

Intergovernmental relations in the Western Cape

The need for an intergovernmental structure was identified in order to streamline the transformation process in the Western Cape. The Provincial Minister for Local Government and Development Planning in the Western Cape (the MEC) established a Provincial Advisory Forum (PAF) and five District Advisory Forums (DAFs) in *Provincial Gazette 5384, Provincial Notice 79 dated 9 March 2001*. These forums were put in place to monitor and support local government in the province and to promote the development of municipalities' capacity.

Provincial Advisory Forum

The members of the PAF are the mayors and municipal managers of each municipality in the province, and the MEC. The Forum meets at least once every three months. Its main purpose is to advise the MEC on the new local government dispensation. Key roles of the PAF are:

- monitoring municipalities;
- assessing the support they need; and

- monitoring and supporting local government's activities on integrated development planning, infrastructure development, performance management, service delivery and financial arrangements.

As the PAF meetings are very large, all issues identified cannot be dealt with sufficiently and effectively. For this reason a technical committee (PAFTECH) supports the PAF.

Provincial Advisory Forum Technical

The PAFTECH's membership comprises officials from the province and the municipal managers from the municipalities. Issues and problems that arise at PAF meetings are discussed at PAFTECH meetings and the various participants come up with solutions to these problems. For example, the PAF identified the need for unified bylaws. The PAFTECH then established a sub-committee to deal with standardising bylaws. The results will be brought before the PAF for approval before being implemented across the province. It is also important to mention that the Western Cape Local Government Organisation (WECLOGO) plays an integral part in PAF, PAFTECH and its sub-committees. The PAF and PAFTECH have been very effective in their work, contributing to streamlining the transformation process in the Western Cape.

District Advisory Forum

The MEC established five District Advisory Forums (DAFs), representing the five district municipalities in the Western Cape. This forum meets at least once a month. Members of the DAF are the relevant mayors and municipal managers. DAF meetings are also open to the MEC and/or his nominee. These forums allow for effective identification of the problems experienced by municipalities in a specific district. They assist the province in monitoring municipalities and assessing where support is required.

- The MEC in the Western Cape has established two intergovernmental forums:
 - a Provincial Advisory Forum (PAF), comprising all mayors and municipal managers and the MEC, supported by a Provincial Advisory Forum Technical (PAFTECH) with provincial and local officials; and
 - District Advisory Forums (DAF) for each district, the relevant mayors and municipal managers
- These forums must advise the MEC on developments in local government in the province.

The main purpose of the DAFs is to assist and advise the MEC on monitoring and supporting local government in the province. More particularly, they assist the MEC with:

- co-ordinating joint integrated development planning;
- considering matters relating to the section 12 establishment notices;
- considering matters relating to the division of functions and powers between the district and local municipalities;
- advising the MEC on transfer of assets, staff liabilities and records;
- co-ordinating service delivery measures;
- co-ordinating financial arrangements;
- co-ordinating the preparation of budgets;
- providing a forum for best practice sharing;
- facilitating communication on, and formulating joint responses to, national and provincial policy and legislative processes; and
- considering matters referred to them by other forums and considering any request of the MEC.

Decision making

Each forum must try to take all decisions on the basis of consensus. Where consensus cannot be reached within a specified time, the various positions adopted by the members of the forum are recorded and minuted. In the case of a DAF, all decisions are reported to the MEC.

Internal structures and proceedings

Each forum may establish committees for assistance and advice and may dissolve a committee at any time. The forums can appoint, remove and replace members of the committees. Committee members do not have to be members of the forums but they must either be councillors or employees of a municipality within the area of the forum. The forums determine the terms of reference of the committees but may not delegate any decision making power to them.

Employees and administration

The Department of Local Government and Development Planning provides the secretariat of the PAF. Each DAF appoints one of the municipal managers, or his or her nominee, to act as secretary. The secretariat can also be rotated among the municipalities within the area of the DAF. The secretariat of each forum must ensure, among other things, that monthly written reports of the forum's activities are reported to each of the relevant municipal councils and to the MEC. The municipality that houses the secretariat of the forum provides the budgetary provision for its operation. The forum may also resolve to pool resources to cover its operating expenses.

Termination of the forums

The MEC may terminate a forum by notice in the *Provincial Gazette*.

Assessment

The PAF and PAFTECH were mainly established to facilitate the transition process. The challenge now is to focus on broader issues: development, legislation, institutional development and capacity building, and monitoring of local government.

These forums should also provide a dispute resolution mechanism between the province and municipalities. It is important that they underpin the full spectrum of provincial-local relationships.

Provincial monitoring and support of the metropolitan municipalities is very limited,

primarily because of their diversity and size. It is submitted that participation of the metropolitan municipalities in an intergovernmental structure should be encouraged as they have a lot of expertise and capacity to offer.

Further, major service providers such as Eskom should be part of the forums to encourage an integrated approach to service delivery.

The DAF has proved successful in certain districts. The Central Karoo DAF, for example, also invited participation by organised labour (SAMWU and IMATU) which led to the streamlining of labour issues in the district. It is therefore recommended that organised labour be part of all DAFs. DAFs have been very successful in dealing with issues that benefit whole districts. The continuation of the district structure is therefore recommended.

WECLOGO has an integral role to play in relation to the PAF and PAFTECH. Their input is especially important regarding service delivery planning and local government development. In April 2002 WECLOGO withdrew from the PAF and PAFTECH, which will have a direct impact on service delivery and development in local government. Organised local government is the voice of local government in the province and has their interests and development at heart. It should therefore be an integral part of any intergovernmental structure especially in respect of provincial legislative processes that have a direct or indirect impact on local government.

Intergovernmental structures are meant to bring together various stakeholders and spheres of government as equal partners to co-ordinate policies, share best practice and iron out differences. However, the establishment notice of the Western Cape structures says that they must 'advise the MEC'. The following question arises: If a forum is there to 'advise the MEC' is it truly an intergovernmental structure or is it merely the MEC's advisory committee?

Geraldine Smith
Local Government Project
Community Law Centre, UWC

