Lecture by the Sedibeng District Municipality Executive Mayor, Cllr. Mahole Simon Mofokeng on the occasion of the Intergovernmental Relations and Coordination and Service Delivery Conference 2010 on the 17th November 2010.

Programme Director,

Ladies and Gentlemen,

Good afternoon ladies and gentlemen. As the programme director has indicated, I am Councillor Mahole Simon Mofokeng, the Executive Mayor of Sedibeng District Municipality. The Sedibeng District Municipality is about thirty kilometers from where we are now, south of Johannesburg.

It is formed by three local municipalities, namely: Emfuleni, Midvaal and Lesedi local municipalities. This makes me the Executive Mayor of a large District covering all of southern Gauteng part, bordering 3 provinces and affecting the lives of over 1 million people.

Ladies & gentlemen, back to the task given to me for today
You have heard other speakers engaging on other topical issues earlier today and with me, my task this afternoon is to *unbundle and highlight areas of success in Intergovernmental Relations*. I will in this discourse paint a picture and the framework of our understanding of Intergovernmental Relations which has stood us in good stead for the successes, which have been achieved in that regard.

In my attempt to unbundle and highlight areas of success in Intergovernmental Relations, I am going to touch on areas such as:

- What is the Intergovernmental Relations;
- The act that establishes and governs the IGR;
- Who does the IGR in this case apply to?
- Objectives of the IGR Framework Act;
- Sedibeng as a case study and some general prevalent successes;
  a. The relationship between the Sedibeng District Municipality and its local municipalities;
  b. The relationship between the Sedibeng and its neighbouring municipalities, provincial and national government
- IGR and Cooperative Governance;

**What is the Intergovernmental Relations and what act establishes it?**

Intergovernmental Relations is the basis from which elected members and officials of government entities deal with each other and advocates necessity of cooperation to ensure legislative compliance, policy
implementation and service delivery imperatives. This basically means a process whereby the views of another on a specific matter are solicited, either orally or in writing, and considered.

It owes its existence to the Constitution and therefore serves as a Constitutional mandate as stipulated in Chapter 3, which sets out the basic principles and value of Cooperative Governance and intergovernmental relations.

Section 41(1) (h) stipulates that all spheres of government and all organs of state within each sphere must cooperate with one another in mutual trust and good faith by:

- Fostering friendly relations;
- Assisting and supporting one another;
- Informing one another of, and consulting one another on matters of common interest;
- Coordinating their actions and legislation with one another;
- Adhering to agreed procedures;
- Avoiding legal proceedings against each other.

Section 41.2 goes further to prescribe that an Act of Parliament must establish and provide for structures and institutions to promote and
facilitate intergovernmental relations; to further provide for appropriate mechanisms and procedures to facilitate the settlement of intergovernmental disputes. (*MoU’s & SLAs as examples*)

The above provisions laid down the foundation for the promulgation of what is today known as the **Intergovernmental Relations Framework Act, No 13 of 2005**. The Act provides for the overall legislative framework applicable to all government entities as well as principles for cooperative governance.

Who does the IGR in this case apply to?

The **Intergovernmental Relations Framework Act, no 13 of 2005** in **Chapter 1** on interpretation, application and object of the Act stipulates that the Act applies to the following:

- The national government
- All provincial governments
- All local governments

This specific mention of the three spheres of government excludes any others such as:
• The parliament
• Provincial legislatures
• Courts and judicial officer
• Any public institution that does not fall within the national, provincial or local sphere of government and all other institutions, established in terms of chapter 9 of the Constitution, such as the Independent Electoral Commission (IEC).

This is so mainly due to separation of powers among these institutions.

A case study example in this regard is in Independent Electoral Commission v/s Langeberg Municipality, the Constitutional Court answered the question as to whether the IEC is an organ of state.

The Court ruled that the IEC is an organ of state but that it does not fall within a sphere of government as contemplated by Chapter 3 of the Constitution.

The Court said that the IEC’s independence would be meaningless if it had to be functionally interrelated and interdependent in relation to all other spheres of government.
The Objectives of the IGR Framework Act

The objectives of the IGR Framework Act establish the basis from which all spheres of government must conduct themselves towards each other within the principle of co-operative government as set out in Chapter 3 of the Constitution.

This is a framework for the national government, provincial governments and local governments, and all organs of state within those government departments that assist to facilitate co-ordination in the implementation of policy and legislation which should result in:

- a coherent government;
- effective provision of services;
- monitoring implementation of policy and legislation; and
- realization of government’s national priorities.

This framework further provides the general principles for IGR with regard to regulations of IGR forums; provision of guidelines to govern internal IGR procedures and provides a framework for the settlement of IGR disputes.
Moving away from the simplistic view which seeks to portray IGR as being about structures of government, it is therefore my view that the primary thrust of IGR is geared towards contribution towards service delivery and good IGR can and is a major factor in efficient and effective service delivery. Many case studies of service delivery challenges show that this can be attributed to failures of IGR

**IGR** is ultimately about improving the delivery of outcomes through effective systems, processes and procedures that ensure cooperation of different role players around policy formulation, planning, monitoring and support and delivery.

A narrow structural approach leads to people being bogged down with structures which collapse when difficulties are experienced.

A quick look at the various object of the Act, paints a very clear picture of the intentions of the law makers in this regard, namely that it is the intention of the Act that through Intergovernmental Relations Framework, all spheres of government are expected to sing from the same hymn book. **IGR** is about efficient service delivery to meet and realize national priorities.

You will recall that our national government has since identified 10 priority areas, from 2009 up to 2014. These are service delivery priority areas
which bring all three spheres of government together. This means that all of us must collectively and cooperatively work towards the achievements of these priorities. They are:

- speed up economic growth and transform the economy to create decent work and sustainable livelihoods;
- introduce a massive programme to build economic and social infrastructure;
- develop and implement a comprehensive rural development strategy linked to land and agrarian reform and food security;
- strengthen the skills and human resource base;
- improve the health profile of all South Africans;
- intensify the fight against crime and corruption;
- build cohesive, caring and sustainable communities;
- pursue African advancement and enhanced international cooperation;
- ensure sustainable resource management and use;
- build a developmental state, improve public services and strengthen democratic institutions.

Taking from above, it is in this regard therefore that policies as are espoused in the State of Nation Address by the State President have to find expression in the State of the Province Address, which will subsequently find expression in the Integrated Development Plans of
the Municipalities at local government level. This will ensure that communities are made beneficiaries of government policies and legislation.

Sedibeng as a case study - The District Municipality and the Provincial Government

Section 24 of the Intergovernmental Relations Framework Act provides for the establishment of District Intergovernmental Forums and prescribes their compositions.

The Act further prescribes that the role of the district intergovernmental forum is to serve as a consultative forum for the district municipality and the local municipalities in the District to discuss and consult each other on matters of mutual interest, including the following:

- Draft national and provincial policy and legislation relating to matters affecting local government interests in the district
- The implementation of national and provincial policy and legislation with respect to such matters in the district
- Matters arising in the Premier's intergovernmental forum affecting the district
• Mutual support in terms of section 88 of the Local Government: Municipal Structures Act, no 117 of 1998
• The provision of services in the district
• Coherent planning and development in the district
• The co-ordination and alignment of the strategic and performance plans and priorities, objectives of the municipalities in the district
• Any other matters of strategic importance which affect the interests of the Municipalities in the district.

Sedibeng as a case study and some general prevalent successes

It is with the above in mind that we in Sedibeng District Municipality went on to the development and approval by Council of the Sedibeng Intergovernmental Relations Protocol Framework in 2007. This framework has assisted us greatly in matter of service delivery and the resolution of matters that would have otherwise degenerated into tensions.

Our ability to provide seamless services to the communities of Sedibeng District with its three Local Municipalities is a clear indicator of good IGR practices based on the Framework referred to above.
The purpose for the said Protocol Framework states is to provide for the introduction and strengthening of a regional wide planning, budgeting cycle, consultation and coordination. Effectively, a regional wide planning and budgeting cycle framework will ensure that:

- Relevant key policy decisions taken by other levels of government inform planning and budgeting of all Municipalities
- Planning ids improved
- There is a single regional calendar of key milestones and that
- The region begins to work as an integrated whole thus contributing to improved service delivery and the achievement of government objectives.

As part of this Protocol Framework, the following structures are in place and have a standing calendar of meetings to deal with various aspects needing good IGR practices:

- District Intergovernmental Forum
- District Intergovernmental Municipal Managers Forum
- District Broad Inter-Sectoral Forum
- Makgotla
- Joint Mayoral Committee
- Intergovernmental Clusters
- Chief Financial Officers Forum
• 2010 Soccer World Cup Political Steering Committee
• District Communications Forum
• Section 79 & 80 Committees

The successes of these forums will be seen as I take you through the highlights of good IGR practices. Suffice it to mention that our ability as the District Municipality in hosting two teams which participated in the 2010 FIFA World Cup, despite not being a host city, is proof of the efficient manner in which IGR relations work in Sedibeng District Municipality.

We are currently in a process of finalising what we call Vaal 21 Project, the Riverfront Development with the Free State Province and Fezile Dabi District Municipality. This is where you find IGR operate within various spheres of government. Often these processes are described as vertical and horizontal IGR, something that I refer to as wall to wall relationship with other municipalities.

Provincial Intergovernmental Forum

Section 16 of the Intergovernmental Relations Framework Act provides for the establishment of the Premier’s Intergovernmental Forum and Section 17 thereof prescribes its composition.
The role of this forum is determined by Section 18 and dictates that a Premier’s Intergovernmental Forum is a consultative forum for the Premier of a province and local governments in the province to discuss and consult on matters of mutual interest, including:

- The implementation in the province of national policy and legislation affecting local government interests
- Matters arising out of the President’s Coordinating Council and other national intergovernmental forums affect local government interests in the province
- National policy and legislation relating to matters affecting local government interests in the province
- The co-ordination and alignment of the strategic and performance plans and priorities, objectives and strategies of the provincial government and local governments in the province; and

This Forum further considers reports from other provincial intergovernmental forums on matters of mutual interest to the province and local governments in the province and District Intergovernmental Forums in the province.

Despite challenges there and there in relation to our all three spheres of government, some of the successes of good implementation of the intergovernmental relations by the local, provincial and national
governments, I can safely say that so far the following characteristics are prevalent:

- Effective and efficient Service Delivery plans;
- Inclusive decision making and consultative processes;
- Absence of disputes between spheres of government;
- Effective mechanisms to resolve disputes between spheres of government;
- Capacity within all spheres of government to develop and progress IGR as equal partners;
- Mutual respect for decision making process and time frames;
- Understanding of roles and responsibilities;
- Good alignment of IDP’s with Local Municipalities, Provincial and National and plans and strategies;
- Good public participation, quality ward committees which enhance decision making and the development of mandates; and
- Meetings with purpose, agenda/minutes and decisions actioned

The relationship between the Sedibeng District Municipality and its local municipalities

The examples of structure and forums that I alluded to earlier are a good example of the type of intergovernmental relation we have with our local
municipalities, which are the Midvaal, Lesedi and Emfuleni Local Municipalities.

We are currently in a process of putting together structures towards the Regional Sewer Scheme which will be cutting across all these three local municipalities in our District Municipality.

**IGR and Cooperative Governance**

In briefly relating the Intergovernmental Relations with governance in this case, I would say that in some ways cooperative governance is a better term to convey what IGR is all about. The IGR Framework Act and Department of Corporate Governance & Traditional Affairs may have adopted the term “IGR” as the preferred one.

It is therefore my submission that while there may be challenges there and there in the execution of the IGR processes, it is indeed a vital factor in ensuring smooth and seamless implementation of our various mandates as service delivery agents.

I thank you