

INTERGOVERNMENTAL RELATIONS

The ACDP has consistently called attention to the true function of civil government as addressed in Romans 13: namely that government should be the servant of God and that it should bring about a better life for all citizens.

In this regard, we have expressed that the civil service should consist of a skilled and motivated small group of very efficient and experienced men and women. The civil service complement should be kept to a minimum, alleviating duplication where departmental functions overlap. A stream-lined public service where each section has a clearly defined role and function, will bring about greater efficiency and efficacy while becoming a sector of employment drawing a top calibre of personnel who take pride in themselves and their actions.

A sprawling empire of public officials with an already unwieldy appearance that is growing larger and more ungainly by the day, is a symptom of the illness of bureaucracy. Civil government from its institution was not meant to define for itself new areas of activity on an ongoing basis. The fact that the South African governmental institution has grown consistently over the past decades to include such rare entities as the central bank, public enterprises and parastatals is an indictment against the tendency to form new bodies to deal with new problems and functions, rather than re-think and replan the original systems.

Indeed, if there is to be any substance to the interrelated workings of the whole system of government, then a careful restructuring and blueprinting is indicated with a sense of urgency.

Moving next to the montesquian idea of a separation of powers, again some clear thinking in this regard becomes imperative: The legislature, the executive and the judiciary can only function at their optimum when the executive can not legislate or adjudicate, the legislator can not adjudicate or execute, and the executive is not empowered with legislative and judicial functions except in very specific circumstances, (the boundaries of which must be clearly defined) when the executive can continue to function, despite a state of emergency or war even though the other branches or government may be prevented from continuing its operations.

As such the use of intergovernmental commissions comprising members from more than one department or branch of government, must be avoided as far as possible as the need for something like this body, already indicates that the drawing board needs to be consulted as there is a possibility of overlapping. As far as possible having adjudicative bodies within the executive, such as administrative tribunals should be given a wide berth. The argument normally advanced pro the existence of this type of pseudo-court, is that it deals with matters so technical that only someone in the system will be able to pronounce on related issues: this reasoning, however, fails flat when it is realised that from these very bodies normally exist a route of appeal to some level of the very judicial system previously adjudged too uninitiated to have handled the matter from the beginning.

A further strong line to be observed, is that of relations between the so-called different tiers of government. In keeping with the demands of a strong federal system, government needs to be most concentrated where it can best serve the population - at the local level. The regional governments have to have autonomy in their respective areas, because the particulars of each region distinguishes it from the next taking into account the particular and unique composition of each region. The ACDP is in favour, therefore, of a system of intergovernmental relations where the national level concentrates on particular and constitutionally defined aspects and where it has only the powers that these functions necessitate. At all times should the emphasis be on the autonomy of the other tiers of government in their respective areas of jurisdiction.

Because centralised systems of government have been proven to fail, while decentralised and federal systems continue to prosper and develop, South Africa should learn from the rich heritage of political history and not give national government a veto power over the regional and local levels of government and by concentrating power where its use can best be monitored by the democratic process: as close as possible to the very families that make up this country.

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