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Guarding against unfunded mandates

The Systems Amendment Bill

Municipalities will receive greater protection against unfunded mandates in terms of the Municipal Systems Amendment Bill (the Amendment Bill) approved in September this year by the Portfolio Committee on Local Government. The Bill aims to ensure that assignment of new functions and powers is done only after proper consideration of the financial implications for municipalities.

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Current provisions

As the Systems Act now reads, before a Minister or MEC initiates the assignment of a function or power to the municipality s/he must take steps to ensure that sufficient funding and capacity building initiatives, as the need may be, are available for the function's performance:

- if the assignment of a function

imposes a duty on the municipality that falls outside local government's competencies or functional areas; or

- if the assignment is not incidental to its functions; and
- if the performance of the function has financial implications for the municipality. (These provisions have been retained in the Amendment Bill.)

Before a Bill assigning new functions to municipalities is adopted, there needs to be consultation between the Minister or MEC initiating the assignment and the Ministers of Finance, Provincial and Local Government and Salga. They must also consider the assessment by the Financial and Fiscal Commission (FFC) (see *LGL Bulletin* 2002:4 9).

New provisions

The Amendment Bill broadens the current consultation process and adds more criteria for consultation by the Minister or MEC.

How gender sensitive is your municipality?

Local government is now expected to play a proactive role in the social, economic and material development of local communities. This means it is an important sphere of government for women and for gender equity, as it has the potential to transform women's lives by providing services such as water, sanitation, clinics, child care facilities, roads and transport.

Women's participation in local government and the integration of gender analysis in programming and service delivery are essential to ensure effective service delivery and to contribute to women's empowerment. Service delivery must be assessed through a gendered lens to help develop awareness of the socio-cultural factors that shape gender inequality. Gender-based analysis involves assessing the different ways that policies and programmes impact on women and men. This is also true for service delivery, as the roles of men and women mean service delivery affects them differently. This is especially so as households are mainly headed by women and so women are the main users of basic services provided by municipalities.

It is thus crucial that local government is sensitised to women's needs. Unfortunately, however, legislation does not provide clear guidelines on how and when councils should integrate gender, either in their internal functions and procedures or in service provision.

One way to ensure that women's needs are met is to increase their participation in policy formulation and decision-making by encouraging women to speak out, both from inside local government structures and from outside of them. This will help

key points

- Local government is uniquely positioned to play a role in transforming the lives of women.
- Municipalities must be sensitive to the needs of women. This can be accomplished externally, through community participation via the IDP process, and internally, through the representation of women on municipal councils and in policy and administrative positions.
- A monitoring and evaluation tool has been created to assist the political office bearers, municipal staff and the community in assessing the municipalities' performance through a gendered lens.

ensure that policy is developed with an appreciation of gender differences, the nature of the relationships between men and women and of their different social realities, life expectations and economic circumstances. This can be accomplished in two ways: outside local government through community participation, particularly through the integrated development planning (IDP) process; and inside local government, through the representation of women on municipal councils and in policy and administrative positions.

The IDP process

Local government is uniquely positioned to play a role in transforming women's lives. The legislative emphasis on the developmental role of local government in communities culminates in the IDP process. It is through the IDP framework that

municipal councils must plan their functions and activities, in a manner that assists the socio-economic development of the community.

At the heart of the IDP process is the need to address community needs in a participatory and integrated manner. Thus, the IDP process provides a unique opportunity to mainstream gender into the planning processes of local government.

Women can ensure their needs are met through external participatory processes that mandate the inclusion of all groups in community decision-making, especially the disadvantaged. This will ensure the empowering of women through the development of strategies for capacity building, effective, targeted service delivery, and internal systems and procedures to redress gender imbalances and ensure access to resources and opportunities. If these processes are conducted in a gender-blind way, women will be disadvantaged and their views and needs will be ignored.

Internal processes

Internally, municipalities can respond to women's needs by ensuring equal representation of women from different backgrounds on the council and in the municipal administration. Female councillors have a strategic role to play in ensuring municipalities respond to women's needs. Women councillors are well placed to represent and address the diverse needs of women within their wards, to ensure that the council is sensitive to women's

issues and to ensure that male councillors take these issues seriously. Further, participation must also include women's role as employees of local government. Increased participation of women in municipal structures will also help change attitudes towards women's involvement in public life and expand their opportunities beyond those traditionally assigned to them.

Pro-forma questionnaire

Most municipalities are currently busy reviewing their IDPs. This period is thus appropriate for an internal review of the gender sensitivity of municipal policies, communication with the community and municipal by-laws. A monitoring and evaluation tool was created to assist not only political office bearers and municipal staff members, but also the community to assess the municipality's performance through a gendered lens. This questionnaire, set out below, was designed analogous to the Gender Advocacy Programme questionnaire called 'Additional gender indicators'. It can be adapted to reflect the specific key performance indicators of each municipality as highlighted in its IDP and performance management system.

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