



CO-OPERATIVE GOVERNANCE:

DEVELOPING A STRATEGY FOR MPUMALANGA

REPORT OF THE PROCESS

**COMPILED BY
THE PROJECT MANAGEMENT UNIT
OF
THE INDEPENDENT MEDIATION SERVICE OF SOUTH AFRICA (PMU/IMSSA)**

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CONTENTS

PREMIER'S MESSAGE

PREVIEW

1.	INTRODUCTION	Page 1
2.	CONTEXT OF CO-OPERATIVE GOVERNANCE PROCESS IN MPUMALANGA	Page 1
2.1.	National Context	
2.2.	Provincial Context	
3.	PARTIES AT THE TABLE	Page 4
3.1.	Government	
3.2.	The Reconstruction and Development Committees (RDCs)	
3.3.	Traditional Leadership	
3.4.	The Co-ordinating and Facilitating Body: The RDP Directorate	
4.	THE PROCESS	Page 10
4.1.	The 1996 Meetings/Workshops	
4.2.	Co-operative Governance Strategic Development Process	
5.	ISSUES AFFECTING CO-OPERATIVE GOVERNANCE STRATEGY	Page15
5.1.	Land	
5.2.	Participation and Dispute Resolution	
5.3.	Lack of Resources	
6.	LESSONS FROM THE MPUMALANGA PROCESS.....	Page 17
6.1.	Empowering Factors	
6.2.	Enabling Factors	

APPENDIX: Resolutions: Strategy for Co-operative Governance in Mpumalanga



PREMIER'S MESSAGE

On 27 April 1994 the people of our country, for the first time voted for the government of their choice, the government of the people for the people. Although this was an important step in the democratisation of our country, the local government level was still undemocratic. November 1 1995, signaled the completion of the process of political freedom for our people when they voted for local government.

Unfortunately, this qualitative change of our society came with its own problems and challenges. At this level there are traditional leaders who have performed some local government functions at one stage or the other. Consequently tension developed in a number of places between the traditional leaders and democratically elected local government. In some cases this conflict threatened effective delivery process and unfortunately the people were the ultimate victims.

My message to everyone is that there is a role for everyone in the reconstruction and development of our country. We should all be driven by the desire to improve the quality of life for our people, especially the most vulnerable sector of our people, women and children who reside in the strongly contested rural areas. We must not fight at the expense of the people we claim to represent. This will be treacherous and unpatriotic. Let us effect the slogan , which says local government is the hands and feet of the RDP.

My sincere gratitude to the Project Management Unit (PMU) of IMSSA under Ms Cyrilla Bwakira, the RDP Directorate, especially Mr. Linda Mwale and Ms Cathy Dlamini, for their hard work in ensuring the success of this delicate process.

Traditional Affairs Sub-directorate, under Mr. Ntimane, the House of Traditional Leaders under the able leadership of the honourable Chief Khumalo and finally to our people who have made this process a success. Working together we shall be able to stop rivers from running.

N M PHOSA

PREMIER: MPUMALANGA PROVINCE



PREVIEW

The project management unit (PMU) of the Independent Mediation Service of South Africa (IMSSA) administers and manages a USAID grant programme for conflict management projects implemented by non-profit organisations. The PMU also plays a co-ordinating role for the entire umbrella programme and provides technical assistance to sub-grantees in all aspects related to or emerging from the project. The entire grant has been allocated to the local government sector in four provinces that share some common features. These provinces are: Mpumalanga, Free State, Eastern Cape and the North West Province.

At the request of the sub-grantees, independent consultants have been contracted to develop, pilot and design training packages and implement an Integrated Dispute Resolution System for Local Government. During regular liaison with stakeholders in Mpumalanga (30% of sub-grants has been allocated to projects in Mpumalanga), the PMU realised that processes were already in place to address conflict between local government players. After discussions with the RDP Directorate, the co-ordination body for all development projects in Mpumalanga, the following issues were raised:

- there was potential for overlap of processes and structures in Mpumalanga, if processes were not carefully recorded and stakeholders informed of them;
- there was a need to integrate related projects with this process;
- meetings were recorded but no full reports had been written outlining the valuable lessons and experiences which similar projects could draw on;
- effective local government processes and structures which have already been established should influence the Local Government White Paper process;
- the need to facilitate the development of co-operative governance nationally.

Tanya Venter, an IMSSA panellist, was contracted to record the processes and structures of the co-operative governance strategy in Mpumalanga. This report was compiled with the support of the Premier's Office and in consultation with the PMU, the RDP Directorate and local government parties in Mpumalanga.

The research methodology included:

- meeting and talking with the local government stakeholders, the RDP Directorate and the Project Management Unit (IMSSA) between February and April 1998;
- attending a meeting between stakeholders, the RDP Directorate and the PMU on 10 March 1998 in Middelburg, which Premier Matthews Phosa also attended;
- collecting all documentation and recordings from the process with the assistance of the RDP Directorate, and analysing these materials.



1. INTRODUCTION

Development is not about the delivery of goods to a passive citizenry. It is about active involvement and growing empowerment. In taking this approach we are building on the many forums, peace structures and negotiations that our people are involved in throughout the land.

The Reconstruction and Development Programme

This report attempts to capture the processes followed at local level which resulted in a strategy for co-operative governance in Mpumalanga.

The aim of recording the process is to:

- inform future participative processes at local government level;
- ensure that there is no duplication of processes and structures; and
- inform co-operative governance processes in other provinces and at national level.

This report outlines the context in which participation has occurred in Mpumalanga, describes the parties to the participation process, unpacks the process thus far and draws preliminary conclusions and learnings. The ultimate objective of the exercise is to understand, share, improve, strengthen and further the outcome of co-operative governance in South Africa.

2. CONTEXT OF CO-OPERATIVE GOVERNANCE PROCESS IN MPUMALANGA

2.1. National Context

The first democratic elections in South Africa formally introduced our country to a culture of participation and co-operative governance. The interim constitution structured government into a three-tier government system - at national, provincial and local levels - which aimed to introduce democracy to every level of society. The Reconstruction and Development Programme (RDP) was the main election ticket of the ANC, and was the programme that is to assure 'a better life for all South Africans'. The RDP is a socio-economic policy framework aiming to



eradicate reminiscences of apartheid and build a country free of prejudice. Inclusive participation at all levels of society underpins the RDP, with the national level determining policy, and the provincial and local levels of government acting as the implementation vehicles of the RDP.

In early 1996 the RDP National Office was absorbed into the Deputy President's Office and other Departments, as it became clear that as the RDP formed the framework of government policy, and therefore needed to become integral part of departments' activities.

Government has over the last three years passed new legislation affecting all aspects of government structures and services. The Local Government White Paper Process aims to develop legislation that structures local government. The Act is expected to be passed by September 1998. This legislation will govern the participatory structures at local level.

2.2. Provincial Context

Mpumalanga has a small population relative to other regions, with widely varying levels of concentration. The province incorporated the homelands of former Kangwane, Kwandebele and Bophuthatswana. Mpumalanga contains a large proportion of the country's high potential agricultural land and the economic potential of the region is only starting to show with a 4% growth rate (some economists estimate it as high as 5 1/2%). Tourism in particular is increasingly contributing to the economy of the province.

The provincial government elections in April 1994 gave the ANC an overwhelming victory in Mpumalanga. The establishment of Reconstruction and Development Committees (RDCs) in provinces followed the adoption of the RDP. The RDC is an all-inclusive body comprising of all organised structures in a given community. The election of local councillors in November 1995 was not accompanied by the dissolution of the RDCs¹. This gave rise to conflict, as there was no clarity on the roles of the parties. The traditional leaders also wanted a role

¹ Many of the new Councillors were executive members of the RDCs before being elected into office, thus draining RDCs of much capacity. The Councillors felt that the RDCs no longer had a role, and the RDCs felt sidelined. The success of the RDCs in communities, and their identity as the vehicles of the RDP, had also



in local government, based on their traditional authority in communities. The lack of clarity of roles, and the lack of trust between the parties, led to misperceptions – which in turn led to delays in the delivery of services. The slow delivery of services was reflected through the frustrations of their constituencies, pressuring them to manage the conflict in a manner that facilitates the delivery of services.

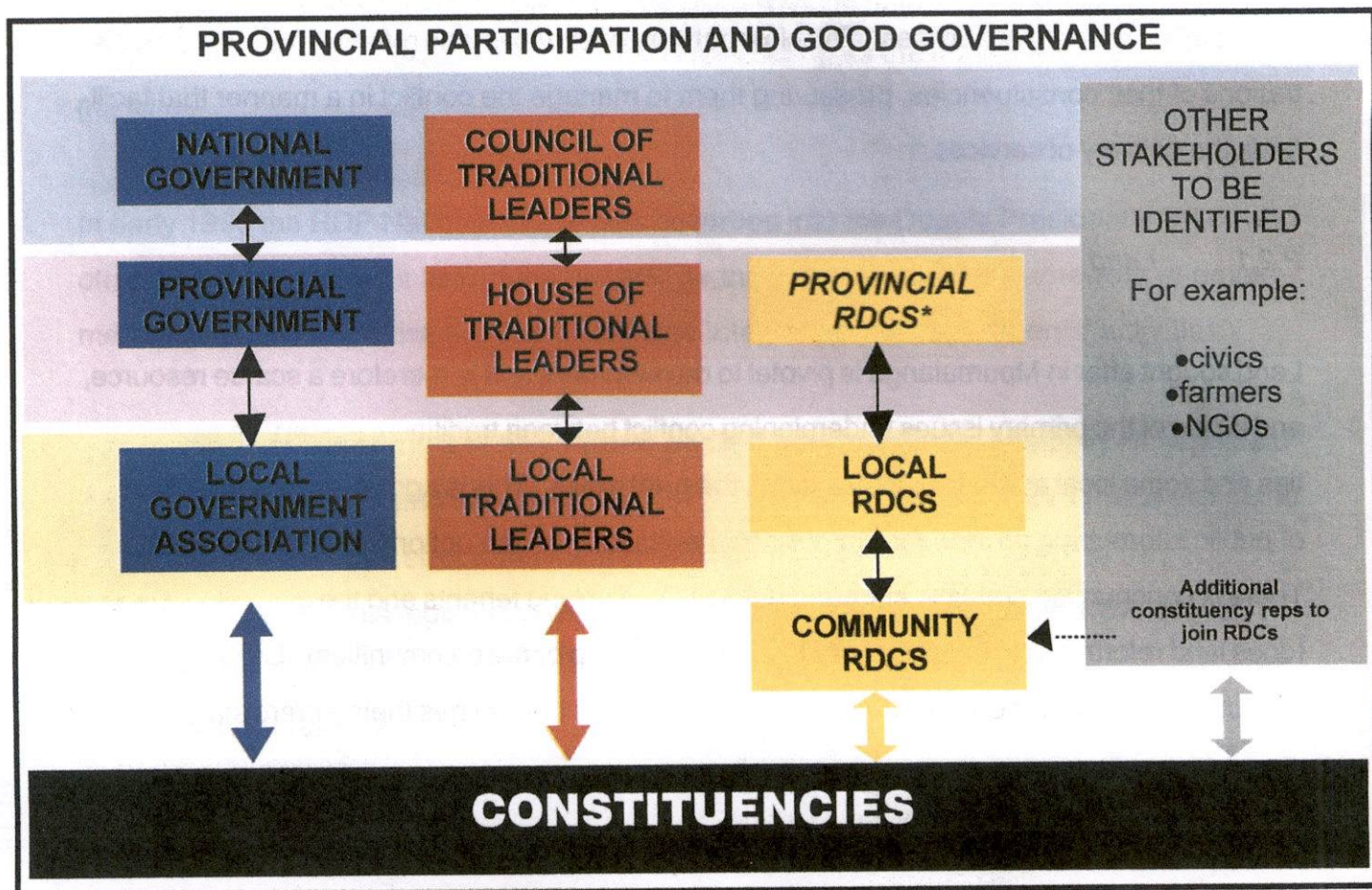
2.2.1. *Land*

Land sought after in Mpumalanga is pivotal to development and is therefore a scarce resource, and is one of the primary issues underpinning conflict between traditional leadership, communities and some local authorities especially in the rural areas. This is aggravated by the absence of public information on land reform policies, particularly on the options open to communities. There is continued uncertainty surrounding the status of land tenants and the ownership of land (does land reform give ownership to traditional leadership or the communities). Land was in the past under the jurisdiction of traditional leaders, and thus determines their current status.

left them with strong credibility for continuing to play a role in communities. This confusion also stemmed partially by the lack of clarity on the life cycle of the RDCs.



3. THE PARTIES AT THE TABLE



Outlined above is a diagrammatic description of the parties influencing co-operative governance in Mpumalanga. What follows is a description of the three parties involved in the process.

3.1. Government

Local government in Mpumalanga is represented by the Local Government Association of Mpumalanga (LOGAM), the provincial arm of the South African Local Government Association (SALGA). The Town Council (Local Authority) Municipalities pay membership fees to this body, and it is this body which nominates the representatives on the Task Team on Co-operative Governance. The Task Team reports back to the plenary session on co-operative governance. Councillors representing the local authorities report back to LOGAM in between the plenary sessions, and other representatives in government report back to their constituencies.

Other structures in government have an influence on co-operative governance. The Inter-departmental Committee (IDC) meetings are attended by all heads of departments and



chaired by the Director General in the province. These meetings are co-ordinated by the RDP Directorate. This body acts as an executive (decision-making body) to the Project Managers Forum, a technical committee of project managers from the different departments which discuss current and future projects in the province. These meetings ensure that projects are not duplicated, and that projects in the province are integrated. This structure offers space for the progress of projects to be monitored.

3.2. The Reconstruction and Development Committees (RDC's)

The RDCs are representative committees at rural and urban community levels, which include all stakeholders in communities². Each RDC is an independent, impartial³ forum which discusses development issues affecting the community, and establishes its own code of conduct. The RDCs' establishment were facilitated by the RDP directorate. The primary objective was to promote the principles of the RDP at local level, and to ensure co-operative governance both at the provincial and local level.

Approximately 450 RDC's were established throughout Mpumalanga since July 1994. Within these structures, 90 persons were trained as trainers in project management, local government and communication/media skills between September 1996 and March 1997 by the Institute for African Alternatives, CDT and CBEP. These trainers also received accreditation from the University of the Witwatersrand⁴. A further 1,000 people were trained by this group of trainers.

²There are a number of provinces where similar bodies have been established, with varying success. In Gauteng, RDP Forums exist. The South African National Civic Association (SANCO) also plays a similar role in some provinces, but the main distinction between SANCO and the RDCs is that SANCO is politically affiliated to the African National Congress (ANC) and is a civic organisation, not a forum for discussion. Thus SANCO may be one of the represented parties on the RDC.

³ There is a concern from some stakeholders that the RDCs are pushing the agenda of a particular political party. Political party problems are being fed through these bodies, and RDCs are focusing on ideological differences, rather than developmental issues. There is also a suspicion that individuals are using the RDC to gain political power, and hold power within communities. These perceptions are causing conflict between stakeholders, and some interest groups within communities are not joining the RDCs for this reason.

⁴The RDP Directorate has identified the need for more trainers, but funding is short. One training course identified is the Democracy training by IDASA on citizenship and local government. There is also a need to train people in income generating projects. Many of the people trained have moved into employment, and act as representatives in the RDCs part-time.



The local government elections saw the election of many of the RDC members into government, but the structures remained, unclear of their future role with the establishment of local government. As the role of the RDCs became more unfocused, communities perceived the RDCs as undermining development. Conflict developed between the new local government Councillors and the RDCs, underpinned primarily by the lack of clarity on their roles as community representatives. The provincial government recognised the conflict, and acknowledged the role that each of these stakeholders could play in communities. In early 1997, the RDP Directorate started to relaunch each RDC, through assisting members to identify and concretise their roles as facilitators of the RDP at local level.

Not anyone can join the RDC; the community first has to recognise that the stakeholders have a constituency in the community before being represented in the RDC. This ensures that only legitimate representatives in the community have a voice⁵. For example, one requirement is that the list of members, and the constituencies they represent, is given to the RDP Directorate.

"All organisations and structures which are in existence with a community, be they political, civil, religious, traditional, sectoral, developmental, social or cultural, including NGO's, labour, business and any other organised formation, must be persuaded and encouraged to have a delegate or two representing them within the CRDC to ensure an all-inclusive, functional, democratic and accountable committee which also enables the community to speak with one voice."

Mpumalanga Provincial Government, Structure for Popular Participation and Good Governance.

The stakeholders determine the structure and membership of the RDC. Generally though, two representatives of each constituency sits on the committee, and the committee votes in an executive, which includes a chairperson, a deputy chairperson, a secretary, a deputy secretary and a treasurer. The RDP Directorate oversees these elections. Although it is called an 'executive', the committee does not have a constitution and the executive have purely functional roles. The committee is also a voluntary body, and therefore no salaries or fees are paid. The only income which is constant is the reimbursement received from

⁵Constituencies represented include: small businesses, political parties, youth groups, women's groups, taxi drivers, religious groups, etc.



government for attending liaison workshops between stakeholders or with government⁶.

The RDC's are based at community level (also known as Community RDCs), and representative structures also exists at local level called Local RDCs (LRDCs), which is a representative cumulation of the CRDCs in a local region. The RDP directorate is currently facilitating the establishment of a Provincial representative body for RDC's.

3.3. Traditional Leadership

There is a strong presence of traditional leadership in Mpumalanga and they are organised through the House of Traditional Leaders, the provincial arm of the Council of Traditional Leaders. Traditional leaders also have ex-officio status in local government.

Traditional leadership's role was misused under apartheid, and the South African Constitution is also perceived by traditional leadership as inadequate in restoring the roles and functions of traditional leaders. In the present Local Government White Paper process, traditional leaders have criticised the policy proposals for similar reasons – it does not outline their roles and functions in communities adequately.

Traditional leaders were initially recognised as one constituency represented on the RDC, but it was realised during the unfolding of the local government capacity building programme that their concerns and interests need to be represented separately. Therefore, although it is encouraged that community stakeholders join local RDC's, there is sufficient flexibility in the process to facilitate all stakeholders' participation.

Thus, traditional leaders were initially suspicious of the process in determining co-operative governance, but this scepticism has been gradually broken down. The formation of the Task Team, the recognition of traditional leaders' concerns and equal representation developed their trust and full commitment.

⁶This reimbursement aims to cover travel, accommodation and other disbursement costs incurred by RDC members attending liaison workshops. This ensures that all participants have the means to attend participatory workshops.



3.4. The Co-ordinating and Facilitating Body: The RDP Directorate

"Communities have improved access to sustainable development resources through the effective participation of empowered civil society structures and the provision of appropriate information, co-ordination and management services".

Mpumalanga Reconstruction and Development Programme Mission Statement

The RDP Directorate facilitates the interface between government and civil society structures, and empower the civil society structures to successfully engage in developmental issues. It is also a co-ordinating body for all projects, processes and programmes in the province⁷. It is distinguished from other provincial departments in that it does not determine policy and does not have a line functional role.

The RDP Directorate is presently developing a Performance Monitoring System to match the proposed projects in the province with the needs of communities identified through the RDCs, and through the communication structures established between the stakeholders.

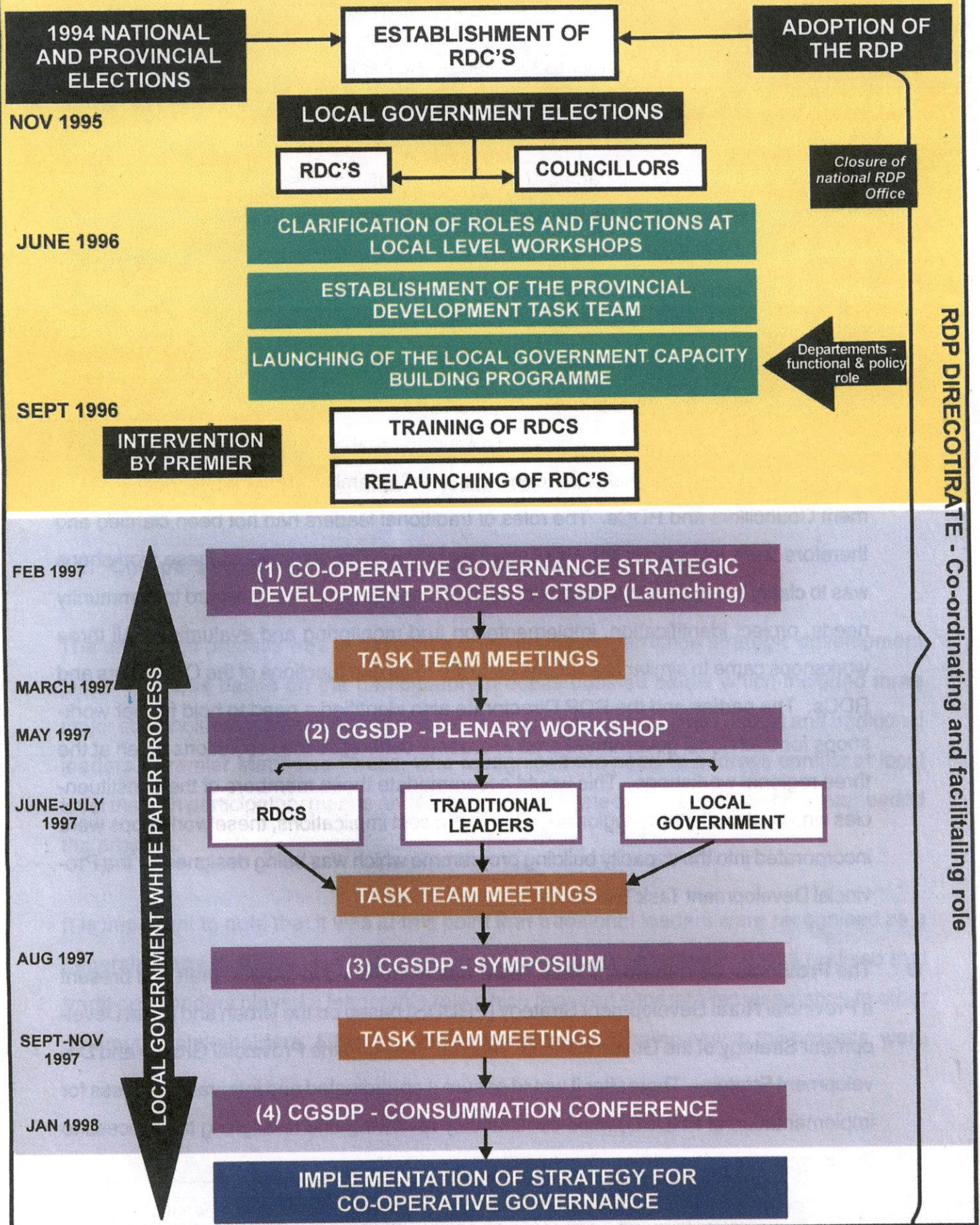
The National RDP office, before it closed down, held monthly meetings with the heads of the provincial RDP Offices. These meetings played a useful role in informing provinces of the national picture, and offering a platform for sharing experiences, discussing concerns and exchanging ideas. While many of the provincial offices closed, the RDP Directorate in Mpumalanga was restructured under the Central Services Department.

The RDP Directorate was mandated to co-ordinate and facilitate the process to design or formulate strategy for co-operative governance. Independent chairpersons were used during the first plenary session, otherwise the plenary meetings, and the Task Team meetings, were chaired by the RDP Directorate.

⁷The roles and functions of the RDP office were determined at provincial level. Therefore the roles and functions of the RDP Directorates differed between provinces. When the RDP National Office was closed, many of these offices were also dissolved. In Mpumalanga, the RDP office remained.



CO-OPERATIVE GOVERNANCE STRATEGIC DEVELOPMENT PROCESS IN MPUMALANGA



4. THE PROCESS

The above diagram reflects the process followed by the parties in determining a co-operative governance strategy, and the different external influences throughout the process. The process and outcome was influenced by the external issues outlined in section 2 above, and the structures, needs and interests of the parties at the table, as outlined in section 3 above. Commitment of the stakeholders to address the conflict that existed between them formed the platform for participation at local level. This was underpinned by the frustration experienced by their constituency of the slow progress in development. The RDP Directorate spearheaded the process and plays a co-ordination and facilitation role throughout the process.

4.1. 1996 Meetings/Workshops

- ① **Three workshops** were held between June and September 1996 for the Local Government Councillors and RDCs. The roles of traditional leaders had not been clarified and therefore were included in the RDC representation. The objective of these workshops was to clarify the roles and functions of each of these structures with regard to community needs, project identification, implementation and monitoring and evaluation. All three workshops came to similar resolutions as to the roles and functions of the Councillors and RDCs. The parties and the RDP Directorate also identified a need to hold further workshops for each local government area in order to concretise the resolutions taken at the three regional workshops. This would accommodate those members of the constituencies who could not attend regionally. Due to the cost implications, these workshops were incorporated into the capacity building programme which was being designed by the Provincial Development Task Team.
- ② The **Provincial Development Task Team** was established in order to draft and present a Provincial Rural Development Strategy (PRUDS) based on the Urban and Rural Development Strategy of the Government of National Unity and the Provincial Growth and Development Strategy. Thereafter it would ensure a co-ordinated and integrated process for implementation of PRUDS, while continuously reviewing and re-aligning the process to the changing needs and circumstances.



- ③ On 17 September 1996, the Local Governance Capacity Building Programme was launched by the Premier of Mpumalanga. The programme aimed to address issues concerning: co-operation and communication between local authorities and RDCs; clarification of roles and responsibilities; power of traditional authorities; understanding principles such as 'governance' and 'people-driven process'; creation of an awareness around environmental and population issues; co-ordination and integration of an approach to development; and alignment of the programme with the Masakhane Campaign⁸.

Through discussions with the RDP Directorate, the Premier identified the need for a further process to deal with conflict arising at the local level, and to promote co-operative governance in Mpumalanga. He realised that there were issues that arose during these processes that could not be addressed in the above processes. Therefore the 'Co-operative Governance Strategic Development Process' was initiated.

4.2. Co-operative Governance Strategic Development Process

The aim of the process was to develop a co-operative governance strategic development plan. This was based on the participatory process outlined below which included three major stakeholders in Mpumalanga at local level: government (Logam), RDCs and traditional leaders. Premier Matthews Phosa, who recognised the need to address conflict at local level through participatory means and to determine a strategy for development, spearheaded the process.

It is important to note that it was at this point that traditional leaders were recognised as a separate party to RDCs, and that they were represented separately. It was realised that traditional leaders played a leadership role which required separate representation to other community stakeholders. Although the traditional leaders, being new to the process, were

⁸ The Masakhane Campaign is a government programme promoting the payment for government services, such as electricity and water. In the 1980s, non-payment became a means of protesting against apartheid.



initially apprehensive⁹, the workshop built trust and raised the issues affecting development in the province.

① **The launching** of the co-operative governance strategic development process on 11-12 February 1997 at the Nelsville Community Hall in Nelspruit agreed that a Task Team comprising of three representatives from each constituency would further explore resolutions to be agreed to, and report back to the plenary. The RDP Directorate would co-ordinate and facilitate these Task Team meetings. The plenary also laid the foundation of issues which resolutions needed to address, and listed some draft resolutions. The issues identified for further in-depth discussion by the task team included (as outlined in the minutes of the meeting):

- functions of co-operative governance, particularly looking at conflict management at local level and how functions of stakeholders can supplement each other and prevent disputes.
- difficulties between stakeholders, particularly conflict over roles at local level and frustrations from limited communication structures.
- powers and authority of the stakeholders, and the recognition of these powers.
- perceptions and 'attitude problems' need to be acknowledged and addressed.
- difficulties experienced within each camp, such as lack of financial and other capacity, communication, lack of liaison with government, and lack of clarity of roles.
- A list of expectations of the process and the parties.

⁹ The apprehension was a result of Traditional Leaders' concerns that they had been sidelined both during the negotiations on the Constitution, and during the present Local Government White Paper process.



- Draft resolutions, which covered traditional laws, leaders and institutions, capacity, structures (particularly communication), consultants and developers, and coherence of programmes.
- ② **The Task Team** met on 12 March 1997 to discuss the issues above and some initial resolutions which were suggested at the plenary session. Particular adaptations to draft resolutions included access to infrastructure and the communication structures. Issues, which the Task Team felt needed further clarification, concerned land (access, funding and administration), dispute resolution, training for traditional leaders and election of some kind of traditional committees in villages (what form and role these committees would take and whether this would be duplication needed discussion). Task Team members were also to consult their constituencies further on these matters. It is noted that the Task Team at this point was concerned with the communication of the process to all constituencies and people, and how implementation was to be ensured.
- ③ A **plenary workshop** was held on 8 May 1997, chaired by Professor Mandla Mchunu, where a report was given by the task team outlining suggestions to the resolutions and the issues to be clarified. In particular, the plenary noted that the resolutions needed to address the roles, responsibilities and accountability of the structures/parties and that communication channels to the constituencies should be improved. The RDP Directorate was thus mandated to hold separate constituency meetings for the three stakeholders. The Task Team was mandated to discuss the issues and make recommendations to the plenary rather than resolutions, based on the plenary discussions of that day and the outcomes of the different constituency meetings. It was agreed that Professor Mchunu and Inkhosi Khumalo (Chairman of the House of Traditional Leaders) will offer a support role to the Task Team.
- ④ **Constituency meetings** were held as follows:
- RDCs meeting on 21 June 1997
 - Traditional leaders on 26 June 1997



- Councillors on 29 July 1997

Each constituency discussed and confirmed proposals for specific resolutions. It is interesting to note that most of the resolutions overlap significantly, with some suggestions including further additions. Issues to be further clarified were also identified. The outcome of these meetings were combined into one document reflecting the resolutions comparatively.

- ⑤ A **Task Team** meeting was held on 18 August 1998 to discuss the resolutions with regard to the outcome of the constituency meetings and the previous plenary meetings. The resolutions took the form of a discussion document inviting further comments from the Task Team members. Rewording of resolutions and the identification of further issues to be clarified were discussed and consensus reached. A "proposed structure to take the proposed resolutions forward" was also discussed and drafted.
- ⑥ A **plenary symposium** was held on 20 August 1997, which received an update and proposals from the task team and discussed further amendments to draft resolutions. The proposed local structure to implement the resolutions was also discussed. The Task Team was re-mandated to discuss further issues around implementation, land, traditional leaders, infrastructure and resources.
- ⑦ The **Task Team** met on 4 November 1997. Recommendations were made in the form of adaptations to resolutions, or the introduction of new resolutions. The Task Team also finalised their proposal of the structure for local governance in rural areas.
- ⑧ A **Plenary Consummation Conference** was held in January 1998, which finalised the resolutions and an action plan. A list of principles were also adopted to guide the implementation of the resolutions. The resolutions and action plan were drawn up in a report form.



5. ISSUES AFFECTING CO-OPERATIVE GOVERNANCE STRATEGY

5.1. Land

Many of the resolutions reached concerned land.

Resolution 9: Traditional Leadership should be consulted on land issues.

Resolution 11: There is a need for a (state) mechanism to be put in place for acquisition of more land for development.

Resolution 12: A joint committee should be put in place to administer land in consultation with traditional leadership/ubukhosi.

These resolutions reflect the importance of land to the stakeholders, particularly with regard to consultation over land issues, the role of traditional leaders in land issues and the need to increase the amount of land available for communities.

The precise breakdown of land ownership in Mpumalanga is not known, but a large portion of the province's land belongs to privately owned commercial farming units. The farming community in Mpumalanga has approached the provincial government to discuss ways in which land could be made available to communities. These discussions thus far have been informal. It is anticipated that within the action plan for Resolution 11, formal discussions with the farming community will be held to facilitate the acquisition of land for development.

5.2. Participation and Dispute Resolution

The lack of participation of all stakeholders leads to disputes arising, particularly around role clarity and powers and authority. The parties to the process acknowledged this. The following resolutions cover the need of transparent participation. The following resolutions cover participation structures (both for development generally and specific issues such as land), process, transparency and dispute resolution:



Resolution 2: Meetings of Stakeholders will be held on a regular basis and when an urgent need arises.

Resolution 3: Broad community interest should guide discussions on development.

Resolution 4: Workshops should include all relevant stakeholders.

Resolution 7: A coherent programme (of activities must be available) for transparency purposes.

Resolution 8: Formation of a forum (Task Team) which consists of all stakeholders.

Resolution 10: Unresolved matters between Amakhosi and Councillors should be taken to the House of Traditional Leaders and Logam, and to the MEC for Local Government where necessary.

Resolution 12: A joint committee should be put in place to administer land in consultation with traditional leadership/ubukhosi.

The sphere coverage of participation and dispute resolution in the resolutions indicates how pivotal this is to an effective co-operative governance process.

5.3. Lack of Resources

As the process unwinded, the amount of funding required for the complete process could not be predicted. The number of plenary sessions and task team meetings were dictated by the type of issues addressed, and the positions of the parties to these issues.

The already limited RDP Directorate personnel were even further stretched to co-ordinate and facilitate these processes.



6. LESSONS FROM THE MPUMALANGA PROCESS

The following proposal for a successful co-operative governance process emerged from the process followed by Mpumalanga. It appears that the following ingredients have been crucial for the success of the process.

6.1. Empowering Factors

6.1.1. Transparency

The assurance that transparency exists with regard to both government organs developing policy and making decisions, and on the part of the stakeholders when articulating their needs and interests, is a necessity in order for trust and respect to develop between the stakeholders. Transparency also supports consensus and confidence building.

6.1.2. Inclusive approach

All stakeholders need to be included in the process to ensure that all issues and concerns at local level are raised. Inclusion is not only translated by the participation of representatives from all parties, it is also the need to ensure that there is an effective two-way communication system between constituencies and representatives, thus ensuring their awareness of the process. The way the process and outcomes are communicated to constituencies should be determined at the onset of the process. This communication is important to ensure that all constituencies gain and maintain a sense of 'ownership' of the process.

6.1.3. Commitment

The stakeholders must be committed to making the process work through a culture of participation and tolerance. There must also be respect for all stakeholders opinions, and assurance that each person has something to contribute to the process. This commitment should come from an awareness of the impact of the process and the perception that they do have something to contribute.



6.1.4. Flexibility

The process should be flexible, and the stakeholders should reach consensus on when the process needs to be adapted to meet their needs. For example, the traditional leaders were only included at the beginning of the co-operative governance strategic development process, and not included in previous activities. This was due to the recognition that their role was separate from the RDCs. This space for flexibility introduces creativity and innovativeness into the process. It does ensure that no participant will resort to an avoidance approach or that important issues are unattended or unresolved.

6.1.5. Non-partisan

A particular political ideology or party should not push the process. This will ensure maximum participation by all stakeholders, and a sense of ownership of the process by all stakeholders. It will be guided by the overarching purpose and overall objective that is dictated by collective needs.

6.1.6. Impact

The parties must feel that their efforts will enable them to manage conflict effectively, develop structures to facilitate development and impact on processes at provincial and national levels, such as legislation.

6.1.7. Strong Leadership

There is a need for strong leadership with vision and direction in government, and at all levels of society and within all structures. These people will drive the process by winning, maintaining and sustaining the support of their constituencies.



6.2. Enabling Factors

The proposed enabling factors for co-operative governance involve structures as well as a coherent flow of proceedings.

The structures required for the co-operative governance process should be committed to the principles of co-operative governance, be sustainable and have sufficient capacity to be effective. Among those are:

6.2.1. Co-ordination Structure

The RDP Directorate has played a pivotal role in the success of processes thus far. Their co-ordination role as an impartial body has facilitated good communication, integration of processes and projects and the efficient use of resources in the province. They also play an important role of recording processes and events. The structure should not focus on policy development, but rather how government is going to communicate and implement policy developed by the government departments in society – thus playing the role of interface between government and society¹⁰. The existence of such a co-ordinating body, be it of a different name and of a structure, is primary to the success of co-operative governance. This structure should play this role not only in the formulation of a strategy for co-operative governance, but for the implementation of the resolutions as well.

6.2.2. Dispute Resolution mechanisms

Although the participation process offers a means of preventing many disputes, disputes may still arise. A process/system/structure needs to be established to ensure that these disputes are resolved amicably, and do not disrupt development. It should be noted that the co-operative governance process is a means of managing conflict in a manner that steers development. But disputes may still arise, and mechanisms should be in place that ensure

¹⁰ The RDP Directorate in Mpumalanga takes this approach, and does not involve itself in policy or functional issues, unless it is to facilitate communication between government and civil society. In some provinces the RDP Directorate was less successful, as it tended to focus on internal government planning, thus leaving the province with a communication vacuum with regard to development issues.



the process is not derailed. These mechanisms should be developed and supported by all the stakeholders and be quick, cheap and impartial. They should not develop new structures, but rather be integrated into existing structures and processes.

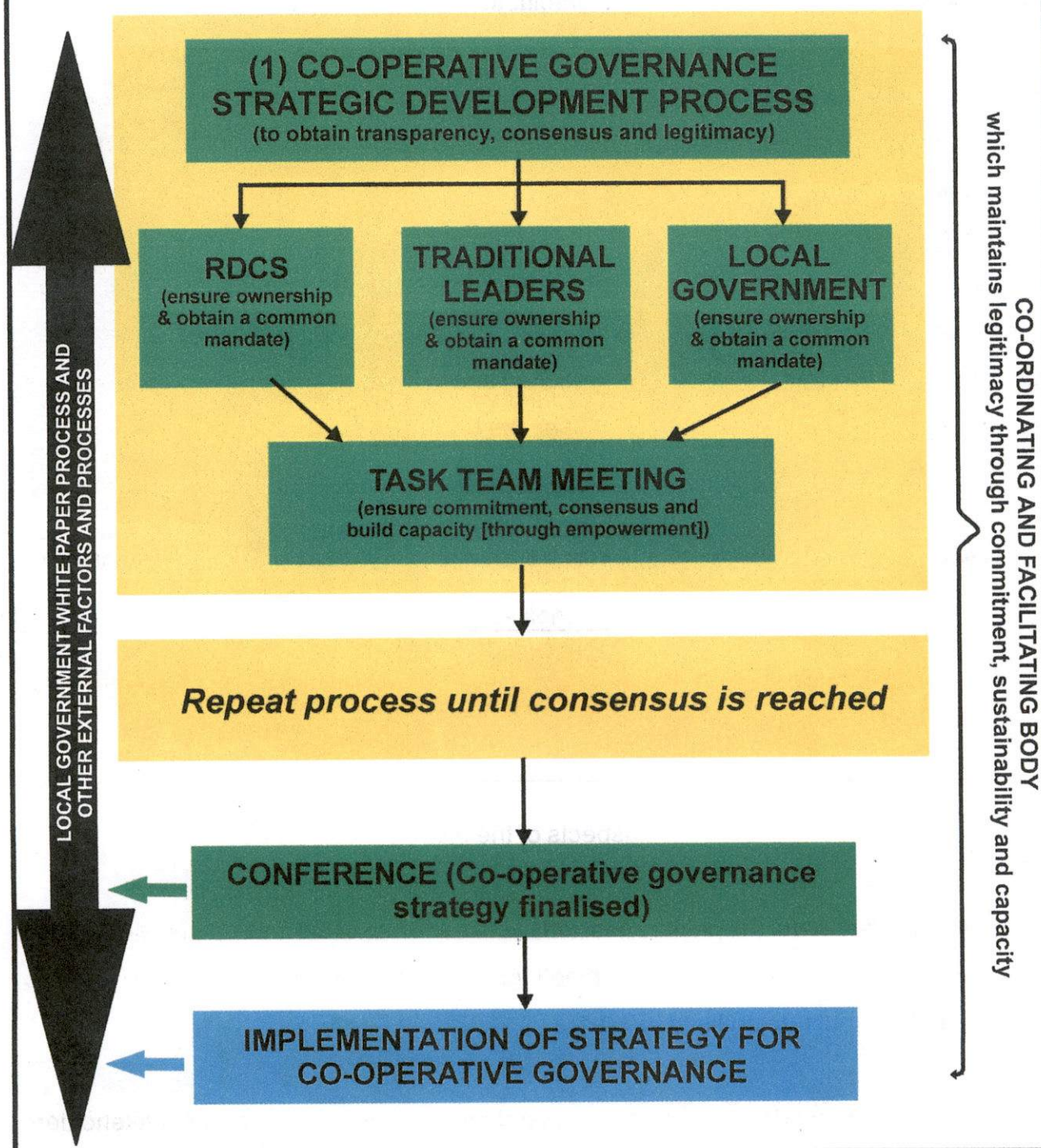
6.2.3. Monitoring and Evaluation

Monitoring and evaluation means instruments and tools of assessing the success and failure of the implementation of the resolutions needs to be determined. This will not only ensure that implementation is monitored, but it will also ensure that the processes and structures are recorded, and lessons that are learnt are used.

6.2.4. Participation Process

The following diagram is a proposal for the flow of participation.

CO-OPERATIVE GOVERNANCE STRATEGIC DEVELOPMENT PROPOSED PROCESS



The success of this process will depend on the capacity of the co-ordinating body and the political leadership to assess, focus, analyse and take into account all the aspects of external factors that may impact on the local process.



6.2.4. The participation process (continued)

The process consists of three types of meetings:

- plenary sessions,
- constituency caucus meetings and
- task team meetings.

These stages ensure consistency and assist the process to gain momentum. These stages should be repeated until consensus is reached. Once consensus is reached, a conference should be held to adopt the resolution/s reached and to finalise the implementation strategy. The proposed implementation strategy takes the following form:

Resolution	Aims & Objectives	How this is to be achieved	Who is to run with the project/process	Timeframe
(to be listed)				

The structure and aims of the three aspects of the process are as follows:

- Plenary sessions:** the plenary sessions act as a forum of discussion that all members of constituencies can attend. The meetings are co-ordinated and facilitated by the co-ordination structure outlined in 7.2.1.
- Decisions are made at this meeting, based on consensus between the stakeholders.
 - Plenary sessions are to ensure ownership by the parties through the legitimacy of decisions made. It is also to prevent disputes arising from the competing interests of constituencies.



- ii. Constituency caucus meetings:** the aim of these meetings is to facilitate open discussion on sensitive issues that could not be raised in plenary session, and to ensure that the constituency approaches issues with a collective understanding.

Needs and interests of the constituencies can also be clarified during these meetings, common mandate determined.

Ownership is brought as close as possible to communities. Communication to all constituency members will also be ensured through these caucus meetings.

3. Task Team: the task team should consist of equal numerical representation of stakeholders, which could be changed by their constituency at any time to ensure direct accountability. The aim of the task team is to offer a platform for focused discussion, and a body to consult with the respective constituencies and, based on these discussions, offer proposals to the plenary session.

These meetings, that are more working sessions, allow the emergence of consensus and fosters deeper commitment to the achievement of stated and agreed objectives. They also empower and equip team members to understand issues, other constituencies' views and defend their own views.



RESOLUTIONS:

STRATEGY FOR CO-OPERATIVE GOVERNANCE IN MPUMALANGA



INTRODUCTION

Regardless of the fact that this process was long and stressful, the reward is that agreement has been reached on all issues identified as problem areas. It is therefore correct to state that all the primary objectives of the LGSP have been achieved. The stakeholders have unshackled themselves from negative perceptions and mistrust of one another, through continuous dialogue and open discussion on very sensitive issues like traditional authority and land ownership. A common understanding of issues affecting them has been reached, and a common approach towards development has been established.

Most important of all, a commitment has been made by all three parties to promote and support the process of implementing these resolutions, which are tools towards the achievement of the overall objective of the LGSP, namely that of cooperative governance.

PRINCIPLES UNDERPINNING THE STRATEGIES

The following Principles formed the basis for discussion and adoption of a proposed **Strategic Plan** to implement the Resolutions of the Conference:

1. The Three Parties [i.e. Councilors, Amakhosi and the Communities (RDC members)] are committed to promote and support development.
2. The Three Parties recognize the need for co-operation among them as a strategy to promote development.
3. The Chiefs and/or Amakhosi have ex-officio status in the Local Authorities covering their areas, but may delegate a proxy vested with full powers.
4. The Amakhosi and/or Chiefs are represented in all **CRDCs** in their areas.
5. By public infrastructure and facilities is meant those owned by the Dept of Public Works, Roads and Transport, and Dept of Central Services, - Traditional Affairs.
6. All Three Parties are committed to promote transparency and accountability on matters relating to development.
7. All Three Parties will exercise tolerance and restraint when interacting with one another, while debating issues openly in a spirit of mutual respect.
8. District Councils assist Local Authorities with the necessary resources where possible, but are themselves responsible for services of a regional nature.



STRATEGY FOR COOPERATIVE LOCAL GOVERNANCE

The proposed implementation plan was presented, as mandated, by the RDP Directorate to the Plenary. Amendments were made and the plan was unanimously adopted as the **STRATEGY FOR COOPERATIVE LOCAL GOVERNANCE (SCLG)**.

The key objective of the SCLG is:

"Maximum Cooperation in Local Governance for Sustainable Development".

The strategies and surrounding issues, the action plans for the strategies, the responsible institutions for implementation, and the time frames are outlined on the following pages:



RESOLUTIONS OF THE CONSUMMATION CONFERENCE:

- ✧ **RESOLUTION 1:**
All Public infrastructures and facilities must be made possible or available to all structure bearing in mind the maintenance fees.
- ✧ **RESOLUTION 2:**
Meetings of Stakeholders will be held on regular basis and when an urgent need arise.
- ✧ **RESOLUTION3:**
Broad community interest should guide discussions on development
- ✧ **RESOLUTION4:**
Relevant workshops should include all stakeholders
- ✧ **RESOLUTION5:**
Indigenous laws must be observed and respected by communities
- ✧ **RESOLUTION 6:**
The said agreement with Consultants must be made available to all stakeholders
- ✧ **RESOLUTION 7:**
Coherent program for transparency purposes
- ✧ **RESOLUTION 8:**
Formation of a Forum which consist of all stakeholders
- ✧ **RESOLUTION 9:**
Traditional Leadership should be consulted on land issues
- ✧ **RESOLUTION 10:**
Unresolved matters between traditional leadership and councilors should be taken to the house of traditional leaders. And councilors vice versa.
- ✧ **RESOLUTION 11:**
There is need for the state mechanism to be put in place for acquisition of more land for development.
- ✧ **RESOLUTION 12:**
A joint committee should be put in place to administer land in consultation with traditional leadership/ubukhosi
- ✧ **RESOLUTION 13:**
District councils must assist Traditional Leadership and Councils to collect levies.



KEY OBJECTIVE OF THE SCLG:

MAXIMUM COOPERATION IN LOCAL GOVERNANCE FOR SUSTAINABLE DEVELOPMENT.

STRATEGY (WHAT)	ISSUES	ACTION PLAN (HOW)	BY WHOM	BY WHEN
1. All public infrastructure and facilities must be made accessible or available to all <i>community structures and individuals</i> , bearing in mind the <i>payment of</i> maintenance fees	Facilities for public use, e.g. Community halls, Sports facilities, Parks, Cultural centers, etc. excludes those for official or administrative use.	1.1. Apply in writing for use of facility or infrastructure to the relevant authority	Structures/ <i>Individuals?</i>	Now and ongoing
		1.2. Do an audit of all public infrastructure and facilities; e.g. what is there, who owns it, etc.	Loc Auths or Dist Cncls	From 01.02.98 Report 28.02.98
		1.3. Initiate a process of transferring ownership to Loc Auths or Dist Cncls	Loc Auths or Dist Cncls	01.03.98
		1.4 Draw up uniform audit forms and distribute to all Loc Auths	RDP Drte	27.01.98
2. Meetings of the 3 Stakeholders or Parties will be held on a regular basis and when an urgent need arises	Parties = All Councilors, Amakhosi and RDC members in Mpumalanga	2.1. Coordinate regular meetings of the 3 Parties Provincially Regionally Locally	LGH Dist Cncls Loc Auths	Now and Ongoing
		2.2. Provide secretarial service for meetings	LGH; DC; LA	Now and Ongoing
3. Broad Community interest should guide discussions on development	RDCs = all inclusive, Development = not politicized	3.1. <i>Assist communities</i> to be organized into functional and accountable <i>CRDCs at all times</i>	Loc Auths RDP Drte	Now and Ongoing
		3.2. Convene regular communication meetings of CRDCs with communities, in consultation with Clrs and Amakhosi	Loc Auths	Now and Ongoing
		3.3 Discourage political debates at all meetings	Any / all convenors	Now and Ongoing



STRATEGY (WHAT)	ISSUES	ACTION PLAN (HOW)	BY WHOM	BY WHEN
4. Workshops should include all relevant stakeholders	All training sessions, programs, and other workshops	4.1. Identify relevant training needs	All three parties	28.02.98 ongoing
		4.2. Identify possible service providers and or funders	RDP Drte	30.03.98 Ongoing
		4.3. Coordinate, monitor and evaluate implementation of training	RDP Drte	Soon as funds available
5. Indigenous laws must be respected and observed by communities <i>and individuals</i>	What are the laws	5.1. Make these laws public knowledge through notices at public places	SAC; DCD	Effective now, but finished?
		5.2. Provide for orientation to be done at all tribal offices on request	SAC; DCD	Effective now and ongoing
		5.3. Facilitate workshops on indigenous laws	SAC; DCD	Effective now and ongoing
6. <i>A copy of any or all</i> agreements with Consultants must be made available to all <i>three parties and other</i> relevant stakeholders	Some of the Consultants cause disunity in communities - e.g. by using wrong channels	6.1. <i>Promote and</i> support the "Project Life Cycle" Procedures, <i>also</i> on the appointment of consultants	All Three Parties	Effective now and ongoing
		6.2. Make the Prov RDP Project Life Cycle Procedures public through workshops and notices at all public places	Depmtal Project Managers; All PSCs	Effective now and ongoing
7. A coherent program <i>of activities available at all times</i> for transparency purposes	Clash of activities to use public facilities	7.1. Coordinate activities and/or programs through the relevant authority which is in charge of the facility	Relevant authority (or other authorities?)	Effective now and ongoing
		7.2 Keep <i>an up-to-date</i> register of bookings and make it accessible to the public	Relevant authority	Effective now and ongoing



STRATEGY (WHAT)	ISSUES	ACTION PLAN (HOW)	BY WHOM	BY WHEN
8. Formation of a CLG Task Team which consists of all <i>three stakeholders to coordinate and monitor the implementation of this plan</i>	Coordination at provincial level; Forum or Task Team	8.1. Re-mandate the same delegates who were on the outgoing task team	Amakhosi and RDCs	20.01.98
		8.2. Appoint committed delegates to the task team	LOGAM; All Clrs	28.02.98
		8.3. Obtain clear terms of reference from own constituencies	CLG Task Team members	28.02.98
		8.4. Provide resources for the operational needs of the CLG Task Team	LOGAM: HTL: DCS	15.03.98
		8.5. Align the three sets of terms of reference for harmonious interaction	CLG Task Team; RDP Drte	31.03.98
		8.6. Convene regular communication meetings with individual constituencies and the RDP Directorate	CLG Task Team	First set by 31.03.98 then ongoing

