

# Focussing on intergovernmental relations

At its Annual General Congress held in Port Elizabeth during July, SALGA delegates reflected on the role organised local government has been playing in the area of intergovernmental relations (IGR) and the role it is mandated to play in that area as the voice of local government. The practice of intergovernmental relations as it applied to SALGA was examined and stock was taken of the impact the organisation had on intergovernmental processes both at national and provincial levels. Delegates noted that the process of consultation must be based on a common understanding of the following three issues. First, the practice of consultation between the spheres of government is not reliant upon the existence of legislative instruments regulating the matter. Second, there is a need for a more formal mechanism to involve provincial local government associations in the deliberations of the provincial legislatures. Third, the constitutional obligation on both national and provincial governments to support local government means, in an intergovernmental relations context, that there is an obligation also to capacitate organised local government to perform its representative function. From the deliberations it became clear that SALGA and its provincial affiliates could make a much greater impact if a number of constraints are adequately addressed. Some of these relate to a lack of definite rules on the practice of intergovernmental relations at provincial and national level and inadequate resource allocation from national and provincial governments.

## IGR in the provinces

In general, it appeared that provincial legislatures and departments do not have clear rules or guidelines in terms of which provincial organised local government participates in the legislative process. Whether it be at Standing Committee stage or at early policy development within the relevant department, the active participation of organised local government is not facilitated by current practices. In this regard, SALGA resolved to lobby provincial governments to issue a proclamation in the period prior to national legislation being enacted, to allow for the participation of organised

provincial local government in the legislative process. To further bolster the co-operative relationship between provinces and organised local government, SALGA called for the establishment of a provincial IGR structure similar to that of the Intergovernmental Forum with clear operational management mechanisms.

The effective participation of SALGA in the NCOP, rests, among other things, on the assumption that there is a constant flow of information between the relevant MEC, the provincial legislature, organised local government and SALGA. Such a flow of information would ensure that SALGA is armed with a well considered mandate should a section 76 (of the Constitution) bill be discussed in the NCOP. However, certain practices impede the effective flow of information and SALGA called upon MECs to make a commitment to report back to their respective Standing Committees in the provincial legislatures. These reports should be made available to provincial organised local government, so that provincial and local government can start disseminating the information and debate the issues at an early stage. Speakers of provincial legislatures should also oblige chairpersons of Standing Committees to invite provincial organised local government to participate in debates whenever a mandate is required on a section 76 bill. However, effective co-operative governance is not only reliant on good practices and intentions but also on adequate resource allocation.

## Financing IGR

Having made the point that the Constitution places a duty on national and provincial government to capacitate local government, it becomes essential that organised local government, whether provincially or nationally, receives adequate financial and human resources to fulfil its constitutional mandate. An important facet of resource allocation is the calculation and distribution of organised local govern-

ment's portion of the equitable share. SALGA is arguing that its current allocation is woefully insufficient to enable it and its provincial associations to establish an administration capable of adequately represent local government. Similarly, it has an adverse effect on SALGA's ability to make optimal use of its participation in the NCOP on behalf of local government. It is, therefore, incumbent upon national government and Parliament to ensure that resources and facilities are made available thereby creating a conducive environment for the participation of local government at provincial and national level. There is similarly an obligation on provincial government to make express provision in its budget for a local government support fund. Such a fund could be utilised in instances where municipalities require support

and assistance. An adequate budgetary allocation on the part of the province in respect of the monitoring and support of local government, will ensure that effective provincial supervision of local government is not relegated to the dustbin of unfunded mandates.

## Assessment

SALGA is clearly committed to sound intergovernmental relations and co-operative governance. The resolutions taken at its Annual General Congress point towards establishing itself as the true and effective

representative voice of local government. In order for SALGA and its provincial affiliates to fulfill their constitutional mandate and for the system of co-operative governance to function effectively, the call for adequate funding and effective participation in governance cannot go unheeded. It is a daunting task to represent the many and varied interests in local government and it will remain a challenge for the system of intergovernmental relations how its constituent parts are enabled to engage each other in a constructive manner.

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