provide policy certainty and coherent policy development and implementation . As a country were have matured from passing laws to monitoring the implementation of these laws. This is the fundamental part of oversight responsibility of the NCOP, its primary purpose is to assess whether the implementation of laws and the expenditure of funds achieves the goals intended by Parliament. Effective delivery of services and transformation can only happen if initial goals are attained. Therefore, poor implementation of laws and none delivery of services inhabit transformation.

Chairperson, the mandate of the NCOP is to provide oversight, to draw provincial and local experience into the national debate when the effectiveness of policy and its Implementation is considered. Chairperson with your permission I would like to take a detour and focus on this relationship in the context of local government.

When Provincial Executive Council decides to place a municipality under Section 139, it is required amongst others by the legislation to inform the NCOP for approval within 180 days. However, this is not always the case, in many instances like in Metsimaholo, the NCOP failed to respond timeously, and later this decisions of EXCO had to be reversed and caused tensions between the provincial government and the municipal council, and created wrong impression between government and the community. No attempts were made to provide clarity to the affected communities.

Chairperson, on of the major concerns in local government sector is the juniorisation of the sector in the IGR system involving the NCOP. For instance SALGA is accorded non-voting status in the NCOP, deminishing its influence and role. This directly almost mutes direct voice of communities during NCOP interaction and activities. The latent effect of this approach is that it denies the NCOP fresh and direct innovative ideas from the communities. Furthermore, the role of local government during legislative consultative process reduces municipalities to be conveyor belts, instead of active participants, whereby deliberate space and platforms are created for municipalities to actively engage with policy processes.

Nonetheless, some of the achievements that were seen as a result of effective intergovernmental relations and cooperative governance particularly as championed by the NCOP in our province is the successful implementation of section 139 of the Constitution in Maluti-A-Phofung local municipality in 2018 which was lifted in 2020.

However, what remains a challenge is how the NCOP is going to monitor the effective functioning of the IGR structures at the district and provincial level.