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LOCAL GOVERNMENT AND COOPERATIVE GOVERNMENT



Why cooperative government?

A decentralised system of government is defined as a system made up of two or more levels of government, with each level having powers over different functions and responsibilities.

Different governments within one level (e.g. different local authorities) or governments across two or more levels, are engaged in combined and individual efforts to meet citizens' needs and preferences. They have to work together on matters of common concern to ensure that government as a whole delivers on its mandates. Thus, sound relations within one level of government and between different levels of government are critical for effective governance; these will develop when governments cooperate rather than compete with one another.



What is cooperative government?

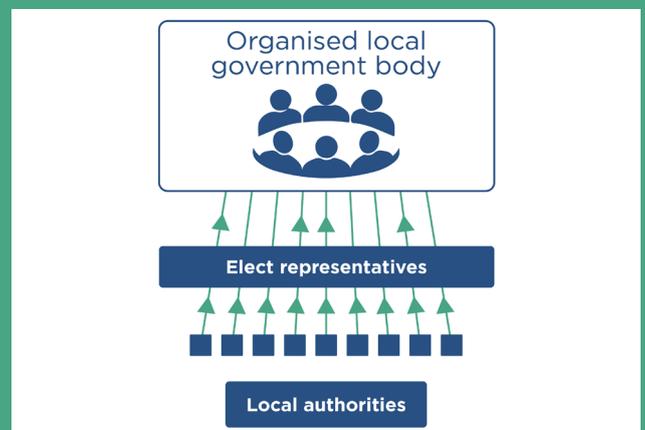
Cooperation can be distinguished from supervision. With supervision, the central government instructs local government what to do (See Fact Sheet #7]. Cooperation, on the other hand, is where the two levels are regarded as equals, and they discuss matters of common interest. They can make joint decisions by consensus and consultation. Cooperation is guided by a core set of principles. The South African Constitution expresses this as follows – all spheres of government must “co-operate with one another in mutual trust and good faith by :

- fostering friendly relations;
- assisting and supporting one another;
- informing one another of, and consulting one another on, matters of common interest;
- co-ordinating their actions and legislation with one another;
- adhering to agreed procedures; and
- avoiding legal proceedings against one another.” (s 41)

Who are the parties involved in cooperative government?

- a. Local government as a collective through organised local government

Local governments in a country engage best with their central governments as a collective through organised local government structures. Various forms of associations have been established to represent the interests of local authorities. The associations are usually voluntary in nature. In some countries there is more than one association, while in others there is a single body for all local authorities. Having more than one association often results in the fragmentation of local government's voice.



Organised local government engages with the central government on issues that affect local authorities: including laws and regulations, policies, finances, and local boundary demarcation. They are also involved in initiatives that seek to develop the capacity of their members, such as training programmes. Organised local government also promote cooperation among its members as well as with other actors, including local authorities from other countries.

While organised local government plays an important role, most of the associations on the continent are institutionally weak and not in a position to effectively represent the voice of local authorities. This is partially the result of the lack of constitutional and/or legislative recognition. The associations often do not have sufficient resources as most of them rely on member fees for their operations.

b. Participation in cooperative government as individual local authorities

Local authorities are also involved in cooperative governance individually. Unlike smaller local authorities, many big cities have the muscle to engage directly with the central government and its agencies. These big cities are of strategic importance to the country, and are thus often given an audience by central governments that is not usually afforded to smaller local authorities.

How does local government engage in cooperative government?

Local authorities engage in cooperative governance in formal and less formal ways. South Africa has extensively formalised, in law, the participation of local authorities in cooperative governance. The Constitution sets out principles of cooperative government. It requires that intergovernmental structures be established and that legislation is adopted to give further content to cooperative government. Legislation makes provision for the establishment of several formal platforms where different tiers of government engage on matters of common interest.

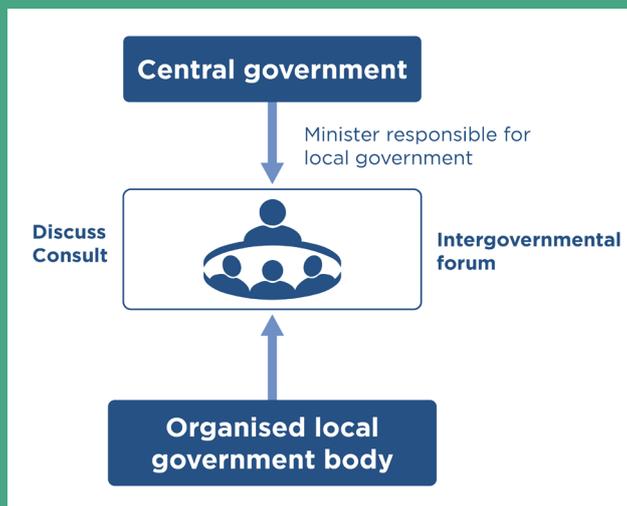
Zimbabwe and Zambia have also included the key principles of cooperative governance in their constitutions. In most other African countries cooperative government is largely an informal process or absent altogether.

What are the mechanisms for cooperative government?

There are a number of mechanisms that have been put in place to promote cooperative government. Generally, local authorities engage in cooperative government in four main ways:

a. Executive forms of consultation

The executive branch of government often establishes platforms to consult with local government on matters of common interest. Some of these platforms are dedicated to specific policy areas, for example finance, water, transport and health issues. Others deal with local government in general. Local authorities make use of these platforms to influence decision-making at the national level, including on issues such as the sharing of nationally raised revenue across the levels of government.



b. Legislative forums

Sometimes, there are opportunities for organised local government to influence the law-making process at the national level. In South Africa, organised local government has a non-voting seat in the second House of Parliament. Moreover, legislation that affects local government may not be passed without consulting organised local government. In other countries, organised local government is invited on a case by case basis to provide input and comment on draft legislation.

c. Agreements between levels of governments and among local authorities

Another means of fostering cooperative governance takes the form of agreements between levels of government and among local authorities. These agreements are designed to facilitate better coordination of government functions and to provide ways of resolving potential disputes between governments at different levels.

d. Role of a national ministry responsible for local government

Most countries have a national ministry or agency that is responsible for local government. The ministry is often charged with facilitating the involvement of local government in cooperative governance. In some countries, this ministry has officials stationed at provincial/regional and local levels of government to coordinate central government's response towards local authorities, and vice versa.



The practice of cooperative government

In practice, local authorities usually do not participate in cooperative governance as equals with other levels of government. This is irrespective of how the state is structured, that is, whether federal, quasi-federal or unitary. The relationship with local government is often largely top-down and defined by the main objective, which is to ensure the effective implementation of national laws and policies at local level. The political environment often makes it difficult to foster a culture of mutual respect, tolerance, equality, information sharing, consultation and transparency among all levels of government.

