

**OFFICE OF THE PRESIDENT
AND
INTERIM SECRETARIAT**



1ST Floor,
First National Bank Building,
206 Church Street,
Pretoria 0002, Tshwane
Republic of South Africa

PO Box 13695,
The Tramshed,
Pretoria 0126, Tshwane
Republic of South Africa

Tel: +27 12 324 9154
Email: esther@uclgafrica

Fax: +27 324 9156
Website: www.uclgafrica.org

Non Profit Organisation: 048-271-NPO

Enquiries: Esther Reyneke Executive Secretary

Our Ref: SM/er
Your Ref:
Date: 23 July 2009

Prof J de Visser
Co-ordinator of Local Government Projects
Community and Law Centre
University of the Western Cape

Dear Professor

**Invitation to the Community Law Centre's 10 years LG Bulletin
Anniversary Conference**

This is a letter of apology .

After we had made all the arrangements for me to attend your 10 Years LG Bulletin Anniversary Conference, the office of the Deputy President gave me an appointment at short notice. Unfortunately it clashed with the date I was supposed to address your Local Government Practitioners and formally launch your new publication. I had honestly looked forward to interacting with all your wonderful guests.

Please send us a brief report on what transpired, especially what the UCLGA can learn from your illustrious speakers. As promised I have e-mailed my contribution.

I wish you every success.

Yours sincerely



Smangaliso Mkhathshwa
President UCLGA

Encl/.....

ADDRESS BY FATHER SMANGALISO MKHATSHWA, PRESIDENT OF THE UNITED
CITIES AND LOCAL GOVERNMENTS OF AFRICA (UCLGA), AT THE COMMUNITY
LAW CENTRE'S 10-YEAR LOCAL GOVERNMENT BULLETIN ANNIVERSARY
CONFERENCE, BELLVILLE, 23 JULY 2009.

Programme Director. All protocol observed.

Thank you for letting me participate in this critical conference from the perspective of the UCLGA, an organisation uniting African local governments and municipalities.

South Africa has just had its provincial and national elections. Local government elections are some two years away. With the national government hardly three months old, however, there is already a spate of service delivery protests around the country. That underscores the importance of local government. It is about local issues that people are raising their voices about, not esoteric issues.

You see, too, the importance of local government in the longevity of the Local Government Bulletin, whose ten years of information and organic intellectualism today's conference is celebrating. More than any other publication, the Bulletin has pulled local government from the periphery to the centre, and from the marginalised to the mainstream. Intellectual capital as represented by the Bulletin knows no boundaries, as does its subject, local government.

It is against that background that any discourse on local government anywhere is in reality a confab on local government everywhere. It is particularly apt, then, that part of our presence here today is international in orientation, assessing as it does South Africa's local government system as a role model for other systems around Africa and the world. The launch, therefore, of the

Global Dialogue on Local Governments and Metropolitan Regions, is empowering for local governments across our continent and the world. We in the UCLGA have as one of our objectives the exchange of knowledge, information and experience on best practices within our countries. A comparative book such as this one, then, is essential reading for all our members, particularly as it counter-juxtaposes local government with other spheres of government.

I have not read the book yet, but I have no doubt that its findings on local government shall be a confirmation of local government as the closest and most intimate sphere of government to the people.

No country, as my opening reference to current service delivery protests attests, knows that better than South Africa. Ours is a system of local government based on public consultation and participation, hence its nomenclature as developmental local government. Local government in South Africa is legally obliged, through integrated development planning (IDP) to involve communities in the development of IDPs so that their priorities may be accommodated.

It does not end there. Communities are also involved in resource allocation through participatory budgeting, which is also a legislative requirement that municipalities must comply with.

Speaking of budgets, another special element of the South African system is the Municipal Finance Management Act (MFMA), which is strictly for local government, highlighting once again the uniqueness of local government in South Africa as a distinct sphere of government. Our strength as a country lies in our prioritisation of local government in equal measure with national and provincial government. Our funding, too, of local government within an

equitable funding framework inclusive of national and provincial government is yet another distinctive feature of South African local government.

Many here will know, too, that our system provides, constitutionally, for the establishment of a local government association. We are also quite exceptional in this regard, and many of our colleagues around the continent are exploring it as a proposal for their own situations. The greatest benefit of this innovation is that government has a one-stop location for engagement with the entire local government system in the country, and municipalities themselves have a single forum to evolve common approaches to challenges facing them.

It is because of such progressive features that our local government system has become the envy of other African countries, most of whom actually have no local government per se but local authorities whose powers are generally proscribed, and subject to the whims of national government. Contrast that with the South African situation where local government is constitutionally and statutorily protected as a distinct sphere existing side by side with the two other spheres, provincial and national government.

Even, however, as one trumpets the virtues of the South African local government system one must draw attention to the fact that South African municipalities are still not completely convinced about the fairness of the equitable funding formula in so far as they are concerned. There is a school of thought which posits that municipalities are inherently short-changed if one considers the magnitude of their responsibilities compared to, as an example, provincial government.

Another school of thought avers that while South African local government is both legislatively and financially generally empowered, its powers are in fact qualified as provincial government can suspend those powers and effectively arrogate them to itself. Recent legislation strengthening the two other spheres'

powers to take over dysfunctional municipalities is cause for concern within the local government establishment, though this is not voiced vociferously.

While much of Africa, then, is still grappling with issues pertaining to significant and substantive recognition of local government, South African local government is struggling to block the reversal of gains it has achieved over the years of its existence.

We in the UCLGA are concerned about African countries generally having uniform systems, in terms of powers, at central government levels, but uneven systems at the local government level. In our submission, therefore, to the African Union we have requested a continent-wide establishment of local government as a distinct sphere of government. While, at this stage, we are focusing on the principle and not a specific model, the South African model is obviously attractive.

The slowness of development in most African countries is directly traceable and attributable to weak local government systems, where local governments still have very little decentralized to them, with municipalities often viewed as nothing more than street cleaners and managers of local markets. The continent's challenge is to understand that Africa is the fastest urbanizing continent in the world, and urbanization has led to challenges pertaining to, inter alia, service delivery, governance, revenue collection, financial management, communication, consultation and participatory democracy, to name a few.

These can only be handled through fairly sophisticated local government systems - with municipalities properly resourced to discharge the responsibilities that their communities expect them to. These expectations include clean drinking water, sanitation, electricity, housing, proper local road

infrastructure, reliable transport systems, communication infrastructure, and local economic development.

We in the UCLGA believe that these are human rights issues, and that where these are not addressed through the legislative devolution of power to the common people and at the lowest level of their existence - local government - there is in fact no human rights. That is what Albert Schweitzer is arguing for when he says:

The fundamental rights of [humanity] are, first: the right of habitation; second, the right to move freely; third, the right to the soil and subsoil, and to the use of it; fourth, the right of freedom of labor and of exchange; fifth, the right to justice; sixth, the right to live within a natural national organization; and seventh, the right to education.

In seeing other models of local government from elsewhere in the world, especially from other developing nations such as India, we as Africa are sure to learn that the very future of our countries lies in the extent to which we understand that local government remains the only viable vehicle through which central government can take development to the ground via locally elected representatives or councillors. Our experience, as the UCLGA, of local councillors is that communities are in a position to hold local government accountable for their day to day basic needs such as water, electricity and sanitation, while central government focuses on the macro infrastructural and economic development needs of the country.

Our vision, then, is that of central and local governments in co-existence and cooperative governance, with local governments accountable to central governments on the delivery, at community levels, of the country's development agenda. That accountability would presuppose the devolution of

certain powers to local governments, with the necessary resources factored - based on the principle of fully resourced mandates. What, in essence, we are speaking of is a case of local government given clear and distinct responsibilities to complement the macro development agenda of central government. The resources we speak of include people, finance and legal instruments as in the recognition of local government as a distinct sphere of government.

This would also be beneficial for participatory democracy and decentralisation as endorsed by the Commonwealth and captured in the model of local government recommended by the former Prime Minister of Brazil, Mr Cardoso, in his Report to the former Secretary-General of the UN, Mr Kofi Annan, and adopted by the Governing Council of UN Habitat. We have to make it possible for citizens of our countries to take their own local development into their hands rather than see central government as the problem whenever a village road has potholes or, in towns, a bulb on a street light is not working.

The distinction between central and local government is a matter of good governance, and it is what an Indian Finance Minister was referring to when he quoted a Tamil saint poet, Tiruvalluvar, who once said:

Kodai Ali Sengol Kudi Ombal Nangum, Udaiyanam Vendharkku Oli - meaning generous grants, compassion, righteous rule and succour to the downtrodden are the hallmarks of good governance.

Being where the people are, local government is best placed to play a critical role in the furtherance of this debt that governments owe their people. All the best examples of service to people internationally prove this.

I hope this Conference takes Africa one step closer to fully understanding, and supporting, this.