

# PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

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## ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

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FRIDAY, 13 DECEMBER 2019

### ANNOUNCEMENT

The Speaker

#### **Publication of Act 5 of 2019**

Provincial Notice 123 of 2019: Publication of the Western Cape Adjustments Appropriation Act, 2019 (Act 5 of 2019), in the *Provincial Gazette Extraordinary* 8186, dated 13 December 2019.

### TABLINGS

The Speaker:

#### **1. Public Service Commission's Reports**

- (a) Quantitative Evaluation of the Department of the Premier, Western Cape Province on compliance with the values and principles governing public administration for the period 2017/18.
- (b) Quantitative evaluation of the Provincial Treasury, Western Cape Province on compliance with the values and principles governing public administration for the period 2017/18.
- (c) Quantitative evaluation of the Department of Education, Western Cape Province on compliance with the constitutional values and principles governing public administration for the period 2017/18.
- (d) Quantitative evaluation of the Department of Health, Western Cape Province on compliance with the constitutional values and principles governing public administration for the period 2017/18.

- (e) Quantitative evaluation of the Department of Human Settlements, Western Cape Province on compliance with the constitutional values and principles governing public administration for the period 2017/18.
- (f) Quantitative evaluation of the Department of Transport and Public Works, Western Cape Province on compliance with the constitutional values and principles governing public administration for the period 2017/18.
- (g) Quantitative evaluation of the Department of Human Settlements, Western Cape Province on compliance with the constitutional values and principles governing public administration for the period 2017/18.
- (h) Quantitative evaluation of the Department of Local Government, Western Cape Province on compliance with the constitutional values and principles governing public administration for the period 2017/18.

## **2. Report on Overseas Trip to Germany**

The Chief Whip, Hon. Mireille Wenger, was invited by the Hanns Seidel Foundation (HSF) to participate in the International Federalism Days conference in Germany between 11 and 15 November 2019.

The conference was organised by the Hanns Seidel Foundation in cooperation with the Eurac Research Centre, which gathered academic experts, public representatives, government, civil society and other participants from Africa, Asia, the Middle-East, Europe, North and South America.

The conference sought answers to pressing questions on themes relating to governance, structures and practice as well as insights into how conflicts have been managed and resolved in countries with federal and federal-like systems.

Representatives from different parts of the world had the opportunity to discuss and debate unique issues and cross-cutting concerns, promoting mutual sharing and learning.

Representatives from the different countries were divided into three workshops, namely:

- Fiscal Federalism and Financial Relations;
- Intergovernmental Relations: institutions and processes; and,
- Local Government and governance.

### **Workshop A: Fiscal Federalism and Financial Relations**

The constitutional design, the institutional settings and the intergovernmental decision making processes for fiscal and financial matters are of pivotal importance for the existence of any multi-level State. All federal or devolved systems must strike a balance between redistributive equity and fiscal/financial autonomy, while promoting political stability and economic efficiency in the allocation of resources and the provision of services.

The governance challenge arises because the mechanisms designed to achieve one of these goals often interfere with or hinder the attainment of others, or even violate one of the overarching conditions of efficiency and stability. Three important issues are: vertical fiscal imbalance, vertical fiscal gap, and horizontal fiscal imbalance.

This workshop sought to share knowledge and draw comparative conclusions based on the experiences of many nations with regard to the major issues governments are grappling with, the causes of those issues, the remedies tried, the results obtained and the reforms needed relating to intergovernmental fiscal relations.

### **Workshop B: Intergovernmental Relations: institutions and processes**

The Chief Whip was assigned to the Intergovernmental Relations (IGR) workshop for the week. The summary of the discussions and outcomes of this particular workshop are as follows:

1. The workshop allowed sharing and learning amongst diverse country experiences on intergovernmental relations and decentralization. Case studies included Argentina, Egypt, Jordan, Kenya, Myanmar, Philippines, South Africa, Sri Lanka and Pakistan.
2. The workshop focused on the legislative and executive dimension of intergovernmental relations, the role of Second Chambers and the role of intergovernmental councils in policy-making.
3. IGR can be formal and informal, generalist or sector specific in the process and institutions through which governments within a political system interact, vertically and horizontally. Asymmetry is possible, and common.
4. Functioning intergovernmental relations are needed in all types of government systems. Intergovernmental relations are about coordination and cooperation, as well as conflict resolution. The institutionalization of IGR depends on legal frameworks and political practice.
5. There is a direct correlation between democratization and decentralization. Political design is important but not sufficient to ensure the intentions of the design are met. The drivers for and against federalism include asymmetries, economic development, ethnic diversity, efficiency, clarity in responsibilities, inequality; historical legacies, the role of the military, and centralized political party systems.
6. Actors in IGR are institutions and interests groups at all levels of government. The classical actors are the centre and regions/provinces, but today actors such as metropolitan areas and cities hold increasing importance.
7. In the Legislative dimension, the participation of constituent units at national level was also discussed. Regarding bicameralism and the role that Second Chambers play poses important questions on how a Second Chamber represents subnational interests. These include the composition of the Chamber, how representatives are appointed etc. Examples discussed included:
  - 7.1 indirect election (India, Germany, South Africa, Pakistan)
  - 7.2 Direct election (USA, Kenya, Argentina, Philippines, Nigeria)
  - 7.3 Appointment (Jordan, Canada, Malaysia, partially Myanmar)
8. Further discussions and sharing of country examples included whether there was equal, over/under representation of smaller subnational units in the second chamber. Does each unit have an equal vote, or is a vote based on population size and whether

this creates equality or inequality through the over-or under-representation of smaller units.

9. For a Second Chamber to effectively serve as a site for legislative IGR, the design has to guarantee a direct link between those elected/appointed and the subnational unit. Also, representation of territories shall not purely be based on population size. Aspects in the party landscape determine to what extent Second Chambers can effectively serve as a site representing the interests of the subnational territories.
10. Executive dimension of IGR can include generalist and sectoral ones, but who has the right to convene meetings is important and whether it is top-down, bottom up, or both.
11. Examples of Multilateral vertical IGR between centre and subnational government were discussed and shared, as well as Council models.
12. Multilateral horizontal IGR between subnational governments include sectoral, bilateral, policy and issue based models. However in most cases analysed, there were very weak horizontal mechanisms even though the presence of such mechanisms would enable an exchange of good practices.
13. Design versus practice, there is no one size fits all solution. Working of IGR is context bound and influenced by many factors (such as party politics, financial dependencies from the centre, role of judiciary, administrative capacity, strength of interest groups, and emergence of new actors in multi-level systems). The increase of actors involved in IGR adds complexity. But it also allows for asymmetry, bilateralism, competition, coordination, cooperation, conflict resolution and experimentation, all of which can have positive as well as negative effects.

### **Workshop C: Local Government and governance.**

Local governments, in whatever form, feature in virtually every modern State. Systems of local government, including the institutional make-up, powers and status differ from country to country and are always informed by a range of historical, legal and social factors. All federal or multilevel States have local governments. However, their role and status vary from country to country and often even within one federal or multilevel country.

Many 'new' federal or multilevel States explicitly recognize local government as a third order of government in the constitution. This underscores that, of all the levels government, local government is closest to the citizen, which is particularly important in times of political disenchantment. While local government's role is often limited compared to the national or subnational/regional governments, it is often responsible for a large part of the implementation of policies. It often provides a wide range of services and as such is often the first to recognize problems in service delivery.

Local governments across multilevel States also face similar challenges in the 21<sup>st</sup> century. Some of these relate to institutional issues, such as the impact of administrative and/or financial reforms initiated by the subnational or national level and the absence of a local government voice in national or subnational decision making. Others are more socio-political, such as the impact of urbanisation and the increasingly complex urban/rural

interplay. Another common challenge is the fact that local governments are often charged with responsibilities for which they are not adequately equipped in terms of personnel and finances. Local government is an increasingly important theme in the discussion of multilevel government arrangements and practices.

This workshop discussed and compared powers local governments in multilevel systems have and how the local level is cooperating with the subnational and national level of governance. Some key takeaways included: the need for better coordination & cooperation between levels of governments, the involvement of local government in legislatures, the promotion of local democracy by having local election on a separate day, capacity building.