

Cooperative government in the single municipality structure

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Government structures and the notion of co-operative governance


- Between spheres / levels of government in federal or semi-federal systems
 - Fiscal federalism
 - Intergovernmental monitoring and support
 - Etc
- Inter-city co-operation between municipalities in one or multiple national jurisdictions
- **Co-governance in the single municipality? Very little information.**
 - Mainstreaming of climate change (Ziervogel et al, 2013)
 - Internal fiscal relations (Ajam, 2014)

Why?

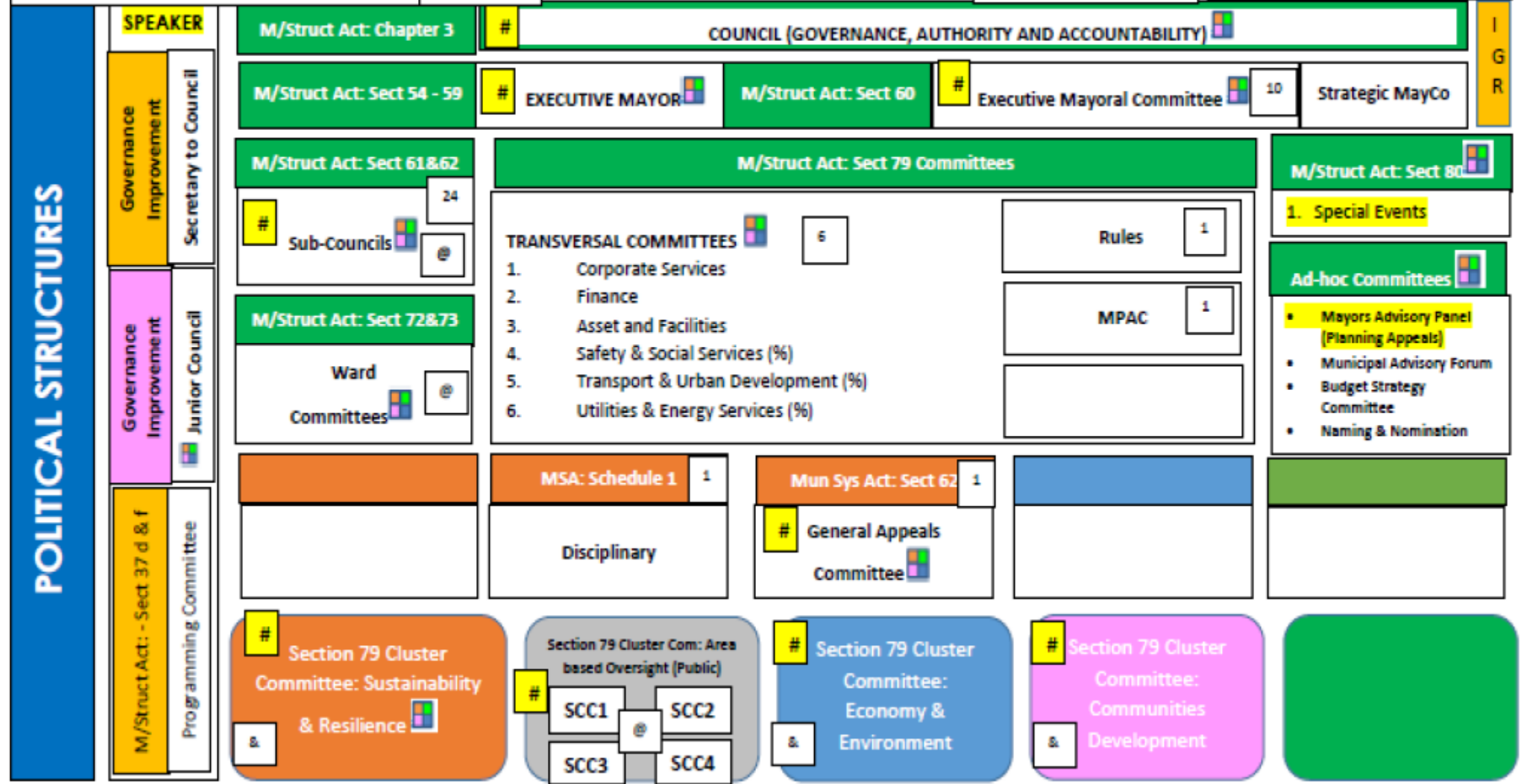
% = Deputy & Chairperson for larger transversal committees
 "n" = full-time Councillor
 @ = Link to the area-based model

Blue highlight rep. a delegation requirement

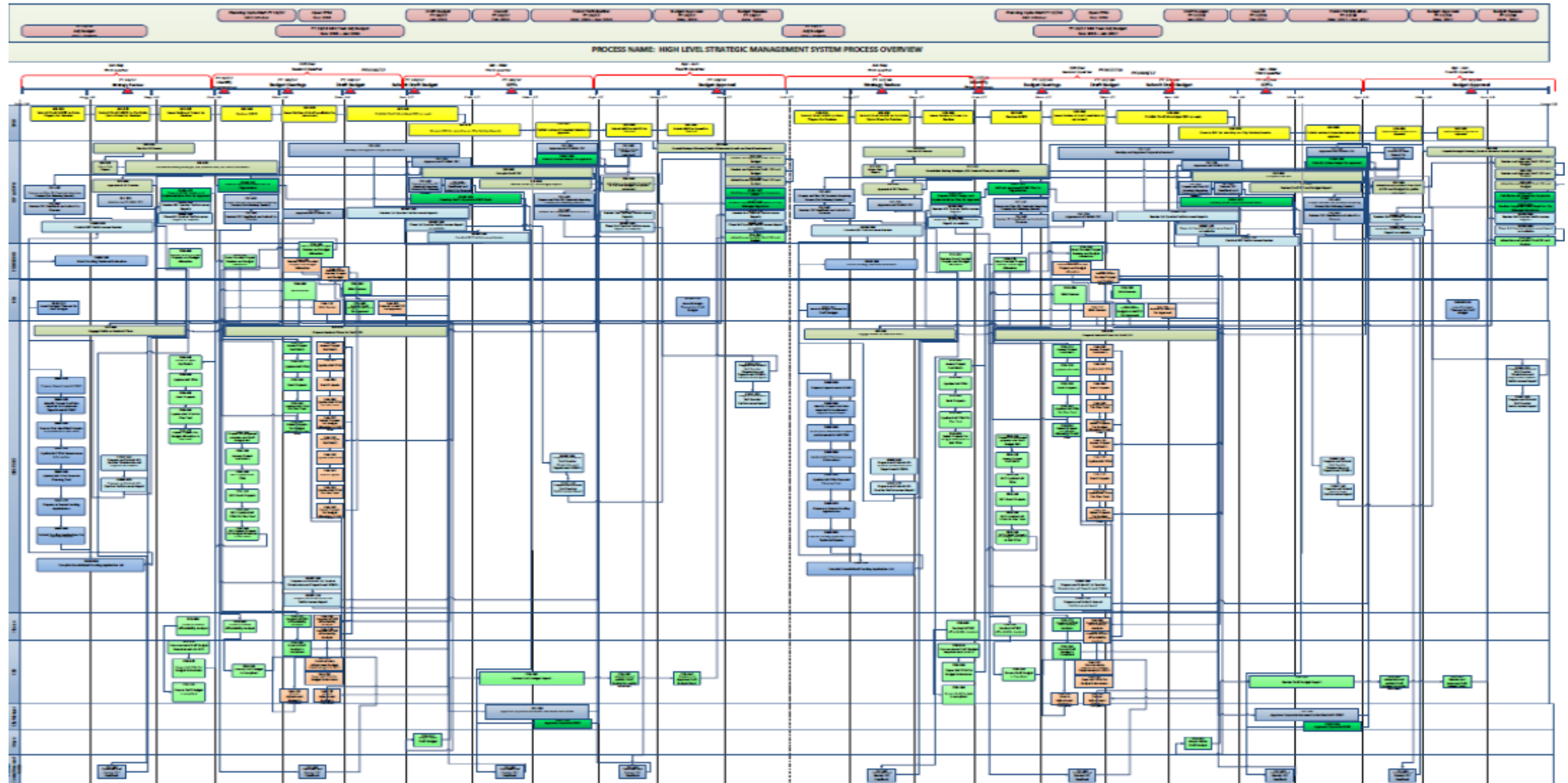
GOVERNANCE STRUCTURES

= Decision making body
 = Transversal implications

* = Personal involvement / attendance of the City Manager
 ! = Dependency on Area based Model
 & = Scheduled Workshop Session



Strategy Process Map



Cities ever more prominent in addressing wicked global problems



Sendai Framework
for Disaster Risk Reduction
2015 - 2030

PARIS 2015
UN CLIMATE CHANGE CONFERENCE
COP21·CMP11

NEW
URBAN
AGENDA

with subject index

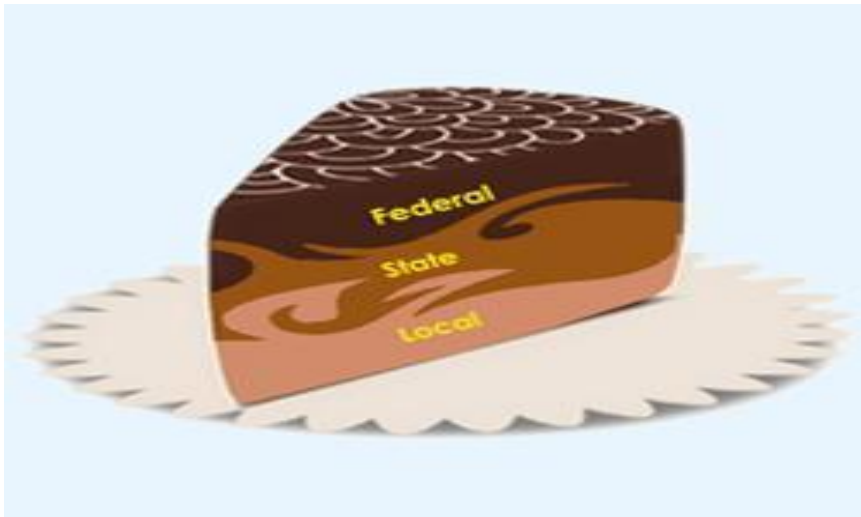
Paris Agreement
Des 2015



Implementation

Domestication

National law & policy reform



**Position of cities
/ LG in 2018 Climate
Change Bill?**

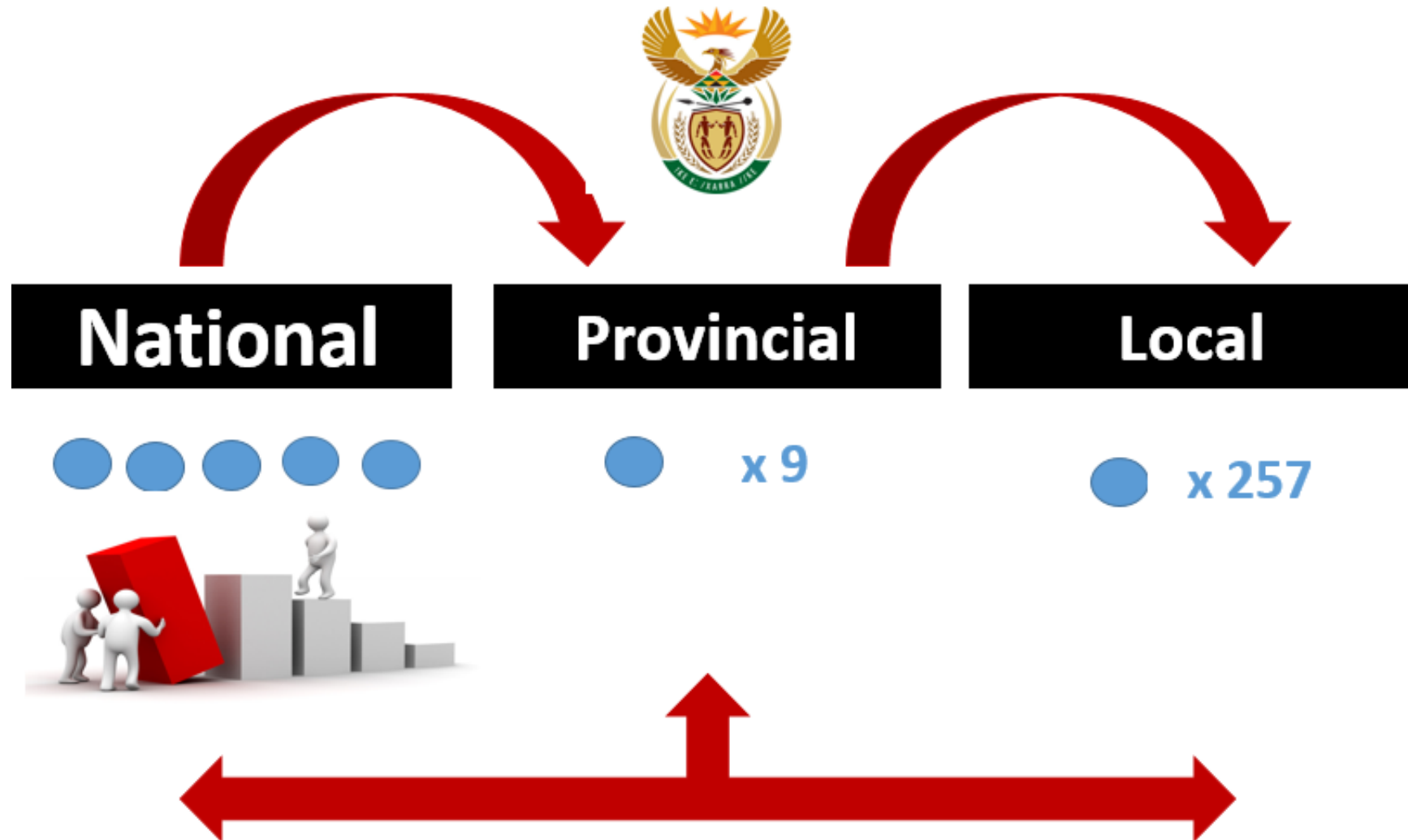
Climate Change Needs and Response
Assessment (CCNRA)

Climate Change Response Implementation
Plan (CCRIP)

The 'new' dispensation and a co-operative government

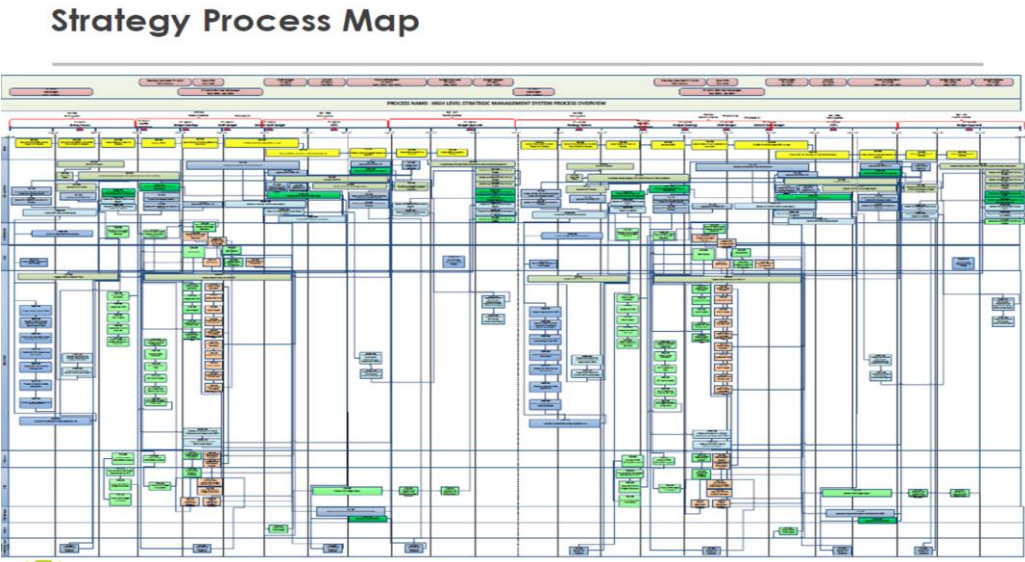
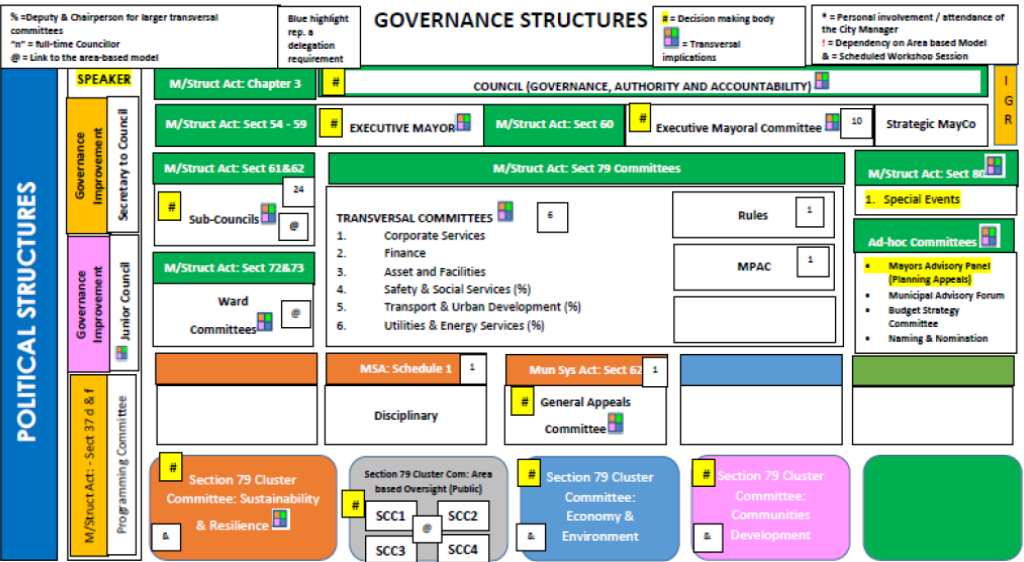
- Government was designed to function in a system of 'co-operation'
- In the *Constitution of the Republic of South Africa, 1998*:
 - **Chapter 3** – Co-operative government
 - **Chapter 10** – Public administration
- National legislation followed
 - *Intergovernmental Relations Framework Act, 13 of 2005*
 - Sections of other Acts (eg Systems Act, NEMA etc)

Co-operative governance among and 'within' each sphere



Constitution arguably gives us pointers / direction / 'rules' (?) for co-operation *within a municipality*:

Municipality



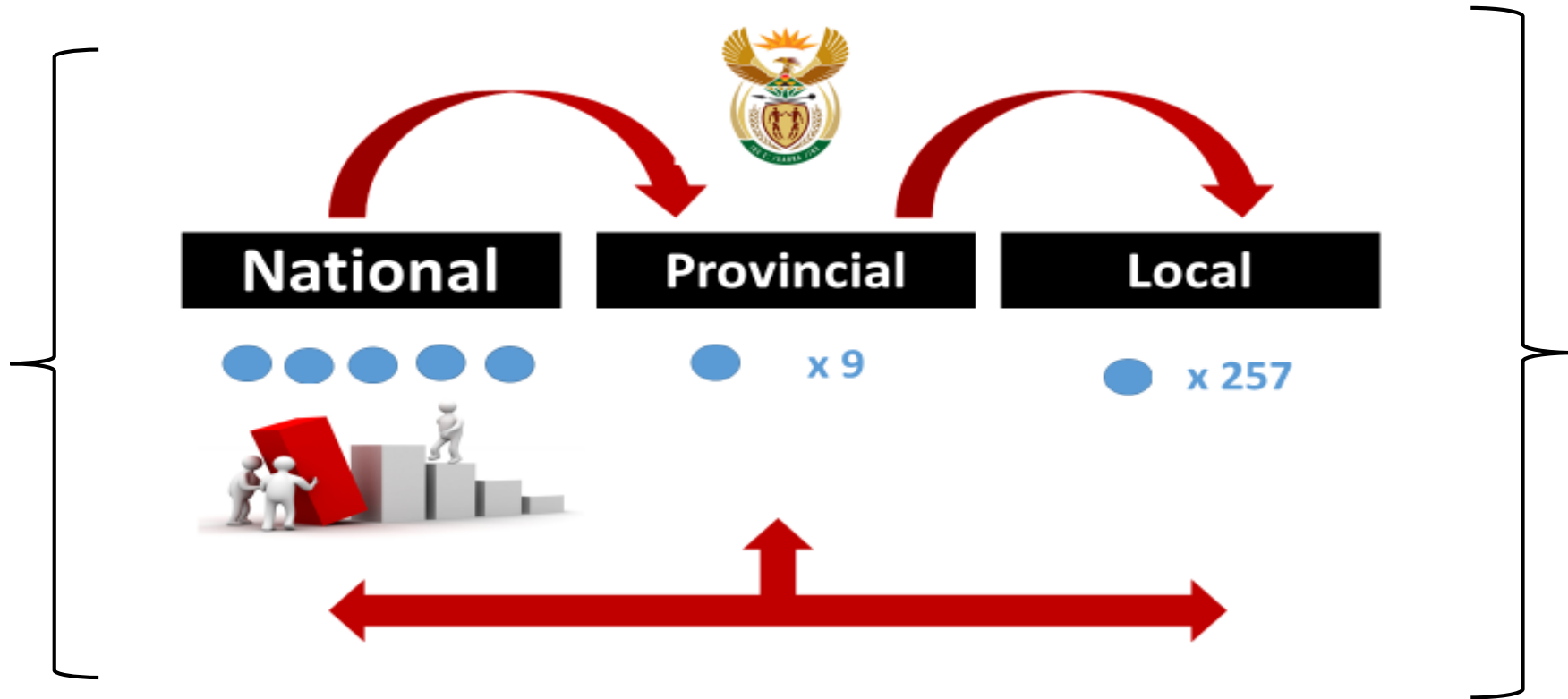
Principles of co-operative government and intergovernmental relations

41. (1) All spheres of government and all organs of state within each sphere must—
- (h) co-operate with one another in mutual trust and good faith by—
 - (i) fostering friendly relations;
 - (ii) assisting and supporting one another;
 - (iii) informing one another of, and consulting one another on, matters of common interest;
 - (iv) co-ordinating their actions and legislation with one another;
 - (v) adhering to agreed procedures; and
 - (vi) avoiding legal proceedings against one another.

Basic values and principles governing public administration

195. (1) Public administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:
- (a) A high standard of professional ethics must be promoted and maintained.
 - (b) Efficient, economic and effective use of resources must be promoted.
 - (c) Public administration must be development-oriented.
 - (d) Services must be provided impartially, fairly, equitably and without bias.
 - (e) People's needs must be responded to, and the public must be encouraged to participate in policy-making.
 - (f) Public administration must be accountable.
 - (g) Transparency must be fostered by providing the public with timely, accessible and accurate information.
 - (h) Good human-resource management and career-development practices, to maximise human potential, must be cultivated.

- (2) The above principles apply to—
- (a) administration in every sphere of government;
 - (b) organs of state; and
 - (c) public enterprises.





Objects of local government

152. (1) The objects of local government are—
- (a) to provide democratic and accountable government for local communities;
 - (b) to ensure the provision of services to communities in a sustainable manner;
 - (c) to promote social and economic development;
 - (d) to promote a safe and healthy environment; and
 - (e) to encourage the involvement of communities and community organisations in the matters of local government.
- (2) A municipality must strive, within its financial and administrative capacity, to achieve the objects set out in subsection (1).

Developmental duties of municipalities

153. A municipality must—
- (a) structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community; and
 - (b) participate in national and provincial development programmes.

Pointers from 'framework' law?

- Friendly relations among and within all organs of state
- Mutual support
- Communication and sharing of information that is accurate
- Adherence to agreed procedures
- Coordination of policies and bylaws
- Administrative structures must be development-oriented
- Structures to assist with accountability
- Structures and financial resources to enable realisation of objects of local government
- Structures: administration  budgeting  planning
- Structures must be conducive to effective co-governance in the municipality

Pointers applicable to *entire* municipality?



“Co-governance”

**Political –
administrative
interface**

“Transversality”

“The municipality” (s 2: Local Government: Municipal Systems Act)

2 Legal nature

A municipality-

- (a) is an organ of state within the local sphere of government exercising legislative and executive authority within an area determined in terms of the Local Government: Municipal Demarcation Act, 1998;
- (b) consists of-
 - (i) the political structures and administration of the municipality; and
 - (ii) the community of the municipality;
- (c) functions in its area in accordance with the political, statutory and other relationships between its political structures, political office bearers and administration and its community; and
- (d) has a separate legal personality which excludes liability on the part of its community for the actions of the municipality.

Some obstacles?

An academic assessment

- A municipality consists of administrative and political structures
 - Political structures should complement each other
 - Administrative structures should complement each other
 - Political and administrative structures should complement each other
- Illogical division and compilation of **operational** line functions – but illogical to whom?
- **Management** structures – what may be best for municipality v dictates of the law
- Structures tend to follow municipality's priorities – whose priorities at what point in time?
 - Restructuring too often?
 - Too comfortable with things as they are?

Officials' assessment

“An executive management committee rather than an executive mayor. The executive mayoral system has the potential for an autocratic style of management to develop, and even abuse.”

“An atmosphere of mutual respect and trust. This can be eroded when there is autocratic/draconian management, and harsh forensic-style disciplinary processes.”

“A **meaningful transversal interaction process**, so as to obviate “working in silos”. **Transversal committees are less useful** however if they don’t have any decision-making authority – there is a risk that they could become discussion fora and nothing more.”

”An understanding by everyone (councillors and administrators) that **service delivery to the poor and deprived segments of society has to take priority** in order to drive equality and alleviate poverty. Ways need to be found to deal with the privileged and more vociferous members of society if they demand too much time and resources.”

“A system of devolution of decision-making powers to senior and appropriately skilled officials, who are mostly better placed than politicians to make decisions, particularly of a technical nature. Naturally this involves accountability and responsibility.”

“A better system of prioritising budgetary expenditure. First-come-first-served is not a sound governance principle in the context of managing municipal expenditure. Also, budgetary analysis needs to be dealt with in an overall context and flexibility created to move funds around for urgent service delivery priorities.”

The message?

- Structure of a municipality determines the potential for co-operative local governance / co-governance
- Co-operative government determines the success of the municipality in executing its constitutional mandate
- Instruments for improved co-operative governance:
 - Transversal processes as opposed to transversal talk-shops
 - Transversal committees to have decision-making authority
 - System of meaningful delegation of decision-making authority
 - Prioritisation of budgetary expenditure
 - Shared vision in municipality about what is priority and what is not
 - System of open communication between council and administration + among structures in administration

Dep Minister: Andries Nel's assessment

(20 July 2018 – City Support Programme: Closing Address)



“**Officials** have a legitimate interest and duty to advise regarding policy issues and **politicians** similarly have a legitimate interest in administrative performance and a duty to provide advice and give feedback.”

“It is **important to understand the distinction between the political role of the executive and the managerial role of the municipal manager and heads of departments**, who are legally accountable for matters such as spending, procurement, contracts and staff employment, amongst others. Politicians should not micro-manage the work of units within the department or get involved in matters such as awarding of contracts or employment of staff.”

“The municipality’s administration is headed by the municipal manager who has to develop an economically efficient and accountable administration that is equipped to carry out the implementation of the municipality’s IDP and other decisions of the council. The municipal manager, heads of departments and other employees of the municipality form the administrative organisation that is responsible for implementing decisions made by council.”

“It is important for the Mayor and councilors to develop a good working relationship with the municipal manager and key officials based on mutual respect and trust.”

“Managers who successfully manage the political-administrative interface tend to be very sensitive to the policy objectives of their political principals and are able to inspire confidence in politicians that they would deliver on the policy objectives without compromising the integrity of decision-making processes. Officials are often too passive and reactive in their engagement with politicians and need to build the relationship in a proactive and confident fashion.”

The message?

- Interface management is necessary in municipalities – political-administrative
- Administrators with technical know-how must have the opportunity to be more bold, proactive and influential
- Senior officials and political leaders must work on trust and understanding
- Measures should be taken to strengthen protections against improper political influence
- Measures should be taken to strengthen the ‘independence’ of political leadership of municipalities in relation to political party structures
- Demarcation of roles of Executive Mayors and MMCs
 - Avoid erosion of accountability lines
 - Avoid undermining the position of the MM as head of the administration

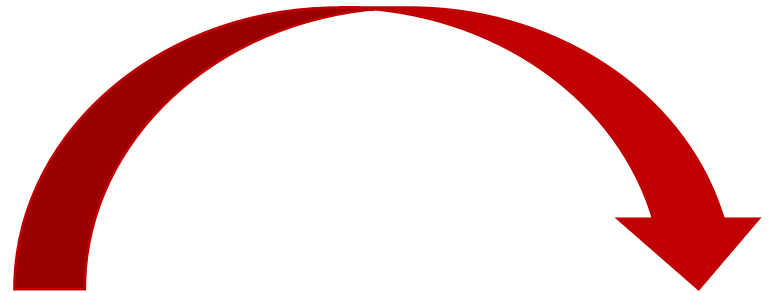
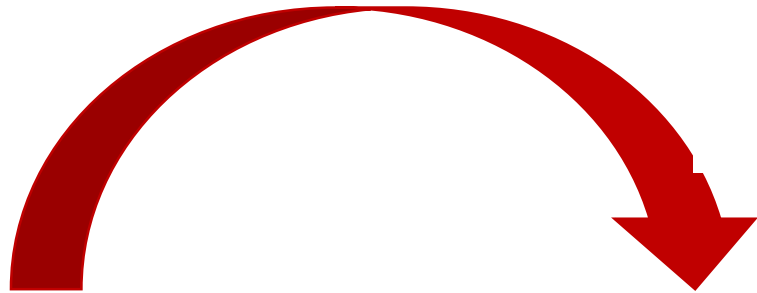
Concluding remarks

- **We need to get better at maths**
 - “transversality” – how spaces can intersect
 - methodology for marble-cake baking
- **We need to get better at answering difficult questions**
 - Threats to effective co-governance
 - Political interference
 - Etc
- **We need to close the talk-shops and open the workshops**
 - Make decisions
 - Implement decisions
 - Take responsibility for outcomes



Thank you





National

Provincial

Local

