

# SHADOW LEGACY REPORT

2004–2009



## The Parliamentary Portfolio Committee on Cooperative Governance and Traditional Affairs



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## Abbreviations and acronyms

<b>Committee</b>	Portfolio Committee on Provincial and Local Government (as it was then named) from 2004 to 2009 (also referred to as 'the previous Committee')
<b>CRLR Commission</b>	Commission on the Promotion and Protection of Cultural, Religious and Linguistic Communities
<b>Department</b>	Department of Cooperative Governance and Traditional Affairs (previously Department of Provincial and Local Government)
<b>Fourth Parliament</b>	Parliament from 2009 to 2014
<b>IDPs</b>	Integrated Development Plans
<b>LED</b>	Local Economic Development
<b>LGSETA</b>	Local Government Sector Education and Training Authority
<b>MDB</b>	Municipal Demarcation Board
<b>MIG</b>	Municipal Infrastructure Grant
<b>MPCCs</b>	Multipurpose Community Centres
<b>NEPAD</b>	New Economic Partnership for Africa's Development
<b>New Committee</b>	Portfolio Committee on Cooperative Governance and Traditional Affairs from 2009 to 2014
<b>NGOs</b>	Non-governmental organisations
<b>NHTL</b>	National House of Traditional Leaders
<b>PMG</b>	Parliamentary Monitoring Group
<b>REDs</b>	Regional Electricity Distribution sites
<b>SALGA</b>	South African Local Government Association
<b>SONA</b>	State of the Nation Address
<b>Third Parliament</b>	Parliament from 2004 to 2009

## 1 The role and mandate of Portfolio Committees

Both houses of South Africa's Parliament, the National Assembly and the National Council of Provinces, do much of their work through committees made up of members from all parties. The committee system enables work to be done efficiently, allows greater time for debate, increases participation of Members of Parliament and provides a forum for direct presentation of public views.

The role and mandate of Portfolio Committees are to:

- Facilitate public participation.
- Promote cooperative government.
- Exercise oversight on the Executive, state departments and bodies they are responsible for, and on international relations.
- Pass legislation.

## 2 The aim of this report

This report briefly highlights issues discussed in meetings by the Portfolio Committee on Provincial and Local Government (the Committee, as it was then named) during the Third Parliament (from 2004 to 2009), with some relevant information also included up to September 2009. Although the Committee prepared a Legacy Report, this was not formally tabled.

This report includes recommendations the Committee made for follow-through by its successor, the Fourth Parliament's Portfolio Committee on Cooperative Governance and Traditional Affairs (the new Committee from 2009 to 2014). Sometimes we will refer to the Committee as 'the previous Committee' to distinguish it from the new Committee.

This shadow legacy report is an independent report on the work of this Committee. The issues and concerns highlighted in this report were extracted from extensive research into the full reports of Committee meetings prepared by the Parliamentary Monitoring Group (PMG),<sup>1</sup> and reports of the Committee from 2004 to 2009.

This report gratefully acknowledges the assistance of the PMG, including full access to its resources, during the research and preparation of this report. The Parliamentary Committee staff and Members of Parliament also provided answers to queries.

**Note:**

- This report aims to reflect action taken by the previous Committee and to highlight relevant outstanding or ongoing issues for action by the new Committee.
- The recommendations at the end of each item in this report are recommendations from the previous Committee.

## 3 Cooperative Governance and Traditional Affairs priorities

The State of the Nation Address (SONA)<sup>2</sup> each year outlines the Government's priorities, highlighting focus areas for departments and parliamentary committees. Continuing priorities for the cooperative governance and traditional affairs sector set out in the SONA included the need to address issues such as:

- Strengthening local government, ward committees, community development workers and traditional government.
- Ensuring harmonisation of plans between local, provincial and national government.
- Promoting infrastructure development in rural and under-developed urban areas.

The White Paper on Local Government (1998)<sup>3</sup> guided the work of the Department of Provincial and Local Government (now Cooperative Governance and Traditional Affairs – the Department) and the Committee from 2004 to 2009. In 2007, the Department announced a review of the White Paper on Local Government and aimed to produce a White Paper on Provincial Government. But this review and a Green Paper on Provincial Government was not tabled by 2008.<sup>4</sup> The Department's 2009 strategic plan notes the review of provincial and local government as a priority issue.

The Presidency tabled a Green Paper on Performance Monitoring and Evaluation in September 2009 with a focus on economic development. Other policy priorities of the Department included ensuring that the principles of Batho Pele<sup>5</sup> were actively met and promoting the National Spatial Development Perspective.<sup>6</sup>

Cluster priorities in the Governance and Administration, and Social and Economic Clusters also emphasised:

- Cross-sectoral work and public participation.
- Traditional leadership and promotion of the New Economic Partnership for Africa's Development (NEPAD).
- Promoting interventions such as creating jobs, fighting poverty, combating crime and corruption, and improving the delivery of health and education.

#### Recommendation to the new Committee:

- Receive regular reports on the new White Paper and policies.

## 4 Mandate: Portfolio Committee on Cooperative Governance and Traditional Affairs

The previous Committee on Provincial and Local Government (now the new Committee on Cooperative Governance and Traditional Affairs) took briefings on and conducted oversight visits to monitor the work of the Department, the National House of Traditional Leaders (NHTL), the Commission on the Promotion and Protection of Cultural, Religious and Linguistic Communities (CRLR Commission), the Local Government Sector Education and Training Authority (LGSETA), the Municipal Demarcation Board (MDB) and the South African Local Government Association (SALGA).

Examples of oversight visits to various municipalities were to:

- Oudtshoorn in September 2006,<sup>7</sup> to discuss inequalities and to foster public participation.
- Various disaster management centres in the Western Cape in October 2006.<sup>8</sup>
- Winterveld Steering Committee on service delivery in March 2008.

The Committee made a study tour to Kerala to interact with policy makers and implementers, and to examine public participation. Its report in November 2006<sup>9</sup> made a number of recommendations on action by municipalities and strengthening of delivery partnerships between civil society and government. The Committee also held public hearings on legislation, and was briefed by the Public Service Commission, the Department of Communications<sup>10</sup> and others on issues of concern to the sector.<sup>11</sup>

The Department increased its focus on local government issues in the Southern African region, and the international role of the Committee is likely to increase as the principles of NEPAD<sup>12</sup> are also linked to the work of provincial and local government.

#### Recommendations to the new Committee:

- Do follow-up oversight visits on disaster management and to municipalities previously visited.
- Check if recommendations from study tours, public hearings and briefings have been followed through by municipalities.
- Consider taking on other roles in the international field related to NEPAD responsibilities.

## 5 Concerns: Department of Cooperative Governance and Traditional Affairs

In exercising oversight, the Committee monitored whether the Department was meeting the Government's priorities, the aims of the sector and its own mandate.

### 5.1 Functioning of the Department

#### *Administration, strategic plans, budgets and annual reports*

Between 2004 and 2009 the Department's budget increased by R21,3 billion. The Committee examined whether the yearly strategic plans of the Department reflected the SONA priorities, whether spending was in line with the strategic plan, any comments made by the Auditor-General, and performance issues.<sup>13</sup>

Examples of Committee concerns were:

- Challenges faced by the Department including capacity-building, keeping its database up to date, and communication about its work.
- The Department's declining budget allocations to the governance, policy and research programme.
- Too little emphasis on monitoring the transformation of traditional government.
- The Department not delivering sufficiently detailed reports on performance.
- The Department not implementing all the Committee's recommendations, although they did not specify which recommendations were still outstanding.

The audit reports for the years from 2004 to 2009 were unqualified. The Committee asked the Department to address weaknesses in internal controls.

#### Recommendations to the new Committee:

- Follow up on the previous Committee's request to address weaknesses in internal controls, and examine the 2007/08 and 2008/09 Annual Reports, which had not been presented to the previous Committee.
- Monitor whether the latest strategic plans are clearer and align better with budget allocations, and the Department's close involvement with the new Planning Commission.

#### *Human resource issues*

The Committee questioned vacancies in the Department and targets for gender and disability equity in 2007 and 2008, commenting that the Department was not making enough effort to employ people with disabilities.<sup>14</sup>

#### Recommendations to the new Committee:

- Monitor what the Department is doing to actively address the vacancies, and if gender and disability requirements are being met in the filling of posts.
- Check what is being done to improve training and development of staff in the Department.

#### *Communication*

The Committee noted various examples of poor communication by the Department that resulted in the Committee not being able to assess the successes of some policies and strategies, and the public not being aware of what the Department was doing. The Department admitted that, although it had tried to adopt better communication principles, its communication was not well structured.

#### Recommendation to the new Committee:

- Monitor the Department's efforts to improve all its communication efforts.

### 5.2 National work

#### *Disaster management*

The Committee highlighted giving priority to disaster management, including start-up grants and resourcing, mobilising of training by public representatives, and incorporating disaster management in Integrated Development Plans (IDPs).<sup>15</sup>

The Committee's oversight visits to the 2010 World Cup host cities showed continuing poor implementation of the Disaster Management Act and it recommended a comparative study to see how other countries addressed disaster issues.<sup>16</sup> The Department presented a further report on disaster management in June 2008, listing challenges such as municipalities not budgeting for disaster risk recovery and capacity constraints.

The Department told the Committee that it would be necessary to review the Fire Brigade Services legislation, the Disaster Management and Fire Brigade Services Regulations, and the funding chapter of the National Disaster Management Framework. However, these do not appear to have been brought before the Committee.

#### Recommendations to the new Committee:

- Consider the 2006/07 Report of the National Disaster Management Centre.
- Assess the current status of disaster mitigation and prevention strategies, response systems and mechanisms, and disaster fund turnaround times.
- Follow up on whether the comparative study in the management of disasters in other countries was completed.
- Call for a follow-up report from the Department on the progress of reviewing relevant disaster-related legislation.

#### *2010 World Cup issues*

The Committee, in its report on oversight visits to the 2010 host cities,<sup>17</sup> questioned whether rural areas and residents would benefit economically from The 2010 World Cup. The Committee was unhappy with the minimal support that the South African Local Government Association (SALGA) was offering to some host cities and stressed that intergovernmental relations were vital to the success of The 2010 World Cup.

#### Recommendations to the new Committee:

- Undertake follow-up oversight visits to the 2010 host cities.
- Check whether concerns identified by the previous Committee in its reports were addressed and note issues that needed attention.

#### *National Spatial Development Framework*

The National Spatial Development Framework programme aimed to guide allocating funds so that spending would be informed by economic growth potential. It recognises the need for and attempts to promote deeper overall participation and development, with social, economic and political dimensions.<sup>18</sup>

#### Recommendation to the new Committee:

- Monitor the National Spatial Development Framework and policy.

### **5.3 Provincial work**

#### *Provincial Growth and Development Strategy*

The Provincial Growth and Development Strategy was mentioned as a SONA priority in 2004, 2005 and 2009:

- The Committee commented that the Department seemed to focus more on local than provincial government, that problems between local and provincial government were not being reported to the Committee, and that specific targets for cooperation should be set.
- The National House of Traditional Leaders (NHTL) reported that some provinces had not established provincial NHTL houses.

The Department reported back to the Committee that from 2007 it would review provincial government to create more stability and establish better intergovernmental links. The Department's 2009 Strategic Plan indicated that provincial government would receive more focus, greater support and more coherent legislation and frameworks.

**Recommendations to the new Committee:**

- Hold a workshop with various stakeholders on the Intergovernmental Relations Report.
- Monitor the Department's future initiatives and work on provincial issues.

***Provincial capacity to monitor local government***

In 2006, the Department said that provincial budgeting for support and funding of local government was not one of its priorities. However, it was developing mechanisms so that provinces could be assisted to monitor local government, while the Department would focus on central quality control. In February 2008, a report noted that in future every province would submit a Consolidated Progress Report to the Department's Monitoring and Evaluation Unit that would in turn report to the Committee.

**Recommendation to the new Committee:**

- Ask for further briefings on provincial capacity to monitor local government, and continue to monitor the situation.

**5.4 Local government work*****Local Economic Development***

Local Economic Development (LED) means an integrated, multi-disciplinary approach and aims to support sustainable, better integrated economic activities in municipalities.

The Department said its main focus for a proposed national LED framework includes:

- Ensuring that government targets were met through coordinated efforts.
- Giving hands-on support to local government.
- Strengthening the policy, regulatory and fiscal environment for local government.<sup>19</sup>

**Recommendation to the new Committee:**

- Receive further briefings on the progress and success of the Department's efforts towards LED.

***Urban and rural nodes***

The need for effective and coordinated financing of Urban Renewal and Rural Development Programmes was named as a 2004 SONA priority. The Department's 2005 Strategic Plan noted imbalances in the allocation of resources between urban and rural areas, and admitted the need to place greater emphasis on rural areas.

The Committee requested:

- Encouraging businesses to invest in rural areas.
- The Department to investigate why municipalities were not conforming to policies such as the Expanded Public Works Programme.
- The Department to detail what it was doing to address problems around basic services in rural nodes, including drawing up and enforcing specific contracts, and creating better communication around these issues.<sup>20</sup>

The Committee questioned the poor performance of metropolitan police, and noted that their training should be linked directly to service delivery, and that rural areas should also benefit from this service.<sup>21</sup>

**Recommendations to the new Committee:**

- Monitor progress on the Department improving its communication through the Government Communication Information System.
- Get further updates on the Department's work in rural areas, including policing.

***Integrated Development Planning***

Integrated Development Plans aim to ensure that planning of budgets and activities is aligned across national, provincial and local government. The Committee asked why so many IDPs were being drafted by consultants, who did not have a real working knowledge of municipalities. National Treasury noted that IDPs should be examined closely by Councillors, who should also be setting and monitoring timeframes.

**Recommendation to the new Committee:**

- Monitor what the Department is doing to reduce the use of outside consultants and to encourage the active involvement of Councillors in drawing up and checking IDPs.

***Managerial and financial challenges of municipalities: Initiatives***

The restructuring of municipalities in 2000 led to geographic, organisational and functional changes, exposing problems such as:

- The poor drafting or non-existence of job descriptions.
- Widespread lack of skills.
- Skills development officers at many municipalities not being included as part of the strategic planning team.

In 2005, the Department started Project Consolidate as a 2-year programme to support municipalities and improve performance. Service Delivery Facilitators would remove service delivery backlogs and help improve policy to better support local government. In 2006, Project Consolidate was extended beyond 2 years on the understanding that its principles would be mainstreamed through capacity-building programmes.

The Siyenza Manje project was an initiative between the Department, National Treasury and other role players focusing on capacity-building through deploying experts to assist low-capacity municipalities to manage sustainable service delivery to communities.

The most pressing shortages of skills at local government level are at managerial and financial levels. The Department's 2007 Strategic Plan tried to ensure that municipalities had resources to recruit and retain managerial and technical skills. The Committee said that if all municipalities worked to budget, they would be able to employ more people.

National Treasury also recognised the need to improve the financial skills in municipalities. Proposed steps included:

- Between 2008 and 2013, National Treasury hoped to improve local government asset management, budget process, and the content and formats of reports. This would be done through linking service delivery, reporting and implementation plans to budgets, using measurable indicators.
- Performance management contracts would require managers to meet the indicators set by National Treasury.
- National Treasury would offer an accredited Financial Management Skills Training Programme and internships, with provincial and municipal advisors being used to fast-track skills transfer.

**Recommendation to the new Committee:**

Monitor and receive reports on a range of issues including:

- The mainstreaming of Project Consolidate principles.
- The progress of the Siyenza Manje project.
- Capacity-building at local government level and reduction of vacancy rates.
- Signing and monitoring of performance contracts of municipal managerial staff.
- The buy-in from Councillors and municipal officials into the National Treasury training initiatives, and the results.

***Ward councils and Councillor remuneration***

Examples of concerns expressed by the Committee were:

- The need to strengthen ward councils so they could operate efficiently.
- Problems with Councillor remuneration, including discrepancies in pay between full-time and part-time Councillors.
- SALGA's attempts to lobby and improve Councillors' productivity, devise effective training programmes and gauge performance.<sup>22</sup>

SALGA said it had produced a handbook setting out the basic framework, but asked the Committee to prepare a uniform document to address gaps in remuneration. It is not certain whether this document was ever prepared. In November 2008, the Committee commented that notices on salary increments for Councillors were poorly formulated, and asked the Chairperson to discuss the R120,000 political allowance suggested for Councillors with the Minister.

**Recommendations to the new Committee:**

- Receive further briefings from SALGA and the Department on ward councils and their performance.
- Consider whether the current remuneration is sufficient and discuss these issues further with the Minister.

***Services and service delivery***

The implementation of free services for indigent residents was identified as a problem in 2004. The Department presented its indigent relief policy to the Committee, reporting that some municipalities were not maintaining indigent registers and were providing free services to everyone. The Department then made it compulsory for municipalities to develop indigent registers for billing, and to maintain proper records of poverty and unemployment. These registers were supposed to be in place by the end of 2006.

During 2007 the Committee received research presentations on service delivery protests and noted the political reasons behind the protests, for example, dissatisfaction about poor governance and ineffective management by the Department and municipalities. The Committee stressed the need to address the speed and quality of service delivery.

The Committee was briefed by Rand Water on billing, responses to service problems, and the municipalities' failure to pass on the benefits of Rand Water's heightened cost efficiency to consumers.<sup>23</sup> The Department and municipalities gave a presentation on the restructuring of water divisions.

Electricity Distribution Industries gave presentations to the Committee on the proposed Regional Electricity Distribution sites (REDs), each of which would cover about 40 municipalities. The Committee was assured that local government would not be negatively affected by new REDs, as municipalities could continue to derive income from the supplying of electricity.

**Recommendations to the new Committee:**

- Follow up on the indigent services registers, and on whether proper identification of residents and appropriate billing is now in place.
- Request reports from the Department on steps taken to address service delivery problems in all areas affected by protests.
- Receive a briefing on the latest developments in electricity distribution.
- Further debate Rand Water strategies and adopt the Rand Water 2006/07 Annual Report.
- Receive briefings from the Department of Water and Environmental Affairs on the progress of sanitation programmes, including eradicating bucket sanitation.

**Community participation and Multipurpose Community Centres**

The Committee agreed to promote a community empowerment model for South Africa to minimise the use of consultants and involve communities and local officials more. In line with these goals, the Local Government Sector Education and Training Authority (LGSETA) ran programmes to train community development workers, and deployed trainees to wards on a part-time basis.<sup>24</sup> The participation of community groups is also a priority in the two SONAs of 2009.

Multipurpose Community Centres (MPCCs) were also listed as SONA priorities. They have the potential to offer a range of developmental services to fulfil the needs of their surrounding communities. The Department admitted that some of the MPCCs were not functioning properly and experienced infrastructural problems such as no access roads.

**Recommendations to the new Committee:**

- Receive a briefing on the training and use of community development workers, and their employment status.
- Follow up with the Department and SALGA whether the MPCCs are being helped to improve their services and functioning.

**Conditional grant spending**

The purpose of the Municipal Infrastructure Grant (MIG) is to put municipalities in a better position to provide infrastructure to reduce poverty and stimulate job creation. The Department's 2006/07 Annual Report noted that 22% of the MIG was not spent during that financial year, because of lack of management capacity by municipalities, insufficient Integrated Development Planning, and little intergovernmental cooperation.

The Department intended to withhold grants from some municipalities that were not performing and reallocate them to those who were performing. No further report was presented to the Committee, although it is likely to have been included in the Department's 2007/08 Annual Report.

**Recommendations to the new Committee:**

- Receive briefings on the Department's 2007/08 and 2008/09 Annual Reports.
- Receive briefings on improvements in spending from the Department and National Treasury.

## 6 Concerns: National House of Traditional Leaders

The mandate of the National House of Traditional Leaders is to enhance unity and understanding among traditional communities, and deepen cooperation between the National and Provincial Houses of Traditional Leaders. The NHTL presented its strategic plans and budgets to the Committee each year.

The concerns of the NHTL included:<sup>25</sup>

- The NHTL noted that the passing of the Intergovernmental Relations Framework Act had not addressed the violation of rights, causing serious conflict between traditional and municipal structures.
- The NHTL said some provinces passed legislation inconsistent with the "framework of natural justice", while others were preoccupied with Traditional Councils. Most provinces excluded traditional leaders from the drafting process.
- The relationship between the NHTL and the Department was initially strained, but appeared to improve in later years.
- The NHTL expected the Department to establish houses of traditional leadership, but requests for funding had been turned down, as National Treasury maintained that this was the responsibility of the provinces.
- The NHTL consistently claimed that it had insufficient funding and resources for staff and accommodation, a legal library and full-time employment of members.

The Committee commented that the budget and programme of action of the NHTL were not aligned, and questioned how the NHTL was addressing poverty and the status of women and children, as well as female representivity in the NHTL. The Committee

was concerned that there were no financial statements presented to the Committee, no clarity given on accountability to the Auditor-General, and that the format and quality of reports received from the NHTL were not clear and of a good standard.

**Recommendations to the new Committee:**

- Receive and examine the 2007/08 and 2008/09 NHTL Annual Reports.
- Assess the current relationship between the NHTL and the Department, the provinces and municipal structures.
- Receive updates from the Department on funding and establishing the houses of traditional leadership.
- Take further briefings from the NHTL and assess whether the quality of its reporting has improved and meets the requirements of the Committee.
- Request a follow-up on the NHTL's proposed participation in Africa's Continental House of Traditional Leaders.<sup>26</sup>
- When enacted, receive reports on the National House of Traditional Leaders Bill and Traditional Leadership and Governance Framework Amendment Bill.
- Consider amending legislation to ensure greater representation of women in the NHTL.

7

**Concerns:**

Commission on the Promotion and Protection of Cultural, Religious and Linguistic Communities

The CRLR Commission was established in 2003, although not all of its commissioners were immediately appointed. Since 2005, the CRLR Commission has received and investigated complaints mostly related to language, education, community rites, initiation rituals, and laws.

The CRLR Commission currently reports to the Committee. Its mandate, structure and functioning were investigated by the ad hoc Committee on the Review of Chapter 9 and Associated Institutions in 2007.

**Recommendations to the new Committee:**

- Examine the CRLR Commission's 2007/08 and 2008/09 Annual Reports.
- Consider the recommendations made by the Report<sup>27</sup> of the ad hoc Committee on the future of the CRLR Commission.
- If the CRLR Commission does continue in its present form and reporting lines, the appointment of new commissioners may need to be made by the new Committee.

8

**Concerns:**

Local Government Sector Education and Training Authority

The Local Government Sector Education and Training Authority (LGSETA) provides training support to municipalities. Its stakeholders are the Department, the South African Municipal Workers' Union (SAMWU), the Independent Municipal and Allied Trade Union (IMATU) and SALGA.

LGSETA presented its 5-year skills plan to the Committee in February 2007, reporting that it had identified a mismatch and shortage of skills in municipalities. The Committee expressed concerns that only 4% of municipalities received training interventions, compared to 33% in the private sector, and said that better collaboration was needed. It also questioned the sustainability of skills capacity in local government, drop-out rates, the participation of SALGA, and whether some training was not being duplicated.

**Recommendations to the new Committee:**

- Ensure better cooperation between the Sector Education and Training Authorities and municipalities.
- Receive a briefing on the Local Government Capacity Survey, and updates on training and collaboration efforts.
- Assess whether there was duplication or irrelevant training in the sector.

## 9 Concerns: Municipal Demarcation Board

The Municipal Demarcation Board submits annual assessment reports on local government capacity to the Members of the Executive Councils (MECs). Although it gave presentations each year to the Committee, not many recurring issues were identified, as the reports and questions were specific to the year's work. The MDB went from a qualified audit report with a net deficit of R1,9 million in 2004/05 to an unqualified audit report in all following years.

The Committee focused on the MDB's capacity and noted that consultants were used because of the seasonal nature of its work to achieve savings on permanent appointments.<sup>28</sup> The Committee also expressed concern that boundary disputes were largely linked to a lack of communication.

### Recommendations to the new Committee:

- Receive briefings on the 2007/08 and 2008/09 Annual Reports of the MDB.
- Address the question of capacity at the MDB again.
- Check whether the MDB has addressed shortcomings in communication around boundary disputes.

## 10 Concerns: South African Local Government Association

SALGA promotes and protects the interests of local government institutions at all forums. It aims to offer support and advice, act as an employer body, help to develop capacity and provide resources to municipalities.<sup>29</sup> SALGA has highlighted high staff turnover as a major challenge and noted that, until it can charge fees to its members, it would be unable to become self-sufficient.

The Committee identified many continuing concerns, for example:

- Questioning whether SALGA had the capacity to deliver on its mandate, and suggesting that it should focus on enhancing service delivery, training and advocacy, especially in traditional leadership issues.
- Querying SALGA's financial situation – a forensic audit was done in 2004 and every subsequent audit report for SALGA has been qualified. In September 2006, the Committee asked for a workable plan to improve the financial reporting system, but this had not been addressed by 2007.
- Highlighting SALGA's poor communication with municipalities and other stakeholders in the sector, as reflected in oversight reports.<sup>30</sup> SALGA was urged to increase its interaction with the Committee. The Committee also asked whether SALGA was doing enough to address the problems of acting municipal managers, as well as trying to resolve conflicts between speakers, managers and mayors, and responding to gender issues in municipalities.
- Suggesting that SALGA should be holding more workshops in informal areas, dealing proactively with issues around urbanisation and migration, and playing a more effective role in service delivery and maintenance of infrastructure. The Committee felt that SALGA's poor interaction and liaison with municipalities was undermining its primary goals.<sup>31</sup>

### Recommendations to the new Committee:

- Examine SALGA's 2007/08 and 2008/09 Annual Reports, and track problems identified by the previous Committee to monitor whether these still exist.
- Be briefed by SALGA on efforts to address its financial shortcomings identified in previous qualified audit reports.
- Receive further briefings from SALGA and the Department on what is being done to manage conflict and ensure that service delivery is not affected.
- Request SALGA to report on monitoring and evaluating municipalities.

## 11

Legislation and  
recommendations

In line with its mandate to pass legislation, the Committee debated and approved a number of bills and held joint sessions with other Committees to receive briefings on the Cross Boundary Municipalities Laws Repeal and Related Matters Acts of 2005, 2007 and 2009, and the Municipal Fiscal Powers and Functions Bill.

**Recommendations to the new Committee:**

- Hold joint sessions with other Portfolio or Select Committees when dealing with appropriate bills, as this proved very constructive. For example, the new Committee could participate in joint sessions with the Portfolio Committee on Justice and Constitutional Development to hear briefings on the Traditional Courts Bill, which lapsed in 2009 but is to be reintroduced.
- Realise that the Municipal Fiscal Powers and Functions Act, No 12 of 2007 has implications for the Department and new Committee, as it creates a 2-year window period to review the surcharges being charged by municipalities. The previous Committee suggested that the new Committee meet jointly with the committees responsible for finance to deal with issues around the review.
- Consider these Bills:
  - Local Government Property Rates Amendment Bill [B12-2009].
  - National House of Traditional Leaders Bill [B56-2008] – this was not completed by the Third Parliament, and lapsed, but was revived on 2 July 2009. The previous Committee's report noted public concerns about critical aspects of the institution of traditional leaders, such as terms of office, a code of conduct, remuneration, amount of autonomy, gender sensitivity and compliance with the Constitution.<sup>32</sup>
  - Traditional Leadership and Governance Framework Amendment Bill [B57 of 2008] – this was also not completed by the Third Parliament, and lapsed, but on 24 June 2009 proposals for changes to a revised and reintroduced Bill were given to the new Committee.

## 12

General  
recommendations**Recommendations to the new Committee:**

- The new Committee could request information from the Department on establishing physical addresses in remote or informal settlements – this is relevant against the background of legislation for registering cell phones and the lead-up to local government elections in 2011.
- The new Committee should assess the implications of proposals for introducing a single Public Service on its work as a Portfolio Committee.
- The new Committee should monitor the requirements in the 2009 SONA that from July 2009, Cabinet Ministers will be held accountable through performance instruments, using established targets and output measures, and that all vision statements must be translated into programmes of effective implementation.

## Endnotes

- <sup>1</sup> <http://www.pmg.org.za/minutes/4>
- <sup>2</sup> <http://www.info.gov.za/speeches/son/index.html>
- <sup>3</sup> <http://www.thedplg.gov.za/subwebsites/wpaper/wpindex.htm>
- <sup>4</sup> Committee meeting report of 16 October 2007
- <sup>5</sup> <http://www.dpsa.gov.za/batho-pele/index.asp>
- <sup>6</sup> <http://www.thedplg.gov.za/subwebsites/led/LEDConference14Aug2006/NSPD%20presentation.ppt>
- <sup>7</sup> Committee Report at <http://www.pmg.org.za/docs/2006/comreports/061116pclocalreport.htm>
- <sup>8</sup> See note 9
- <sup>9</sup> <http://www.pmg.org.za/docs/2007/comreports/070305pclocalreport.htm>
- <sup>10</sup> Presentation on Information Society and Development of the Inter Government Relations Forum, 5 June 2007
- <sup>11</sup> The State of the Cities Report was presented at the meeting of 12 September 2006, which suggested the need to draw a national urban policy agenda, have fiscal incentives and funding for urban development and the restructuring of the intergovernmental relations framework. A presentation on youth development, employment and citizenship was given on 13 June 2006 by various bodies
- <sup>12</sup> <http://www.dfa.gov.za/au.nepad/index.html>
- <sup>13</sup> The Reports and plans, as well as the programmes of the Department, can be found at <http://www.thedplg.gov.za>
- <sup>14</sup> Committee meeting report of 20 February 2008
- <sup>15</sup> <http://www.pmg.org.za/docs/2006/comreports/061116pclocalreport.htm>
- <sup>16</sup> <http://www.pmg.org.za/docs/2008/comreports/081126pclocalreport4.htm>
- <sup>17</sup> <http://www.pmg.org.za/docs/2008/comreports/081126pclocalreport4.htm>
- <sup>18</sup> Committee meeting report of 23 May 2006
- <sup>19</sup> Committee meeting report of 13 March 2007
- <sup>20</sup> Committee meeting report of 12 June 2007
- <sup>21</sup> Committee meeting report of 28 August 2005
- <sup>22</sup> Committee meeting reports of 1 March 2005, 13 March 2005, and 19 February 2008
- <sup>23</sup> Committee meeting reports of 26 April 2004, 7 June 2005, and presentation of the Rand Water 2006/07 Annual Report at the Committee meeting on 7 November 2006
- <sup>24</sup> Committee meeting report of 20 March 2007
- <sup>25</sup> Committee meeting reports of, respectively, 14 March 2006, 13 March 2007 and 23 October 2007
- <sup>26</sup> The NHTL announced its intention to participate in 2007. The establishment of the Continental House of Traditional Leaders aimed to promote African democratic principles, protect institutions of traditional leadership, promote and protect African culture and tradition, and encourage participation of traditional leaders in peaceful conflict resolution
- <sup>27</sup> Parliament of the Republic of South Africa (2007). Report of the ad hoc Committee on the Review of Chapter 9 and Associated institutions – a report to the National Assembly of the Parliament of South Africa, Cape Town, South Africa
- <sup>28</sup> Committee meeting reports of 15 April 2005 and 14 March 2006
- <sup>29</sup> Committee meeting report of 14 March 2006
- <sup>30</sup> See note 21
- <sup>31</sup> Committee meeting report of 19 February 2008
- <sup>32</sup> Committee report of 26 November 2004:  
<http://www.pmg.org.za/docs/2008/comreports/081126pclocalreport.htm>







This shadow legacy report is an independent reflection on the work of the Parliamentary Portfolio Committee on Cooperative Governance and Traditional Affairs during the Third Parliament (2004–2009). The report highlights some of the key issues discussed and recommendations made by the Committee for follow-through by its successors in the Fourth Parliament.

The views expressed in this document are the result of extensive analysis of the minutes of Committee meetings prepared by the Parliamentary Monitoring Group (PMG), and the reports of the Committee for the period under discussion.



OPEN SOCIETY FOUNDATION FOR SOUTH AFRICA

## Mission

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The Open Society Foundation for South Africa (OSF-SA) is committed to promoting the values, institutions and practices of an open, non-racial, non-sexist, democratic society. It will work for a vigorous and autonomous civil society in which the rule of law and divergent opinions are respected.