



Provincial intergovernmental forums: A post-Intergovernmental Relations Framework Act compliance assessment

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November 2006



CAGE Project

The Local Government Project at the Community Law Centre is conducting research on the key areas of conflict that arise between district and local municipalities. 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.

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1. INTRODUCTION

1.1 Problem Statement

The Constitution of the Republic of South Africa (hereafter “the Constitution”) mandates, under section 41(2), the enactment of an Act of Parliament that must establish or provide for structures and institutions to promote and facilitate intergovernmental relations. This constitutional mandate was eventually responded to when the Parliament enacted the Intergovernmental Relations Framework Act (hereafter the “Act” or the “IRFA”). This Act, which came into effect on 15 August 2005, provides for the institutional structures of intergovernmental relation in each of the three spheres of government. The Act, with the ultimate aim of enhancing intergovernmental cooperation, formalizes the relations between the three spheres of government.

In our previous report, entitled *Status quo report on intergovernmental relations regarding local government*¹, we have noted the plethora of intergovernmental forums that exist in most provinces prior to the promulgation of the Act. The report canvassed the evolution of these intergovernmental structures, both provincial –local and intra –local, up to the date the Act was enacted and provided a comprehensive picture of intergovernmental relations in South Africa. It analyzed the powers and functions of the provincial forums and how they have worked in the practice. The findings of the report suggested that the state of intergovernmental relations is fraught with confusion and misunderstanding. The report concluded by developing a set of benchmarks against which the success of the IRFA should be measured.

This report focuses on provincial intergovernmental structures. Using the benchmarks developed by the previous report, it assesses the situation of provincial intergovernmental relations after the enactment of the Act. It particularly seeks to evaluate the formal compliance of provinces to the provisions of the IRFA and analyze the progress made in adhering to and facilitating the goals of the IRFA. In a nutshell, this is a post – IRFA assessment that aims to examine and assist the implementation of the Act at the provincial level.

1.2 Methodology

A number of sources are used to evaluate the formal compliance of intergovernmental relations with the provisions of the IRFA. The main source of information on the provincial structures was a fully completed questionnaire which is developed based on the benchmarks. Provinces were asked to complete a questionnaire. Securing a completed questionnaire was not, however, easy. Eventually only few provinces responded to the questionnaire. The lack of completed questionnaire response was supplemented by personal communications, mainly through e-mails and telephone interviews with provincial intergovernmental relations coordinators. These personal communications with provincial officials have helped fill-in missing details.

1.3 Limitations

The findings of this report, it must be admitted, are not conclusive. They are only indicative. This is mainly owing to the lack of adequate information with regard to

¹ Steytler, Fessha and Kirby (2005).

intergovernmental structures established in some of the provinces. The finding should thus be considered as a catalyst for further research.

The other important caveat stems from the institutional focus of the research paper. The behavior and motives of the major actors in intergovernmental relations are not discussed in this report. The report does not look into the perception of municipalities towards their respective provincial intergovernmental structures. Issues of ownership and participatory model of functioning are not canvassed. The report rather focuses on the organizational features of intergovernmental relations only. That makes it too technical an approach to fully grasp the efficacy of intergovernmental relations. As the aim of this paper is to assess the level of compliance with the provisions of the IRFA, the technical nature of the study should be appreciated accordingly.

1.4 Structure

The report has five related parts. In the following section, it provides a summary of the status quo of intergovernmental structures prior to the promulgation of the IRFA. The report then describes the new IRFA, its constitutional basis, policy goals and substantive provisions. It especially focuses on intergovernmental structures that provinces are required to establish. The report then turns to the main theme of assessing compliance of provincial intergovernmental forums with the provisions of the IRFA. This is followed by a general evaluation of the practice of provincial intergovernmental structures. The report wraps up by making few concluding remarks.

2. THE STATUS QUO OF PROVINCIAL INTERGOVERNMENTAL STRUCTURES PRIOR TO THE IRFA: A SUMMARY²

Almost every province had established some form of intergovernmental structure long before the promulgation of the IRFA. This has taken, more or less, two complementary forms. The first type of forum was a broad intergovernmental structure that brought together the Premier of each province, the provincial cabinet, organised local government, mayors and municipal managers of all municipalities within the province to discuss matters of mutual interest. Included in this category were the Gauteng Intergovernmental Forum, the Eastern Cape Intergovernmental Relations Conference and the Free States PROVLOC. The other type of forum common in the provinces was leaner and includes only the Premier and the mayors of all municipalities within the province, excluding provincial cabinet. Included in this category of intergovernmental structure were the Gauteng Premier's Coordinating Forum, the Eastern Cape Intergovernmental Committee and the Free State's Mayoral Forum. Few general observations of the pre-IRFA provincial intergovernmental structures are in order:

- A common feature of most provincial intergovernmental structures was that they were not established by provincial legislation or even a protocol. Most of them were the creations of provincial initiatives. With the exceptions of the structures in Eastern Cape, which were the creations of a Memorandum of Understanding concluded between the provincial government and organised

² This section is a summary of the findings of a report we undertook earlier. See Steytler, Fessha and Kirby, 2005.

local government, and the Provincial Advisory Forum in the Western Cape, which was established by a Provincial Notice, most structures were ad hoc.

- The composition of these structures varied considerably. The structures did bring together representatives from both provincial and local governments. Beyond that, however, there was no uniformity. For example, representation of municipalities varied from one provincial forum to another. In some of these forums, municipalities were indirectly represented by organised local government while they were directly represented through their respective mayors in other forums. In some cases, membership was extended to include institutions that do not properly fall within either sphere of government. The inclusion of traditional leaders in some of these structures was often raised in this regard. Some of the provincial structures extended membership to include members of provincial legislatures. Others brought together politicians and officials, in the same forum.
- The lack of institutional linkages between the different intergovernmental structures, either at the national or local level, was noted. The institutional linkages that could have been created through submitting progress report to the national structure on matters that affect national interest legislation and more specifically in relation to the implementation of national policy and legislation within the province was absent in almost all provincial structures. Neither was there any institutional linkage between the provincial IGR structure and the district intergovernmental forums. Structural linkages between the different sectoral structures were also lacking.
- Most of the provincial intergovernmental structures were not functioning effectively. Although some of the forums proved to be functioning reasonably well, many others simply existed on paper. Some never met after their inaugural meeting.
- Some forums failed to include representatives of implementing authorities- authorities who can take the decisions of the forums further and ensure their implementation. Most intergovernmental structures were not able to go beyond mere information exchange and work around key development initiatives and programmes that involve the coordination of developmental activities.

In sum, most provinces have established intergovernmental forums. Many, however, existed in name or form only. Few had been meeting and interacting productively. Even those that had been meeting have often been limited to information dissemination, with some giving the impression of inductive training. The forums' contribution to the alignment and coordination of developmental programs was limited.

The Act, by institutionalizing intergovernmental relations, seeks to address the shortcomings of the existing intergovernmental structures. Formalizing intergovernmental structures and assisting the structures in facilitating viable and effective intergovernmental relations are the major objectives of the IRFA. It is to the

discussion of the policy goals of the Act as well as the basic structures it envisages that we shall turn now.

3. THE INTERGOVERNMENTAL RELATIONS FRAMEWORK ACT

Within the Constitution framework of cooperative government, national government has a duty under section 41(2) to enact legislation to “establish or provide for structures and institutions to promote and facilitate intergovernmental relations,” and create dispute resolution mechanisms and procedures. In 2005 the national government fulfilled this duty after nearly a decade of informal intergovernmental relations by enacting the IRFA.

3.1 IRFA: Policy Goals

The IRFA seeks to address two key failures of the existing intergovernmental system. First, implementing key national priorities requiring the cooperation of all three spheres of government has been an unpredictable and incoherent process (with the clear exception of the budget process). This confusion regarding the status, role and interrelationship of these processes results in little coherence between the spheres’ policies and priorities. Second, most instruments of intergovernmental relations are *ad hoc* as they lack institutional definition. This is despite the fact that service delivery programmes often fail due to the perplexing jurisdictional boundaries between the different spheres of government. Thus the *ad hoc* nature of the intergovernmental relations has resulted in poor service delivery at community level, including problems of duplication, real or perceived unfunded mandates, and a general inability to forge collaborative partnerships or find common ground for joint action.

The IRFA attempts to address these shortcomings by providing a general framework applicable to all spheres and sectors of government guided by the principle of co-operative government. It does so primarily by formalizing the intergovernmental institutions and processes between the spheres of government. The Act recognizes the fact that other Acts of the Parliament have created specific forums contemplated in section 41(2), and limits its role to establishing a general legislative framework. Thus the IRFA gives concrete form to the principles of co-operative government by establishing the structures of intergovernmental relations and providing mechanisms for settling disputes between the three spheres. The overarching purpose of the Act is to create the intergovernmental structures necessary to coordinate the development and monitoring of policy and legislation across the spheres of government.

Under this broad framework, the IRFA contains four distinct objectives.³ First, the Act aims at coherent government so that the each sphere functions without encroaching on the others’ territorial, functional or institutional integrity. Second, it promotes better coordination to improve the effective provision of services that require the combined actions of each sphere. Third, the forums created by the Act facilitate monitoring of how policy and legislation is implemented to ensure that legislative intention translates into tangible, measurable results. Last, the IRFA

³ S 4 IRFA.

focuses the spheres on achieving national priorities to alleviate the most pressing concerns facing all South Africans.

3.2 IRFA: Provincial Intergovernmental Structures

The IRFA provides, in part three, a framework for provincial intergovernmental forums, mainly for provincial-municipal intergovernmental relations. The major structure envisaged to promote and facilitate intergovernmental relations between the provinces and local governments in the province is the Premier's Intergovernmental Forum (PIF). The Premier, according to the IRFA, must establish this forum thus making him/her responsible for ensuring the co-ordination of intergovernmental relations within the province. Included in the membership of the forum are:

- a) The premier
- b) The MEC for local government
- c) Any other MECs designated by the Premier
- d) The mayor of district and metropolitan municipalities
- e) The administrator where one has been appointed in terms of section 139 of the Constitution for a district or metropolitan municipality; and
- f) A municipal councillor appointed by organised local government in the province and
- g) Any other person invited by the Premier.

The Premier acts as the chairperson of the forum. The Premier's Forum is a consultative forum for the Premier and local governments to discuss and consult each other on matters of mutual interest.⁴ This includes the following:⁵

- (a) the implementation in the province of national policy and legislation affecting local government interests;
- (b) matters arising in the President's Coordinating Council and other national intergovernmental forums;
- (c) draft national policy and legislation;
- (d) the implementation of provincial policy and legislation;
- (e) the co-ordination of provincial and municipal development planning to facilitate coherent planning in the province as a whole;
- (f) 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
- (g) any other matters of strategic importance that affects the interest of local governments.

The province must use the Premier's Forum to consult with local government when developing provincial policies or draft legislations that affects the latter.⁶ The same applies to any sectoral intergovernmental forum established in the province.

Convening the meeting of the Premier's Forum and determining its agenda is the responsibility of the Premier.⁷ This, however, does not preclude other participants

⁴ S 18(a) IRFA.

⁵ S 18(a) IRFA.

⁶ S 36(3) IRFA.

from contributing to the agenda of a meeting of the forum. The Act states that suggestions for inclusion in the agenda for a meeting may be submitted to the Premier in terms of framework determined by the Premier.⁸

The Premier's Forum may also consider reports from other provincial sectoral intergovernmental forums⁹ on matters of common interest to the parties concerned as well as from district intergovernmental forums,¹⁰ which are entitled to refer a matter arising in their forum to the Premier's Intergovernmental Forum and other provincial sectoral forums.¹¹ An obligation is imposed on the forum to submit an annual report to the President's Co-ordinating Council on progress with the implementation of national policy and legislation within the province.¹² It may also report on matters of national interest that have arisen in the province.¹³

The Forum, as any other intergovernmental structure established by the Act, must develop its own rules to govern its internal procedures.¹⁴ Matters that such rules govern include the following:

- a) Name and terms of reference of the intergovernmental structure:
- b) Functions of the chairperson
- c) Procedures for designation of a person to preside at a meeting in the absence of the chairperson
- d) Procedures for the functioning of the intergovernmental structure
- e) Frequency of meetings and the manner in which meetings must be convened
- f) Procedures for the adoption of resolutions or recommendations
- g) Procedures for the settlement of intergovernmental disputes (i) between the parties (ii) that are referred to the intergovernmental structure for settlement
- h) Procedures for the amendment of its internal rules

Intergovernmental structures established prior to the promulgation of the Act must comply with subsection 33(1) of the Act and adopt rules of internal procedure within one year unless an Act of Parliament in terms of which it was established specifically regulates the rules of such intergovernmental body.

The Premier's Forum, if it believes that there is a need for formal technical support to the forum, may establish a technical support structure.¹⁵ Any intergovernmental technical support structure must consist of officials representing the government or organs of state participating in the intergovernmental forum.¹⁶ Membership to such technical structure may include any other persons that may assist the structure.¹⁷

⁷ S 19(1) IRFA.

⁸ S 19(2) IRFA.

⁹ S 18(b) (i) IRFA.

¹⁰ S 18(b) (ii) IRFA.

¹¹ S 26(2) IRFA.

¹² S 20 (a) IRFA.

¹³ S 20 (b) IRFA.

¹⁴ S 33 (1) IRFA.

¹⁵ S 30 IRFA.

¹⁶ S 30(2) (a) IRFA.

¹⁷ S 30(2) (b) IRFA.

The Premier of a province, according to the Act, may also establish sectoral provincial intergovernmental forums. The objective of establishing such a forum is to promote and facilitate effective and efficient intergovernmental relations between the province and local governments in the province with respect to the functional area the structure is established for.¹⁸ Such a forum may also be established for any specific part of a province.¹⁹ The Premier determines the composition and role of the forum.²⁰

Any provincial intergovernmental forum established for any specific functional area or any specific part in the province and in existence at the time the Act took effect is regarded for the purposes of the Act to have been established in terms of the Act, until disestablished by the Premier.²¹

4. IMPLEMENTATION OF IRFA²²

As it is indicated earlier, a plethora of provincial intergovernmental forums were established in the country prior to the introduction of the IRFA. According to s 3(1) of the Act, all statutory intergovernmental bodies not established in terms of the Act must comply, within one year of the Act coming into operation, with the Act's framework for the internal procedures, unless their establishing legislation "specifically regulates the rules" of such body. As most of the provincial intergovernmental structures were informal, lacking any statutory basis, they fall completely under the governance of the IRFA. A year has gone by since the Act came into effect.

This section, through a survey of the provinces, assesses the level of compliance of the existing provincial intergovernmental structures with the provisions of the IRFA. The order of assessment corresponds with the structures outlined in the questionnaire. The survey focuses on the developments that have unfolded in the areas of intergovernmental structures following the adoption of the IRFA in the following provinces: North West, Limpopo, KwaZulu-Natal, Free State, Western Cape, Gauteng and Eastern Cape. However, when information is available, practices in other provinces are relied upon to illustrate particular points and present a broader picture of general trends.

4.1 Establishment

The provinces surveyed in this study have, to some extent, adjusted their respective intergovernmental structures in order to comply with the provisions of the Act. Some of the province did not wait for the Act to fully come into effect in order to establish intergovernmental structures in line with the Act as they have done so in anticipation of the bill becoming a law. One such intergovernmental forum that was established in

¹⁸ S 21(1) (a) IRFA.

¹⁹ S 21(1) (b) IRFA.

²⁰ S 21(2) IRFA.

²¹ S 21(3) IRFA.

²² Unless indicated otherwise, it must be assumed that the information provided in this report is solicited from the questionnaire completed by the relevant provincial officials, who, mostly, are heads of the intergovernmental unit situated in Premier's office in provinces surveyed in this study.

anticipation of the Act was the Premier's Intergovernmental Forum in Western Cape. The first meeting was convened by the Premier of the province on April 2005.²³ Although initial reports described the forum as the 'Premier's Intergovernmental Forum', documents obtained from the province refer to the forum as the 'Premier's Coordinating Forum'. A provincial intergovernmental forum that uses the same designation is established in Eastern Cape. The Premier's Coordinating Forum (PCF) in Eastern Cape was similarly established in anticipation of the promulgation of the bill into a law.

Others had to wait the promulgation of the Act to bring their intergovernmental structures in line with the Act. In its first meeting in 2006, the provincial intergovernmental structure in Limpopo changed its name from the 'Premier – Mayors' Forum' to the 'Premier's Intergovernmental Forum'.²⁴ It also effected some changes with regard to its composition in order to make it in line with the Act. Free State re-launched its Premier's Coordinating Council (PCC) after the Council, in its 24 November 2006 meeting, discussed the Act and adopted a presentation on the framework for managing internal procedures of the Council.²⁵

Some of the provinces, in establishing intergovernmental structures, have adopted a dual approach. One such province is KwaZulu-Natal that adopted a dual approach which implied the establishment of two forums: the Premier's Coordinating Forum (PCF) and another forum that is a broad inclusive forum.²⁶ The Premier's Coordinating Forum held its inaugural meeting on 19 April 2005.²⁷ The other province that continued with a dual approach is Gauteng which, following the adoption of IRFA, established the Premier's Coordinating Forum and the Gauteng Intergovernmental Forum.²⁸ As we shall see later, the latter is a broader and inclusive forum.

The intergovernmental forum in North West has, on the other hand, continued to operate without much change from its pre-IRFA structural arrangement. The North West Premier's Co-ordinating Council's (NWGCC) organizational features remained the same even after the promulgation of the Act. It is functioning according to a protocol it adopted in 2003.²⁹ Similarly, the Premier's Coordinating Forum in Mpumalanga made its last organizational changes in 2004 when the incumbent Premier came into office.³⁰ It has not, however, adopted a protocol to date.

²³ Provincial and Local Government Convened by Premier in Intergovernmental Forum, available at www.capegateway.gov.za

²⁴ Personal Communication with Ms. Dorah Maraba, Senior manager: IGR, Office of the Premier, and Cecil Mabunda, Senior Manager: DG Support, Office of the Premier. (29 September 2006)

²⁵ Minutes of the Premier's coordinating Council Meeting (Political Committee), Free State (Friday 28 April 2006)

²⁶ S. Ndebele Premier of KwaZulu – Natal, State of the Union Address, 2004, available at www.govinfo.gov.za

²⁷ Steytler KwaZulu – Natal's new Premier's Co-ordinating Forum 7 (2) *Local Government Bulletin* 2005 11 – 13.

²⁸ Minutes of Premier's Coordinating Forum; Technical Committee, Gauteng, 9 October 2006. (on file)

²⁹ Personal Communication with Mr. Reginald Maeco: Manager, IGR Unit 3 October 2006.

³⁰ Personal Communication with Ms G N Sibeko, Head of Department, Department of Local Government and Housing, Mpumalanga. (27 October 2006)

4.2 Composition

The provinces canvassed in this survey have more or less complied with the composition clause of the Act.

4.2.1 Representation of provincial and local government

Almost all provincial structures have included representatives of both provincial and local government as required by section 17 of the Act. A common feature of most of these structures is that they provide for extensive representation of both spheres of government.

This is especially true with regard to the representation of provincial government. The NWPCC in North West has, for example, included, in addition to members required by the Act, MECs who are in charge of strategic portfolios (i.e. the chairpersons of the EXCO committees on Governance and Administration, Economic Development and Infrastructure, Social Development; MEC for Public Works and MEC for Finance).³¹ The PCF in Eastern Cape, the ‘highest ranking intergovernmental structure in the province’, has similarly extended membership to chairpersons of cabinet committees (i.e. including the chairpersons of the following five clusters: Social Needs, Governance and Administration, Economic Growth and Infrastructure and Budget Committee).³² The PCF in KwaZulu–Natal includes the entire Executive Council of the Province.³³ MECs for Finance and Economic Affairs are members of the PCFs in Gauteng and Mpumalanga.³⁴ The PCF in Mpumalanga includes, in addition, the MEC for Agriculture.

It is not only provincial governments that are extensively represented but also municipalities. In Mpumalanga, North West and Limpopo, the representation of municipalities in the provincial structure is not limited to the mayors of district municipalities.³⁵ Executive mayors and mayors of all local municipalities within the province are also included in the provincial structures. In the case of Mpumalanga, invitation is always extended to members of mayoral committee of a municipality that hosts the meeting.³⁶ The first meeting of the PCF in Western Cape was also attended by all district and local municipal mayors in addition to provincial cabinet and senior government officials from both provincial and local government.³⁷ Western Cape has tried to be innovative by including local municipalities in the first phase of each meeting and excusing them as the agenda gets more focused, only retaining districts and metro in the last phase of the meetings. This scheme is preferred to than simply following the letter of the Act which, according to the Special Adviser to the Premier, would miss the shared agenda for strategic goals. The inclusion of local municipalities in the political forum seems to have become a major issue as the PCF

³¹ S 16.1 of the Northwest Premier’s Coordinating Council (NWPCC) Constitutive Protocol. (on file).

³² The chairpersons of cabinet committees are obviously MECs. Premier’s Coordinating Forum, Protocol, Eastern Cape (on file).

³³ S 4 KwaZulu-Natal Premier’s Coordinating Forum, Protocol, 19 April 2005.

³⁴ Personal Communication with Ms G N Sibeko, Head of Department, Department of Local Government and Housing, Mpumalanga. (27 October 2006).

³⁵ S 16.1 NWPCC Constitutive Protocol (On file).

³⁶ Personal Communication with Ms G N Sibeko, Head of Department, Department of Local Government and Housing, Mpumalanga. (27 October 2006).

³⁷ *Provincial and Local Government Convened by Premier in Intergovernmental Forum*, available at www.capegateway.gov.za.

in Gauteng has also requested for the submission of a discussion document on the possible inclusion of local municipalities in the forum.³⁸

4.2.2 The combination of politicians and officials

As the survey reveals, confusion hangs around the composition of the PIF. The PIF is primarily intended to be a gathering of politicians. Officials, unless upon invitation, are not expected to sit in the meetings of the PIF as this is a political forum where high-level political matters are deliberated and decided upon by politicians. The structure in Limpopo combines the Premier and mayors with heads of provincial departments and municipal managers in the same forum. The same is true in Mpumalanga where the PCF has brought together bureaucrats, like senior provincial officials and municipal managers, and politicians, like Mayors and MECs.³⁹

In North West, on the other hand, municipal managers are only invited to participate as *technical support* in all NWPCC meetings. They “are not necessarily afforded speaking powers but [involve in the] debating and sorting out of administrative work”⁴⁰. This, as we shall see later, is in addition to the existence of a separate technical forum which is composed of these same municipal managers and other provincial officials. The PCF in Gauteng, the political forum in the province, presents another clear exception as it includes officials by invitation only. The municipal managers of the three metros and the three district municipalities, the Director General, HODs’ for Local Government, Economic Development and Treasury attend the Forum only upon invitation.⁴¹ The other two structures that present a clear separation of politicians and officials are the PCFs in Eastern Cape and KwaZulu-Natal.

4.2.3 The inclusion of other parties

Other than representatives of both provincial and local government, some provincial structures invite private corporations and nongovernmental organizations to attend meetings. The participation of private corporations and non-governmental organizations, especially service providers, upon invitation, is most common in Mpumalanga and Limpopo. For example, Eskom is often invited to attend provincial intergovernmental meetings in Mpumalanga and Limpopo. The NWPCC includes as members all twenty members of the Economic Advisory Council⁴² and the chairperson of the North West Youth Commission.⁴³ The Premier’s Coordinating Council (PCC) in Free State includes, by invitation, traditional leaders, the Speaker of the provincial legislature, local municipalities and representatives of state enterprises. In the case of the PIF in Limpopo, DWAF and ESKOM are permanent members of the Forum. Gauteng sometimes holds an Extended PCF meeting in which case attendance is extended to a wider group of sector areas and municipalities not listed

³⁸ Minutes of Premier’s Coordinating Forum; Technical Committee, Gauteng, 9 October 2006 (on file).

³⁹ Personal Communication with Ms G N Sibeko, Head of Department, Department of Local Government and Housing, Mpumalanga. (27 October 2006).

⁴⁰ Personal communication with Ms. Desiree Tihoale: Dir: Integrated Development and Planning (20 September 2006).

⁴¹ Minutes of Extended Premier’s Coordinating Forum, Gauteng, 17 October 2006 (on file).

⁴² These are a group of professionals and business that advise the Premier on developmental issues of the province.

⁴³ Agenda of the North West Premier’s Coordinating Council (NWPCC) meeting (21 September 2006).

as members.⁴⁴ This is not, however, done on a standard basis but only when the need arises.

4.2.4 Complex intergovernmental structures

The variation in the composition of PIFs among the provinces has obvious implications on the size of each provincial structure. As it can easily be gathered from the foregoing discussion, the size of most provincial structures is hardly as concise as contemplated by the Act. Membership is extended to a wider group of representatives. The “mean and lean” provincial structures that existed in the pre-IRFA period are rare. The ‘broad and inclusive’ intergovernmental structures are more common. In Mpumalanga, membership has more than doubled.⁴⁵ The largest provincial structures are, however, in Limpopo and North West where more than 100 and 70 officials and politicians attend meetings.⁴⁶ These specific intergovernmental structures are “an-all-in forum” that are much closer to a conference styled gathering rather than to a focused IGR forum contemplated by the Act.

4.3. Internal Procedures

Only few provincial intergovernmental structures adopted protocols that outline their internal procedure following the adoption of the IRFA. A detailed internal procedure is, for example, provided by the Protocol that established the PCF in Eastern Cape. The Protocol provides for terms of reference, which outlines the purpose of the intergovernmental structure.⁴⁷ It includes clauses on the name of the structure, quorum, the frequency and convening of meetings, the procedure for the adoption of decisions and their implementation as well as on the settlement of intergovernmental disputes. The content of the rules are, more or less, similar with the provisions of the IRFA.⁴⁸ As it is also stated in the Protocol itself, the forum is regulated by the provisions of the Act which are “deemed to be incorporated in [the] Protocol”⁴⁹. The other province that adopted a Protocol to establish and regulate its intergovernmental structure is KwaZulu – Natal.⁵⁰ The Protocol sets out, among other things, the objects, composition and functioning of the PCF. It set out the procedure for adopting resolutions and their implementation. It also established a technical support structure.

Limpopo has not adopted a protocol to date although it has already made few changes to comply with the IRFA with regard to the name and composition of the forum. Neither has the North West Province adopted a Protocol following the introduction of the IRFA. As indicated earlier, the NWPCF continues to function pursuant to a protocol it adopted in 2003. Mpumalanga has not adopted a protocol to date.⁵¹ It was not possible to ascertain whether the other provinces have adopted protocols after the enactment of the Act.

⁴⁴ Personal communication with G Mettler, Department of Local Government, Gauteng (November 3 2006).

⁴⁵ Personal Communication with Ms G N Sibeko, Head of Department, Department of Local Government and Housing, Mpumalanga (27 October 2006).

⁴⁶ Personal Communication with Reginald Maeco: Manager, IGR Unit (3 October 2006).

⁴⁷ Protocol establishing Premier’s Coordinating Forum, Eastern Cape (on file).

⁴⁸ Interestingly the same detailed internal procedure is provided in the Protocol that establishes the Technical Support Group in Eastern Cape.

⁴⁹ Protocol establishing Premier’s Coordinating Forum, Eastern Cape (on file).

⁵⁰ S KwaZulu-Natal Premier’s Coordinating Forum, Protocol, 19 April 2005.

⁵¹ Personal Communication with Ms G N Sibeko, Head of Department, Department of Local Government and Housing, Mpumalanga (27 October 2006).

4.4. Functioning

The provinces surveyed in this report have, to some extent, been functioning well as most of them have been meeting and interacting. The PCF in Eastern Cape is mandated by its establishing Protocol to meet “no less often than four times per year”.⁵² So far, this rule has been observed as both the political and technical forums have met three times in the current year, without including the special meeting that was convened on 24 May 2006.⁵³ According to an IGR official in the province, the meetings of the forum are attended very well unlike in the previous forum where attendance rate was very poor.⁵⁴ He attributed the change to the fact that the forum has adopted a participatory model of functioning that involved the participation of municipalities in the setting out of agendas which has, in turn, made the activities of the forum relevant to the latter.⁵⁵ The first inaugural meeting of the PCF in Western Cape was convened by the Premier of the province in April 2005. It was convened twice in 2006. The next meeting is scheduled for December 2006. The PCF in Mpumalanga meets every second month. Attendance has also reportedly been very good.⁵⁶ The PCF in Gauteng meets on quarterly basis.⁵⁷

The NWPCC in North West has been meetings frequently. In a period of one year, the forum was convened four times with “special meetings called [in] when strategic document/issues that concern the whole province arise”.⁵⁸ The respondent from the province marked the level of attendance at PIF as “very well” while the same respondent marked the attendance in the other technical and sectoral structure as “only good”. The regular attendance by members of the forum, said a senior manager of Intergovernmental Unit in the province, attests to the high value members attach to the importance of the forum.⁵⁹ One of the factors that might have contributed to the good attendance of the forum could be the rule that requires any member of the forum to inform the Premier, the chairperson of the forum, in advance when absenting themselves from meetings.⁶⁰ The PCC in Free State, which has met so far three times in the current year⁶¹, has also been attended very well. It was noted that the Council has an attendance rate of 96 – 99%.⁶²

On the other hand, the PCF in KwaZulu – Natal has only met twice since its inaugural meeting in April 2005.⁶³ The IGR manager in the province noted, in one of his

⁵² S 7 of the Protocol establishing Premier’s Coordinating Forum, Eastern Cape (on file).

⁵³ Revised schedules for the Premier’s Coordinating Forum (PCF) and Technical Support Group (TSG) (on file).

⁵⁴ Personal communication with Dumisani Feni (24 October 2006).

⁵⁵ Personal communication with Dumisani Feni (24 October 2006).

⁵⁶ Personal Communication with Ms G N Sibeko, Head of Department, Department of Local Government and Housing, Mpumalanga. (27 October 2006).

⁵⁷ Minutes of Premier’s Coordinating Forum; Technical Committee, Gauteng, 9 October 2006. (on file).

⁵⁸ Personal communication with JD Tihoale. Director: Integrated development and Planning (20 September 2006).

⁵⁹ Personal Communication with Reginald Maeco: Manager, IGR Unit (3 October 2006).

⁶⁰ Personal Communication with Reginald Maeco: Manager, IGR Unit (3 October 2006).

⁶¹ The PCC held meeting on 28 April, 2006, 9 June 2006, and 27 August 2006.

⁶² Minute of the Joint FOHOD/Premier’s Coordinating Committee (PCC), Technical Committee Meeting (16 February 2006).

⁶³ Provincial implementation of the Intergovernmental Relations Framework Act, 2005, Province of KwaZulu–Natal, August 2006 (on file).

presentations to the technical forum, the absence of frequent forum meetings which has resulted in the inadequate representation of the province at national fora as “the representation of KwaZulu-Natal can appear un-informed”.⁶⁴ The PIF in Limpopo met twice in 2005.⁶⁵ The first meeting of the forum was convened in June 2005 in anticipation of the promulgation of the Act. It, however, met only once in the current year. This is despite the fact that the forum was supposed to meet on a quarterly basis. The next meeting is scheduled for November 2006.

A general observation is that the meetings of some of the provincial forums are not held on a defined interval. This may give the impressions that meetings are held sporadically with the provinces convening meetings as they deem it important. The most common explicit limitation in some of the provinces, like in the case of the PCF in Eastern Cape, is that the forum has to meet not less than three or four times per year. The potential problem of this kind of arrangement lies in the fact that the functioning of the forum heavily depends on the commitment of the chairperson of the forum to intergovernmental relations. A Premier that is not committed to intergovernmental relations might be reluctant to convene meetings. The danger is exacerbated in provinces where members other than the chairperson do not have the power to request the convening of the forum. Of course, the setting of intervals on which meeting shall take place does not necessarily result in the consistent holding of meetings. A case in point is KwaZulu-Natal where, despite the fact that its establishing protocol requires the convening of meeting on a regularly basis, meetings have been infrequent and irregular. Statements like “[n]o date has been confirmed for the PCF but it is intended that there will be one before the year end”⁶⁶ shows how irregularly the PCF meetings in KwaZulu-Natal are held. The forum met once only.

The infrequency of meetings does not, of course, characterize all provincial forums as some of them determine meeting dates of the year well in advance, sometimes at the beginning of each year as the Protocol of the NWPPC requires.⁶⁷ There has also been a suggestion to develop an IGR Calendar which will include the dates for the meetings of both political and technical IGR forums. In Gauteng, each PCF’s meeting is concluded after determining the date for the next meeting.

4.5. Focus of activities

The focus of activities can be gleaned from the agenda of meetings and the decisions taken. On this score, it was, however, difficult to obtain sufficient information.⁶⁸ It was thus difficult to fully measure the relevance of the topic discussed in these forums to the realization of the developmental objectives of intergovernmental relations. Neither has it been possible to confirm, as a result, on the role of other members of the forum, especially municipalities, in setting out the agenda of meetings. Much of the discussion in this section concentrates on Limpopo, Free State, Gauteng, Eastern Cape, Western Cape and North West. Gauteng, Limpopo and Free State provided us with minutes of some of their meetings while the others sent

⁶⁴ Technical Premier’s Coordinating Forum 29 September 2006.

⁶⁵ Personal Communication with Dorah Maraba, Senior Manager: IGR, Office of the Premier, and Cecil Mabunda, Senior Manager: DG Support, Office of the Premier. (29 September 2006).

⁶⁶ Technical Premier’s Coordinating Forum Meeting 29 September 2006, p.3. (on file).

⁶⁷ S 14 Northwest Premier’s Coordinating Council (NWPPC) Constitutive Protocol. (on file).

⁶⁸ We were not able to get access to minutes. Provincial IGR coordinators insisted that these documents are confidential and not available for researchers.

agendas of their meetings. Personal conversations with officials from provinces have shed light on the agenda items and the agenda setting process in some of the provinces.

In North West, the secretariat of the Premier is responsible for preparing draft agenda for the meetings of the NWPCC.⁶⁹ The Secretariat, which is composed of the Premier of the province, the MEC for local government and Salga NW, usually consults the major portfolio clusters when preparing a draft agenda. As a result, the agenda preparation process is largely done at the level of provincial executive. The draft agenda is then sent to the district and local municipalities for their inputs. This, according to the manager of IGR unit in the Province, has allowed municipalities to engage in the preparation of agenda items and include their concerns for discussion. The PCF in Eastern Cape has tried to include inputs from municipalities in the setting of its agenda but in vain.⁷⁰ SALGA – EC and national departments based in the province have failed to contribute to the agendas of the Forum despite repeated requests. It is usually provincial sector departments that come up with agendas for the PCF meetings. Other provinces have indicated that they, too, involve municipalities in setting out agenda of meetings. No further information was, however, made available.

The inaugural PIF meeting in Limpopo dealt with a plethora of issues.⁷¹ Under the topic transformation of local government, presentations were made on Project Consolidate (a detailed report), IDP hearing outcomes, revitalization of the Integrated Sustainable Rural Development (ISRDP) and the roll out of the new Housing Strategy. The same is true for the PCF in the Eastern Cape where an impressive list of developmental issues were discussed in its September 2006 meeting.⁷² Topics discussed included economic and financial matters, IDP, sectoral issues such as health, road and other developmental matters. Similarly, the inaugural meeting of the PCF in KwaZulu-Natal discussed a range of issues including preparation for the 2010 World Cup, African Peer Review (criteria for peer review within KwaZulu-Natal) and strategic development priorities for KwaZulu-Natal emanating from the 2005 national cabinet Lekgotla and Provincial Cabinet Indaba.⁷³ Its discussion on the outcomes of the Technical PCC (President's Coordinating Council) on the National IDP hearings of 2005 shows the structural linkage the PCF maintained with the PCC.

The Gauteng PCF meeting has for sometimes been dealing with a regular agenda items. On top of the agenda list of most meetings has been the plan to make Gauteng a globally competitive city region. Most of the meetings heard progress report on processes undertaken in that regard. The other common agenda has been the review of powers and functions in Gauteng. Other items discussed in the PCF included implementation of project consolidate in the provinces (progress report), free basic services, administration of environmental impact assessment, Soweto service delivery interventions and other developmental matters.⁷⁴

⁶⁹ Personal Communication with Reginald Maeco: Manager, IGR Unit 3 October 2006.

⁷⁰ Personal communication with Dumisani Feni, IGR Official, Eastern Cape (November 3, 2006).

⁷¹ Agenda and minutes of Premier – Intergovernmental Forum, Limpopo (09 -10 June 2005).

⁷² Agenda of Premier's Coordinating Forum meeting (21 September 2006).

⁷³ Minutes of the Premier's Coordinating Forum meeting, 7 October 2005 (On file).

⁷⁴ Meetings of PCF, Gauteng (18 February 2005, 17 September 2005, 17 October 2006).

According to the IGR manager in North West, the NWPCC have dealt, in its meetings, on matters that cut across the two spheres of government.⁷⁵ A brief glance at the agendas of the NWPCC's meeting on 21st September 2006 confirms that. In that meeting, matters ranging from project consolidate to personal primary health care and institutional mechanisms for promoting integrations between the two spheres of government were discussed.⁷⁶ The September talks included, in addition, updates on matters like cross-boundary progress report, provincial forensic management services, municipal IGR report and expanded public works program.

A long list of agenda characterizes the meetings of the PCC in Free State. Although the presentations of informative reports dominate most meetings, developmental issues are also discussed. Standard items of the meetings included progress reports on a range of developmental matters: Expanded public works programs, municipal infrastructure grant, project consolidate, community development workers, 2010 World Cup bid.⁷⁷ In KwaZulu-Natal, the discussion of the PCF focuses on matters of coordination such as the coordination around key growth development initiatives in the provinces such as Operation Mbo and ASGISA; the need for closer collaboration on planning, specifically the provincial growth and Development Strategy and IDPs and preparation for 2010 World Cup.⁷⁸

The Premier's Coordinating Forum in Western Cape, in its 7 June 2006 meeting, heard reports from the district municipalities on the *MTEC 3 Report-back*, an initiative of provincial treasury.⁷⁹ In this narrative report, each municipality outlined, among other things, its overall long term vision, a current assessment of basic and bulk service shortfalls, development plan for its municipality and the attainment of integrated settlements. The aim of this exercise was to use the MTEC process to make sure that the IDPs of municipalities impact throughout the critical strategic questions so that interface between strategic priorities, IDP and budget will be used as an entry point to a focused discussion on major strategic questions. A presentation was also made on provincial growth and development strategy. Another meeting in October 2006 began with the Premier's presentation on strategic review of crime and insecurity in the Western Cape followed by another presentation by the MEC for Local Government and Housing on the role of districts.⁸⁰ The agenda included a number of updates on roll-out of provincial growth and development strategy (PGDS) and district growth and development summits as well as technical status report.

The PCF in Western Cape, according to the Special Adviser to the Premier, tries to distinguish between strategic and operational questions. It is decided that the political forum should focus on strategic questions – agenda is focused to impact on strategic questions to advance the desired economic development. A developmental project on certain area is considered as operational question that must be left to the technical forum, namely the Provincial Advisory Forum Technical Committee (PAFTECH).

⁷⁵ Personal Communication with Reginald Maeco: Manager, IGR Unit (3 October 2006)

⁷⁶ Agenda of the North West Premier's Coordinating Council (NWPCC) meeting (21 September 2006)

⁷⁷ Agenda of Premier's Coordinating Council meeting (27 August 2006). See also Minutes of the Premier's Coordinating Council (28 April 2006).

⁷⁸ Province of KwaZulu-Natal, Provincial implementation of the intergovernmental relations framework Act, 2005 (August 2006).

⁷⁹ Agenda of Premier's Coordinating Forum meeting, Western Cape (7 June 2006).

⁸⁰ Agenda of Premier's Coordinating Forum meeting, Western Cape (4 October 2006).

The other important issue is that the forum ensures that discussions are based on uncontested evidence. Discussions on developmental issues must be supported by a rigorous analysis of key trends ensuring thus that members engage on strategic conversation on the basis of evidence that they all agree with. This is especially important, according to the Special Adviser, in the context of political pluralism that characterizes the province.

As can be gathered from the above discussion, developmental issues have appeared in the agenda of most provincial forums. Developmental agendas like the IDP and Provincial Growth and Development Strategy (PGDS) have become a dominant feature in the agenda of most PIFs.

4.6. Resolutions and their implementation

Closely related to the information exchange that characterizes most forums is the procedure for adopting resolutions and implementation. Some provincial structures have introduced procedures with regard to the adoption of resolutions and their implementation: the PIF in Limpopo, the NWPCC in North West and the PCFs in Eastern Cape and KwaZulu-Natal.

In Limpopo, a report on the PIF, including resolutions taken, are presented to the provincial Executive Council (EXCO). The Council deliberates on the resolutions of the forum and adopts decisions.⁸¹ Municipalities, on the other hand, are required to submit progress report with regard to the resolutions adopted by the Forum. According to the IGR Directorate, it has been difficult to get progress report from municipalities. The other problem has also been that some municipalities are represented by junior officials who didn't have a mandate or authority to take decisions. The Department for Housing and Local Government is charged with the responsibility of following up and monitoring the implementation of resolutions. Similarly, implementation has been the biggest challenge of the PCF in Gauteng. The plan was to have each municipal council discuss the resolutions of the Forum and adopt the decision. The problem is that most of issues didn't cascade down to the districts and local municipalities.

The NWPCC in Northwest has a more integrated approach of ensuring the implementation of resolutions it adopts. The decisions of the forum were separately prepared as "Action List" and then distributed to all members of the forum. Municipalities were advised to take note of the "actions" as they appear in the "Action List". More importantly, they were required to prepare a report on the implementation of the resolutions listed in the "Action List" for forthcoming meetings.⁸² In Eastern Cape, resolutions or recommendations of the PCF which materially affect legislation, policy or budget of the national government, provincial government or a municipality will not be binding on such bodies unless adopted by the relevant executive authority.⁸³ Any recommendation of the PCF must, however, be approved first by the Technical Support Group (TSG).⁸⁴

⁸¹ Premier – Mayors' Forum Report/ Resolutions, Limpopo (on file).

⁸² Personal Communication with Reginald Maeco: Manager, IGR Unit (3 October 2006). See also Agenda of the North West Premier's Coordinating Council (NWPCC) meeting (21 September 2006).

⁸³ S 9 (2) Protocol establishing the PCF, Eastern Cape (on file).

⁸⁴ S 9 (3) Protocol establishing the PCF, Eastern Cape (on file).

A more elaborate procedure with regard to the adoption of resolutions and their implementation is provided in the Protocol that established the PCF in KwaZulu–Natal: Members must have an appropriate mandate from their respective executive authorities to deal with the matters on the agenda. After a resolution has been taken, members must seek its ratification by their respective executive authorities within reasonable time. The executive authorities must notify the PCF of their ratification. Similarly, when an executive authority does not ratify a resolution it must inform the PCF, with reasons for its decision. When an executive authority ratifies a resolution of a recommendation, it must take all necessary measures within its jurisdiction to implement the resolution. When an executive authority deviates from or repeals a resolution that it has previously ratified, it must notify the PCF within a reasonable time. When a member of the PCF believes that another member is acting in a manner that is inconsistent with the letter and spirit of the Protocol, or is not complying with a resolution of the PCF that it has ratified, such a member must notify the PCF. The PCF must seek to resolve the issue at the first available meeting.⁸⁵

4.7. PIFs as forums for managing division of powers

The practice of using intergovernmental structures for managing division of powers between the two spheres of government is, albeit limited, common among some of the provincial structures. The report on the inaugural meeting of the PIF in Limpopo indicates that the latter is intended to be used for facilitating the devolution of powers from provinces to municipalities.⁸⁶ According to the plan, the Department of Local Government and Housing is supposed to circulate a guideline document on the devolution process to departments and municipalities, with comprehensive report to be given at the forum. A specific reference was made to the devolution of water services. The debate on functions and powers was also one of the agenda items discussed in the Western Cape’s PAFTECH meeting in July 2006.⁸⁷ Review of powers and functions has been a regular agenda item in the Gauteng’s PCF.⁸⁸ No other information which suggests the utilization of intergovernmental structures in other provinces for the same purpose was available.

The practice in Limpopo, Gauteng and Western Cape demonstrates that provincial intergovernmental forums can be used to facilitate division of powers between the two spheres of governments. Such a process ensures the inclusion of inputs from municipalities thus creating an opportunity to take into consideration the relevant factors of capacity and finance when assigning or delegating functions to other sphere.

4.8. Technical structures

Technical structures are established in all the provinces reviewed in this report.

4.8.1 Composition

As it is required by the Act, officials representing provincial and local governments must participate in the technical forums with membership in the latter corresponding, more or less, with membership in the political forum. A good example whereby the

⁸⁵ S 9 KwaZulu-Natal Premier’s Coordinating Forum, Protocol, 19 April 2005.

⁸⁶ Premier’s – Mayor Forum: 09 – 10 June 2005, Report, Limpopo (on file).

⁸⁷ Agenda of Provincial Advisory Forum Technical (PAFTECH) Meeting (12 & 13 July 2006).

⁸⁸ Minutes of Premier’s Coordinating Forum, Gauteng, 17 October 2006 (on file).

technical structure, in terms of composition, mirrors the intergovernmental forum for which the technical structure is established is KwaZulu–Natal’s Technical Premier’s Coordinating Forum (TPCF). The Committee, which is the implementation arm of the political forum, consists of the Director-General of the Provincial Administration, heads of provincial departments, municipal managers of the district municipalities and eThekweni Metropolitan Municipality and the Chief Executive Officer of SALGA-KZN.⁸⁹ The technical structures in Free State and North West have almost the same composition except that municipal managers of all municipalities and not just district municipalities and metros are included in these forums.⁹⁰ The other difference is that SALGA-FS is represented in the Free State’s Technical Premier’s Coordinating Committee by its deputy CEO rather than its CEO, which is the case in KwaZulu-Natal. In the case of North West, sometimes department experts are called in to assist heads of departments on specific issues.⁹¹

Eastern Cape’s Technical Support Group (TSG) has, more or less, similar composition, only bigger and wider. Chaired by the Director-General, the TSG includes CEO of SALGA - EC, heads of clusters, municipal managers of the district and metropolitan municipalities, heads of all provincial as well as national departments within the province.⁹² The inclusion of heads of national departments within the province in a technical structure is also evident in Limpopo which has similar composition. Chaired by the Director-General, the structure includes heads of department, district municipal managers, provincial heads of Department of Water affairs and Forestry (DWAF), Department of Mineral and Energy (DME), Home Affairs and Government communication and Information System (GCIS). Although the compositions of these structures can be criticized as too broad, it has included the representatives of both provincial and local government bureaucracy.

The Western Cape has also a functioning technical structure, the Provincial Advisory Forum Technical Committee (PAFTECH). This Forum has been in existence prior to the promulgation of the Act.⁹³ Unlike the other technical forums which are chaired by officials, the PAFTEC functions under the leadership of the MEC for Local Government and Housing. The Committee involves officials both from the province and municipalities within the province. Municipalities are represented by municipal managers. The forum deals with a lot of operational details in terms of alignment and coordination. No information was available to determine other changes made to make this forum in line with the Act.

Gauteng’s technical structure is called Premier’s Coordinating Forum: Technical Committee. The Committee is usually composed of the representatives of Office of the Premier, Department of Local Government, Department of Economic Affairs, the three metros and the three district municipalities. The Office of the Premier is widely represented in this forum, which is also chaired by the Director-General from the

⁸⁹ S 14 KwaZulu-Natal Premier’s Coordinating Forum, Protocol, 19 April 2005.

⁹⁰ S 16.2 Northwest Premier’s Coordinating Council (NWPC) Constitutive Protocol. (on file). See also Agenda of the Technical PCC meeting, Free State, (11 August 2006).

⁹¹ Personal communication with Ms. Desiree Tihoale: Dir: Integrated Development and Planning (20 September 2006).

⁹² Protocol for the Technical Support Group (TSG), Eastern Cape (on file).

⁹³ Agenda of Provincial Advisory Forum Technical (PAFTECH) Meeting (12 & 13 January, 2006, 22 June 2006 and 31 March 2006).

Office of the Premier.⁹⁴ Depending on the agenda of each meeting, HODs and other relevant persons are invited to attend meetings. The technical structure in Mpumalanga consists of the Head of Department for Local Government and Housing and all municipal managers.⁹⁵

4.8..2 Functioning: Meeting and Attendance

Meetings of the technical forums vary considerably. The most frequent meetings comes from the Technical Committee in Gauteng. Although the initial plan was to meet on a quarterly basis, the Committee has met six times in 2005 and at least three meetings in the following year.⁹⁶ The technical structures in Limpopo and Free State have met regularly as meetings are held every month.⁹⁷ The TSG in Eastern Cape has held three meeting up to now.⁹⁸ The PAFTECH in Western Cape has also been meeting regularly. In a March 2006 meeting, the forum covered a range of issues.⁹⁹ The technical structure in North West is normally supposed to be convened just before the political forum. The practice does not, however, reflect that. Unlike the political forum, which has met regularly, the technical structure has seldom convened.

The regular convening of these structures does not necessarily imply attendance by members of the forums. Lack of attendance of meeting by municipal managers has, for example, been a persistent problem in the Technical Premier's Coordinating Committee of Free State. This has become of a great concern that the chairperson of the Committee had to repeatedly ask municipal mangers to diarize the dates of the meetings which were distributed in advance in the form of Planning Framework for 2006.¹⁰⁰ Part of the problem, as it was also later noted by the Province, was the merging of the Forum for Head of Departments (FOHOD), which is purely a provincial organ, with the technical committee, which is an intergovernmental body. The agenda of most of these joint meetings were 'more of a provincial department's agenda' that were of less relevance to municipal managers. It was then decided that the joint meeting be separated into a morning session mainly for municipal mangers and the afternoon session for Head of Department's.¹⁰¹ The separation of the two forums does not, however, seems to have brought much change in so far as the attendance of municipal mangers is concerned. In its June meetings, provincial officials and other members continued to express their concern over the poor attendance by municipal managers and feared that "it will contribute to an already deteriorating relation between Municipal mangers and Councilors".¹⁰² The problem in Eastern Cape is that districts are often represented by junior officials who didn't

⁹⁴ Minutes of Premier's Coordinating Forum; Technical Committee, Gauteng, 9 October 2006 (on file).

⁹⁵ Personal Communication with Ms G N Sibeko, Head of Department, Department of Local Government and Housing, Mpumalanga. (27 October 2006).

⁹⁶ Minutes of the meetings (on file).

⁹⁷ Personal Communication with Dorah Maraba, Senior manager: IGR, Office of the Premier, and Cecil Mabunda, Senior Manager: DG Support, Office of the Premier. (29 September 2006).

⁹⁸ The Technical Support Group (TSG) was convened on 16 March 2006, 16 May 2006, 07 July 2006 and 13 October 2006.

⁹⁹ Agenda of Provincial Advisory Forum Technical (PAFTECH) Meeting (31 March 2006).

¹⁰⁰ Minutes of the 1st Joint FOHOD/Premier's Coordinating Committee (PCC) Technical Committee meeting (13 December 2005). See also Minutes of Joint FOHOD/Premier's Coordinating Committee (PCC) Technical Committee meeting (16 February 2005).

¹⁰¹ Minutes of the FOHOD meeting (16 March 2006).

¹⁰² Minutes of the Technical PCC meeting (22 June 2006).

have the mandate and capacity to engage in important IGR matters; some of them don't even go back to their seniors to come up with strategies.¹⁰³

4.8.3 Linkages with political forum

The structural linkage between the technical and the political forums also varies considerably. The structures in Eastern Cape and Gauteng seem to be adequately linked with the political forum. Each meeting of the forums is held immediately before the political forum, making coordination between the politicians and the technocrats easily possible. Furthermore, the agenda items of the forums are identical with that of the PCF, which again suggests a close link between the technical and political forums.¹⁰⁴ In the Case of Gauteng, the technical Committee often wraps up its meeting after deciding the agenda items for the forthcoming PCF meeting. In Mpumalanga as well, the meetings of the municipal managers and HOD are usually held prior to the convening of the PCF.¹⁰⁵ The TPCF of KwaZulu-Natal, in its September talks, discussed the identification of agenda items for the PCF.¹⁰⁶ In the same meeting, it was decided that the Secretariat will liaise with all TPCF members to complete the agenda items thereby ensuring a consultative process in finalizing the PCF agenda.

In the case of North West, although the arrangement is to have matters that are to be discussed in the political forum included in the agenda of the technical forum, the failure of the latter to meet regularly has made that impossible to realize. So far, it has convened only twice.¹⁰⁷ This has resulted in the sidelining of the forum whereby the secretariat sets out the agenda in consultation with members of the provincial executive.¹⁰⁸ Similarly in Limpopo, the link between the political forum and the technical forum is not evident although some of the agenda items discussed in the inaugural meetings of the former do also appear in the agenda of the August 2006 talks of the latter.¹⁰⁹ The agenda of the forum does not include for discussion matters that are arising from the political forum or those that are planned to be discussed in future PIF meeting. The structural linkage of PAFTECH in Western Cape with the political forum is, similarly, suspect as no apparent link is available based on the items discussed in its March 2006 meeting. Of the long list of agenda the forum discussed in its June talks, only one item appeared in the agenda of the political forum. Like the structure in Limpopo, no reference is made for matters arising from or to be discussed in the political forum.

None of the provinces have mentioned that their technical structure, unlike some of their predecessors, include parastatal service providers. The Act does not necessarily require the inclusion of these entities in the technical structures. There is, however, a strong reason to believe that the inclusion of such entities, which are directly engaged in service delivery, in a structure that is mainly concerned with matters of

¹⁰³ Simphiwe Mini, Eastern Cape, Department of Local Government and Housing, (3 November 2006).

¹⁰⁴ Agenda of the Technical Support Group (TSG) Meeting (7 July 2006.) On its 7 July 2006 meeting, almost all presentations were made by provincial technocrats.

¹⁰⁵ Personal Communication with Ms G N Sibeko, Head of Department, Department of Local Government and Housing, Mpumalanga (27 October 2006).

¹⁰⁶ Technical Premier's Coordinating Forum meeting 29 September 2006 (On file).

¹⁰⁷ Personal Communication with Reginald Maeco: Manager, IGR Unit (3 October 2006).

¹⁰⁸ Personal Communication with Reginald Maeco: Manager, IGR Unit (3 October 2006).

¹⁰⁹ Agenda of the Technical Structure Meeting (11 August 2006).

implementation, goes a long way in facilitating the developmental agenda of intergovernmental structures.

4.9. Other intergovernmental structures

A number of intergovernmental structures, other than the PIFs and their technical arms, are established in some of the provinces. Gauteng has, for instance, established a broader intergovernmental structure known as the Gauteng Intergovernmental Relations Forum (GIGF). This forum, which meets twice a year, reflects a representation of a wider group of political actors as well as officials. Unlike the other forums, which, by and large, are executive intergovernmental structures, this specific forum includes members of the legislative arm of the provincial government as well. It comprises of the Premier, Members of the Executive Council, Director General, Heads of the Department, the Speaker and provincial secretary of the legislature, Chief Whips, Chairpersons of the Committees in the legislature, executive mayors, mayors and municipal managers in the metropolitan, districts and local councils, two members of the Mayoral committee from each municipality, district and local councils, Chairperson, Treasures and the Chief Executive of the SALGA-Gauteng.¹¹⁰

In Eastern Cape, for example, a sectoral forum in which the MEC for local government sits together with all the executive mayors, mayors of district and local municipalities as well as metros is established. This forum, chaired and convened by the MEC for local government, has adopted rules of internal procedure as required by the Act. A similar structure is adopted in Mpumalanga. This forum, which is also chaired by the MEC for local government, meets only when they have delegated responsibility and when the need arises.¹¹¹ Similarly, a number of sectoral intergovernmental forums are in operation in the North West Province. These sectoral working groups involve provincial government, senior officials and municipalities. The province of Limpopo and Eastern Cape have established an Inter – Provincial Forum.

The Western Cape has established a special forum to manage its relations with its metro, the City of Cape Town. The Forum, which is referred as the Premier-Metro Coordinating Forum, is supposed to meet on a quarterly basis to discuss matters of mutual interest and review the progress made thereof.¹¹² Top officials from the province and the City are included in this forum. The Director-General, representing the province, and the City Manager, representing the metro, are responsible for overseeing the functioning of this forum. The preparation of a development strategy for the greater Cape Town functional area is the major focus of this forum. In its 25 July 2006 meeting, the forum discussed specific issues including soccer World Cup 2010, Public Transport and Human Settlements. The nature of topics discussed in this forum suggests that it, unlike most other provincial forums, works on ‘developmental initiatives that are grounded in specific impact zones’. Another interesting feature of this forum is that it, in contrast to the other forums, reflects an equal involvement of both the metro and the province. Presentations were made by the representatives of

¹¹⁰ Minutes of Premier’s Coordinating Forum, Gauteng, 17 October 2006 (on file).

¹¹¹ Personal Communication with Ms G N Sibeko, Head of Department, Department of Local Government and Housing, Mpumalanga (27 October 2006).

¹¹² Agenda of Premier’s Metro Coordinating Forum meeting, Western Cape (25 July 2006).

both the City and the Province. The discussion of each of the agenda items mentioned above was preceded by a joint briefing from the province and the City. This stands in sharp contrast to the practice in many other provincial structures where presentations are dominated by provincial officials.

5. A Preliminary Assessment of Provincial Intergovernmental Structures

Quite contrary to the track record that provincial intergovernmental structures had established in the pre-IRFA period, most provincial forums have been meeting and interacting. Few general observations are, nevertheless, in order.

5.1 Executive intergovernmental structures: Composition and size

An emerging feature is all provincial forums are, by and large, executive intergovernmental structures, in form and substance. One of the common features of the pre-IRFA provincial intergovernmental structures was that they included members of the legislative arm in what was otherwise an executive intergovernmental structure. None of the structures canvassed in this paper included members of provincial legislatures. The same can be said of traditional leaders as no structure has included traditional leaders. All political structures are comprised of provincial and local executives only. In so far as the representation of the two spheres of government is concerned, a key issue that is emerging relates to the inclusion of local municipalities in PIF. The IRFA provides for the inclusion of district municipalities and metros only. However, most provincial structures have included local municipalities as members. Some like Gauteng are considering the inclusion of local municipalities in the PCF. The assumption behind the exclusion of local municipalities from the PIF was that communication to the municipalities can be facilitated via district municipalities and the District Intergovernmental Forum (DIF). However, this assumption does not always hold true as the level of communication between district and local municipalities could not be as one would have liked it to be. There is also no guarantee that the DIF can effectively serve as a conduit of communication between the province and local municipalities within the province. In some cases, the capacity and economic position of some of the local municipality is so central to provincial development that their exclusion from the PIF appears nonsensical. More importantly, some locals are simply more important than the district that decisions cannot be taken without them. These and other reasons might necessitate the reconsideration of a place for local municipalities in the PIF.

On the other hand, the tendency to confuse political and bureaucratic forum seem to have continued unabated. Elected politicians and bureaucrats continue to sit together in most of the PIFs. Although this is open for discussion, the combination of politicians and bureaucrats in the same forum has the potential effect of inviting interferences and politicization of issues from the side of the former. The other side of the problem is that the mixture of politicians and bureaucrats might create an atmosphere of power relations that might sometimes be “too intimidating to permit critical interventions”.¹¹³ These policy reasons undeniably underlie the decision of the drafters of the Act to avoid the mixing of politicians and officials by providing for the

¹¹³ Levy 2001, 86.

separate establishment of political and technical forum. Of course, the combination of politicians and technocrats may not be problematic as long as their roles are clearly spelt out.

Bureaucrats are not the only addition to the statutorily determined members of the PIF. Also included, mostly by invitation, in most of the PIFs are parastatal and non-governmental organizations. The value of including these entities in the provincial intergovernmental forums cannot be contested especially in the context of the infrastructure led growth in terms of ASGISA. Their inclusion to the forums provides provinces and municipalities the advantage of receiving constructive inputs from service providers. The question is rather whether the contribution of these entities would be better utilized if they participate in the PIF, which is a political structure, or in the technical structure, which is a bureaucratic forum. The latter, as a forum that is often charged with matters of implementation, appears to be the more appropriate forum to effectively cultivate the contributions of these institutions. It is also important to note that the co-optation of these organizations into the forum does not necessarily imply full participation. They may only be invited to make presentations for a fixed time slot during the meeting of the forum or a separate meeting can be arranged to hear their inputs and proposals.

It is inevitable that the inclusion of additional members will bring to fore issues with regard to the size of PIFs and the impact that it has. Although a wider group of representations might help facilitate broader communication with all municipalities in the province, its implication for the size of the forum may not always be for the better. Large size does not necessarily imply that the forum will be more open to collective participation in the formulation of policies.¹¹⁴ There is rather a potential danger that too many members may limit the time required to sufficiently and effectively address all identified problems. Too many members are also likely to entail high cost in time and money.

Related to this is also the danger of the proliferation of these forums. This results in a lot of duplication which may complicate the lives of municipalities. As it is reportedly to be the case with the Western Cape¹¹⁵, it also results in a repeat of conversations in the different forums.

5.2 Beyond informative discussion?

Most of the discussions in the intergovernmental structures are informative. This does not necessarily downplay the effectiveness of the structures as information sharing is one important objective of intergovernmental relations. The information sharing practice has the advantage of facilitating support and assistance among the member units of the forum. For example, progress report by district municipalities, which is a common practice in most of the forums, enables provinces to identify the strength and weakness of the municipalities and decide areas where support and assistance is needed from the provinces. The presentation of progress report in Limpopo had that effect. The progress report revealed the capacity of the municipalities to generate annual fiscal statements in-house. In that meeting, the Premier, emphasized on developing a strategy to address the capacity problem of municipalities that are struggling to generate annual financial statements in-house by involving the

¹¹⁴ Levy 2001, 86

¹¹⁵ Dr. Edgar Pieterse, Special Adviser to the Premier (3 November 2006).

municipalities that have already developed the capacity to do so, with the province taking the initiatives.¹¹⁶ This shows that information exchange can help assist identify areas where intervention in terms of support and assistance is needed.

Provincial forums have also gone beyond information sharing and served as a platform for the two spheres of government to interact on a range of developmental issues. Quite encouraging is also that the developmental matters they discuss often require the interaction of both spheres of government and, by their nature, have important intergovernmental dimensions. Most forums have, for example, included IDP in their agendas, which has important component of intergovernmental relations as it involves vertical integration between the different spheres of government. In practice, reports also indicate that the forums have contributed to a dramatic improvement in the quality and submission rate of integrated Development plans of municipalities. The same can obviously be said of project consolidate and other sectoral issues. However, intergovernmental structures that work on developmental initiatives which ‘are grounded in specific impact zone’ are not common. Most of them focus on general discussion of developmental issues like IDP and project consolidate without engaging in the initiation, coordination and implementation of specific developmental programs. The only forum in which this role of intergovernmental relations comes out clearly is the Premier’s Metro Co-ordinating Forum in the Western Cape, which involved both the province and the city in specific developmental projects.

Another important observation relates to the wide-ranging agendas of most provincial forums. Matters that are not of intergovernmental nature were even included in the meetings’ of some of the forums. In both Limpopo and the Eastern Cape, the agenda included reporting back on summits attended by members of the forum and other officials.¹¹⁷ Even matters like an investment promotion visit to a foreign country are included in the agendas of the one of the provincial structure. There is no doubt that the sharing of information on these topics may have a positive spin-off for intergovernmental relations. The problem is that the inclusion of these items in the agendas of the forum may come at the expense of a more urgent and important matters by limiting the time necessary to adequately deal with such matters. Wide-ranging agendas could also be a symptom of ‘unstrategic agendas’. Here again, the practice of the Premier’s–Metro Coordinating Forum in the Western Cape is exemplary. In its July 2006 meeting, the forum discussed only four specific agenda items unlike the other provincial forums which try to cover a very long agenda in a very limited span of time.

5.3 A ‘negotiated, non-hierarchic’ relation?

Intergovernmental relations “denote a negotiated, non-hierarchic exchange” between different levels of government.¹¹⁸ Taken as such, a provincial intergovernmental forum should not be an instrument left at the disposition of the Premier but a forum where equal partners of governments come together to consult on matters of common interest in mutual respect. This relation of equal partners is reflected in the procedural

¹¹⁶ Premier’s – Mayor Forum: 09 – 10 June 2005, Report, Limpopo (On file)

¹¹⁷ Agenda and Minutes of Premier – Intergovernmental Forum, Limpopo, (09 -10 June 2005). See also Agenda of Premier’s coordinating Forum (21 September 2006)

¹¹⁸ Bolleyer, 2006, 471 – 502.

rules of some of the forums. The PCF in Eastern Cape has, for example, adopted a rule that reflects a relation of equal partners with regard to the power to convene meetings. In most provinces, the power to convene PIF meetings rests with the Premier, which is also a clear stipulation of the Act. Departing from this, the establishing Protocol in Eastern Cape provides the Chairperson of Salga EC the power to request the Premier to convene meetings from time to time.¹¹⁹ This rule obviously injects some level of equality between the participants of the forum. The other element that reinforces this notion of equality in the same forum is that invitation of other members to the forum is not a matter simply left to the Premier. The Premier can only invite other persons to the forum's meetings pursuant a resolution of the PCF.¹²⁰

The practice of intergovernmental relations does not, always reflect this principle of “negotiated, non-hierarchic” interaction. In fact, the contrary holds true for some of the provinces. Although this is open for discussion, a close look at some of the agendas and those who make the presentation in most provincial forums leaves the impression that the forums are used as a platform where the provincial government and its officials present their policies, without equal level of involvement from the side of municipalities. This seems to be more evident in the case of the Eastern Cape. The September 2006 talks were, for example, dominated by presentations of provincial reports and provincial plans. Moreover, almost all presentations were made by members of the Provincial Executive Council. Representatives of municipalities were limited to listening and responding to presentations. The only municipal official to make a presentation was the executive mayor and mayor of OR Tambo District Municipality and Mbizana Local Municipality respectively. Even then, the presentation focused on action plan on a presidential visit to Mbizana. This might leave the impression that the forum is an instrument of the provincial government rather than a platform for interaction between provincial and local government representatives. The Premier's Metro Coordinating Forum in the Western Cape is obviously one of the structures which, more or less, represent an interaction between equal partners. Neither the province nor the city officials dominate that forum. As indicated earlier, the discussion of each of the agenda items is preceded by a joint briefing from the Province and the City. Presentations were also made both by the Province and City representatives.

6. Conclusion and recommendation

Institutionalized intergovernmental relations involve a certain type of organizational embedding. It primarily moves intergovernmental relations from the informal domain of interaction through telephones, letters and informal meetings into a more formal arena of communication and interaction. It involves the creation of a particular structure with certain organizational features. It introduces regularity of meetings and a procedure for adopting resolutions and ensuring their implementation.

¹¹⁹ S 7.2 of the Protocol establishing Premier's Coordinating Forum, Eastern Cape (On file)

¹²⁰ S 3.3 of the Protocol establishing Premier's Coordinating Forum, Eastern Cape (On file)

South Africa, by adopting the IRFA, has taken further the institutionalization of intergovernmental relations that it has already embarked upon, albeit to a limited extent. Most provinces have implemented the Act. They have either established a new structure or adjusted the existing ones in order to align it with the Act. Although it might be too early to determine confidently the impact of institutionalization on the provincial intergovernmental structures, many of them are functioning well. An interesting example in this regard is the fact that the Premier's-Mayor Forum in the Western Cape continued to function despite the dispute between the City and the province. This is a testimony to the benefit that ensues from the institutionalization of intergovernmental relations.

Yet, there is little evidence to support that the institutionalization of intergovernmental relation has taken effect in its full form. Of course, meetings have been held regularly. Politicians and officials from both spheres of government have been interacting. There is strong doubt, however, if these meetings and interactions have been regarded differently from the plethora of conferences and workshops that these same organs of government organize themselves or participate in. It is not clear if the relevant authorities have fully understood that these structures are institutions onto themselves that have independent existence from the wishes of stakeholders, and not just another meeting with colleagues from another sphere of government. The manner in which these meetings were held and the topics they deliberated on casts a doubt on whether the concerned organs have appreciated the true nature of institutionalized intergovernmental relations. Yet again, it has only been a year since the Act came into effect and hopefully that these structures will evolve into full institutions through time.

There is, generally speaking, ample room for improvement in terms of implementing the Act and institutionalizing intergovernmental relations. Few recommendations are in order:

- 1) Compliance with the letter and spirit of the Act must be ensured. Few provinces have continued to operate without any change from their pre-IRFA structural arrangement. Considering the duty of all intergovernmental structures to comply, within one year of the coming into operation of IRFA, with the provisions of the IRFA, these provinces should soon revise their structures in light of the requirements of the Act. As it is also specifically required by the Act, the forums must adopt protocols to govern their own internal procedure.
- 2) 'Secondary cities' or 'aspirant metros' play a critical role in provincial development. The reality that in some provinces these municipalities were included as members of provincial forums should be allowed to continue. This is unavoidable given the fact that the capacity and economic position of some of these municipalities is so central to provincial development. The imbalance that could result from excluding 'secondary cities' could undermine the functionality of a number of PIFs. It is suggested, however, that instead of including all local municipalities only the 'secondary cities' and district municipalities should be included.

- 3) The composition of most provincial forums is too large. In this regard, the disproportionate representation of provincial politicians must be looked into. From the side of municipalities, the forum should not include other than mayors.
- 4) Clarity on the role of officials in political forum must be attained. The same is true with service providers. Generally, the role and mode of participation of both officials and service providers must be clearly spelt out.
- 5) Although provincial forums can invite any person to attend the meeting of the forums, care must be made in this regard lest the forum turns into a mass meeting.
- 6) The forums must meet regularly. In this regard, each province, in consultation with district municipalities, must develop an IGR calendar which sets out the dates of meetings at the beginning of each year. This helps to avoid clashes of meetings and ensures good attendance.
- 7) By adopting a participatory model of functioning, each provincial forum must ensure equal participation of municipalities lest it becomes dominated by provincial officials. This should begin from the setting of agendas. By ensuring the participation of municipalities in agenda setting, it can develop discussion matters that are relevant to municipalities. Provincial Salga offices can play an important facilitative role in this regard.
- 8) Procedures for adopting resolutions that reflect developmental priorities of the province and ensuring their implementation must be adopted by all provincial forums that have not yet done so.
- 9) With the view to ensure the effective functioning of provincial forums, the President's Coordinating Council (PCC) must monitor the activities of each provincial forum. .
- 10) The Department of Provincial and local Government (DPLG) must also support and monitor the activities of provincial forums. It must ensure that the forums go beyond information exchange and serve as agents of development-that developmental issues appear on the agenda. The monitoring and supporting role of the DPLG must extend to agenda setting and making collaborative works possible. The DPLG, in order to effectively monitor the functioning and activities of these forums, is advised to develop indicators. It, in consultation with provinces, can also organize trainings to provincial and district politicians and officials with the view to improve their understanding of the Act.

Bibliography

Books, Research papers, Articles and chapters in Books

- Bolleyer N (2006) Federal dynamics in Canada, the United States, and Switzerland: How substates' internal organization affects intergovernmental relations 36 (4) *Publius: The Journal of Federalism* 471 – 502.
- Levy N (2001) Instruments of intergovernmental relations – The political, Administrative interface in Levy N and Tapscott C (2001) *Intergovernmental relations in South Africa: the challenges of co – operative government* Cape Town: IDASA/School of Government 86.
- Steytler N (2005) KwaZulu – Natal's new Premier's Co-ordinating Forum 7 (2) *Local Government Bulletin* 11 – 13.
- Steytler N, Fessha Y , Kirby C. (2005) *Status Quo report on intergovernmental relations regarding local government* Paper submitted to the Conflict and Governance Facility (CAGE), a project of National Treasury..

Legislations

- The Constitution of the Republic of South Africa, 108 of 1996.
- Intergovernmental Relations Framework Act 13 Of 2005 [IRFA]

Interviews

- Personal Communication with Dorah Maraba, Senior manager: IGR, Office of the Premier, and Cecil Mabunda, Senior Manager: DG Support, Office of the Premier. (29 September 2006)
- Personal communication with JD Tihoele. Director: Integrated development and Planning. (20 September 2006)
- Personal Communication with Ms G N Sibeko, Head of Department, Department of Local Government and Housing, Mpumalanga. (27 October 2006)
- Personal Communication with Reginald Maeco: Manager, IGR Unit 3 October 2006.

Other documents (On file with the author)

- Agenda and minutes of Premier – Intergovernmental Forum, Limpopo, (09 - 10 June 2005)
- Agenda of Premier's Coordinating Forum meeting, Western Cape (07 June 2006)
- Agenda of Premier's Metro Coordinating Forum meeting, Western Cape (25 July 2006)
- Agenda of Provincial Advisory Forum Technical (PAFTECH) Meeting (12 & 13 July 2006.)
- Agenda of Provincial Advisory Forum Technical (PAFTECH) Meeting (31 March 2006.)
- Agenda of the North West Premier's Coordinating Council (NWPC) meeting (21 September 2006)

- Premier – Mayors’ Forum Report/ Resolutions, Limpopo
- Protocol for the Premier’s Coordinating Forum, Eastern Cape
- Protocol for the Technical Support Group (TSG), Eastern Cape
- Provincial and Local Government Convened by Premier in Intergovernmental Forum, available at www.capegateway.gov.za
- Revised schedules for the Premier’s coordinating Forum (PCF). Technical Support Group (TSG)
- Northwest Premier’s Coordinating Council (NWPCC) Constitutive Protocol.
- Minutes of Premier’s Coordinating Forum; Technical Committee, Gauteng, (9 October 2006).
- Minutes of Extended Premier’s Coordinating Forum, Gauteng, (17 October 2006).
- Premier’s – Mayor Forum: 09 – 10 June 2005, Report, Limpopo.
- Agenda of the Technical Support Group (TSG) Meeting (07 July 2006)
- Agenda of the Technical structure meeting (11 August 2006)
- Agenda of Premier’s Coordinating Forum meeting (21 September 2006)

Other relevant works done on the topic by the Community Law Centre

- Steytler N, Fessha Y (2005) *Defining provincial and local government powers and functions: The management of concurrency* Paper submitted to the Conflict and Governance Facility (CAGE), a project of National Treasury. Available at www.cage.org.za
- Steytler N, Jordan J (2005) *District-local municipal relations: the challenges to cooperative government*. Paper submitted to the Conflict and Governance Facility (CAGE), a project of National Treasury. Available at www.cage.org.za
- Steytler N, Fessha Y , Kirby C. (2005) *Status Quo report on intergovernmental relations regarding local government* Paper submitted to the Conflict and Governance Facility (CAGE), a project of National Treasury. Available at www.cage.org.za
- Steytler N, Boule L, *Intergovernmental dispute prevention and settlement: guidelines for effective conflict management*. Paper submitted to the Conflict and Governance Facility (CAGE), a project of National Treasury. Available at www.cage.org.za