



**Briefing Paper 158**

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## **INTERGOVERNMENTAL RELATIONS FRAMEWORK ACT**

*In the 21<sup>st</sup> century states, more than ever before, are expected to provide social assistance, public services and other benefits to their citizens. One approach to the improvement of delivery performance is through the implementation of the Intergovernmental Relations Framework Act, 2005. This Act aims at promoting and facilitating intergovernmental relations and provides mechanisms and procedures to facilitate the settlement of intergovernmental disputes.*

### **1. Introduction**

In line with the old saying, “together we stand and divided we fall”, when the three tiers of government co-ordinate their operations they will likely improve performance in service delivery; when they do not, their efforts might disintegrate, thus producing poor service delivery. One way to make sure that policy implementation is achieved, or at least improved, is by ensuring proper relations between national, provincial and local government. This is what the Intergovernmental Relations Framework Act, outlined in this briefing paper, attempts to do.

### **2. The Act**

Following the principle of co-operative government set out in Chapter 3 of the Constitution, the Act aims to establish a framework for the promotion and facilitation of intergovernmental relations; and to provide for mechanisms and procedures to facilitate the settlement of intergovernmental disputes. Furthermore, the Act intends to enable the government to work coherently; to enhance service provision through consultation with other affected organs of state in accordance with formal procedures; to monitor the implementation of policy and legislation; to avoid unnecessary and wasteful duplication; and to make sure that the government’s national priorities are achieved.

### **3. National Intergovernmental Forums (NIF)**

The Act gives power to a Cabinet member to establish a NIF with the aim of promoting and facilitating intergovernmental relations in the functional area for which that Cabinet member is responsible. A NIF is a consultative forum in which matters can be raised and brought to the attention of the Cabinet member, or where he or she can bring matters to the attention of others.

### **4. Provincial Policies and Legislation Affecting Local Government**

According to the Act, when developing provincial policies or draft legislation affecting the local sphere of government in a province, the provincial government is mandated to take into account the following: national priorities, the interests of local communities in the province; and the views of affected municipalities. It should be noted that the Premier of a province is responsible for ensuring the co-ordination of intergovernmental relations between the provincial government and national and local government. The Mayor of a district municipality is responsible for ensuring the co-ordination of intergovernmental relations with local municipalities in the district.

### **5. The Social Teachings of the Church**

The social teaching of the Catholic Church draws its origin from the encounter of the evangelical message and its ethical requirements with the problems that arise in the life of society. Since the needs of society change, the Church argues that real and truly effective models can only arise within the framework of different historical situations, through the efforts of all those who responsibly confront concrete problems in all their social, economic, political and cultural aspects. Today, perhaps more than in the past, tiers of government are mutually-dependent, sharing the common task of delivering social goods. This is particularly so in a three-tier system like ours, where provinces are tasked with most social delivery and receive revenue for this purpose from national government; and where local government is often tasked with carrying out national or provincial policies. Pope Paul VI in his encyclical letter *Populorum Progressio* (1967) argued that public authorities should come up with programmes and lay down objectives to be pursued for the common good, and provide the means for attaining them. In so doing, there should be a stimulation of all the forces engaged in this common action. This Act, if it is properly implemented, holds the potential for significant progress in this regard.

### **6. Conclusion/Summary**

Failure to implement policies properly always turns out to be costly. It is well and good to come up with strategies that can improve policy implementation, but it has to be remembered that outputs and outcomes are the end result of hard and focused work. There are both antecedent factors that drive the results, and indicators of government's prospective performance. It is encouraging that this Act makes provision for measuring past performance (output) and indicators of future performance (outcome). Ongoing monitoring and evaluation will assist in tracking

service delivery and showing the progress or failure of the three tiers of government in fulfilling their objectives. We hope that the provisions in this Act will not remain only on paper, but be translated into reality on the ground. No government is remembered for how many pieces of legislation it has passed, but for how that legislation changed positively the lives of the poor and those on the fringes of society.

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