



PARLIAMENT
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NATIONAL COUNCIL OF PROVINCES
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OPENING REMARKS BY THE CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES, HONOURABLE N. A. MASONDO, ON THE OCCASION OF THE VIRTUAL WORKSHOP ON CO-OPERATIVE GOVERNANCE AND INTERGOVERNMENTAL RELATIONS

DATE: 1 FEBRUARY 2022 **VENUE:** VIRTUAL **TIME:** 10H00

Greetings!!

The Minister of Co-operative Governance and Traditional Affairs,
Honourable Nkosazana Dlamini-Zuma

The House Chairperson for International Relations and Members' Support,
Honourable Winnie Ngwenya

The Chief Whip of the NCOP, Honourable Seiso Mohai

Honourable Permanent and Special Delegates

Leaders of Governmental and Non-governmental Institutions

The Panel of Academics and Experts

Ladies and gentlemen

Let me start by welcoming everybody to this important workshop on Co-operative Governance and Intergovernmental Relations, which is being held under the theme "*Taking a Lead in Advancing Co-operative Governance and Intergovernmental Relations*". In making these opening remarks, I have been asked to focus on "*Reaffirming the Role of the NCOP in Advancing Co-operative Governance and Intergovernmental Relations*".

Fellow participants, it is just over two years since the outbreak of the Covid-19 pandemic. The pandemic caused untold devastation across the globe. Millions of lives and livelihoods have been lost. In South Africa, it also exposed the faultlines in general and the glaring inequalities in particular.

However, the pandemic has also taught us many lessons, one being that the domain of policy making and policy implementation is increasingly becoming complex and highly unpredictable. And that greater innovation and agility are required for the attainment of policy goals.

As such, more than ever, we have to strengthen our political institutions so that they are able to carry out their mandate under the ever-changing conditions. We also need to build effective, integrated and resilient planning and service delivery systems.

The National Council of Provinces (NCOP) has the possibility to make a great contribution in this regard. This is evident because, as noted by some scholars, the NCOP “draws provincial and local experiences into the national debate when the effectiveness of policy and its implementation is considered”¹.

Our Constitution states that the NCOP represents the provinces to ensure that provincial interests are taken into account in the national sphere of

¹ Interim Report. Speeding Transformation: NCOP’s Role in the Oversight Process.
https://www.ndi.org/sites/default/files/1215_sa_ncoprole22001_5.pdf

government. It does this mainly by participating in the national legislative process and by providing a national forum for public consideration of issues affecting the provinces.

Furthermore, the Constitution heightens the role of the NCOP in society by providing space for part-time representatives to represent the different categories of municipalities in this House. This makes it the only structure in our Parliament that is constitutionally mandated to bring together under one roof the public representatives from the three spheres of government.

Owing to this constitutional design, it is expected of the NCOP to take a lead in advancing the principles of cooperative government and intergovernmental relations. These principles are contained in chapter 3 of the Constitution. Among other things, chapter 3 enjoins the spheres of government, and all organs of state within each sphere:

- 1) To secure the well-being of the people of the Republic;
- 2) To provide effective, transparent, accountable and coherent government for the republic as a whole;
- 3) To be loyal to the Constitution, the Republic and its people;
- 4) To respect the constitutional status, institutions, powers and functions of government in the other spheres;
- 5) 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,

- 6) 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.

These principles sum up the essence of co-operative governance and the need to maintain sound intergovernmental relations in the Republic.

Therefore, as an oversight body, the NCOP is at a vantage position to contribute to the realisation of this constitutionally mandated form of governance towards achieving the desired policy outcomes for the transformation of our society.

In reaffirming the role of the NCOP in this regard, we need to ask whether the institution is indeed taking a lead in the advancement of the principles of co-operative government and intergovernmental relations?

Throughout the years, this question has characterised the debate about the NCOP in one form or another. In most cases, the answer has always served to reaffirm and reinforce the constitutional role of the NCOP.

For example, writing in 2010 in response to discussions about the need for the review of the NCOP, Professor Pierre de Vos, said:

“Although some of (the Members of the NCOP) are hard working and although they sometimes do engage seriously with legislation, the distinct voice and perspective of each province is lost”.²

Ladies and gentlemen, while we may not embrace the full import of this view, it is inescapable that the provinces play a very significant role in directing decision-making in the NCOP. Therefore, it is important that their voices are heard and that their interests inform the work of the NCOP.

In 2009, the Report of the Independent Panel Assessment of Parliament advised that, in its oversight work, the NCOP should be “directed by the goal to contribute to effective government by ensuring that provincial and local concerns are recognised in national policy making, and that provincial, local and national governments work effectively”.

This highlights the NCOP’s critical role in overseeing how the spheres of government relate with one another. As already mentioned, the constitutional principles of co-operative government and intergovernmental relations provide guidance. They underscore the need for co-operation and co-ordination, in keeping with the fact that South Africa is “one, sovereign, democratic state”³.

² Prof. P. De Vos, Constitutionally Speaking, 6 September 2010 [<https://constitutionallyspeaking.co.za/dont-say-goodbey-ncop-yet/>]

³ The Constitution of the Republic of South Africa, 1996, as amended.

The role of the NCOP is also very critical when one looks at what the Intergovernmental Fiscal Relations Act of 1997 seeks to achieve. The objective of the Act is:

- to promote co-operation between the national, provincial and local spheres of government on fiscal, budgetary and financial matters; and,
- to prescribe a process for the determination of an equitable sharing and allocation of revenue raised nationally.

Taking this into account, it is no wonder that the NCOP attaches great value to the processing of the Division of Revenue Bill. The Bill enables provinces and municipalities to fulfil national policy goals. This is particularly important in light of the 6th Parliament's focus on the improvement of budgetary oversight in order to improve government's responsiveness and accountability.

Honourable Members and guests, the NCOP in the 6th Parliament has sought to reaffirm its role in advancing the practice of cooperative governance and sound intergovernmental relations. It has done this through a number of mechanisms including the following:

- 1) **Committee oversight** – where Committees have dealt with the detail of the work of government informed by strategic plans, reports and on-site inspections;

- 2) **Plenaries** – where we dealt with debates, reports, policy debates and Bills, and shared the perspectives of the provinces and local government;
- 3) **Questions** – where the focus has been on provincial impact and the National Development Plan thematic areas (for example, quality of education, skills development, health care, housing, water, electricity and sanitation);
- 4) **Provincial Week** – where we directly worked with our counterparts and also engaged the members of the public across the length and breadth of our respective provinces to enhance public involvement and oversight work;
- 5) **Local Government Week** – which has assisted us to sharpen our understanding of the challenges facing local government and the possible policy options required to address them; and
- 6) **Ministerial briefings.**

Launched in 2020, the mechanism of Ministerial Briefings was necessitated by the need to broaden the understanding by Members of the the work of government, particularly in dealing with the devastating impact of the Covid-19 pandemic.

Ladies and gentlemen, in closing, while the Covid-19 pandemic has caused untold damage it has also taught us important lessons about the fluidity of the policy space and the need for innovation and agility. These lessons should guide us as we seek to achieve better policy outcomes, through drawing in local and national experiences in national debate.

The NCOP has a huge role to play in the promotion of the principles of co-operative government and intergovernmental relations that are contained in chapter 3 of the Constitution. Over the years scholarly critiques have sought to reaffirm and reinforce this role.

What is clear is that in conducting its work, the NCOP must be guided by the interests of the provinces and must also concern itself with local government issues.

During the course of the 6th term of Parliament, the NCOP has used certain mechanisms to pursue its mandate. These include the Ministerial Briefings which we launched in 2020 as a way of further equipping Members with the tools to engage the Executive.

In doing this work, we had to adapt our methods given the constraints imposed by the lockdown measures to fight the Covid-19 pandemic. The House Chairperson for Committees and Oversight, Honourable Nyambi, summed up this effort when in delivering his final report in the Programming Committee last December, when he said:

“Looking back where we started, especially under Covid-19 conditions, it is safe to say we have covered distances which we did not know exist. The learning process has not stopped ...; we learn new lessons every day”.

Participants and fellow colleagues, I hereby welcome you to the workshop and I am looking forward to fruitful deliberations that will assist us to progress further.

Thank you!!!