

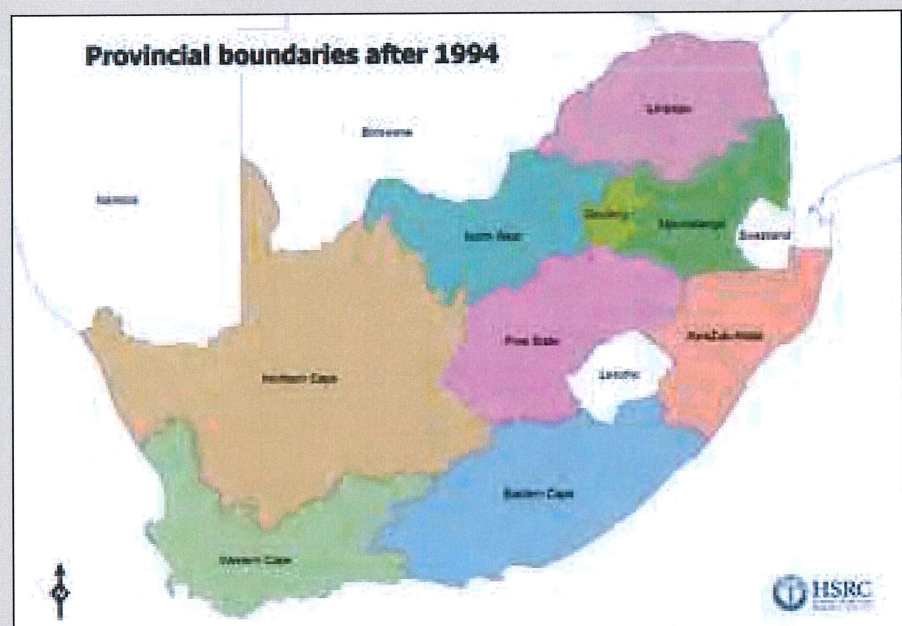
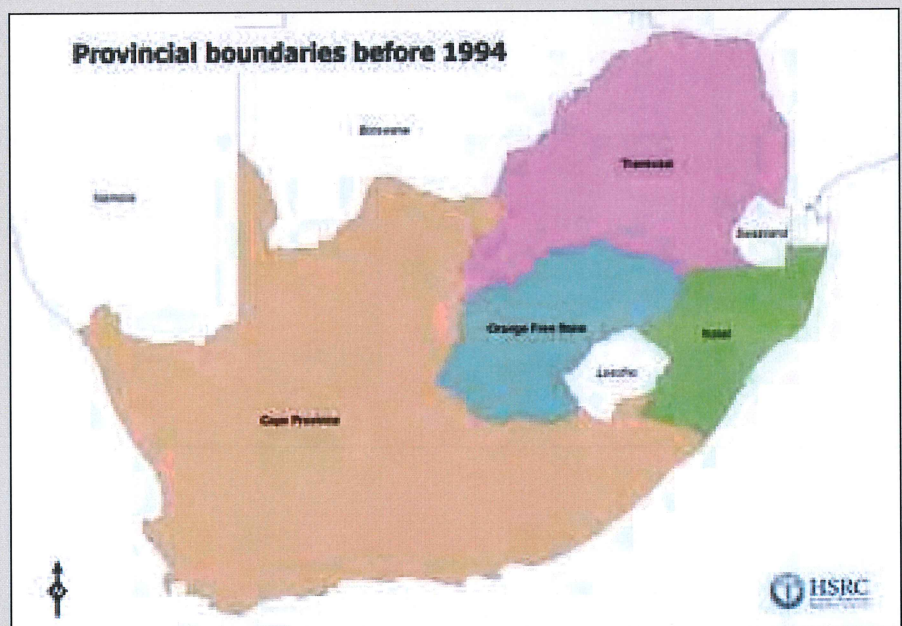
The future of South Africa's provincial governments

Fourteen years after the creation of the country's provincial level of government, questions are being asked about whether the changes introduced in the interim Constitution, which effectively doubled South Africa's provinces from four in the apartheid period to the present nine, have hampered service delivery to previously underserved areas, says VINO NAIDOO.

THE FOUR PROVINCES that were in place prior to the 1993 interim Constitution were governed by provincial administrations which, in the context of sustaining apartheid, were directly answerable to national executive authorities. Scattered elsewhere were also those territories, or 'homelands', designated for the settlement of Africans. These areas represented the unrealised hopes of 'separate development'.

The transition to democracy led to abrupt changes in this environment by prompting the geo-political unification of South Africa as it had developed under apartheid. This forced constitutional negotiators to examine how the ten homelands and their existing governing structures could feasibly be re-incorporated into South Africa. The net effect of these negotiations, the details of which are clearly evident in the 1993 interim Constitution, would impact materially on the four existing provincial jurisdictions. Essentially, the old Cape Province was split into three provincial areas, the Transvaal into four, with Natal and the Orange Free State remaining largely as they were.

Fast-forward 14 years to 2007 and we are beginning to see a debate gradually emerging about the provincial jurisdictions bequeathed to South Africa by its 1993 interim Constitution and upheld by the 1996 Constitution. In recent addresses to parliament, senior ministers have suggested that the number of government structures created under the country's current inter-governmental system may be hampering effective public service delivery. The ANC has even placed the future of the provincial level of government on the agenda of its upcoming national conference in December 2007, tabling a number of options



for provincial-government reform in a position paper entitled, *Legislature and governance*.

In some respects, the issue of provincial-government reform risks being viewed as 'beguilingly simple', as a member of the opposition Democratic Alliance party was recently quoted as saying, although not necessarily for exclusively political reasons. Linked to his argument is the possibility that the governing ANC might seek to increase and consolidate its national executive authority over provinces, a centralising move that harks back to apartheid practice.

But the issue is more complex than that; consideration must be given as to whether the provinces have been effectively delivering on the core social functions mandated to them by the 1996 Constitution in key areas such as education, health and social welfare. With this perspective in mind, how might some of the scenarios for reforming the provincial level of government play out?

The first scenario could amount to enforcing the relatively loose constitutional principle of 'co-operative government' between national, provincial and local spheres of government, brought about by the transition to democracy. This would have the effect of allowing national government to assume more direct responsibility and accountability for the execution of certain functions hitherto managed by the provinces, particularly those that are presently shared between national and provincial government.

This could result in a streamlining of policy and public financing processes that could, theoretically, facilitate more efficient service provision. The net result would see a reduction in the discretion and authority of provincial governments, which would essentially revert to administrative tiers taking directives from national government.

A second scenario, suggested by the ANC, would be to retain the current system and continue to direct significant time and resources into ensuring that public service delivery is progressively and consistently improved across the provinces. The argument is that the structures, mechanisms and remedies stipulated in the post-apartheid Constitution for this very purpose have not perhaps been fully exercised or utilised in a way to ensure that cooperative government yields progressively better delivery performance.

Suggestions to improve the current system include strengthening the oversight role of

provincial legislatures over their executive bodies; strengthening the national government's own ability to monitor and support provincial governments; increasing the role of sub-provincial structures such as district and metropolitan governments in service provision; and facilitating the deployment of skilled administrators to sub-national levels experiencing difficulties.

A third scenario, also mooted by the ANC, is to remove the provincial level of government altogether. It is not clear however whether such a move would eliminate the complete presence of administration in between the remaining national and local spheres, where provinces might be confined to coordinating and monitoring the implementation of services that might then get shifted to the local sphere.

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This has been described by some as an 'hourglass-shaped system'. Given their respective and more clearly delineated roles in policy formulation and regulation, an important question that arises is if it is feasible for national and local governments, in addition to their current roles, to cope with the significant responsibility of administering and overseeing the huge social services sectors (i.e. education, health, and social welfare), which presently account for three-quarters of provincial budgets. This then puts scenarios one and two back on the table.

A fourth scenario, also introduced by the ANC, is what it has termed a 'hybrid' model, where the three spheres would be retained but with fewer provinces. This seems to correspond with the tone of recent comments made by South Africa's finance and defence ministers. Both ministers appeared to express a general concern about whether the country's administrative corps could effectively manage the number of governing structures created

under the current system, which as mentioned earlier saw the re-constitution of nine new provincial structures. Implicit in the ministers' comments was also a concern about whether the national sphere of government could exercise the effective monitoring and oversight over the provincial sphere which the constitution obliges it to perform.

There is a certain pragmatism in this fourth scenario. Evidence in the provinces speaks of senior management capacity shortages, poor audit results, expenditure volatility, financial governance problems, a lack of time and resources required to maintain a complex system of intergovernmental co-ordination, reporting, and monitoring. This has reasonably led some to re-think the shape of the current system, where reducing the number of provincial governing structures, and possibly even provinces, could potentially minimise such problems and/or reduce complexity.

It could also be argued that a strategic reduction in the number of provinces might yield efficiencies (i.e. economies of scale) in service provision. But a reduction in the number of provinces would most certainly have political implications for regional party representation, and in this regard might also yield 'pragmatic' political gains for parties with broad national appeal, such as the ANC.

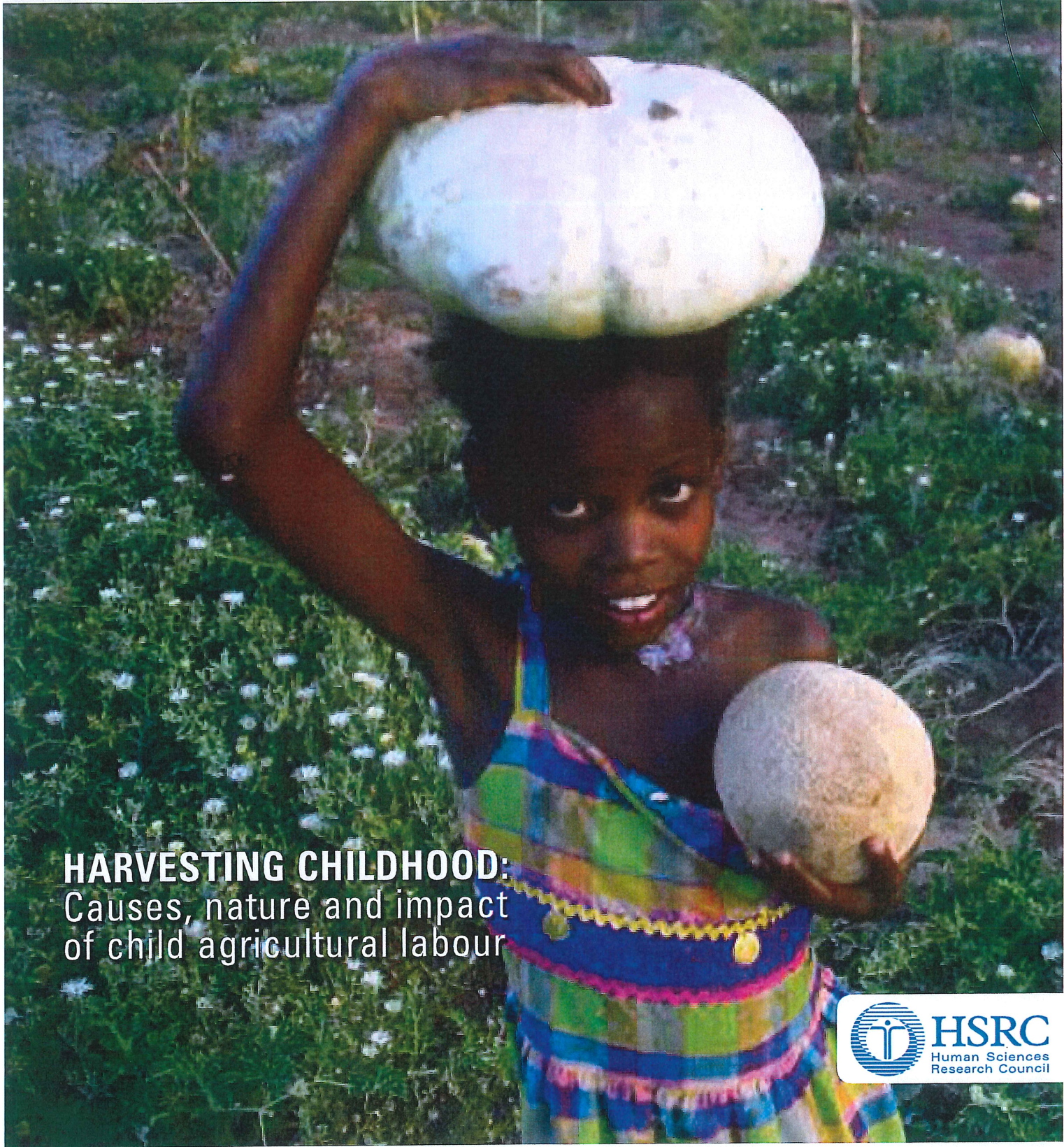
Finally, although a federal system has been raised as another option for the provinces, which would increase their legislative and executive authority, it is likely that this option will be resisted in the short- to medium-term by the governing party on the grounds that it offers less of an assurance that the extent of poverty and associated regional disparities present in the country can be responded to in a consistent manner. It would, however, also be in the governing party's interest to oppose such a move on political grounds in the current environment, where so doing would act to preserve national executive authority over the provinces in view of strong regionally concentrated opposition support. ●

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