



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DRAFT INTERGOVERNMENTAL RELATIONS (IGR) AND INTERNATIONAL RELATIONS (IR) POLICY

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List of Abbreviations and Acronyms

IDP	Integrated Development Plan
IGR	Intergovernmental Relations
IR	International Relations
SALGA	South African Local Government Association
MayCo	Mayoral Committee
MSA	Municipal Systems Act
MSA	Municipal Structures Act
MOU	Memorandum of Understanding

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Definitions

"Agreement"	Refers to a written document wherein the goals, objectives, projects and programmes necessary for achieving benefit from Municipal International Relations, in the knowledge that it does not constitute a legally binding agreement, that is not governed by a specific legal regime and that a party cannot institute legal action on grounds of breach of the agreement.
"Council"	"Council", means the Municipal Council as specified in section 160(1)(a) of the Constitution of the Republic of South Africa which states that: "The Municipal Council makes decisions concerning the exercise of all the powers and the performance of all the functions of the municipality". Herein referred to as the Council of Stellenbosch Municipality
"Distinctive"	The Stellenbosch Municipality is a self-governing legislative body and has executive authority over and within its demarcated municipal area.
"Interrelated"	The obligation placed on national, provincial and local governments to cooperate with each other to promote the well-being of all citizens.
"Intergovernmental Relations"	means relationships that arise between different governments or between organs of state from different governments within South Africa in the conduct of their affairs.
"International Relations"	Refers to the interactions between and behaviour of several actors or stakeholders in the global system. These actors or stakeholders include governments in all spheres, international organisations, international private sector actors, and multinational enterprises.
"Municipality"	Is an organ of state within the local sphere of government exercising legislative and executive authority within its legally demarcated area, as envisaged in Section 152 of the Constitution of the Republic of South Africa.
"SALGA"	The South African Local Government Association (SALGA) is an autonomous association of municipalities with its mandate derived from the Constitution of the Republic of South Africa. This mandate defines SALGA as the voice and sole representative of local government. SALGA interfaces with parliament, the National Council of Provinces (NCOP), cabinet as well as provincial legislatures.



Part A: General Provisions

1. Preamble

- 1.1 Stellenbosch Municipality's Intergovernmental and International Relations (IGR and IR) Policy has an important role to play in determining the municipality's intergovernmental and international relations priorities and objectives, and in delineating the powers, roles, procedures and functions of the relevant role-players. It has the potential to be a powerful tool to enhance the international profile of Stellenbosch Municipality as an attractive place to visit, live, work and do business.
- 1.2 The Stellenbosch Municipality's IGR and IR Policy aims to guide decision-making pertaining to intergovernmental and international relations in an articulate manner that aligns with the strategic goals of the municipality as identified in the Integrated Development Plan (IDP).
- 1.3 The Policy is aligned with the key objectives of the Western Cape Government International Relations Strategy focusing on increasing trade, tourism, investment and skills development while promoting knowledge sharing to achieve the vision of globally positioning Stellenbosch Municipality.
- 1.4 The Policy further intends to reflect an international reality in which local governments will play an increasingly critical role both as regulators and as facilitators of economic growth and development.
- 1.5 Intergovernmental relations intend to promote relationships with a wide range of stakeholders, through multi-sphere dialogue. This includes liaison with local government, provinces, sector departments and other state and non-state actors to promote effective governance, service delivery, economic growth and social upliftment.

2. Regulatory Context

This section provides an overview of the relevant legislation and policies that have a bearing on the intergovernmental relations of the Stellenbosch Municipality:

- 2.1 Constitution of the Republic of South Africa No.18 of 1996
- 2.2 Intergovernmental Relations Framework Act, 2005 (Act No.13 of 2005)
- 2.3 Intergovernmental Fiscal Relations Framework Act (1997)
- 2.4 Local Governmental: Municipal Finance Management Act, 2003 (Act No.56 of 2003)
- 2.5 Local Government: Municipal Structures Act, 1998 (Act No.117 of 1998)
- 2.6 Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)
- 2.7 Department of International Relations and Cooperation (DIRCO) Policy Framework
- 2.8 Western Cape Government International Relations Strategy
- 2.9 Stellenbosch Municipality's Subsistence and Travel Policy
- 2.10 Stellenbosch Municipality's Cost Containment Policy



3. Desired Outcomes

- 3.1 To administer and coordinate intergovernmental and international liaison functions.
- 3.2 To promote Stellenbosch Municipality as a competitive global opportunity for economic, social and cultural activity, one that values international connectivity as a means to facilitate job creation through private sector-led economic growth and is recognized for its open and competitive regulatory environment, which is balanced by the Municipality's values and strategic goals.
- 3.3 With regards to international relations, it is the intention of the Stellenbosch Municipality to utilise its international relations to actively encourage inward investment, particularly in the catalytic growth sectors identified in the IDP.
- 3.4 To articulate a clear set of goals and objectives that promote the interests of the municipality that are aligned with the values and strategic policy objectives of the Western Cape Government and the Department of International Relations and Cooperation.
- 3.5 To clarify the powers, functions, roles and responsibilities of role-players.
- 3.6 To set out the criteria and procedures to be followed when establishing formal relations with international parties to enable sufficient flexibility so that the municipality is able to capitalize on ad hoc opportunities when such opportunities are deemed valuable.
- 3.7 This Policy aims to ensure that appropriate controls are in place to curtail fruitless initiatives and onerous and costly commitments where these do not result in tangible benefits for Stellenbosch Municipality.
- 3.8 To integrate international relations within Stellenbosch Municipality's broader development agenda.
- 3.9 To recommend ways by which mechanisms, processes and procedures should be developed and implemented to ensure sound intergovernmental relations between Stellenbosch Municipality, Provincial and National Government, District Municipality, and municipalities with the Western Cape Province, organised local government (SALGA) and local stakeholders.
- 3.10 To ensure that interaction between Stellenbosch Municipality, Provincial and National Government, District Municipality and municipalities within the Western Cape Province and organised local government enhances effective alignment in terms of legislation, financial matters, policies, projects and programmes, integrated development planning and local government management and ultimately promotes effective and cohesive service delivery.

4. Role Players and Stakeholders

The following internal role players are identified for the purpose of implementing the IGR and IR Policy:

Stakeholders	Responsibility
Executive Mayor	<p>↓</p> The Office of the Executive Mayor is the entry point of all requests and initiatives to embark on international relations projects through the Municipal Manager. <p>↓</p> The Office of the Executive Mayor is responsible for facilitating and coordinating the international and local travel arrangements of the Executive Mayor and other assigned political office bearers.



Stakeholders	Responsibility
Municipal Manager	<ul style="list-style-type: none"> The Office of the Municipal Manager is responsible for facilitating all requests and initiatives to embark on international relations projects to the Office of the Executive Mayor. Advise the Executive Mayor prior to formal consideration of intergovernmental and international engagements and commitments. The Office of the Municipal Manager is responsible for preparing items for international visits for Council approval or may delegate this to the responsible directorate/department. The Office of the Municipal Manager is responsible for facilitating and coordinating the international and local travel arrangements of the Municipal Manager and other assigned municipal officials or may delegate this to the responsible directorate/department. Responsible to advise the Executive Mayor on IGR structures. To report, where necessary, on Stellenbosch Municipality's participation in international and local projects and commitments.
Directors / Senior Manager / Manager	<ul style="list-style-type: none"> To advise on the benefits of intended IGR and IR relationships and partnerships to enhance integrated planning and service delivery. To implement relevant programmes as agreed upon. To assign a staff member as liaison with intergovernmental and international partners at a project level. To report to the Municipal Manager on the status of agreements and partnerships, as and when required. Set key initiatives/projects/programmes with clear measurable performance targets and timeframes for the duration of the MOAs and MOUs. To participate in intergovernmental structures and to report thereon. To ensure that IGR-related community priorities are reported to the national and provincial government and reported back to the municipality. Municipal officials or departmental representatives participating in forums or engagements on behalf of the municipality must obtain an official mandate from the Municipal Manager before participating in IGR or IR decision-making processes. Submit a back-to-office report to the Municipal Manager after attending IGR and IR forums.

External stakeholders that may be consulted on matters pertaining to intergovernmental and international relations of the municipality include:

Stakeholders	Departments / Organisations / Entities
National and Provincial stakeholders	<ul style="list-style-type: none"> The National Department of International Relations and Cooperation (DIRCO); Other National Government Departments; Provincial Government; South African Missions abroad; South African Local Government Association (SALGA); Other municipalities; and Intergovernmental forums/structures.
International Stakeholders	<ul style="list-style-type: none"> Foreign diplomatic representation in South Africa; South African diplomatic representation abroad; International Organisations; Foreign city governments.
Other Stakeholders	<ul style="list-style-type: none"> Local Tourism Associations with the greater Stellenbosch area



PART B: INTERNATIONAL RELATIONS

5. International Partnerships and Agreements

- 5.1 The Office of the Municipal Manager's recommendation to the Executive Mayor together with the Mayoral Committee regarding the Municipality's membership of international organisations shall be guided by consideration of the following factors:
 - 5.1.1 The international standing of the organisation;
 - 5.1.2 The benefits to be gained from membership; and
 - 5.1.3 The cost implications of membership.
- 5.2 Unless otherwise agreed as per 5.2.2 below, the Municipality will only enter into the following types of agreements with international organisations or stakeholders:
 - 5.2.1 Partnership Agreements, Twinning Agreements, Membership Agreements, Memoranda of Understanding (MoU), Grant agreements, Development Assistance Agreements, Statements of intent, and Cooperation Protocol.
 - 5.2.2 Other types of agreements may be entered into as a result of a decision by the Council.
 - 5.2.3 Guidelines detailing the nature and scope of each type of agreement, and the implications of each for the Municipality, will be agreed upon and drafted before a formal agreement is reached.
- 5.3 All recommendations and decisions taken by Council regarding international partnerships or memberships on the part of the Municipality shall be taken:
 - 5.3.1 With due regard to costs implications;
 - 5.3.2 By weighting such costs against the anticipated benefits to the Municipality; and
 - 5.3.3 In accordance with the provisions in the MFMA and other relevant legislation and policies.
- 5.4 Where appropriate, the Municipality shall be open to coordination and cooperation with the Western Cape Government on matters relating to international relations.
- 5.5 A review of the Municipality's memberships with international organisations shall be conducted as per the stipulations contained in the membership agreement with the particular international organisation. In the Municipal Manager's recommendation, and the final decision by the Executive Mayor together with the Mayoral Committee, consideration should be given to the factors highlighted in section 5.1.
- 5.6 The Municipality will act as the overarching Implementing Agent for Partnerships and Agreements. However, it will be the responsibility of the recipient directorates to execute the actual implementation and monitoring and evaluation (M&E) of the partnership or agreements, report to the Municipal Manager and provide international partners with updated information in this regard.



PART C: INTERGOVERNMENTAL RELATIONS

6. Roles and Responsibilities of Local Government

- 6.1 Local government has a vital role to play and responsibilities with regard to intergovernmental relations. All departments within Stellenbosch Municipality should take note of the system of intergovernmental relations that have the following objectives:
- 6.1.1 To enhance effective service delivery to all residents within WCO24;
 - 6.1.2 To promote and facilitate cooperative decision-making;
 - 6.1.3 To coordinate and align priorities, budgets, policies and activities across interrelated functions and sectors;
 - 6.1.4 To ensure a smooth flow of information between the different spheres of government, between the Municipality and the communities, with a view to enhance the implementation of policies and programmes; and
 - 6.1.5 To give effect to the legal prescripts contained in various pieces of legislation relative to intergovernmental relations.
- 6.2 Horizontal cooperation and coordination of activities between departments of Stellenbosch Municipality and the relevant National and Provincial departments are vital to the integrity and effectiveness of local government. Mechanisms and processes should be identified and developed by each department within the municipality to enhance the effectiveness of intergovernmental relations between role-players mentioned in this policy.
- 6.3 In order for cooperative role-players to succeed, Stellenbosch Municipality should:
- 6.3.1 Collectively harness public resources behind the common goal and within a framework of mutual support and cooperation;
 - 6.3.2 Develop a cohesive, multi-sectoral perspective in the interest of the community as a whole and to respect the discipline of national goals, policies, and operation principles;
 - 6.3.3 Coordinate IGR activities in Stellenbosch to avoid wasteful competition and costly duplication;
 - 6.3.4 Settle disputes with other spheres of government constructively without resorting to costly and time-consuming litigation; and
 - 6.3.5 Each department within Stellenbosch Municipality must engage with their counterparts at national and provincial government, where necessary, to promote and facilitate intergovernmental relations.

7. Alignment with the National Government

Stellenbosch Municipality will maintain open, cooperative and constructive relations with national government. All departments within the municipality will therefore participate, as delegated by the Municipal Manager, in programmes and structures, established on a national level to address issues of service delivery in terms of:

- 7.1.1 Legislation;
- 7.1.2 Integrated Development Planning;
- 7.1.3 Financial Matters;
- 7.1.4 Policies, projects and programmes; and
- 7.1.5 Intergovernmental programmes (such as Imbizo's and outreaches).



8. Alignment with the Provincial Government

- 8.1 The Provincial Government has a number of roles and responsibilities with respect to local government that are "interrelated" in the sense that each sphere must exercise its autonomy to the common good of the province by cooperating with one another.
- 8.3 Stellenbosch Municipality should, inter alia, ensure that the municipal IDP forms a viable development framework across the municipality and is vertically integrated with the provincial strategies. Provincial Government is also responsible for the processing of grants to municipalities to promote strategies of local and provincial interest.
- 8.4 Stellenbosch Municipality to participate in intergovernmental structures and programmes established to promote intergovernmental relations on a provincial level, with the view to enhance effective and efficient service delivery. These are:
 - 8.5.1 Provincial Ministers Mayoral Technical Forum (MinMay Tech)
 - 8.5.2 Premiers Coordinating Forum (PCF)
 - 8.5.3 Joint District and Metro Approach (JDMA) (One Plan)
- 8.6 There are also special purpose IGR structures instituted to align provincial and municipal priorities and service delivery. These are:
 - 8.6.1 Annual "meet and greet" between Ministers and Executive Mayors.
- 8.7 Stellenbosch Municipality participates in a range of other line-specific IGR Forums and platforms that meet regularly, as agreed in the terms of references of these IGR Forums.

9. Alignment with the district and local municipalities within the Cape Winelands and Western Cape

- 9.1 The Intergovernmental Relations Framework Act, 2005 aims to foster friendly relationships within government but also to ensure that each sphere performs its functions as required by the Constitution.
- 9.2 The objective of the Act is to give effect to the constitutional requirements regarding the structures and institutions to promote IGR and mechanisms and procedures to facilitate dispute resolution.
- 9.3 The purpose of the legislation is to encourage coordination across the three spheres of government in the implementation of policy and legislation, but also to ensure proper coordination within district municipalities. The Act establishes a broad statutory framework dealing with:
 - 9.3.1 Key principles of co-operative government and IGR;
 - 9.3.2 Intergovernmental forums that form the institutional spine of IGR;
 - 9.3.3 Implementation protocols that facilitate integrated service delivery; and
 - 9.3.4 Rules for the settlement of intergovernmental disputes.
- 9.4 Section 24(1) of the MSA requires neighbouring municipalities to interact as regards to planning matters. Stellenbosch Municipality will interact and cooperate with neighbouring municipalities as required from time to time to promote service delivery.
- 9.5 Stellenbosch Municipality participates in a range of IGR Forums and platforms on the district level that meet regularly, as agreed in the terms of references of these IGR Forums.



10. Alignment with Organised Local Government (SALGA)

- 10.1 The Constitution allows municipalities to organise and form municipal associations. A National organisation, The South African Local Government Association (SALGA) and nine Provincial associations have been established.
- 10.2 Section 3(3) of the Local Government: Municipal Systems Act, 2000 provides as follows with regard to the role of organised local government:
- "3(3) For the purpose of effective cooperative government, organised local government must seek to:*
- a) develop common approaches for local government as a distinct sphere of government;*
 - b) enhance cooperation, mutual assistance and sharing of resources among municipalities;*
 - c) find solutions for problems relating to local government generally; and*
 - d) Facilitate compliance with the principles of cooperative government and intergovernmental relations."*
- 10.3 SALGA's key role is the effective representation of the local government in the legislative processes of all spheres of government and intergovernmental executive processes.
- 10.4 SALGA also represents local government interests in forums such as the National Council of Provinces, the Budget Forum dealing with intergovernmental transfers, MINMEC, and in the drafting of legislation that affects the status, institutions, powers and functions of municipalities.
- 10.5 It is imperative that SALGA should develop strong internal mandating and consultative processes with municipalities. SALGA is also an employers' organisation and constitutes the employer component of the South African Local Government Bargaining Council.
- 10.6 SALGA's role is, inter alia:
- 10.6.1 The provision of specialised services to supplement and strengthen the capacity of municipalities;
 - 10.6.2 Research and information dissemination;
 - 10.6.3 Facilitating shared learning between municipalities;
 - 10.6.4 Human resource development; and
 - 10.6.5 Councillor training.
- 10.7 The provincial SALGA establishes working groups on which the Stellenbosch Municipality Must be represented by councillors as deployed by the Stellenbosch Municipality.
- 10.8 Stellenbosch Municipality will participate in structures established by SALGA to promote service delivery and will cooperate with SALGA on matters as required from time to time.

11. Disputes

- 11.1 In terms of the Intergovernmental Relations Framework Act, all organs of state must make every reasonable effort –
- 11.1.1 To avoid intergovernmental disputes when exercising their statutory powers or performing their statutory functions; and
 - 11.1.2 To settle intergovernmental disputes without resorting to judicial proceedings.



- 11.2 The Act requires that any formal agreement between two or more organs of state in different spheres of government regulating the exercise of statutory powers or performance of statutory functions, including any implementation protocol or agency agreement, must include dispute settlement mechanisms or procedures that are appropriate to the nature of the agreement and the matters that are likely to become the subject of a dispute.
- 11.3 Stellenbosch Municipality will, as required by the Act, make every reasonable effort to settle any dispute with another organ of the state, and should such reasonable efforts fail, follow due processes as prescribed by the relevant legislation and the relevant agreement.

12. Policy Review

- 12.1 The Policy is to be reviewed if or when required aligned to changing circumstances and tabled to Council for approval.