

**DISTRICT  
INTERGOVERNMENTAL  
FORUMS**

# Measuring compliance with the Act

## Practice to date

Most districts have established a DIF. In many cases, the DIF was established before the Act took effect and has simply been modified to comply with the requirements of the Act. However, a number of districts established DIFs either in anticipation of the Act (when it was in Bill form) or after its promulgation. Other DIFs have simply not been established. In functional terms, some DIFs are already realising the vision of the Act with regard to facilitating intergovernmental relations between district and local municipalities. This includes dealing with national and provincial policies affecting municipalities, whether by discussing the implementation of such policy and legislation or commenting on it in draft form. However, some DIFs have not yet reached the stage of dealing with substantive issues and have merely been established. A number are still in the establishment phase: drafting constitutions, protocols and rules and developing an understanding of the formal requirements of the Act.

## Membership and representation

In terms of the Act, membership of the DIF is fairly limited but the chairperson may invite any other person, body or institution he/she deems necessary. In some districts, parastatals and other service providers are the major stakeholders and need to be present to ensure alignment of services. So while the Act limits the membership of the forum to mayors only, the DIF may in fact have a wide range of invited persons and bodies present in each meeting. The Act therefore allows the DIF sufficient room to ensure that all relevant stakeholders can be present and contribute to the discussions and ultimately influence decisions.

The Intergovernmental Relations Framework Act requires that, within one year of its coming into operation, districts must have established district intergovernmental forums (DIFs). Has this been done? And are they functioning effectively?

Of the DIFs that provided information, very few were in compliance with the Act's requirements on the forum's composition. The composition and membership of DIFs are very diverse, ranging from municipal officials to government departments to organised local government. Almost all still have municipal managers as members, as well as various officials from member municipalities. In some forums, the majority of attendees are district officials. That said, there are a number of DIFs where municipal managers attend purely as observers or technical advisors to their mayors. In practice, however, the distinction between formal members of the DIF and persons invited to attend by the chairperson is unclear.

In this regard, there appears to be some confusion around the composition of the DIFs and their support structures, particularly in the distinction between formal members and invited members and about the meaning of "technical support structure" as opposed to technical or administrative support. In general, there seems to be a misconception around the term "technical support structure". While the Act does not require a technical support structure, if a municipality does decide to have one, it must comply with the Act and must then be a forum for municipal managers only. Most of the DIFs canvassed do not reflect the "mean and lean", politicians-only composition contemplated by the Act, instead opting for something more

“broad and inclusive”. With regard to persons or bodies invited to attend by the chair, several presentations by service providers were made during DIF meetings. In the main, service providers were invited and indeed attended the meetings. In most cases where service providers attended and made presentations, they did not just make a presentation and leave, but remained present throughout the meeting.

## Frequency of meetings and impact of elections

While the Act prescribes at least one meeting per year, on average most of the forums have met three times, with very few having met only once. Yet some have not met at all, despite having been established prior to the commencement of the Act.

A significant factor in the frequency and continuity of meetings was the local government elections of March 2006. A change in leadership in many districts, and indeed in most local municipalities, had a distinct impact on the organisation and attendance of DIF meetings. Some DIFs had two or three meetings between August 2005, when the Act came into operation, and the elections in March 2006, but have had none since. This is most probably due to changes in leadership in the district and/or local municipalities. Potentially, the relationships built up between district and local politicians over the past few years would have been lost. This is an issue of some concern, since DIFs should be “election proof”; the possibly disruptive impact of elections needs to be taken into account in planning the forum.

Elections need not be as disruptive as the experience of certain DIFs suggests. Some DIFs that were dysfunctional or did not even meet prior to the election have held establishment meetings since then. New brooms sweep clean, and with new politicians have come new enthusiasm and vigour, leading to the establishment of DIFs where they did not exist before or to the revival of dormant DIFs.

## Agenda: discussion and decisions

While the chairperson has the power to determine the agenda, in nearly all the forums that provided information, local mayors submitted items for inclusion. In cases where they did not do so, the district chair allowed issues to be raised at the meeting followed by discussion on the matters

# key points

- Most districts have established a district intergovernmental forum.
- In terms of their functioning, some DIFs are realising the vision of the Act with regard to facilitating intergovernmental relations between district and local municipalities, as well as discussing national and provincial policies affecting municipalities.
- However, some have not yet reached the stage of dealing with substantive issues, and have merely been established.
- Key issues such as the integration of IDPs, matters arising from the premier’s intergovernmental forum and the integration of local municipalities’ policies and projects have been neglected in most DIFs.
- After one year, there are signs that the Act has had a visible and encouraging impact, with a definite – and, in some districts, quite dramatic – improvement in the functioning of the DIFs.

arising. While a particular meeting’s agenda need not consider each of the many issues listed in the IRFA, it should consider the most pressing intergovernmental issues facing districts. Not only must the agenda include these items, but the participants must discuss and hopefully resolve the issues in the meetings. To that end, the agenda of the DIFs covered an impressive range of topics.

Common themes are the discussion of shared services and district-wide projects, and indeed the agendas and deliberations of all the DIFs have been in line with the goals of the Act. In some districts, the Act itself was the focus of the agenda, especially in newly established DIFs. The focus was thus on establishment and getting the forum going. Some have even gone beyond the minimum requirements of the Act and helped local municipalities fulfil their mandate where they could not do so. Some of the issues discussed included, among other things, the status of Community Development Workers in districts, local economic development, the status of local municipalities (in the district) on the Project Consolidate list, the extended public works programme within the district and communication

strategies. In-depth debate and candid discussion of a number of issues of district-wide concern were prevalent at most meetings of the DIFs canvassed.

However, most DIFs have neglected key issues. For example, not many have discussed the integration of integrated development plans (IDPs), matters arising from the premier's intergovernmental forum or the integration of local municipalities' policies and projects in a district (horizontal alignment). For example, one local mayor stated that district projects implemented in his area were taking place without the interaction of that local municipality. Another noted the need for coordination across line functions, which was not happening in that district.

In the end, forums are only as useful as the outcomes they achieve. If a forum is merely a talk shop or a friendly meeting of mayors, then it has little use. The ultimate aims of a DIF must be better coordination and improved service delivery in the district. In these terms, the decisions taken, resolutions adopted and recommendations made are of critical importance in measuring the effectiveness of a particular forum. Many of the DIFs canvassed have not yet reached the stage of dealing with substantive issues, let alone making recommendations and decisions. Nevertheless, some are quite far advanced, already making and implementing recommendations and decisions.

## District-local relations

Underlying tension may arise from the fact that, as the previous report noted, many local municipalities have questioned their district's ability or capacity to provide leadership in policy or action. In some districts, local municipalities depend on the district to assist them with their daily functions. In other districts, however, one or more

strong local municipalities are wealthier and have more capacity than their districts. The strong local is then in the paradoxical position of helping the district to fulfil its duties, particularly in relation to other, less capable local municipalities. In this case, intergovernmental forums should recognise the actual capacity of municipalities and let the most capable municipalities have a bigger role to benefit all municipalities in the district. In cases where a district insists on taking a leadership role it is unequipped to play, more competent local municipalities have simply ignored the intergovernmental forums.

## Comment

District intergovernmental relations have definitely improved since this time last year. While much more needs to be done, there are signs that the Act has had a visible and encouraging impact. At the very least, it has virtually forced district and local municipalities to meet and establish DIFs where they did not exist before. The evidence indicates that some DIFs are functioning well and are already in full, formal and substantive compliance with the Act.

Ultimately, however, improving intergovernmental relations is meant to improve service delivery. After only one year it is difficult to make any reasonable assessment of this, but what can be said is that there has been a definite – and, in some districts, quite dramatic – improvement in the functioning of the DIFs. This may be due to the renewed energy and vigour brought about by a change of personnel.

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### CAGE project

The Local Government Project is conducting research on the definitions of the powers and functions of provincial and local government. This

research is part of a project on Managing Concurrency of Powers and Functions through Cooperative Government. Funding was contributed by the Conflict and Governance Facility (CAGE), a project of National Treasury, which is funded by the European Union under the European Programme for Reconstruction and Development.



Reuben Baatjies with Charmaine Estment of CAGE at the recent national conference (see page 20).