



PHO: NENORRIDGE MATHABATHI

■ **JUNIOR PARTNER?** Sanco's president, Moses Mayekiso, addresses the LGNF

LGNF off to a false start

Sanco should admit that the Local Government Negotiating Forum (LGNF) has failed, and initiate a new, more inclusive process, argues **ELTON NGCOBO**

HOPES THAT THE CURRENT IMPASSE on the local government front would be resolved through the Local Government Negotiating Forum (LGNF) have sadly not materialised.

Mainly though the arrogance of participants on the LGNF, including Sanco, only those organisations which can claim a national base have been allowed to take part.

However, these organisations have not been able to reach consensus. An LGNF meeting scheduled for 18 August, where the draft local government transitional bill was to be discussed, did not happen. Subsequent meetings have also been postponed, and there is uncertainty about when another LGNF plenary will take place.

Civics that have not been granted a voice at the LGNF are concerned by the lack of progress. The local government transition act was meant to have been passed during the current session of parliament to usher in the transition to democratic local government, albeit during the "pre-interim phase". This session has come and gone and officials have not even attempted to explain the delay.

Government officials, such as those in the Natal Provincial Administration (NPA), have already reviewed the fourth draft of this bill. Despite requests from civics to Sanco and the LGNF, we have not even seen the first draft or other information relating to the LGNF. Some civics have not even seen agreements reached at the LGNF.

These problems have forced some of us in our civic organisation to critically analyse the proceedings of the LGNF and to question whether the process has any merit.

Our conclusions are:

● **Forum is exclusive**

The composition of the LGNF (comprising of the state and Sanco) is highly exclusive and ignores a number of important role players. This may explain the delay in implementing agreements reached on 30 June at the LGNF.

Neither the state nor Sanco are fully representative of all stakeholders in local government. This can be expected of the government, but one would expect that the non-statutory bodies would be loathe to participate in

a forum without several significant players.

There is general agreement, even within Sanco, that Sanco does not and cannot represent all civics in the country, nor are they equally strong in all regions. Ben Jacobs has expanded on this assertion in *WIP*. Briefly, Sanco is not well organised in informal settlements (hence the existence of organisations such as the Western Cape United Squatters Association), nor has it made inroads into rural civics.

National guidelines for restructuring local government need to be informed by local and regional dynamics. We question whether technical committees sitting in Johannesburg can understand these dynamics without input from important regional and local players.

● Poor communication

The channel of communication and education is extremely poor, especially within the non-statutory half of the LGNF.

The Natal Municipal Association (NMA) has been circulating and discussing the LGNF proceedings regularly, but this has not been happening within Sanco. As a result, civics have been invited to the forums initiated by the statutory side without any idea of proceedings at the LGNF.

The lack of input from the local — mainly non-statutory — to national level is just as disturbing. It appears that the LGNF has allowed the participation of local and regional statutory bodies, like the NMA, but has kept out non-statutory organisations on the basis that we are not national. Is Sanco aware of this, and does it have power to challenge it?

● Misleading

The terms of reference of the LGNF (ie to establish national guidelines to remove the imbalances of the past) is ambitious, and hence misleading.

The LGNF is an interim structure established undemocratically to attempt to find some form of national interim solution to the local government crisis. The most it can do at the national level is to suggest general principles.

As an organisation based in Natal, we identify certain peculiarities that do not exist nationally, eg the Joint Execu-

tive Authority and the Natal/KwaZulu divide, which has created pockets of KwaZulu in Natal.

Likewise, the peculiarities in the rural and informal areas are merely mentioned by the LGNF, and not addressed, thus giving the forum an unacceptable urban bias.

The LGNF's hope that a broad brush approach will address these peculiarities is foolhardy. Even more foolish — if not arrogant — is the LGNF's insistence that only national organisations participate.

● Junior partner

Sanco is participating as a junior partner in the LGNF, and is being misled by government officials who are not committed to the transition to democratic local government.

This is supported by the following:

● At a steering committee meeting established on the Natal north coast to investigate local government restructuring, the local National Party MP for Verulam, S Naidoo, said he had been told by Y Makda (the deputy minister of local government, and co-convenor of the LGNF) that the agreements were far from being implemented. This was said as late as 25 September, despite a time frame for transition having been agreed on.

● In mid-September, the NPA's MEC for local government, Val Volker, expressed outrage in the *Natal Mercury* newspaper at the imminent establishment of a negotiating forum to investigate democratising local government in Durban.

Volker has insisted that any forum created for this purpose must be set up in terms of the Interim Measures for Local Government Act (IMA), which the democratic movement in Durban vociferously rejected in 1991.

It was agreed at the LGNF that the IMA would be replaced by the local government transition act in September. But the transitional act has not even been discussed in parliament, which indicates that National Party insiders anticipated that agreements were not going to be implemented.

Significantly, Sanco has not commented on the failure of parliament to pass the transitional act.

● In some areas, the non-statutory

groups have battled to consolidate themselves (eg in the mid-south coast). In contrast, the statutory side has mobilised with ease. However, Sanco has not paid much attention to this, which is key to ensure the levelling of the political playing field.

Worse still, non-statutory organisations are not allowed to function in tribal areas. This seems to have been overlooked by those obsessed with establishing national guidelines.

Possible solutions

There are other concerns. For example, in Natal a number of areas are administered directly by the NPA, such as Inanda. This means the NPA is the local authority. However, the LGNF has not indicated whether the NPA should also be restructured along a 50% statutory, 50% non-statutory basis.

To solve the shortcomings listed above, the non-statutory side needs to admit that the first (pre-interim) phase has come and gone, and that agreements have not been implemented.

Subsequently, the process should be suspended and the participants should allow themselves and the process to be critically assessed. Sanco should do this with all the civics.

Sanco and the statutory side should then commit themselves to compiling an inventory and analysis of all local government restructuring in the country, including those under the IMA.

Subsequently, a moratorium should be imposed on all local restructuring. This is of particular concern to us, as we have noted that the state has used the LGNF as a delaying tactic to allow white municipalities to amalgamate with white local authorities under the IMA, hence pre-empting the appointment of non-racial councils before the enactment of legislation.

Sanco should also motivate for the inclusion of all civics (and indeed all local government stakeholders) in the process. Clear lines of communication must be established both to and from the LGNF, and transparency at the LGNF must be non-negotiable. ■

● *Ngcobo works with the Amahlongwa Interim Civic Organisation (Natal South Coast). The views expressed are his own.*